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PUBLIC MEETING AGENDA

Township of West Orange

66 Main Street – 7:00 p.m.

Monday, June 10, 2024-Meeting No. 11

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 21, 2023, and published in the West Orange Chronicle on November 30, 2023.

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 Ghebremicael, Councilwoman Scarpa, Councilwoman Williams, Council President Rutherford, Mayor McCartney

- 1. Pledge of Allegiance**
- 2. Swearing In – New Police Officer Vincent Torrisi**
- 3. Public Comment (Agenda Items Only)**
- 4. *Consent Agenda**
- 5. *Approval of Minutes of Previous Meeting – Public Meeting May 21, 2024 and Executive Session 5.7.24**
- 6. *Report of Township Officers - None**
- 5. *Reading of Petitions and Communications and Bids-None**
- 6. *Bill List 6.10.24**
- 7. *Resolutions**
 - a. 171-24 Resolution Authorizing the Issuance of Raffle Licenses (Clerk)**
 - b. 172-24 Resolution Authorizing a Discharge of Mortgage for the Property at 37 Stanford Avenue (Legal-Moon)**
 - c. 173-24 Resolution Permitting Display of Fireworks at the Essex County Country Club (Legal-Moon)
This resolution permits the Essex County Country Club to display fireworks on July 3, 2024 with a rain date of July 5, 2024.**
 - d. 174-24 Resolution Prescribing Fees as Set Forth In Chapter 18, Section 1.9 of the Revised General Ordinances and in Ordinance 2854-24 (W.O. F.D Permit Fees) (Legal-Gengaro)**
 - e. 175-24 Resolution Prescribing Fees as Set Forth In Chapter 18, Section 2.1 of the Revised General Ordinances and in Ordinance 2855-24 (Fire Lanes) (Legal-Gengaro)**
 - f. 176-24 Resolution Prescribing Fees as Set Forth in the Revised General Ordinances and Implemented Through Ordinance 2847-24, Amending the Fees Related to Lead-Based Paint Inspections (Legal-Gengaro)**

- g. **177-24** Resolution Authorizing an Extension of the Professional Services Agreement with Essex Regional Health Commission for Registered Environmental Health Specialist Services for the Period of July 1, 2024 through June 30, 2025 for a Cost NTE \$57,200. (Legal-Moon)
- h. **178-24** Resolution Awarding a Contract to Johnson Controls Fire Protection LP through Use of the Sourcewell (Formerly NJPA) National Cooperative Pursuant to N.J.S.A. 52:34-6.2 for Fire Sprinkler System Repair-WOPD Building (P. Reynolds)
- i. **179-24** Resolution Awarding a Contract to ADT Commercial, LLC through Use of the OMNIA Partners Cooperative Formally National IPA & U.S. Communities Pursuant to **N.J.S.A. 52:34-6.2** for Electronic Door Release and Building Intercom Systems – WOPD Building (P. Reynolds)
- j. **180-24** Resolution Authorizing the Collector of Taxes to Refund Payment to the Listed Taxpayer Due to a Duplicate Payment of Tax and/or Sewer Charge (K. Longo)
- k. **181-24** Resolution Authorizing Electronic Tax Sale and Cost of Mailing (K. Longo)
- l. **182-24** Resolution Authorizing the Collector of Taxes to Rebate Payment to the Listed Taxpayer Pursuant to Final Judgment by the Tax Court of New Jersey (K. Longo)
- m. **183-24** Resolution Permitting Display of Fireworks at the Montclair Golf Club (Legal-Moon)
This resolution permits the Montclair Golf Club to display fireworks on June 29, 2024 with a rain date of July 1, 2024.
- n. **184-24** Resolution Appointing Assistant Business Administrator Peter J. Smeraldo, Jr. to Commissioner of Municipal Insurance Fund Commission (Gross)
- o. **185-24** Resolution Authorizing the Final Accounting of As-Built Quantities for the Project NJDOT MA 2022 Nance Road, Warren Road, and King Road Improvements Project with A & J Contractors Group, 105 Federal Road, Monroe, NJ, 08831 in the Amount not to exceed \$4,902.56 (Carballo)
- p. **186-24** Resolution Authorizing a Contract with Shore Top Construction Corp., 23 Yellowbrook Road, Freehold, New Jersey 07728, for the Degnan Park Tennis Courts Improvements, in the amount not to exceed \$849,800.00 (Carballo)
- q. **187-24** Resolution Authorizing a Shared Services Agreement with the County of Essex, the Purpose of which to Support Certain Intervention Efforts Designed to Combat Substance Abuse and Disorder, Accomplished by Providing Municipal Residents Charged with Non-Violent Crimes with an Opportunity for Referral to the Recovery, Integration, Support and Education (RISE) Advocate (Abbott)
- r. **188-24** **REMOVED**
- s. **189-24** Resolution Authorizing Execution of Temporary Easement Agreement for 55-117 Longview Street, Hutton Lafayette, West Orange, NJ (Legal-Gengaro)
- t. **190-24** Resolution Authorizing the Tax Collector to Prepare and Mail the Estimated Tax Bills in Accordance with P.L. 1994, c.72 (K. Longo)

6. Ordinances on Second and Final Reading

- a. **2846-24** An Ordinance Repealing and Replacing Chapter 25, Sections 27 of the Revised General Ordinances of the Township of West Orange and Establishing Chapter ____ For Environmental Protection (Tree Protection, Removal And Replacement)
The Township Council amended Ordinance No. 2846-24 (the “Ordinance”) at the meeting held on

May 21, 2024. The Township Council voted 5-0 to pass the Ordinance as amended. Thus, the Ordinance was re-publicized as amended and is being considered for second and final reading pursuant to N.J.S.A. 40:49-2 et seq.

- b. 2853-24** An Ordinance Amending and Supplementing Chapter 7, Traffic, Subsection 7-20, Stop Intersections of the Revised General Ordinances of the Township of West Orange-Variou Streets (Carballo)
- c. 2854-24** An Ordinance Amending Chapter 18, Section 1.9 of the Revised General Ordinances of the Township of West Orange (Local Enforcement of the Uniform Fire Code--Permit Fees) (Legal-Gengaro)
- d. 2855-24** An Ordinance Amending Chapter 18, Section 2.1 Of The Revised General Ordinances Of The Township Of West Orange(Establishing A Fire Lane At Bernard M. Degnan Park--Penalty) (Legal-Gengaro)

7. Ordinances on First Reading

- a. 2857-24** An Ordinance Amending and Supplementing Chapter 7, Traffic, Subsection 7-10.1 Stopping or Standing Prohibited During Certain Hours on Certain Streets of the Revised General Ordinances of the Township Of West Orange (Carballo)
- b. 2858-24** An Ordinance Amending and Supplementing Chapter 7, Traffic, Subsection 7-26.1, Bus Stops, of the Revised General Ordinances of the Township Of West Orange – Roosevelt Middle School (Carballo)

8. Pending Matters/New Matters/Council Discussion

- a.** CCRB Representative

9. Public Comment – Non-Agenda Items (as needed)

10. ABC Hearing

- a. 736-24** Hearing on Renewal for Plenary Retail Consumption, Distribution and Club Licenses for the **2024-2025** License Term (Clerk) **Resolution Subject to Change as Additional Licensees Pay their Fees Prior to the Meeting**
- b. 737-24** Hearing on Renewal for **2024-2025** License Term – **1920's Road House, Inc.** 0722-33-071-003 (Special Conditions)
- c. 738-24** Hearing on Renewal for **2024-2025** License Term-**Club 466** 0722-33-035-011 (Special Conditions)
- d. 739-24** Hearing on Renewal for **2024-2025** License Term – **LUX 123, LLC t/a LUX** 0722-33-009-012 (Special Conditions)
- e. 740-24** Hearing on Renewal for **2024-2025** License Term – **AMC Theatres Essex Green 9** – 0722-33-066-009 (Special Conditions)
- f. 741-24** Hearing on Renewal for **2024-2025** License Term-**Huguitos Restaurant and Bar, LLC** 0722-33-024-005 (Special Conditions)

11. 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)**

Please click the link below to join the webinar:

<https://us06web.zoom.us/j/81494099568?pwd=QyeJDINAua6-NJ2ZDEo7b0etyOOczA.IyFiM-J-SZWEjiMk>

Webinar ID: 814 9409 9568

Passcode: 228202

Public Comment – In Person Only

Next Meeting Date(s): June 25, 2024

Agenda is subject to change.

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>
Our Lady of Lourdes	12.7.24, 1.4.25, 2.1.25, 3.1.25, 4.5.25 Off Premise Calendar	1 Eagle Rock Ave	7876

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

Bill Rutherford
Council President

Adopted: June 10, 2024

RESOLUTION

WHEREAS, on or about June 5, 2016, Borrower Josephine Jules (the “Borrower”) executed a Mortgage in the amount of \$35,000 (the “Mortgage”) to secure a loan through the Township of West Orange’s Housing Rehabilitation Program on the property located at Block 176.11, Lot 4 on the Tax Map for the Township of West Orange, commonly known as 37 Stanford Avenue, West Orange, New Jersey 07052 (the “Property”); and

WHEREAS, the Mortgage was recorded on June 16, 2017 on Instrument #2017052684 with the Essex County Register of Deeds and Mortgages; and

WHEREAS, on or about April 18, 2024, a payment was made to the Township of West Orange (the “Township”) to pay off the balance of the mortgage on the Property; and

WHEREAS, the Township seeks the execution of a Discharge of Mortgage, annexed hereto as Exhibit “A,” to record that the Mortgage has been paid in full.

NOW, BE IT RESOLVED THAT the Mayor be and is hereby authorized to execute the Discharge of Mortgage, annexed hereto as Exhibit “A,” as to the Property; and be it further

RESOLVED that the Municipal Clerk be and is hereby authorized to attest to the Mayor’s signature on the Discharge of Mortgage concerning the Property;

BE IT FURTHER RESOLVED that a copy of the Resolution shall be made available in the Clerk’s office in accordance with applicable law.

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

Bill Rutherford
Council President

Adopted: June 10, 2024

Exhibit “A”

**Township of West Orange
Housing Rehabilitation Program
(WOHRP)**

Steven J. Weinberg
Program Coordinator
732-485-0756

P.O. Box 6025
East Brunswick, NJ 08816
steve.weinberg@mac.com

Discharge of Mortgage

Prepared by: West Orange Housing Rehabilitation Program

The Township of West Orange, 66 Main St, West Orange, NJ 07052, hereinafter referred to as "WE", hold a mortgage, hereinafter referred to as the "Present Mortgage" and dated June 5, 2016.

As was made by the Township of West Orange Housing Rehabilitation Program to:

Josephine Jules

Name

37 Stanford Ave., West Orange, NJ 07052

Address

Block: 176.11 Lot: 4

We also hold a Promissory Note in the amount of \$35000 which is secured by the Present Mortgage. The Present Mortgage was recorded or registered in the office of the Essex County recording office on June 16, 2017 in Instrument # 2017052684.

This mortgage has been paid in full or forgiven or otherwise satisfied and discharged. It may now be discharged or canceled of record. This means that this Mortgage is now canceled and void.

I sign and certify to this Discharge of Mortgage on the ____ day of ____, 20__.

Township of West Orange
Essex County, New Jersey

Signature: _____ Title: _____

State of New Jersey
County of Essex

West Orange Housing Rehabilitation Program

**Township of West Orange
Housing Rehabilitation Program
(WOHRP)**

Steven J. Weinberg
Program Coordinator

732-485-0756

P.O. Box 6025
East Brunswick, NJ 08816

steve.weinberg@mac.com

BE IT REMEMBERED, that on this _____ day of _____, 20_____, before me, the
subscriber, _____, personally appeared _____
who I am satisfied is the Township official in the within instrument and thereupon signed this document. The
person acknowledged signing, sealing and delivering this document as their own voluntary act and deed for the
uses and purposes therein expressed.

_____(seal)
Notary Public of the State of New Jersey

RESOLUTION

WHEREAS, an application has been submitted by the Essex County Country Club, which wishes to sponsor its annual Fourth of July fireworks exhibition at the Essex County Country Club grounds on July 3, 2024 (Rain Date: July 5, 2024); 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, Inc., 383 Carlton Road, Millington, New Jersey, 07946, 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 Essex County Country Club be and is hereby granted permission to conduct a firework display on July 3, 2024 (Rain Date: July 5, 2024); subject to the directives of the Fire Official, or his designees.

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

Bill Rutherford
Council President

Adopted: June 10, 2024

174-24
June 10, 2024

**RESOLUTION PRESCRIBING FEES AS SET FORTH IN CHAPTER 18, SECTION 1.9
OF THE REVISED GENERAL ORDINANCES AND IN ORDINANCE 2854-24**

WHEREAS, on May 21, 2024, the Township of West Orange (the “Township”) passed Ordinance 2854-24 (the “Ordinance”) on first reading, amending Chapter 18, Section 1.9 of the Revised General Ordinances of the Township; and

WHEREAS, the Ordinance amended Chapter 18, Section 1.9 of the Revised General Ordinances of the Township to set the fees set forth therein to prescribed by Resolution; and

NOW, BE IT HEREBY RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST ORANGE, the fee as set forth in the Ordinance shall be prescribed as follows:

Type 1 Permit	\$75	(To also include the use of cooking equipment in a commercial establishment of less than 50 people)
Type 2 Permit	\$250	
Type 3 Permit	\$450	
Type 4 Permit	\$675	

RESOLVED, that the Township Clerk is authorized to attest to the Mayor’s signature.

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

Bill Rutherford
Council President

Adopted: June 10, 2024

175-24
June 10, 2024

**RESOLUTION PRESCRIBING FEES AS SET FORTH IN CHAPTER 18, SECTION 2.1
OF THE REVISED GENERAL ORDINANCES AND IN ORDINANCE 2855-24**

WHEREAS, on May 21, 2024, the Township of West Orange (the “Township”) passed Ordinance 2855-24 (the “Ordinance”) on first reading, amending Chapter 18, Section 2.1 of the Revised General Ordinances of the Township; and

WHEREAS, the Ordinance amended Chapter 18, Section 2.1(d) of the Revised General Ordinances of the Township to prescribe the penalty for violating the Ordinance and parking in a fire lane in the Township by Resolution; and

NOW, BE IT HEREBY RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST ORANGE, the penalty as set forth in Section (d) of the Ordinance shall be prescribed as follows:

First Offense: \$100

Second Offense: \$200

Third Offense: \$500

RESOLVED, that the Township Clerk is authorized to attest to the Mayor’s signature.

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

Bill Rutherford
Council President

Adopted: June 10, 2024

RESOLUTION PRESCRIBING FEES AS SET FORTH IN THE REVISED GENERAL ORDINANCES AND IMPLEMENTED THROUGH ORDINANCE 2847-24, AMENDING THE FEES RELATED TO LEAD-BASED PAINT INSPECTIONS

WHEREAS, on April 9, 2024, the Township of West Orange (the “Township”) passed Ordinance 2847-24 (the “Ordinance”), amending Chapter 14 of the Revised General Ordinances of the Township and establishing an Ordinance related to lead-based paint inspections; and

WHEREAS, the Ordinance establishes that the fees set forth in Section III(G) of the Resolution shall be prescribed by Resolution; and

NOW, BE IT HEREBY RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST ORANGE, the fees prescribed under the Section III(G) of the Ordinance shall be set forth as follows:

- (a) The municipality shall charge the dwelling owner or landlord a fee sufficient to cover the cost of the periodic lead-based paint inspection, including the cost of hiring a lead evaluation contractor, where applicable. These fees shall be solely dedicated to meeting the costs of implementing and enforcing this chapter and shall not be used for any other purpose.
- (b) The fee for the filing of a lead-safe certification or lead-free certification shall be \$50.
- (c) Each unit owner will be subject to the actual costs of lead based paint remediation as set forth by the Township’s current vendor regarding lead-based paint inspections. In addition, and in accordance with N.J.S.A. 52:27D-437.16(h), an additional fee of \$20 per dwelling unit inspected by the Township’s lead inspector or the owner's private lead inspector shall be assessed for the purposes of the Lead Hazard Control Assistance Act unless the unit owner demonstrates that the Department of Community Affairs has already assessed an additional inspection fee of \$20. The fees collected pursuant to this subsection shall be deposited into the Lead Hazard Control Assistance Fund.

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

Bill Rutherford
Council President

Adopted: June 10, 2024

**AN ORDINANCE SUPPLEMENTING CHAPTER 14 AND ESTABLISHING A
SECTION FOR LEAD-BASED PAINT HAZARD INSPECTION REQUIREMENTS FOR
RENTAL DWELLINGS TO THE REVISED GENERAL ORDINANCES OF THE
TOWNSHIP OF WEST ORANGE
(Lead-Based Paint Hazard Inspection Requirements for Rental Dwellings)**

**BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF
WEST ORANGE, NEW JERSEY** that Chapter 14 of the Revised General Ordinances of the
Township of West Orange be and are hereby supplemented as follows:

I. PURPOSE

The purpose of this ordinance is to supplement Chapter 14 of the Township of West Orange Municipal Code governing housing to implement an inspection program for lead based paint in rental dwellings in compliance with N.J.S.A. 52:27D-437.16 et seq., .

II. DEFINITIONS

COMMON INTEREST COMMUNITY

A real estate development or neighborhood in which the property is burdened by servitudes requiring property owners to contribute to maintenance of commonly held property or to pay dues or assessments to an owners' association that provides services or facilities to the community.

DUST WIPE SAMPLING

A sample collected by wiping a representative surface and tested in accordance with a method approved by the United States Department of Housing and Urban Development.

LEAD INSPECTOR

A person certified by the Department of Community Affairs to perform lead inspection and risk assessment work pursuant to N.J.A.C. 5:17-1.1 et seq. This includes the ability to perform dust wipe sampling.

LEAD-BASED PAINT HAZARD

Any condition that causes exposure to lead from lead-contaminated dust or lead-contaminated paint that is deteriorated or present in surfaces that would result in adverse human health effects.

LEAD-FREE CERTIFICATION

A certification which confirms that a lead-based paint inspection was performed and that no lead-based paint exists in the dwelling unit or that all lead-based paint hazards have been fully abated.

LEAD-SAFE CERTIFICATION

A certification which confirms that a lead-based paint inspection was performed and no lead-based paint hazards were found. This certification is valid for two years from the date of issuance.

TENANT TURNOVER

The time at which all existing occupants vacate a dwelling unit and all new tenants move into the dwelling unit.

VISUAL ASSESSMENT

A visual examination for deteriorated paint or visible surface dust, debris, or residue.

VISUAL ASSESSOR

A person that is certified to perform a visual assessment

III. LEAD BASED-PAINT INSPECTIONS

A. A lead inspector for the Township of West Orange shall inspect every single-family, two-family, and multiple rental dwelling located within the Township of West Orange for lead-based paint hazards through visual assessment and dust wipe sampling in accordance with N.J.S.A. 52:27D-437.16 et seq., as may be amended from time to time.

B. The property owner or landlord may, in lieu of having the dwelling inspected by the Township's lead inspector, directly hire a private lead inspector who is certified to provide lead paint inspection services by the Department of Community Affairs to perform the lead-based paint inspection in accordance with N.J.S.A. 52:27D-437.16 et seq., as may be amended from time to time.

C. In accordance with N.J.S.A. 52:27D-437.16(c), a dwelling unit in a single-family, two-family, or multiple rental dwelling shall not be subject to inspection and evaluation for the presence of lead-based paint hazards if the unit:

(1) Has been certified to be free of lead-based paint;

(2) Was constructed during or after 1978;

(3) Is in a multiple dwelling that has been registered with the Department of Community Affairs as a multiple dwelling for at least 10 years, either under the current or a previous owner, and has no outstanding lead violations from the most recent cyclical inspection performed on the multiple dwelling under the Hotel and Multiple Dwelling Law;

(4) Is a single-family or two-family seasonal rental dwelling which is rented for less than six months duration each year by tenants that do not have consecutive lease renewals; or

(5) Has a valid lead-safe certification.

D. If lead-based paint hazards are identified, then the owner of the dwelling shall remediate the hazards through abatement or lead-based paint hazard control mechanisms in accordance with N.J.S.A. 52:27D-437.16(d). Upon the remediation of the lead-based paint hazard, the Township's lead inspector or visual assessor, as may be applicable, or the owner's private lead inspector, shall conduct an additional inspection of the unit to certify that the hazard no longer exists.

E. If no lead-based paint hazards are identified, then the Township's lead inspector or the owner's private lead inspector shall certify the dwelling as lead safe on a form prescribed by the Department of Community Affairs, which shall be valid for two years.

F. In accordance with N.J.S.A. 52:27D-437.16(e), property owners shall:

(1) Provide evidence of a valid lead-safe certification and the most recent tenant turnover to the Township of West Orange at the time of the cyclical inspection.

(2) Provide evidence of a valid lead-safe certification to new tenants of the property at the time of tenant turnover and shall affix a copy of such certification as an exhibit to the tenant's or tenants' lease.

(3) Maintain a record of the lead-safe certification which shall include the name or names of the unit's tenant or tenants if the inspection was conducted during a period of tenancy.

G. The fees for a lead-based paint inspection shall be set forth by Resolution at the approval of the Township Council.

IV. VIOLATIONS AND PENALTIES

In accordance with N.J.S.A. 52:27D-437.19, the penalties for a violation of Three ("III" or "3") of this Ordinance shall be as follows:

A. If a property owner has failed to conduct the required inspection or initiate any remediation efforts, the owner shall be given 30 days to cure the violation.

B. If the property owner has not cured the violation after 30 days, the property owner shall be subject to a penalty not to exceed \$1,000 per week until the required inspection has been conducted or remediation efforts have been initiated.

V. REPEAL OF CONFLICTING ORDINANCES

Any Ordinances of the Township which are in conflict with this Ordinance are hereby repealed to the extent of such conflict.

VI. 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.

VII. EFFECTIVE DATE

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

Bill Rutherford
Council President

Susan McCartney
Mayor

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

Karen Carnevale, RMC
Municipal Clerk

Introduced: March 26, 2024

Adopted: April 9, 2024

RESOLUTION

WHEREAS, the New Jersey Association of County and City Health Officials (the “NJACCHO”) advertised for a grant funding opportunity for Enhancing Local Public Health Infrastructure (the “Local Health Grant”); and

WHEREAS, the Local Health Grant offers funding for local health departments to boost their respective public health capacities; and

WHEREAS, the Township of West Orange (the “Township”) was awarded the Local Health Grant in 2023 and was also awarded a third year of the Local Health Grant for 2024 and 2025; and

WHEREAS, the Township seeks to utilize portions of the funds from the Local Health Grant to hire a Licensed, Registered Environmental Health Specialist (a “REHS”) to perform inspections for the West Orange Health Department, including inspections of restaurants, retail food establishments, camps, pools, and massage parlors and to otherwise address complaint of non-compliance with various health requirements for the period July 1, 2024 through June 30, 2025; and

WHEREAS, the Township seeks to enter into contract with the Essex Regional Health Commission (the “ERHC”) utilizing funds awarded via the Local Health Grant to provide a REHS, pursuant to the Professional Services Agreement annexed hereto as Exhibit “A” (the “Agreement”) for a term of one year at a price not to exceed \$57,200.

NOW, BE IT HEREBY RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST ORANGE, that the Township be and is hereby authorized to retain the ERHC to provide a REHS to perform the services set forth in the proposed Professional Services

Agreement, annexed hereto as Exhibit “A” for the period July 1, 2024 through June 30, 2025;
and be it further

RESOLVED, that the Township’s Director of the Health Department is hereby
authorized to execute on behalf of the Township, the Agreement with ERHC annexed hereto as
Exhibit “A,” and be it further

RESOLVED, that this Resolution shall be made available in the Township Clerk’s
Office for reasonable inspection in accordance with applicable law.

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

Bill Rutherford
Council President

Adopted: June 10, 2024

I hereby certify funds are available from Account No. _____

John O. Gross, CFO

**PROFESSIONAL SERVICES AGREEMENT
BETWEEN
ESSEX REGIONAL HEALTH COMMISSION
AND
TOWNSHIP OF WEST ORANGE DEPARTMENT OF HEALTH**

This Professional Services Agreement (“Agreement”) is made and entered into as of this 1st day of July, 2024 (the “Effective Date”), by and between Essex Regional Health Commission (hereinafter “ERHC”) and the Township of West Orange, Department of Health (hereinafter “WEST ORANGE”).

WHEREAS, ERHC and WEST ORANGE are both designated as Local Health in compliance with N.J.A.C. 8:52-3.3 and N.J.A.C. 8:52-4.1 by the New Jersey Department of Health (“NJDOH”); and

WHEREAS, in 2023, WEST ORANGE was awarded the Local Health Grant (the “Grant”) from the New Jersey Association of County and City Health Officials (the “NJACCHO”) including two subsequent extensions of the Grant from: (i) July 2023 through June 2024; and (ii) July 2024 through July 2025; and

WHEREAS, WEST ORANGE has requested and ERHC has agreed to provide support to WEST ORANGE in connection with certain inspection requirements of WEST ORANGE; and

WHEREAS, the support will include the work of Licensed, Registered Environmental Health Specialists (“REHS”).

NOW, THEREFORE, in consideration of the terms and conditions hereinafter set forth, ERHC and WEST ORANGE agree as follows:

1. **Scope of Service.** The ERHC agrees to provide the following services:
 - a. Restaurant and Retail Food Establishment Inspections.
 - b. Camp and Pool Inspections.
 - c. Massage Parlors Inspections
 - d. Complaints related to non-compliance of aforementioned entities or other entities licensed by the local health department.
(collectively the “SERVICES”)
 - e. Provide health education outreach for infectious diseases.

2. **Term.** The term of this Agreement shall commence on the Effective Date and shall terminate June 30, 2025 unless this Agreement is otherwise extended or terminated in accordance with the terms specified herein. The term of this Agreement shall be subject to

WEST ORANGE's continued award of the Grant from the NJACCHO for the funding for the services to be provided pursuant to this Agreement.

3. **Payment.** WEST ORANGE agrees to pay ERHC the sum of \$550.00 per day and \$275 a half day for the REHS providing the SERVICES set forth herein. But that the amount of the AGREEMENT shall not exceed a total of \$57,200. WEST ORANGE agrees to pay for the SERVICES set forth herein on a monthly basis.

4. **Termination.** Either ERHC or WEST ORANGE may terminate the Agreement upon thirty (30) days written notice to the other party to the Agreement.

5. **Indemnification.** ERHC and WEST ORANGE agree to hold each other harmless from any and all obligations, penalties, fees, liabilities, judgments, claims and demands which may arise out of this Agreement and further agrees to save and hold harmless each other and to defend at its own cost and expense any such claim or lawsuit instituted by third parties against the other party. Nothing contained herein shall relieve ERHC or WEST ORANGE from liability for negligence or other wrong doing of its agents, servants and/or employees.

6. **Insurance.**

- a. **General Requirements.** ERHC shall maintain for the duration of the Agreement, at its cost and expense, insurance against claims for injuries to persons or damages to property, including contractual liability, which may arise from or in connection with the performance of the SERVICES by ERHC, its agents, employees, representatives, assigns or subcontractors. This insurance shall cover such claims as may be caused by any negligent act or omission and shall be in the amounts of \$1,000,000 per occurrence and \$2,000,000 aggregate.
- b. **Primary Insurance.** ERHC's insurance coverage shall be primary insurance with respect to WEST ORANGE, its officers, officials, employees and volunteers shall apply separately to each project or location. Any insurance or self-insurance maintained by the WEST ORANGE, its officers, officials, employees or volunteers shall be excess of ERHC's insurance and shall not contribute with it.
- c. **Additional Insured Status.** WEST ORANGE is to be listed as additional insured for liability arising out of activities performed by or on behalf of ERHC.
- d. **Certificate of Insurance/Endorsements.** A certificate of insurance from an insurer with a Best's rating of no less than A- indicating compliance with the required coverages, must be supplied to WEST ORANGE. ERHC must notify WEST ORANGE immediately of any material changes to insurance coverage, such as changes in limits, coverages, status of policy, etc. WEST ORANGE reserves the right to require complete copies of insurance policies at all times.

e. **Workers Compensation Insurance.** ERHC shall procure and maintain during the life of the Agreement workers' compensation insurance in the statutory amounts, pursuant to N.J.S.A. 34:15-1 et seq. (\$500,000 each accident/\$500,000 policy limit).

f. **Amounts.** All insurance shall be written for up to the following limits of liability:

Bodily Injury Liability Insurance	\$1,000,000.00 each person \$2,000,000.00 each occurrence
Property Damage Liability	\$1,000,000.00 each person \$1,000,000.00 each occurrence

7. **Authorization.** Each party represents and warrants to the other that all actions necessary to enter into and perform all obligations required by the Agreement have been validly taken and that the undersigned are authorized to execute the Agreement.

8. **Governing Law.** This Agreement shall be governed by and construed in accordance with the laws of the State of New Jersey.

9. **No Assignments.** This Agreement may not be assigned without the written consent of all parties.

10. **Entire Agreement.** This Agreement, represents the entire agreement between the parties hereto and supersedes all prior and contemporaneous written or oral agreements and all other communications between the parties relating to the Services to be rendered hereunder. Any additions, deletions or modifications shall not be binding on either party unless accepted and approved in writing by duly authorized representatives of both parties, subject to Municipal Council approval. In the event of any contradictory provisions between this Agreement or other documents issued by ERHC or WEST ORANGE in connection herewith, the terms set forth in the body of this Agreement shall prevail.

11. **Severability.** The provisions of this Agreement shall be deemed severable, and if any portion shall be held invalid, illegal or unenforceable for any reason, the remainder of this Agreement shall be effective and binding upon the parties, unless to do so would clearly violate the present legal and valid intention of the parties hereto.

12. **Notice.** All notices, consents, request, demands and other communications required or permitted hereunder shall be in writing (which includes facsimile) and shall be deemed given if (i) delivered personally, by overnight mail or by courier service; (ii) when sent by confirmed facsimile; or (iii) if mailed by U.S. registered or certified mail (return receipt requested) to the party at the party's address written below or at such other address as the party may have previously specified by like notice. If by mail, delivery shall be deemed effective three (3) business days after mailing.

If to ERHC:

If to WEST ORANGE:

Carrie Nawrocki, Health Officer
Essex Regional Health Commission
204 Hillside Avenue
Livingston, New Jersey 07039

Michael A. Fonzino
Director of Health and Welfare
Township of West Orange
66 Main Street
West Orange, NJ 07052

13. **Copy.**

- a. A copy of this signed Agreement shall be submitted to the New Jersey Department of Health, Office of Local Public Health, P.O. Box 360, Trenton, New Jersey 086250360.
- b. Pursuant to the provisions set forth in N.J.S.A. 40A:65-4(b), a copy of this fully executed Agreement shall be filed by the local authorities with the New Jersey Department of Community Affairs, Division of Local Government Services, 101 South Broad Street, P.O. Box 803, Trenton, New Jersey 08625-0803.

[SIGNATURE PAGE FOLLOWS]

IN WITNESS WHEREOF, this Professional Services Agreement has been duly executed by the authorized representatives of the parties hereto as of the date first set forth above.

Dated: _____, 2024

ESSEX REGIONAL HEALTH COMMISSION

By: _____

Name: _____

Title: _____

Dated: _____, 2024

TOWNSHIP OF WEST ORANGE
DEPARTMENT OF HEALTH

By: _____

Name: _____

Title: _____

**RESOLUTION AWARDING A CONTRACT TO JOHNSON CONTROLS FIRE PROTECTION LP
THROUGH USE OF THE SOURCEWELL (formerly NJPA) NATIONAL COOPERATIVE
PURSUANT TO N.J.S.A. 52:34-6.2**

WHEREAS, the Department of Public Works (DPW) needs to repair the sprinkler system at the Police & Justice Building located at 60 Main Street, West Orange, NJ 07052; and

WHEREAS, N.J.S.A. 52:34-6.2 authorizes contracting units to purchase goods or contract for services through the use of a nationally recognized and accepted cooperative purchasing agreement that has been developed utilizing a competitive bidding process by another contracting unit with the State of New Jersey or within any other state, when available; and

WHEREAS, the Sourcewell cooperative operates under the enabling authority of Minnesota State statute 123A.21 and

WHEREAS, the Township's membership #28197 was established in 2015; and

WHEREAS, the Purchasing Agent published on May 15, 2024 a Notice of Intent, pursuant to the Local Finance Notice 2012-10 to utilize the Sourcewell Cooperative Contract 030421-JHN to Johnson Controls Fire Protection, LP with a corporate office located at 6600 Congress Avenue, Boca Raton, FL 33487 for repair of the fire sprinkler system and provided a comment period to allow vendors a mechanism to provide alternate proposals; and

WHEREAS, there were no comments presented, and

WHEREAS, the Department of Public Works and Purchasing Agent has determined the Township's use of the Sourcewell cooperative purchasing contract to procure the coverall will result in a cost savings for the Township; and

WHEREAS, consistent with the Sourcewell cooperative purchasing contract and the needs of the Township, Johnson Controls Fire Protection, LP has submitted a proposal to provide a coverall, see attached cost sheet hereto "Attachment A".

WHEREAS, the Purchasing Agent is requesting an additional \$2500.00 for incidentals which will only be used if needed, and

NOW, THEREFORE BE IT RESOLVED, by the West Orange Township Council the following:

1. The Township shall receive from the Johnson Controls Fire Protection, LP all supplemental documentation which complies with the laws of the State of New Jersey for vendors awarded a contract by a public entity.
2. The Township Purchasing Agent be authorized to enter into a contract on behalf of the Township and a purchase order issued.

3. The Township's Chief Financial Officer certifies sufficient funds are available for said procurement in the amount not to exceed of \$35,095.78

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

Bill Rutherford, Council President

Adopted: June 10, 2024

I Certify funds available from Account No.: 01-2010-00-7101-077

John O. Gross, Chief Financial Officer

178-24

Exhibit "A"



Fire Protection

Sourcewell

Awarded Contract

Contract # 030421-JHN

Date: 3/14/2024

**RE: Sourcewell Contract 030421-JHN
General Service Quote**

Purchasing Authority Contact

Name: Louis Reynolds
Phone #: 973-725-8774

Email Address: lreynolds@westorange.org

Street Address: Enter Customer Address

Service Location

Name: West Orange Police Dept.
Street Address: 60 Main St.

City, State, Zip: West Orange, NJ 07052

Inspection SR#: 56029200

Dear Sourcewell Customer:

The attached quote is furnished under the Johnson Controls Fire Protection Sourcewell contract #030421-JHN and it identifies parts/materials and/or labor for services to be performed.

To approve this quote, please sign it, scan and email your approval to jason.koenig@jci.com. Upon your approval, our local office will contact you within 10 business days to schedule the service.

If you have any questions, I can be reached at: 201-247-2724

We appreciate your business and look forward to working with you.

Respectfully,

Local Branch # 518
Address: 930 Riverview Dr., Suite 800
Totowa, NJ 07512
Telephone: 201-247-2724
Sales Rep: Jason Koenig

FROM	TO
Company Name: <u>Johnson Controls Fire Protection</u>	Company Name: <u>West Orange Police Dept.</u>
Contact: <u>Jason Koenig</u>	Contact: <u>Louis Reynolds</u>
Phone#: <u>201-247-2724</u>	Phone #: <u>973-725-8774</u>
Email Address: <u>Jason.koenig@jci.com</u>	Email Address: <u>lreynolds@westorange.org</u>

Sourcewell 030421-JHN General Service Quote (Time & Material only via ACE)

SCOPE OF WORK:	
☐ - Replace the 2" fire sprinkler pipe for the fire sprinkler preaction system at sally port area. ☐ - Add 1 low point auxiliary drain to server room across from court.	
TIME & MATERIALS:	\$31,040.00
Estimated labor hours 160 @ rate of \$194.00 per hour (Labor to be performed during normal business hours only, unless otherwise specified)	
Estimated Parts/Materials: (Material List Attached if over \$100.00) Internal Parts/Materials - List price less 10%. Outside Parts/Labor Purchase - 35% Markup over our Cost.	\$1555.78
Subcontractor (If required)	Click here to enter text.
Permits / Fees	Click here to enter text.
Additional testing (i.e.: Certification test by AHJ)	
Total estimated price for labor & materials for above scope (Billing will depict actual labor, materials used, and tax)	\$32,595.78
If Fixed Price:	Click here to enter text.
Summary reason for repair:	
☐ The 2" pipe is leaking in several areas.	

PLEASE NOTE: The information provided to you is privileged and confidential and is submitted as contractor bid or proposal information. Accordingly, disclosure of this information to any non-Government source is prohibited. This information cannot be used to solicit other quotes, estimates, proposals or offers from other sources.

Quotation valid for 30 days from date of quote.

By means of my signature I certify that I have authorization to order this work via the specified Sourcewell contract and authorize the completion of the above-mentioned work to be performed. I am fully authorized to approve this quote and to approve payment.

APPROVED BY

Signature / Date	Print Name
------------------	------------

PO#

(NOTE: Sourcewell Contract # must be on PO. If PO# is the same as existing PO# on file, we will need a Modification showing the addition of these charges.)

By means of my signature I hereby decline to have the above-mentioned work performed. I am fully authorized to make this decision on behalf of the above referenced ordering activity.

DECLINED BY

Signature / Date	Print Name
------------------	------------

Outside Parts/Labor - 35% Markup over our Cost.

TOTAL MATERIAL COST (PRE-TAX)

U.S. SOURCEWELL CONTRACT #030421-JHN PREFERRED HOURLY SERVICE RATES - Effective Jan 2022

SPRINKLER	
Sprinkler service rate (Non-Union)	\$124
Sprinkler service rate (Union) - Not to Exceed	\$150
Sprinkler service rate (Metro Area*)	\$173
SUPPRESSION AND EXTINGUISHER	
Fire Extinguisher/Emergency Light/Kitchen Hood service rate	\$119
Fire Extinguisher/Emergency Light/Kitchen Hood service rate (Metro Area*)	\$129 (Two Hour Minimum)
Special Hazard/Engineered Suppression Systems	\$145
Special Hazard/Engineered Suppression Systems (Metro Area*)	\$183 (Two Hour Minimum)
ALARM AND DETECTION	
Electronic Fire Alarm/Security/Access Control/CCTV systems service rate	\$150
Electronic Fire Alarm/Security/Access Control/CCTV systems service rate (Metro Area*)	\$183 (Two Hour Minimum)

Metro Markets		
NY, District 119	PA, District 546	CA, District 412
FL, District 263	CA, District 417	OR, District 448
DC Metro, District 564	MA, District 108	CA, District 434
VA, District 252	MA, District 168	MI, District 321
NY, District 102	CA, District 480	NY, District 143
MD, District 565	MO, District 354	NJ, District 518
RI, District 149	IL, District 311	PA, District 544
NH, District 114		

All Labor Subject to the Following:

- * Overtime Multiplier - 1.5
- * Doubletime Multiplier - 2.0

Time Classification	Start Time	End Time	Hourly Rate
Standard Time M F	8:00 AM	5:00 PM	N/A
Standard After Hours M-Th Except Friday	5:01 PM 5:01 PM	7:59 AM 12:00 AM (Midnight)	1.5 X
Saturday	12:01 AM	12:00 AM (Midnight)	1.5 X
Sundays and Holidays	12:01 AM	12:00 AM (Midnight)	2.0 X

- * Minimum Charge for High and Critical Call is 3 Hours
- * Maximum Travel Charge is 4 Hours
- * Prices are subject to change

**RESOLUTION AWARDING A CONTRACT TO ADT COMMERCIAL, LLC THROUGH USE OF
THE OMNIA PARTNERS COOPERATIVE FORMALLY NATIONAL IPA & U.S.
COMMUNITIES PURSUANT TO N.J.S.A. 52:34-6.2**

WHEREAS, the West Orange Police Department (WOPD) wishes to replace antiquated and un-repairable equipment, specifically, Electronic Door Release and Building Intercom Systems. at the Police & Justice Building located at 60 Main Street, West Orange, NJ 07052; and

WHEREAS, N.J.S.A. 52:34-6.2 authorizes contracting units to purchase goods or contract for services through the use of a nationally recognized and accepted cooperative purchasing agreement that has been developed utilizing a competitive bidding process by another contracting unit with the State of New Jersey or within any other state, when available; and

WHEREAS, the OMNIA Partners bidding and contract award process meets the criteria as established by the Department of Community Affairs; and

WHEREAS, the Township's membership was established in 2023; and

WHEREAS, the Purchasing Agent published on May 22, 2024 a Notice of Intent, pursuant to the Local Finance Notice 2012-10 to utilize the Omnia Partners Cooperative Contract R220701 to ADT Commercial, LLC with a corporate office located at 1501 Yamato Rd, Boca Raton, FL 33431 for Integrated Security Technologies and Safety Systems Products and Services and provided a comment period to allow vendors a mechanism to provide alternate proposals; and

WHEREAS, there were no comments presented, and

WHEREAS, the Communications Manager and the Purchasing Agent has determined the Township's use of the Omnia Partners cooperative purchasing contract to procure the coverall will result in a cost savings for the Township; and

WHEREAS, consistent with the Omnia Partners, LLC cooperative purchasing contract and the needs of the Township, ADT Commercial, LLC has submitted a proposal to provide a coverall, see attached cost sheet hereto "Attachment A".

NOW, THEREFORE BE IT RESOLVED, by the West Orange Township Council the following:

1. The Township shall receive from the ADT Commercial, LLC all supplemental documentation which complies with the laws of the State of New Jersey for vendors awarded a contract by a public entity.
2. The Township Purchasing Agent be authorized to enter into a contract on behalf of the Township and a purchase order issued.

3. The Township's Chief Financial Officer certifies sufficient funds are available for said procurement in the amount not to exceed of \$61,202.36

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

Bill Rutherford, Council President

Adopted: June 10, 2024

I Certify funds available from Account No.: Capital Funds

John O. Gross, Chief Financial Officer

179-24

Exhibit "A"

Powered by Experience.
Driven by Excellence.™

ADT Commercial
Proposal



Proposal prepared for:

TOWNSHIP OF WEST ORANGE

Presented by:

Justin Conroy

732-558-2504 | 5/14/2024

Sales Agreement ID: 891323063

Proposal pricing is valid for 30 days

Powered by Experience. Driven by Excellence.

What helps make us an industry leader is plain and simple—we strive to deliver an outstanding customer experience at all points of interaction.

Coverage across the US

We have a national footprint with 150 locations, 4,500+ employees, 300,000+ customer locations, and 4 monitoring and operations centers.



Product and service offerings

 Access Control	 Intrusion Alarm Systems
 Alarm Monitoring	 Network Deployment & Management
 Analytics & Reporting	 Risk Management Consulting Services
 ATM & ITM	 Security-Only Networks
 eSuite SM Account Management	 Sprinkler Systems <i>(in select markets)</i>
 Fire Alarm Systems	 Structured Cabling
 Health & Nurse Call	 System Customization, Installation & Support
 Hosted & Managed Services	 Video Solutions
 Integrated Solutions	

Integrated system design and implementation offerings

- Managed broadband and MPLS
- Design-build engineering
- Wireless network security
- Tier 2 and Tier 3 support 24/7
- Network security
- Program and project management
- Data storage systems
- Security consulting and design assistance
- Cloud backup and disaster recovery
- Security network design assistance, implementation and management
- Structured cabling

Tuesday, May 14, 2024

TOWNSHIP OF WEST ORANGE

NICK ALLEGRINO
66 MAIN STREET
WEST ORANGE, NJ 07052

Thank you for allowing us the opportunity to provide you with a proposal to replace the Zetron system with Aiphone. I am pleased to propose a cost-effective solution for your organization that will allow you to help mitigate your risks and reduce losses.

At ADT Commercial, we pride ourselves in providing our commercial customers with attentive service, proven security solutions, and the highest level of professional installation and monitoring.

I look forward to discussing this proposal with you. Should you have any questions, please do not hesitate to contact me.

Sincerely,

Justin Conroy

732-558-2504 / JustinConroy@everonsolutions.com

Equipment and Investment Statement for: West Orange Police Building Replace Zetron System with Aiphone

Site Information: TOWNSHIP OF WEST ORANGE, 66 MAIN STREET WEST ORANGE, NJ 07052

Scope of Work:

Utilizing OMNIA Partners Contract #220701

The intent of this project is to supply and install a new Aiphone IX series intercom system to replace the existing Zetron intercom system.

- Replace ten (10) stations in cell blocks (audio only). Supply and install new Cat6 cable to each cell block intercom using crawl space above cells. Free air.
- Replace nine (9) call stations in the field with new Aiphone call stations. Five (5) audio/video and four (4) audio only. Supply and install new Cat6 cable to each call station. Free air.
- Reuse one (1) existing Aiphone intercom master station in 2nd floor command center. Program nineteen (19) new intercoms into existing master station.
- Add one (1) 48-Port PoE network switch in the 1st floor phone room. Installed in a West Orange Twp. equipment rack.
- All Cat6 cables will be installed open air; no conduit or raceways included.
- In the Radio Room, replace twelve (12) existing relays with two (2) Aiphone multi-purpose adaptors. This will allow the "Sally Port Relays" to be cutover to Aiphone for continued remote door release functionality. Reuse existing cables and install multi-purpose adaptors at same "Sally Port Relays" wall field location. Supply and install two (2) Cat6 cables from Radio Room to new POE network switch in the 1st floor phone room.
- Provide project management, non-union installation, programming, and turn on/test labor.
- Prevailing wage labor included.
- Create CAD design engineered drawings for this project.

Qualifications:

- The plan is to reuse the "Sally Port Relay" cables. If any are found to be defective or unusable it will be documented with replacements quoted separately from this project.
- Any modifications to cell blocks and cinderblock walls by others. This includes but is not limited to cutting, drilling, and concrete work being done by others.
- All work based on an asbestos free environment.
- A one-year new parts and labor warranty applies on ADT Commercial supplied equipment. The warrantee does not include acts of nature, vandalism, abuse, misuse, neglect, or coverage of existing cabling.

Prices quoted are for normal working hours 8:00 a.m. to 4:30 p.m. Monday-Friday and do not include any (unless specifically shown), taxes, permit fees, fire alarm disconnects, network provisions, conduits, raceways, stub ups, back boxes, concrete work, patching, painting, floor coring, riser sleeve, or running 120VAC power if required. Installations are based on consecutive work hours/days. Any canceled project is subject to a 25% restocking charge. 30 net days from invoicing. Proposal is valid for 30 days.

Equipment List:

Qty	Mfg.	Description
5	Aiphone	Flush Mounted IP Video Intercom Door Station, Vandal Resistant, Stainless-Steel Faceplate
10	Aiphone	Flush Mounted IP Audio Intercom Cell Station, 2-Gang, Vandal Resistant, Stainless-Steel Cover

2	Aiphone	Multi-Purpose Adaptor, 4 Contact Inputs, 10 Relay Outputs
1	Aiphone	Stainless Steel Surface Mount Box
4	Aiphone	IP Audio Intercom Door Station, 3-Gang, Vandal Resistant
1	D-Link	52-Port Gigabit Smart Managed POE+ Switch (48 POE+ Ports 370W and 4 Combo SFP Ports)
5	Windy City Wire	23 AWG 4 Pair Non-Shielded Plenum Category 6 Purple Jacket 1,000 feet

Summary of Charges for: West Orange Police Building Replace Zetron System with Aiphone	
Total Equipment & Installation Price	\$61,202.36
Utilizing OMNIA Partners Contract #220701	*Plus applicable tax
	<i>Pricing is valid for 30 days</i>

Billing Terms:

Customer agrees to pay ADT as invoiced based on percentage of project progress. Project progress is defined as parts received and labor expended. Labor includes but is not limited to engineering, project management, installation labor, subcontractor labor & ACAD.

If ADT and Customer are parties to a mutually signed, written agreement, then the terms of that agreement control. If ADT and Customer are not parties to a signed contract, then the scope of work and prices set forth above are based upon and subject to the ADT Commercial Terms and Conditions ("Terms") available at <https://www.adt.com/commercial/terms-and-conditions>. Any modifications to the Terms may result in pricing changes. Any other terms and conditions are rejected by ADT Commercial LLC unless in a document signed by an authorized representative of ADT Commercial LLC.

A new leader in commercial security, fire and life safety.

ADT Commercial has assembled top system integration talent to provide a holistic approach to the problems that you are facing now and must prepare for in the future. With a wide portfolio of offerings, we will deliver installation and service expertise for a fully customized commercial solution to meet the needs of your organization.

A simple security audit can determine if there are gaps in your current protection and help you manage those risks with a system designed to accommodate your specific needs.

OUR GUIDING PRINCIPLES

Customers are Our True North

Our reputation is based on how we serve our customers.

Our People are the Difference

We strive to be the best technically-trained team in the business.

Dedicated to Commercial

We are 100% focused on our commercial customers.

One Ideal Partner

We are the premier holistic solutions partner—a full-service national company with nimble local delivery teams.

800.799.1204

adtdotcomdotcomcommercial



4,500+
Employees



150
Locations

ADT Commercial

Utilizing OMNIA Partners Contract #220701

		Equipment		US MSRP Each	Discounted Price Each	Total Price
Qty	Mfg	Description				
5	Aiphone	Flush Mounted IP Video Intercom Door Station, Vandal Resistant, Stainless Steel Faceplate		\$ 1,648.00	\$ 973.56	\$ 4,867.78
10	Aiphone	Flush Mounted IP Audio Intercom Cell Station, 2-Gang, Vandal Resistant, Stainless Steel Cover		\$ 1,050.00	\$ 620.29	\$ 6,202.88
2	Aiphone	Multi-Purpose Adaptor, 4 Contact Inputs, 10 Relay Outputs		\$ 988.00	\$ 583.66	\$ 1,167.32
1	Aiphone	Stainless Steel Surface Mount Box		\$ 252.00	\$ 148.87	\$ 148.87
4	Aiphone	IP Audio Intercom Door Station, 3-Gang, Vandal Resistant		\$ 1,282.00	\$ 757.34	\$ 3,029.37
1	D-Link	52-Port Gigabit Smart Managed POE+ Switch (48 POE+ Ports 370W and 4 Combo SFP Ports)		\$ 1,042.99	\$ 880.47	\$ 880.47
5	Windy City Wire	23 AWG 4 Pair Non-Shielded Plenum Category 6 Purple Jacket 1,000 feet		\$ 576.00	\$ 420.34	\$ 2,101.68
		Equipment Subtotal				\$ 18,398.36
		Labor				
		Description		Hourly Rate	Total	
224	ADT Commercial	Technician		\$	\$ 34,720.00	
24	ADT Commercial	Project Manager		\$	\$ 3,720.00	
16	ADT Commercial	IT Programming		\$	\$ 2,480.00	
8	ADT Commercial	CAD/Design		\$	\$ 1,136.00	
4	ADT Commercial	Engineering		\$	\$ 748.00	
		Labor Subtotal			\$ 42,804.00	
		Total Price Utilizing OMNIA Partners Contract #220701				\$ 61,202.36

180-24
June 10, 2024

**RESOLUTION AUTHORIZING THE COLLECTOR OF TAXES TO
REFUND PAYMENT TO THE LISTED TAXPAYER DUE TO A
DUPLICATE PAYMENT OF TAX AND/OR SEWER CHARGE**

WHEREAS, certain West Orange property owners or their mortgage company have made a duplicate payment for the 2024 second quarter taxes

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

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

<u>Block</u>	<u>Lot</u>	<u>Name & Address</u>	<u>Amount</u>
6	32	C0004 Shang Yun Lin 17 Tompkins Street West Orange, NJ 07052	\$2,846.00

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

Bill Rutherford, Council President

Adopted: June 10, 2024

I Certify funds available from Account No.: _____

John O. Gross, Chief Financial Officer

RESOLUTION AUTHORIZING ELECTRONIC TAX SALE AND COST OF MAILING

WHEREAS, NJSA 54:5-19.1 authorizes municipalities to conduct electronic tax sales pursuant to rules and regulations to be promulgated by the Director of the Division of Local Government Services, and

WHEREAS, the Director of the Division of Local Government Services has approved NJ Tax Lien Investors/Real Auction.com to conduct electronic tax sales, and

WHEREAS, an electronic tax sale is innovative and provides a greater pool of potential lien buyers, thus creating the environment for a more complete tax sale process, and

WHEREAS, the Township of West Orange wishes to participate in an electronic sale.

WHEREAS, the rules and regulations require a municipality to send two (2) notices of tax sale to all properties included in said sale; and

WHEREAS, the rules and regulations allow said municipality to charge a fee of \$25.00 per notices for the creation, printing and mailing of said notice; and

WHEREAS, in an effort to more fairly assign greater fiscal responsibility to delinquent taxpayers, the Township of West Orange will charge \$25.00 per notice mailed which will be assessed specifically to the delinquent accounts that are causing the need for a tax sale and not the general tax base.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of West Orange, that the Tax Collector is hereby authorized to participate in the electronic tax sale and submit to the Director of Local Government Services if necessary.

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

Bill Rutherford, Council President

Adopted: June 10, 2024

**RESOLUTION AUTHORIZING THE COLLECTOR OF TAXES TO REBATE PAYMENT TO THE LISTED
TAXPAYER PURSUANT TO FINAL JUDGMENT BY THE TAX COURT OF NEW JERSEY**

WHEREAS, final judgment on tax appeals has been rendered by the Tax Court of New Jersey
on the petitions of the taxpayers listed on the attached schedule reducing the assessment.

WHEREAS, such judgment by merit of N.J.S.A. 54:3-27.2 shall be conclusive and binding upon the
municipal assessor and taxing district;

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 said taxpayers the sums in full and final satisfaction to tax rebates due:

ADDRESS	481 EAGLE ROCK AVE				
BLOCK	152.01				
LOT	1445.01				
QUAL					
	ASSESSMENT				
YEAR	ORIGINAL	JUDGMENT	DIFFERENCE	TAX RATE	AMOUNT DUE
2023	\$ 6,816,300.00	\$ 6,250,000.00	\$ 566,300.00	4.598	\$ 26,038.47
TOTAL					\$ 26,038.47
PAYABLE TO:					
SCHNECK LAW GROUP, LLC					
23 VREELAND ROAD SUITE 270					
FLORHAM PARK, NJ 07932					

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

Bill Rutherford, Council President

Adopted: June 10, 2024

I Certify funds available from Account No.: _____

John O. Gross, Chief Financial Officer

TAX COURT OF NEW JERSEY
COUNTY: Essex
DOCKET NO. 001666-2023

MAYFAIR FARMS HOLDING CORP.

Plaintiff(s),

v

TOWNSHIP OF WEST ORANGE

Defendant(s).

:

:

:

CIVIL ACTION
JUDGMENT

The parties having agreed upon a settlement, the assessment shall be as set forth below:

Block: 152.01
Lot: 1445.01
Street Address: 481 Eagle Rock Avenue
Year: 2023

TAX COURT JUDGMENT

Land: \$4,095,000.00
Improvements: \$2,155,000.00
Total: \$6,250,000.00

/s/ Jeffrey T. Gallus, Clerk/Administrator
Tax Court of New Jersey

Entered: 5/22/2024

Plaintiff(s) Attorney: Michael I Schneck Esq
Defendant(s) Attorney: Charles E Blau Esq

RESOLUTION

WHEREAS, an application has been submitted by the Montclair Golf Club, which wishes to sponsor its annual Fourth of July fireworks exhibition at the Montclair Golf Club on June 29, 2024 (Rain Date: July 1, 2024); 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, Inc., P.O. Box 403, 383 Carlton Road, Millington, New Jersey, 07946, 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 Montclair Golf Club be and is hereby granted permission to conduct a firework display on June 29, 2024 (Rain Date: July 1, 2024); subject to the directives of the Fire Official, or his designees.

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

Bill Rutherford
Council President

Adopted: June 10, 2024

RESOLUTION

WHEREAS, Section 2-48 *et seq.* of the Township of West Orange (the “Township”) Municipal Code (the “Township Code”) establishes the creation of a Municipal Insurance Fund Commission (the “MIF Commission”); and

WHEREAS, pursuant to Section 2-48.4, the Mayor has the power to appoint one commissioner of the MIF Commission; and

NOW, BE IT HEREBY RESOLVED, by the Township Council of the Township of West Orange approves the Mayor’s appointment of Assistant Business Administrator Peter F, Smeraldo, Jr. to commissioner to the MIF Commission.

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

Bill Rutherford,
Council President

Adopted: June 10, 2024

R E S O L U T I O N

WHEREAS, by Resolution No. 345-23 dated October 10, 2023, the Township Council awarded the Contract NJDOT MA 2022 Nance Road, Warren Road, and King Road Improvements Project to A & J Contractors Group, 105 Federal Road, Monroe, NJ, 08831 in the amount of \$1,340,759.07; and

WHEREAS, the work under this contract included street improvements consisting predominantly of asphalt pavement milling and resurfacing, curb replacement, driveway aprons, ADA accessible curb ramps and drainage improvements to three (3) Municipal Streets or parts thereof; and

WHEREAS, by letter dated June 3, 2024, the Municipal Engineer recommends approval of the Final Accounting of As Built Quantities for this project in the amount of \$4,902.56 or a 0.37 percent increase over the previously authorized amount; and

WHEREAS, the increase is due to additional drainage installed to extend the longevity of the roadways; and

WHEREAS, sufficient funds exist for this additional work; and

WHEREAS, the Township Council concurs in the foregoing.

NOW THEREFORE BE IT RESOLVED by the Township Council of the Township of West Orange that the Final Accounting of As-Built Quantities for the project NJDOT MA 2022 Nance Road, Warren Road, and King Road Improvements Project with A & J Contractors Group, 105 Federal Road, Monroe, NJ, 08831 in the amount not to exceed \$4,902.56 or a 0.37 percent increase in the contract amount through additional As-Built quantities is hereby approved bringing the final adjusted contract amount to \$1,345,661.63.

BE IT FURTHER RESOLVED that the Municipal Engineer is authorized to execute the Change Order on behalf of the Township of West Orange.

Karen J. Carnevale, RMC, Municipal Clerk

Bill Rutherford, Council President

Adopted: June 10, 2024

I hereby certify funds are available from Account No.:

**2024 Capital Budget
Road Improvements
\$4,902.56**

John Gross, Chief Financial Officer



TOWNSHIP OF WEST ORANGE

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

185-24

DEPARTMENT OF ENGINEERING

SUSAN McCARTNEY

Mayor

Tel/Fax: (973) 325-4160

Email: Engineering@westorange.org

ZAYIBETH Y. CARBALLO

Director/Municipal Engineer

June 3, 2024

FINAL ACCOUNTING OF AS-BUILT QUANTITIES

PROJECT: **NJDOT MA 2022 – NANCE ROAD, WARREN ROAD & KING ROAD IMPROVEMENTS PROJECT**

CONTRACTOR: **A & J CONTRACTORS GROUP
105 FEDERAL ROAD
MONROE, NJ 08831**

Original Contract Amount \$ 1,340,759.07

Change Order No. 1:

Additional As-Built Quantities \$ 4,902.56

Final Contract Amount for
Adjustment of As-Built Quantities \$ 1,345,661.63

Percent Increase in Contract over
Adjusted Contract Amount 0.37%

Reason for Increase: Minor increase is due to additional drainage improvements and final accounting of As-Built Quantities.

Approved by

Municipal Engineer

Date

Contractor

Date

Township of West Orange, NJ

Date

This Change Order was approved by Resolution No. _____
Orange Township Council.

dated _____, 2024 of the West

RESOLUTION

WHEREAS, the Township of West Orange has advertised for bids, pursuant to the New Jersey Local Public Contracts Law (N.J.S.A 40A: 11-1), for the Degnan Park Tennis Court Improvements project; and

WHEREAS, on Wednesday, May 22, 2024, the Township received four bids in response to the bid specifications; and

WHEREAS, the Township Engineer reported that the successful bidder has strictly complied with the bid specifications and is the lowest responsible bidder; and

WHEREAS, the Township Council of the Township of West Orange has considered said bids and has further considered the recommendation of the Township Engineer as to the award of said bid.

NOW, THEREFORE BE IT RESOLVED by the Township Council of the Township of West Orange that the contract for the Degnan Park Tennis Courts Improvements base bid including bid alternate Project be awarded to:

**SHORE TOP CONSTRUCTION CORP.
23 YELLOWBROOK ROAD
FREEHOLD, NEW JERSEY 07728**

in the amount not to exceed **\$849,800.00**

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

BE IT FURTHER RESOLVED that Certified Checks and/or Bid Bonds of all except the lowest responsible bidder be forthwith returned, and the Mayor and Township Clerk be and they hereby are respectively authorized to execute and attest a contract for the foregoing.

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

Bill Rutherford, Council President

Adopted: June 10, 2024

I hereby certify funds are available from Account No.:

**2024 Budget Capital Budget
032704220400070
\$849,800.00**

John O. Gross, Chief Financial Officer



DEGNAN PARK TENNIS COURTS IMPROVEMENTS

186-24

BIDS RECEIVED ON: MAY 22, 2024

				1		2		3	
Awarded By Township of West Orange on:				SHORE TOP CONSTRUCTION CORP. YELLOWBROOK ROAD FREEHOLD, NJ, 07728		HALECON INC. 136 BILLIAN STREET BRIDGEWATER, NJ, 08807		GREEN VALLEY GROUP INC. 180 CONVENT ROAD NANUET, NY, 10954	
				LOW BIDDER					
ITEM NO.	Description of Items	Unit Measure	Quantity	Unit Price	Amount	Unit Price	Amount	Unit Price	Amount
1	CLEARING AND PREPERATION OF SITE, MOBILIZATION, DEMOBILIZATION	LS	1	\$120,000.00	\$120,000.00	\$50,000.00	\$50,000.00	\$96,500.00	\$96,500.00
2	REMOVE AND DISPOSE OF EXISTING TENNIS NET POSTS, FOOTINGS, AND ANCHORS	LS	1	\$15,000.00	\$15,000.00	\$10,000.00	\$10,000.00	\$132,000.00	\$132,000.00
3	EXCAVATION, UNCLASSIFIED	CY	930	\$20.00	\$18,600.00	\$72.00	\$66,960.00	\$60.00	\$55,800.00
4	DENSE GRADED AGGREGATE BASE COURSE, 4" THICK	CY	430	\$40.00	\$17,200.00	\$72.00	\$30,960.00	\$50.00	\$21,500.00
5	HMA 9.5M64 SURFACE COURSE, 1.5" THICK	TON	380	\$90.00	\$34,200.00	\$117.00	\$44,460.00	\$105.00	\$39,900.00
6	HMA 19M64 BASE COURSE, 3" THICK	TON	760	\$90.00	\$68,400.00	\$126.00	\$95,760.00	\$80.00	\$60,800.00
7	ACRYLIC COLOR COATING (TWO COLOR) AND LINE STRIPING	SY	3,600	\$17.00	\$61,200.00	\$32.00	\$115,200.00	\$16.00	\$57,600.00
8	FURNISH AND INSTALL TENNIS COURT EQUIPMENT SET (INCLUDES POSTS, NETS, GROUND SLEEVES, CENTER TIE-DOWN ANCHORS, AND ADJUSTABLE CENTER STRAPS	UNIT	5	\$3,000.00	\$15,000.00	\$5,000.00	\$25,000.00	\$19,700.00	\$98,500.00
9	CONCRETE APRON, REINFORCED, 6" THICK	SY	20	\$50.00	\$1,000.00	\$100.00	\$2,000.00	\$150.00	\$3,000.00
10	GRANITE BLOCK CURB	LF	50	\$20.00	\$1,000.00	\$50.00	\$2,500.00	\$95.00	\$4,750.00
11	SIGNS (IF AND WHERE ORDERED)	SF	20	\$10.00	\$200.00	\$60.00	\$1,200.00	\$15.00	\$300.00
12	CONNECT TO AND UPGRADE EXISTING ELECTRICAL SERVICE, INCLUDING NEW ENCLOSURE, PANEL, TIMER, CONTACTORS, CONDUIT, WIRE, COORDINATION WITH ALL UTILITY, AND ALL CONNECTIONS FOR A COMPLETE AND FUNCTIONING SYSTEM	LS	1	\$34,000.00	\$34,000.00	\$50,000.00	\$50,000.00	\$135,000.00	\$135,000.00
13	FURNISH AND INSTALL SPORTS LIGHTING SYSTEM, INCLUDING ALL SYSTEM COMPONENTS, CONDUIT, WIRE, INFRASTRUCTURE, AND ELECTRICAL MATERIALS TO PROVIDE A COMPLETE AND OPERATIONAL SYSTEM	LS	1	\$260,000.00	\$260,000.00	\$285,000.00	\$285,000.00	\$310,000.00	\$310,000.00
14	OUTDOOR GFI DUPLEX RECEPTACLE	UNIT	6	\$3,000.00	\$18,000.00	\$2,500.00	\$15,000.00	\$400.00	\$2,400.00
15	TOPSOIL, FINE GRADE, FERTILIZE, LIME, AND SEED ALL DISTURBED AREAS	LS	1	\$5,000.00	\$5,000.00	\$5,000.00	\$5,000.00	\$5,000.00	\$5,000.00
16	POLICE TRAFFIC DIRECTOR	ALLO	1	\$15,000.00	\$15,000.00	\$15,000.00	\$15,000.00	\$15,000.00	\$15,000.00
17	CONTRACT ALLOWANCE	ALLO	1	\$25,000.00	\$25,000.00	\$25,000.00	\$25,000.00	\$25,000.00	\$25,000.00
BASE BID TOTALS:					\$708,800.00		\$839,040.00		\$1,063,050.00
					Bid Bond 10%		Bid Bond 10%		Bid Bond 10%

BID ALTERNATE - FENCE REPLACEMENT AND CONCRETE CURB INSTALLATION									
ITEM NO.	Description of Items	Unit Measure	Quantity	Unit Price	Amount	Unit Price	Amount	Unit Price	Amount
A-1	REMOVE AND DISPOSE OF EXISTING 10' HIGH CHAIN LINK FENCE, GATES, AND ASSOCIATED FOOTINGS	LF	800	\$20.00	\$16,000.00	\$25.00	\$20,000.00	\$12.00	\$9,600.00
A-2	FURNISH AND INSTALL 10' HIGH CHAIN LINK FENCE, FULL COLOR SYSTEM	LF	800	\$100.00	\$80,000.00	\$85.00	\$68,000.00	\$70.00	\$56,000.00
A-3	FURNISH AND INSTALL 4' WIDE CHAIN LINK FENCE GATE, FULL COLOR SYSTEM (GATE SHALL BE 7' HIGH)	UNIT	2	\$2,000.00	\$4,000.00	\$900.00	\$1,800.00	\$5,000.00	\$10,000.00
A-4	FURNISH AND INSTALL 12' WIDE CHAIN LINK FENCE GATE, FULL COLOR SYSTEM (GATE	UNIT	1	\$4,000.00	\$4,000.00	\$1,800.00	\$1,800.00	\$5,000.00	\$5,000.00
A-5	INSTALL EXISTING WINDSCREEN ON NEW CHAIN LINK FENCE	LS	1	\$5,000.00	\$5,000.00	\$3,600.00	\$3,600.00	\$5,000.00	\$5,000.00
A-6	CONCRETE PERIMETER CURB (14" WIDE, FLUSH WITH COURT SURFACE)	LF	800	\$40.00	\$32,000.00	\$60.00	\$48,000.00	\$56.00	\$44,800.00
BID ALTERNATE TOTALS:					\$141,000.00		\$143,200.00		\$130,400.00
BASE BID + BID ALTERNATE TOTALS:					\$849,800.00		\$982,240.00		\$1,193,450.00

RESOLUTION

WHEREAS, N.J.S.A. 40A:65-4 of the Uniformed Shared Services and Consolidation Act authorizing municipalities to enter into shared services agreement to either provide or receive any services that each local unit is empowered to provide or receive within its own jurisdiction; and

WHEREAS, the County of Essex (the “County”) seeks to enter into a Shared Services Agreement with the Township of West Orange (“Township”) the purpose of which to support certain intervention efforts designed to combat substance abuse and disorder, accomplished by providing municipal residents charged with non-violent crimes with an opportunity for referral to the Recovery, Integration, Support and Education (“RISE”) Advocate; and

WHEREAS, the County and the Township have negotiated a proposed Shared Services Agreement, annexed hereto as Exhibit “A” (the “Shared Service Agreement”) for a term of three (3) years commencing on June 10, 2024 and ending on June 10, 2027; and

WHEREAS, pursuant to the Shared Service Agreement, the County will:

- (i) Pay for and procure a RISE advocate who will work with such individuals as described above to provide information about substance use and disorder, regardless of ability to pay, and act as a liaison between the individual, police department/court, and substance use disorder continuum of care providers; and

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

WHEREAS, the Township has agreed to indemnify the County for any services provided for the County, as stated in Exhibit “A” attached herein;

NOW, BE IT HEREBY RESOLVED, by the Township Council of the Township of West Orange that the Mayor be and is hereby authorized to execute and counter-sign the Shared Service Agreement with the County of Essex annexed hereto as Exhibit “**A**,” and the Municipal Clerk be and is hereby authorized to attest to the Mayor’s signature thereon; and be it further

RESOLVED that pursuant to N.J.S.A. 40A:65-4(b) of the Uniformed Shared Services and Consolidation Act the Municipal Clerk shall forward a copy of the Shared Services Agreement to the Division of Local Government Services in the Department of Community Affairs for informational purposes; and be it further

RESOLVED that notice of this award shall be available in the Clerk’s office in accordance with any applicable law.

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

Bill Rutherford
Council President

Adopted: June 10, 2024

**COUNTY OF ESSEX/TOWNSHIP OF WEST ORANGE
SUBSTANCE USE DISORDER ADVOCATE SERVICES – RISE INITIATIVE
UNIFORM SHARED SERVICES AGREEMENT**

THIS SHARED SERVICES AGREEMENT (the “Agreement”) dated as of January 1, 2024 by and between the County of Essex, a body of politic and corporate of New Jersey (hereinafter referred to as “County”) having its offices at 465 Dr. Martin Luther King Jr. Blvd, Newark, NJ 07102, for its Division of Community Health Services, Office of Alcohol, Drug Abuse, and Addiction Services (hereinafter referred to as “Division of Community Health Services”) and the Township of West Orange (hereinafter referred to as “Municipality”), having its offices at 66 Main Street, West Orange, NJ 07052, as follows:

WHEREAS, the County of Essex recognizes the need to further assist our residents to reduce opioid use and support individuals in their recovery; and,

WHEREAS, the Division of Community Health Services would like to promote a different approach in changing the behavior of individuals with substance use disorder who are involved in the criminal justice system at the municipal level within the Municipality; and,

WHEREAS, after careful consideration, the Parties determined that a cooperative approach to implement the RISE Initiative Program, a voluntary substance use disorder continuum of care services referral and intervention strategy for municipal residents charged with non-violent crimes, would offer the parties and effective and efficient means of providing these services; and,

WHEREAS, the County authorized Shared Services Agreements with participating municipalities for the RISE Initiative Program (hereinafter referred to as “the Program”) for a term of three years:

June 10, 2024, through June 10, 2027

WHEREAS, after review of the benefits and potential successes of the Program, the parties have determined to continue the Program; and,

WHEREAS, to continue with the Program, the Parties have decided to enter into a Shared Services Agreement to authorize the County to procure a vendor on behalf of the Municipality for this purpose; and,

WHEREAS, the costs for the professional services performed pursuant to this Agreement shall be paid by the County; and,

WHEREAS, the term of the Agreement will be for a period of three (3) years, commencing on or about January 1, 2024, and terminating on December 31, 2026; and,

WHEREAS, this Agreement is authorized pursuant to N.J.S.A. 40A:65-1, *et seq.* (“Uniform Shared Services and Consolidation Act”) which permits two or more local units to

enter into an Agreement for any service which any party to the Agreement is empowered to render within its jurisdiction; and,

WHEREAS, the Parties agree that their mutual public purposes and their best interests will be promoted by the execution and delivery of the Shared Services Agreement pursuant to the powers conferred by the Uniform Shared Services and Consolidation Act; and,

WHEREAS, all other terms and conditions of the Agreement shall be reviewed and approved by the Office of County Counsel; and,

WHEREAS, after review of the benefits and potential successes of the Program, the parties have determined to continue the Program; and,

IN CONSIDERATION of the mutual promises and covenants herein set forth, the Parties hereby agree as follows:

1. PURPOSE AND SCOPE

The purpose of this Shared Services Agreement, (hereinafter referred to as “Agreement”), is to support certain intervention efforts designed to combat substance use disorder. This will be accomplished by providing municipal residents charged with non-violent crimes with an opportunity for referral to the Recovery, Integration, Support, and Education (RISE) Advocate (hereinafter referred to as “RISE Advocate”). The RISE Advocate, to be procured and funded by the County, will work with such individuals to provide information about substance use disorder continuum of care services and assist with linking them to appropriate resources throughout the substance use disorder continuum of care, regardless of ability to pay. The RISE Advocate will act as a liaison between the individual, police department/court, and substance use disorder continuum of care providers. The Municipality expects that entering into this Agreement with the County will support its goals of providing a municipal level intervention for non-violent offenders by addressing the underlying issues that have led them to substance use. A long-term goal of the program is a reduction in recidivism.

2. TERMS AND TERMINATION

The term of this Agreement shall be for a period of three (3) years commencing on or about January 1, 2024, and include any cases heard up until December 31, 2026. Notwithstanding the above, each of the Parties shall have the right to terminate this Agreement prior to the end of its term, with or without cause, upon Ninety (90) days written notice delivered to the addresses listed above. This Agreement shall be binding upon the parties, their heirs, successors, and assigns.

3. **DUTIES AND RESPONSIBILITIES**

The County will provide the following services:

1. **Professional Contract Management Services**

- a. **Procurement.** The County will publicly procure a firm to provide professional substance use disorder advocate services for the RISE Initiative program in accordance with the provisions of the New Jersey Local Public Contracts Law. Specifically, the County will require the firm provider counselors to serve as RISE Initiative Advocate(s) with a minimum of a Certified Alcohol and Drug Counselor (CADC) working under the supervision of a Licensed Certified Alcohol and Drug Counselor (LCADC). The firm will have a minimum of two (2) years' experience as a New Jersey Division of Mental Health and Addiction Services (DMHAS) licensed entity established to provide substance use disorder treatment services in the State of New Jersey. Procurement functions, including preparation or review of Request for Proposals specifications, conducting pre-proposal meetings, receiving and reviewing proposals and recommendation for award of contracts, will reside with the County's Qualified Purchasing Agent and County's procurement attorney. All procurements required under this Agreement will utilize the County's Request for Proposals (RFP) policy and boilerplate as adopted by the Essex County Board of County Commissioners. The County will issue the contract for the professional services contemplated by this Agreement.
- b. **Contract supervision and monitoring.** The County, in consultation with the Municipality, will develop a procedure for supervision and monitoring of the professional services contract awarded in accordance with this Agreement.

2. **Training/Orientation**

- a. The County will coordinate, at its cost, all training required for the Municipality to implement the RISE Initiative program during the term of the Agreement.

3. **General**

- a. The County will be responsible for payment for the professional services provided by the RISE Advocate and there will be no cost to the Municipality for these services during the term of this Agreement.
- b. The County will prepare, at its cost, all materials for the RISE Initiative program during the Agreement term. Materials will include information cards, handouts, and related program materials with Municipality-specific information.
- c. The County will work cooperatively with the Municipality to achieve the goals of the Municipality with respect to the services provided during the term of this Agreement.

The Municipality will provide the following services:

- a) Work cooperatively with the County and with other County municipalities to implement the RISE Initiative program and develop model policies and procedures.
- b) Work cooperatively with the County as may be needed in scheduling orientation and training of Municipal police officials, court staff, and others as determined by the

- Municipality, as may be required to implement the RISE Initiative program. Said orientation and training to be conducted prior to the beginning of the Agreement term.
- c) Coordinate with the County to hold regular meetings between the Parties to assess the effectiveness of the services provided under this Agreement.
 - d) Work cooperatively with the County to achieve the goals of this Agreement.

4. FUNDING

During the term of this Agreement funding for all professional RISE Initiative advocate services shall be the responsibility of the County. The County will provide all printed materials needed for the RISE Initiative program and there will be no cost to the Municipality for these materials.

5. CONFLICT OF INTEREST

The Parties agree that in administering the services in connection with this Agreement, each will comply with all appropriate standards of conduct and will avoid any conflict of interest in its administration.

6. INSURANCE

During the term of this Agreement, the Municipality shall at all times, at its sole cost and expense, provide General Liability Insurance, including coverage for any acts of negligence of its respective officers, employees, and elected officials with respect to any liability arising out of their participating in the program in amounts of not less than \$1,000,000 per occurrence and \$3,000,000 aggregate per year.

7. REMEDIES AND DEFAULT

Should either party to this Agreement default in the performance of any of its obligations under this Agreement and following thirty (30) days prior written notice and an opportunity to cure within such period, the non-defaulting party shall be entitled to all remedies available in law or in equity. The defaulting party shall be entitled to an additional thirty (30) days if the default cannot reasonably be cured within such time period, providing the defaulting party is using reasonable diligent efforts to cure the default. The non-defaulting party shall also be entitled to receive from the defaulting party costs and expenses, including legal fees, caused by the default. Such remedies shall include, without limitation, the right to terminate the Agreement.

8. **NOTICES**

All notices hereunder shall be in writing and mailed postage prepaid, certified mail, return receipt requested to the parties of this Agreement at the addresses listed herein above.

9. **N.J.A.C. § 17:44-2.2 AUTHORITY TO AUDIT OR REVIEW CONTRACT RECORDS**

Relevant records of private vendors or other persons entering into contracts with covered entities are subject to audit or review by the New Jersey Office of the State Comptroller (“OSC”) pursuant to N.J.S.A. 52:15C-14(d). Accordingly, pursuant to N.J.A.C. § 17:44-2.2, Authority to Audit or Review Contract Records, the vendor(s) awarded contracts pursuant to this Agreement shall maintain all documentation related to products, transactions, or services under its agreement with the County of Essex for a period of five years from the date of final payment. Such records shall be made available to the OSC upon request.

10. **INDEMNIFICATION**

The Municipality agrees to protect, indemnify, and hold harmless the County of Essex, Division of Community Health Services, and its respective officers, trustees, and employees from and against any and all claims, demands, causes of action, damages and judgments (including, but not limited to, (such on behalf of a client or that client's agent or family) which may be imposed upon, incurred, or brought against the County of Essex as a result of any negligent acts of omission or commission by the Municipality or its officers, directors, and employees, committed in connection with this Agreement, except that such indemnity shall not apply to the extent that a claim, demand, cause of action, damage or judgment arises out of the negligent or wrongful acts or mission of the County of Essex.

11. **MISCELLANEOUS PROVISIONS**

The following miscellaneous provisions shall apply to this Agreement:

a) **Construction of this Agreement**

The Parties acknowledge that this Agreement was prepared pursuant to New Jersey law and shall be governed by, construed, and enforced in accordance with the laws of the State of New Jersey.

b) **Waiver**

Failure to enforce any of the provisions of this Agreement by any of the Parties shall not be construed as a waiver of the provisions.

c) Amendment or Modification

This Agreement may not be modified, altered, or amended in any manner, except in writing, signed by the Parties hereto, and authorized by formal action of the governing bodies for the County and Municipality.

d) Headings

This section and any other headings contained in this Agreement are for reference purposes only and shall not affect the meaning or interpretation of this Agreement.

e) Invalidity Clause

The invalidity of any clause contained herein shall not render any other provision invalid and the balance of this Agreement shall be binding upon all Parties hereto.

f) Entire Agreement

This Agreement shall consist of the entire agreement of the Parties and it is acknowledged that there are no side or oral agreements relating to the understandings set forth herein.

g) Assignability

The Agreement and all rights, duties, and obligations contained herein may not be assigned without prior written consent from both Parties hereto.

h) No Third-Party Beneficiaries

No person or entity except for the Parties to this Agreement is intended to be a third-party beneficiary of the provisions of this Agreement for purposes of any civil, criminal, or administrative action, and accordingly, no person or entity except for the Parties to this Agreement may assert any claim or right as a beneficiary under this Agreement in any civil, criminal, or administrative action.

i) Affirmative Action

The Parties hereby agree to incorporate and be bound by the affirmative action language attached hereto.

j) Americans with Disabilities Act and New Jersey Law Against Discrimination

The Parties hereby agree to incorporate and be bound by the Americans with Disabilities Act and the New Jersey Law Against Discrimination language attached hereto.

k) Audit

The County of Essex shall conduct any required audits of the services provided under this Agreement in conformance with all City, State, and Federal accounting practices.

l) Further Assurances

From time to time, the Parties hereto may make, execute, and deliver or cause to be made, executed, and delivered further and other instruments and assurances, and will furnish such information, and make such filings with governmental authorities, as may be reasonably necessary or proper to carry out the intention of or to facilitate the performance of the terms of this Agreement or to protect and preserve the rights and remedies hereunder the Parties hereto.

m) Funding

Pursuant to N.J.S.A. 40A:11-15, this Agreement is subject to the availability and appropriation of sufficient funds each year in which it is in effect.

n) Binding Agreement

This Agreement shall be binding upon the Parties hereto and their respective heirs, executors, administrators, successors, or assigns.

NOW, THEREFORE, BE IT RESOLVED, the Essex County Board of County Commissioners hereby authorizes the proper County Officials to execute all documents necessary to effect Shared Services Agreements with all interested County municipalities for the RISE Initiative Program for the term stated herein at no cost to the participating municipalities.

IN WITNESS WHEREOF, the Parties have hereunto set their hands and seals on the day and year first above written.

Attest:

FOR THE COUNTY OF ESSEX

FOR THE TOWNSHIP OF WEST ORANGE

Joseph N. DiVincenzo, Jr.
Essex County Executive

Susan McCartney, Mayor

Clerk of the Board of County Commissioners

Karen J. Carnevale, Municipal Clerk

MANDATORY EQUAL EMPLOYMENT OPPORTUNITY LANGUAGE
N.J.S.A. 10:5-31 et seq. (P.L. 1975, c. 127)
N.J.A.C. 17:27 et seq.

GOODS, GENERAL SERVICE AND PROFESSIONAL SERVICES CONTRACTS

During the performance of this contract, the contractor agrees as follows:

The contractor or subcontractor, where applicable, will not discriminate against any employee or applicant for employment because of age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex. Except with respect to affectional or sexual orientation and gender identity or expression, the contractor will ensure that equal employment opportunity is afforded to such applicants in recruitment and employment, and that employees are treated during employment, without regard to their age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex. Such equal employment opportunity shall include, but not be limited to the following: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the Public Agency Compliance Officer setting forth provisions of this nondiscrimination clause.

The contractor or subcontractor, where applicable will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex.

The contractor or subcontractor will send to each labor union, with which it has a collective bargaining agreement, a notice, to be provided by the agency contracting officer, advising the labor union of the contractor's commitments under this chapter and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

The contractor or subcontractor, where applicable, agrees to comply with any regulations promulgated by the Treasurer pursuant to N.J.S.A. 10:5-31 et seq., as amended and supplemented from time to time and the Americans with Disabilities Act.

The contractor or subcontractor agrees to make good faith efforts to meet targeted county employment goals established in accordance with N.J.A.C. 17:27-5.2.

The contractor or subcontractor agrees to inform in writing its appropriate recruitment agencies including, but not limited to, employment agencies, placement bureaus, colleges,

universities, and labor unions, that it does not discriminate on the basis of age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex, and that it will discontinue the use of any recruitment agency which engages in direct or indirect discriminatory practices.

The contractor or subcontractor agrees to revise any of its testing procedures, if necessary, to assure that all personnel testing conforms with the principles of job related testing, as established by the statutes and court decisions of the State of New Jersey and as established by applicable Federal law and applicable Federal court decisions.

In conforming with the targeted employment goals, the contractor or subcontractor agrees to review all procedures relating to transfer, upgrading, downgrading and layoff to ensure that all such actions are taken without regard to age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex, consistent with the statutes and court decisions of the State of New Jersey, and applicable Federal law and applicable Federal court decisions.

The contractor shall submit to the public agency, after notification of award but prior to execution of a goods and services contract, one of the following three documents:

1. Letter of Federal Affirmative Action Plan Approval;
2. Certificate of Employee Information Report; or
3. Employee Information Report Form AA302 (electronically provided by the Division and distributed to the public agency through the Division's website at http://www.state.nj.us/treasury/contract_compliance).

The contractor and its subcontractors shall furnish such reports or other documents to the Division of Purchase and Property, CCAU, EEO Monitoring Program as may be requested by the office from time to time in order to carry out the purposes of these regulations, and public agencies shall furnish such information as may be requested by the Division of Purchase and Property, CCAU, EEO Monitoring Program for conducting a compliance investigation pursuant to **N.J.A.C. 17:27-1 et seq.**

AMERICANS WITH DISABILITIES ACT OF 1990

Mandatory Language

Equal Opportunity for Individuals with Disabilities

The Contractor and the County do hereby agree that the provisions of Title 11 of the Americans With Disabilities Act of 1990 (the "Act") (42 U.S.C. *S121 01* et seq.), which prohibits discrimination on the basis of disability by public entities in all services, programs, and activities provided or made available by public entities, and the rules and regulations promulgated pursuant there unto, are made a part of this contract. In providing any aid, benefit, or service on behalf of the County pursuant to this contract, the Contractor agrees that the performance shall be in strict compliance with the Act. In the event that the Contractor, its agents, servants, employees, or subcontractors violate or are alleged to have violated the Act during the performance of this contract, the Contractor shall defend the County in any action or administrative proceeding commenced pursuant to this Act. The Contractor shall indemnify, protect, and save harmless the County, its agents, servants, and employees from and against any and all suits, claims, losses, demands, or damages, of whatever kind or nature arising out of or claimed to arise out of the alleged violation. The Contractor shall, at its own expense, appear, defend, and pay any and all charges for legal services and any and all costs and other expenses arising from such action or administrative proceeding or incurred in connection therewith. In any and all complaints brought pursuant to the County's grievance procedure, the Contractor agrees to abide by any decision of the County which is rendered pursuant to said grievance procedure. If any action or administrative proceeding results in an award of damages against the County, or if the County incurs any expense to cure a violation of the ADA which has been brought pursuant to its grievance procedure, the Contractor shall satisfy and discharge the same at its own expense.

The County shall, as soon as practicable after a claim has been made against it, give written notice thereof to the Contractor along with full and complete particulars of the claim, If any action or administrative proceeding is brought against the County or any of its agents, servants, and employees, the *County shall* expeditiously forward or have forwarded to the Contractor every demand, complaint, notice, summons, pleading, or other process received by the County or its representatives.

It is expressly agreed and understood that any approval by the County of the services provided by the Contractor pursuant to this contract will not relieve the Contractor of the obligation to comply with the Act and to defend, indemnify, protect, and save harmless the County pursuant to this paragraph.

It is further agreed and understood that the County assumes no obligation to indemnify or save harmless the Contractor, its agents, servants, employees and subcontractors for any claim which may arise out of their performance of this Agreement. Furthermore, the Contractor expressly understands and agrees that the provisions of this indemnification clause shall in no way limit the Contractor's obligations assumed in this Agreement, nor shall they be construed to

relieve the Contractor from any liability, nor preclude the County from taking any other actions available to it under any other provisions of the Agreement or otherwise at law.

EXHIBIT A

MONTHLY REPORTING:

The Municipality, by and through the County-procured RISE Initiative provider, shall collect, and track the following information below to prepare and deliver reports.

The **County Report** shall illustrate overall programmatic numbers throughout the agreement term and is required to be submitted *monthly* to the Essex County Division of Community Health Services, **no later** than the **15th of each month**.

Individual Municipality Reports specify all programmatic factors which stem from referrals distributed from each municipality. Municipality Reports are to be submitted *monthly* to each participating municipality's Police Chief or appointed officer and Court Administrator, **no later** than the **15th of each month**.

Required Minimum Monthly Reporting Categories shall be as follows:

- Number of individuals referred from each municipality and differentiate the referral source.
- Number of individuals enrolled from each municipality.
- Number of individuals denied from each municipality.
- Number of individuals met with by RISE Advocate in court.
- Number of outreaches/phone calls **per referral & overall total number**.
- Referred by (i.e., Police, Court Staff, Family, Self)
- Last Name, First Name, Gender, Race/Ethnicity, DOB, Age, Phone Number, Email Address (if available)
- Date of contact (date referral was distributed to RISE Advocate)
- Current Residence/Homeless & Employment Status
- Insurance: Y/N (if yes, Medicaid, Medicare, Private)
- Funding Eligibility (funding used for service)
- Offender: Y/N, First Offense: Y/N
- Current Charge(s)
- Driver's License Status, Current DCP
- **Mental Health** history/current status; **MAT** history/current status
- Previous history of overdose
- Identification number (as may be assigned by the court for reporting purposes)
- DV Background (Victim/Offender/Both)
- Primary Drug & Secondary Drug
- SUD Continuum of Care Services they're Seeking (Requested Service Type)
- Assessment scheduled, completed, etc.
- Current program/all programs tracked, thereafter.

Tracking throughout the Continuum of Care:

- Program/Agency Name
- Level of Care
- Engagement Status (Engaged, Completed, Disengaged)

EXHIBIT B

ANNUAL REPORTING:

The Municipality, by and through the County-procured RISE Initiative provider, shall prepare, and deliver an annual report to the County by **January 20th of each year**. The annual report shall exemplify the overall comprehensive analysis of RISE Initiative case-level data to aggregate-data formation. All data shall reflect individuals referred to the RISE Initiative program during the Agreement term: January 1st, through cases heard up until December 31st.

Required Minimum Annual Reporting Categories are as follows:

- Narrative summarizing the statistics gathered in the monthly reports throughout the Program term.
- Providing the percentage of individuals that engaged in substance use disorder continuum of care services from the total number referred to services by municipal police departments, courts, family members, or self-referred. Include percentage that successfully completed services and those that dropped out of services.
- Provide the age range of referred individuals: 18-21 years old; 22-26; 25-35; and 36 years and older.
- Provide the racial and ethnic breakdown of referred individuals.
- Provide the percentage of individuals entering services by level of care (i.e., out-patient, residential, detox, etc.)

Please Note: Annual Reporting requirements may evolve during the term of the Agreement as agreed to by the County and Municipality.

RESOLUTION

WHEREAS, the Township of West Orange Engineer has determined that there are emergency repairs needed to mobilize, excavate, and reconstruct drainage improvements to the outfall stormwater piping owned by the Township that runs beneath the property located at 55-117 Longview Street, West Orange, NJ 07052, known as Block 71.02, Lot 1; and

WHEREAS, the owner of the Property has agreed to a Deed of Temporary Easement and Temporary Easement Agreement attached herein as Exhibit “A;” and

WHEREAS, two areas of the outfall stormwater piping channel that run between units 6 & 7 beginning at Randolph Place, and units 4 & 5 beginning at McClellan Terrace, as depicted on the survey attached herein as Exhibit “B,” must be repaired on an emergent basis due to the eroding state of the outfall stormwater piping on the Property; and

WHEREAS, the Township Engineer has deemed these repairs necessary to protect the health and safety of residents located on Randolph Place, Longview Street, and McClellan Terrace; and

NOW, BEING HEREBY RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST ORANGE, that Township is authorized to enter into the Deed of Temporary Easement and Easement Agreement attached herein as Exhibit “A;” and it is further

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

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

Bill Rutherford
Council President

Adopted: June 10, 2024

I hereby certify funds are available from Account No. _____

John O. Gross, Chief Financial Officer

**DEED OF TEMPORARY EASEMENT AND
TEMPORARY EASEMENT AGREEMENT**

This Deed of Temporary Easement and Temporary Easement Agreement made effective as of June ____, 2024 BY AND BETWEEN H&L ORANGE LLC residing at 55-117 Longview Street, Township of West Orange, County of Essex and State of New Jersey, hereinafter referred to as "GRANTOR," and THE TOWNSHIP OF WEST ORANGE, a municipal corporation of the State of New Jersey, having offices located at 66 Main Street, in the Township of West Orange, County of Essex, and State of New Jersey, hereinafter referred to as the "GRANTEE" or the "TOWNSHIP."

WITNESSETH

WHEREAS the Grantor is the sole owner of Tax Block 71.02, Block 1 on the official Tax Map of the Township of West Orange, County of Essex, State and New Jersey, also known as 55-117 Longview Street, West Orange, New Jersey (hereinafter the "PREMISES"), and

WHEREAS the GRANTEE has determined that certain emergency and other repairs are needed to a outfall stormwater piping beneath the PREMISES; and

WHEREAS, the GRANTOR is willing to grant to the GRANTEE and the GRANTEE is willing to accept an easement over a portion of said premises to conduct emergency repairs to sewage and/or stormwater piping and the headwall related thereto on the PREMISES; and

WHEREAS the above described Temporary Easement being as shown on a survey attached hereto as Exhibit "A" between units 6 & 7, abutting Randolph Place, and units 4 & 5, abutting McClellan Terrace, to be obtained by the GRANTEE as soon as the same is made available; and

NOW THEREFORE, in consideration of the sum of One (\$1.00) Dollars and other good and valuable consideration paid to the GRANTOR by the GRANTEE, GRANTOR does hereby grant unto the GRANTEE, their heirs, successors and assigns a Temporary Easement to conduct emergency repairs to the sewer and/or stormwater piping located on the Premises in the area to be prescribed by the survey to be provided by the GRANTEE to the GRANTOR.

IN WITNESS WHEREOF, the parties have hereunder affixed their hands and seals the day and year first above written.

H&L ORANGE LLC

ATTESTED

TOWNSHIP OF WEST ORANGE

Karen Carnevale, Township Clerk

_____(seal)
by: Susan McCartney, Mayor

STATE OF NEW JERSEY
COUNTY OF ESSEX ss:

I CERTIFY that on June ____, 2024

A representative of H&L Orange LLC personally came before me and stated to my satisfaction that he each person executed this instrument as his own act.

EXHIBIT A

RECORDED
REG-STRCS OFFICE
ESSEX COUNTY
OCT 24 2 34 PM '50
NEWARK, N. J.
BOOK PAGE

[illegible]

AS CRIMINALS, THE PRESIDENT AND DIRECTORS OF THE MANHATTAN COMPANY, THE HOME TITLE GUARANTEE COMPANY AND TO ANY OTHER PARTIES INTERESTED IN TITLE TO PRESENTLY SURVEYED.

Good To County, CC

NOTE: THIS SURVEY IS DATED FROM "MAP OF NOTION
PARK" JURISTED BY MEAD-WHILCO. DEC. 1908
I HEREBY CERTIFY THAT THE BUILDINGS
AS SHOWN HEREON ARE THE ONLY CHANGES
IN SURVEAY CONDITIONS SINCE JUNE 18, 1949
Quest to Henry

F.H.A. Proj. 031-42065

JACOB L. LENOX, PROF. ENGINEER
 & LAND SURVEYOR
 7 SHERWOOD PLACE
 WEST ORANGE, NEW JERSEY

SCALE 1" = 40

JUNE 18, 1949

PROPERTY SURVEY
OF
HUTTON-LAFAYETTE GARDENS
WEST ORANGE,
ESSEX COUNTY, NEW JERSEY

DISTRIBUTION OF AREA	10.56	ACRE
AREA INCLUDING 0.065	2.30	"
"	9.70	"
"	12.70	"
STREETS	2.40	"
TOTAL	19.19	ACRES

Filed October 24, 1950
in Case #1738

George Ethel
Tugwell

Approved for the purpose of filing by the
Mayor & Board of Town Commissioners of the
Town of West Orange, N. J. at a regular
meeting held Tuesday, October 3, 1920
Thermon Willard TOWN CLERK 10/5/20

SHEET 3 of 3

**RESOLUTION AUTHORIZING THE TOWNSHIP OF WEST ORANGE TAX COLLECTOR TO PREPARE AND
MAIL ESTIMATED TAX BILLS IN ACCORDANCE WITH P.L. 1994, c.72**

WHEREAS, the Essex County Board of Taxation has not certified the General Tax Rate throughout Essex County for 2024 and the West Orange Township Tax Collector will be unable to mail the Township's 2024 tax bills on a timely basis;

WHEREAS, the Township of West Orange Tax Collector in consultation with the West Orange Township Chief Financial Officer has computed an estimated tax levy in accordance with N.J.S.A. 54:4- 66.3, and they have both signed a certification showing the tax levies for the previous year, the tax rates and the range of permitted estimated tax levies;

WHEREAS, in accordance with Chapter 72, P.L. 1994, the Township Council approves the estimated tax levy to enable the Township to meet its financial obligations, maintain the tax collection rate, and provide uniformity for tax payments and save the unnecessary cost of interest expenses on borrowing.

NOW, THEREFORE BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST ORANGE, IN THE COUNTY OF ESSEX AND STATE OF NEW JERSEY on this 10th day of June, 2024, as follows:

1. The Township of West Orange Tax Collector is hereby authorized and directed to prepare and issue estimated tax bills for the Township for the third installment of 2024 taxes. The Tax Collector shall proceed and take such actions as are permitted and required by L. 1994, c.72 (N.J.S.A. 54:4-66.2 and 54.4-66.3)
2. The entire estimated tax levy for the 2024 is hereby set at \$258,200,417.75, with the estimated tax rate of 4.712. In accordance with law the third installment of 2024 taxes shall not be subject to interest until the later of August 10 or twenty fifth calendar day after the date the estimated tax bills were mailed. The estimated tax bills shall contain a notice specifying the date on which interest may begin to accrue.

IN WITNESS WHERE I have hereunto set my hand and affixed the seal of said Township the 10th day of June, 2024.

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

Bill Rutherford
Council President

Adopted: June 10, 2024

5/22/24—Accepting Changes from 5/7/24 Meeting and Incorporating Amendments from 5/21/24 Council Meeting

AN ORDINANCE REPEALING AND REPLACING CHAPTER 25, SECTIONS 27 OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF WEST ORANGE AND ESTABLISHING CHAPTER ____ FOR ENVIRONMENTAL PROTECTION (TREE PROTECTION, REMOVAL AND REPLACEMENT)

BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF WEST ORANGE, NEW JERSEY that Chapter 25, Sections 27 of the Revised General Ordinances of the Township of West Orange be and are hereby **repealed** and **replaced** with the newly established Chapter ____ Section ____ of the Revised General Ordinances of the Township of West Orange, which establishes a Chapter dedicated to environmental protection in the Township of West Orange, and shall state as follows:

§ ____-1: Title

This Section shall be known as the “Tree Protection, Removal and Replacement Ordinance of the Township of West Orange”

§ ____-2: Findings and Purpose

a. A 2023 study commissioned by the Township of West Orange found that the tree canopy in West Orange has been dramatically declining and will continue to decline in future years without replanting and renewing protections for the tree canopy. The Township of West Orange finds that: trees are among the Township's most valuable natural resource assets, greatly enhancing the appearance of the Township and contributing to its suburban residential character; the integrity of Township and regional water resources is substantially affected by development on constrained land (e.g., steep slopes, wetlands and reduced depth to groundwater), tree removal, soil disturbance, stormwater management and the general use of land resources; the preservation, protection and planting of trees aids in the stabilization of soil by the prevention of erosion and sedimentation, reduces stormwater runoff and the potential damage it may create, increases groundwater recharge thus enhancing the groundwater supply to streams and wetlands and the yield of water supply wells, aids in the removal of pollutants from the air and assists in the generation of oxygen, provides a buffer and screen against noise and pollution, provides protection against severe weather, dramatically reduces “urban heat effect,” aids in the control of drainage and restoration of denuded soil subsequent to construction or grading, provides a haven for birds and other wildlife and otherwise enhances the environment, protects and increases property values, conserves and enhances the Township's physical and aesthetic appearance, and generally protects the public health, mental health, and safety as well as the general welfare.

b. Numerous governmental, professional, educational and business sources have cited the importance of trees to our well-being: "One acre of forest absorbs six tons of carbon dioxide and puts out four tons of oxygen, enough to meet the annual needs of 18 people." (U.S. Department of Agriculture). In one study, 83% of realtors expressed the belief that

5/22/24—Accepting Changes from 5/7/24 Meeting and Incorporating Amendments from 5/21/24 Council Meeting

mature trees have a "strong or moderate impact" on the salability of homes listed for under \$150,000 and on homes listed for over \$250,000 this perception increased to 98% (American Forests, Arbor National Mortgage). Healthy, mature trees are said to add an average of 10% to a property's value (USDA Forest Service). "Landscaping, especially with trees, can increase property values as much as 20%." (Management Information Services/ICMA). "The net cooling effect of a young, healthy tree is equivalent to 10 room-size air conditioners operating 20 hours a day." (U.S. Department of Agriculture). "If you plant a tree today on the west side of your home, in five years your energy bills should be 3% less. In 15 years the savings will be nearly 12%." (Dr. E. Greg McPherson, Center for Urban Forest Research). "Trees properly placed around buildings can reduce air conditioning needs by 30% and can save 20% to 50% in energy used for heating." (USDA Forest Service). "In laboratory research, visual exposure to settings with trees has produced significant recovery from stress within five minutes, as indicated by changes in blood pressure and muscle tension." (Dr. Roger S. Ulrich, Texas A&M University).

c. The purpose of this section is to protect and foster the existence and health of trees growing within the Township's borders, to preserve the maximum possible number of trees in the development of a site or lot; to protect specimen trees; to encourage innovative design and grading to promote the protection of existing trees, and to prevent indiscriminate, uncontrolled and excessive removal and cutting of trees, as well as land use activities inconsistent with accepted arboricultural practices, that contribute to the destruction or result in permanent injury to trees upon lots and tracts within the Township. The standards and procedures established by this chapter are intended to furnish criteria for the use of Township personnel, boards, committees, commissions and officers in evaluating applications involving tree removal for site plan, subdivision and other development approvals. They are further intended to inform those with interests in real property in the Township of the requirements for trees located in the Township. The purpose of this section is to protect trees, the environment, and owners of real property who would be affected adversely by the removal of trees from property belonging to another person. The issuance of permits is a procedure designed to effectuate these goals. In addition, the Tree Replacement Fund in no way relieves the Township from a yearly budgetary allocation dedicated to planting new trees in the Township.

5/22/24—Accepting Changes from 5/7/24 Meeting and Incorporating Amendments from 5/21/24 Council Meeting

§___-3 (Definitions)

The following definitions shall apply to this chapter:

APPLICANT—Owner of property or person with authority to apply for a Tree Removal Permit on any Lot.

APPEAL—The process by which an applicant may contest the grant or denial of a tree removal and replacement permit. Appeals shall be considered by the Township of West Orange Land Use Board in accordance with § 7, herein.

BUILDING—Any structure constructed for the support, shelter, enclosure of persons, animals, and/or a combination of materials containing a roof that is used to form a structure for either use, occupancy, and/or habitation.

CONSERVATION EASEMENT — A legal covenant restricting the use of land or natural features of the land that is described in the property deed and shown on a filed plat.

CROWN REDUCTION—Pruning (as defined herein) of the tree reducing the height or scope of the tree.

DBH — The measurement of the diameter of the trunk of a tree planted in the ground taken 4.5 feet from ground level on the uphill side of the tree.

DEVELOPMENT APPLICATION — An application filed with the Township Planning Board or Board of Adjustment pursuant to the Municipal Land Use Law and the Township land development ordinances for approval of a subdivision plat, site plan, planned development, conditional use, zoning variance or direction of the issuance of a permit pursuant to N.J.S.A. 40:55D-34 or N.J.S.A. 40:55D-3.

DRIP LINE — A vertical line extending from the outermost edge of the tree canopy or shrub branch to the ground beneath.

EMERGENCY CONDITIONS—Shall mean when trees are hazardous and the Township Forester and/or a Qualified Tree Expert determines that the non-viable tree will cause an unacceptable risk of damage to person or property because of extreme wind, stormwater or other weather events.

EMERGENCY TREE REMOVAL AND REPLACEMENT FORM—A form completed by the Applicant provided to the Township which shall be submitted to the Township Forester if tree(s) are removed under Emergency Conditions pursuant to this Chapter. Trees removed under emergency situations must be replaced in accordance with the requirements of this Ordinance.

5/22/24—Accepting Changes from 5/7/24 Meeting and Incorporating Amendments from 5/21/24 Council Meeting

ENDANGERED OR THREATENED SPECIES — Any species of tree or animal which has been determined by the Federal Fish and Wildlife Service or the State of New Jersey to be endangered or threatened.

IMPROVED LOT — A parcel of land with a building or other physical improvements.

INVASIVE VINE—Non- native vine that will climb up the tree and cause damage to the tree.

LAND USE BOARD — The Planning Board or Zoning Board of Adjustment of the Township of West Orange.

LOT—A designated parcel, tract of land established in the record as of local and county registers of deeds by plat, deed, subdivision, zoning lot of record, or as otherwise permitted by law.

MAJOR TREE — A tree species with a mature height of at least 50 feet.

MINOR TREE — An evergreen tree, ornamental tree or other small tree that is not defined as a Major Tree.

NONVAILABLE TREE — A hazardous tree that a Qualified Tree Expert and/or the Township Forester determines is dead, dying or otherwise non-viable.

PERSON — The owner of a parcel of real estate or any other individual, group, company, firm, corporation, partnership, association, society or other legal entity.

PROPERTY LINE TREE—Shall mean a tree whose tree-trunk is on more than one Lot and/or on the boundary of the Lot.

PRUNING—Pruning is the selective removal of branches or limbs of a tree.

QUALIFIED TREE EXPERT — A New Jersey Licensed Tree Expert pursuant to N.J.S.A. 45:15C-11 et seq. and is registered by the Township.

REPLACEMENT TREE — A native tree species approved by the Township Forester and of nursery grade, properly balled and burlapped, untreated with herbicides or pesticides and meeting the minimum measurements of a major or minor tree.

SPECIES — The common name of a tree.

SPECIMEN TREE — A tree in good health of unusual or exceptional form, size, age or shape for its species, including but not limited to those included on New Jersey's Big Tree List, or database, published and coordinated by the New Jersey Forest Service, or having a champion tree point total (girth in inches plus height in feet, plus one quarter of

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average crown spread in feet) within 10% of the point total of a tree of the same species listed in New Jersey's Big Tree List, published in "New Jersey's Big Trees," by the New Jersey Forest Service.

STRUCTURE — A combination of materials to form a construction for occupancy, use or ornamentation, whether installed on, above or below the surface of a parcel of land, including but not limited to homes, buildings, above-ground tanks, pools, sheds, signs, fences, and towers.

STREET TREES OR SHADE TREES—A tree planted in a Township right-of-way within ten (10) feet of a curb.

SURROUNDING LOTS—The Lots immediately contiguous to the Applicant's Lot and the three (3) Lots immediately across the street from the Applicant's Lot, provided they are within one-hundred (100) feet of the Applicant's Lot. If the Applicant's Lot is located on the corner of a street, then the Surrounding Lots shall include each Lot contiguous the Applicant's lot, and the three (3) lots nearest to the Applicant across both roadways, provided they are within one-hundred (100) feet of the Applicant's Lot.

TOWNSHIP FORESTER—The Township-designated person primarily responsible for enforcing this chapter and who is qualified to do so by having the status of a Qualified Tree Expert; appointed by the Township of West Orange to implement this chapter and to carry out other related responsibilities as the Township may provide, including, but not limited to, developing and recommending (i) Township Woodlands Retention and Protection Plan; (ii) Township Tree Inventory; and (iii) Planting Schedule.

TREE — A self-supporting perennial woody plant having a diameter of at least 4 inches measured at a point 4.5 feet (or 54 inches) from the ground at the base of the tree on its uphill side.

TREE CANOPY—Tree canopy means the layer of leaves, branches, and stems of trees that cover the ground when viewed from above and that can be measured as a percentage of a land area shaded by trees.

TREE OF HEAVEN—(*Alnus altissima*) An invasive tree that attracts Japanese Spotted Lantern flies which pose a serious threat to the native ecosystem.

TREE REMOVAL NEIGHBOR NOTIFICATION FORM – A form required to be completed by an Applicant seeking to remove any trees. The applicant shall certify that that the Tree Removal Neighbor Notification Form has been delivered to all neighbors who own Surround Lots, as defined herein, to the Applicant's property line in accordance with this Chapter.

TREE REMOVAL AND REPLACEMENT APPLICATION—A form completed by the Applicant provided by the Township which shall be submitted to the Township Forester in accordance with Chapter XXX, § 5.

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TREE REMOVAL AND REPLACEMENT PERMIT—A permit issued by the Township Forester to an Applicant who complies with all tree removal and replacement procedures set forth in this Chapter.

TREE REPLACEMENT FUND—A dedicated fund established pursuant to this chapter. The purpose of the fund is to permit any applicant who removes a viable tree and demonstrates lack of feasibility in replanting replacement trees on-site the ability to pay a fee to the Fund. The amount of the fee that the applicant shall contribute must be made in accordance with the provisions of this chapter; specifically Chapter XXX, § 8.

VOLCANO MULCHING—Piling mulch against the trunk of a tree in the shape of a volcano causing tree roots to circle the trunk and subsequently weaken the tree. Thus, the tree root flare, which is the connection with the trunk root and the surface of the ground, shall remain visible at all times.

§ ____-4: Tree Removal and Replacement Permits

a. No person shall be granted permission to remove more than two (2) trees within a twenty-four (24) month period, however, if a person desires to improve their property by removing more than two (2) trees within twenty-four (24) months, the applicant shall provide an application to the appropriate department along with a tree removal and replacement application. No person shall cut, remove, or engage in activities that encroach upon the health of a tree or remove a tree with a DBH two-and-a-half (4”) inches or greater without first having been issued a Tree Removal and Replacement Permit from the Township. To obtain a permit, the Applicant must comply with the procedures set forth in Chapter XXX, § 5 and any replacement procedures in § ____, 8.

1. If any tree(s) sought to be taken down that are delineated by the Township Forester as viable or non-viable, the person seeking removal or who has removed tree(s) must comply with the tree replacement provisions set forth in Chapter XXX, § 8 and the Chart at Table “A;” unless the tree(s) removed are replanted on the Lot where the tree removal occurred.

2. All Tree Removal and Replacement Permits issued shall be posted on the tree(s) to be removed and in the property owner’s front door/window, so the tree removal permit is visible to any member of the public not less than seven (7) business days prior to removal.

3. For non-development applications, the Township Forester shall decide to grant or deny a Tree Removal and Replacement Permit Application within 30 days of submission and shall notify the applicant and any objectors who have contacted the Township Forester. Application(s) made in connection with a development

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application shall comply with the procedures set forth in Chapter XXX, § 4(e) and shall be adjudicated by the Land Use Board. If the application is granted, the permit shall be issued by the Township Forester.

4. Permits granted under this section shall run with the land and shall remain in force and effect for 12 months from the date of issuance. Any permit not acted upon within a period of 12 months after issuance shall become null and void.

b. Prohibitions. Notwithstanding Subsection (a) above, no person shall do any of the following:

1. Cut down or remove any tree within wetlands, flood hazard areas, riparian zones, or other areas protected by state or federal law or applicable EPA or NJDEP regulations;

2. Cut down or remove any tree within a conservation easement;

3. Engage in activities which could cause a tree to die, including but not limited to topping, grade cut or fill, soil compaction within the drip line, chemical contamination, excessive alterations to established drainage patterns or mechanical damage.

4. Cut down or remove any tree on a slope with a grade of 10% or greater on a slope where vegetation is presently stabilizing soils.

5. Cut down or remove any tree unless it is performed by a Qualified Tree Expert and who shall be registered with the Township of West Orange pursuant to § 5-27.1 *et seq.*

6. Perform street, curb and sidewalk construction or repairs unless utilizing methods that protect the roots and trunk of a tree, such as manual excavation, reducing the curb, curving sidewalks around a tree, and modifying driveway aprons to accommodate trees as directed by the Township Forester or Township Engineer.

7. Remove trees within one hundred (100) feet of a ridgeline.

8. Remove trees which will impair the growth and development of the remaining trees on the applicant's Lot or on adjacent Lots.

9. Remove trees if tree removal will negatively alter existing drainage patterns and stormwater runoff.

10. Remove tree if it will result in soil erosion.

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11. Remove trees if it would increase the amount of stormwater runoff and/or negatively affect stormwater runoff patterns on any Lot(s), whether contiguous or not.
12. Remove trees if it would constitute a significant change in the screening between existing or proposed structures on roads and/or adjacent Lots.
13. Remove trees where it would alter topography of the area where such tree(s) are located and will create conditions which may be injurious to the trees or other trees located nearby.
14. Remove trees where it will impair suitable habitats and migratory zones for endangered or threatened species animals.
15. Engage in activities that cause harm to the health of the tree, including but not limited to, volcano mulching, cutting off light, water, or air, and/or fail to remove invasive vines or the invasive Tree of Heaven which harbors Japanese Spotted Lantern Flies which cause harm to native species of trees.

c. Specific prohibitions related to construction activities:

1. In connection with any construction, prior to the issuance of a building permit or start of construction, snow fencing or other protective barriers shall be placed around trees that are not to be removed. The protective barriers shall be placed at the outermost edge beyond the drip line or tree canopy. All protective barriers shall remain in place until all construction activity is terminated. No equipment, chemicals, soil deposits or construction materials shall be placed within any area so protected by barriers. Any landscaping activities performed subsequent to the removal of the barriers shall be accomplished by hand labor and only using light machinery where necessary.
2. Storing and placing building material or debris or placing construction equipment within the drip line.

d. Exemptions. The following are exempt from the permit requirement of Subsection (a) above:

1. Property owners may remove hazardous or non-viable trees under Emergency Conditions prior to obtaining a Tree Removal and Replacement Permit. However, following the emergency removal of the tree or trees, the property owner or agent thereof shall complete the Emergency Tree Removal and Replacement Form within seven (7) days of the removal. The person seeking emergency removal shall provide photographic and written proof of the Emergency Conditions by the Qualified Tree Expert to the Township Forester and

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include a hazard tree evaluation form at that time. Tree stumps must be preserved for inspection by the Township Forester and all removed tree(s) must be replaced on a one-to-one ratio within two-years of removal.

2. Activities lawfully conducted on public lands or rights-of-ways by or on behalf of a local, county, state, federal or other governmental agency or entity, or a utility company, provided however, that to the extent possible, such entity shall provide a courtesy review of any tree removal and replacement to the Township Forester.

3. Tree removal in conjunction with a Woodland Management Plan(s) must be approved by the N.J. Forest Service.

e. Development applications. Every development application filed with the Land Use Board that proposes tree removal and replacement shall:

1. Preserve fifty (50%) percent of the tree canopy on each developed Lot, and seventy (70%) percent on any undeveloped Lot.

2. Comply with all prohibitions and procedures listed in this Ordinance including but not limited to, providing the Township Forester and Land Use Board with a report from a Qualified Tree Expert outlining the reasons stated for the removal of tree(s) on the Lot, a tree replacement plan, and response from the Township Forester outlining their approval or disapproval of the tree removal application. If replanting or replacement of trees is performed offsite, the developer shall, apart from the fees paid into the Tree Replacement Fund, hire a landscape architect, licensed by the State of New Jersey, to oversee the species, quantities and placement of replacement trees. This shall be completed prior to the Construction Official and/or appropriate Township Official having issued a Final Certificate of Occupancy or within six (6) months of completion of the development. A bond shall be posted to ensure compliance and two year survival of the replanted trees.

3. Install protective fencing around the remaining trees and ensure the provisions of Chapter ____, Section 4(c) are complied with.

4. Obtain a written report indicating that the Township Engineer or his/her designee(s) has inspected the site and certified that all soil erosion and sediment controls and stormwater runoff controls required by this Chapter and applicable laws have been installed and completed. Copies of the certification shall be delivered to both the applicant and the Township Forester by the Township Engineer immediately after it is completed and made available to the public upon request;

5. Specify that no trees may be removed until after installation of stormwater runoff controls as required by this Ordinance, by Title 7, Chapter 8, § 7:8-5.4 and

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by Title 2, Chapter 90, Subchapter 1 of the New Jersey Administrative Code, respectively or any other applicable laws.

6. Provide written notice to the Township Forester and the Land Use Board not less than fourteen (14) days before any planned tree removal.

7. Ensure the Township Forester shall be onsite during all tree removal and replacement activities in connection with the development application. A stop work order may be issued by the applicable authority under this Chapter if the Township Forester is not onsite during the planned tree removal activities. Prior to the applicant's completion of its development project, the development applicant must have written permission/documentation from the Township Forester that the tree replacement has been completed in accordance with the development applicant's approved plan.

8. All parking lot owners shall maintain trees in compliance with Township Code § 25-12.1(o) and shall create 50% shade in the parking lots within twenty-five (25) years.

f. If the proposed trees for removal are deemed by the Township Forester and/or a Qualified Tree Expert to be Property Line Tree(s), the owner of the Lot(s) are jointly and severally responsible for any costs associated with the removal of the Property Line Tree(s) and any replacement costs. If a Property Line Tree is unlawfully removed, both owners of the Lots where the Property Line Tree is located can be held liable pursuant to Chapter XXX, § 10.

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5/21/24 Council Meeting**

§ ____-5: Application Procedure for Tree Removal and Replacement Permits

a. Every application for a tree removal and replacement permit shall be made by submission of the following:

1. Tree Removal and Replacement Application. The Applicant or Applicant's representative shall arrange for an informal in-person inspection with the Township Forester. The Applicant shall clearly mark the trunk of each tree proposed to be removed at the height of four and one-half (4.5) feet above the ground so that such tree or trees may be inspected more easily by the Township Forester at any time after the initiation of the application procedure set forth herein. The Township Forester will explain this portion of the Ordinance and provide advice as to the condition, value and recommended care of other trees on the Applicant's Lot to satisfy the educational purpose of the Chapter. Upon request, the Township Forester shall assist any Applicant with completing the Tree Removal and Replacement Application required by this section. If the tree replacement is to be done on-site, a survey must be attached to the application to show the exact location of the replacement tree(s). The Township Forester's inspection shall confirm the location of the tree or trees sought to be removed, the reason for the application, and advise the Applicant whether the Tree Removal and Replacement Permit would be granted or denied based on the prohibitions contained in this ordinance.

2. An Applicant must submit to the Township Forester a Tree Removal and Replacement Application on forms provided by the Township. The Township Forester may request additional information to process the application.

3. The Tree Removal Neighbor Notification Form must be submitted to the Township with the Tree Removal and Replacement Application. The form shall be submitted in accordance herewith to all neighboring property owners who own the Surrounding Lots, as defined herein. The Applicant shall submit a written certification confirming the same. Failure to provide notice under this section shall be deemed a violation subject to enforcement under Chapter XXX, § 10.

4. After the Township Forester and the owners of the Surrounding Lots receive the Tree Removal Neighbor Notification Form, the owners of the Surrounding Lots shall have seven (7) days to object to the proposed tree removal in writing articulating the basis for the objection. The Township Forester will have twenty-one (21) days thereafter to review any and all objections, the Tree Removal and Replacement Permit Application, and all other relevant documents to make a determination to grant or deny the Tree Removal and Replacement Permit.

b. The fees associated with the filing of a Tree Removal and Replacement Application shall be prescribed by Resolution, but shall be no less than \$100 per application A Tree

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Removal and Replacement Application for a development application shall be prescribed by Resolution but no less than \$1,000 per application.

c. Every development application or application before a Land Use Board shall include a tree removal and replacement plan which shall include a map drawn to scale clearly showing the number and location of all trees to be removed and number and location of trees to be replaced. A Qualified Tree Expert's report addressing the factors set forth in Chapter ~~XXX~~ § 6 shall be submitted with each application.

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§ ___-6: Factors to Address in Granting or Denying a Tree Removal and Replacement Permit

Factors to be Considered Where Tree Removal And Replacement is Sought. In deciding whether to issue a Tree Removal and Replacement Permit, the Township Forester shall consider whether the proposed tree removal and replacement complies with the provisions of this Ordinance, the prohibitions of tree removal set forth in Chapter XXX, § 4(b)-(d), and the tree replacement requirements set forth in Chapter XXX, § 8. In connection with a development application, an Applicant shall file a written report by a Qualified Tree Expert explaining how/why the prohibitions set forth in Chapter XXX § 4(b)-(e) are not violated and include a plan for tree replacement in accordance with Chapter XXX, § 8.

§ ____-7: Appeal of Denial of Tree Removal and Replacement

Denial and granting of any application for a Tree Removal and Replacement Permit may be appealed directly to the appropriate board with written notice to the Secretary of the appropriate board within forty-five (45) days of the decision by the Township Forester to grant or deny an application. Only those who own the Surrounding Lots who were required to be sent the Neighbor Notification Form shall have the right to appeal the decision of the Township Forester to grant a tree removal permit. Notice of the appeal shall be provided to all property owners who own a Surrounding Lot. The appellant who files the Appeal shall include a written report by a Qualified Tree Expert establishing why and how the Applicant has or has not complied with the factors set forth in § 6. It shall constitute a separate violation of the Ordinance if a tree is removed during the appeal process. All costs and fees associated with the Appeal shall be paid by the Appellant.

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§ ____-8: Tree Replacement

Every tree removed shall be replaced pursuant to this Chapter. In no instance is tree replacement to be considered a penalty, but rather the minimum requirement(s) to implement the purposes of this section. Tree replacement shall not be a substitute for, but shall be in addition to, any penalty imposed for violation of the provisions of this section. Tree replacement required by this Chapter shall be completed within six months of tree removal unless the Township Forester or Land Use Board grants an extension until the next appropriate planting season. If any replacement tree planted pursuant to this section is removed, fails to thrive, or dies within two years, it shall be replaced by the property owner within six months and the same shall be viable for an additional two (2) years.

a. Tree replacement, as approved by the Township Forester, Land Use Board, and/or Township Engineer, shall be required to comply with Table “A,” except that hazardous or non-viable trees removed pursuant to Emergency Conditions shall be replaced on a one-to-one basis at the approval of the Township Forester. Tree Replacement shall occur in the following priority to amplify the goals of this Chapter to maintain the existing tree canopy within specific areas of the Township:

1. The owner/applicant shall replant tree(s) on the Lot that which they were removed.

2. If the tree cannot be replaced on the Lot or an adjacent Lot, the applicant shall have the burden of demonstrating how such replacement on their Lot is not feasible. If the owner/applicant cannot replace tree(s) on the site that which they were removed, the owner/applicant may replant the tree(s) on the immediate adjacent properties or at another location as determined by the Township Forester.

3. If the owner/applicant is unable to replace tree(s) on the site that which they were removed or on the adjacent Lot(s), and the owner/applicant has less than three-fourths (3/4) of an acre of land, the owner/applicant shall pay into the Tree Removal and Replacement Fund in accordance with this Chapter.

4. If the owner/applicant has greater than three-fourths (3/4) of an acre of land, the owner/applicant must replace the removed trees on their Lot or an adjacent Lot in accordance with § 8(a)(1)-(2).

b. The Forester shall prioritize the Tree Removal and Replacement Fund to locations closest to the site of removal to amplify the goals of this Chapter. In furtherance of said goals, the Township Forester shall seek to prioritize replanting within 1,000 feet of the property line, and, if not feasible, anywhere within the municipality in accordance with Table “A.”

c. Tree Replacement Fund. Pursuant to this section, unless the Township Forester has approved replacement of the removed tree(s) on the permit holder’s property in

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accordance with Table “A,” the Township Forester shall condition tree removal upon payment to the Tree Replacement Fund, established hereunder. The Township Forester shall require payment to the Tree Replacement Fund if a person removes a viable tree as determined by the Township Forester which is not replaced on the same Lot, provided, however, that the applicant’s lot is less than three-fourths (3/4) of an acre.

1. **Tree Preservation and Replacement Fund:** A Tree Replacement Trust Fund dedicated to receive and disburse replacement tree fees when the permit applicant has conclusively demonstrated that it is not feasible to replace a tree(s) removed from the applicant’s lot with other qualifying tree(s) planted on that site in accordance with Table “A.” The Tree Replacement Fund may also accept contributions for its purposes from private or public sources. The amount to be paid in the Tree Replacement Fund shall be in accordance with Table “A” and shall be greater than the cost of on-site replacement both to encourage on-site tree replacement, the preferred approach under the Ordinance, and to assure that the Township is fully reimbursed for all fees and costs associated with off-site tree replacements. These fees shall be fixed by resolution and must be spent for tree replacements within one (1) year of the deposit into the account. All details of this fund shall be available to the public upon request. The Tree Replacement Fund in no way relieves the Township from a yearly budgetary allocation dedicated to planting new trees in the Township.

2. The amount to be paid to the Tree Replacement Fund shall be in accordance with Table “A” upon the approval of the Township Forester.

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TABLE A

DBH of Tree	Required Action	Amount to Tree Replacement Fund
4"-6"	Replace with one 2.5" inch native non-pesticide/herbicide treated tree with a minimum of 6-feet tall	To be prescribed by Resolution
6"-13"	Replace with either two 4" inch native non-pesticide/herbicide treated trees; or four 2.5" native non-pesticide/herbicide treated trees. Each tree shall be a minimum of 6-feet tall.	To be prescribed by Resolution
13"-22"	Replace with either three 4" inch native non-pesticide/herbicide treated tree; or six 2.5" native non-pesticide/herbicide treated trees. Each tree shall be a minimum of 6-feet tall.	To be prescribed by Resolution
23"-32"	Replace with either four 4" inch native non-pesticide/herbicide treated tree; or eight 2.5" native non-pesticide/herbicide treated trees. Each tree shall be a minimum of 6-feet tall.	To be prescribed by Resolution
Over 33"	Replace with either five 4" inch native	To be prescribed by Resolution

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	non-pesticide/herbicide treated tree; or ten 2.5” native non-pesticide/herbicide treated trees. Each tree shall be a minimum of 6-feet tall.	
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§ ____-9: Enforcement and Administration

In administering and enforcing this section, the Township Forester, the Township's Construction Official, Zoning Officer, Township Planner, Engineer, Chief of Police, or any other Township officer or designee, is hereby empowered to issue stop work orders whenever a claimed violation of this section is witnessed or reported.

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§ ____-10: Violations and Penalties

- a. Any person, firm, partnership, corporation, association, or other legal entity violating any of the provisions of this article shall, upon conviction of such violation, be punished by a fine not to exceed \$2,000 for each offense, in addition to the required mitigation for each tree illegally removed. Each illegally removed or damaged tree shall constitute a separate offense. Violations of this Ordinance shall be heard in the Municipal Court of competent jurisdiction.
- b. The removal of a tree in violation of this section shall automatically invalidate or void any existing tree removal permit(s) associated with a property and terminate the issuance of any future permits until the matter has been resolved and any required tree replacement has been completed. This provision shall be applicable to contractors, agents and/or persons who remove tree(s) without properly registering with the Township in accordance with Chapter 5, § 27.1 *et seq.*
- c. In addition to the suspension of any active tree removal permit, any company, business, or other entity whom removes or damages any tree in violation of this Ordinance shall be subject potential suspension of their tree removal license within the Township as follows:
 1. First Offense: 90-day suspension;
 2. Second Offense: 180-day suspension;
 3. Third Offense: One year suspension; and
 4. Any offense thereafter: permanent suspension.

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§ ____-11: Severability, Repeal of Inconsistent Ordinances, and Effective Date

Any and all parts of ordinances which are inconsistent with any of the terms and provisions of this section be and the same are hereby repealed as to and to the extent of such inconsistency.

Any and all parts of ordinances which are inconsistent with any of the terms and provisions of this section be and the same are hereby repealed as to and to the extent of such inconsistency.

This section shall take effect upon final passage and publication as required by law.

SUSAN MCCARTNEY, MAYOR

**BILL RUTHERFORD,
COUNCIL PRESIDENT**

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

INTRODUCED: January 23, 2024

ADOPTED:

5/22/24—Accepting Changes from 5/7/24 Meeting and Incorporating Amendments from 5/21/24 Council Meeting

Legislative History

The purpose of this ordinance is to repeal and replace Chapter 25, Sections 27 of the Revised General Ordinances of the Township of West Orange and to create a new Chapter of the Township Code for the purpose of protecting trees which are among the Township's most valuable natural resource assets, which greatly enhance the appearance of the Township and contribute to its suburban and residential character, which must be kept and maintained in good order to enhance the Township's physical and aesthetic appearance, and generally protect the public health and safety as well as the general welfare. Importantly, trees contribute positively to climate change, protection of the environment, and maintenance of storm waters.

**AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 7, TRAFFIC,
SUBSECTION 7-20, STOP INTERSECTIONS OF THE REVISED GENERAL ORDINANCES
OF THE TOWNSHIP OF WEST ORANGE**

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

Section 1. The Township Council of the Township of West Orange finds it in the interest of public safety to designate the following intersections as Stop Intersections pursuant to N.J.S.A.39:4-8(b).

Section 2. The Municipal Engineer of the Township of West Orange designated Bright View Engineering of Livingston, N.J. to collect data and assess conditions at the following locations. Their methodology conforms with provisions set forth in N.J.S.A. 39:4-8 and the applicable requirements of the Manual on Uniform Traffic Control Devices (MUTCD).

Section 3. Subsection 7-20, Stop Intersections, of the Revised General Ordinances of the Township of West Orange is hereby supplemented and amended as follows pursuant to the provisions of N.J.S.A. 39: 4-8 (*italic type denotes deletion, bold type denotes addition*):

Intersection:

Abbingdon Road and Deerfield Drive
Abbingdon Road and Seaman Road
Bryn Mawr Road and Deerfield Drive
Bryn Mawr Road and Seaman Road
Stanley Road and Deerfield Drive
Stanley Road and Seaman Road
Hillcrest Avenue and Knollwood Drive
And Ash Avenue

Luddington Terrace and Lowell Place
Luddington Terrace and Luddington Road
Bellevue Terrace and Nutwold Road
Bellevue Terrace and Harriet Street

Stop Signs On:

Abbingdon Road
Abbingdon Road
Bryn Mawr Road
Bryn Mawr Road
Stanley Road
Stanley Road

Knollwood Drive and Ash Avenue

Luddington Terrace
Luddington Terrace
Bellevue Terrace
Bellevue Terrace

Stanford Avenue and Crestwood Drive

Stanford Avenue (westerly intersection only)

Section 4. If any provisions of the Ordinance or application thereof, under any circumstances, is held invalid, the invalidity shall not affect any of the provisions or applications of this Ordinance that can be given effect without the valid provision(s) or application and to this end, the provisions of the Ordinance are severable.

Section 5. All other Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed.

Section 6. Unless another penalty is expressly provided by New Jersey Statute, every person convicted of a violation of any provision of this Ordinance or any supplement thereto shall be liable to the penalty of not more than fifty dollars (\$50.00) or imprisonment for a term not to exceed fifteen (15) days or both, as per W.O.R.G.O. Chapter 7-4.2

Susan McCartney, Mayor

Bill Rutherford, Council President

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

Introduced: May 21, 2024

Adopted: June 10, 2024

Legislative History

The Ordinance, which amends the Traffic Regulations of the Township, designates the intersections listed as Stop intersections with Stop signs on the named approaches. Due to the safety concerns and multiple requests from Township residents, the Township's Engineering Department determined that traffic needed to be regulated for the safe movement of vehicles and pedestrians. Currently the intersections are unregulated allowing free passage of traffic from all directions.



Bright View Engineering
Moving you forward

2853-24

May 1, 2024

VIA EMAIL

Zayibeth Carballo, PE, PLS, PP, CME, CFM, CFS
Director, Municipal Engineer
Department of Engineering
Township of West Orange
25 Lakeside Avenue
West Orange, New Jersey 07052

Re: Safety Study
Abington Road & Deerfield Drive
West Orange Township, Essex County, New Jersey
BVE Project No.: 241079

Dear Ms. Carballo:

Bright View Engineering was tasked by the Township of West Orange (*the Township here-in*) with performing an evaluation of the existing traffic controls at the intersection of Abington Road & Deerfield Drive. This analysis was performed to assess the safety conditions at the intersection and the installation of a stop control on Abington Road.

Bright View Engineering (*BVE here-in*), in coordination with the Township, collected data during various site visits to assess the existing conditions at the study location. The collected data and observations were utilized to determine if the existing traffic conditions in the project area justify the implementation of the new traffic pattern. Our methodology conforms with the provisions set forth in NJSA *Title 39:4-8*, Institute of Transportation Engineers (*ITE*) literature, and the applicable requirements of the Manual on Uniform Traffic Control Devices (*MUTCD*). The following points were considered within the scope of our study:

- An inventory of the roadway facilities in the project vicinity, including the existing physical and traffic operating characteristics;
- Crash data along roadway segments interconnecting the study intersections;
- Recommendations;
- Summary and Conclusions.

70 South Orange Avenue, Suite 109
Livingston, New Jersey 07039

C: (732) 236-7557 T: (973) 228-0999 F: (201) 753-3904
BrightViewEngineering.com

P.O. Box 99
Roseland, NJ 07068



EXISTING CONDITIONS

Multiple field investigations were conducted to obtain an inventory of existing roadway conditions, posted traffic controls, adjacent land uses, lane configurations of the roadways in the study area, and existing vehicular and pedestrian traffic patterns. The following is a brief description of the roadways:

Abington Road is an east to west oriented roadway which spans approximately 385 ft between Deerfield Drive and Deerfield Drive. The roadway is a local road within the Township of West Orange. There are no speed limit signs posted on Abington Road; however, it is our opinion that a 25 MPH speed limit is appropriate and conforms with the guidance set forth within the New Jersey Statutes Title 39. The roadway width is approximately 30 ft and allows for bi-directional travel. On-street parking is permitted along both sides of the roadway. There are no traffic controls at its intersection with Deerfield Drive. There are no sidewalks or crosswalks present along the roadway.

Deerfield Drive is a north to south oriented roadway which spans approximately 1,200 ft from Seaman Road to a dead end. The roadway is a local road within the Township of West Orange. There are no speed limit signs posted on Deerfield Drive; however, it is our opinion that a 25 MPH speed limit is appropriate and conforms with the guidance set forth within the New Jersey Statutes Title 39. The roadway width is approximately 30 ft and allows for bi-directional travel. On-street parking is permitted along both sides of the roadway. There are no traffic controls at its intersection with Bryn Mawr Road. There are no sidewalks or crosswalks present along the roadway.



FIGURE 1





DATA COLLECTION

CRASH HISTORY DATA

BVE obtained crash data through the Crash Database from Safety Voyager. There were no crashes reported at the study intersection.

FIELD OBSERVATIONS

BVE conducted field data collection and performed vehicle runs along the study area. We observed that presently, there are no traffic controls at the study intersection. The study area is a residential neighborhood with primarily single-family housing.

We observed that the sight lines at the intersection of Abington Road and Deerfield Drive are clear of obstructions.

FIGURE 2 – Abington Road & Deerfield Drive





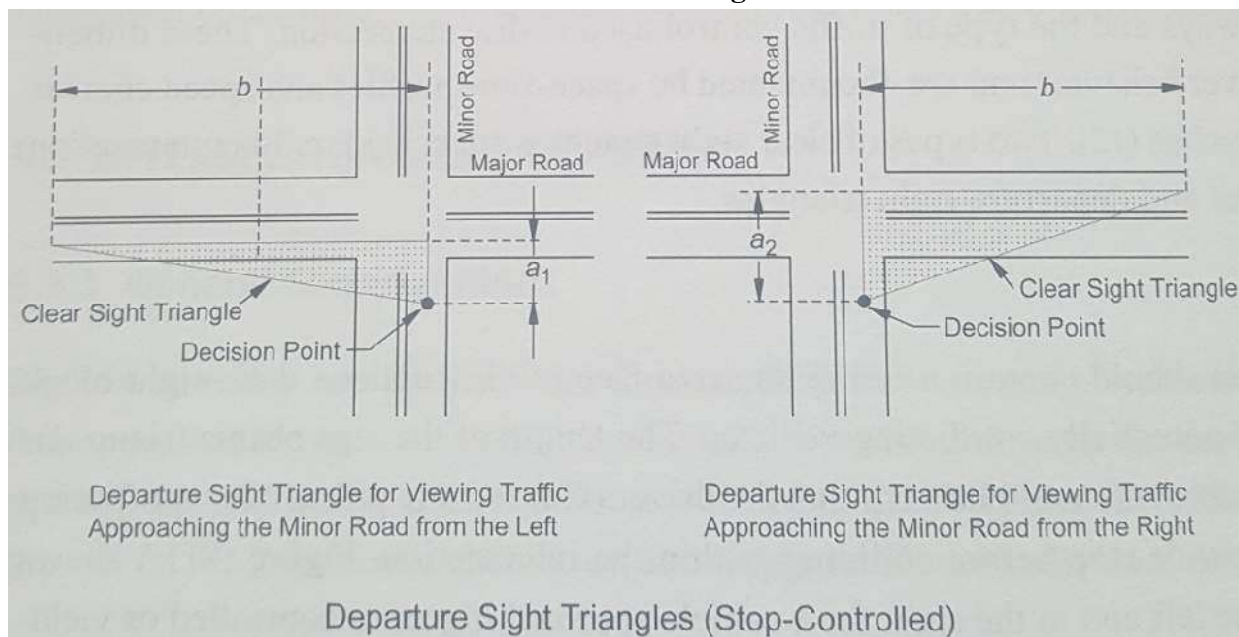
RECOMMENDATIONS

It is our recommendation that a STOP sign be installed on the Abington Road approach at the study intersection. Treatments which can be considered include but are not limited to:

Sight Distance Improvements – At the intersection of Abington Road & Deerfield Drive, the line of sight of approaching vehicles was found to be clear. We observed that stopped vehicles would have clear visibility of the traffic conditions at the intersection and would be able to safely make a turn onto Deerfield Drive.

It is our opinion that clear sight lines should be maintained by properly maintaining trees and foliage and prohibiting parking at the corners of the study intersection. We recommend that the Township continue to cooperate with its residents to trim overgrown foliage and clear obstruction from sight triangles, as reasonable.

FIGURE 3 – Intersection Sight Distance





STOP Sign Installation – A STOP control on the minor-road approach should be considered as per Section 2B.11-Minor Road Stop Control of the MUTCD (11th Edition). The STOP sign would provide the appropriate traffic control at the study intersection to improve safety and circulation of traffic. We recommend that the Township install a STOP sign on Abington Road at the study intersection. The installation of the STOP sign should be implemented per the guidance presented within Chapter 2B-Regulatory Signs, Barricades, and Gates of the MUTCD (11th Edition).

FIGURE 4 – STOP Sign Installation



Sidewalk and Crosswalk Markings – We recommend that the Township consider installing sidewalks and marked crosswalks within the study area to improve pedestrian safety and circulation. The implementation of the roadway striping, and signs should follow the guidance presented within the latest edition of the MUTCD.



SUMMARY & CONCLUSIONS

It is our recommendation, based upon our field observations, the guidance from MUTCD and Title 39, and the existing conditions, that the Township of West Orange should consider the installation of a STOP sign at the study intersection.

Should you have any questions or require additional information please do not hesitate to contact me at (732) 236-7557.

Very truly yours,
Bright View Engineering


John Jahr, P.T.P., T.S.O.S.
Principal


Joseph A. Fishinger, Jr., PE, PP, PTOE
Director of Traffic Engineering

JJJ/as

<https://bvengr.sharepoint.com/sites/bvengr/proj/241079-WOT-StopEval/7-Reports-Analysis/08-AbingtonRd-DeerfieldDr.docxs>



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May 1, 2024

VIA EMAIL

Zayibeth Carballo, PE, PLS, PP, CME, CFM, CFS
Director, Municipal Engineer
Department of Engineering
Township of West Orange
25 Lakeside Avenue
West Orange, New Jersey 07052

Re: Safety Study
Abington Road & Seaman Road
West Orange Township, Essex County, New Jersey
BVE Project No.: 241079

Dear Ms. Carballo:

Bright View Engineering was tasked by the Township of West Orange (*the Township here-in*) with performing an evaluation of the existing traffic controls at the intersection of Abington Road & Seaman Road. This analysis was performed to assess the safety conditions at the intersection and the installation of a stop control on Abington Road.

Bright View Engineering (*BVE here-in*), in coordination with the Township, collected data during various site visits to assess the existing conditions at the study location. The collected data and observations were utilized to determine if the existing traffic conditions in the project area justify the implementation of the new traffic pattern. Our methodology conforms with the provisions set forth in NJSA *Title 39:4-8*, Institute of Transportation Engineers (*ITE*) literature, and the applicable requirements of the Manual on Uniform Traffic Control Devices (*MUTCD*). The following points were considered within the scope of our study:

- An inventory of the roadway facilities in the project vicinity, including the existing physical and traffic operating characteristics;
- Crash data along roadway segments interconnecting the study intersections;
- Recommendations;
- Summary and Conclusions.

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EXISTING CONDITIONS

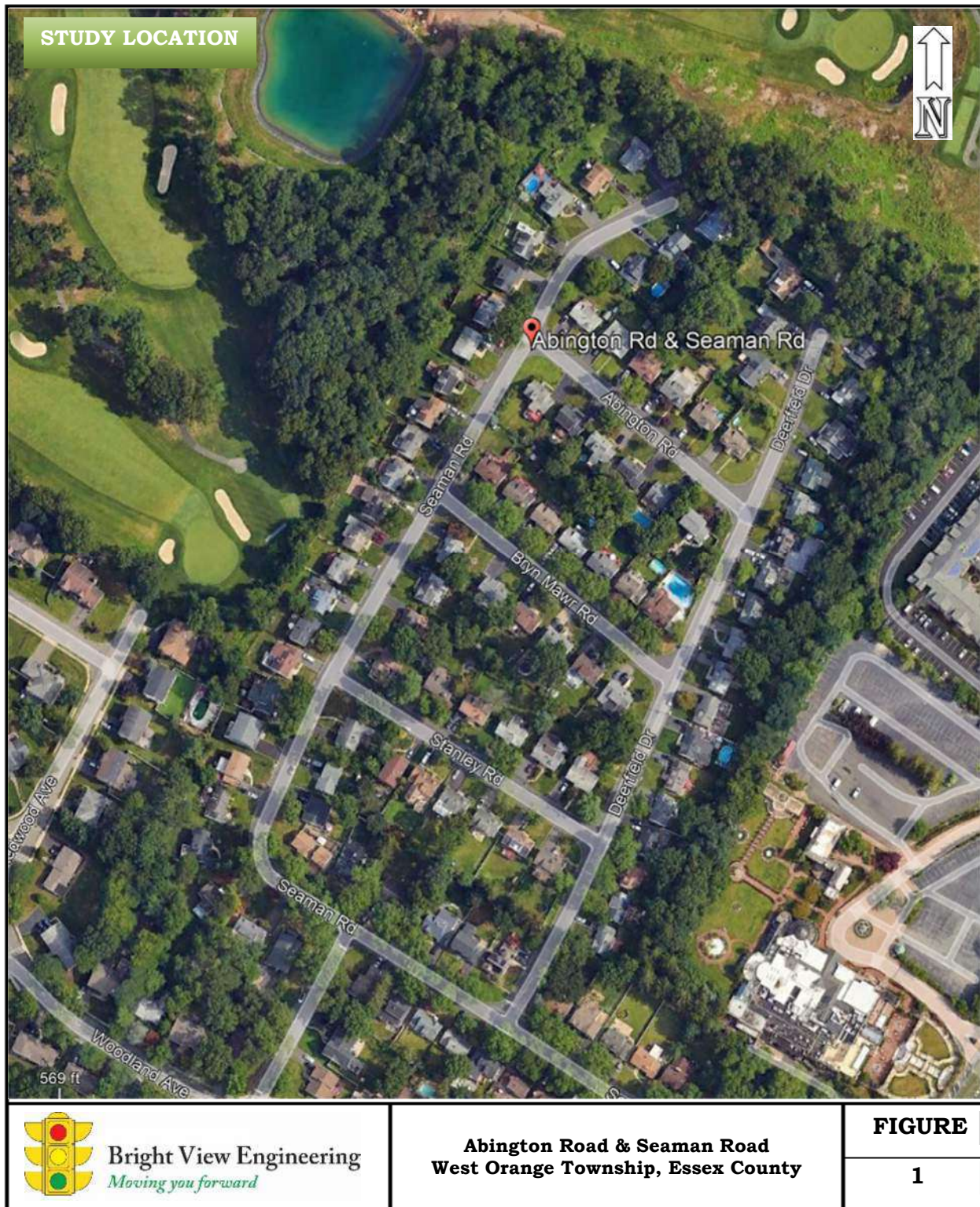
Multiple field investigations were conducted to obtain an inventory of existing roadway conditions, posted traffic controls, adjacent land uses, lane configurations of the roadways in the study area, and existing vehicular and pedestrian traffic patterns. The following is a brief description of the roadways:

Abington Road is an east to west oriented roadway which spans approximately 385 ft between Seaman Road and Deerfield Drive. The roadway is a local road within the Township of West Orange. There are no speed limit signs posted on Abington Road; however, it is our opinion that a 25 MPH speed limit is appropriate and conforms with the guidance set forth within the New Jersey Statutes Title 39. The roadway width is approximately 30 ft and allows for bi-directional travel. On-street parking is permitted along both sides of the roadway. There are no traffic controls at its intersection with Seaman Road. There are no sidewalks or crosswalks present along the roadway.

Seaman Road is a north to south oriented roadway which spans 2,270 ft from Woodland Avenue to a dead end. The roadway is a local road within the Township of West Orange. There are no speed limit signs posted on Seaman Road; however, it is our opinion that a 25 MPH speed limit is appropriate and conforms with the guidance set forth within the New Jersey Statutes Title 39. The roadway width is approximately 30 ft and allows for bi-directional travel. On-street parking is permitted along both sides of the roadway. There are no traffic controls at its intersection with Abington Road. There are no sidewalks or crosswalks present along the roadway.



FIGURE 1





DATA COLLECTION

CRASH HISTORY DATA

BVE obtained crash data through the Crash Database from Safety Voyager. There were no crashes reported at the study intersection.

FIELD OBSERVATIONS

BVE conducted field data collection and performed vehicle runs along the study area. We observed that presently, there are no traffic controls at the study intersection. The study area is a residential neighborhood.

We observed that the sight lines at the intersection of Abington Road and Seaman Road are clear of obstructions.

FIGURE 2 – Abington Road & Seaman Road





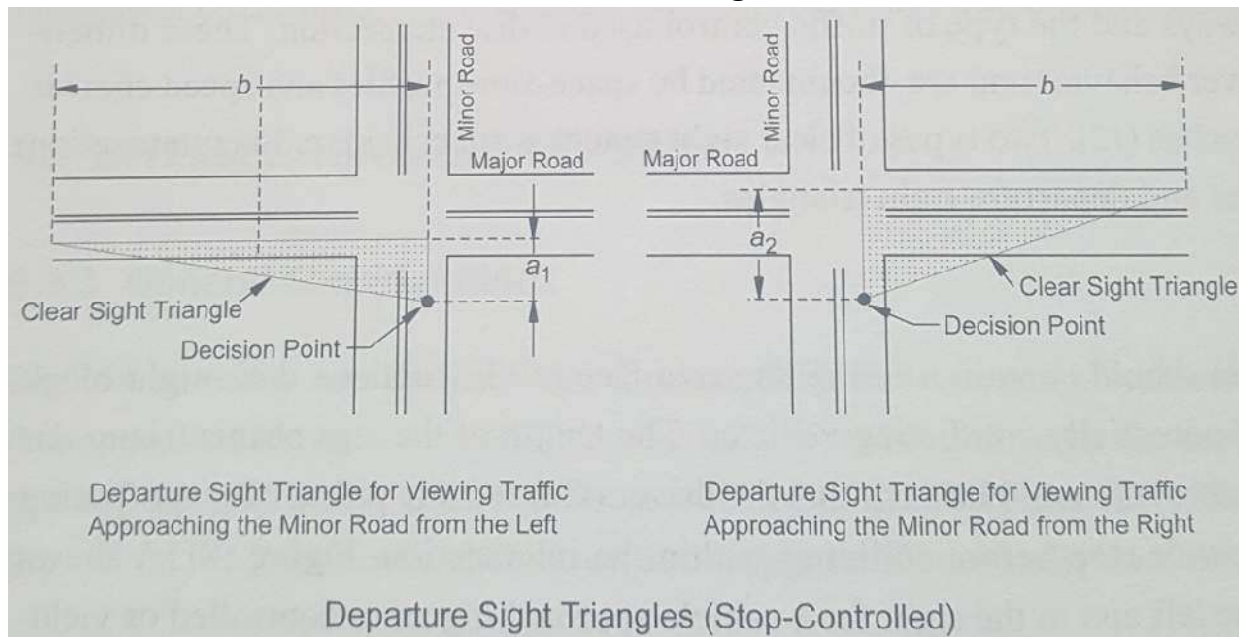
RECOMMENDATIONS

It is our recommendation that a STOP sign be installed on the Abington Road approach at the study intersection. Treatments which can be considered include but are not limited to:

Sight Distance Improvements – At the intersection of Abington Road & Seaman Road, the line of sight of approaching vehicles was found to be clear. We observed that stopped vehicles would have clear visibility of the traffic conditions at the intersection and would be able to safely make a turn onto Seaman Road.

It is our opinion that clear sight lines should be maintained by properly maintaining trees and foliage and prohibiting parking at the corners of the study intersection. We recommend that the Township continue to cooperate with its residents to trim overgrown foliage and clear obstruction from sight triangles, as reasonable.

FIGURE 3 – Intersection Sight Distance





STOP Sign Installation – A STOP control on the minor-road approach should be considered as per Section 2B.11-Minor Road Stop Control of the MUTCD (11th Edition). The STOP sign would provide the appropriate traffic control at the study intersection to improve safety and circulation of traffic. We recommend that the Township install a STOP sign on Abington Road at the study intersection. The installation of the STOP sign should be implemented per the guidance presented within Chapter 2B-Regulatory Signs, Barricades, and Gates of the MUTCD (11th Edition).

FIGURE 4 – STOP Sign Installation



Sidewalk and Crosswalk Markings – We recommend that the Township consider installing sidewalks and marked crosswalks within the study area to improve pedestrian safety and circulation. The implementation of the roadway striping, and signs should follow the guidance presented within the latest edition of the MUTCD.



SUMMARY & CONCLUSIONS

It is our recommendation, based upon our field observations, the guidance from MUTCD and Title 39, and the existing conditions, that the Township of West Orange should consider the installation of a STOP sign at the study intersection.

Should you have any questions or require additional information please do not hesitate to contact me at (732) 236-7557.

Very truly yours,
Bright View Engineering


John Jahr, P.T.P., T.S.O.S.
Principal


Joseph A. Fishinger, Jr., PE, PP, PTOE
Director of Traffic Engineering

JJJ/as

<https://bvengr.sharepoint.com/sites/bvengr/proj/241079-WOT-StopEval/7-Reports-Analysis/07-AbingtonRd-SeamanRd.docxs>



Bright View Engineering
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May 1, 2024

VIA EMAIL

Zayibeth Carballo, PE, PLS, PP, CME, CFM, CFS
Director, Municipal Engineer
Department of Engineering
Township of West Orange
25 Lakeside Avenue
West Orange, New Jersey 07052

Re: Safety Study
Bryn Mawr Road & Deerfield Drive
West Orange Township, Essex County, New Jersey
BVE Project No.: 241079

Dear Ms. Carballo:

Bright View Engineering was tasked by the Township of West Orange (*the Township here-in*) with performing an evaluation of the existing traffic controls at the intersection of Bryn Mawr Road & Deerfield Drive. This analysis was performed to assess the safety conditions at the intersection and the installation of a stop control on Bryn Mawr Road.

Bright View Engineering (*BVE here-in*), in coordination with the Township, collected data during various site visits to assess the existing conditions at the study location. The collected data and observations were utilized to determine if the existing traffic conditions in the project area justify the implementation of the new traffic pattern. Our methodology conforms with the provisions set forth in NJSA *Title 39:4-8*, Institute of Transportation Engineers (*ITE*) literature, and the applicable requirements of the Manual on Uniform Traffic Control Devices (*MUTCD*). The following points were considered within the scope of our study:

- An inventory of the roadway facilities in the project vicinity, including the existing physical and traffic operating characteristics;
- Crash data along roadway segments interconnecting the study intersections;
- Recommendations;
- Summary and Conclusions.

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EXISTING CONDITIONS

Multiple field investigations were conducted to obtain an inventory of existing roadway conditions, posted traffic controls, adjacent land uses, lane configurations of the roadways in the study area, and existing vehicular and pedestrian traffic patterns. The following is a brief description of the roadways:

Bryn Mawr Road is an east to west oriented roadway which spans approximately 440 ft between Deerfield Drive and Deerfield Drive. The roadway is a local road within the Township of West Orange. There are no speed limit signs posted on Bryn Mawr Road; however, it is our opinion that a 25 MPH speed limit is appropriate and conforms with the guidance set forth within the New Jersey Statutes Title 39. The roadway width is approximately 30 ft and allows for bi-directional travel. On-street parking is permitted along both sides of the roadway. There are no traffic controls at its intersection with Deerfield Drive. There are no sidewalks or crosswalks present along the roadway.

Deerfield Drive is a north to south oriented roadway which spans approximately 1,200 ft from Seaman Road to a dead end. The roadway is a local road within the Township of West Orange. There are no speed limit signs posted on Deerfield Drive; however, it is our opinion that a 25 MPH speed limit is appropriate and conforms with the guidance set forth within the New Jersey Statutes Title 39. The roadway width is approximately 30 ft and allows for bi-directional travel. On-street parking is permitted along both sides of the roadway. There are no traffic controls at its intersection with Bryn Mawr Road. There are no sidewalks or crosswalks present along the roadway.



FIGURE 1





DATA COLLECTION

CRASH HISTORY DATA

BVE obtained crash data through the Crash Database from Safety Voyager. The crashes are shown in Table 1 below:

Table 1 – Crash Data for Bryn Mawr Road & Deerfield Drive

DATE	STREET	CROSS STREET	TYPE	CIRCUMSTANCE
6/26/21	Bryn Mawr Rd	Deerfield Dr	Fixed Object	Other Vehicle
8/6/23	Bryn Mawr Rd	Deerfield Dr	Struck Parked Vehicle	Driver Inattention

Based upon the provided crash data, we observe that two (2) incidents were reported at the study intersection between 6/26/21 and 8/6/23. The crash reports indicate no traffic control was present. The incidents were not contributed to speeding but driver inattention and other obstructions/fixed objects at the study intersection.

FIELD OBSERVATIONS

BVE conducted field data collection and performed vehicle runs along the study area. We observed that presently, there are no traffic controls at the study intersection. The study area is a residential neighborhood.

We observed that the sight lines at the intersection of Bryn Mawr Road and Deerfield Drive are clear of obstructions.

FIGURE 2 – Bryn Mawr Road & Deerfield Drive





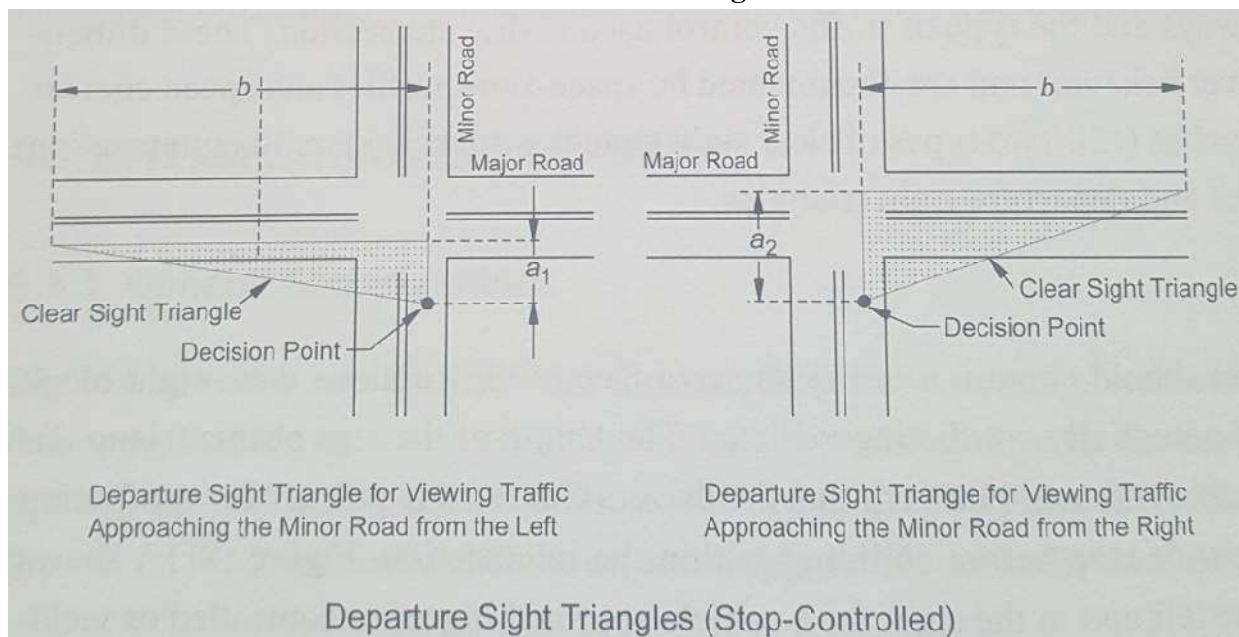
RECOMMENDATIONS

It is our recommendation that a STOP sign be installed on the Bryn Mawr Road approach at the study intersection. Treatments which can be considered include but are not limited to:

Sight Distance Improvements – At the intersection of Bryn Mawr Road & Deerfield Drive, the line of sight of approaching vehicles was found to be clear. We observed that stopped vehicles have clear visibility of the traffic conditions at the intersection and would be able to safely make a turn onto Deerfield Drive.

It is our opinion that clear sight lines should be maintained by properly maintaining trees and foliage and prohibiting parking at the corners of the study intersection. We recommend that the Township continue to cooperate with its residents to trim overgrown foliage and clear obstruction from sight triangles, as reasonable.

FIGURE 3 – Intersection Sight Distance





STOP Sign Installation – A STOP control on the minor-road approach should be considered as per Section 2B.11-Minor Road Stop Control of the MUTCD (11th Edition). The STOP sign would provide the appropriate traffic control at the study intersection to improve safety and circulation of traffic. We recommend that the Township install a STOP sign on Bryn Mawr Road at the study intersection. The installation of the STOP sign should be implemented per the guidance presented within Chapter 2B-Regulatory Signs, Barricades, and Gates of the MUTCD (11th Edition).

FIGURE 4 – STOP Sign Installation



Sidewalk and Crosswalk Markings – We recommend that the Township consider installing sidewalks and marked crosswalks within the study area to improve pedestrian safety and circulation. The implementation of the roadway striping, and signs should follow the guidance presented within the latest edition of the MUTCD.



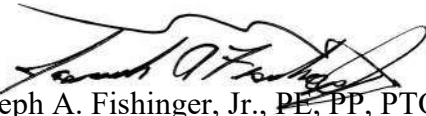
SUMMARY & CONCLUSIONS

It is our recommendation, based upon our field observations, the guidance from MUTCD and Title 39, and the existing conditions, that the Township of West Orange should consider the installation of a STOP sign at the study intersection.

Should you have any questions or require additional information please do not hesitate to contact me at (732) 236-7557.

Very truly yours,
Bright View Engineering


John Jahr, P.T.P., T.S.O.S.
Principal


Joseph A. Fishinger, Jr., PE, PP, PTOE
Director of Traffic Engineering

JJJ/as

<https://bvengr.sharepoint.com/sites/bvengr/proj/241079-WOT-StopEval/7-Reports-Analysis/06-BrynMawrRd-DeerfieldDr.docxs>



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May 1, 2024

VIA EMAIL

Zayibeth Carballo, PE, PLS, PP, CME, CFM, CFS
Director, Municipal Engineer
Department of Engineering
Township of West Orange
25 Lakeside Avenue
West Orange, New Jersey 07052

Re: Safety Study
Bryn Mawr Road & Seaman Road
West Orange Township, Essex County, New Jersey
BVE Project No.: 241079

Dear Ms. Carballo:

Bright View Engineering was tasked by the Township of West Orange (*the Township here-in*) with performing an evaluation of the existing traffic controls at the intersection of Bryn Mawr Road & Seaman Road. This analysis was performed to assess the safety conditions at the intersection and the installation of a stop control on Bryn Mawr Road.

Bright View Engineering (*BVE here-in*), in coordination with the Township, collected data during various site visits to assess the existing conditions at the study location. The collected data and observations were utilized to determine if the existing traffic conditions in the project area justify the implementation of the new traffic pattern. Our methodology conforms with the provisions set forth in NJSA *Title 39:4-8*, Institute of Transportation Engineers (*ITE*) literature, and the applicable requirements of the Manual on Uniform Traffic Control Devices (*MUTCD*). The following points were considered within the scope of our study:

- An inventory of the roadway facilities in the project vicinity, including the existing physical and traffic operating characteristics;
- Crash data along roadway segments interconnecting the study intersections;
- Recommendations;
- Summary and Conclusions.

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EXISTING CONDITIONS

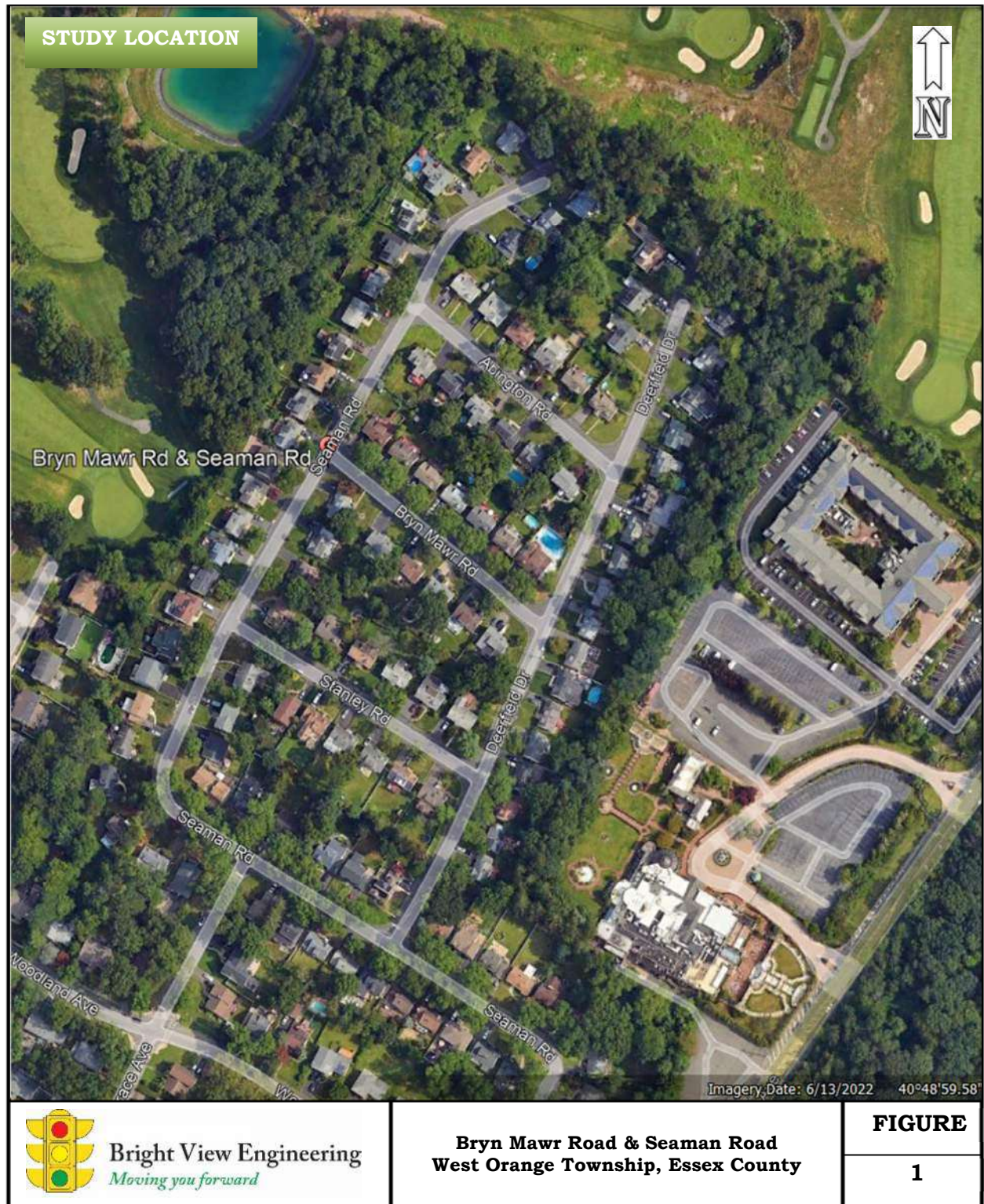
Multiple field investigations were conducted to obtain an inventory of existing roadway conditions, posted traffic controls, adjacent land uses, lane configurations of the roadways in the study area, and existing vehicular and pedestrian traffic patterns. The following is a brief description of the roadways:

Bryn Mawr Road is an east to west oriented roadway which spans approximately 440 ft between Seaman Road and Deerfield Drive. The roadway is a local road within the Township of West Orange. There are no speed limit signs posted on Bryn Mawr Road; however, it is our opinion that a 25 MPH speed limit is appropriate and conforms with the guidance set forth within the New Jersey Statutes Title 39. The roadway width is approximately 30 ft and allows for bi-directional travel. On-street parking is permitted along both sides of the roadway. There are no traffic controls at its intersection with Seaman Road. There are no sidewalks or crosswalks present along the roadway.

Seaman Road is a north to south oriented roadway which spans 2,270 ft from Woodland Avenue to a dead end. The roadway is a local road within the Township of West Orange. There are no speed limit signs posted on Seaman Road; however, it is our opinion that a 25 MPH speed limit is appropriate and conforms with the guidance set forth within the New Jersey Statutes Title 39. The roadway width is approximately 30 ft and allows for bi-directional travel. On-street parking is permitted along both sides of the roadway. There are no traffic controls at its intersection with Bryn Mawr Road. There are no sidewalks or crosswalks present along the roadway.



FIGURE 1





DATA COLLECTION

CRASH HISTORY DATA

BVE obtained crash data through the Crash Database from Safety Voyager. There were no crashes reported at the study intersection.

FIELD OBSERVATIONS

BVE conducted field data collection and performed vehicle runs along the study area. We observed that presently, there are no traffic controls at the study intersection. The study area is a residential neighborhood.

We observed that the sight lines at the intersection of Bryn Mawr Road and Seaman Road are clear of obstructions.

FIGURE 2 – Bryn Mawr Road & Seaman Road





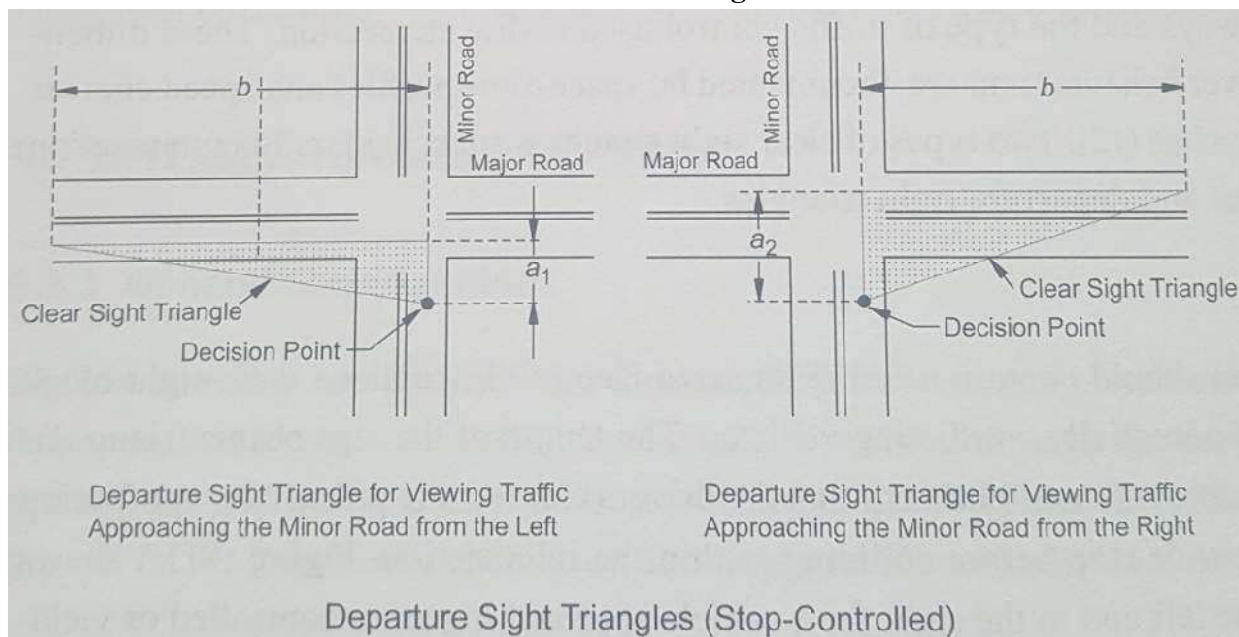
RECOMMENDATIONS

It is our recommendation that a STOP sign be installed on the Bryn Mawr Road approach at the study intersection. Treatments which can be considered include but are not limited to:

Sight Distance Improvements – At the intersection of Bryn Mawr Road & Seaman Road, the line of sight of approaching vehicles was found to be clear. We observed that stopped vehicles would have clear visibility of the traffic conditions at the intersection and would be able to safely make a turn onto Seaman Road.

It is our opinion that clear sight lines should be maintained by properly maintaining trees and foliage and prohibiting parking at the corners of the study intersection. We recommend that the Township continue to cooperate with its residents to trim overgrown foliage and clear obstruction from sight triangles, as reasonable.

FIGURE 3 – Intersection Sight Distance





STOP Sign Installation – A STOP control on the minor-road approach should be considered as per Section 2B.11-Minor Road Stop Control of the MUTCD (11th Edition). The STOP sign would provide the appropriate traffic control at the study intersection to improve safety and circulation of traffic. We recommend that the Township install a STOP sign on Bryn Mawr Road at the study intersection. The installation of the STOP sign should be implemented per the guidance presented within Chapter 2B-Regulatory Signs, Barricades, and Gates of the MUTCD (11th Edition).

FIGURE 4 – STOP Sign Installation



Sidewalk and Crosswalk Markings – We recommend that the Township consider installing sidewalks and marked crosswalks within the study area to improve pedestrian safety and circulation. The implementation of the roadway striping, and signs should follow the guidance presented within the latest edition of the MUTCD.



SUMMARY & CONCLUSIONS

It is our recommendation, based upon our field observations, the guidance from MUTCD and Title 39, and the existing conditions, that the Township of West Orange should consider the installation of a STOP sign at the study intersection.

Should you have any questions or require additional information please do not hesitate to contact me at (732) 236-7557.

Very truly yours,
Bright View Engineering


John Jahr, P.T.P., T.S.O.S.
Principal


Joseph A. Fishingier, Jr., PE, PP, PTOE
Director of Traffic Engineering

JJJ/as

<https://bvengr.sharepoint.com/sites/bvengr/proj/241079-WOT-StopEval/7-Reports-Analysis/05-BrynMawrRd-SeamanRd.docxs>



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May 1, 2024

VIA EMAIL

Zayibeth Carballo, PE, PLS, PP, CME, CFM, CFS
Director, Municipal Engineer
Department of Engineering
Township of West Orange
25 Lakeside Avenue
West Orange, New Jersey 07052

Re: Safety Study
Stanley Road & Deerfield Drive
West Orange Township, Essex County, New Jersey
BVE Project No.: 241079

Dear Ms. Carballo:

Bright View Engineering was tasked by the Township of West Orange (*the Township here-in*) with performing an evaluation of the existing traffic controls at the intersection of Stanley Road & Deerfield Drive. This analysis was performed to assess the safety conditions at the intersection and the installation of a stop control on Stanley Road.

Bright View Engineering (*BVE here-in*), in coordination with the Township, collected data during various site visits to assess the existing conditions at the study location. The collected data and observations were utilized to determine if the existing traffic conditions in the project area justify the implementation of the new traffic pattern. Our methodology conforms with the provisions set forth in NJSA *Title 39:4-8*, Institute of Transportation Engineers (*ITE*) literature, and the applicable requirements of the Manual on Uniform Traffic Control Devices (*MUTCD*). The following points were considered within the scope of our study:

- An inventory of the roadway facilities in the project vicinity, including the existing physical and traffic operating characteristics;
- Crash data along roadway segments interconnecting the study intersections;
- Recommendations;
- Summary and Conclusions.

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EXISTING CONDITIONS

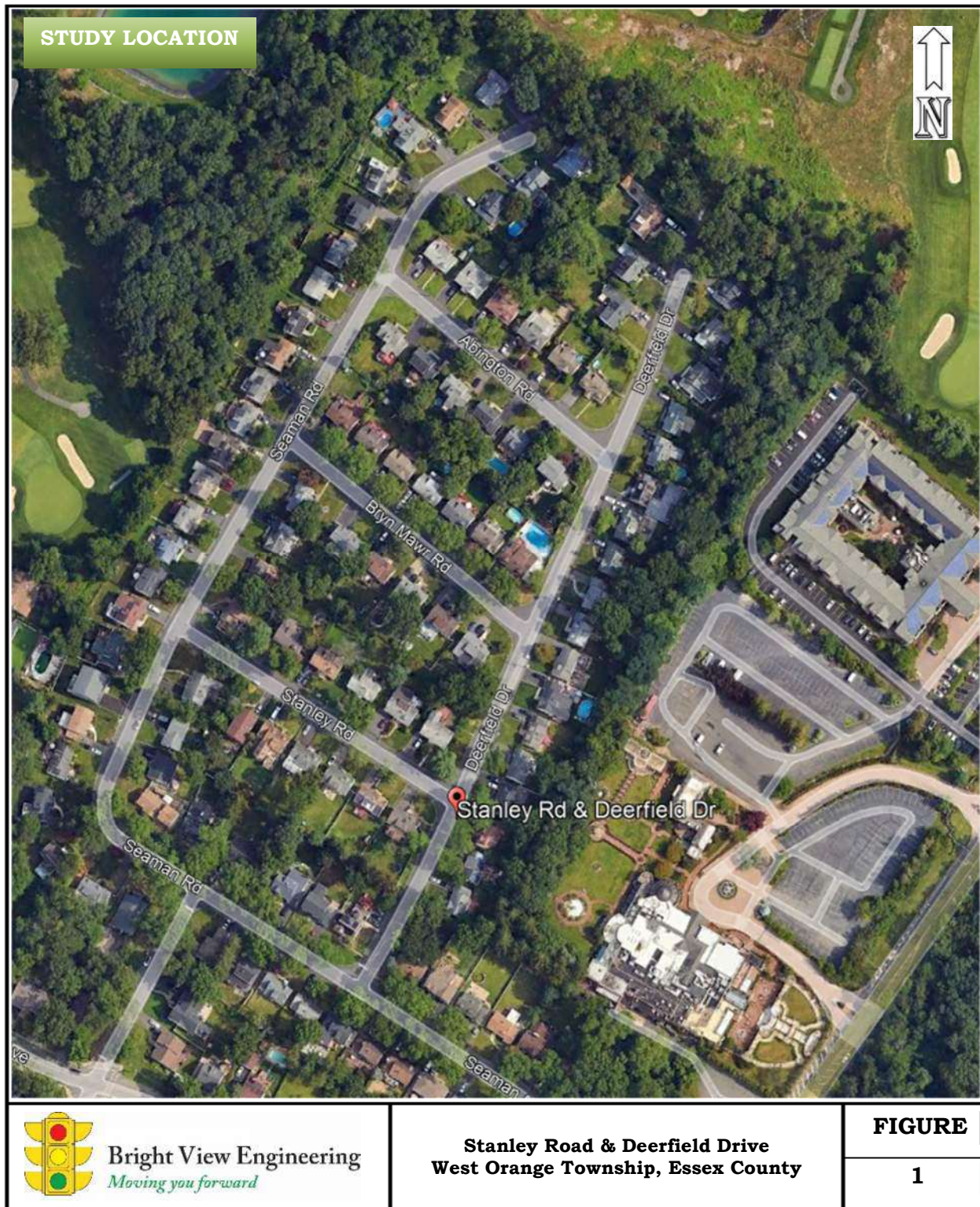
Multiple field investigations were conducted to obtain an inventory of existing roadway conditions, posted traffic controls, adjacent land uses, lane configurations of the roadways in the study area, and existing vehicular and pedestrian traffic patterns. The following is a brief description of the roadways:

Stanley Road is an east to west oriented roadway which spans approximately 475 ft between Deerfield Drive and Deerfield Drive. The roadway is a local road within the Township of West Orange. There are no speed limit signs posted on Stanley Road; however, it is our opinion that a 25 MPH speed limit is appropriate and conforms with the guidance set forth within the New Jersey Statutes Title 39. The roadway width is approximately 30 ft and allows for bi-directional travel. On-street parking is permitted along both sides of the roadway. There are no traffic controls at its intersection with Deerfield Drive. There are no sidewalks or crosswalks present along the roadway.

Deerfield Drive is a north to south oriented roadway which spans approximately 1,200 ft from Seaman Road to a dead end. The roadway is a local road within the Township of West Orange. There are no speed limit signs posted on Deerfield Drive; however, it is our opinion that a 25 MPH speed limit is appropriate and conforms with the guidance set forth within the New Jersey Statutes Title 39. The roadway width is approximately 30 ft and allows for bi-directional travel. On-street parking is permitted along both sides of the roadway. There are no traffic controls at its intersection with Stanley Road. There are no sidewalks or crosswalks present along the roadway.



FIGURE 1





DATA COLLECTION

CRASH HISTORY DATA

BVE obtained crash data through the Crash Database from Safety Voyager. There were no crashes reported at the study intersection.

FIELD OBSERVATIONS

BVE conducted field data collection and performed vehicle runs along the study area. We observed that presently, there are no traffic controls at the study intersection. The study area is a residential neighborhood.

We observed that a huge tree is obstructing the sight lines at the intersection of Stanley Road and Deerfield Drive; however, if vehicles pulled up closer to Deerfield Drive along the controlled approach, they would have improved visibility of traffic conditions at the intersection and would also be more visible themselves.

FIGURE 2 – Stanley Road & Deerfield Drive





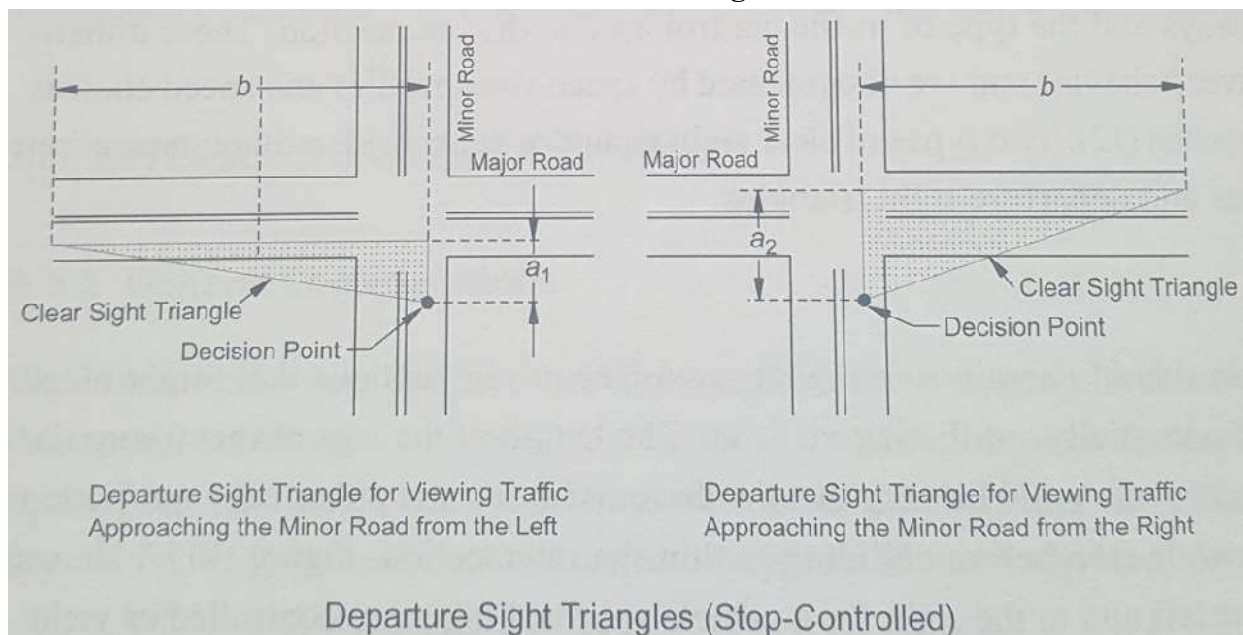
RECOMMENDATIONS

It is our recommendation that a STOP sign be installed on the Stanley Road approach at the study intersection. Treatments which can be considered include but are not limited to:

Sight Distance Improvements – At the intersection of Stanley Road & Deerfield Drive, the line of sight of approaching vehicles was found to be obstructed. We observed that if vehicles stop closer to the mainline on Deerfield Drive, then they would have clear visibility of the traffic conditions at the intersection and would be able to safely make a turn onto Deerfield Drive.

It is our opinion that if the tree and other foliage at the corners of the intersection are cleared, then the sight distance can be improved. We recommend that the Township cooperate with its residents to trim overgrown foliage and clear obstruction from sight triangles, as reasonable.

FIGURE 3 – Intersection Sight Distance





STOP Sign Installation – A STOP control on the minor-road approach should be considered as per Section 2B.11-Minor Road Stop Control of the MUTCD (11th Edition). The STOP sign would provide the appropriate traffic control at the study intersection to improve safety and circulation of traffic. We recommend that the Township install a STOP sign on Stanley Road at the study intersection. The installation of the STOP sign should be implemented per the guidance presented within Chapter 2B-Regulatory Signs, Barricades, and Gates of the MUTCD (11th Edition).

FIGURE 4 – STOP Sign Installation



Sidewalk and Crosswalk Markings – We recommend that the Township consider installing sidewalks and marked crosswalks within the study area to improve pedestrian safety and circulation. The implementation of the roadway striping, and signs should follow the guidance presented within the latest edition of the MUTCD.



SUMMARY & CONCLUSIONS

It is our recommendation, based upon our field observations, the guidance from MUTCD and Title 39, and the existing conditions, that the Township of West Orange should consider the installation of a STOP sign at the study intersection.

Should you have any questions or require additional information please do not hesitate to contact me at (732) 236-7557.

Very truly yours,
Bright View Engineering


John Jahr, P.T.P., T.S.O.S.
Principal


Joseph A. Fishinger, Jr., PE, PP, PTOE
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May 1, 2024

VIA EMAIL

Zayibeth Carballo, PE, PLS, PP, CME, CFM, CFS
Director, Municipal Engineer
Department of Engineering
Township of West Orange
25 Lakeside Avenue
West Orange, New Jersey 07052

Re: Safety Study
Stanley Road & Seaman Road
West Orange Township, Essex County, New Jersey
BVE Project No.: 241079

Dear Ms. Carballo:

Bright View Engineering was tasked by the Township of West Orange (*the Township here-in*) with performing an evaluation of the existing traffic controls at the intersection of Stanley Road & Seaman Road. This analysis was performed to assess the safety conditions at the intersection and the installation of a stop control on Stanley Road.

Bright View Engineering (*BVE here-in*), in coordination with the Township, collected data during various site visits to assess the existing conditions at the study location. The collected data and observations were utilized to determine if the existing traffic conditions in the project area justify the implementation of the new traffic pattern. Our methodology conforms with the provisions set forth in NJSA *Title 39:4-8*, Institute of Transportation Engineers (*ITE*) literature, and the applicable requirements of the Manual on Uniform Traffic Control Devices (*MUTCD*). The following points were considered within the scope of our study:

- An inventory of the roadway facilities in the project vicinity, including the existing physical and traffic operating characteristics;
- Crash data along roadway segments interconnecting the study intersections;
- Recommendations;
- Summary and Conclusions.

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EXISTING CONDITIONS

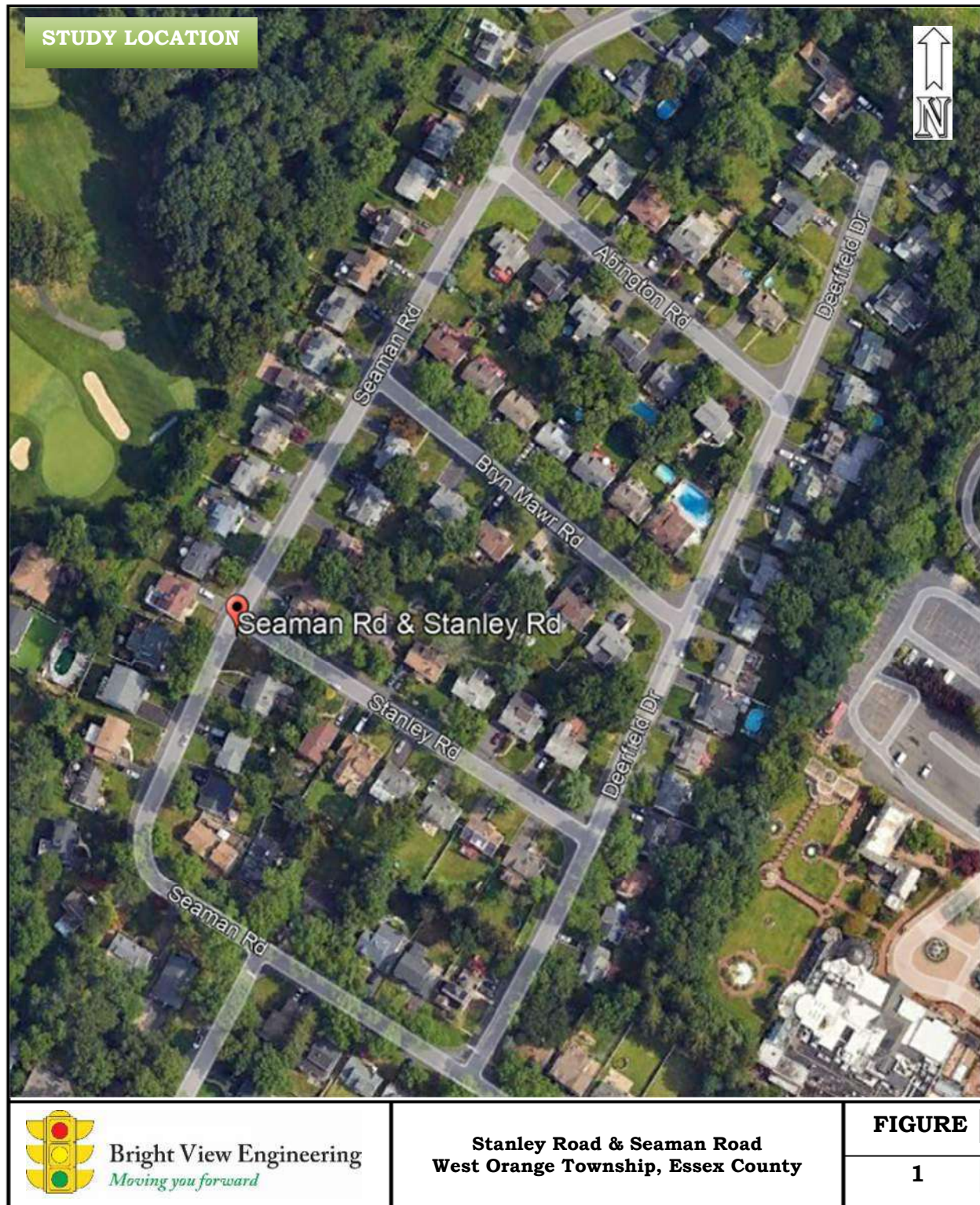
Multiple field investigations were conducted to obtain an inventory of existing roadway conditions, posted traffic controls, adjacent land uses, lane configurations of the roadways in the study area, and existing vehicular and pedestrian traffic patterns. The following is a brief description of the roadways:

Stanley Road is an east to west oriented roadway which spans approximately 475 ft between Seaman Road and Deerfield Drive. The roadway is a local road within the Township of West Orange. There are no speed limit signs posted on Stanley Road; however, it is our opinion that a 25 MPH speed limit is appropriate and conforms with the guidance set forth within the New Jersey Statutes Title 39. The roadway width is approximately 30 ft and allows for bi-directional travel. On-street parking is permitted along both sides of the roadway. There are no traffic controls at its intersection with Seaman Road. There are no sidewalks or crosswalks present along the roadway.

Seaman Road is a north to south oriented roadway which spans 2,270 ft from Woodland Avenue to a dead end. The roadway is a local road within the Township of West Orange. There are no speed limit signs posted on Seaman Road; however, it is our opinion that a 25 MPH speed limit is appropriate and conforms with the guidance set forth within the New Jersey Statutes Title 39. The roadway width is approximately 30 ft and allows for bi-directional travel. On-street parking is permitted along both sides of the roadway. There are no traffic controls at its intersection with Stanley Road. There are no sidewalks or crosswalks present along the roadway.



FIGURE 1





DATA COLLECTION

CRASH HISTORY DATA

BVE obtained crash data through the Crash Database from Safety Voyager. There were no crashes reported at the study intersection.

FIELD OBSERVATIONS

BVE conducted field data collection and performed vehicle runs along the study area. We observed that presently, there are no traffic controls at the study intersection. The study area is a residential neighborhood.

We observed that the sight lines at the intersection of Stanley Road and Seaman Road are clear of obstructions.

FIGURE 2 – Stanley Road & Seaman Road





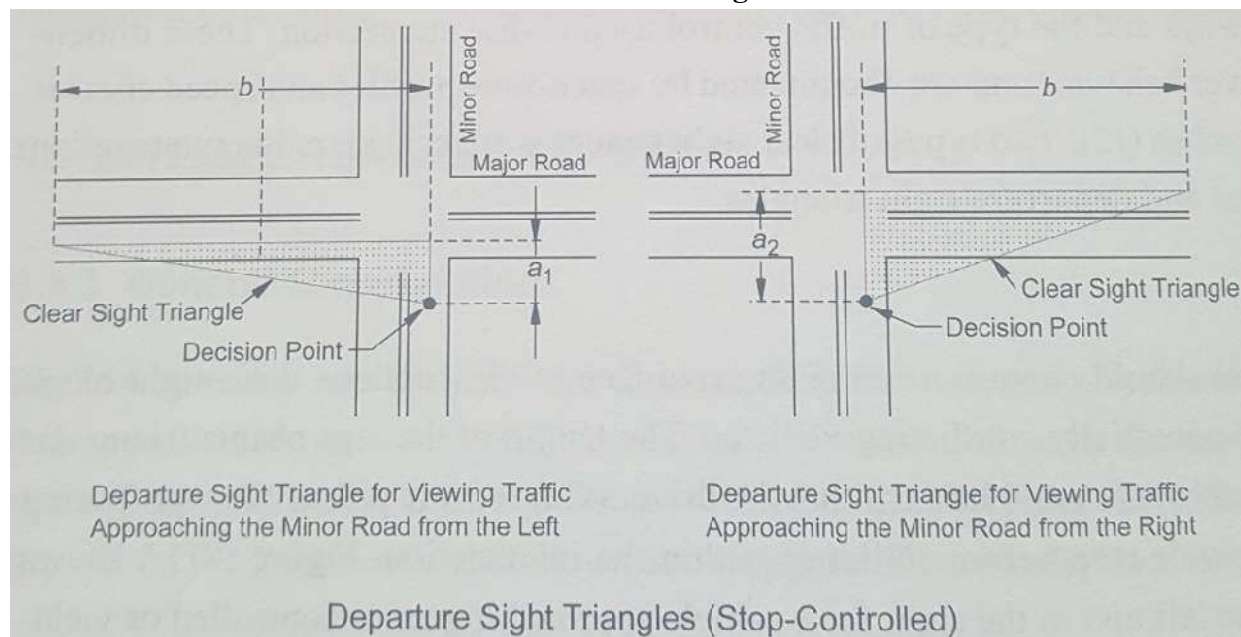
RECOMMENDATIONS

It is our recommendation that a STOP sign be installed on the Stanley Road approach at the study intersection. Treatments which can be considered include but are not limited to:

Sight Distance Improvements – At the intersection of Stanley Road & Seaman Road, the line of sight for approaching vehicles was found to be clear. We observed that stopped vehicles would have clear visibility of the traffic conditions at the intersection and would be able to safely make a turn onto Seaman Road.

It is our opinion that clear sight lines should be maintained by properly maintaining trees and foliage and prohibiting parking at the corners of the study intersection. We recommend that the Township continue to cooperate with its residents to trim overgrown foliage and clear obstruction from sight triangles, as reasonable.

FIGURE 3 – Intersection Sight Distance





STOP Sign Installation – A STOP control on the minor-road approach should be considered as per Section 2B.11-Minor Road Stop Control of the MUTCD (11th Edition). The STOP sign would provide the appropriate traffic control at the study intersection to improve safety and circulation of traffic. We recommend that the Township install a STOP sign on Stanley Road at the study intersection. The installation of the STOP sign should be implemented per the guidance presented within Chapter 2B-Regulatory Signs, Barricades, and Gates of the MUTCD (11th Edition).

FIGURE 4 – STOP Sign Installation



Sidewalk and Crosswalk Markings – We recommend that the Township consider installing sidewalks and marked crosswalks within the study area to improve pedestrian safety and circulation. The implementation of the roadway striping, and signs should follow the guidance presented within the latest edition of the MUTCD.



SUMMARY & CONCLUSIONS

It is our recommendation, based upon our field observations, the guidance from MUTCD and Title 39, and the existing conditions, that the Township of West Orange should consider the installation of a STOP sign at the study intersection.

Should you have any questions or require additional information please do not hesitate to contact me at (732) 236-7557.

Very truly yours,
Bright View Engineering


John Jahr, P.T.P., T.S.O.S.
Principal


Joseph A. Fishinger, Jr., PE, PP, PTOE
Director of Traffic Engineering

JJJ/as

<https://bvengr.sharepoint.com/sites/bvengr/proj/241079-WOT-StopEval/7-Reports-Analysis/03-StanleyRd-SeamanRd.docxs>



Bright View Engineering
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May 1, 2024

VIA EMAIL

Zayibeth Carballo, PE, PLS, PP, CME, CFM, CFS
Director, Municipal Engineer
Department of Engineering
Township of West Orange
25 Lakeside Avenue
West Orange, New Jersey 07052

Re: Safety Study
Knollwood Drive/Ash Avenue & Hillcrest Avenue
West Orange Township, Essex County, New Jersey
BVE Project No.: 241079

Dear Ms. Carballo:

Bright View Engineering was tasked by the Township of West Orange (*the Township here-in*) with performing an evaluation of the existing traffic controls at the intersection of Knollwood Drive/Ash Avenue & Hillcrest Avenue. This analysis was performed to assess the safety conditions at the intersection and the installation of a stop control on Knollwood Drive and Ash Avenue.

Bright View Engineering (*BVE here-in*), in coordination with the Township, collected data during various site visits to assess the existing conditions at the study location. The collected data and observations were utilized to determine if the existing traffic conditions in the project area justify the implementation of the new traffic pattern. Our methodology conforms with the provisions set forth in NJSA *Title 39:4-8*, Institute of Transportation Engineers (*ITE*) literature, and the applicable requirements of the Manual on Uniform Traffic Control Devices (*MUTCD*). The following points were considered within the scope of our study:

- An inventory of the roadway facilities in the project vicinity, including the existing physical and traffic operating characteristics;
- Crash data along roadway segments interconnecting the study intersections;
- Recommendations;
- Summary and Conclusions.

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Roseland, NJ 07068



EXISTING CONDITIONS

Multiple field investigations were conducted to obtain an inventory of existing roadway conditions, posted traffic controls, adjacent land uses, lane configurations of the roadways in the study area, and existing vehicular and pedestrian traffic patterns. The following is a brief description of the roadways:

Knollwood Drive is a north to south oriented roadway which spans approximately 1,380 ft between Walker Road and Hillcrest Avenue. The roadway is a local road within the Township of West Orange. There are no speed limit signs posted on Knollwood Drive; however, it is our opinion that a 25 MPH speed limit is appropriate and conforms with the guidance set forth within the New Jersey Statutes Title 39. The roadway width is approximately 30 ft and allows for bi-directional travel. On-street parking is permitted along both sides of the roadway. There are no traffic controls at its intersection with Hillcrest Avenue. There are sidewalks present on both sides of the roadway.

Ash Avenue is a north to south oriented roadway which spans approximately 400 ft from Hillcrest Avenue to a dead end. The roadway is a local road within the Township of West Orange. There are no speed limit signs posted on Ash Avenue; however, it is our opinion that a 25 MPH speed limit is appropriate and conforms with the guidance set forth within the New Jersey Statutes Title 39. The roadway width is approximately 30 ft and allows for bi-directional travel. On-street parking is permitted along both sides of the roadway. There are no traffic controls at its intersection with Hillcrest Avenue. There are sidewalks present along the northbound approach of Ash Avenue to Hillcrest Avenue.

Hillcrest Avenue is an east to west oriented roadway which spans approximately 1,700 ft from Oak Avenue to a dead end. The roadway is a local road within the Township of West Orange. There are no speed limit signs posted on Hillcrest Avenue; however, it is our opinion that a 25 MPH speed limit is appropriate and conforms with the guidance set forth within the New Jersey Statutes Title 39. The roadway width is approximately 30 ft and allows for bi-directional travel. On-street parking is permitted along both sides of the roadway. There are no traffic controls at its intersection with Knollwood Drive and Ash Avenue. There are sidewalks present on some sections of Hillcrest Avenue.

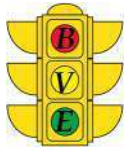
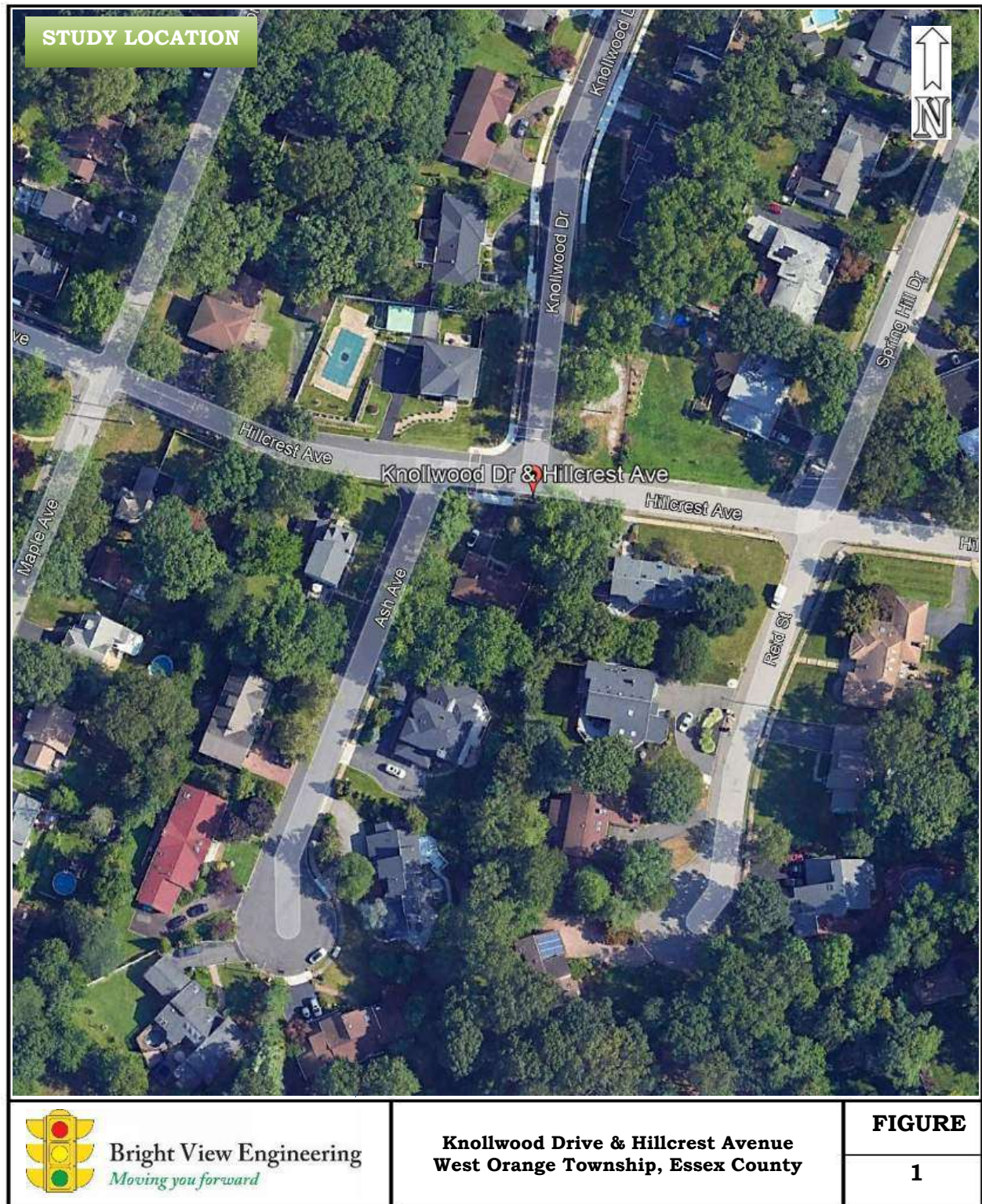
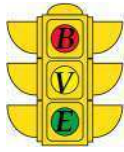


FIGURE 1





DATA COLLECTION

CRASH HISTORY DATA

BVE obtained crash data through the Crash Database from Safety Voyager. The crashes are shown in Table 1 below:

Table 1 – Crash Data for Knollwood Drive & Hillcrest Avenue

DATE	STREET	CROSS STREET	TYPE	CIRCUMSTANCE
10/10/22	Knollwood Dr	Hillcrest Ave	Fixed Object	Driver Inattention

Based upon the provided crash data, we observe that one (1) incident was reported at the study intersection on 10/10/22. The crash report indicates no traffic control was present. The incident was not contributed to speeding but driver inattention and fixed objects at the study intersection.

FIELD OBSERVATIONS

BVE conducted field data collection and performed vehicle runs along the study area. We observed that presently, there are no traffic controls at the study intersection. We note that the adjacent intersections on Hillcrest Avenue on Maple Avenue and Reid Street are STOP-controlled along the minor approaches. The study area is a residential neighborhood.

We observed that the sight lines at the intersection of Knollwood Drive & Hillcrest Avenue and Ash Avenue & Hillcrest Avenue are clear of obstructions.

FIGURE 2 – Knollwood Drive & Hillcrest Avenue





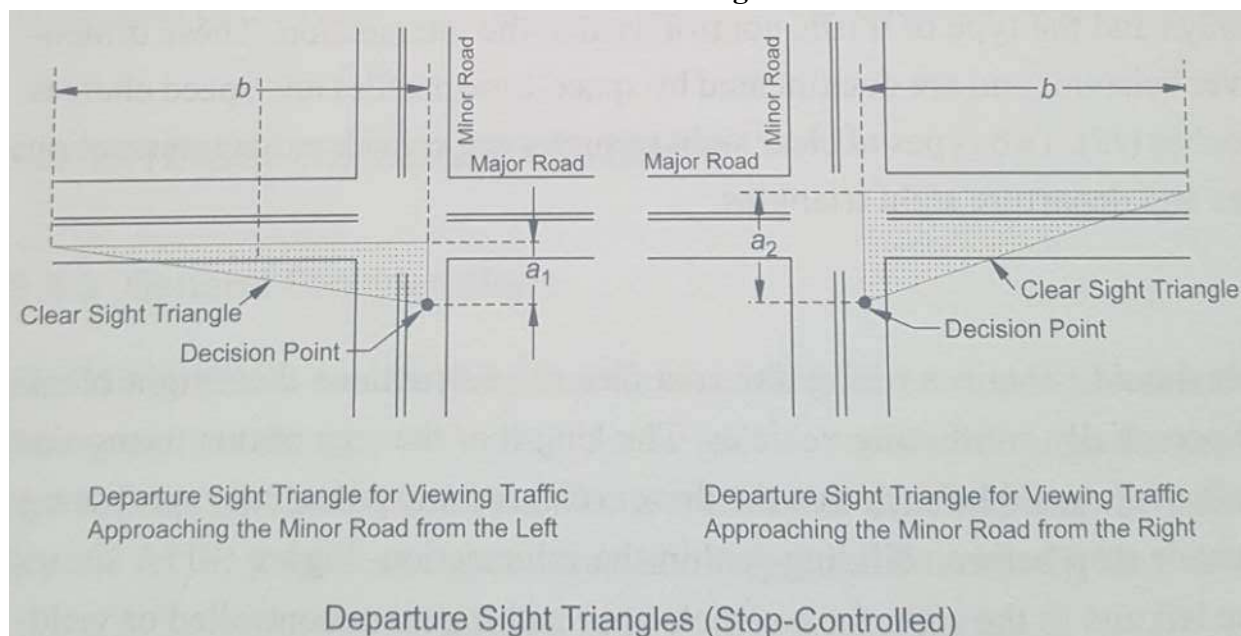
RECOMMENDATIONS

It is our recommendation that a STOP sign be installed on Knollwood Drive and on Ash Avenue. Treatments which can be considered include but are not limited to:

Sight Distance Improvements – At the intersections of Knollwood Drive & Hillcrest Avenue and Ash Avenue & Hillcrest Avenue, the line of sight of approaching vehicles was found to be clear. We note that if stopped vehicles pulled up closer to the mainline on Hillcrest Avenue, they would have improved visibility of traffic conditions at the intersection and would also be more visible themselves. We observed that stopped vehicles would have clear visibility of the traffic conditions at the intersection and would be able to safely make a turn onto Hillcrest Avenue.

It is our opinion that clear sight lines should be maintained by properly maintaining trees and foliage and prohibiting parking at the corners of the study intersection. We recommend that the Township continue to cooperate with its residents to trim overgrown foliage and clear obstruction from sight triangles, as reasonable.

FIGURE 3 – Intersection Sight Distance





STOP Sign Installation – A STOP control on the minor-road approach should be considered as per Section 2B.11-Minor Road Stop Control of the MUTCD (11th Edition). The STOP sign would provide the appropriate traffic control at the study intersection to improve safety and circulation of traffic. We recommend that the Township install a STOP sign on Knollwood Drive and Ash Avenue at their intersection with Hillcrest Avenue. The installation of the STOP sign should be implemented per the guidance presented within Chapter 2B-Regulatory Signs, Barricades, and Gates of the MUTCD (11th Edition).

FIGURE 4a – STOP Sign Installation at Knollwood Drive & Hillcrest Avenue





FIGURE 4b – STOP Sign Installation at Ash Avenue & Hillcrest Avenue



Striping and Signages – Given the roadway geometry and existing conditions at the intersections of Knollwood Drive & Hillcrest Avenue and Ash Avenue & Hillcrest Avenue, we recommend the implementation of additional striping to support the installation of the stop sign. We recommend that the Township provide a stop bar and double yellow line striping on the minor approaches to support the stop sign.

Sidewalk and Crosswalk Markings – We recommend that the Township consider installing sidewalks and marked crosswalks within the study area to improve pedestrian safety and circulation. The implementation of the roadway striping, and signs should follow the guidance presented within the latest edition of the MUTCD.

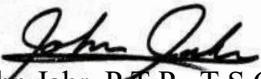


SUMMARY & CONCLUSIONS

It is our recommendation, based upon our field observations, the guidance from MUTCD and Title 39, and the existing conditions, that the Township of West Orange should consider the installation of a STOP sign and additional striping at the study intersection.

Should you have any questions or require additional information please do not hesitate to contact me at (732) 236-7557.

Very truly yours,
Bright View Engineering


John Jahr, P.T.P., T.S.O.S.
Principal


Joseph A. Fishinger, Jr., PE, PP, PTOE
Director of Traffic Engineering

JJJ/as

<https://bvengr.sharepoint.com/sites/bvengr/proj/241079-WOT-StopEval/7-Reports-Analysis/11-Knollwood-Hillcrest.docxs>



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May 8, 2024

VIA EMAIL

Zayibeth Carballo, PE, PLS, PP, CME, CFM, CFS
Director, Municipal Engineer
Department of Engineering
Township of West Orange
25 Lakeside Avenue
West Orange, New Jersey 07052

Re: Safety Study
Luddington Terrace & Lowell Place
West Orange Township, Essex County, New Jersey
BVE Project No.: 241079

Dear Ms. Carballo:

Bright View Engineering was tasked by the Township of West Orange (*the Township here-in*) with performing an evaluation of the existing traffic controls at the intersection of Luddington Terrace & Lowell Place. This analysis was performed to assess the safety conditions at the intersection and the installation of a stop control on Luddington Terrace.

Bright View Engineering (*BVE here-in*), in coordination with the Township, collected data during various site visits to assess the existing conditions at the study location. The collected data and observations were utilized to determine if the existing traffic conditions in the project area justify the implementation of the new traffic pattern. Our methodology conforms with the provisions set forth in NJSA *Title 39:4-8*, Institute of Transportation Engineers (*ITE*) literature, and the applicable requirements of the Manual on Uniform Traffic Control Devices (*MUTCD*). The following points were considered within the scope of our study:

- An inventory of the roadway facilities in the project vicinity, including the existing physical and traffic operating characteristics;
- Crash data along roadway segments interconnecting the study intersections;
- Recommendations;
- Summary and Conclusions.

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EXISTING CONDITIONS

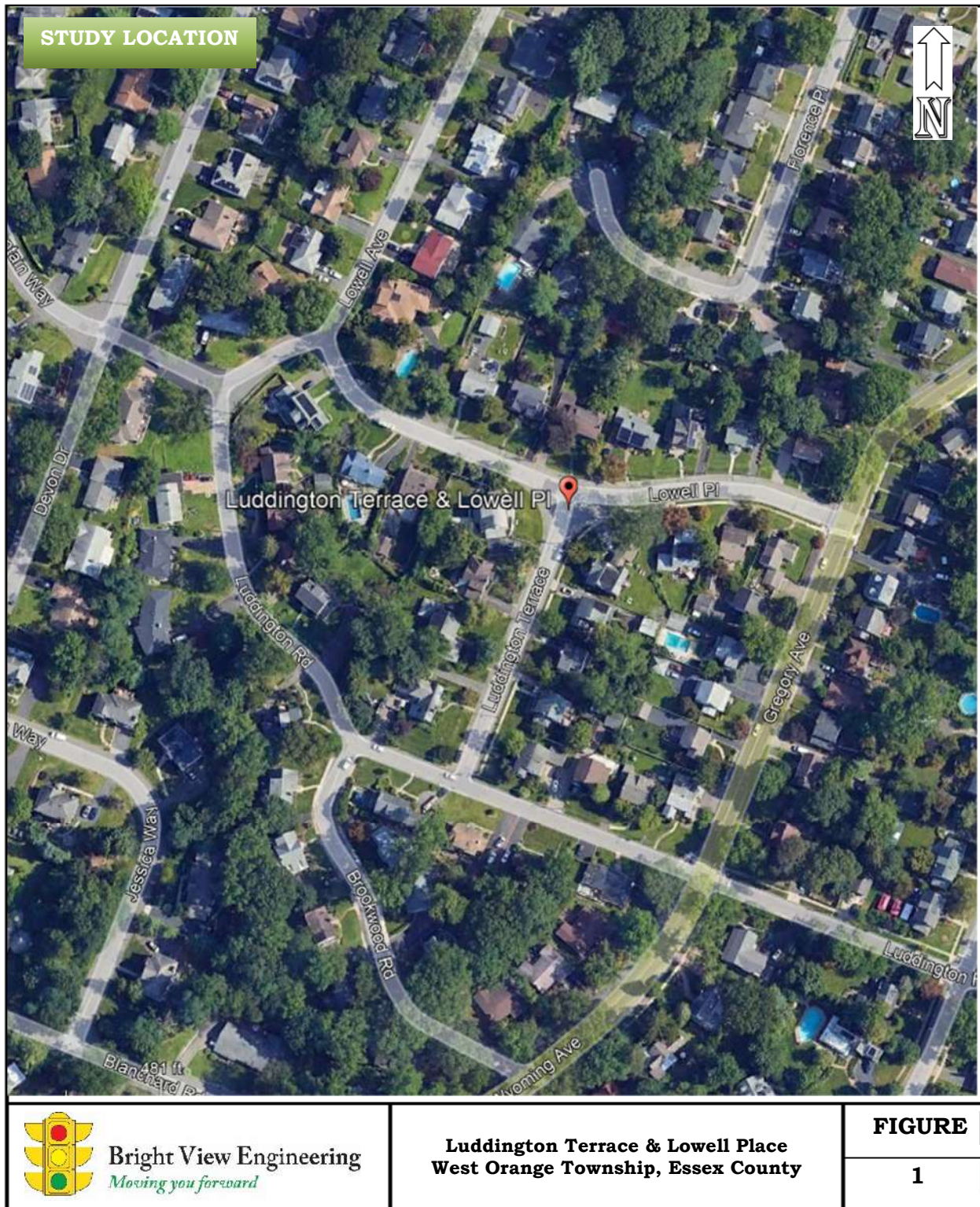
Multiple field investigations were conducted to obtain an inventory of existing roadway conditions, posted traffic controls, adjacent land uses, lane configurations of the roadways in the study area, and existing vehicular and pedestrian traffic patterns. The following is a brief description of the roadways:

Luddington Terrace is a north to south oriented roadway which spans approximately 380 ft between Luddington Road and Lowell Place. The roadway is a local roadway within the Township of West Orange. There are no speed limit signs posted on Luddington Terrace; however, it is our opinion that a 25 MPH speed limit is appropriate and conforms with the guidance set forth within the New Jersey Statutes Title 39. The roadway width is approximately 30 ft and allows for bi-directional travel. On-street parking is permitted along both sides of the roadway. There are no traffic controls at the study intersection. There is a sidewalk present along the northbound travel lane of Luddington Terrace to Lowell Place.

Lowell Place is generally an east to west oriented roadway which spans approximately 700 ft between Lowell Avenue and Gregory Avenue. The roadway is a local road within the Township of West Orange. There are no speed limit signs posted on Lowell Place; however, it is our opinion that a 25 MPH speed limit is appropriate and conforms with the guidance set forth within the New Jersey Statutes Title 39. The roadway width is approximately 30 ft wide and allows for bi-directional travel from Gregory Avenue to Lowell Avenue. On-street parking is permitted along both sides of the roadway. There are no traffic controls at its intersection with Luddington Terrace. There is a sidewalk present along the eastbound approach of Lowell Place from Luddington Terrace to Gregory Avenue.



FIGURE 1





DATA COLLECTION

CRASH HISTORY DATA

BVE obtained crash data through the Crash Database from Safety Voyager. There were no crashes reported at the study intersection.

FIELD OBSERVATIONS

BVE conducted field data collection and performed vehicle runs along the study area. We observed that presently, there are no traffic controls at the study intersection. The study area is a residential neighborhood with primarily single-family housing.

We observed that the sight lines at the intersection of Luddington Terrace & Lowell Place are clear and free of obstructions.

FIGURE 2 – Luddington Terrace & Lowell Place





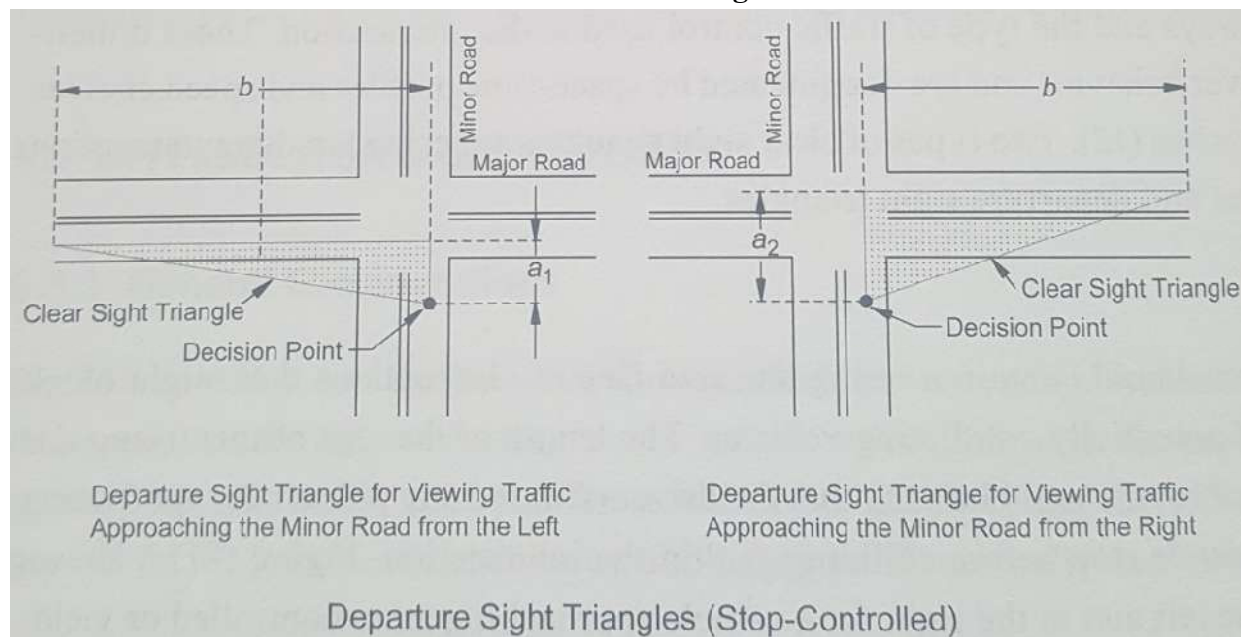
RECOMMENDATIONS

It is our recommendation that a STOP sign be installed on the Luddington Terrace approach at the study intersection. Treatments which can be considered include but are not limited to:

Sight Distance Improvements – At the intersection of Luddington Terrace & Lowell Place, the line of sight of approaching vehicles was found to be clear. We observed that stopped vehicles would have clear visibility of the traffic conditions at the intersection and would be able to safely make a turn onto Lowell Place.

It is our opinion that clear sight lines should be maintained by properly maintaining trees and foliage and prohibiting parking at the corners of the study. We recommend that the Township continue to cooperate with its residents to trim overgrown foliage and clear obstruction from sight triangles, as reasonable.

FIGURE 3 – Intersection Sight Distance





STOP Sign Installation – A STOP control on the minor-road approach should be considered as per Section 2B.11-Minor Road Stop Control of the MUTCD (11th Edition). The STOP sign would provide the appropriate traffic control at the study intersection to improve safety and circulation of traffic. We recommend that the Township install a STOP sign on Luddington Terrace at the study intersection. The installation of the STOP sign should be implemented per the guidance presented within Chapter 2B-Regulatory Signs, Barricades, and Gates of the MUTCD (11th Edition).

FIGURE 4 – STOP Sign Installation



Striping and Signages – Given the wide curb radius at the study intersection, we recommend the implementation of additional striping to support the installation of the stop sign. We recommend that the Township provide a stop bar and double yellow line striping on Luddington Terrace to support the stop sign.

Sidewalk and Crosswalk Markings – We recommend that the Township consider installing sidewalks and marked crosswalks within the study area to improve pedestrian safety and circulation. The implementation of the roadway striping, and signs should follow the guidance presented within the latest edition of the MUTCD.



SUMMARY & CONCLUSIONS

It is our recommendation, based upon our field observations, the guidance from MUTCD and Title 39, and the existing conditions, that the Township of West Orange should consider the installation of a STOP sign and additional striping at the study intersection.

Should you have any questions or require additional information please do not hesitate to contact me at (732) 236-7557.

Very truly yours,
Bright View Engineering


John Jahr, P.T.P., T.S.O.S.
Principal


Joseph A. Fishinger, Jr., PE, PP, PTOE
Director of Traffic Engineering

JJJ/as

<https://bvengr.sharepoint.com/sites/bvengr/proj/241079-WOT-StopEval/7-Reports-Analysis/09-LuddingtonTerr-LowellPl.docxs>



Bright View Engineering
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May 1, 2024

VIA EMAIL

Zayibeth Carballo, PE, PLS, PP, CME, CFM, CFS
Director, Municipal Engineer
Department of Engineering
Township of West Orange
25 Lakeside Avenue
West Orange, New Jersey 07052

Re: Safety Study
Luddington Terrace & Luddington Road
West Orange Township, Essex County, New Jersey
BVE Project No.: 241079

Dear Ms. Carballo:

Bright View Engineering was tasked by the Township of West Orange (*the Township here-in*) with performing an evaluation of the existing traffic controls at the intersection of Luddington Terrace & Luddington Road. This analysis was performed to assess the safety conditions at the intersection and the installation of a stop control on Luddington Terrace.

Bright View Engineering (*BVE here-in*), in coordination with the Township, collected data during various site visits to assess the existing conditions at the study location. The collected data and observations were utilized to determine if the existing traffic conditions in the project area justify the implementation of the new traffic pattern. Our methodology conforms with the provisions set forth in NJSA *Title 39:4-8*, Institute of Transportation Engineers (*ITE*) literature, and the applicable requirements of the Manual on Uniform Traffic Control Devices (*MUTCD*). The following points were considered within the scope of our study:

- An inventory of the roadway facilities in the project vicinity, including the existing physical and traffic operating characteristics;
- Crash data along roadway segments interconnecting the study intersections;
- Recommendations;
- Summary and Conclusions.

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EXISTING CONDITIONS

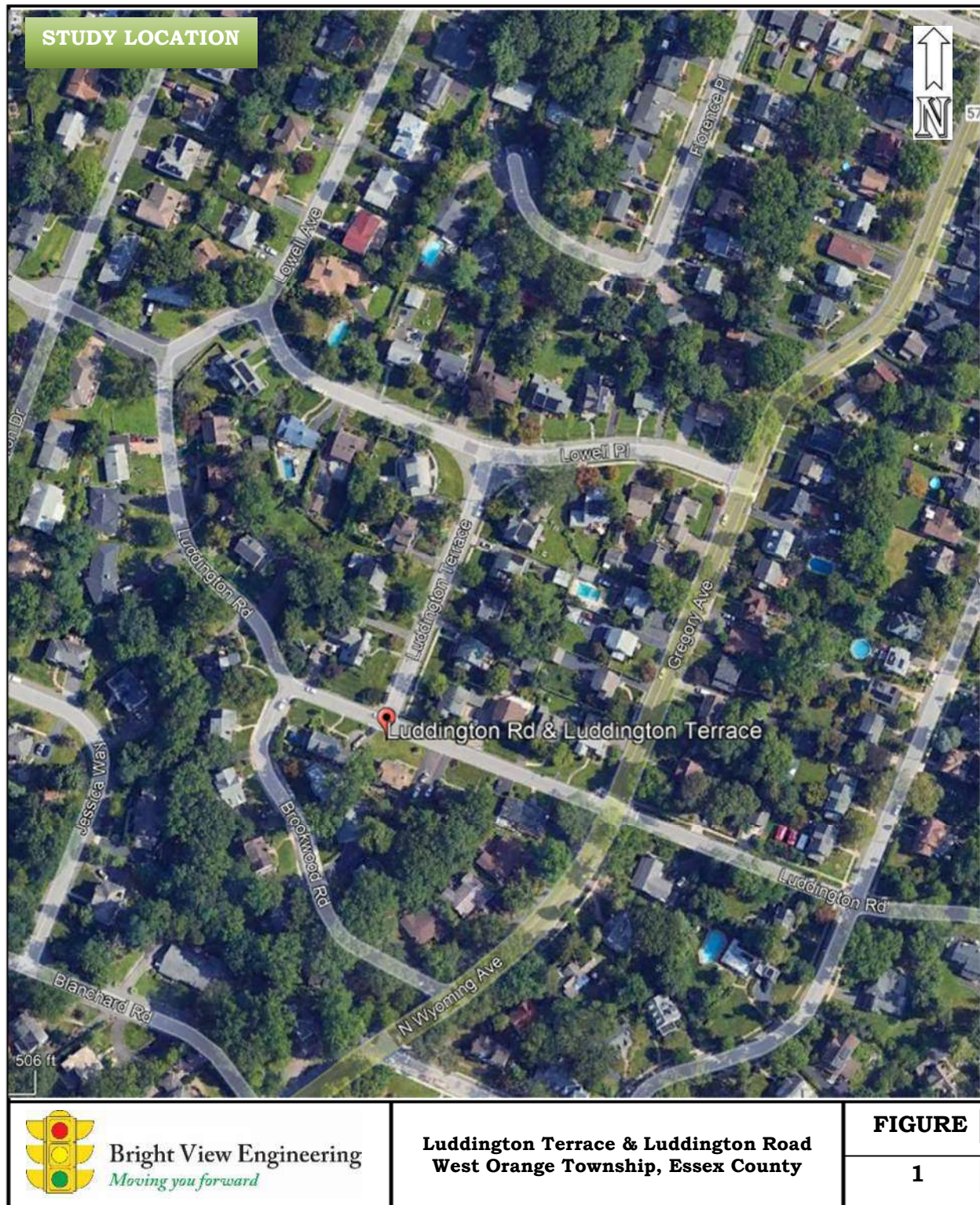
Multiple field investigations were conducted to obtain an inventory of existing roadway conditions, posted traffic controls, adjacent land uses, lane configurations of the roadways in the study area, and existing vehicular and pedestrian traffic patterns. The following is a brief description of the roadways:

Luddington Terrace is a north to south oriented roadway which spans approximately 380 ft between Luddington Road and Lowell Place. The roadway is a local roadway within the Township of West Orange. There are no speed limit signs posted on Luddington Terrace; however, it is our opinion that a 25 MPH speed limit is appropriate and conforms with the guidance set forth within the New Jersey Statutes Title 39. The roadway width is approximately 30 ft and allows for bi-directional travel. On-street parking is permitted along both sides of the roadway. There are no traffic controls at the study intersection. There is a sidewalk present along the northbound approach of Luddington Terrace to Lowell Place.

Luddington Road is generally an east to west oriented roadway which spans approximately 2,400 ft between Lowell Avenue and South Valley Road. The roadway is a local road within the Township of West Orange. There are no speed limit signs posted on Luddington Road; however, it is our opinion that a 25 MPH speed limit is appropriate and conforms with the guidance set forth within the New Jersey Statutes Title 39. The roadway width is approximately 20 ft and allows for one-way travel westbound from South Valley Road to Lowell Avenue. On-street parking is not permitted along both sides of the roadway. There are no traffic controls at its intersection with Luddington Terrace. There are no sidewalks or crosswalks at its intersection with Luddington Terrace.



FIGURE 1





DATA COLLECTION

CRASH HISTORY DATA

BVE obtained crash data through the Crash Database from Safety Voyager. There were no crashes reported at the study intersection.

FIELD OBSERVATIONS

BVE conducted field data collection and performed vehicle runs along the study area. We observed that presently, there are no traffic controls at the study intersection. The study area is a residential neighborhood with primarily single-family housing.

We observed that the sight lines at the intersection of Luddington Terrace & Luddington Road are clear and free of obstructions.

FIGURE 2 – Luddington Terrace & Luddington Road





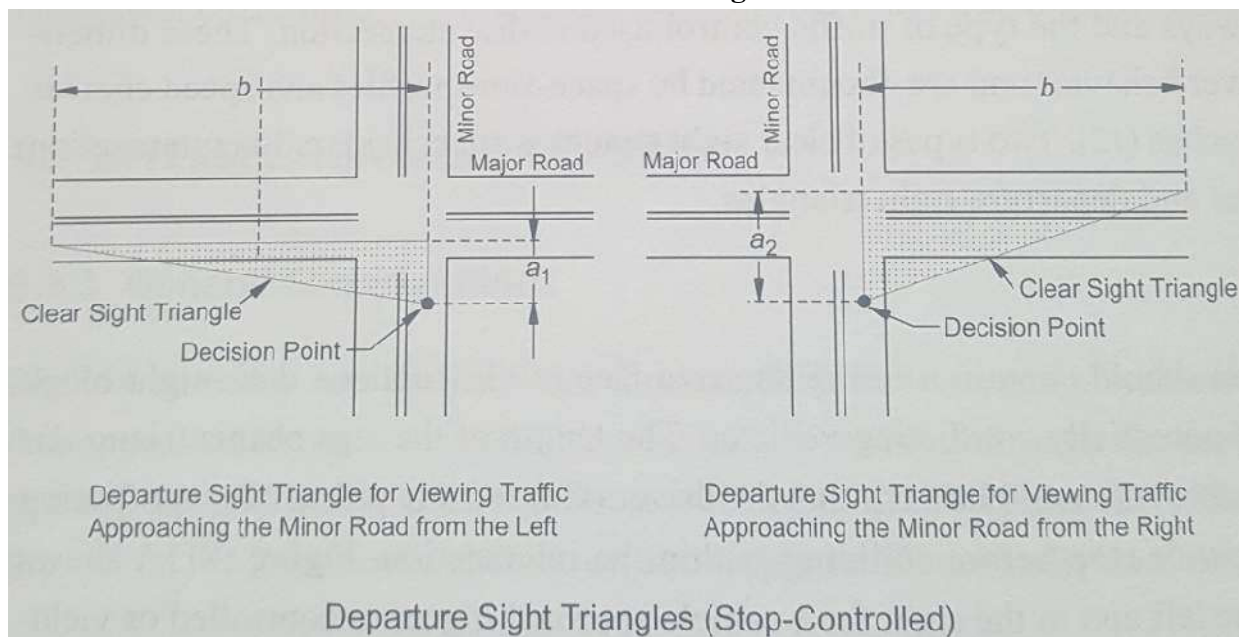
RECOMMENDATIONS

It is our recommendation that a STOP sign be installed on the Luddington Terrace approach at the study intersection. Treatments which can be considered include but are not limited to:

Sight Distance Improvements – At the intersection of Luddington Terrace & Luddington road, the line of sight of approaching vehicles was found to be clear. We observed that stopped vehicles would have clear visibility of the traffic conditions at the intersection and would be able to safely make a turn onto Luddington Road.

It is our opinion that clear sight lines should be maintained by properly maintaining trees and foliage and prohibiting parking at the corners of the study. We recommend that the Township continue to cooperate with its residents to trim overgrown foliage and clear obstruction from sight triangles, as reasonable.

FIGURE 3 – Intersection Sight Distance





STOP Sign Installation – A STOP control on the minor-road approach should be considered as per Section 2B.11-Minor Road Stop Control of the MUTCD (11th Edition). The STOP sign would provide the appropriate traffic control at the study intersection to improve safety and circulation of traffic. We recommend that the Township install a STOP sign on Luddington Terrace at the study intersection. The installation of the STOP sign should be implemented per the guidance presented within Chapter 2B-Regulatory Signs, Barricades, and Gates of the MUTCD (11th Edition).

FIGURE 4 – STOP Sign Installation



Striping and Signages – We recommend that the Township provide a stop bar and double yellow line striping on Luddington Terrace to support the stop sign. We also recommend updating the “One-Way” and “No Left-Turn” signs for Luddington Road as per Section 2B.26-Movement Prohibition Signs of the MUTCD (11th Edition).

Sidewalk and Crosswalk Markings – We recommend that the Township consider installing sidewalks and marked crosswalks within the study area to improve pedestrian safety and circulation. The implementation of the roadway striping, and signs should follow the guidance presented within the latest edition of the MUTCD.



SUMMARY & CONCLUSIONS

It is our recommendation, based upon our field observations, the guidance from MUTCD and Title 39, and the existing conditions, that the Township of West Orange should consider the installation of a STOP sign and additional signages and striping, as necessary.

Should you have any questions or require additional information please do not hesitate to contact me at (732) 236-7557.

Very truly yours,
Bright View Engineering


John Jahr, P.T.P., T.S.O.S.
Principal


Joseph A. Fishinger, Jr., PE, PP, PTOE
Director of Traffic Engineering

JJJ/as

<https://bvengr.sharepoint.com/sites/bvengr/proj/241079-WOT-StopEval/7-Reports-Analysis/10-LuddingtonTerr-LuddingtonRd.docxs>



Bright View Engineering
Moving you forward

May 1, 2024

VIA EMAIL

Zayibeth Carballo, PE, PLS, PP, CME, CFM, CFS
Director, Municipal Engineer
Department of Engineering
Township of West Orange
25 Lakeside Avenue
West Orange, New Jersey 07052

Re: Safety Study
Bellevue Terrace & Nutwold Avenue
West Orange Township, Essex County, New Jersey
BVE Project No.: 241079

Dear Ms. Carballo:

Bright View Engineering was tasked by the Township of West Orange (*the Township here-in*) with performing an evaluation of the existing traffic controls at the intersection of Bellevue Terrace & Nutwold Avenue. This analysis was performed to assess the safety conditions at the intersection and the installation of a stop control on Bellevue Terrace.

Bright View Engineering (*BVE here-in*), in coordination with the Township, collected data during various site visits to assess the existing conditions at the study location. The collected data and observations were utilized to determine if the existing traffic conditions in the project area justify the implementation of the new traffic pattern. Our methodology conforms with the provisions set forth in NJSA *Title 39:4-8*, Institute of Transportation Engineers (*ITE*) literature, and the applicable requirements of the Manual on Uniform Traffic Control Devices (*MUTCD*). The following points were considered within the scope of our study:

- An inventory of the roadway facilities in the project vicinity, including the existing physical and traffic operating characteristics;
- Crash data along roadway segments interconnecting the study intersections;
- Recommendations;
- Summary and Conclusions.

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EXISTING CONDITIONS

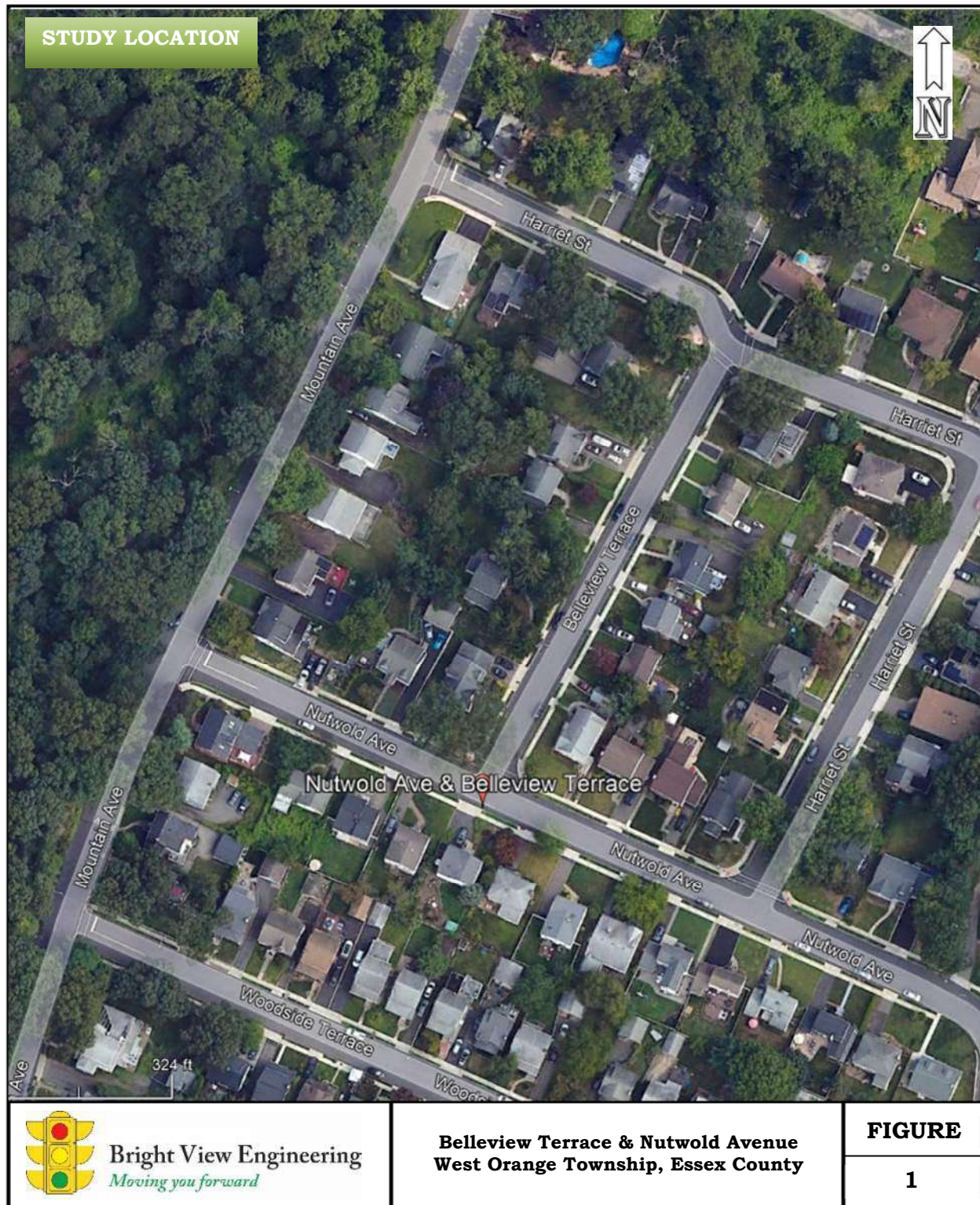
Multiple field investigations were conducted to obtain an inventory of existing roadway conditions, posted traffic controls, adjacent land uses, lane configurations of the roadways in the study area, and existing vehicular and pedestrian traffic patterns. The following is a brief description of the roadways:

Bellevue Terrace is a north to south oriented roadway which spans approximately 400 ft between Harriet Street and Nutwold Avenue. The roadway is a local road within the Township of West Orange. There are no speed limit signs posted on Bellevue Terrace; however, it is our opinion that a 25 MPH speed limit is appropriate and conforms with the guidance set forth within the New Jersey Statutes Title 39. The roadway width is approximately 30 ft and allows for bi-directional travel. On-street parking is permitted along both sides of the roadway. There are no traffic controls at its intersection with Nutwold Avenue. There are sidewalks present on both sides of the roadway.

Nutwold Avenue is generally an east to west oriented roadway which spans approximately 1,250 ft from Mountain Avenue to Moore Terrace. The roadway is a local road within the Township of West Orange. There are no speed limit signs posted on Nutwold Avenue; however, it is our opinion that a 25 MPH speed limit is appropriate and conforms with the guidance set forth within the New Jersey Statutes Title 39. The roadway width is approximately 30 ft and allows for bi-directional travel. On-street parking is permitted along both sides of the roadway. There are no traffic controls at its intersection with Bellevue Terrace. There are sidewalks present on both sides of the roadway within the vicinity of the study intersection.



FIGURE 1





DATA COLLECTION

CRASH HISTORY DATA

BVE obtained crash data through the Crash Database from Safety Voyager. There were no crashes reported at the study intersection.

FIELD OBSERVATIONS

BVE conducted field data collection and performed vehicle runs along the study area. We observed that presently, there are no traffic controls at the study intersection. The study area is a residential neighborhood.

We observed that the foliage at the corners of the study intersection is obstructing the sight lines for approaching vehicles; however, if vehicles pulled up closer to Nutwold Avenue along the controlled approach, they would have improved visibility of traffic conditions at the intersection and would also be more visible.

FIGURE 2 – Bellevue Terrace & Nutwold Avenue





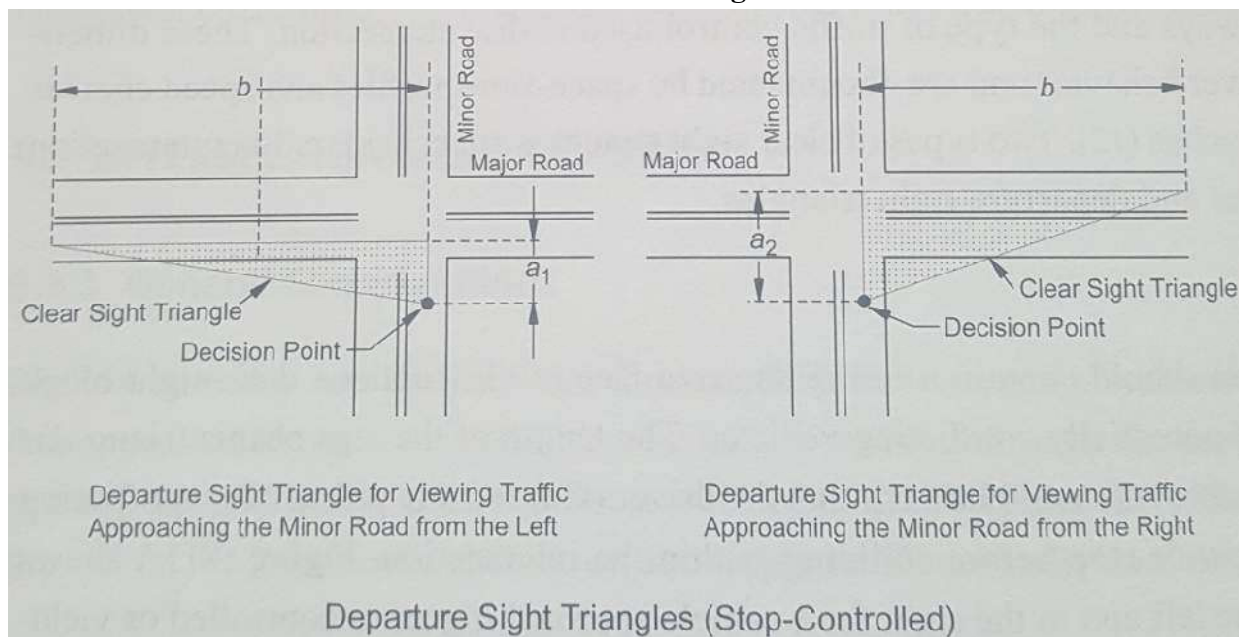
RECOMMENDATIONS

It is our recommendation that a STOP sign be installed on Bellevue Terrace. Treatments which can be considered include but are not limited to:

Sight Distance Improvements – At the intersection of Bellevue Terrace and Nutwold Avenue, the line of sight of approaching vehicles was found to be obstructed. We observed that if vehicles stop closer to the mainline on Nutwold Avenue, then they would have clear visibility of the traffic conditions at the intersection and would be able to safely make a turn onto Nutwold Avenue.

It is our opinion that clear sight lines should be maintained by properly maintaining trees and foliage and prohibiting parking at the corners of the study intersection. We recommend that the Township cooperate with its residents to trim overgrown foliage and clear obstruction from sight triangles, as reasonable.

FIGURE 3 – Intersection Sight Distance





STOP Sign Installation – A STOP control on the minor-road approach should be considered as per Section 2B.11-Minor Road Stop Control of the MUTCD (11th Edition). The STOP sign would provide the appropriate traffic control at the study intersection to improve safety and circulation of traffic. We recommend that the Township install a STOP sign Bellevue Terrace. The installation of the STOP sign should be implemented per the guidance presented within Chapter 2B-Regulatory Signs, Barricades, and Gates of the MUTCD (11th Edition).

FIGURE 4 – STOP Sign Installation



Striping and Signages – Given the roadway geometry and existing conditions at the intersections of Bellevue Terrace & Nutwold Avenue, we recommend the implementation of additional striping to support the installation of the stop sign. We recommend that the Township provide a stop bar and double yellow line striping on the minor approaches to support the stop sign.

Sidewalk and Crosswalk Markings – We recommend that the Township maintain their sidewalks and update their marked crosswalks within the study area to improve pedestrian safety and circulation. The implementation of the roadway striping, and signs should follow the guidance presented within the latest edition of the MUTCD.



SUMMARY & CONCLUSIONS

It is our recommendation, based upon our field observations, the guidance from MUTCD and Title 39, and the existing conditions, that the Township of West Orange should consider the installation of a STOP sign and additional striping at the study intersection.

Should you have any questions or require additional information please do not hesitate to contact me at (732) 236-7557.

Very truly yours,
Bright View Engineering


John Jahr, P.T.P., T.S.O.S.
Principal


Joseph A. Fishinger, Jr., PE, PP, PTOE
Director of Traffic Engineering

JJJ/as

<https://bvengr.sharepoint.com/sites/bvengr/proj/241079-WOT-StopEval/7-Reports-Analysis/01-Bellevue-Terrace-Nutwold.docxs>



Bright View Engineering
Moving you forward

May 8, 2024

VIA EMAIL

Zayibeth Carballo, PE, PLS, PP, CME, CFM, CFS
Director, Municipal Engineer
Department of Engineering
Township of West Orange
25 Lakeside Avenue
West Orange, New Jersey 07052

Re: Safety Study
Bellevue Terrace & Harriet Street
West Orange Township, Essex County, New Jersey
BVE Project No.: 241079

Dear Ms. Carballo:

Bright View Engineering was tasked by the Township of West Orange (*the Township here-in*) with performing an evaluation of the existing traffic controls at the intersection of Bellevue Terrace & Nutwood Avenue. This analysis was performed to assess the safety conditions at the intersection and the installation of a stop control on Bellevue Terrace.

Bright View Engineering (*BVE here-in*), in coordination with the Township, collected data during various site visits to assess the existing conditions at the study location. The collected data and observations were utilized to determine if the existing traffic conditions in the project area justify the implementation of the new traffic pattern. Our methodology conforms with the provisions set forth in NJSA *Title 39:4-8*, Institute of Transportation Engineers (*ITE*) literature, and the applicable requirements of the Manual on Uniform Traffic Control Devices (*MUTCD*). The following points were considered within the scope of our study:

- An inventory of the roadway facilities in the project vicinity, including the existing physical and traffic operating characteristics;
- Crash data along roadway segments interconnecting the study intersections;
- Recommendations;
- Summary and Conclusions.

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Roseland, NJ 07068



EXISTING CONDITIONS

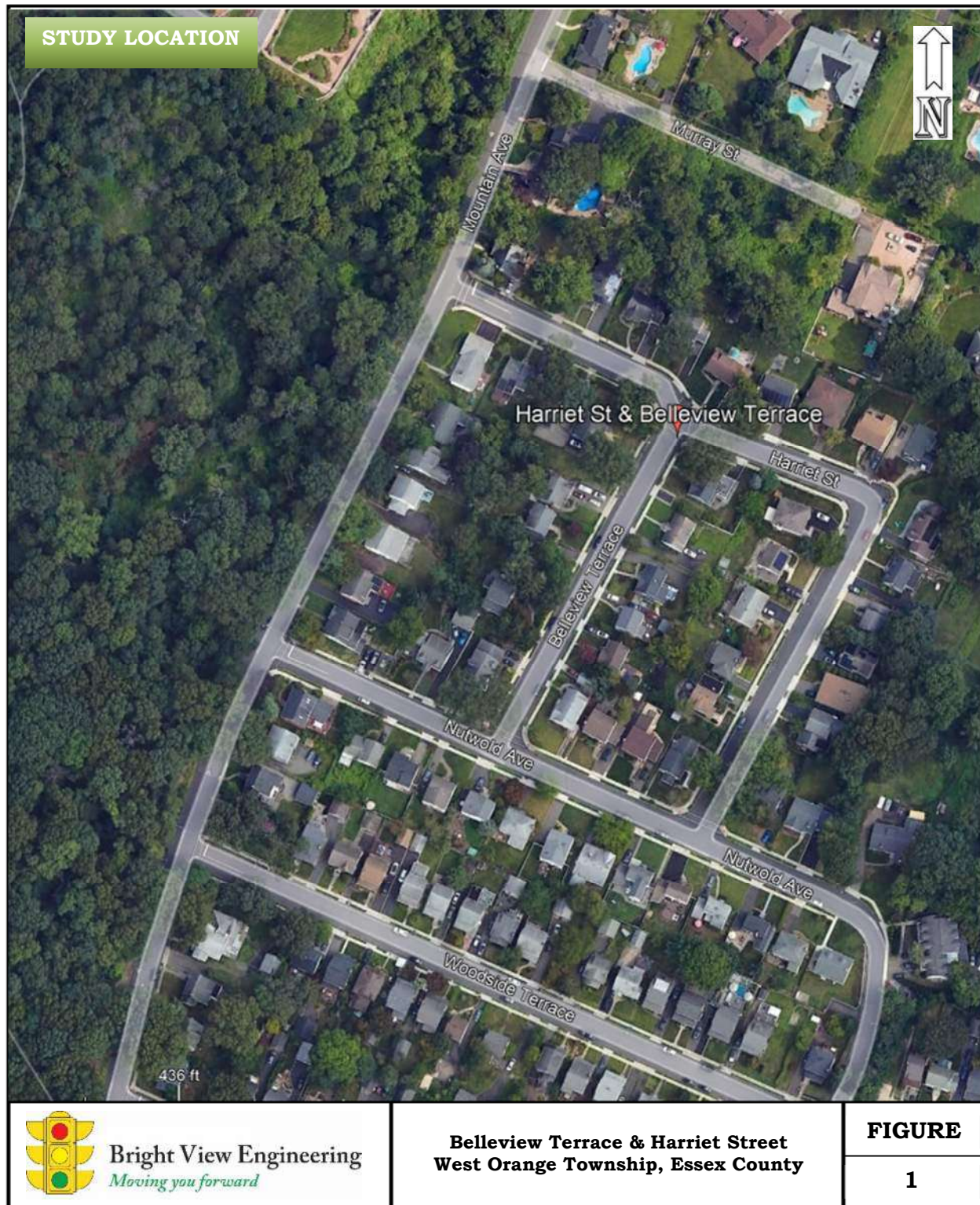
Multiple field investigations were conducted to obtain an inventory of existing roadway conditions, posted traffic controls, adjacent land uses, lane configurations of the roadways in the study area, and existing vehicular and pedestrian traffic patterns. The following is a brief description of the roadways:

Bellevue Terrace is a north to south oriented roadway which spans approximately 400 ft between Harriet Street and Nutwold Avenue. The roadway is a local road within the Township of West Orange. There are no speed limit signs posted on Bellevue Terrace; however, it is our opinion that a 25 MPH speed limit is appropriate and conforms with the guidance set forth within the New Jersey Statutes Title 39. The roadway width is approximately 30 ft and allows for bi-directional travel. On-street parking is permitted along both sides of the roadway. There are no traffic controls at its intersection with Nutwold Avenue. There are sidewalks present on both sides of the roadway.

Harriet Street is generally an east to west oriented roadway which spans approximately 950 ft from Mountain Avenue to Nutwold Avenue. The roadway is a local road within the Township of West Orange. There are no speed limit signs posted on Harriet Street; however, it is our opinion that a 25 MPH speed limit is appropriate and conforms with the guidance set forth within the New Jersey Statutes Title 39. The roadway width is approximately 30 ft and allows for bi-directional travel. On-street parking is permitted along both sides of the roadway. There are no traffic controls at its intersection with Bellevue Terrace. There are sidewalks present on both sides of the roadway.



FIGURE 1





DATA COLLECTION

CRASH HISTORY DATA

BVE obtained crash data through the Crash Database from Safety Voyager. The crashes are shown in Table 1 below:

Table 1 – Crash Data for Knollwood Drive & Hillcrest Avenue

DATE	STREET	CROSS STREET	TYPE	CIRCUMSTANCE
7/12/21	Bellevue Terrace	Harriet Street	Fixed Object	Driver Inattention

Based upon the provided crash data, we observe that one (1) incident was reported at the study intersection on 7/12/21. The crash report indicates no traffic control was present. The incident was not contributed to speeding but driver inattention and fixed objects at the study intersection.

FIELD OBSERVATIONS

BVE conducted field data collection and performed vehicle runs along the study area. We observed that presently, there are no traffic controls at the study intersection. The study area is a residential neighborhood.

We observed that the foliage at the corners of the study intersection is obstructing the sight lines for approaching vehicles; however, if vehicles pulled up closer to Harriet Street along the controlled approach, they would have improved visibility of traffic conditions at the intersection and would also be more visible.

FIGURE 2 – Bellevue Terrace & Harriet Street





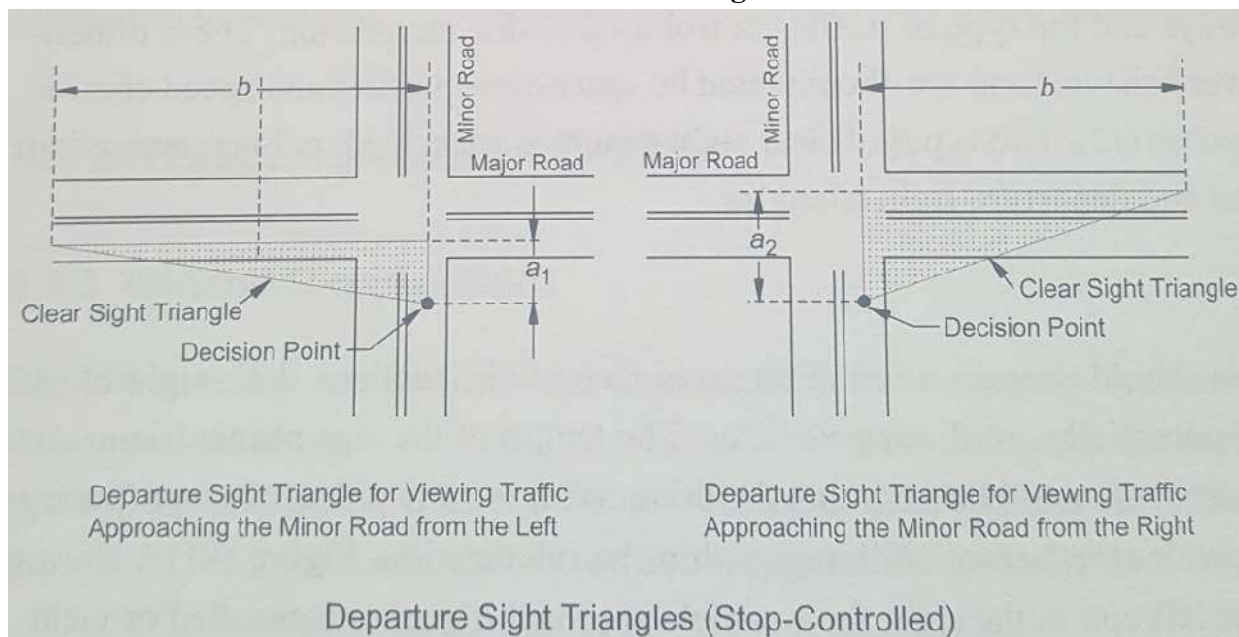
RECOMMENDATIONS

It is our recommendation that a STOP sign be installed on Bellevue Terrace. Treatments which can be considered include but are not limited to:

Sight Distance Improvements – At the intersection of Bellevue Terrace and Harriet Street, the line of sight of approaching vehicles was found to be obstructed. We observed that if vehicles stop closer to the mainline on Bellevue Terrace, then they would have clear visibility of the traffic conditions at the intersection and would be able to safely make a turn onto Harriet Street.

It is our opinion that clear sight lines should be maintained by properly maintaining trees and foliage and prohibiting parking at the corners of the study intersection. We recommend that the Township cooperate with its residents to trim overgrown foliage and clear obstruction from sight triangles, as reasonable.

FIGURE 3 – Intersection Sight Distance





STOP Sign Installation – A STOP control on the minor-road approach should be considered as per Section 2B.11-Minor Road Stop Control of the MUTCD (11th Edition). The STOP sign would provide the appropriate traffic control at the study intersection to improve safety and circulation of traffic. We recommend that the Township install a STOP sign Bellevue Terrace. The installation of the STOP sign should be implemented per the guidance presented within Chapter 2B-Regulatory Signs, Barricades, and Gates of the MUTCD (11th Edition).

FIGURE 4 – STOP Sign Installation



Striping and Signages – Given the roadway geometry and existing conditions at the intersections of Bellevue Terrace & Harriet Street, we recommend the implementation of additional striping to support the installation of the stop sign. We recommend that the Township provide a stop bar and double yellow line striping on the minor approaches to support the stop sign.

Sidewalk and Crosswalk Markings – We recommend that the Township maintain their sidewalks and update their marked crosswalks within the study area to improve pedestrian safety and circulation. The implementation of the roadway striping, and signs should follow the guidance presented within the latest edition of the MUTCD.



SUMMARY & CONCLUSIONS

It is our recommendation, based upon our field observations, the guidance from MUTCD and Title 39, and the existing conditions, that the Township of West Orange should consider the installation of a STOP sign and additional striping at the study intersection.

Should you have any questions or require additional information please do not hesitate to contact me at (732) 236-7557.

Very truly yours,
Bright View Engineering


John Jahr, P.T.P., T.S.O.S.
Principal


Joseph A. Fishinger, Jr., PE, PP, PTOE
Director of Traffic Engineering

JJJ/as

<https://bvengr.sharepoint.com/sites/bvengr/proj/241079-WOT-StopEval/7-Reports-Analysis/02-Bellevue-Terrace-Harriet.docxs>



Bright View Engineering
Moving you forward

May 8, 2024

VIA EMAIL

Zayibeth Carballo, PE, PLS, PP, CME, CFM, CFS
Director, Municipal Engineer
Department of Engineering
Township of West Orange
25 Lakeside Avenue
West Orange, New Jersey 07052

Re: Stop Evaluation
Stanford Avenue & Crestwood Drive
West Orange Township, Essex County, New Jersey
BVE Project No.: 241079

Dear Ms. Carballo:

Bright View Engineering was tasked by the Township of West Orange (*the Township here-in*) with performing an all way stop analysis at the intersection of Stanford Avenue & Crestwood Drive. This analysis was performed to assess the safety conditions and determine the appropriate traffic control measures for the study intersection.

Bright View Engineering (*BVE here-in*), in coordination with the Township, collected data during various site visits to assess the existing conditions at the study location. The collected data and observations were utilized to determine if the existing traffic conditions in the project area justify the implementation of the new traffic pattern. Our methodology conforms with the provisions set forth in NJSA *Title 39:4-8*, Institute of Transportation Engineers (*ITE*) literature, and the applicable requirements of the Manual on Uniform Traffic Control Devices (*MUTCD*). The following points were considered within the scope of our study:

- An inventory of the roadway facilities in the project vicinity, including the existing physical and traffic operating characteristics;
- Crash and Volume Data;
- All-Way Stop Analysis;
- Peak Hour Level of Service Analysis;
- Recommendations;
- Summary and Conclusions.

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EXISTING CONDITIONS

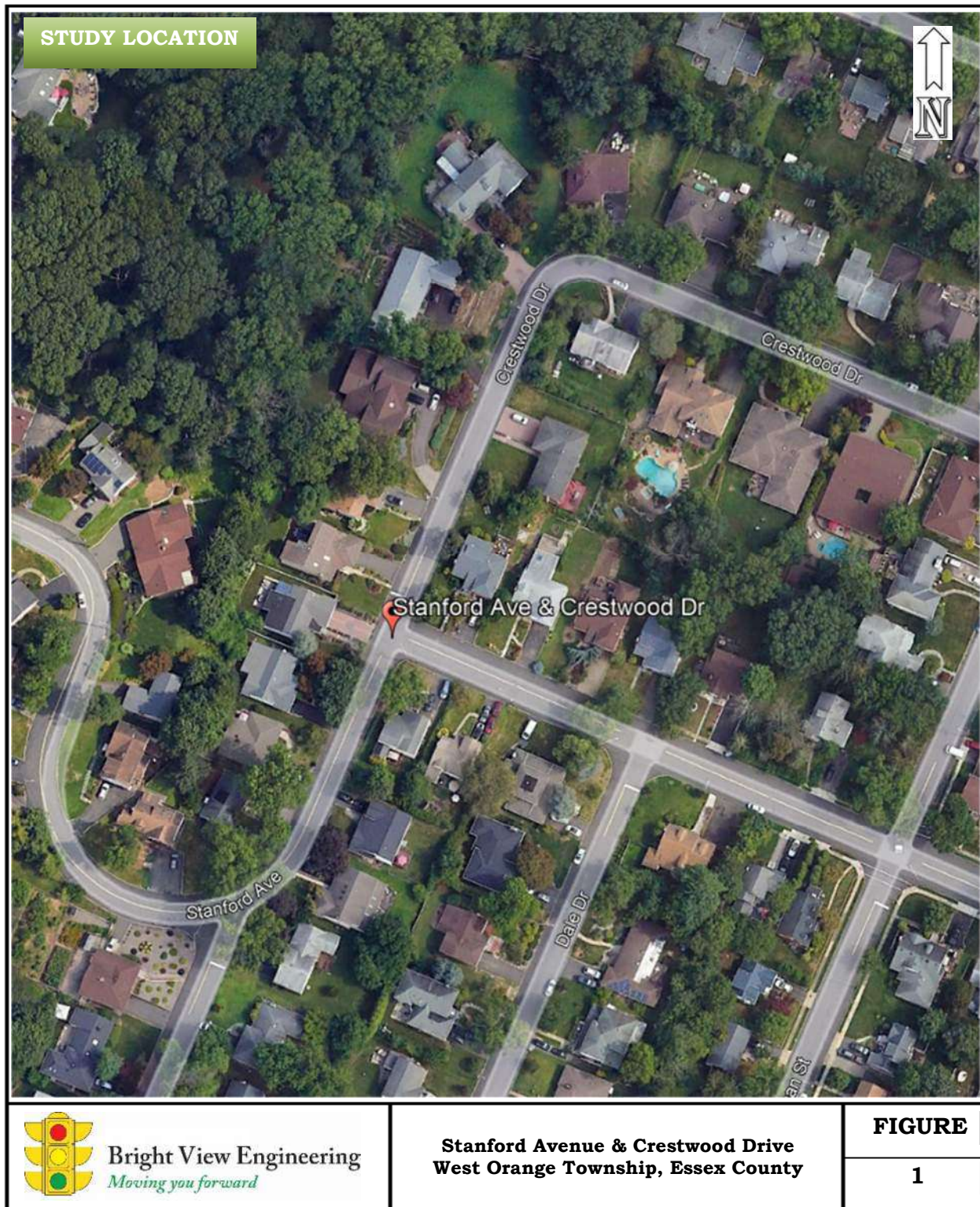
Multiple field investigations were conducted to obtain an inventory of existing roadway conditions, posted traffic controls, adjacent land uses, lane configurations of the roadways in the study area, and existing vehicular and pedestrian traffic patterns. The following is a brief description of the roadways:

Stanford Avenue is generally an east to west oriented roadway between Ferris Drive and Pleasant Valley Way (CR 636). The roadway is a local road within the Township of West Orange. There are no speed limit signs posted on Stanford Avenue; however, it is our opinion that a 25 MPH speed limit is appropriate and conforms with the guidance set forth within the New Jersey Statutes Title 39. The roadway is approximately 35 ft and allows for bi-directional travel. On-street parking is permitted along both sides of the roadway. There are no traffic controls for this roadway at its intersection with Crestwood Drive. There are no sidewalks present within the vicinity of the study intersection.

Crestwood Drive is the southbound approach at its intersection with Stanford Avenue. The roadway spans approximately 1,170 ft. The roadway is a local road within the Township of West Orange. There are no speed limit signs posted on Crestwood Drive; however, it is our opinion that a 25 MPH speed limit is appropriate and conforms with the guidance set forth within the New Jersey Statutes Title 39. The roadway width is approximately 30 ft and allows for bi-directional travel. On-street parking is permitted along both sides of the roadway. Crestwood Drive is a horseshoe shaped street that intersects Stanford Avenue twice. There is currently a stop control on Crestwood Drive at both intersections with Stanford Avenue. This study is concerned with moving the stop control from Crestwood Drive to Stanford Avenue at the westerly 'T-intersection' of Stanford Avenue and Crestwood Drive.



FIGURE 1





DATA COLLECTION

CRASH HISTORY DATA

BVE obtained crash data through the Crash Database from Safety Voyager. The crashes are shown in Table 1 below:

Table 1 – Crash Data for Knollwood Drive & Hillcrest Avenue

DATE	STREET	CROSS STREET	TYPE	CIRCUMSTANCE
2/21/19	Stanford Ave	Stanford Ave	Fixed Object	Brakes

Based upon the provided crash data, we observe that one (1) incident was reported at the study intersection on 2/21/19. The crash report indicates no traffic control was present. The incident was not contributed to speeding but driver inattention and fixed objects at the study intersection.

TRAFFIC VOLUME DATA

Manual Turning Movement Counts (MTMC) at the intersection of Stanford Avenue & Crestwood Drive were conducted on Thursday, April 25, 2024, between the hours of 6:00AM and 7:00PM. Table 2 details the peak hour traffic volumes.

Table 2 – 2024 Peak Hour Traffic Volumes

TIME	Crestwood Drive SB		Stanford Ave NB		Stanford Ave WB		Total
	L	T	T	R	L	R	
8:00 AM – 9:00 AM	2	3	2	12	34	0	53
3:00 PM – 4:00 PM	2	3	3	16	26	0	51
5:00 PM – 6:00 PM	5	2	2	14	12	2	37



FIELD OBSERVATIONS

BVE conducted field data collection and performed vehicle runs along the study area. We observed that presently, there are no traffic controls at the study intersection. The study area is a residential neighborhood.

We observed that the horizontal sight lines at the intersection of Stanford Avenue & Crestwood Drive are clear of major obstructions. We observed that the vertical sight lines from Crestwood Drive (southbound approach) to the study intersection is clear.

FIGURE 2a – Stanford Avenue & Crestwood Drive (Stanford Avenue WB Approach)



FIGURE 2b – Stanford Avenue & Crestwood Drive (Crestwood Drive SB Approach)





ALL-WAY STOP ANALYSIS

We conducted an All-Way Stop warrant analysis in accordance with Section 2B.12 of the MUTCD (11th Edition). The warrants are not a substitute for engineering judgement. It is the engineering study and evaluation of the operational performance or safety of an intersection that will ultimately be the basis for the application of an all-way stop control.

MUTCD Section 2B.13 – Warrant A: Crash Experience

The study intersection is a three-leg intersection with only one (1) reported crash since 2019. The guidelines require four (4) or more reported crashes in a 12-month period or five (5) or more reported crashes in a 36-month period that were susceptible to correction by the installation of an all-way stop. This warrant was not satisfied.

MUTCD Section 2B.14 – Warrant B: Sight Distance

The sight distances at the study intersection are clear and unobstructed. This warrant was not satisfied.

MUTCD Section 2B.15 – Warrant C: Transition to Signal Control or Yield Control at a Circular Intersection

The study intersection is not a circular intersection. This warrant was not satisfied.

MUTCD Section 2B.15 – Warrant D: 8-Hour Volume (Vehicles, Pedestrians, Bicycles)

Stanford Avenue and Crestwood Drive are local roads with similar functions within the study area. We labeled the northbound and southbound approaches at the study intersection as the Major Street, while the westbound approach from Stanford Avenue is identified as the Minor Street. The approach speed for both roadways is 25 MPH which is less than the 40 MPH MUTCD guideline, thus the minimum vehicular warrants at least 300 vehicles per hour for an average day from the major street approach (*total of both approaches*) and at least 200 combined vehicles and pedestrian volume per hour for the same 8 hours from the minor street approach.

Table 3 – Traffic Volume Analysis for Stanford Avenue & Crestwood Drive

Approach		Major	Minor	Major	Minor
Time		NB/SB	WB	>300 MUTCD	>200 MUTCD
1	3:00PM-4:00PM	24	31	NO	NO
2	5:00PM-6:00PM	23	15	NO	NO
3	7:45AM-8:45AM	19	26	NO	NO
4	1:15PM-2:15PM	17	7	NO	NO
5	4:00PM-5:00PM	15	14	NO	NO
6	10:30AM-11:30AM	12	12	NO	NO
7	6:45AM-7:45AM	11	12	NO	NO
8	6:00PM-7:00PM	11	12	NO	NO



From the data detailed in Table 3, we observe that the study intersection does not meet the volume requirements for the application of an all-way stop control. This warrant was not satisfied.

The results of our analysis indicate that changing the existing traffic pattern to an all-way stop control at the intersection of Stanford Avenue & Crestwood Drive is not warranted at this time.

Based Section 2B.11-Minor Road Stop Control of the MUTCD, it is our opinion that the stop sign should be moved from Crestwood Drive and installed on Stanford Avenue. The westbound approach from Stanford Avenue naturally comes to a stop at the 'T' intersection. We believe that adding a stop sign for the westbound approach will formalize the natural stop for vehicles and provide safer turning movements at the intersection.

LEVEL OF SERVICE ANALYSIS

The existing traffic operation was evaluated at the intersection for the morning, midday, and evening peak hours. The results of the capacity analysis provide the Level of Service and average seconds of delay for the intersection movements. Table 4 below details the Level of Service and Delay at the study intersection with the existing traffic control and with the proposed all-way stop control.

Table 7 – Level of Service/Delay

Roadway	Approach	Existing			Proposed (<i>STOP on WB Stanford</i>)		
		AM	MIDDAY	PM	AM	MIDDAY	PM
Stanford Avenue	WB	-	-	-	A/8.7	A/8.7	A/8.7
	NB	-	-	-	A/0.0	A/0.0	A/0.0
Crestwood Drive	SB	A/8.5	A/8.6	A/8.6	A/7.2	A/7.3	A/7.3
<i>Intersection</i>	<i>Overall</i>	<i>A/2.2</i>	<i>A/1.8</i>	<i>A/2.6</i>	<i>A/5.9</i>	<i>A/4.8</i>	<i>A/3.4</i>

Based on our analysis, the study intersection operates at an overall Level of Service 'A' in the existing conditions for all peak hours. We observe that the study intersection will continue to operate at an overall Level of Service 'A' with the proposed stop control on the westbound approach of Stanford Avenue for all peak hours.



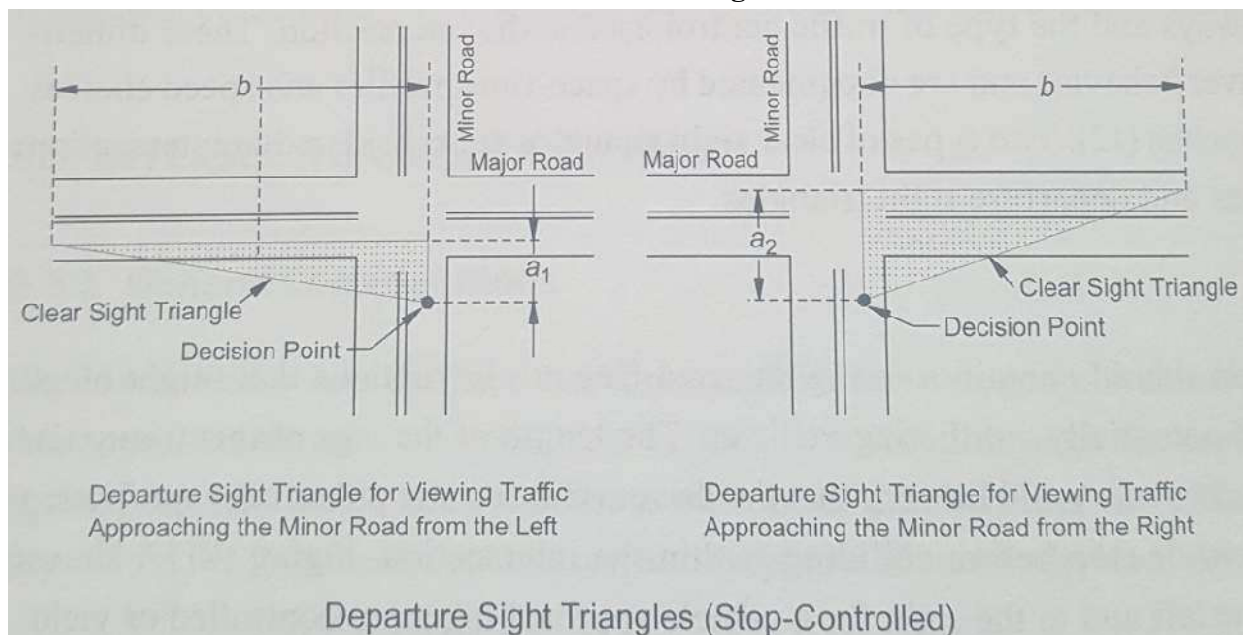
RECOMMENDATIONS

Treatments which can be considered include but are not limited to:

Sight Distance Improvements – At the intersection of Stanford Avenue & Crestwood Drive, the line of sight for approaching vehicles was found to be clear. We observed that stopped vehicles would have clear visibility of the traffic conditions at the intersection and would be able to safely make a turn.

It is our opinion that clear sight lines should be maintained by properly maintaining trees and foliage and prohibiting parking at the corners of the study intersection. We recommend that the Township continue to cooperate with its residents to trim overgrown foliage and clear obstruction from sight triangles, as reasonable.

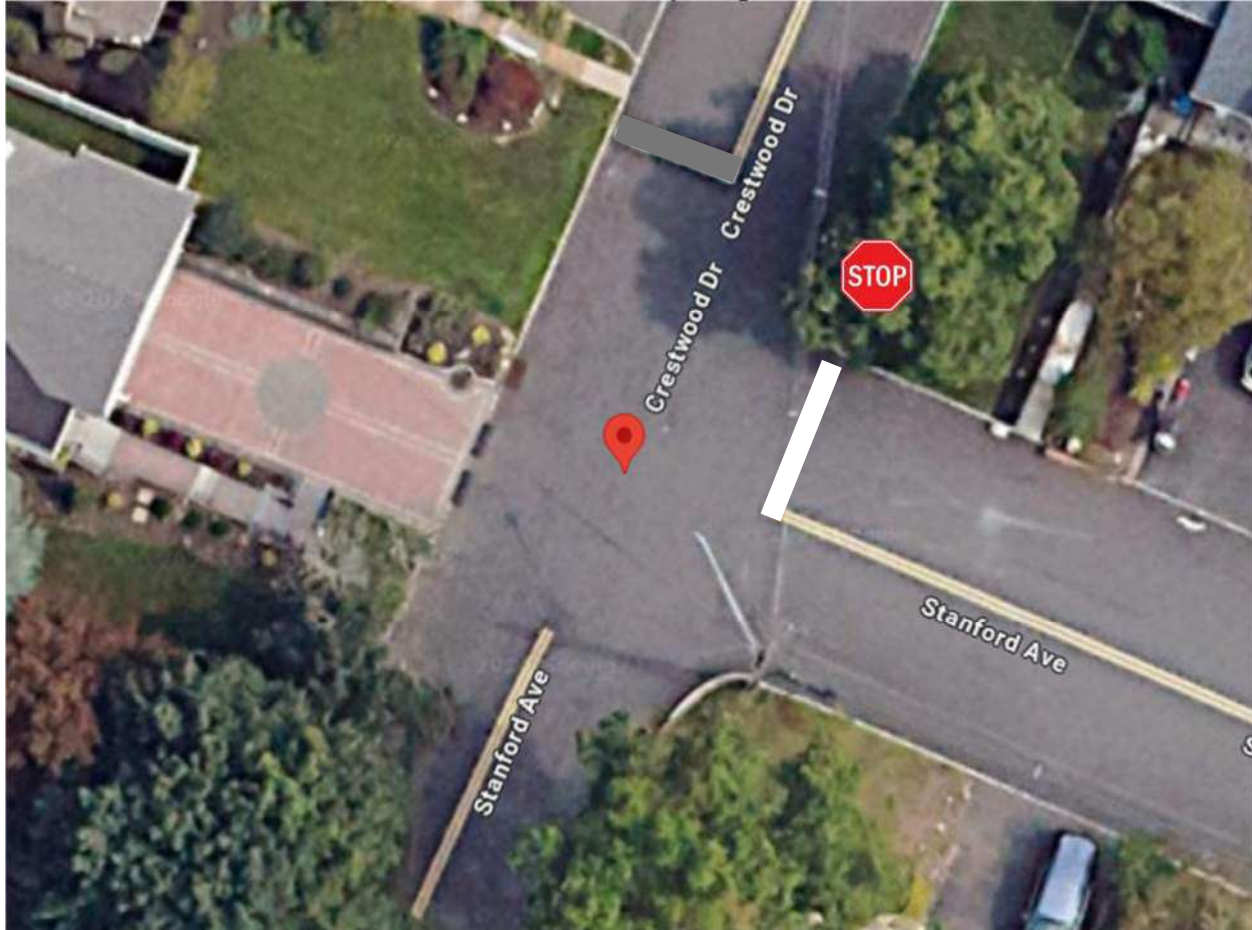
FIGURE 3 – Intersection Sight Distance





Minor Road Stop Control – Based on our all-way stop analysis detailed in this report, we believe an all-way stop control is not warranted at the study intersection. However, we recommend the installation of a stop control on the westbound approach of Stanford Avenue. The placement of the STOP sign should follow the standards and guidance indicated within Section 2B.18-STOP sign or YIELD Placement of the MUTCD (11th Edition).

FIGURE 4 – All-Way Stop Control



Striping and Signages – Given the roadway geometry and existing conditions at the intersection of Stanford Avenue & Crestwood Drive, we recommend the implementation of additional striping to support the installation of the stop sign. We recommend that the Township provide a stop bar and double yellow line striping on the westbound approach to support the stop sign.

Sidewalk and Crosswalk Markings – We recommend that the Township consider installing sidewalks and marked crosswalks within the study area to improve pedestrian safety and circulation. The implementation of the roadway striping, and signs should follow the guidance presented within the latest edition of the MUTCD.



SUMMARY & CONCLUSIONS

It is our recommendation, based on Section 2B.11-Minor Road Stop Control of the MUTCD, that the stop sign should be moved from Crestwood Drive and installed on Stanford Avenue. The westbound approach from Stanford Avenue naturally comes to a stop at the 'T' intersection. We believe that adding a stop sign for the westbound approach will formalize the natural stop for vehicles and provide safer turning movements at the intersection.

Should you have any questions or require additional information please do not hesitate to contact me at (732) 236-7557.

Very truly yours,
Bright View Engineering


John Jahr, P.T.P., T.S.O.S.
Principal


Joseph A. Fishinger, Jr., PE, PP, PTOE
Director of Traffic Engineering

JJJ/as

<https://bvengr.sharepoint.com/sites/bvengr/proj/241079-WOT-StopEval/7-Reports-Analysis/12-Stanford-Crestwood.docxs>

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**AN ORDINANCE AMENDING CHAPTER 18, SECTION 1.9 OF THE REVISED
GENERAL ORDINANCES OF THE TOWNSHIP OF WEST ORANGE
(LOCAL ENFORCEMENT OF THE UNIFORM FIRE CODE--PERMIT FEES)**

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**BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF
WEST ORANGE, NEW JERSEY** that Chapter 18, Section 1.9 of the Revised General
Ordinances of the Township of West Orange be and are hereby amended as follows:

I. PURPOSE

The purpose of this ordinance is to modify the fees set forth in Chapter 18, Section 1.9 of
the Revised General Ordinances of the Township of West Orange (the “Township Code”) such
that the permit fees under Chapter 18, Section 1.9 shall be amendable by Resolution in the future
by approval of the Township Council, a necessity in an everchanging socioeconomic climate.

**II. CHAPTER 18, SECTION 1.9 SHALL BE AND HEREBY IS AMENDED AND
SUPPLEMENTED TO INCORPORATE THE FOLLOWING:**

§18-1.9 BE AND HEREBY AMENDED AS FOLLOWS:

- The portion entitled “Permits” which specifies the fee for a permit under Chapter 18,
Section 1.9 of the Revised General Ordinances of the Township of West Orange
regarding fire prevention and safety shall be repealed and replaced by the following
language:

The permit fees established by the Uniform Fire Code shall set forth by
Resolution at the approval of the Township Council.

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Deleted: to be as follows

Deleted: Type 1 \$54 (To also include the use of
cooking equipment in a commercial establishment of less
than 50 people)¶

¶ Type 2 \$214¶

¶ Type 3 \$427¶

¶ Type 4 \$641¶

Deleted: ¶

III. REPEAL OF CONFLICTING ORDINANCES

Any Ordinances of the Township which are in conflict with this Ordinance are hereby
repealed to the extent of such conflict.

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.

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¶

¶

¶

V. EFFECTIVE DATE

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

SUSAN MCCARTNEY, MAYOR

**BILL RUTHERFORD,
COUNCIL PRESIDENT**

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

INTRODUCED: [May 21, 2024](#)

ADOPTED: [June 10, 2024](#)

Deleted: ,

Legislative History

The purpose of this ordinance is to modify the fines set forth in Chapter 18 of the Revised General Ordinances of the Township of West Orange to be subject to adjustment by Resolution.

**AN ORDINANCE AMENDING CHAPTER 18, SECTION 2.1 OF THE REVISED
GENERAL ORDINANCES OF THE TOWNSHIP OF WEST ORANGE
(ESTABLISHING A FIRE LANE AT BERNARD M. DEGNAN PARK--PENALTY)**

BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF WEST ORANGE, NEW JERSEY that Chapter 18, Section 2.1 of the Revised General Ordinances of the Township of West Orange be and are hereby amended as follows:

I. PURPOSE

The purpose of this ordinance is to modify the set forth in Chapter 18, Section 2.1 of the Revised General Ordinances of the Township of West Orange (the "Township Code") such that the penalties for parking fees in the fire lane set forth in Chapter 18, Section 2.1 shall be amendable by Resolution in the future by approval of the Township Council, a necessity in an everchanging socioeconomic climate.

II. CHAPTER 18, SECTION 2.1 SHALL BE AND HEREBY IS AMENDED AND SUPPLEMENTED TO INCORPORATE THE FOLLOWING:

§18-2.1 BE AND HEREBY AMENDED AS FOLLOWS:

- The portion entitled "Penalty" which specifies the fee for penalties for parking in fire lanes under Chapter 18, Section 2.1 of the Revised General Ordinances of the Township of West Orange regarding fire prevention and safety shall be repealed and replaced by the following language:
 - a. Establishment of Fire Lane. There is hereby established a fire lane at Bernard M. Degnan Park the boundaries of which are described in Schedule "A" included as an attachment to this chapter.
 - b. Notice to Public. The Township Engineer and/or Police and Fire Departments shall cause to be posted appropriate notice to the public of the boundaries of the fire lane and the penalties for parking a motor vehicle therein.
 - c. Removing and Impounding of Motor Vehicles. Parking of a motor vehicle within the fire lane is expressly prohibited at any time. Any motor vehicle parked therein may be taken into possession by the Police Department and towed to some proper storage place and there held until all penalties are paid and until all towage and storage charges are paid by the owner of the motor vehicle.
 - d. Penalty. Unless another penalty is expressly provided by New Jersey Statute any person convicted of a violation of this section shall be subject to a fine in an

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amount to be prescribed by Resolution in addition to any towage and storage charges. Multiple violations will result in increased fines which are established and prescribed by Resolution. These penalty provisions shall apply to the illegal parking in any designated fire lane in the Township.

e. Exceptions. The provisions of this subsection shall not apply to the following:

1. Township Police and Fire motor vehicles.
2. All other Township-owned motor vehicles parked while Township employees are in the course of their employment.
3. Motor vehicles belonging to public utilities which are parked in furtherance of the normal activities of the utility.

f. Enforcement. Enforcement of this section shall be the responsibility of the Police and Fire Departments.

III. REPEAL OF CONFLICTING ORDINANCES

Any Ordinances of the Township which are in conflict with this Ordinance are hereby repealed to the extent of such conflict.

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 upon final passage and publication in accordance with the law.

SUSAN MCCARTNEY, MAYOR

**BILL RUTHERFORD,
COUNCIL PRESIDENT**

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

INTRODUCED: May 21, 2024

ADOPTED: June 10, 2024

Legislative History

The purpose of this ordinance is to modify the fines set forth in Chapter 18 of the Revised General Ordinances of the Township of West Orange to be subject to adjustment by Resolution.

**AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 7, TRAFFIC, SUBSECTION 7-10.1
STOPPING OR STANDING PROHIBITED DURING CERTAIN HOURS ON CERTAIN STREETS, OF THE REVISED
GENERAL ORDINANCES OF THE TOWNSHIP OF WEST ORANGE**

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

Section 1. Subsection 7-10.1, Stopping or Standing Prohibited During Certain Hours on Certain Streets, of the Revised General Ordinances of the Township of West Orange is hereby supplemented and amended as follows: (*italic type denotes deletion, bold type denotes addition*):

Name of Street	Sides	Hours	Location
<i>Pleasant Valley Way</i>	<i>East</i>	<i>All</i>	<i>Beginning 308 feet from the southerly curb line of Greenwood Avenue extended, to the northerly curb line of Dawson Avenue extended</i>
Pleasant Valley Way	East	All	Beginning 308 feet from the southerly curb line of Greenwood Avenue extended, to the northerly curb line of Wessman Drive

Section 2. If any provisions of this Ordinance or application thereof, under any circumstances, is held invalid, the invalidity shall not affect any of the provisions or applications of this Ordinance that can be given effect without the valid provision(s) or application and to this end, the provisions of this Ordinance are severable.

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

Section 4. This Ordinance shall take effect upon final passage and publication in accordance with law and approved by the County of Essex, Board of Chosen Freeholders.

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

Susan McCartney, Mayor

Bill Rutherford, Council President

Introduced: June 10, 2024

Adopted: June 25, 2024

LEGISLATIVE HISTORY

This Ordinance will prohibit Stopping or Standing on the east side of Pleasant Valley Way northbound from Wessman Drive to just north of West Orange Mountain High School. This extends the current prohibition that extended from opposite Dawson Avenue to just north of the High School.

This prohibition was requested by Township residents, and the Engineering Division of the Essex County Department of Public Works. There is a safety concern due to the proximity to the I-280 exit 7 ramp and vehicles stopped or parked on the east side of Pleasant Valley Way. When stopped or parked vehicles are present, two northbound lanes of Pleasant Valley Way (CR 636) and the traffic exiting the highway need to merge into one lane, causing a dangerous condition.

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 7, TRAFFIC, SUBSECTION 7-26.1, BUS STOPS, OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF WEST ORANGE

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

Section 1. Subsection 7-26.1 Bus Stops, of the Revised General Ordinances of the Township of West Orange is hereby supplemented and amended as follows: (*italic type denotes deletion, bold type denotes addition*):

BUS STOPS (AT VARIOUS SCHOOL LOCATIONS)

STREETS	HOURS
<i>Along Gilbert Place, northbound on the easterly side thereof at:</i>	
<i>Between Club Boulevard and Gregory Place beginning 45 feet from the northerly curb line of Club Boulevard and extending 150 feet northerly.</i>	<i>8:00 AM to 4:00 PM SCHOOL DAYS</i>
<i>Between Club Boulevard and Gregory Place beginning 195 feet from the northerly curb line of Club Boulevard and extending 170 feet northerly.</i>	<i>ALL</i>
<i>Between Club Boulevard and Gregory Place beginning 365 feet from the northerly curb line of Club Boulevard and extending 190 feet northerly.</i>	<i>8:00 AM to 4:00 PM SCHOOL DAYS</i>
Along Gregory Place, eastbound on the northerly side thereof at:	
Between Gilbert Place and Gregory Avenue beginning 113 feet from the easterly curb line of Gilbert Place and extending 240 feet easterly.	8:00 AM to 4:00 PM SCHOOL DAYS

Section 2. If any provisions of this Ordinance or application thereof, under any circumstances, is held invalid, the invalidity shall not affect any of the provisions or applications of this Ordinance that can be given effect without the valid provision(s) or application and to this end, the provisions of this Ordinance are severable.

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

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

Susan McCartney, Mayor

Bill Rutherford, Council President

Introduced: June 10, 2024

Adopted: June 25, 2024

LEGISLATIVE HISTORY

This Ordinance will relocate the existing School Bus Stops from in front of Roosevelt Middle School, and move them to Gregory Place adjacent to the sport field area. There are two walking paths leading to the School Building in the new Bus Drop Off Zone. The existing Bus Stops will be converted to a Student Discharge and Pickup Area, for parents and guardians to drop off students from automobiles. Currently, parents are dropping their children off across the street from the front of the school, causing an unsafe condition when children try to cross through moving traffic and parked busses. The Municipal Engineer and the officers of the West Orange Police Traffic Division met with the Roosevelt Middle School Principal and RMS parents on April 15, 2024 to discuss student drop off concerns.

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 **2024-2025** license term; and

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

WHEREAS, a public hearing was held before the Township of West Orange ABC Board on **June 10, 2024** 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 **2024-2025** license term:

0722-31-074-002 W.O. Elks Home Corp., Inc. t/a B.P.O. Elks #1590 West Orange

0722-32-019-007 WL West Orange, LLC t/a Wine Legend (Pocket)

0722-33-003-003 Dillon Liquors, Inc. t/a Dillon's

0722-33-004-002 Bow & Arrow Manor, Inc. (Inactive)

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

0722-33-015-001 Essex County Country Club

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

0722-33-025-010 Mondial Consulting t/a Heritage Restaurant & Lounge, Inc.

0722-33-028-005 Hook & Reel West Orange, Inc. t/a Hook & Reel Cajun Seafood Rest. & Bar

0722-33-32-009 A.M.W.O., LLC t/a Llewellyn Parq

0722-33-040-003 Mayfair Farms, Inc. (Inactive)

0722-33-041-001 Montclair Golf Club

07221-33-042-005 Akama Notes, LLC t/a The Zuluba

0722-33-049-009 Frederic Kruvant (Pocket)

0722-33-052-003 Pleasantdale Château & Conference Resort t/a Pleasantdale Château

0722-33-055-007 SRIJI 643, LLC t/a Crabbae West

0722-33-057-010 AMAC t/a La Primavera Trattoria

0722-33-063-005 Raghav Varma (Inactive)

0722-33-064-008 Julio's II, LLC t/a Julio's Restaurant

0722-33-038-018 460 Bistro LLC t/a 460 Bistro

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

0722-36-075-001 Sun Development & Management Corp. t/a Cambria Suites Hotel

0722-44-001-006 JJS1, LLC t/a Main Street Liquors

0722-44-010-006 S.P. Enterprises, Inc. t/a Don's Wine & Liquor Shoppe

0722-44-011-008 Central Liquors, LLC

0722-44-018-007 T&T Liquors, Inc. t/a Liquor Lobby

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

0722-44-046-009 E.G. Holding Corp., Inc. t/a Total Wine and More

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

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

BILL RUTHERFORD
Council President/ABC Board Member

Adopted: June 10, 2024
Effective: June 10, 2024

**TOWNSHIP OF WEST ORANGE, ESSEX COUNTY, NEW JERSEY
BOARD OF ALCOHOLIC BEVERAGE CONTROL**

RESOLUTION

WHEREAS, the Township Council of the Township of West Orange serves as the Township of West Orange Board of Alcoholic Beverage Control; and

WHEREAS, the 1920's Road House, Inc., t/a Essex House, Inc., ("the Licensee") is the owner and operator of the Essex House, a restaurant and bar located at 525 Northfield Avenue, West Orange, New Jersey, 07052, the License bearing #0722-33-071-003; and

WHEREAS, the license was placed in Inactive status on September 7, 2023; and

WHEREAS, an Application has been filed by the Licensee for the renewal of its Plenary Retail Consumption License #0722-33-071-003, for the License Term from **July 1, 2024 through June 30, 2025**; and

WHEREAS, on February 21, 2012, the Township of West Orange brought a Notice of Charges of ABC Violations against the Licensee, charging violations of N.J.A.C. 13:2-23.6(a)(2), prohibition against immoral activities, disturbance, and nuisance on or about the licensed premises (one count - brawl, act of violence, disturbance, or unnecessary noise), and N.J.A.C. 13:2-23.6(b), prohibition against immoral activities, disturbance, and nuisance (one count - failing to operate licensee's business in orderly and lawful fashion so as to constitute a nuisance, the misconduct of the licensee, its employees and patrons creating conditions contrary to the public health, safety and welfare), all occurring over the course of 2010 to the present, and most recently on February 10, 2012; and

WHEREAS, the Licensee was properly and personally served with that Notice of Charges and by and through its attorney, Robert C. Williams, Esq., entered a Not Guilty plea to each charge with the Municipal Clerk; and

WHEREAS, the Licensee appeared before the Township Council of the Township of West Orange, serving as that municipality's ABC Board, the Licensee represented by its counsel, Robert C. Williams, Esq., and Kenneth W. Kayser, Esq., appearing on behalf of the Township as its ABC Prosecutor, for a hearing on the charges; and

WHEREAS, discussion and negotiation resulted in the Licensee and the Township, coming to an agreement to resolve the charges without the need for an evidentiary hearing, which agreement, memorialized by Resolution, was placed on the record before the ABC Board, providing as follows:

As to Charge 2, a violation of N.J.A.C. 13:2-23.6(b), prohibition against immoral activities, disturbance, and nuisance on premises, to wit, failing to operate licensee's business in orderly and lawful fashion so as to constitute a nuisance, the misconduct of the licensee, its employees and patrons creating conditions contrary to the public health, safety and welfare, the Licensee shall change its plea from not guilty to non-vult;

As to Charge 1, charging a violation of N.J.A.C. 13:2-23.6(a)(2), prohibition against immoral activities, disturbance, and nuisance on or about the licensed premises, to wit, permitting a brawl, act of violence, disturbance, or unnecessary noise on the licensed premises, said Charge is and hereby is dismissed;

As to Charge 2, the Licensee's License shall be suspended for ten (10) days, and said period of suspension shall be held in abeyance for a period of one (1) year from the date of the adoption of this Resolution, April 3, 2012, and if within that one (1) year period there occurs a new violation of any section of N.J.A.C. 13:2-23.6, for which there is a finding of responsibility, whether made within or after that one (1) year period, and there being no waiver of the Licensee's right to defend such a charge, the ten (10) days held in abeyance as to Charge 2 shall be served at the direction of the ABC Board in addition to any penalty imposed on the new charge(s);

Further as to Charge 2, the Licensee shall agree to the attachment to its License of a Special Condition that it shall have no parties or party-type events which are open to the public and promoted through social networking, or other internet sites, or otherwise promoted or advertised, and intended to attract a large number of attendees who pay for admission, whether to a promoter, or to the Licensee, or someone working for either or both;

Further as to Charge 2, the Licensee shall agree to the attachment to its License of a Special Condition that whenever a private party, or other private event is held at the licensed premises, which is anticipated to result in the parking lot at the premises filling to 75% of capacity, or more, at least two parking attendants shall be employed to monitor and manage ingress to and egress from the lot so as to maintain order and to prevent patrons from parking on the adjacent and nearby residential streets and off-street parking locations;

Further as to Charge 2, the Licensee shall agree to the attachment of its License of a Special Condition that entertainment at the licensed premises involving amplified music shall not be permitted after 11:00 p.m., on Sundays through Thursdays, and shall not be permitted after 1:00 a.m., on Saturday and Sunday mornings, excepting an event already committed to for Saturday, June 23, 2012, a party consisting of an older group of patrons who have previously had parties at the Licensee's location without incident and at which amplified music may be played until 1:30 a.m.;

During the period of suspension, if and when served, no alcoholic beverages shall be served or consumed on the premises and any and all alcoholic beverages on the premises shall be secured; and

WHEREAS, Special Conditions such as those agreed to may be re-imposed with each License renewal, subject to the Licensee's right to be heard with respect to them; and

WHEREAS, the Licensee, by and through its counsel, was notified by certified mail, return receipt requested, of the ABC Board's intention to continue the same Special Conditions for the 2012 to 2013 License Term, and for each succeeding License Term, and was provided with an opportunity to object and be heard with respect to the Special Conditions being imposed, and declined to object or to request a hearing; and

WHEREAS, the Licensee was again notified by letter dated and sent by certified mail, registered return receipt on or about **May 23, 2024**, of the ABC Board's intention to impose the same Special

Conditions upon renewal of the license for the next License Term and providing the opportunity for a formal hearing regarding such imposition of Special Conditions upon request; and

WHEREAS, the Licensee has offered no objection and therefore by its inaction has consented to continuation of the same Special Conditions upon renewal for the next License Term;

NOW, THEREFORE, BE IT RESOLVED THAT THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST ORANGE serving as the Township Board of Alcoholic Beverage Control, does hereby approve the renewal of the Plenary Retail Consumption License 0722-33-071-003, belonging to the Licensee, for the period from **July 1, 2024 through June 30, 2025**, for the premises located at 525 Northfield Avenue, West Orange, New Jersey, subject to the following Special Conditions pursuant to N.J.S.A. 33:1-32:

1. It shall have no parties or party-type events which are open to the public and promoted through social networking, or other internet sites, or otherwise promoted or advertised, and intended to attract a large number of attendees who pay for admission, whether to a promoter, or to the Licensee, or someone working for either or both;

2. Whenever a private party, or other private event is held at the licensed premises, which is anticipated to result in the parking lot at the premises filling to 75% of capacity, or more, at least two parking attendants shall be employed to monitor and manage ingress to and egress from the lot so as to maintain order and to prevent patrons from parking on the adjacent and nearby residential streets and off-street parking locations;

3. Entertainment at the licensed premises involving amplified music shall not be permitted after 11:00 p.m., on Sundays through Thursdays, and shall not be permitted after 1:00 a.m., on Saturday and Sunday mornings;

AND BE IT FURTHER RESOLVED, that a copy of this Resolution shall be provided to the Director of the Division of Alcoholic Beverage Control of the State of New Jersey, the Licensee and Licensee's attorney, Robert C. Williams, Esq., the Municipal Clerk's Office and the West Orange Police Department, and shall be maintained in the Township's permanent Alcoholic Beverage Control records, and that the Director is, and hereby is, respectfully requested to grant his approval to the foregoing Special Conditions as required by statute, and to communicate that approval to the Township of West Orange, which approval shall then also be maintained in the Township's permanent ABC records.

The above Resolution was passed by Township Council of the Township of West Orange serving as the West Orange Board of Alcoholic Beverage Control at their regular meeting held on **June 10, 2024**.

**Karen J. Carnevale, R.M.C., Municipal Clerk
and Secretary to the ABC Board**

**Bill Rutherford, Council President
and ABC Board Chairman**

**Adopted: June 10, 2024
Effective Date: June 10, 2024**

**TOWNSHIP OF WEST ORANGE, ESSEX COUNTY, NEW JERSEY
ALCOHOLIC BEVERAGE AND CONTROL BOARD**

RESOLUTION

WHEREAS, the Township Council of the Township of West Orange serves as the Township of West Orange Board of Alcoholic Beverage Control; and

WHEREAS, on May 24, 2016, the Township Council of the Township of West Orange, sitting as the ABC Board for the Township of West Orange, approved the person-to-person transfer of Plenary Retail Consumption License No. 0722-33-035-011, from DJF Realty, Inc., 466 Prospect Avenue, West Orange, NJ, to Club 466 Caterers, LLC, 466 Prospect Avenue, West Orange, NJ 07052, and the License for the new Licensee having been renewed for the July 1, 2016 through June 30, 2017 License Term by West Orange ABC Board Resolution 563-16, on June 14, 2016; and

WHEREAS, an application has been filed by Club 466 Caterers, LLC, 466 Prospect Avenue, West Orange, NJ 07052, for the renewal of its Plenary Retail Consumption License, bearing License #0722-33-035-011, for the period **July 1, 2024 through June 30, 2025**; and

WHEREAS, said Application complies with New Jersey State Laws regulating the sale, consumption, and distribution of alcoholic beverages; and

WHEREAS, there is a long history with respect to the Licensed Premises located at 466 Prospect Avenue and its previous Licensee, DJF Realty, Inc., as set forth below, DJF Realty, Inc., continuing as the Landlord of the Licensed Premises following transfer of its Plenary Retail Consumption License to Club 466 Caterers, LLC; and

WHEREAS, Public Hearings were held by the Township Council in its capacity as the Municipal Board of Alcoholic Beverage Control on January 4, 2005 and January 18, 2005, in which the following Exhibits were marked and admitted into evidence:

- DJF-1 Planning Board Resolution PB-02-11 (October 21, 2002 Meeting, Resolution adopted November 13, 2002;
- DJF-2 First Floor Plan of Premises dated August 4, 2004;
- DJF-3 Fire Department Occupancy for Prior Licensed Premises;
- DJF-4 Second Floor Plan of Premises dated December 20, 2003;
- DJF-5 Foundation Plan dated August 4, 2004;
- DJF-6 Sky Dance Brochure and Etcetera Restaurant/Flirt Nightclub Business Plan Executive Summary;
- DJF-7 Letter dated January 12, 2005, from attorney for applicant listing Special Conditions acceptable to Licensee;
- DJF-8 Marketing flyer/advertisement for proposed June, 2003 opening of Etcetera Restaurant and Flirt Nightclub;
- DJF-9 Revised list of Special Conditions acceptable to Licensee;
- DJF-10 Petitions to Insure the Quality of Life at Eagle Ridge Condominiums signed by 93 residents of Eagle Ridge Condominium community; and

WHEREAS, in addition to representatives of the applicant, one owner of a residence adjacent to the applicant's property, Richard S Schkolnick, Esq., an attorney on behalf of the Eagle Ridge Condominium Association, and more than a dozen residents of the adjacent Eagle Ridge Condominium community testified at the Public Hearings regarding their experiences with excessive noise, trespass, litter, and nuisance behavior by patrons of the prior license holder and concern about the likelihood of those problems increasing due to the larger size, capacity and intensification of use of the premises, including expansion of the parking areas to be used by the new licensed premises all adjacent to the Eagle Ridge community, almost a hundred residents of which signed petitions expressing these same concerns, and

WHEREAS, the Board expressed the belief that the noise problems faced by the residents of Eagle Ridge, many of whom retire for the night relatively early since they must leave early in the morning to commute to New York City, would be at least somewhat alleviated by cutting off the sale of alcohol at an earlier than usual hour to promote a more gradual departure of patrons during the hour or so before closing time, and

WHEREAS, the Board expressed concern about the "sky dance" cages or boxes, the advertisements for which show scantily clad women dancing inside them, and the applicant unable or unwilling to fully describe how they would be used other than for "motivational dancing", and their visibility from almost any and all parts of the premises, including the dining areas, and as elected officials and representatives of the conscience of the West Orange community, and wishing to maintain the community's character and moral standards, determined that the use of such entertainment equipment does not fit the character and standards of the community and should not be permitted on the premises, and

WHEREAS, the purpose of the ABC regulatory scheme is to protect the health, safety and welfare of the people of the State of New Jersey, and the fostering of moderate and responsible use and consumption of alcoholic beverages, and the proposed special conditions limiting hours of sale of alcohol and the use of entertainment devices which encourage excessive and irresponsible consumption of alcoholic beverages being logically related to the regulatory scheme and being reasonable efforts to promote the purposes of that scheme, and

WHEREAS the Board, by Resolution adopted following the January 18, 2005 hearing, approved the renewal of the Plenary Retail Consumption License issued to the Licensee bearing License #0722-33-035-008 for the 2004-2005 licensing term and further approved the Place-to-Place Transfer of said license (Expansion of Premises) for premises located at 466 Prospect Avenue, West Orange, New Jersey to place under license the area delineated in the Application Form and sketch of the licensed premises attached thereto or as otherwise approved by the West Orange Planning Board, the renewal and Place-to-Place Transfer subject to the following sixteen Special Conditions pursuant to *N.J.S.A. 33:1-32* (1 through 14 of which were agreed to by the Licensee, 15 and 16 of which, dealing with the sky dance boxes or cages and the hours of operation, respectively, were not agreed to by the Licensee):

1. All parking provided for the licensed premises shall be done by way of valet parking after 5:00 p.m. seven days per week and all valet parking employees shall be required to wear earphones with microphones in order to limit unnecessary shouting in the parking areas;
2. The Licensee shall hire one or more off-duty police officers at prevailing rates to direct traffic entering and exiting the premises in order to ease vehicular congestion on and around the premises. The officer or officers are to be on the site by 9:00 p.m. every Friday and Saturday

night until closing, or earlier than 9:00 p.m., or additional nights, or both, as may be needed. The Licensee shall work in conjunction with the West Orange Police Department in determining the needs of the site;

3 The Licensee shall refuse motorcycles on the site in order to limit noise on the premises;

4. There shall be no music outside the building, including but not limited to, the outside patio area;

5. The Licensee will not permit teen nights on the premises at any time;

6. The Licensee shall not advertise to the general public that the premises are opened as follows:

A. "Eighteen to party, twenty-one to drink" or other language to the same effect;

7. No alcoholic beverages or food shall be sold, served or consumed by patrons in the basement or on the third floor and said areas shall not be open to patrons;

8. Licensee shall not admit persons to the licensed premises who have not parked their vehicle with Licensee's valet service except in the case of persons arriving by taxicab, public transportation, car service or those persons who reside or are employed in homes and buildings on the East Side of Prospect Avenue, i.e., Eagle Ridge Condos, etc;

9. The sale of alcoholic beverages shall be prohibited on the premises until a Certificate of Occupancy is issued for the premises as well as any other license, permit, or Governmental approval required by law.

10. There shall be no outside bar service, including, but not limited to, the patio area.

11. The total number of patrons permitted on the premises which shall include the interior and patio areas shall be limited to 499 persons. This provision shall not restrict the authority of the Planning Board, Fire Department, or any other governmental authority from imposing further or different restrictions pursuant to their lawful authority;

12. The Licensee shall not remove bottles or other kinds of noise-producing refuse from the building after 10:00 p.m.

13. The Licensee shall provide private security personnel to monitor parking areas leased by the licensed premises for additional parking.

14. The Licensee shall install a second set of doors in the main entrance area to limit the amount of sound escaping from the premises.

15. The Licensee shall not be permitted to have "sky dance" cages or boxes, or similar devices, mechanisms, or equipment, on the premises.

16. The hours for sale of alcoholic beverages on the licensed premises are restricted as follows:

Sunday - 12:00 p.m. to 11:00 p.m.
Monday, Tuesday, Wednesday - 7:00 a.m. to 11:00 p.m.
Thursday - 7:00 a.m. to 12:00 a.m.
Friday - 7:00 a.m. to 1:00 a.m. Saturday
Saturday - 7:00 a.m. to 1:00 a.m. Sunday; and

WHEREAS, the licensee appealed those special conditions, which appeal was transmitted to the Office of Administrative Law where it was assigned docket no. ABCPL 03686-2005N, and was pending a plenary hearing, and

WHEREAS, those special conditions were submitted to the Director of Alcoholic Beverage Control for approval as required by *N.J.S.A. 33:1-32*, and his approval was granted by letter dated June 13, 2005, and

WHEREAS, the West Orange Planning Board, following numerous public hearings on the Licensee's application for amended site plan approval with variances, having decided on March 11, 2009, and memorializing said decision by adopting a Resolution of Approval on April 1, 2009, setting forth findings of fact and conclusions of law, and approving the application of DJF Realty, Inc., for amended Preliminary and Final Site Plan Approval with variances, all subject to certain conditions set forth in the Resolution, and the Applicant and Owner of the property at 466 Prospect Avenue, West Orange, NJ, having entered into a private Agreement with the Property Owners Association of Eagle Ridge, previously an objector to the application before the Planning Board, resolving their differences subject to certain conditions, and the Licensee having withdrawn its appeal and consenting to its dismissal for each and every one of the appeals filed to that point, and the Township agreeing to withdraw Special Conditions 15 and 16, which had been attached to the license renewals since the 2005 term, the remaining Special Conditions, imposed pursuant to *N.J.S.A. 33:1-32*, numbered 1 through 14, to remain in effect unless and until withdrawn by the West Orange ABC Board, in whole or in part, in conjunction with the next and subsequent annual license renewal periods, and following a hearing as may be required by law, and

WHEREAS, at its regular meeting on October 13, 2009, upon request by counsel for the Licensee, and due to changed circumstances, the West Orange ABC Board agreed to eliminate what had in prior approvals been Special Condition no. 8, regarding the refusal of admission of persons not using valet parking; and

WHEREAS, at the same meeting, the West Orange ABC Board, after hearing requests and argument by the Licensee's counsel as well as counsel to the ABC Board, made modifications to what had been Special Condition no. 2, in prior approvals, to add the Special Condition required by the then most recent Special Ruling, and to incorporate all pertinent parts of the Planning Board's Approval Resolution and the Agreement with the Property Owners Association of Eagle Ridge into its Special Conditions as follows:

1. All parking provided for the licensed premises shall be done by way of valet parking after 5:00 p.m. seven days per week and all valet parking employees shall be required to wear earphones with microphones in order to limit unnecessary shouting in the parking areas.
2. Every Thursday, Friday and Saturday night, and any night when the nightclub portion of the facility is open for business, meaning when there is dancing,

4sixty6 shall have not less than two (2) off-duty West Orange police officers present to control traffic and any disturbances at the proposed restaurant and nightclub. The Licensee shall hire such off-duty police officers at prevailing rates to direct traffic entering and exiting the premises in order to ease vehicular congestion on and around the premises. On those nights when the officers are required, they are to be on the site by 9:00 p.m., and to remain until closing. The Licensee shall work in conjunction with the West Orange Police Department in determining the specific needs of the site and, when required by that Department, the officers shall be on site earlier than 9:00 p.m., or on additional nights, or both. In the event that West Orange Police Officers are not available for these purposes, 4sixty6 may hire police officers from other municipalities or Essex County Police or Sheriff's Officers.

3. The Licensee shall refuse motorcycles on the site in order to limit noise on the premises.
4. There shall be no music outside the building, including but not limited to, the outside patio area.
5. The Licensee will not permit teen nights on the premises at any time.
6. The Licensee shall not advertise to the general public that the premises are opened as follows: "Eighteen to party, twenty-one to drink", or other language to the same effect.
7. No alcoholic beverages or food shall be sold, served or consumed by patrons in the basement or on the third floor and said areas shall not be open to patrons.
8. The sale of alcoholic beverages shall be prohibited on the premises until a Certificate of Occupancy is issued for the premises as well as any other license, permit, or governmental approval required by law.
9. There shall be no outside bar service, including, but not limited to, the patio area.
10. The total number of patrons permitted on the premises which shall include the interior and patio areas shall be limited to 499 persons. This provision shall not restrict the authority of the Planning Board, Fire Department, or any other governmental authority from imposing further or different restrictions pursuant to their lawful authority.
11. The Licensee shall not remove bottles or other kinds of noise-producing refuse from the building after 10:00 p.m.
12. The Licensee shall provide private security personnel to monitor parking areas leased by the licensed premises for additional parking.
13. The Licensee shall install a second set of doors in the main entrance area to limit the amount of sound escaping from the premises.

14. Pursuant to the ABC Director's Special Ruling dated September 29, 2009, pursuant to *N.J.S.A. 33:1-12.39*, since at the time it was the sixth license term for which relief was sought pursuant to *N.J.S.A. 33:1-12.39*, no further renewals of this license shall be granted unless the license is being actively used at an approved site on or before June 30, 2010. The license is being actively used at an approved site and has been so used for some time before June 30, 2010.
15. Consistent with the Agreement entered into between Licensee DJF Realty, Inc., the Applicant before the West Orange Planning Board for development of the site at 466 Prospect Avenue, and the owner of that property, Marjac, LLC, and the Property Owners Association of Eagle Ridge, the paragraphs in that Agreement numbered 4 (Closing Hours) and 7 (Police Presence), are incorporated into the West Orange ABC Board's approval of renewal of the liquor license such that it shall be a Special Condition of Renewal for this and for each and every renewal term to follow, that the restaurant and/or nightclub at 466 Prospect Avenue shall have a last call no later than 1:30 a.m., with a grace period of not more than ten (10) minutes prior to enforcement, which time requirement will not be effective on New Year's Eve or on the night when Daylight Savings Time takes effect in the spring of each year, when the closing hour will be one (1) hour later, which closing time may be extended in the event a State law or a municipal ordinance is adopted extending closing hours for Alcoholic Beverage establishments. Paragraph 7 (Police Presence) of that Agreement has already been incorporated in paragraph 2, above and herein.
16. The Licensee shall comply with all conditions and requirements of the West Orange Planning Board approval as set forth in its Resolution of Approval dated April 1, 2009; and

WHEREAS, the Township discovered a U.S. Third Circuit Court of Appeals decision holding it to be arbitrary and unreasonable for a municipal land use board to require as a condition of approval of a variance that off-duty police officers be hired to direct traffic and monitor compliance with occupancy limits, it not having been shown that the Licensee's own employees were incapable of performing such tasks (See 256 F.3d 107 (3rd Cir. 2001)), and as a matter of policy determined to cease the requirement of using Township Police Officers working side jobs for traffic control and security at or about Alcoholic Beverage Control Licensed premises, and

WHEREAS, the License renewal for the 2011 - 2012 License term incorporated such change in policy, which has been continued thereafter; and

WHEREAS, the new Licensee, Club 466 Caterers, LLC, is an experienced catering operator which has been since the transfer of License, and will be operating the premises, leased from the previous Licensee, not as a bar/restaurant/nightclub, but as a catering venue for weddings and other special occasions, which the new Licensee had and has agreed to operate within the Special Conditions previously in place as they will not adversely affect the New Licensee's catering use and that agreement has continued from License year to License year ever since beginning its operation; and

WHEREAS, the Licensee was notified by certified mail, return receipt requested, of the ABC Board's intention to continue the same Special Conditions for the **2024-2025** License Term and having offered no objection to same, indicating its continuing consent;

NOW, THEREFORE, BE IT RESOLVED THAT THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST ORANGE serving as the Township Board of Alcoholic Beverage Control does hereby approve the renewal of the Plenary Retail Consumption License heretofore issued to the Licensee, Club 466 Caterers, LLC, bearing License #0722-33-035-011, for the **2024-2025** Licensing term, said renewal being subject to the following Special Conditions pursuant to N.J.S.A. 33:1-32, all of which Special Conditions having been found by the Board to be necessary and proper to accomplish the objects of Title 33 and secure compliance with its provisions, and submitted for approval by the Director of the Division of Alcoholic Beverage Control in accordance with law:

1. All parking provided for the licensed premises shall be done by way of valet parking after 5:00 p.m. seven days per week and all valet parking employees shall be required to wear earphones with microphones in order to limit unnecessary shouting in the parking areas.
2. Every Thursday, Friday and Saturday night, and any night when the nightclub portion of the facility is open for business, meaning when there is dancing, 4sixty6 shall have not less than two (2) security personnel, at least one of whom shall be qualified to direct traffic on the streets and roads of New Jersey, present to control traffic and any disturbances at the proposed restaurant and nightclub. The Licensee shall hire such security personnel at prevailing rates, one to direct traffic entering and exiting the premises in order to ease vehicular congestion on and around the premises, and the other to control any disturbances. On those nights when the security personnel are required, they are to be on the site by 9:00 p.m., and to remain until closing. The Licensee shall work in conjunction with the West Orange Police Department in determining the specific needs of the site and, when required by that Department, the security personnel shall be on site earlier than 9:00 p.m., or on additional nights, or both.
3. The Licensee shall refuse motorcycles on the site in order to limit noise on the premises.
4. There shall be no music outside the building, including but not limited to, the outside patio area.
5. The Licensee will not permit teen nights on the premises at any time.
6. The Licensee shall not advertise to the general public that the premises are opened as follows: "Eighteen to party, twenty-one to drink", or other language to the same effect.
7. No alcoholic beverages or food shall be sold, served or consumed by patrons in the basement or on the third floor and said areas shall not be open to patrons.

8. The sale of alcoholic beverages shall be prohibited on the premises until a Certificate of Occupancy is issued for the premises as well as any other license, permit, or governmental approval required by law.
9. There shall be no outside bar service, including, but not limited to, the patio area.
10. The total number of patrons permitted on the premises which shall include the interior and patio areas shall be limited to 499 persons. This provision shall not restrict the authority of the Planning Board, Fire Department, or any other governmental authority from imposing further or different restrictions pursuant to their lawful authority.
11. The Licensee shall not remove bottles or other kinds of noise-producing refuse from the building after 10:00 p.m.
12. The Licensee shall provide private security personnel to monitor parking areas leased by the licensed premises for additional parking.
13. The Licensee shall install a second set of doors in the main entrance area to limit the amount of sound escaping from the premises.
14. Pursuant to the ABC Director's Special Ruling dated September 29, 2009, pursuant to *N.J.S.A. 33:1-12.39*, since at that time it was the sixth license term for which relief was sought pursuant to *N.J.S.A. 33:1-12.39*, no further renewals of this license were to be granted unless the license is being actively used at an approved site on or before June 30, 2010. The license is and has for some time now been actively used at an approved site.
15. Consistent with the Agreement entered into between Licensee DJF Realty, Inc., the Applicant before the West Orange Planning Board for development of the site at 466 Prospect Avenue, and the owner of that property, Marjac, LLC, and the Property Owners Association of Eagle Ridge, the paragraphs in that Agreement numbered 4 (Closing Hours) and 7 (Police Presence), to the extent not inconsistent herewith, are incorporated into the West Orange ABC Board's approval of renewal of the liquor license such that it shall be a Special Condition of Renewal for this and for each and every renewal term to follow, that the restaurant and/or nightclub at 466 Prospect Avenue shall have a last call no later than 1:30 a.m., with a grace period of not more than ten (10) minutes prior to enforcement, which time requirement will not be effective on New Year's Eve or on the night when Daylight Savings Time takes effect in the spring of each year, when the closing hour will be one (1) hour later, which closing time may be extended in the event a State law or a municipal ordinance is adopted extending closing hours for Alcoholic Beverage establishments. Paragraph 7 (Police Presence) of that Agreement has already been incorporated in paragraph 2, above and herein, except to make clear that private security personnel rather than Police Officers are acceptable alternatives to perform the required tasks.
16. The Licensee shall comply with all conditions and requirements of the West Orange Planning Board approval as set forth in its Resolution of Approval dated April 1, 2009, to the extent not inconsistent herewith.

AND BE IT FURTHER RESOLVED that a copy of this Resolution shall be provided to the Director of the Division of Alcoholic Beverage Control of the State of New Jersey and shall be maintained in the Township's permanent Alcoholic Beverage Control records.

The above Resolution was passed by Township Council of the Township of West Orange serving as the West Orange Board of Alcoholic Beverage Control at their regular meeting held on **June 10, 2024.**

**Karen J. Carnevale, R.M.C., Municipal Clerk
and Secretary to the ABC Board**

**Bill Rutherford, Council President
and ABC Board Chairman**

Adopted: June 10, 2024

Effective: June 10, 2024

**TOWNSHIP OF WEST ORANGE, ESSEX COUNTY, NEW JERSEY
BOARD OF ALCOHOLIC BEVERAGE CONTROL**

WHEREAS, LUX 123, LLC t/a South Valley BBQ & Lounge, located at 34 South Valley Road, West Orange, New Jersey, 07052, is the holder of Plenary Retail Consumption License No. 0722-33-009-012; and

WHEREAS, an application has been filed by LUX 123, LLC, t/a t/a South Valley BBQ & Lounge for renewal of its Plenary Retail Consumption License # 0722-33-009-012, for the period **July 1, 2024 through June 30, 2025**, the Application submitted to the Township Clerk and in compliance with New Jersey State Laws regulating the sale, consumption, and distribution of alcoholic beverages; and

WHEREAS, formerly Suzy Que's had made application for an Extension of Licensed Premise to add an outdoor food and beverage service area at the rear of the current location and to accomplish that Extension applied for a Place-to-Place transfer of the abovementioned license; and

WHEREAS, a public hearing was conducted at the regular West Orange Township ABC Board meeting on June 12, 2012, no one appeared in opposition and the Police Department's investigation did not raise any concerns, the Department approving of the transfer; and

WHEREAS, the Applicant and the Attorney for the applicant, Robert C. Williams, Esq., were present and responded to questions from the Council; and

WHEREAS, the Council expressed concern about creation of excess noise due to amplified music in or about the vicinity of the expansion, the proposed outdoor patio area where dining and alcoholic beverage service would be available, and to address that concern the Board would approve the expansion of licensed premises and place to place transfer only if subject to the Special Condition that there will be no amplified outside music after 10:00 p.m.; and

WHEREAS, the Township Council of the Township of West Orange, sitting as the West Orange Township ABC Board, approved of the Extension of Licensed Premise and Place to Place transfer of License No. 0722-33-009-012, held by SUZYQUE’S LLC t/a SuzyQue’s, Licensee, located at 34 South Valley Road, West Orange, New Jersey 07052, subject to the Special Condition pursuant to *N.J.S.A. 33:1-32*, that no amplified outside music shall be permitted after 10:00 p.m., all as evidenced and set forth in Resolution #483-12, adopted on June 12, 2012; and

WHEREAS, on June 12, 2012, the Township Council of the Township of West Orange, Sitting as the West Orange Township ABC Board, approved the renewal of the Plenary Retail Consumption License No. 0722-33-009-012, held by SUZYQUE’S LLC t/a SuzyQue’s, Licensee, located at 34 South Valley Road, West Orange, New Jersey 07052, for the License Term July 1, 2012 to June 30, 2013, subject to the Special Condition pursuant to *N.J.S.A. 33:1-32* that no amplified outside music shall be permitted after 10:00 p.m., there being no objection on the part of the Licensee to such Special Condition, and the same Special Condition having been deemed necessary and appropriate by the ABC Board, and having been consented by the Licensee in the succeeding License terms to date; and

WHEREAS, by letter dated and sent via certified mail, registered return receipt to the Licensee on **May 22, 2024**, the Licensee was notified of the Township ABC Board’s intention to continue the same Special Conditions upon renewal for the **2024-2025** License Term and offering a formal hearing in the event there was objection to same by the Licensee; and

WHEREAS, the Licensee has offered no objection and therefore by its inaction has consented to continuation of the same Special Conditions upon renewal; and

WHEREAS, the Licensee has one pending ABC violation charge as follows:

Violation #1: On April 5, 2018, you allowed, permitted or suffered on or about the licensed premises, a brawl, act or violence and/or disturbance in violation of N.J.A.C. 13:2-23.6(a)(2); Recommended Penalty: 1st Offense= 30-day suspension; and

WHEREAS, a hearing on that pending charge can be scheduled at the discretion of the

ABC Board and the Municipal ABC Prosecutor.

NOW THEREFORE BE IT, AND IT HEREBY IS, RESOLVED, by the Township Council of the Township of West Orange, sitting as the West Orange Township ABC Board, hereby approves of the renewal of the Plenary Retail Consumption License No. 0722-33-009-012, held by LUX 123, LLC t/a South Valley BBQ & Lounge, Licensee, located at 34 South Valley Road, West Orange, New Jersey 07052, for the License Term **July 1, 2024 through June 30, 2025**, subject to the Special Condition pursuant to *N.J.S.A. 33:1-32*, that no amplified outside music shall be permitted after 10:00 p.m., there being no objection on the part of the Licensee to such Special Condition.

AND BE IT FURTHER RESOLVED, that a copy of this Resolution shall be provided to the Director of the Division of Alcoholic Beverage Control of the State of New Jersey and shall be maintained in the Township's permanent Alcoholic Beverage Control records, and that the Director is, and hereby is, respectfully requested to grant his approval to the foregoing Special Conditions as required by statute, and to communicate that approval to the Township of West Orange, which approval shall then also be maintained in the Township's permanent ABC records;

The above Resolution was passed by the Township Council of the Township of West Orange sitting and serving as the West Orange Board of Alcoholic Beverage Control at their regular meeting held on **June 10, 2024**.

**Karen J. Carnevale, R.M.C., Municipal Clerk
and Secretary to the ABC Board**

**Bill Rutherford, Council President
and ABC Board Chairman**

**Adopted: June 10, 2024
Effective: June 10, 2024**

RESOLUTION

TOWNSHIP OF WEST ORANGE, ESSEX COUNTY, NEW JERSEY WEST ORANGE ABC BOARD

WHEREAS, the Township Council of the Township of West Orange serves as the Township of West Orange Board of Alcoholic Beverage Control; and

WHEREAS, an application has been filed by AMC Entertainment International, Inc., t/a AMC Theaters Essex Green 9, at 495 Prospect Avenue, West Orange, New Jersey, for renewal of its Plenary Retail Consumption License # 0722-33-066-009, for the period **July 1, 2024 through June 30, 2025**, the Application submitted to the Township Clerk and in compliance with New Jersey State Laws regulating the sale, consumption, and distribution of alcoholic beverages; and

WHEREAS, at its regular meeting on June 29, 2010, the Township Council, sitting as the Township ABC Board, approved the person to person and place to place transfer of License No. 0722-33-066-009, from SHO, Inc., to AMC Entertainment International, Inc., t/a AMC Theaters Essex Green 9, at 495 Prospect Avenue, West Orange, New Jersey, subject to the following special conditions:

1. All current security and off-duty police officers shall continue in accordance with past practice and resolutions (i.e., two (2) officers on Friday, Saturday and Sunday nights);
2. The business will not establish a policy whereby people under eighteen (18) years old must be accompanied by a parent or guardian in order to be on the premises unless such condition is affirmatively removed by the Township ABC Board; and
3. To the extent that the Licensee wishes to remove Condition No. 2, they may seek such relief before the Township ABC Board and in the event the Township ABC Board refuses to remove such condition, the Licensee fully preserves all of its rights, remedies and defenses including the right to appeal to the Director of Alcoholic Beverage Control for the State of New Jersey or such other entity or authority as may have jurisdiction; and

WHEREAS, after the aforesaid approval memorialized in ABC Resolution #443-10, the Licensee, AMC Entertainment International, Inc., t/a AMC Theaters Essex Green 9, expressed the strong desire to limit the admission of minors under the age of eighteen (18) years to those accompanied by a parent or guardian, citing the risks inherent in a darkened movie theater environment combined with the presence of alcoholic beverages on the premises, the New Jersey tradition and practice of very strict regulation of ABC Licensees, and expressing the Licensee's firm wish and intent to comply with and foster the strict enforcement of the ABC statutes and regulations both to protect its own considerable investment in the Licensed premises, in its dine-in theater business plan, and to fulfill the underlying rationale for ABC regulations, the protection of the public health and safety; and

WHEREAS, the ABC Board acknowledged and appreciated all of those concerns and considerations, as well as the benefits to the local economy of the Licensee's investment and successful operation, and agreed to remove the earlier imposed special condition no. 2, in ABC Board Resolution 443-10, and because removal of special condition no. 2 made special condition no. 3 superfluous, agreed to remove that condition as well; and

WHEREAS, at a special meeting of the Township Council of the Township of West Orange serving as the West Orange Board of Alcoholic Beverage Control, at the request of and with the consent of the Licensee, did Resolve in ABC Resolution #450, to amend its approval of the person to person and place to place transfer of License No. 0722-33-066-009, from SHO, Inc., to AMC Entertainment International, Inc., t/a AMC Theaters Essex Green 9, at 495 Prospect Avenue, West Orange, New Jersey, removing special condition nos. 2 and 3 as set forth in ABC Board Resolution #443-10, and leaving only the following special condition:

1. All current security and off-duty police officer requirements shall continue in accordance with past practice and resolutions regarding this location (i.e., two (2) officers on Friday, Saturday and Sunday nights); and

WHEREAS, the Township discovered a U.S. Third Circuit Court of Appeals decision holding it to be arbitrary and unreasonable for a municipal land use board to require as a condition of approval of a variance that off-duty police officers be hired to direct traffic and monitor compliance with occupancy limits, it not having been shown that the Licensee's own employees were incapable of performing such tasks (See 256 F.3d 107 (3rd Cir. 2001), and as a matter of policy determined to cease the requirement of using Township Police Officers working side jobs for traffic control and security at or about Alcoholic Beverage Control Licensed premises, and

WHEREAS, the License renewal for the 2011 – 2012, and subsequent License terms incorporated such change in policy, providing for the following Special Condition:

1. All current security and off-duty police officer requirements shall continue in accordance with past practice and resolutions regarding this location, off-duty police officers not being required, but security personnel being permitted in their place and stead (i.e., two (2) security personnel on Friday, Saturday and Sunday nights); and

WHEREAS, by letter dated and sent via certified mail to the Licensee on or about **May 22, 2024**, the Licensee was notified of the Township ABC Board's intention to continue the same Special Condition upon renewal for the **2024-2025** License Term and offering a formal hearing in the event there was objection to same by the Licensee; and

WHEREAS, the underlying reasons for the Special Conditions previously imposed on this License have not changed and the Licensee has offered no objection to their continuation, nor any request for their relaxation, and therefore by its inaction has consented to continuation of the same Special Conditions upon renewal;

NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST ORANGE serving as the Township Board of Alcoholic Beverage Control, does hereby approve the renewal of the Plenary Retail Consumption License heretofore issued to the Licensee, AMC Entertainment International, Inc., t/a AMC Theaters Essex Green 9, at 495 Prospect Avenue, West Orange, New Jersey, bearing License No. 0722-33-066-009, for the **2024-2025** License Term, subject to the following Special Condition pursuant to *N.J.S.A. 33:1-32*:

1. All current security and off-duty police officer requirements shall continue in accordance with past practice and resolutions regarding this location, off-duty police officers not being required, but security personnel being permitted in their place and stead (i.e., two (2) security personnel on Friday, Saturday and Sunday nights).

AND BE IT FURTHER RESOLVED, that a copy of this Resolution shall be provided to the Director of the Division of Alcoholic Beverage Control of the State of New Jersey and shall be maintained in the Township's permanent Alcoholic Beverage Control records, and that the Director is, and hereby is, respectfully requested to grant his approval to the foregoing Special Condition as required by statute, and to communicate that approval to the Township of West Orange, which approval shall then also be maintained in the Township's permanent ABC records;

The above Resolution was passed by Township Council of the Township of West Orange serving as the West Orange Board of Alcoholic Beverage Control at its regular meeting held on **June 10, 2024**.

**Karen J. Carnevale, R.M.C., Municipal Clerk
and Secretary to the ABC Board**

**Bill Rutherford, Council President
and ABC Board Chairman**

Adopted: June 10, 2024

Effective: June 10, 2024