

1. Conference Meeting Agenda

Documents: [CA5.7.13.PDF](#)

2. Public Meeting Agenda

Documents: [PM5.7.13.PDF](#)

3. Resolution(S)

3.I. 85-13

Documents: [85-13 MAYFAIR DISTRICT-PS+S-CONTRACT 3B.PDF](#)

3.II. 87-13

Documents: [87-13 SHOP LOCAL PROGRAM.PDF](#)

3.III. 88-13

Documents: [88-13 MORTGAGE DISCHARGE - 27 KINGSLEY STREET.PDF](#), [88-13 DISCHARGE-27 KINGSLEY STREET-ATTACHMENT.PDF](#)

3.IV. 89-13

Documents: [89-13 RAFFLE LICENSES-5.7.13.PDF](#)

3.V. 90-13

Documents: [90-13 AGREEMENT-WEST ORANGE + MONTCLAIR YMCA-POOL 2013.PDF](#)

3.VI. 91-13

Documents: [91-13 ABANDONED CAR AUCTION 2013 \(2\).PDF](#)

3.VII. 92-13

Documents: [92-13 SCHEDULE A \(ZB-12 03\).PDF](#), [92-13 ESCROW FEE BALANCE.PDF](#)

3.VIII. 93-13

Documents: [93-13 RETENTION OF SPECIAL COUNSEL FOR PROTEST OF FCC OPINION.PDF](#)

3.IX. 94-13

Documents: [94-13 RESOLUTION OF INTENT-55-57 RIDGEWAY AVE..PDF](#)

3.X. 95-13

Documents: [95-13 EXECUTIVE SESSION 5.7.13.PDF](#)

3.XI. 96-13

Documents: [96-13 IN SUPPORT OF A-2753-ENERGY TAXES.PDF](#)

3.XII. 97-13

Documents: [97-13 SUBURBAN CONSULTING ENGINEERS-15,250..PDF](#)

3.XIII. 98-13

Documents: [98-13 CHANGE ORD - REIVAX CONTRACTING-BELLE TERRE + ROOSEVELT.PDF](#)

3.XIV. 99-13

Documents: [99-13 RIDGEWAY PARK.PDF](#)

4. Ordinance(S) On Second And Final Reading

4.I. 2374-13

Documents: [2374-13 STANFORD AVENUE U-TURN PROHIBITION.PDF](#)

5. Ordinance(S) On First Reading

5.I. 2375-13

Documents: [2375-13 500,000 BOND ORDINANCE - DEVELOPMENT OF PARK ON RIDGEWAY AVENUE \(2\).PDF](#)

5.II. 2376-13

Documents: [2376-13 SPECIAL EMERGENCY ORDINANCE - ACCRUED LEAVE \(2\).PDF](#)

COUNCIL COMMITTEE CONFERENCE MEETING

AGENDA

Council Chambers - 66 Main Street, West Orange, NJ

May 7, 2013

This is to inform the general public that this meeting is being held in compliance with Section 5 of the Open Public Meetings Act, Chapter 231, Public Law 1975. A notice of this meeting was mailed to the Star Ledger and the West Orange Chronicle on November 29, 2012. A notice of this meeting was also posted on the Bulletin Board in the Municipal Building, West Orange and filed in the office of the Municipal Clerk of the Township of West Orange on November 29, 2012.

Roll Call - Councilman Guarino, Councilman Krakoviak, Councilwoman McCartney, Councilwoman Spango, Council President Cirilo (Mayor Parisi)

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6:30 P.M.

- Presentation-SHOP LOCAL
- Presentation-Sustainable Jersey- Bronze Level Certification

7:00 P.M.

- Public Meeting

AGENDA
May 7, 2013
Township of West Orange
66 Main Street – 7:00 p.m.

This is to inform the general public that this meeting is being held in compliance with Section 5 of the Open Public Meetings Act, Chapter 231, Public Law 1975. A notice of this meeting was mailed to the Star Ledger and the West Orange Chronicle on November 29, 2012. A notice of this meeting was also posted on the Bulletin Board in the Municipal Building, West Orange and filed in the office of the Municipal Clerk of the Township of West Orange on November 29, 2012.

Statement of Decorum

In all matters not provided for in subsection 3-15.1 and except upon consent of the Council President, each person addressing the Council pursuant to this subsection shall be required to limit his or her remarks to five (5) minutes, and shall at no time engage in any personally offensive or abusive remarks. The chair shall call any speaker to order who violates any provision of this rule. (1972 Code § 3-15.2)

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

Pledge of Allegiance.

2. General Matters Pending

3. Public Comment

***4. Consent Agenda**

***5. Approval of Minutes of Previous Meeting-Public Meeting April 23, 2013**

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

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

***8. Bills**

***9. Resolutions**

- a. 85-13 Resolution Authorizing an Additional Appropriation of \$94,000 for Professional Construction Phase Services Associated with the Mayfair District Storm Sewer Improvements, Contract No 3B, provided by PS&S, 67B Mountain Boulevard Extension, PO Box 4039, Warren, NJ 07059, in accordance with amended proposal dated April, 12, 2013(***tabled at April 23, 2013 meeting***)
- b. 87-13 Resolution In Support of a Property Tax Rewards Program to be Implemented as Part of the West Orange Shop Local Campaign
- c. 88-13 Resolution Authorizing Subordination of Mortgage-27 Kingsley Street
- d. 89-13 Resolution Authorizing Raffle Licenses
- e. 90-13 Resolution Authorizing License Agreement with Montclair YMCA for Limited Use of Pool Facilities at Ginny Duenkel Pool for Swim Practices, Summer of 2013
- f. 91-13 Resolution authoring Abandoned Car Sale on May 21, 2013 at Twin Towing, Inc., Select Towing, and Panek's Service Center.
- g. 92-13 Resolution Authorizing the Refund of the Balance of Escrow Fees Posted for Applicant DeKab, LLC in the Amount of \$585.00
- h. 93-13 Resolution Authorizing the Retention of Alan S. Tilles, Esq. of Shulman, Rogers, Gandal, Pordy &

Ecker, P.A. as the Township's Special Counsel at a Rate of \$450 per hour, NTE \$5,000, in Order to Retain Ownership of the Township's Emergency Radio Frequencies

The Township will appeal the FCC's Memorandum Opinion and Order Proposing Modification, which proposes the deletion of radio frequencies (800 MHz band) from the Township's license.

- i. 94-13 Resolution of Intent Declaring That Any Future Revenue Derived From Any Undeveloped Portion of Block 158, Lot 39 and Known as 55-57 Ridgeway Avenue Be Used to Reimburse the Open Space Trust Fund for the Development of a Park on the Remainder of the Parcel
- j. 95-13 Resolution Authorizing an Executive Session to Discuss a Matter of Litigation-FCC/Frequency Issue
- k. 96-13 Resolution Supporting Assembly Bill A-2753 and Senate Bill S-1923 Requiring Direct Payment of Energy Taxes to Municipal Government
- l. 97-13 Resolution Awarding a Professional Services Contract to Suburban Consulting Engineers, Inc., in the Amount of \$15,250. For Professional Land Surveying and Engineering Services for the Design of Roadway Improvements for Yale Terrace, Harvard Terrace and Oxford Terrace
- m. 98-13 Resolution Authorizing Change Order No. 1 with Reivax Contracting Corporation, 46 Washington Street, Harrison, NJ 07029 in the Amount of \$96,571.12 for Additional Street Improvements Along Garfield Avenue to be Performed in Conjunction with the Contract Improvement of Belle Terre Road and Roosevelt Avenue
- n. 99-13 Resolution Authorizing an Additional Appropriation of \$3,000. To Barreto/Dowd for Reimbursable Expenses Associated with Completing their Professional Services Contract for Ridgeway Park
(resolution to follow)

10. Ordinances on Second and Final Reading

- a. 2374-13 An Ordinance Amending and Supplementing Chapter 7, Traffic, Subsection 7-23.3, U-Turn Prohibitions, of the Revised General Ordinances of the Township of West Orange.

11. Ordinances on First Reading

- a. 2375-13 Bond Ordinance Authorizing the Development of a Park at Ridgeway Avenue in and For the Township of West Orange, in the County of Essex, New Jersey, Appropriating \$500,000 Therefore and Authorizing the Issuance of \$475,000 Bonds or Notes to Finance Part of the Cost Thereof
- b. 2376-13 An Ordinance Authorizing Special Emergency Appropriation Pursuant to N.J.S.A. 40A:4-53 for Severance Liabilities Resulting From Accrued Leave in Connection with the Layoff or Retirement of Employees

12. ABC Hearing-None

13. Adjournment

**The Council President may at his/her discretion modify with consent the order of business at any meeting of the Council if he/she deems it necessary and appropriate.
(1972 Code § 3-8; Ord. No. 726-84; Ord. No. 1157-93; Ord. No. 2128-07 § II)**

RESOLUTION

WHEREAS, the Professional Engineering firm of Paulus, Sokolowski & Sartor, LLC (PS&S) of 67B Mountain Boulevard Extension, P.O. Box 4039, Warren, New Jersey 07059 is providing construction phase services for the project known as Mayfair District Storm Sewer Improvements, Contract No. 3B being constructed by Shauger Property Services, Inc. of East Orange, N.J.; and

WHEREAS, these services were provided in accordance with their proposal dated October 21, 2011 in the amount of \$139,390.00 pursuant to the award of these services by Township Council Resolution No. 281-11, dated December 6, 2011; and

WHEREAS, during the construction of this project numerous obstacles, utility conflicts, environmental constraints and a natural disaster required the redesign of portions of the project as well as additional construction time; and

WHEREAS, this resulted in higher costs incurred by PS&S associated with their redesign and additional field inspection and project management time; and

WHEREAS, their additional fees for this work is estimated at \$94,000 in their proposal dated April 12, 2013 for additional construction phase services; and

WHEREAS, the additional professional services provided during the construction phase will result in the final contract amount for Mayfair District Storm Sewer Improvements, Contract No. 3B with Shauger Property Services, Inc. being between \$200,000 and \$250,000 less than the contract bid price; and

WHEREAS, these costs savings will enable the Township to make more substantial roadway improvements in the Mayfair District over those specified in the contract; and

WHEREAS, the Township Engineer by letter dated April 18, 2013 recommends an additional appropriation in the amount of \$94,000 be authorized to PS&S for additional construction phase services in accordance with their proposal dated April 12, 2013; and

WHEREAS, some of this additional fee will be used to provide inspection and project management services for the expanded street improvements; and

WHEREAS, sufficient funds through the NJDEP grant and loan program exist for these services and additional pavement construction; 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 an additional appropriation of \$94,000.00 is authorized for Professional Construction Phase Services for the Mayfair District Storm Sewer Improvements, Contract No. 3B by Paulus, Sokolowski & Sartor, LLC, 67B Mountain Boulevard Extension, P.O. Box 4039, Warren, New Jersey 07059 in accordance with their proposal dated April 12, 2013 and Scope of Services described in their original proposal dated October 21, 2011.

BE IT FURTHER RESOLVED that whereas under Local Public Contract Law services to be provided herein are of a professional nature and will not reasonably permit the drawing of specifications or receipt of competitive bids.

BE IT FURTHER RESOLVED that a copy of this resolution be published in the West Orange Chronicle as required by law within ten (10) days of passage.

Karen Carnevale, Municipal Clerk

Victor Cirilo, Council President

Adopted: May 7, 2013

**I hereby certify funds are available from: ACCOUNT NO.:03-2200-22-7050-003
MAYFAIR DISTRICT SEWERS**

John Gross, Chief Financial Officer

RESOLUTION

Resolution of the Township Council supporting a Property Tax Rewards Program
to be implemented as part of the West Orange Shop Local Campaign

WHEREAS, the Township Council of the Township of West Orange desires to stimulate local commerce in West Orange Township by encouraging the patronage of West Orange Township-based businesses by local residents; and

WHEREAS, the Township Council has determined it is appropriate to permit "reward" type programs that act as enhancement which will give West Orange Township taxpayers a financial incentive to patronize participating West Orange Township-based businesses through the payment of residential property taxes; and

WHEREAS, the Township Council of the Township of West Orange believes that the implementation of this system will benefit West Orange Township-based businesses and resident taxpayers.

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

1. The Township Council, the Administration and the Downtown West Orange Alliance support the implementation of the Property Tax Reward Program.
2. The program shall be administered solely by the vendor who shall be guided by the Township Administration and the Downtown West Orange Alliance to register interested taxpayers and West Orange Township-based businesses.
3. The Township shall establish the necessary reporting requirement for any payment of taxes made to the Township by the vendor. The Township shall not be responsible for any impact of program participation on mortgage escrow calculations. The Township shall not be responsible for any changes in property ownership.

Karen J. Carnevale, Municipal Clerk

Victor Cirilo, Council President

Adopted: May 7, 2013

RESOLUTION

WHEREAS, on June 15, 2009 a mortgage was filed by the Township under the West Orange Housing Rehabilitation Program, against John A. Del Rosso (the “Owner”) who owns 27 Kingsley Street in the Township of West Orange known as Block 21, Lot 3 (the “Property”); and

WHEREAS, the mortgage was in the amount of \$20,000.00 payable whenever this Property was sold or the title transferred; and

WHEREAS, the Owner has indicated that they have repaid the entire amount of the Mortgage plus a \$2000.00 administrative fee on or about October 14, 2010; and

WHEREAS, the Department of Planning and Development has reviewed their files and found that the mortgage filed against the Property in the amount of \$20,000.00 and the administrative fee of \$2000.00 has been paid in full;

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

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.

Karen J. Carnevale, Municipal Clerk

Victor Cirilo, Council President

Adopted: May 7, 2013

DISCHARGE OF MORTGAGE

A certain Mortgage dated June 15, 2009, was made by John A. DelRosso, 27 Kingsley Street, West Orange, N.J. to the Township of West Orange.

This Mortgage was made to secure payment of \$20,000.00. It was recorded or Registered in the office of the county recording officer of Essex County, State of New Jersey, on August 20, 2009 in Mortgage Book 12212, Page 7078.

1. This Mortgage has been PAID IN FULL or otherwise SATISFIED and DISCHARGED. It may now be discharged of record. This means that this Mortgage is now canceled and void.

2. I sign and Certify to this Discharge of Mortgage on

Witnessed or Attested by:

Mayor Robert D. Parisi

STATE OF NEW JERSEY, COUNTY
OF ESSEX CERTIFY THAT ON

SS

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

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

STATE OF NEW JERSEY, COUNTY
OF ESSEX CERTIFY THAT ON

SS

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

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

Record and Return to:

RESOLUTION

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

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

<u>Organization</u>	<u>Date of Event</u>	<u>Place</u>	<u>RL #</u>
Seton Hall Prep Fathers Club Off Premise Merchandise	8.28.13	120 Northfield Ave.	6868
Redwood School PTA On Premise 50/50	6.1.13	75 Redwood Ave.	6869
Redwood School PTA On Premise Merchandise	6.1.13	75 Redwood Ave.	6870
New Jersey Arts Incubator On Premise 50/50	6.21.13	4 Boland Drive	6871

Victor Cirilo
Council President

Karen J. Carnevale
Municipal Clerk

Adopted: May 7, 2013

***LICENSE AGREEMENT FOR
LIMITED USE OF POOL FACILITIES***

THIS AGREEMENT, effective May __, 2013 upon full execution by all parties, between:

Township of West Orange, as Licensor ("Township" or "Licensor")

and

The Montclair YMCA, as Licensee ("Montclair Y" or "Licensee")

WHEREAS, the Montclair Y runs a competitive swimming program in the summer and requires pool time for the same; and

WHEREAS, the Township owns a certain outdoor pool and surrounding facility in the Township located at 60½ Cherry Street, West Orange, New Jersey ("Pool Facility").

WHEREAS, the Montclair Y desires to use West Orange's outdoor swimming pool and changing room facilities;

NOW, THEREFORE, in consideration of the mutual promises and covenants contained herein, the parties hereto agree as follows:

1. **License Date and Effective Date of Agreement.** This License is made with an effective date of May __, 2013 ("Effective Date"). This Agreement shall not be effective until the Township receives a copy of this Agreement executed by the President of the Board of Trustees or Executive Director of Licensee and the required insurance certificate approved by the Township Attorney along with a Resolution evidencing approval by the Licensor's Township Council.

2. **Description of Agreement Premises.** The premises licensed by Township to Licensee includes the pool and locker rooms located at 60 ½ Cherry Street in the Township of West Orange, New Jersey ("Premises").

3. **Term.** The term of this License shall be from May 27, 2013 through August 31, 2013.

4. **Licensee's Use.** Licensee shall use the Premises for swim practices and not for any other use. The hours of use will be 6:00 a.m. until approximately 7:45 a.m. Monday through Friday. Assigned days and hours are subject to change during the period of this agreement if West Orange activities mandate such change. In the event of a conflict with a Township activity where pool and changing room use is required, the Township shall contact the Senior Aquatics Director of the Montclair Y as soon as the conflict is evident. No alternate arrangements need be made.

5. **Fee and Insurance.** A fee shall be payable in the amount of \$65.00 per hour plus the expense of an assistant manager or other authorized individual employed by the Township who must be onsite at all times during Licensee's use of the Premises. Licensee agrees to maintain public liability insurance naming itself and Township as named insured in an amount not less than one million (\$1,000,000) dollars per occurrence and two million (\$2,000,000) dollars in the aggregate. The Montclair Y shall carry liability insurance with a minimum combined single limit of One Million (\$1,000,000.00) dollars for bodily injury and property damage. The Montclair Y shall provide the original of a Certificate of Insurance to this effect upon signing this agreement. Further, the Montclair Y represents that all participants and staff have additional medical insurance and emergency room coverage under a policy provided through United States Swimming (\$10,000,000.00) and will provide a copy of that documentation included with this signed agreement.

6. **Indemnification.** Licensee shall indemnify and hold harmless Licensor including attorneys fees and expenses from any claims arising from Licensee's use of the Premises.

7. **Usage.** Licensee shall comply with all state and local laws, regulations, codes and ordinances. In addition, Licensee shall comply with all Township pool rules as shall be promulgated from time to time by the Township. Licensee hereby acknowledges receipt and full understanding of all current pool rules.

8. **Hours of Licensee Use.** Licensee shall be permitted to use the Premises during the hours of 6:00 a.m. until 7:45 a.m. Monday through Friday during the term set forth above. Any other hours of use shall be subject to prior written request and approval by the Township. Licensee may not use the Premises at any time without the Licensor's authorized representative present.

9. **Licensee's Care.** Licensee will commit no act of waste, will take good care of the Premises, and will comply with all laws, regulations, rules, and orders of any federal, state, or local government agencies or departments. Licensee will do nothing that may potentially increase the cost of Township's fire or public liability insurance.

10. **Staffing/Supervision & Safety:** Licensee shall provide a certified swim coach (USAS) for all competitive swimming activities and shall also provide a certified pool manager (CPO) to properly open the pool and assure its safety for participants. It shall be the responsibility of the Licensee to ensure the safety of its staff and all participants and to ensure that all staff and participants are properly trained in safety and health procedures and concerns. The Licensee shall immediately report any incidents to West Orange in writing and shall provide West Orange with a written incident report. The Licensee shall assume all liabilities of injuries resulting from swim team related activities.

11. **Lifeguard:** A fully certified lifeguard shall be present at all times. The Licensee will pay all costs for providing the lifeguard and shall reimburse West Orange for the utilization of a West Orange staff lifeguard.

12. **Repairs.** Township will make all necessary repairs to the Premises at

Township's expense except when the repairs are caused by the misuse or neglect by Licensee or by persons under Licensee's control or on the Premises at Licensee's invitation, in which even, Licensee shall make those repairs at Licensee's own expense. Licensee shall surrender the Premises in the same condition as they were at beginning of the term, reasonable wear and tear excepted.

13. **Improvements.** Licensee shall not cause any improvements, renovations or other work to be done at the Premises. All of Licensee's personal property shall be removed by Licensee on a daily basis upon the completion of Licensee's hours of use hereunder.

14. **Abandoned Property.** All of Licensee's property remaining on the Premises shall be deemed abandoned and the sole property of the Township.

15. **Payment.** All fees shall be paid within ten (10) days of the end of each month.

16. **Services.** The Township shall provide no services for Licensee's use except as specifically provided herein. Licensee agrees to place all garbage in a designated area. Township agrees to maintain the electrical, plumbing, HVAC and structural systems on the Premises.

17. **Damage to Building.** If the Premises are damaged by fire or any other cause, then Township may, give Licensee notice of election to terminate this Agreement.

18. **Township May Terminate.** If Licensee defaults in the performance of any covenant or condition of this Agreement, Township may, on written notice to Licensee terminate this Agreement.

19. **Notices.** Any notice by either party to the other shall be in writing and shall be deemed to be properly given only if delivered personally, telecopied, or mailed by registered or certified mail, return receipt requested, addressed (a) if to Licensee, at the above indicated location; (b) if to Township, at Township's address set out in this Agreement; or (c) at such addresses as Licensee or Township from time to time may designate in writing. Notice shall be deemed to have been given upon delivery if delivered personally, and if mailed, upon the third day after the date of mailing.

20. **Township's Right to Inspect Premises.** Township may enter the premises at any time without notice to Licensee to inspect the premises or make those repairs, replacements, and additions to the Premises as Township deems necessary or desirable. Licensee shall have no claim or cause of action against Township solely for entering the premises in accordance with the Paragraph.

21. **Interruption of Services or of Occupancy.** Interruption or curtailment of any service maintained on the Premises if caused by strikes, mechanical difficulties, or any other causes beyond Township's control shall not entitle Licensee to any claim against Township or to any abatement in rent, nor shall they constitute constructive or partial eviction.

22. **Elements of Construction Eviction.** Licensee shall not be entitled to claim a constructive eviction from the Premises.

23. **No Representations.** Neither party has made any representations or promises, other than those contained in this Agreement or in some further writing signed by the party making the representation or promise.

24. **Covenant of Quiet Enjoyment.** Township covenants that as long as Licensee pays the rent and any additional rent required under this Agreement and performs Licensee's covenants, Licensee shall peaceably and quietly have, hold, and enjoy the premises for the term provided, subject to the provisions of this Agreement.

25. **Waiver of Jury Trial.** To the extent waiver is permitted by law, the parties waive trial by jury in any action or proceeding brought in connection with this Agreement or the premises.

26. **Captions.** The captions in this Agreement are included for convenience only and shall not be taken into consideration in any construction or interpretation of this Agreement or any of its provisions.

27. **No Assignment.** The Licensee is not permitted to assign sublet or transfer any aspect of this Agreement, in whole or in part, to any entity or person.

28. **Agreement Binding on Successors, Representatives, and Assigns.** The provisions of this Agreement shall apply to, bind, and inure to the benefit of Township and Licensee, their successors, legal representatives, and assigns.

29. **Entire Agreement:** This Agreement may not be modified except by written agreement signed by both of the parties hereto.

IN WITNESS WHEREOF, the parties have hereunto executed this Agreement.

MONTCLAIR YMCA

Signed: _____

Witness: _____
Name: _____

Dated: _____

ATTEST:

TOWNSHIP OF WEST ORANGE

Karen J. Carnevale,
Municipal Clerk

By: _____
Robert D. Parisi,
Mayor

Dated: _____

716689_1

RESOLUTION
ABANDONED CAR AUCTION

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

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

The Purchasing Agent is hereby authorized to sell four (4) transferable vehicle title(s) in the manner set forth in N.J.S.A. 39:10A-1 and N.J.S.A. 40A:14-157. Date and time of sale is scheduled for Tuesday May 21, 2013 at 2:00 PM in following location:

Twin Towing
1 Lakeside Avenue
West Orange, NJ 07052

The Purchasing Agent is hereby authorized to sell seven (7) transferable vehicle title(s) in the manner set forth in N.J.S.A. 39:10A-1 and N.J.S.A. 40A:14-157. Date and time of sale is scheduled for Tuesday May 21, 2013 at 3:00 PM in following location:

Select Towing
52 Washington Street
West Orange, NJ 07052

The Purchasing Agent is hereby authorized to sell three (3) transferable vehicle title(s) in the manner set forth in N.J.S.A. 39:10A-1 and N.J.S.A. 40A:14-157. Date and time of sale is scheduled for Tuesday May 21, 2013 at 4:00 PM in following location:

Panek's Service Center
44 Lakeside Avenue
West Orange, NJ 07052

Karen J. Carnevale
Municipal Clerk

Victor Cirilo
Council President

ABANDONED CAR AUCTION NOTICE

In accordance with N.J.S.A. 39:10A-1 and N.J.S.A. 40A:14-157 the Township of West Orange will hold for sale at public auction on Tuesday May 21, 2013 at 2:00 pm prevailing time, the vehicles listed below. Sale will be held and vehicles may be inspected at: **Twin Towing Inc., 1 Lakeside Avenue, West Orange, NJ 07052.**

<u>YEAR</u>	<u>MAKE</u>	<u>VEHICLE ID</u>
2001	ACU	19UUA56731A029943
2000	DOD	1B3ES46C2YD529805
1993	FORD	1FTEF15Y3PNA33290
1991	HOND	1HGCB7653MA027066

In accordance with N.J.S.A. 39:10A-1 and N.J.S.A. 40A:14-157 the Township of West Orange will hold for sale at public auction on Tuesday May 21, 2013 at 3:00 pm prevailing time, the vehicles listed below. Sale will be held and vehicles may be inspected at: **Select Towing, 52 Washington Street, West Orange, NJ 07052.**

<u>YEAR</u>	<u>MAKE</u>	<u>VEHICLE ID</u>
1997	PONT	1G2WJ52K9VF203125
2000	PONT	1G2JB52441731733
1996	CHEV	1G1JF5241T7146086
1996	JEEP	1J4FJ67SXTL142810
2000	HYUN	KMHJF35F3YU981068
1999	CHEV	1GNDT13W8X2176847
2006	CHEV	2C3KA53G66H198815

The Township of West Orange will hold for sale at public auction on Tuesday May 21, 2013 at 4:00 p.m. prevailing time, the vehicle(s) listed below. Sale will be held and vehicles may be inspected at: **Panek's Service Center, 44 Lakeside Avenue, West Orange, NJ 07052.**

<u>YEAR</u>	<u>MAKE</u>	<u>VEHICLE ID</u>
2004	VW	WVWPD63B64P041572
1999	HOND	4S6CM58W4X4424326
1996	HOND	1HGCD5639TA084027

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

Anne DeSantis
Purchasing Agent

Notice to be published in WO Chronicle 05/09/13

92-13
May 7, 2013

SCHEDULE A

<u>APPLICANT</u>	<u>ESCROW ACCT#</u>	<u>DEPOSIT</u>	<u>REFUND</u>
DeKab LLC	12-6810-00-0980	\$1,500.00	\$ 585.00

Make Check Payable to:
DeKab LLC

Mail to:
DeKab LLC
372 Valley Road
West Orange, NJ 07052

RESOLUTION

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

WHEREAS application fees and escrow fees have been posted in connection with a Zoning Board of Adjustment application as indicated in Schedule A*; and

WHEREAS it has been determined that there still remains a balance of escrow fees posted for this applications.

NOW, THEREFORE BE IT RESOLVED that the balance of escrow fees posted for this application be refunded, as delineated in Schedule A.

*Schedule A attached

Karen J. Carnevale, Municipal Clerk

Victor Cirilo, Council President

Adopted: May 7, 2013

RESOLUTION

WHEREAS, in 2004, the Federal Communications Commission ("FCC") reconfigured the 800 MHz band to eliminate interference between public safety and other communication systems operating in the band; and

WHEREAS, as part of this reconfiguration, the FCC made spectrum available for licensing exclusively to public safety and critical infrastructure industry applicants; and

WHEREAS, on January 29, 2009, on behalf of the Township, frequency coordinators PCIA—The Wireless Infrastructure Association ("PCIA"), applied through the Universal Licensing System to modify the Township's license by adding frequency pairs 854/809.3125 MHz and 854/809.3375 MHz (the "Frequencies"); and

WHEREAS, in March 2009, New York City and New Jersey Transit filed objections to West Orange's application to add frequencies; and

WHEREAS, on April 11, 2013, the FCC rendered its Memorandum Opinion and Order Proposing Modification ("Opinion"), which proposes the deletion of the Frequencies from the Township's license; and

WHEREAS, if there is no protest of the Opinion filed by May 13, 2013, the FCC will order the modification of the Township's license to delete the Frequencies; and

WHEREAS, the Frequencies are valuable critical insofar as the Township uses them for purposes of radio communication between Police Department personnel, and for other public safety and emergency communication purposes; and

WHEREAS, Alan S. Tilles, Esq. ("Mr. Tilles") of Shulman, Rogers, Gandal, Pordy & Ecker, P.A. ("Shulman Rogers") is an attorney who specializes in these matters generally and is knowledgeable about the Township's particular case pending before the FCC. A copy of his engagement letter is annexed hereto as Exhibit "A "; and

WHEREAS, the Township's Law Department recommends the allocation of funds to

retain Mr. Tilles as special counsel to protest the Opinion, in order to retain ownership of the Frequencies;

NOW, BE IT HEREBY RESOLVED that the Township Council of the Township of West Orange hereby authorizes the retention of Mr. Tilles of Shulman Rogers as the Township's special counsel at a rate of \$450 per hour, not to exceed \$5,000, for the purpose of appealing the Opinion, and related matters; and be it further

RESOLVED, that a copy of this Resolution shall be made available to the public and published in accordance with applicable law.

Karen J. Carnevale
Township Clerk

Victor Cirilo
Council President

Adopted: May 7, 2013

I hereby certify funds are available from:_____

Account No.

John O. Gross, Chief Financial Officer

RESOLUTION OF INTENT DECLARING THAT ANY FUTURE REVENUE
DERIVED FROM ANY UNDEVELOPED PORTION OF BLOCK 158, LOT 39
AND KNOWN AS 55-57 RIDGEWAY AVENUE
BE USED TO REIMBURSE THE OPEN SPACE TRUST FUND FOR THE
DEVELOPMENT OF A PARK ON THE REMAINDER OF THE PARCEL

Whereas, the Mayor of West Orange has recommended the development of a park on a portion of the 6.238 acres property designated as Block 158, Lot 39 and known as 55-57 Ridgeway Avenue; and,

Whereas, the parcel is owned by the Township of West Orange; and,

Whereas, the West Orange Opens Space and Recreation Committee has endorsed the concept put forth by the Mayor; and,

Whereas, the West Orange Opens Space and Recreation Committee has approved the financing the development of this park using funds from the West Orange Open Space Trust Fund; and ,

Whereas, the West Orange Opens Space and Recreation Committee has recommended that any future revenue derived from any portion of the parcel be used to reimburse the Open Space and Recreation Trust Fund for the development of this park;

Therefore, be it resolved, that any future revenue derived from any portion of the parcel be considered to be used to reimburse the Open Space Trust Fund for the development of this park.

Karen J. Carnevale, Municipal Clerk

Victor Cirilo, Council President

Adopted: May 7, 2013

RESOLUTION TO HOLD A CLOSED SESSION

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

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

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

BE IT RESOLVED, that the Township Council of the Township of West Orange, now assembled in public session at its regular meeting of **May 7, 2013** shall enter into a closed session to consider the following matter(s).

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

More specifically, the Council may discuss in closed session the following topic(s):

Litigation

FCC/Frequency Issue

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

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

The foregoing Resolution was duly adopted by the Township Council of the Township of West Orange at a public meeting held on **May 7, 2013.**

Motion:

Second:

Vote

Aye:

Opposed:

Karen J. Carnevale
Municipal Clerk

Victor Cirilo
Council President

Adopted: May 7, 2013

RESOLUTION SUPPORTING ASSEMBLY BILL A-2753 AND SENATE BILL
S-1923 REQUIRING DIRECT PAYMENT OF ENERGY TAXES
TO MUNICIPAL GOVERNMENT

WHEREAS, taxes on gas and electric utilities were originally collected by the host municipalities, and when the State made itself the collection agent for these taxes, it promised to dedicate the proceeds to municipal property tax relief; and

WHEREAS, just as municipalities collect property taxes for the benefit of school districts, counties and other entities; the State is supposed to collect Energy Taxes for the benefit of municipal governments; and

WHEREAS, for years, though, State officials have diverted funding from Energy Taxes to plug holes in the State budget and to fund State programs; and

WHEREAS, the cumulative impact of years of underfunding has left many municipalities with serious needs and burdensome property taxes; and

WHEREAS, municipalities lost \$331 million in combined Energy Tax and Consolidated Municipal Property Tax Relief Aid (CMPTRA) funding in Fiscal Years 2009, 2010, and 2011, while also being denied scheduled incremental funding; and

WHEREAS, as a result of these cuts, in a number of municipalities property taxes are higher now, despite the fact that they are spending less, proving that the State's diversion of tax relief funding has contributed to higher municipal property taxes; and

WHEREAS, A-2753, sponsored by Assemblymen Daniel Benson and Wayne DeAngelo, and S-1923, sponsored by Senator Linda Greenstein, would restore the \$331 million in municipal property tax relief funding, ensure that each municipality will be restored to the 2007 (SFY 2008) Energy Tax Receipts/CMPTRA level and adjust that amount to account for inflation.; and

WHEREAS, the bills would require certain energy tax receipts to be paid directly to municipalities and, thereby, would assure local property taxpayers compensation for hosting transmission facilities and lines that allow gas and electric energy corporations to serve customers and conduct business in our Garden State; and

WHEREAS, the time has come to restore to local budgets the millions in property tax relief that have been annually diverted to meet State needs; now therefore be it

RESOLVED, that the Township Council of the Township of West Orange salutes the sponsors for listening to the Mayors in their districts and all around New Jersey and for advancing this legislation; and be it further

RESOLVED, that we enthusiastically support and urge our State Legislators to pass A-2753/S-1923; and be it finally

RESOLVED, that certified copies of this Resolution be forwarded to Governor Chris

Christie, Lieutenant Governor Kim Guadagno, New Jersey Senate President Steve Sweeney, New Jersey Senate Republican Leader Thomas Kean, Jr., New Jersey Assembly Speaker Sheila Oliver, New Jersey Assembly Republican Leader Jon Bramnick, our State Senator Richard J. Codey, our Assembly(wo)men John Mila M. Jasey and John F. McKeon, and to the New Jersey League of Municipalities.

Karen J. Carnevale, Municipal Clerk

Victor Cirilo, Council President

Adopted: May 7, 2013

RESOLUTION

WHEREAS, the Township of West Orange requested proposals from four (4) Engineering and Land Surveying firms to provide design services for the Improvement of Yale Terrace, Harvard Terrace and Oxford Terrace; and

WHEREAS, the services of a professional engineer and land surveyor are required to provide the necessary surveys and preparation of improvement plans and specifications; and

WHEREAS, Suburban Consulting Engineers, Inc. 100 Valley Road, Suite 202, Mount Arlington, New Jersey submitted a proposal dated April 29, 2013 to provide Engineering and Land Surveying Services for a fee not to exceed \$15,250.; and

WHEREAS, the proposal is acceptable to the Municipal Engineer; and

WHEREAS, this project will be funded by a Municipal Aid Grant from the New Jersey Transportation Trust Fund; 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 Township be and hereby authorized to enter into a Professional Services Contract with Suburban Consulting Engineers, Inc., 100 Valley Road, Suite 202, Mount Arlington, New Jersey 07856 to provide Engineering and Land Surveying services for the project the Improvement of Yale Terrace, Harvard Terrace and Oxford Terrace for a fee not to exceed \$15,250.

BE IT FURTHER RESOLVED that a copy of this Resolution be published in the West Orange Chronicle within 10 days of approval in accordance with N.J.S. 40A:11-5(1)(a)(i).

KAREN CARNEVALE, MUNICIPAL CLERK
PRESIDENT

VICTOR CIRILO, COUNCIL

Adopted: May 7, 2013

I hereby certify funds are available from: ACCOUNT NO.: 03-2137-22-5040-010

JOHN GROSS, CHIEF FINANCIAL OFFICER

RESOLUTION

WHEREAS, by Resolution No. 201-12 dated November 27, 2012 the Township awarded a contract to Reivax Contracting Corporation, 46 Washington Street, Harrison, New Jersey 07029 for the Improvement of Belle Terre Road and Roosevelt Avenue in the amount of \$482,855.60;

WHEREAS, construction commenced in Spring 2013;

WHEREAS, due to the construction of Belle Terre Road an adjoining street, Garfield Avenue, is being used as a detour around the construction area; and

WHEREAS, due to the increased traffic, the section of Garfield Avenue between Hoover Avenue and Belle Terre Road which was in fair to poor condition prior to construction is now in poor condition; and

WHEREAS, the Township Engineer recommends that sections of Garfield Avenue be improved with new curb, driveway aprons, handicapped ramps and pavement; and

WHEREAS, the Township Engineer stated the most efficient manner to improve Garfield Avenue would be to approve a Change Order for this work with Reivax Contracting Corporation; and

WHEREAS, the Township Engineer estimates the cost of the improvement at \$81,400.00; and

WHEREAS, the Local Public Contracting Law allows increases of twenty percent above the original award amount which totals \$96,571.12; and

WHEREAS, due to contingencies the Township Engineer is requesting a Change Order be approved in the maximum amount of \$96,571.12 with Reivax Contracting, to perform additional street improvements on Garfield Avenue from Hoover Avenue south; and

WHEREAS, the contractor is willing to perform this work at the unit prices bid for the Improvement of Belle Terre Road and Roosevelt Avenue; 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 Change Order No. 1 with Reivax Contracting Corporation, 40 Washington Street, Harrison, New Jersey 07029 for the Improvement of Belle Terre Road and Roosevelt Avenue in the amount of \$96,571.12 be approved to allow additional street improvement on Garfield Avenue, which adjoins Belle Terre Road, and whose condition has deteriorated as a result of additional traffic being detoured onto it.

Karen J. Carnevale, Municipal Clerk

Victor Cirilo, Council President

I hereby Certify funds are available from:

Account Numbers
03-2137-22-5040-010- Street Resurfacing

John O. Gross, Chief Financial Officer

RESOLUTION

WHEREAS, by Resolution No. 111-12 dated May 29, 2012 the Township of West Orange awarded a Professional Services contract to Barretto/Dowd, 100 Old Tavern Road, Howell, New Jersey 07731 in the amount of \$35,000.00 to design improvements and prepare bid documents for Ridgeway Park on Ridgeway Avenue; and

WHEREAS, the award included an estimated allowance of \$2,208.25 for reimbursable expenses; and

WHEREAS, the firm of Barreto/Dowd advised the Township Engineer that the allowance of \$2,208.25 will be exceeded primarily due to printing costs associated with reproducing 30 sets of bid documents and plans for public bidding purposes; and

WHEREAS, Barreto/Dowd estimated that to pay for the printing costs as well as to provide an allowance for reimbursable expenses another \$2,941.44 of funding is required; and

WHEREAS, the Township Engineer has requested by letter an additional appropriation of \$3,000.00 for reimbursable expenses to Barreto/Dowd associated with their professional services for the design of improvements and the preparation to bid documents for Ridgeway Park; and

WHEREAS, sufficient funds exist; 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 an additional appropriation of \$3,000.00 for reimbursable expenses to Barreto/Dowd, 100 Old Tavern Road, Howell, New Jersey 07731 associated with their design of

Ridgeway Park is authorized.

Karen J. Carnevale, Municipal Clerk

Victor Cirilo, Council President

I hereby Certify funds are available from: Account Numbers
03-2217-22-2084-203- Street Resurfacing

John Gross, Chief Financial Officer

**AN ORDINANCE AMENDING AND SUPPLEMENTING
CHAPTER 7, TRAFFIC, SUBSECTION 7-23.3, U- TURN PROHIBITIONS,
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 7-23.3, U-Turn Prohibitions, 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*):

Location	Limits
Stanford Avenue Way	From Pleasant Valley to Crestwood Drive westerly intersection.

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.

Robert D. Parisi, Mayor

Victor Cirilo, Council President

Introduced: April 23, 2013

Adopted: May 7, 2013

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

Karen J. Carnevale, Municipal Clerk

LEGISLATIVE HISTORY

This Ordinance will prohibit U-Turns on Stanford Avenue from Pleasant Valley Way to the westerly intersection with Crestwood Drive. This section of Stanford Avenue is adjacent to the Pleasantdale Elementary School, and prohibiting U-Turns on this section of Stanford Avenue will make it safer for both motorists and pedestrians and lead to the more efficient flow of traffic.

April 17, 2013

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

RE: **AMENDMENTS TO CHAPTER 7, TRAFFIC**
U-TURN PROHIBITIONS
STANFORD AVENUE

Mayor Parisi, Council President Cirilo, Ladies and Gentlemen:

Attached please find an Ordinance which amends Chapter 7, Traffic, of the Revised General Ordinances. This Ordinance prohibits U-Turns on Stanford Avenue from Pleasant Valley Way to the westerly intersection with Crestwood Drive. Prohibiting U-Turns on this section of Stanford Avenue will make it safer for both motorists and pedestrians and lead to the more efficient flow of traffic.

If you have any questions please feel free to call me.

Very truly yours,

Leonard R. Lepore, Municipal Engineer
Director of Public Works

LRL/tp

enc.

cc: John K. Sayers
Richard D. Trenk
Kenneth Kayser
Chief James Abbott
Police Officer Scott Smarsh

ORDINANCE 2375-13

BOND ORDINANCE AUTHORIZING THE DEVELOPMENT OF A PARK AT RIDGEWAY AVENUE IN AND FOR THE TOWNSHIP OF WEST ORANGE, IN THE COUNTY OF ESSEX, NEW JERSEY, APPROPRIATING \$500,000 THEREFORE AN AUTHORIZING THE ISSUANCE OF \$475,000 BONDS OR NOTES TO FINANCE PART OF THE COST THEREOF.

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

SECTION 1:

The improvements described in Section 3 of this bond ordinance (the "Improvements") are hereby authorized to be undertaken by the Township of West Orange, New Jersey (the "Township") as general improvements. For the said Improvements there is hereby appropriated the amount of \$500,000, such sum includes the sum of \$25,000 as the down payment (the "Down Payment") required by the Local Bond Law of the State of New Jersey, constituting Chapter 2 of Title 40A of the New Jersey Statutes, as amended and supplemented (the "Local Bond Law"). The Down Payment is now available by virtue of provision in the Open Space and Recreation Trust Fund.

SECTION 2:

In order to finance the additional cost of the Improvements not covered by application of the Down Payment, negotiable bonds of the Township are hereby authorized to be issued in the principal amount of \$475,000 pursuant to the provisions of the Local Bond Law (the "Bonds"). In anticipation of the issuance of the Bonds and to temporarily finance said improvements or purposes, negotiable bond anticipation notes of the Township are hereby authorized to be issued in the principal amount not exceeding \$475,000 pursuant to the provisions of the Local Bond Law (the "Bond Anticipation Notes" or "Notes").

SECTION 3:

(a) The Improvements authorized and the purposes for which obligations are to be issued are set by Ordinance No. 1816-02, adopted by the Township Council on April 23, 2002 and approved by the voters of the Township in the General Election of November 6, 2001, are limited to the acquisition of land for recreation and conservation purposes; (b) development of lands acquired for recreation and conservation purposes; (c) maintenance of lands acquired for recreation and conservation purposes; and (d) payment of debt service on indebtedness issued or incurred by the Township for any of the purposes set forth above, in accordance with Chapter 30 of the Public Laws of 1989 and as amended, and in particular is the development of a park at Ridgeway Avenue in the Township, located on a portion of Block 158, Lot 39 and known as 55-57 Ridgeway Avenue, all as shown on and in accordance with the plans and specifications

therefor on file in the Office of the Clerk.

(b) The estimated maximum amount of Bonds or Notes to be issued for the purpose of financing a portion of the cost of the Improvements is \$475,000.

(c) The estimated cost of the Improvements is \$500,000 which amount represents the initial appropriation made by the Township.

SECTION 4.

All Bond Anticipation Notes issued hereunder shall mature at such times as may be determined by the chief financial officer of the Township (the "Chief Financial Officer"); provided that no Note shall mature later than one year from its date. The Notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with Notes issued pursuant to this ordinance, and the signature of the Chief Financial Officer upon the Notes shall be conclusive evidence as to all such determinations. All Notes issued hereunder may be renewed from time to time subject to the provisions of Section 8(a) of the Local Bond Law. The Chief Financial Officer is hereby authorized to sell part or all of the Notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The Chief Financial Officer is directed to report in writing to the Township Council of the Township at the meeting next succeeding the date when any sale or delivery of the Notes pursuant to this ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the Notes sold, the price obtained and the name of the purchaser.

SECTION 5:

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

SECTION 6:

The following additional matters are hereby determined, declared, recited and stated:

(a) The Improvements described in Section 3 of this bond ordinance are not current expenses, and are capital improvements or properties that the Township may lawfully make or acquire as general improvements, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The average period of usefulness of the Improvements, within the limitations of the Local Bond Law, taking into consideration the respective amounts of all obligations authorized for the several purposes, according to the reasonable life thereof computed from the date of the Bonds authorized by this bond ordinance, is 15 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Township Clerk and a complete executed duplicate thereof has been filed in the office of the Director, Division of Local Government Services, Department of Community Affairs, State of New Jersey. Such statement shows that the gross debt of the Township, as defined in the Local Bond Law, is increased by the authorization of the Bonds and Notes provided in this bond ordinance by \$475,000 and the obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law. Pursuant to the provisions of N.J.S.A. 40A:2-44(h), the obligations authorized hereunder constitute a deduction from the gross debt of the Township to the extent of \$475,000 and that to that extent shall not be considered in determining the Township's net debt for debt incurring purposes.

(d) An aggregate amount not exceeding \$100,000 for items of expense listed in and permitted under Section 20 of the Local Bond Law is included in the estimated cost of the Improvements, as indicated herein.

SECTION 7:

Any funds received from time to time by the Township as contributions in aid of financing the purposes described in Section 3 of this Ordinance shall be used for financing said Improvements by application thereof either to direct payment of the cost of said Improvements or to the payment or reduction of the authorization of the obligations of the Township authorized therefor by this Bond Ordinance. Any such funds received may, and all such funds so received which are not required for direct payment of the cost of said Improvements shall, be held and applied by the Township as funds applicable only to the payment of obligations of the Township authorized by this Bond Ordinance.

SECTION 8:

The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Township, and the Township shall be obligated to levy ad valorem taxes upon all the taxable property within the Township for the payment of the obligations and the interest thereon without limitation of rate or amount.

SECTION 9:

This Bond Ordinance constitutes a declaration of official intent under Treasury Regulation Section 1.150-2. The Township reasonably expects to pay expenditures with respect to the Improvements prior to the date that Township incurs debt obligations under this Bond Ordinance. The Township reasonably expects to reimburse such expenditures with the proceeds of debt to be incurred by the Township under this Bond Ordinance. The maximum principal amount of debt expected to be issued for payment of the costs of the Improvements is \$475,000.

SECTION 10:

This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law, provided that the consent of the Local Finance Board has been endorsed upon a certified copy of this ordinance as finally adopted.

First Reading: May 7, 2013

Final Reading: May 21, 2013

Robert D. Parisi
Mayor

Victor Cirilo
Council President

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

Karen J. Carnevale, R.M.C.

Ordinance 2375-13
NOTICE

The Bond Ordinance, the summary terms of which are included herein, was introduced and passed upon first reading at a meeting of the governing body of the Township Council of the Township of West Orange, in the County of Essex, State of New Jersey, on May 7, 2013. It will be further considered for final passage after public hearing thereon at a meeting of the governing body to be held at the Township Council at the Municipal Building, 66 Main Street, in said Township on May 21, 2013 at 7 o'clock p.m. During the week prior to and up to and including the date of such meeting, copies of the full ordinance will be available at no cost and during regular business hours, at the Clerk's Office for the members of the general public who shall request the same. The summary of the terms of such bond ordinance follows:

Title: Bond Ordinance Authorizing The Development Of A Park At Ridgeway Avenue In And For The Township Of West Orange, In The County Of Essex, New Jersey, Appropriating \$500,000 Therefore An Authorizing The Issuance Of \$475,000 Bonds Or Notes To Finance Part Of The Cost Thereof.

Purpose(s): Development of a park at Ridgeway Avenue, located on a portion of Block 158, Lot 39 and known as 55-57 Ridgeway Avenue.

Appropriation: \$500,000

Bonds/Notes Authorized: \$475,000

Grants (if any) Appropriated: N/A

Section 20 Costs: \$100,000

Useful Life: 15 years

KAREN J. CARNEVALE
Municipal Clerk

This Notice is published pursuant to N.J.S.A. 40A:2-17

STATEMENT

The Bond Ordinance, the summary terms of which are included herein, has been finally adopted by the Township of West Orange, State of New Jersey on May 21, 2013 and the 20-day period of limitation within which a suit, action or proceeding questioning the validity of such Ordinance can be commenced, as provided in the Local Bond Law, has begun to run from the date of the first publication of this statement. Copies of the full ordinance are available at no cost and during regular business hours, at the Clerk's office for members of the general public who request the same. The summary of the terms of such bond ordinance follows:

Title: Bond Ordinance Authorizing The Development Of A Park At Ridgeway Avenue In And For The Township Of West Orange, In The County Of Essex, New Jersey, Appropriating \$500,000 Therefore An Authorizing The Issuance Of \$475,000 Bonds Or Notes To Finance Part Of The Cost Thereof.

Purpose(s): Development of a park at Ridgeway Avenue, located on a portion of Block 158, Lot 39 and known as 55-57 Ridgeway Avenue.

Appropriation: \$500,000

Bonds/Notes Authorized: \$475,000

Grants (if any) Appropriated: N/A

Section 20 Costs: \$100,000

Useful Life: 15 years

KAREN J. CARNEVALE
Municipal Clerk

Re: TOWNSHIP OF WEST ORANGE

**\$500,000 AUTHORIZING THE DEVELOPMENT OF A PARK
AT RIDGEWAY AVENUE**

_____ Certified copy of the Supplemental Debt Statement prepared as of the date of introduction of the ordinance. This should show filing in the Clerk's office as well as in Trenton.

_____ Down Payment Certificate.

_____ Certified copy of the minutes of the meeting of the Township Council held May 7, 2013 showing introduction of the ordinance.

_____ Affidavit of Publication in local newspaper following introduction of the ordinance.

_____ Certified copy of the minutes of the meeting of the Township Council held, May 21, 2013 showing public hearing and final adoption of the ordinance.

_____ Affidavit of Publication in local newspaper following final adoption of the ordinance.

_____ Clerk's Certificate executed no sooner than 21 days following final publication of the ordinance.

DEBT STATEMENT CERTIFICATE

I, Karen J. Carnevale, Municipal Clerk of the Township of West Orange, in the County of Essex, New Jersey (herein called the "Local Unit"), HEREBY CERTIFY that annexed hereto is a true and complete copy of the Supplemental Debt Statement of the Local Unit that was prepared as of May 7, 2013, 2013 by John Gross, who was then chief financial officer of the Local Unit and filed in my office on May 7, 2013, and that a complete, executed copy of such statement was filed in the office of the Director of the Division of Local Government Services of the State of New Jersey on _____, 2013.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Local Unit this ____ day of _____, 2013.

Karen J. Carnevale, Municipal Clerk

CERTIFICATE OF DOWN PAYMENT

I, John Gross, Chief Financial Officer of the Township of West Orange, in the County of Essex, New Jersey (the "Local Unit") HEREBY CERTIFY that prior to the final adoption on May 21, 2013 of an ordinance entitled:

**BOND ORDINANCE AUTHORIZING THE
DEVELOPMENT OF A PARK AT RIDGEWAY AVENUE IN
AND FOR THE TOWNSHIP OF WEST ORANGE, IN THE
COUNTY OF ESSEX, NEW JERSEY, APPROPRIATING
\$500,000 THEREFORE AN AUTHORIZING THE
ISSUANCE OF \$475,000 BONDS OR NOTES TO FINANCE
PART OF THE COST THEREOF**

there was available as a down payment for the purposes authorized by the ordinance the sum of \$25,000, which amount was appropriated as a down payment by the ordinance and was made available from the following sources (strike out inapplicable language):

- a. by provision in a previously adopted budget or budgets of the Local Unit for down payment or for capital improvements purposes:
- b. from moneys then actually held by the Local Unit and previously contributed for such purpose other than by the Local Unit; or
- c. by emergency appropriation.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporation seal of the Local Unit this _____ day of _____, 2013.

John O. Gross, Chief Financial Officer

(Seal)

CERTIFICATE

I, KAREN J. CARNEVALE, Municipal Clerk of the Township of West Orange, in the County of Essex, State of New Jersey, HEREBY CERTIFY that the foregoing annexed extract from the minutes of a meeting of the governing body of the Township duly called and held on May 7, 2013 has been compared by me with the original minutes as officially recorded in my office in the Minute Book of the governing body and is a true, complete and correct copy thereof and of the whole of the original minutes so far as they relate to the subject matters referred to in the extract.

IN WITNESS WHEREOF, I have hereunto set my hand and

affixed the corporate seal of the

Township this _____ day of

_____, 2013.

Karen J. Carnevale, Municipal Clerk

(SEAL)

EXTRACT from the minutes of a public meeting of the Township Council of the Township of West Orange, in the County of Essex, New Jersey held at the Municipal Complex in the Township of West Orange on May 7, 2013 at 7 o'clock p.m.

PRESENT:

ABSENT:

[Attach appropriate minutes hereto]

CERTIFICATE

I, KAREN J. CARNEVALE, Municipal Clerk of the Township of West Orange, in the County of Essex, State of New Jersey, HEREBY CERTIFY that the foregoing annexed extract from the minutes of a meeting of the governing body of the Township duly called and held on May 21, 2013 has been compared by me with the original minutes as officially recorded in my office in the Minute Book of the governing body and is a true, complete and correct copy thereof and of the whole of the original minutes so far as they relate to the subject matters referred to in the extract.

IN WITNESS WHEREOF, I have hereunto set my hand and
affixed the corporate seal of the
Township this ____ day of
_____, 2013.

Karen J. Carnevale, Municipal Clerk

(SEAL)

CLERK'S CERTIFICATE

I, KAREN J. CARNEVALE, Municipal Clerk of the Township of West Orange, in the County of Essex, State of New Jersey, HEREBY CERTIFY as follows:

1. I am the duly appointed Municipal Clerk of the Township of West Orange, in the County of Essex, State of New Jersey (herein called the "Local Unit"). In this capacity I have the responsibility to maintain the minutes of the meetings of the governing body of the Local Unit and the records relative to all ordinances and resolutions of the Local Unit. The representations made herein are based upon the records of the Local Unit.

2. Attached hereto is a true and complete copy of an ordinance passed by the governing body of the Local Unit on first reading on May 7, 2013 and finally adopted by the governing body on May 21, 2013, and where necessary approved by the Mayor on

_____.

3. On May 9, 2013 a copy of the ordinance and a notice that copies of the ordinance would be made available to the members of the general public of the municipality who requested copies, up to and including the time of further consideration of the ordinance by the governing body, was posted in the principal municipal building of the Local Unit at the place where public notices are customarily posted. Copies of the ordinance were made available to all who requested them;

4. A certified copy of this ordinance and a copy of the amended capital budget form has been filed with the Director of the Division of Local Government Services.

5. After final passage, the ordinance, a copy of which is attached hereto, was duly published on May 23, 2013. No protest signed by any person against making the improvement or incurring the indebtedness authorized therein, nor any petition requesting that a referendum vote be taken on the action proposed in the ordinance has been presented to the governing body

or to me or filed in my office within 20 days after the publication or at any other time after the final passage thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the Township this ____ day of _____, 2013.

Karen J. Carnevale, Municipal Clerk

[SEAL]

ORDINANCE 2376-13

AN ORDINANCE AUTHORIZING SPECIAL EMERGENCY APPROPRIATION PURSUANT TO N.J.S.A. 40A:4-53 FOR SEVERANCE LIABILITIES RESULTING FROM ACCRUED LEAVE IN CONNECTION WITH THE LAYOFF OR RETIREMENT OF EMPLOYEES.

BE IT ORDAINED by the Governing Body of the Township of West Orange, in the County of Essex, New Jersey that in accordance with N.J.S.A. 40A:4-53:

1. The sum of \$1,200,000 is hereby appropriated for severance liabilities resulting from accrued leave resulting from the layoff or retirement of employees, and shall be deemed a special emergency appropriation as defined and provided for in N.J.S.A. 40A:4-53.

2. The authorization to finance the appropriation shall be provided for in succeeding annual budgets by the inclusion of at least 1/5 of the amount authorized pursuant to this act (N.J.S.A. 40A:4-55).

3. This ordinance shall take effect as provided by law.

First Reading: May 7, 2013

Final Reading: May 21, 2013

Robert D. Parisi
Mayor

Victor Cirilo
Council President

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

Karen J. Carnevale, R.M.C.

NOTICE

The Ordinance published herewith was introduced and passed upon first reading at a meeting of the Township Council of the Township of West Orange, New Jersey, held on May 7, 2013. It will be further considered for final passage after public hearing thereon at a meeting of said Township Council to be held at the Municipal Building, 66 Main Street, West Orange, New Jersey, in said Township on May 21, 2013 at 7 o'clock p.m. and during the week prior to and up to and including the date of such meeting, copies of said Ordinance will be made available at the Clerk's Office to the members of the general public who shall request the same.

KAREN J. CARNEVALE
TOWNSHIP CLERK

STATEMENT

THE ORDINANCE PUBLISHED HERewith HAS BEEN FINALLY ADOPTED ON MAY 21, 2013 AND THE 20-DAY PERIOD OF LIMITATION WITHIN WHICH A SUIT, ACTION OR PROCEEDING QUESTIONING THE VALIDITY OF SUCH ORDINANCE CAN BE COMMENCED, AS PROVIDED IN THE LOCAL BOND LAW, HAS BEGUN TO RUN FROM THE DATE OF THE FIRST PUBLICATION OF THIS STATEMENT.

KAREN J. CARNEVALE
TOWNSHIP CLERK

ORDINANCE 2376-13

Re: TOWNSHIP OF WEST ORANGE

**SPECIAL EMERGENCY APPROPRIATION FOR SEVERANCE LIABILITIES
RESULTING FROM ACCRUED LEAVE IN CONNECTION WITH THE LAYOFF OR
RETIREMENT OF EMPLOYEES.**

N/A Certified copy of the Supplemental Debt Statement prepared as of the date of introduction of the ordinance. This should show filing in the Clerk's office as well as in Trenton.

N/A Down Payment Certificate.

_____Certified copy of the minutes of the meeting of the Township Council held_____

showing introduction of the ordinance.

_____Affidavit of Publication in local newspaper following introduction of the ordinance.

_____ Certified copy of the minutes of the meeting of the Township Council held _____
showing public hearing and final adoption of the ordinance.

_____Affidavit of Publication in local newspaper following final adoption of the ordinance.

_____Clerk's Certificate executed no sooner than 21 days following final publication of the ordinance.

EXTRACT from the minutes of a PUBLIC meeting of the Township Council of the Township of West Orange, in the County of Essex, New Jersey held at the Municipal Building in the Township of West Orange on May 7, 2013 at 7 o'clock p.m.

PRESENT:

ABSENT:

[Attach appropriate minutes hereto]

CERTIFICATE

I, KAREN J. CARNEVALE, Municipal Clerk of the Township of West Orange, in the County of Essex, State of New Jersey, HEREBY CERTIFY that the foregoing annexed extract from the minutes of a meeting of the governing body of the Township duly called and held on May 7, 2013 has been compared by me with the original minutes as officially recorded in my office in the Minute Book of the governing body and is a true, complete and correct copy thereof and of the whole of the original minutes so far as they relate to the subject matters referred to in the extract.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the Township this _____ day of _____, 2013.

Karen J. Carnevale, Municipal Clerk

(SEAL)

EXTRACT from the minutes of a PUBLIC meeting of the Township Council of the Township of West Orange, in the County of Essex, New Jersey held at the Municipal Building in the Township of West Orange on May 21, 2013 at 7 o'clock p.m.

PRESENT:

ABSENT:

[Attach appropriate minutes hereto]

CERTIFICATE

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IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the Township this ____ day of _____, 2013.

Karen J. Carnevale, Municipal Clerk

(SEAL)

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5. After final passage, the ordinance, a copy of which is attached hereto, was duly published on May 23, 2013. No protest signed by any person against making the improvement or incurring the indebtedness authorized therein, nor any petition requesting that a referendum vote be taken on the action proposed in the ordinance has been presented to the governing body

or to me or filed in my office within 20 days after the publication or at any other time after the final passage thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the Township this ____ day of _____, 2013.

Karen J. Carnevale, Municipal Clerk

[SEAL]