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AGENDA
August 20, 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 Cirilo, Councilman Guarino, Councilman Krakoviak, Councilwoman Spango, Council President McCartney (Mayor Parisi)

Pledge of Allegiance.

2. Public Comment

***3. Consent Agenda**

***4. Approval of Minutes of Previous Meeting-Public Meeting, June 25, 2013**

***5. Reading of Petitions and Communications and Bids-A letter from Mayor Parisi with regard to the appointment of Lisa Fahoury to the West Orange Public Library Board effective immediately and continuing through December 31, 2015.**

***6. Report of Township Officers-Municipal Judge's Report(s)-June, 2013 and July, 2013**

***7. Bills**

***8. Resolution(s)**

a. 153-13 Resolution Authorizing Raffle Licenses

b. 154-13 Resolution Supporting the Delaying of Draining Three Reservoirs on Garrett Mountain and Replacing Them with Large Concrete Tanks, Until Updated Rules are Released by the Environmental Protection Agency

c. 155-13 Resolution Approving the Settlement of Reliable Wood Products, LLC, One Caven Point Avenue, Jersey City, NJ Non Compliance Upon Payment of \$5,000. Plus any Additional Fees and Expenses Due to the Environmental Compliance Officer

d. 156-13 Resolution Awarding the Refuse and Recycling Collection Contract to Suburban Disposal, Inc., for Options #1, Items 1, 2 and 4 and Option #4 and Option#5 in the Bid Specifications Effective September 9, 2013 for a Period of Five (5) Years

It is recommended by the Mayor and his Solid Waste Advisory Committee to enter into a five (5) year contract with Suburban Disposal, Inc. for Refuse and Recycling Collection Services at a cost of \$1,780,850.00 per year or \$8,904,250.00 for the five (5) year term. This new contract will provide a minimum savings to the Township of \$219,000.00 per year or \$1,095,005.00 for five (5) years as compared to the current contract price.

e. 157-13 Resolution Authorizing Change Order No. 1 and Final in the amount of \$827.70 for the Project 2012 Street Improvements-Phase I, Various Streets with A & J Contractor's Group, Monroe Township, New Jersey Bringing the Final Contract Amount to \$421,317.30 or a 0.20 Percent Decrease in the Award Amount

f. 158-13 Resolution to Agree to Join Other Local Units of Government to File an Application to Establish a Joint Health Insurance Fund

g. 159-13 Resolution Authorizing an Agreement To Retain Blau & Blau For an Additional Four Month Term for the Provision of Commercial Real Estate Tax Appeal Services on a Flat Fee Basis of \$5,000 per Month for the Remainder of the 2013 Calendar Year, Totaling \$20,000

h. 160-13 Resolution Authorizing Award of Bid Through Competitive Contracting to Revenue Guard, 50 Route 9 North, Morganville, NJ for the Third Party Billing for Emergency Transport

i. Removed

j. 162-13 Resolution Authorizing Abandoned Car Auctions at Twin Towing, 1 Lakeside Avenue, West Orange on September 4, 2013 at 2:00 p.m. and Select Towing, 52 Washington Street, West Orange on September 4, 2013 at 3:00 p.m.

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.

k. 163-13 Resolution to Amend Introduced Budget (#1)

l. 164-13 Resolution of Need of the Township of West Orange Regarding Residential Development of Block 9, Lots 1, 7, 44, 50 and 56 Commonly Known as Harvard Press Site at 9, 15 Mitchell Street and 22-26 Central Avenue, West Orange

m. 165-13 Resolution Authorizing Change Order No. 1 for the Contract Llewellyn Park Roadway and Sanitary Sewer Improvements Between Sanitary Construction Company, 415 Franklin Avenue, Rockaway, NJ and the Township of West Orange Authorizing Additional Funding in the Amount of \$348,387.00 for Additional Roadway and Sanitary Improvements in Llewellyn Park

n. 166-13 Resolution Authorizing Change Order No. 2 with Reivax Contracting Corporation, 40 Washington Street, Harrison, NJ for the Improvement of Belle Terre Road and Roosevelt Avenue in the Amount of \$30,224.64 for Additional Street Improvements on Garfield Avenue Which Adjoins Belle Terre Road

o. 167-13 Removed

p. 168-13 Resolution Authorizing a Refund of Duplicate Payment of Third Quarter Taxes to Listed Taxpayer(s)

q. 169-13 Resolution Authorizing the Collector of Taxes to Rebate Payment to the Listed Taxpayer Pursuant to Final Judgment by the Tax Court of New Jersey

170-13 Resolution Authorizing an Executive Session to Discuss a Matter of Litigation-The Orange Reservoir Tax Case

9. Ordinances on Second and Final Reading

a. 2379-13 Bond Ordinance Amending Bond Ordinance 2366-12 and Bond Ordinance 2377-13 Finally Adopted by the Township Council of the Township of West Orange, New Jersey on December 18, 2012, as Amended on June 11, 2013

Ordinance 2379-13 re-appropriates all remaining funding that was originally appropriated for the WO Concession Stand to be used to procure 3-4 new Jitney buses

b. 2380-13 An Ordinance of the Township of West Orange, in the County of Essex, State of New Jersey Adopting an Amendment to the Harvard Press Redevelopment Plan

c. 2381-13 An Ordinance of the Township of West Orange, in the County of Essex, State of New Jersey

Authorizing the Establishment of a Government Energy Aggregation Program

10. Ordinances on First Reading

a. 2382-13 An Ordinance Amending and Supplementing Chapter III, Section 3-5, of the Revised General Ordinances of the Township of West Orange Entitled "Rules of Council", "Agenda", and Section 3-8, "Order of Business"

b. 2383-13 An Ordinance Amending Chapter 2, Section 66.1a of the Revised General Ordinances of the Township of West Orange, Entitled "Fees for Services"

c. 2384-13 An Ordinance Amending Chapter 5 of the Revised General Ordinances of the Township of West Orange, and Creating Subchapter 33, Entitled "Licensing for Shop Local Rewards Program"

11. ABC Hearing

a. 500-13 Hearing on Renewal for 2013-2014 License Term-**Angelitos LLC** (Special Conditions)

b. 508-13 Renewal of Plenary Retail Distribution, Consumption and Club License for the 2013-2014 License Term

c. 509-13 Person to Person, Place to Place Transfer of License #0722-33-013-001 (Inactive) West Orange Elks to Oak Barrel Pub

12. Adjournment

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

Agenda is subject to change.

COUNCIL COMMITTEE CONFERENCE MEETING
AGENDA
Council Chambers - 66 Main Street, West Orange, NJ
August 20 , 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 Cirilo, Councilman Guarino, Councilman Krakoviak,
Councilwoman Spango, Council President McCartney (Mayor Parisi)**

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6:30 P.M.

- **Presentation:** W.O. P.D. Community Service Unit-National Night Out Message
& Active Shooter Training Synopsis
- Public Announcements/Local Events

7:00 P.M.

- Public Meeting

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>
Saint Barnabas Development Fdn. On Premise Merchandise	10.24.13	481 Eagle Rock Ave.	6898
Saint Barnabas Development Fdn. Off Premise 50/50	10.24.13	481 Eagle Rock Ave.	6899
Livingston Education Fdn. Development Fdn. On Premise 50/50	10.18.13	350 Pleasant Valley Way	6900
Banyan School On Premise Merchandise	9.23.13	25 Prospect Ave.	6901
Banyan School On Premise Merchandise Golf	9.23.13	25 Prospect Ave.	6902
Banyan School Off Premise 50/50	9.23.13	25 Prospect Ave.	6903
Educational Partnership For Instructing Children Off Premise Merchandise	11.15.13	350 Pleasant Valley Way	6904
Fathers Club-SHP Off Premise 50/50	September - June 2013 Monthly	120 Northfield Ave.	6995

Catholic Charities of the Archdiocese of Newark Off Premise Merchandise	12.30.13	100 Valley Way	6996
W.O. First Aid Squad On Premise Merchandise	9.27.13	1199 Pleasant Valley Way	6997
Montclair State University Foundation On Premise 50/50	9.16.13	90 Rock Spring Rd.	6998
PTA Hazel Ave. School On Premise Merchandise	9.28.13	45 Hazel Avenue	6999
PTA Hazel Ave. School On Premise 50/50	9.28.13	45 Hazel Avenue	7000

Susan McCartney
Council President

Karen J. Carnevale
Municipal Clerk

Adopted: August 20, 2013

**RESOLUTION SUPPORTING THE DELAYING OF DRAINING THREE (3)
RESERVOIRS ON GARRET MOUNTAIN AND REPLACING THEM WITH
LARGE CONCRETE TANKS, UNTIL UPDATED RULES ARE RELEASED BY
THE ENVIRONMENTAL PROTECTION AGENCY**

WHEREAS, in response to a federal Environmental Protection Agency mandate to cover all treated drinking water supplies, the Passaic Valley Water Commission is planning on draining the three (3) reservoirs on Garret Mountain and replacing them with large concrete tanks; and

WHEREAS, the reservoirs are the Levine, New Street and the Great Notch, which happens to form about half of the western border of Rifle Camp County Park; and

WHEREAS, construction of the tanks would mar the landscape of the immediate area, which straddles Paterson and Woodland Park and would cost upwards of \$100 million; and

WHEREAS, the cost would be passed on to consumers; and

WHEREAS, being that local residents have been drinking this water for decades; and

WHEREAS, lawsuits filed against the mandate by New York City and Portland, Oregon, have spurred the Environmental Protection Agency (EPA) to revisit this requirement, known as LT2 and the EPA is taking until 2016 to release an updated version; and

WHEREAS, the Environmental Protection Agency has also granted New York City an extension for one particularly expensive reservoir replacement project; and

WHEREAS, based on this information, the Passaic County Planning Department would like to see the Passaic Valley Water Commission delay movement on the construction until the updated rules are released and less harmful solutions are explored; and

WHEREAS, these three sites about residential neighborhoods and the introduction of tanks would render them industrial in look while also raising the residents' water rates; and

WHEREAS, the Township Council of the Township of West Orange are desirous of demonstrating their support for the delay on the project, until the updated rules are released; and

WHEREAS, this matter was discussed at the Regular Meeting of the Governing Body of the Township of West Orange;

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of West Orange, County of Essex, State of New Jersey hereby urges the delay in movement on the tank construction project, until the updated rules are released by the Environmental Protection Agency; and

BE IT FURTHER RESOLVED that a copy of this resolution shall be forwarded to all New Jersey representatives.

Susan McCartney, Council President

Karen J. Carnevale, Municipal Clerk

Adopted: August 20, 2013

RESOLUTION

WHEREAS, the Township of West Orange owns and operates a recycling center located at 570 Mt. Pleasant Avenue, Township of West Orange (the "Site"); and

WHEREAS, the Site operates pursuant to an exemption issued by the State of New Jersey Department of Environmental Protection ("DEP"); and

WHEREAS, pursuant to Request for Proposal, the Township has entered into a License Agreement (the "Agreement") with Reliable Wood Products, LLC of One Caven Point Avenue, Jersey City, New Jersey (the "Reliable"); and

WHEREAS, the agreement requires Reliable to operate the Site in compliance with all applicable federal, state, county and Township regulations, including the New Jersey Department of Environmental Protection ("NJDEP") Regulations; and

WHEREAS, Reliable agreed to a liquidated damages provision entitling the Township to assess against Reliable damages of \$5,000 for each incident that the Township's Environmental Compliance Officer found that Reliable received vegetative material in excess of the amount permitted under the limited NJDEP approval of the Recycling Center, which is 7,500 cubic yards of unprocessed material and 7,500 cubic yards of processed material (See N.J.A.C. 7:26A-1.4(a)(3)); and

WHEREAS, in August 2011, the Township and surrounding areas were subject to Hurricane Irene; and

WHEREAS, in October 2011, the Township and surrounding areas were subject to a massive ice storm which created various quantities of debris and tree items; and

WHEREAS, on October 29, 2012, the Township and surrounding areas were subject to Hurricane Sandy; and

WHEREAS, these three (3) major weather events caused the Site to receive a significant amount of vegetative material in excess of what is allowed by the NJDEP; and

WHEREAS, due to the severe weather events, the NJDEP allowed the Site to temporarily take on vegetative material in excess of what is allowed under N.J.A.C. 7:26A-1.4(a)(3); and

WHEREAS, The NJDEP required the Site to have all of the material ground into a first grind state by March 1, 2012 and have all storm related materials removed no later than July 1, 2012; and

WHEREAS, notwithstanding various reminders by Wayne DeFeo, the Township Environmental Compliance Officer, and attempts by Reliable, the deadlines were not achieved; and

WHEREAS, Reliable has since spent approximately \$5,592,000 to purchase equipment to enable it to process large quantities of vegetative material faster in an attempt to avoid having excess material on site, and all such equipment is available to be used at the Site; and

WHEREAS, Reliable is now in compliance with the amount of material permitted under the limited NJDEP exemption for the Site; and

WHEREAS, in order to amicably resolve the issues above without the need for litigation, both the Township and Reliable intend to memorialize the release and resolution of these issues by execution of a Stipulation of Settlement in the form annexed hereto as **Attachment “A”** (the “Stipulation”); and

WHEREAS, pursuant to the Stipulation, Reliable has agreed to pay to the Township \$5,000.00 in consideration of the non-compliance described herein;

NOW, THEREFORE BE IT HEREBY RESOLVED, by the Township Council of the Township of West Orange that the Township approves the settlement of Reliable’s non-compliance upon payment of \$5,000 plus any additional fees and expenses due to the Environmental Compliance Officer; and it is further

RESOLVED that notice of Resolution shall be published and available in the Clerk’s Office for reasonable inspection in accordance with applicable law.

Karen J. Carnevale
Township Clerk

Susan McCartney
Council President

Adopted: August 20, 2013



"NJDEP PERMITTED FACILITY"

Reliable Wood Products INC

Specializing In Municipal & Commercial Wood Recycling

EUGENE J. CIARKOWSKI, ESQ.

EXECUTIVE VICE PRESIDENT - OPERATIONS

1 CAVEN POINT AVENUE

JERSEY CITY, N.J. 07305

ECIARKOWSKI@RELIABLEWOODPRODUCTS.COM

TEL: 201-333-5244

EXT. 139

FAX: 201-333-6712

STIPULATION OF SETTLEMENT

The Parties

This Stipulation of Settlement (hereinafter referred to as the "Settlement") is made on this _____ day of July 2013 between Reliable Wood Products, LLC ("Reliable"), having an address at 1 Caven Point Avenue, Jersey City, NJ 07305, and the Township of West Orange (the "Township"), a Municipal Corporation of the State of New Jersey having its principal location at 66 Main Street, West Orange, New Jersey 07052 (collectively, the "Parties"); and whereas, in furtherance of the Settlement, the Parties hereby represent, warrant, state and agree:

Witnesseth

WHEREAS, pursuant to a public bidding process the Parties entered into an agreement whereby Reliable would operate the Township recycling center, located at 590 Mount Pleasant Avenue, West Orange, NJ 07052 ("Recycling Center"), in compliance with all applicable federal, state, county and Township regulations, including the New Jersey Department of Environmental Protection ("NJDEP") Regulations, for a three (3) year contract period commencing October 1, 2008 with options to renew for two additional one (1) year periods (the "Agreement"); and

WHEREAS, the Agreement was renewed for the October 1, 2011 through September 30, 2012 optional term, and again for the October 1, 2012 through September 30, 2013 optional term; and

WHEREAS, Reliable agreed to a liquidated damages provision entitling the Township to assess against Reliable damages of \$5,000 for each incident that the Township's Environmental Compliance Officer found that Reliable received vegetative material in excess of the amount permitted under the limited NJDEP approval of the Recycling Center, which is 7,500 cubic yards of unprocessed material and 7,500 cubic yards of processed material (See N.J.A.C. 7:26A-1.4(a)(3)); and

WHEREAS, in or around August 2011 through October 2011, the Township was affected by certain severe weather events, including Hurricane Irene, causing the Recycling Center to receive a significant amount of vegetative material in excess of what is allowed by the NJDEP; and

WHEREAS, due to the severe weather events, the NJDEP allowed the Recycling Center to temporarily take on vegetative material in excess of what is allowed under N.J.A.C. 7:26A-1.4(a)(3); and

WHEREAS, The NJDEP required the Recycling Center to have all of the material ground into a first grind state by March 1, 2012 and have all storm related materials removed no later than July 1, 2012; and

WHEREAS, notwithstanding various reminders by the Township Environmental Compliance Officer and attempts by Reliable, the deadlines were not achieved; and

WHEREAS, the Township Environmental Compliance Officer found that, from July 9, 2012 to October 6, 2012, Reliable missed several deadlines to bring its operation of the Recycling Center into compliance with the vegetative material permitted under the limited

NJDEP approval of the Recycling Center, and was thus in non-compliance for at least seventy seven (77) days; and

WHEREAS, Reliable has since spent approximately \$5,592,000 to purchase equipment to enable it to process large quantities of vegetative material faster in an attempt to avoid having excess material on site, and all such equipment is available to be used at the Recycling Center; and

WHEREAS, Reliable is now in compliance with the amount of material permitted under the limited NJDEP exemption for the Recycling Center; and

WHEREAS, the Parties have agreed to amicably resolve the issues above without the need for litigation, and to hereby memorialize the settlement between the parties by execution of this Stipulation of Settlement; and

NOW, THEREFORE, in consideration of the mutual benefits conferred in this Settlement, the premise of this Settlement, the consideration provided for herein, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, and subject to the terms and conditions herein contained, the Parties agree as follows:

1. **Settlement Amount.** Reliable shall pay to the Township a total of Five Thousand (\$5,000) Dollars (the "Settlement Amount"), in consideration of the violations as set forth in this Agreement. Additionally, to the extent that it has not already done so, Reliable shall pay all fees and expenses of the Environmental Compliance Officer for all inspection services related to the violations as set forth above. The Settlement Amount shall be paid in accordance with the terms hereof. All monies shall be remitted to the Township c/o John Gross, Chief Financial Officer, Municipal Building, 66 Main Street, West Orange, New Jersey 07052 no later than 30 days after the Township Council approves and all parties execute this Stipulation of Settlement. To the fullest extent necessary, the Township may designate its Chief Financial Officer an Attorney-in-Fact to execute any joint check or other disbursement to satisfy the Settlement Amount. To the extent necessary, the Township may deduct or offset the Settlement Amount from any monies due to Reliable.

2. **Scope of Settlement.** The Settlement Amount is paid by Reliable, to the Township, in satisfaction of liquidated damages owed to the Township by Reliable, and unexpected expenses incurred by the Township due to Environmental Compliance Officer fees and attorneys' fees in connection with the violations set forth herein. Nothing contained herein shall release Reliable from any remaining obligations under the Agreement.

3. **Waiver of Claims.** As a condition of this Settlement, Reliable hereby waives, with prejudice and in their entirety, any and all claims, counterclaims, equitable relief and defenses that have been, could be or could have been brought against the Township in connection with the Agreement.

4. **Enforceability.** Reliable's failure to pay the Settlement Amount shall be deemed an immediate default entitling the Township to file suit for the Settlement Amount, including the recovery of reasonable attorneys' fees and costs to be paid by Reliable, in connection with any such enforcement. In any such event, Reliable consents to entry of a judgment in the amount of the Settlement Amount plus reasonable attorneys' fees, costs and post-judgment interest.

5. **Choice of Law.** This Settlement shall be governed in all respects, including validity, interpretation, and effect by the laws of the State of New Jersey. The Settlement shall be dated as of the date it was last signed by any of the Parties, which date shall be incorporated on the face page of this Agreement.

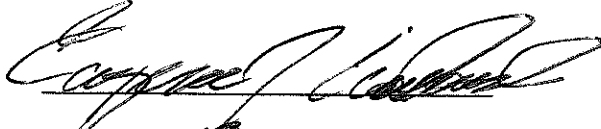
7. **Separate Counsel.** The Parties have been represented by separate counsel or had sufficient opportunity to consult with counsel. Neither of the Parties have relied upon the other Parties' counsel in executing this Settlement.

8. **Additional and Miscellaneous Terms.** The Parties represent that they relied upon the legal advice of attorneys of their own choice and that they have each had the opportunity to review this Settlement with their attorneys. The Parties further represent that the terms of the Settlement have been completely read and examined by their attorneys, and that they fully understand and voluntarily accept the stated terms. This Settlement shall be binding upon the Parties, and their agents, successors and assigns. No modifications or changes in this Settlement shall be binding unless in writing and executed by all Parties. No delay in enforcing any aspect of this Settlement shall be deemed a waiver of any rights and remedies. To the extent the Township Council fails to approve this Stipulation of Settlement, all parties reserve all rights and remedies and nothing contained herein shall be evidential for any purpose.

Signatures Follow

The foregoing terms and conditions are agreed to and stipulated by:

WITNESS:



Dated: July 18, 2013

RELIABLE WOOD PRODUCTS, LLC

By: 
Title: Regional Vice President

WITNESS:

Dated: July ____, 2013

TOWNSHIP OF WEST ORANGE

By: _____
Robert Parisi, Mayor

749466__1

RESOLUTION

WHEREAS, the Township's Refuse and Recycling Collection Service Contract is scheduled to expire on September 8, 2013; and

WHEREAS, on April 25, 2013 public notice was given of bid specifications for a new contract; and

WHEREAS, the Solid Waste Advisory Committee reviewed the bid specifications and has supervised the bidding and bid award procedures in cooperation with the Purchasing Agent; and

WHEREAS, on the due date and time for submission of bids for this Contract, July 23, 2013, two bids were received and opened in the Township Municipal Building; and

WHEREAS, Suburban Disposal, Inc. submitted the lowest financial bid with regard to Option #1 for Refuse and Recycling Collection Services; and

WHEREAS, Joseph Smentowski, Inc./Galaxy submitted the 2nd lowest financial bid for Option #1 for Refuse and Recycling Collection Services; and

WHEREAS, the Township has reviewed the two bids submitted and has determined Suburban Disposal, Inc. to be the lowest responsible bidder; and

WHEREAS, the Township has further determined that the bid submitted by Joseph Smentowski, Inc./Galaxy, was not only considerably higher than the bid submitted by Suburban Disposal, Inc., but that it was also not a responsive bid in that a required form titled, "Disclosure of Investment Activities in Iran" was not submitted; and

WHEREAS, the Solid Waste Advisory Committee recommends awarding a contract for the following:

OPTION #1

Item #1 – Refuse Collection Service for residential sources two times per week in three zones.

Item #2 – Additional Refuse Collection Service; municipal sources, limited commercial collection two times per week in three zones, bulky trash collection for residential sources one time per week in three zones, litter baskets two times per week in three zones and four times per week in designated zones, refrigerants and electronic waste one time per week on a call in basis to the contractor.

Item #4 – Recycling Collection Service to residents, municipal sources and limited commercial collection one time per week in three zones utilizing the single stream method. No commercial cardboard collection.

OPTION #4 – Rental of Compactor Truck

OPTION # 5 – Refuse Container Mechanical Pick Up

NOW THEREFORE, BE IT, AND HEREBY IT IS, RESOLVEDby the Township Council of the Township of West Orange that the Refuse and Recycling Collection Contract effective September 9, 2013 for Option #1 Items #1, #2 and #4 and Option #4 and Option #5, all as set forth at length and with specificity in the bid specifications and the response thereto submitted by Suburban Disposal, Inc., 54 Montesano Road, Fairfield, NJ 07004 is awarded to Suburban Disposal Inc. for a period of five (5) years; and it is further

RESOLVED, that the Mayor and Municipal Clerk are hereby authorized to execute and attest to the execution of all appropriate documents to effectuate the award of this bid as referred to herein; and it is further

RESOLVED, that the Municipal Clerk is hereby directed to cause notice of this award to be published in accordance with applicable law and shall maintain a copy of the Contract on file for public inspection.

Karen J. Carnevale, Municipal Clerk

Susan McCartney, Council President

Adopted: August 20, 2013

I hereby certify funds available from 01-2010-00-8902-140

John O. Gross, Chief Financial Officer

OPTION #1 – ITEMS #1 AND #2 AND #3 OR #4

Refuse Collection Service Two Times per Week, in Three Zones and Bulky Trash Collection, One Time per Week, in Three Zones, from Residential Sources and Municipal Sources; and Limited Refuse Collection, Two Times per Week, in Three Zones, from Commercial Sources; and Recycling Collection Service, One Time per Week, in Three Zones, from Residential Sources, Municipal Sources and Limited Commercial Sources; and Commercial Cardboard Collection, One Time per Week, as designated; and Refrigerant Collection One Time per week, on a call in basis, from Residential Sources and Municipal Sources; and Electronic Waste Collection One Time per week, on a call in basis, from Residential Sources and Municipal Sources; and Litter Basket Collection, Two Times per Week, in Three Zones and Four Times per Week, in Designated Zones.

1 Year

3 Years

5 Years

X Item #1 - Refuse Collection Service
Residential Sources

Possible Residential Units: 16,697

<u>Unit Price per Year</u>	<u>\$48.00</u>
<u>Total Price per Year</u>	<u>\$801,456.00</u>

<u>Unit Price per Year</u>	<u>\$49.00</u>
<u>Total Price per Year</u>	<u>\$818,153.00</u>

<u>Unit Price per Year</u>	<u>\$50.00</u>
<u>Total Price per Year</u>	<u>\$834,850.00</u>

X Item #2 - Additional Refuse Collection Service; Municipal Sources, Limited Commercial Collection; Bulky Trash; Refrigerants; Electronic Waste; Litter Baskets

<u>Lump Sum per Year</u>	<u>\$575,000.00</u>
--------------------------	---------------------

<u>Lump Sum per Year</u>	<u>\$600,000.00</u>
--------------------------	---------------------

<u>Lump Sum per Year</u>	<u>\$617,000.00</u>
--------------------------	---------------------

Item #3 - Recycling Collection Service; Residential & Municipal Sources; Limited Commercial Collection Alternating Weeks; Commercial Cardboard Collection

<u>Lump Sum per Year</u>	<u>\$323,000.00</u>
--------------------------	---------------------

<u>Lump Sum per Year</u>	<u>\$323,000.00</u>
--------------------------	---------------------

<u>Lump Sum per Year</u>	<u>\$329,000.00</u>
--------------------------	---------------------

X Item #4 – Recycling Collection Service; Residential & Municipal Sources; Limited Commercial Collection Single Stream; No Commercial Cardboard Collection

<u>Lump Sum per Year</u>	<u>\$323,000.00</u>
--------------------------	---------------------

<u>Lump Sum per Year</u>	<u>\$323,000.00</u>
--------------------------	---------------------

<u>Lump Sum per Year</u>	<u>\$329,000.00</u>
--------------------------	---------------------

OPTION #1

TOTAL COST: ITEMS #1 + #2 + #3

\$1,699,456.00

\$1,741,153.00

\$1,780,850.00

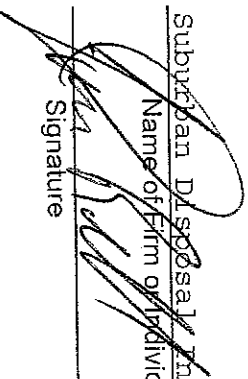
TOTAL COST: ITEMS #1 + #2 + #4

\$1,699,456.00

\$1,741,153.00

\$1,780,850.00

Suburban Disposal, Inc.
Name of Firm or Individual


Signature

John Roselle - President
Title

July 23, 2013
Date

OPTION #3 - GRASS EXCLUSION

The Contractor shall be required to exclude bagged grass clippings placed at the curbline of the street from the refuse collection service provided to Residential and Municipal Sources for the period of April 15th - September 30th. This price shall be a **decrease** in payment for Option #1.

	1 Year	3 Years	5 Years
Grass Exclusion	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>
	Lump Sum Decrease per Year	Lump Sum Decrease per Year	Lump Sum Decrease per Year

OPTION #4 - RENTAL OF COMPACTOR TRUCK

The Contractor shall be required to rent one or more 31 cubic yard compactor trucks, with driver, to assist the Township with leaf collection, or at other such times the Township may direct.

	1 Year	3 Years	5 Years
Rental of Compactor Truck with Driver	<u>\$1,000.00 Per Day/Per Truck</u>	<u>\$1,000.00 Per Day/Per Truck</u>	<u>\$1,000.00 Per Day/Per Truck</u>
	Unit Price per Day	Unit Price per Day	Unit Price per Day

Suburban Disposal, Inc.
Name of Firm or Individual

[Signature]
Signature

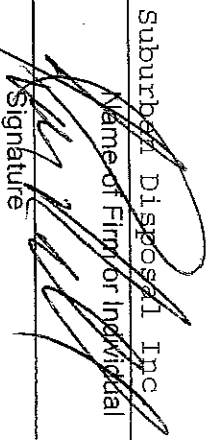
John Roselle - President
Title

July 23, 2013
Date

OPTION #5 – REFUSE CONTAINER MECHANICAL PICK UP

The Contractor shall provide two or more refuse containers for use by the Township to be placed at designated Municipal Sources. The containers shall be 20, 25, 30 or 40 cubic yards and the placement, hauling and tipping fees shall be included in the bid price. This does not include disposal fees.

	1 Year	3 Years	5 Years
Refuse Container	\$225.00 Per Container	\$225.00 Per Container	\$225.00 Per Container
Mechanical Pick up	Unit Price per Pull	Unit Price per Pull	Unit Price per Pull

Suburban Disposal Inc.
Name of Firm/Individual

Signature

John Roselle - President
Title
July 23, 2013
Date

THIS AGREEMENT, entered into this day of , 2013

between **SUBURBAN DISPOSAL, INC.**

(State whether a corporation, partnership, joint venture)

hereinafter referred to as the **CONTRACTOR**, and the Township of West Orange, a municipal corporation of New Jersey, hereinafter referred to as the Township.

WITNESSETH:

For and in consideration of the amount expressed hereinafter, the parties agree as follows:

1. It is understood that the Township has awarded the Bid in question and the within Contract pursuant to **Option#1 Items #1, #2 and #4 and Option #4 and Option #5.**

2. The Contractor will furnish ~~refuse~~ recycling collection and disposal services to the Township of West Orange, New Jersey, for a period of **Five (5) years** commencing **September 9, 2013** in accordance with the Specifications entitled "Refuse And Recycling Collection Service, Township of West Orange", dated **April 2013**, and Proposal which are attached hereto and made a part hereof as if same were recited at length; and the Contractor agrees faithfully and promptly to comply with the terms of said Specifications and to meet and perform the obligations therein imposed upon the contractor.

3. The Township agrees to pay to the Contractor for the aforesaid period **Five (5) years** the sum stated in schedule attached forming part of said specifications attached hereto and made a part hereof, same to be paid monthly as more particularly set forth in the Specifications above referred to and the proposal attached hereto. In addition to said compensation, the Township agrees to pay the Contractor certain compensation based on certificates of occupancy issued subsequent to the commencement of work under this Contract at the rate set forth in said Specifications per month for each new unit.

4. The parties to this Contract do hereby agree that the provisions of N.J.S.A. 10:2-1 through 10:2-4, dealing with discrimination in employment on public contracts, and the Rules and Regulations promulgated pursuant hereunto, are hereby made a part of this

Contract and are binding upon them.

IN WITNESS HEREOF, the parties have hereunto set their hands and seals, or have caused these presents to be signed by their proper corporate office and their corporate seals affixed hereto, the day and year first above written.

Attest:

BY:

John Roselle, President
Suburban Disposal, Inc.

Attest:

Karen J. Carnevale, Municipal Clerk

BY:

Township of West Orange, a Municipal
Corporation in the County of Essex and
State of New Jersey.

Robert D. Parisi, Mayor

(Township Seal Affixed)

RESOLUTION

WHEREAS, on November 22, 2012 the Township Council by Resolution No. 207-12 awarded a contract for the project 2012 Street Improvements, Phase I, Various Streets to the lowest responsive bidder, A & J Contractors Group, 105 Federal Road, Monroe Township, New Jersey in the amount of \$422,145.00 of which \$341,352.00 was funded by Community Development Block Grants; and

WHEREAS, the bid and contract were based on unit prices; and

WHEREAS, the streets in this project included Erwin Place, Kling Street, Liberty Street and one block of Ridge Avenue between Franklin Avenue and Whittlesey Avenue; and

WHEREAS, A & J Contractor's Group, Inc. proceeded with and completed the improvements associated with this project; and

WHEREAS, based on the unit prices, the final contract amount is \$421,317.30 or a reduction of \$827.70 in the original contract amount; and

WHEREAS, the Township Engineer by letter dated August 13, 2013 recommends Change Order No. 1 and Final for this project be approved which represents a 0.20 percent decrease over the award amount of \$422,145.00; 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 and Final in the amount of - \$827.70 for the project 2012 Street Improvements-Phase I, Various Streets with A & J Contractor's Group, Monroe Township, New Jersey be approved bringing the final contract amount to \$421,317.30 or a 0.20 percent decrease in the award amount.

Karen Carnevale, Municipal Clerk

Susan McCartney, Council President

I hereby certify funds are available from:

ACCOUNT NO: _____

John Gross, Chief Financial Officer

**RESOLUTION TO AGREE TO JOIN OTHER LOCAL UNITS OF
GOVERNMENT TO FORM A JOINT HEALTH INSURANCE FUND**

WHEREAS, N.J.S.A. 40A:10-36 *et seq.*, and the regulations promulgated thereunder at N.J.A.C. 11:15-2.1, *et seq.*, provide for the establishment and operation of Joint Insurance Funds for local government units, including Joint Insurance Funds for Group Health Benefits, all of which must be reviewed and approved by the State of New Jersey and which must comply with the Local Fiscal Affairs Law and the Local Public Contracts Law, as well as the statutes and regulations specifically governing them; and

WHEREAS, the Mayor and his Administration, cognizant of the ever increasing costs of providing health care to the Township of West Orange's employees and its impact on the Township's budget, desired to explore the potential benefits of establishing such a Joint Insurance Fund for Group Health Benefits, also known as a Joint Health Insurance Fund, with other local government units to take advantage of the economic and service benefits they may provide; and

WHEREAS, to that end, a preliminary investigation indicates that there may be advantages, economic and otherwise, to the Township participating in the formation of a Joint Health Insurance Fund; and

WHEREAS, having concluded from the aforesaid investigation that the establishment of a Joint Health Insurance Fund may yield benefits to the Township, the Mayor seeks the support and involvement of the Township Council in establishing a Joint Health Insurance Fund;

NOW, THEREFORE, BE IT, AND HEREBY IT IS, RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST ORANGE, THAT:

1. The Township of West Orange may join together with other local units of government to file an application to establish a Joint Health Insurance Fund;
2. The obligation of the Township of West Orange to join in the establishment of said Joint Health Insurance Fund is conditioned upon the subsequent receipt, review and express approval by the Mayor and Township Council in accordance with N.J.A.C. 11:15-3.3 and N.J.A.C. 11:15-3.6, of the Member Agreement and By-laws of the Joint Health Insurance Fund and, that if said Member Agreement and By-laws are not received, reviewed and expressly approved by the Mayor and Township Council, the Township of West Orange shall be under no obligations to take any further action whatsoever in connection with the establishment of a Joint Health Insurance Fund;

3. The obligation of the Township of West Orange to actually join in the establishment of said Joint Health Insurance Fund is further expressly conditioned on the approval by the New Jersey Department of Banking and Insurance of said application for the establishment of such a Joint Health Insurance Fund and, that, if the New Jersey Department of Banking and Insurance does not approve said application, the Township of West Orange shall be under no obligation to take any further action whatsoever in connection with the establishment of a Joint Health Insurance Fund;
4. The Member Agreement and By-laws to be approved by the Mayor and Council of the Township of West Orange shall be executed by a duly authorized official of the Township of West Orange, and such agreement shall include (but not be limited to) the following terms:
 - a. The extent of participation by the Township of West Orange in the contemplated Joint Health Insurance Fund is limited to the self funding of health benefits, and;
 - b. The extent of membership in the Joint Health Insurance Fund shall be for an initial term of no more than three years , in compliance with N.J.S.A. 40A:11-15(6) and N.J.A.C. 11:15-3.10, and;
 - c. That as a condition of participation in the contemplated Joint Health Insurance Fund, that each Fund member attest that it has never defaulted on claims if self-insured, and if not self-insured, has not been cancelled for non-payment of insurance premiums for a period of at least two years prior to application.

Susan McCartney, Council President

Karen Carnevale, Municipal Clerk

Adopted: August 20, 2013

AGREEMENT FOR COMMERCIAL REAL ESTATE TAX APPEALS

THIS AGREEMENT made and entered into on this ____ day of _____, 2013 by and between the **TOWNSHIP OF WEST ORANGE**, a municipal corporation of the State of New Jersey, located at Town Hall, 66 Main Street, West Orange, County of Essex and State of New Jersey, hereinafter called the "TOWNSHIP", party of the first part, and **BLAU & BLAU**, Attorneys at Law of the State of New Jersey, located at 223 Mountain Avenue, Springfield, New Jersey 07081, hereinafter referred to as "COUNSEL", party of the second part.

WITNESSETH THAT:

WHEREAS, the Governing Body of the Township has determined that it is in the best interests of the Township to retain the services of Special Counsel to represent the Township in connection with commercial real estate tax appeals on a flat fee basis;

NOW, THEREFORE, in consideration of the mutual promises, terms and conditions hereinafter set forth, the parties hereto agree as follows:

1. The Township hereby retains the services of Blau & Blau, as Special Counsel to assist the Township in connection with commercial real estate tax appeals for a period of four (4) months, specifically from September 1, 2013 through December 31, 2013 at a flat rate of \$5,000 per month. This agreement extends the terms of the parties' prior agreement, which was for the term of September 1, 2012 through August 31, 2013, for an additional four (4) months.
2. COUNSEL will not seek reimbursement for its routine costs and expenses such as postage, copying, mileage, meals, parking, or delivery of documents.
3. COUNSEL may seek reimbursement for extraordinary expenses such as the cost of deposing adverse witnesses, transcripts or hiring experts. Counsel will not incur any such expenses without the approval of the Township Attorney.
4. COUNSEL'S responsibilities shall include all pre-trial preparation, discovery and trial, to the extent necessary, for all commercial real estate tax appeals pending or commenced

in the Tax Court of New Jersey against the Township. Counsel's responsibilities do not include preparation or appearance for matters pending or commenced at the County Board of Taxation.

5. COUNSEL shall coordinate all efforts with the Tax Assessor and keep the Tax Assessor and Township Attorney fully apprised concerning all matters.

6. Prosecution of Appeals For the Township (Affirmative Appeals).

COUNSEL shall have the right to file tax appeals for the Township on a contingent fee basis of one third of the money we obtain for the Township of West Orange from cases filed during the terms of the contract. COUNSEL will be responsible for all costs associated with filing the affirmative appeals including but not limited to:

- A) Filing fees;
- B) Appraisal fees;
- C) Copying, postage, delivery services, preparation of trial exhibits.

COUNSEL will submit a list of recommended appeals to the Township Attorney for review and that the Township attorney would have the opportunity to "veto" any recommended appeals at his discretion. It is contemplated that COUNSEL will only recommend appeals on commercial properties and will not be obligated to file an appeal unless it believes the property is substantially under assessed. It is contemplated that COUNSEL will recommend settlement of the Affirmative Appeals from time to time as COUNSEL may deem appropriate. In the event that the Township refuses to accept COUNSEL's recommendation to settle a matter, the Township shall be responsible for payment of the contingent fee based upon the recommendation and reimbursement of COUNSEL's actual out of pocket expenses related to that Affirmative Appeal.

7. COUNSEL recognizes that any and all approval for engagement of services must come from the Governing Body of the Township, and that no services, work or any efforts relative to the contract shall be commenced until the Governing Body passes a duly authorized Resolution accompanied by a Certificate of Funds.

8. COUNSEL is hereby placed on notice that no Department Head, individual member of the Governing Body, or any agent, servant or employee of the Township possesses any lawful authority to: (a) engage the rendition of services or the performance of work; (b) authorize the continuation of services or work beyond the amount specifically approved in the Resolution and Certificate of Funds; or to (c) represent that future funds will be available as compensation for current services. Any such acts shall be deemed ultra vires and beyond the scope of any authority that individual may possess. No bills, statement or vouchers for any amount exceeding that originally approved will be honored or paid by the Township, irrespective of whether such services were actually performed.

9. The provisions of this agreement are subject to the limitations of provisions of the New Jersey Tort Claim Act, N.J.S.A. 59:2-1 et seq., and the New Jersey Contractual Liability Act, N.J.S.A. 59:13-1 et seq.

10. This agreement shall be governed by the laws of the State of New Jersey without regard to principles of conflict of laws. All contract claims under this agreement shall be subject to and governed by the provisions of the New Jersey Contractual Liability Act (N.J.S.A. 59:13-1 et seq.

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

TOWNSHIP OF WEST ORANGE

ATTEST:

KAREN J. CARNEVALE, R.M.C

By: _____
ROBERT D. PARISI, MAYOR

BLAU & BLAU

WITNESS:

By: 

CHARLES E. BLAU, ESQ.
For the Firm

604450_3

RESOLUTION
Third Party Billing for Emergency Transport

WHEREAS, the Township of West Orange through the West Orange Fire Department provide emergency ambulance transport service to the residents, visitors and travelers in West Orange; and

WHEREAS, the providing of such services by the Fire Department generates a substantial annual cost which can be off set by charging the medical insurance companies a user fee for ambulance transport services; and

WHEREAS, this bid was advertised as a competitive contract pursuant New Jersey Local Contract Law N.J.S.A. 40A:11-4.1 and at the said date, time and place the Township did receive three (3) bids; and

WHEREAS, a committee was formed to evaluate and rank said bids to select the most advantageous company to collect these charges for the Township; and

WHEREAS, Revenue Guard ranked the most advantageous company to collect said billable services and Township committee verified that the successful bidder is both responsive and responsible with the bid specifications; and

WHEREAS, the commission rate for Revenue Guard is as follows:

5%	\$ 0	up to	\$101,000.00
10%	\$101,001.00	up to	\$201,000.00
12.5%	\$201,001.00	up to	\$301,000.00
15%	\$301,001	up to	\$1,000,000.00 plus

NOW, THEREFORE BE IT RESOLVED by the Municipal Council of the Township of West Orange that a contract be awarded to Revenue Guard, 50 Route 9 North, Morganville, New Jersey 07751.

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

Karen J. Carnevale, Municipal Clerk

Susan McCartney, Council President

Adopted: August 20, 2013

RESOLUTION
ABANDONED CAR AUCTION

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

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

The Purchasing Agent is hereby authorized to sell five (5) transferable vehicle title(s) in the manner set forth in N.J.S.A. 39:10A-1 and N.J.S.A. 40A:14-157. Date and time of sale is scheduled for Wednesday September 4, 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 one (1) 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 Wednesday September 4, 2013 at 3:00 PM in following location:

Select Towing
52 Washington Street
West Orange, NJ 07052

Karen J. Carnevale
Municipal Clerk

Susan McCartney
Council President

Adopted: August 20, 2013

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 Wednesday September 4, 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>
2003	MIT	JA3AJ26EX3U055034
2002	DOD	2B4GP44312R507632
1995	TOY	JT2ST07N8S0017920
1970	CAD	6968069FWD2449
1998	VOL	YV1LS5644W1418640

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 Wednesday September 4, 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>
1998	HON	1HGEJ8241WL091922

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

Anne DeSantis
Purchasing Agent

Publication date: August 22, 2013
West Orange Chronicle

APPENDIX TO BUDGET / CAPITAL BUDGET [Recap Area for Linking Formulas]

The following cells are "Linked" to cells in the (indicated) other files:

Sht	Source File Name /			
Ref	Description of Item (Item reference)			
Source File: Sheets_1Ax11_Rev.xls		REVENUES		
Amounts For Budget Sheet 41 in this file:		2013	2012	
General Revenues				
4	Surplus Anticipated (Sum of Items 1 & 2)	0.00	0.00	NaN
11	Miscellaneous Revenues Anticipated	0.00	0.00	NaN
11	Receipts from Delinquent Taxes (Item 4)	0.00	0.00	NaN
11	Amount To Be Raised By Taxation For Municipal Purposes (Item 6(a))	0.00	0.00	NaN
11	Amount To Be Raised By Taxation For Schools (Item 6(b))	0.00	0.00	NaN
11	Minimum Library Levy (Item 6(c))	0.00	0.00	NaN
11	Total General Revenues ... (Item 7)	0.00	0.00	NaN
		...	...	
Source File: Sheets_12x30_Apr.xls		APPROPRIATIONS		
Amounts For Budget Sheet 42 in this file:		for 2013	for 2012 As Modified by All Transfers	for 2012 [Column L]
General Appropriations Within"CAPS": ... (Item 8)				
17	(a&b) Operations, Including Contingent	0.00	0.00	0.00
19	(e) Def'd Charges & Stat Expend-Munic	0.00	0.00	0.00
19	(g) Cash Deficit ... Item (G)	0.00	0.00	0.00
Source File: Sheets_12x30_Apr.xls				
General Appropriations Excluded from "CAPS":				
25	(a) Ops - Total Ops Excl from CAPS ...	0.00	0.00	0.00
26a	(c) Capital Improvements ... Item (C)	0.00	0.00	0.00
27	(d) Municipal Debt Service ... Item (D)	0.00	0.00	0.00
28	(e) Deferred Charges - Municipal ... Item (E)	0.00	0.00	0.00
28	(f) Judgements ...(Item (F))	0.00	0.00	0.00
28	(n) Transferred to Brd of Ed for Local Schools ... Item (N)	0.00	0.00	0.00
28	(g) Cash Deficit ... Item (G)	0.00	0.00	0.00

29	(k) For Local District School Purposes ... Item (K)	0.00	0.00	0.00
29	(m) Reserve for Uncoll. Taxes ... Item (M)	0.00	0.00	0.00
29	Total Appropriations (Item 9)	0.00	0.00	0.00
		...	...	)
	0			0.00
				)
				)

0

CONTROLS TO HIDE UNUSED "EXTRA" SHEETS		
If you will not need to use some of the "Extra" sheets provided in this file you may wish to Hide those sheets that you will not use in order to simplify scrolling thru this file.		
To Hide an "Extra" sheet simply check the box to the left of the sheet name. To Unhide the sheet simply Uncheck the box to the left of the sheet name.		
Check to Hide / Uncheck to Unhide "Extra" Sheets		
Annual List of Change Orders Approved		
Narrative for Capital Improvement Programs		
Capital Budget / Capital Program		
C-3_i	C-4_i	C-5_i
C-3_ii	C-4_ii	C-5_ii
C-3_iii	C-4_iii	C-5_iii
C-3_iv	C-4_iv	C-5_iv
C-3_v	C-4_v	C-5_v
C-3_vi	C-4_vi	C-5_vi

PLEASE NOTE: As shipped to you, ALL "Extra" Sheets have been hidden; to UnHide and Use them, follow instructions above.

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Check to Hide / Uncheck to Unhide "Extra" Sheets

Annual List of Change Orders Approved

Narrative for Capital Improvement Programs

Capital Budget / Capital Program

C-3_i	C-4_i	C-5_i
C-3_ii	C-4_ii	C-5_ii
C-3_iii	C-4_iii	C-5_iii
C-3_iv	C-4_iv	C-5_iv
C-3_v	C-4_v	C-5_v
C-3_vi	C-4_vi	C-5_vi

PLEASE NOTE: As shipped to you, ALL "Extra" Sheets have been hidden; to UnHide and Use them, follow instructions above.

INDEX HyperLinks to All Sheets in Workbook



Extra Sheets must fit
sheets (and their a

HyperLinks	Description	Comment
Main	Supplemental / Information / Linking formulas sheet	<i>Non-state sheet</i>
Hide_Extras	Select Extra sheets to Un-hide	<i>Non-state sheet</i>
Sheet39	Curr. Fund Balance Sheet; Comp Stmt of Curr. Fund Oper.	
Sheet40	C-1 Capital Budget and Capital Improvement Program	
Sheet40a	C-2 Narrative for Capital Improvement Program	
Sheet40b	C-3 Capital Budget (Current Year Action) [by Project]	
Sheet40c	C-4 X Year Capital Program [by project] Antic. Proj. Sched., etc	
Sheet40d	C-5 X Year Capital Program [by project] Summary of Funding Srcs	
Sheet41	Section 2 - Upon Adoption for Year {curr year}	
Sheet42	Summary of Appropriations	
Sheet43	Municipal Open Space, Recreation, Farmland ... Trust Fund	
Sheet44	Annual List of Change Orders Approved	
Recap	Recap of Capital Budget Sheets	<i>Non-state sheet</i>

APPENDIX TO BUDGET STATEMENTS

COMPARATIVE STATEMENT OF CURRENT FUND OPERATIONS AND CHANGE IN

CURRENT FUND BALANCE SHEET - DECEMBER 31, 2012		
ASSETS		
Cash and Investments	1110100	9,899,207.14
Due from State of N.J. (c. 20, P.L. 1971)	1111000	0.00
Federal and State Grants Receivable	1110200	2,235,966.58
Receivables with Offsetting Reserves:	xxxxxxx	XXXXXXXXXX.XX
Taxes Receivable	1110300	2,433,906.97
Tax Title Liens Receivable	1110400	644,959.45
Property Acquired by Tax Title Lien Liquidation	1110500	392,465.00
Other Receivables	1110600	1,211,978.27
Deferred Charges Required to be in 2013 Budget	1110700	209,780.00
Deferred Charges Required to be in Budgets Subsequent to 2013	1110800	749,340.00
Total Assets	1110900	17,777,603.41
LIABILITIES, RESERVES AND SURPLUS		
*Cash Liabilities	2110100	9,618,736.97
Reserves for Receivables	2110200	4,683,759.69
Surplus	2110300	3,475,106.75
Total Liabilities, Reserves and Surplus		17,777,603.41

School Tax Levy Unpaid	2220100	0.00
Less: School Tax Deferred	2220200	0.00
*Balance Included in Above "Cash Liabilities"	2220300	0.00

CURRENT SURPLUS			
		YEAR 2012	YEAR 2011
Surplus Balance, January 1st	2310100	2,906,233.62	4,416,058.54
CURRENT REVENUE ON A CASH BASIS			
Current Taxes			
*(Percentage collected: 2012 98.8 %, 2011 98.4 %)	2310200	198,642,300.6	196,132,060.7
Delinquent Taxes	2310300	2,938,391.62	1,543,761.33
Other Revenues and Additions to Income	2310400	17,085,396.63	17,408,257.79
Total Funds	2310500	221,572,322.5	219,500,138.4
EXPENDITURES AND TAX REQUIREMENTS:			
Municipal Appropriations	2310600	66,693,741.49	68,146,455.70
School Taxes (Including Local and Regional)	2310700	121,879,093.9	120,287,738.0
County Taxes (Including Added Tax Amounts)	2310800	28,849,474.88	27,900,312.78
Special District Taxes	2310900	253,134.53	150,448.41
Other Expenditures and Deductions from Income	2311000	421,770.92	108,949.92
Total Expenditures and Tax Requirements	2311100	218,097,215.8	216,593,904.8
Less: Expenditures to be Raised by Future Taxes	2311200	0.00	
Total Adjusted Expenditures and Tax Requirements	2311300	218,097,215.8	216,593,904.8
Surplus Balance - December 31st	2311400	3,475,106.75	2,906,233.62

* Nearest even percent may be used

Proposed Use of Current Fund Surplus in 2013 Budget

Surplus Balance December 31, 2012	2311500	3,475,106.75
Current Surplus Anticipated in 2013 Budget	2311600	0.00
Surplus Balance Remaining	2311700	3,475,106.75

The "Current Surplus Anticipated in 2013 Budget" amount is from Linked Files area of "

(Important: This appendix must be included in advertisement of budget.)

2013

CAPITAL BUDGET AND CAPITAL IMPROVEMENT PROGRAM

This section is included with the Annual Budget pursuant to N.J.A.C. 5:30-4. It does not in itself confer any authorization to raise or expend funds. Rather it is a document used as part of the local unit's planning and management program. Specific authorization to expend funds for purposes described in this section must be granted elsewhere, by a separate bond ordinance, by inclusion of a line item in the Capital Improvement Section of this budget, by an ordinance taking the money from the Capital Improvement Fund, or other lawful means.

CAPITAL BUDGET

- A plan for all capital expenditures for the current fiscal year.
If no Capital Budget is included, check the reason why:

For example, select this cell then click the Big "X" button at lower left

)

Total capital expenditures this year do not exceed \$25,000, including appropriations for Capital Improvement Fund, Capital Line Items and Down Payments on Improvements.

X

No bond ordinances are planned this year.

CAPITAL IMPROVEMENT PROGRAM

- A multi-year list of planned capital projects, including the current year.
Check appropriate box for number of years covered, including current year:

-)

3 years. (Population under 10,000)
-)

6 years. (Over 10,000 and all county governments)
-)

years. (Exceeding minimum time period)

)

Check if municipality is under 10,000, has not expended more than \$25,000 annually for capital purposes in immediately previous three years, and is not adopting CIP.

1	NARRATIVE FOR CAPITAL IMPROVEMENT PROGRAM

Anticipated Project Schedule and Funding Requirements

Local Unit Township of West Orange

Note (A)
The number of years entered in Cell E2 is

5 YEAR CAPITAL PROGRAM 2013 - 2017

Project Titles in Col "1", and Amts in Cols "2" & "3a"
are linked to Sheet40b and are "locked".

SUMMARY OF ANTICIPATED FUNDING SOURCES AND AMOUNTS

Local Unit: Township of West Orange

[illegible]

SECTION 2 - UPON ADOPTION FOR YEAR 2013
(Only to be included in the Budget as Finally Adopted)
RESOLUTION

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

- (a) \$ 0.00 (Item 2 below) for municipal purposes, and
(b) \$ 0.00 (Item 3 below) for school purposes in Type I School Districts only (N.J.S. 18A:9-2) to be raised by taxation and,
(c) \$ 0.00 (Item 4 below) to be added to the certificate of amount to be raised by taxation for local school purposes in
Type II School Districts only (N.J.S. 18A:9-3) and certification to the County Board of Taxation of
the following summary of general revenues and appropriations.
(d) \$ 0.00 (Sheet 43) Open Space, Recreation, Farmland and Historic Preservation Trust Fund Levy
(e)\$ 0.00 (Sheet 38) Minimum Library Levy

RECORDED VOTE (Insert last name)	Ayes	* fi	{	Nays	* fill in name	Abstained	* fill in name
		* fi			* fill in name		* fill in name
		* fi			* fill in name		* fill in name
		* fi			* fill in name		
		* fi			* fill in name		* fill in name
		* fi			* fill in name		* fill in name
					Absent	* fill in name	
						* fill in name	

1. General Revenues		SUMMARY OF REVENUES	
Surplus Anticipated		08-100	\$ 0.00
Miscellaneous Revenues Anticipated		13-099	\$ 0.00
Receipts from Delinquent Taxes		15-499	\$ 0.00
2. AMOUNT TO BE RAISED BY TAXATION FOR MUNICIPAL PURPOSES (Item 6(a), Sheet 11)		07-190	\$ 0.00
3. AMOUNT TO BE RAISED BY TAXATION FOR SCHOOLS IN TYPE I SCHOOL DISTRICTS ONLY:			
Item 6, Sheet 42	07-195	\$	0.00
Item 6(b), sheet 11 (N.J.S. 40A:4-14)	07-191	\$	0.00
Total Amount to be Raised by Taxation for Sch 5			0.00
4. To Be Added TO THE CERTIFICATE FOR AMOUNT TO BE RAISED BY TAXATION FOR SCHOOLS IN TYPE II SCHOOL DISTRICTS ONLY:			

Item 6(b), Sheet 11 (N.J.S. 40A:4-14)	07-191	\$	0.00
5. AMOUNT TO BE RAISED BY TAXATION MINIMUM LIBRARY LEVY	07-192		0.00
Total Revenues	13-299	\$	0.00

0

0

Sheet 41

0

Township Of West Orange [Code 0722], Essex County - 2013 Budget

SUMMARY OF APPROPRIATIONS

		2013
5. GENERAL APPROPRIATIONS	xxxxxxx	xxxxxxxxxx.xx
Within "CAPS"	xxxxxxx	xxxxxxxxxx.xx
(a&b) Operations Including Contingent	34-201	\$ 0.00
(e) Deferred Charges and Statutory Expenditures - Municipal	34-209	\$ 0.00
(g) Cash Deficit	46-885	\$ 0.00
Excluded from "CAPS"	xxxxxxx	xxxxxxxxxx.xx
(a) Operations - Total Operations Excluded from "CAPS"	34-305	\$ 0.00
(c) Capital Improvements	44-999	\$ 0.00
(d) Municipal Debt Service	45-999	\$ 0.00
(e) Deferred Charges - Municipal	46-999	\$ 0.00
(f) Judgements	37-480	\$ 0.00
(n) Transferred to Board of Education for Use of Local Schools (N.J.S. 40:48-17.1 & 17.3)	29-405	\$ 0.00
(g) Cash Deficit	46-885	\$ 0.00
(k) For Local District School Purposes	29-410	\$ 0.00
(m) Reserve for Uncollected Taxes (Include Other Reserves if Any)	50-899	\$ 0.00
6. SCHOOL APPROPRIATIONS - TYPE I SCHOOL DISTRICTS ONLY (N.J.S. 40A:4-13)	07-195	\$ 0.00
Total Appropriations	34-499	\$ 0.00

0

0

It is hereby certified that the within budget is a true copy of the budget finally adopted by resolution of the Governing Body on the 23rd day of April, 2013. It is further certified that each item of revenue and appropriation is set forth in the same amount and by the same title as the adopted budget and all amendments thereto, if any, which have been previously approved by the Director of Local Government Services.

wish to blank out the Resolution that it may be written MANUALLY

this sheet is printed.

Certified by me this 23rd day of April, 2013

_____, Clerk.

Signature

Sheet 42

Township Of West Orange [Code 0722], Essex County - 2013 Budget

Local Unit: TOWNSHIP OF WEST ORANGE [CODE 0722], ESSEX COUNTY - 2013 BUDGE 0
MUNICIPAL OPEN SPACE, RECREATIONAL, FARMLAND AND HISTORIC PRESERVATION TRUST FUND

DEDICATED REVENUE FROM TRUST FUND	FCOA	Anticipated		Realized in Cash in 2012	APPROPRIATIONS	FCOA	Appropriated		Expended 2012	
		2013	2012				for 2013	for 2012	Paid or Charged	Reserved
Amount To Be Raised										
By Taxation	54-130	0.00	147,817.62	147,817.62	Recreation and Conservation:		xxxxxxx.xx	xxxxxxx.xx	xxxxxxx.xx	xxxxxxx.xx
					Salaries & Wages	54-385-1				0.00
Interest Income	54-113			796.14	Other Expenses	54-385-2				0.00
					Recreation and Conservation:		xxxxxxx.xx	xxxxxxx.xx	xxxxxxx.xx	xxxxxxx.xx
Reserve Funds:		525,852.48	477,231.71	477,231.71	Salaries & Wages	54-375-1				0.00
					Other Expenses	54-375-2				0.00
					Historic Preservation:		xxxxxxx.xx	xxxxxxx.xx	xxxxxxx.xx	xxxxxxx.xx
					Salaries & Wages	54-176-1				0.00
					Other Expenses	54-176-2				0.00
										0.00
					and Conservation	54-915-2	525,852.48	625,049.33	99,992.99	525,056.34
Total Trust Fund Revenue	54-299	525,852.48	625,049.33	625,845.47	Acquisition of Farmland	54-916-2				0.00
Summary of Program Year Referendum Passed / Implemented11/06/01-2002 Rate Assessed:\$0.0003 Total Tax Collected to date\$1,683,643.8 Total Expended to date:\$1,259,655.8 Total Acreage Preserved to date15.916 Recreation land preserved in 2012:0.230 Farmland preserved in 2012:0.000					Down Payments on Improvemen	54-906-2		xxxxxxx.xx		0.00
					Debt Service:		xxxxxxx.xx	xxxxxxx.xx	xxxxxxx.xx	xxxxxxx.xx
					Payment of Bond Principal	54-920-2				xxxxxxx.xx
					Notes and Capital Notes	54-925-2				xxxxxxx.xx
					Interest on Bonds	54-930-2				xxxxxxx.xx
					Interest on Notes	54-935-2				xxxxxxx.xx
					Reserve for Future Use	54-950-2				0.00

(Acres)

Total Trust Fund Appropriations:	54-499	525,852.48	625,049.33	99,992.99	Index was out of range. Please see the error message on the formula bar.
---	---------------	-------------------	-------------------	------------------	---

Sheet 43

Local Unit: TOWNSHIP OF WEST ORANGE [CODE 0722], ESSEX COU

Annual List of Change Orders Approved
Pursuant to N.J.A.C. 5:30-11

Contracting Unit: Townwhip of West Orange [Code 0722], Essex County, 2013 Budge Year Ending: December 31, 2012

The following is a complete list of all change orders which caused the originally awarded contract price to be exceeded by more than 20 percent. For regulatory details please consult N.J.A.C. 5:30-11.1 et.seq. Please identify each change order by name of the project.

1. Project Name: Valley Road Parking Lot Improvements
- Contractor - Helios Construction, Inc. of Ocean, New Jersey 07712
- | | | |
|-------------------|------------|-------|
| Original Contract | 180,809.80 | |
| Change Order #1 | 40,312.37 | 22.30 |
| Total Contract | 221,122.17 | 22.30 |

2.

3.

4.

For each change order listed above, submit with introduced budget a copy of the governing body resolution authorizing the change order and an Affidavit of Publication for the newspaper notice required by N.J.A.C. 5:30-11.9(d). (Affidavit must include a copy of the newspaper notice.)

If you have not had a change order exceeding the 20 percent threshold for the year indicated above, please check here

☐

and certify below.

Date

0

Sheet 44

Clerk of the Governing Body

Township Of West Orange [Code 0722], Essex County - 2013 Budget

WARNING: Spending by Funding Source does NOT equal Total Project Estimated Cost

CAPITAL BUDGET (Current Year Action) 2013	3 ESTIMATED TOTAL COST	4 AMOUNTS RESERVED IN PRIOR YEARS	PLANNED FUNDING SERVICES FOR CURRENT YEAR - 2013					6 TO BE FUNDED IN FUTURE YEARS	Total Current Year 2013
			5a 2013 Budget Appropriations	5b Capital Im- provement Fund	5c Capital Surplus	5d Grants in Aid and Other Funds	5e Debt Amortized		
Individual Sheet Totals									
Sheet40b	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Sheet40b_i	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Sheet40b_ii	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Sheet40b_iii	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Sheet40b_iv	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Sheet40b_v	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Sheet40b_vi	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Grand Totals	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Proof	O.K.	O.K.	O.K.	O.K.	O.K.	O.K.	O.K.	O.K.	

5 Year YEAR CAPITAL PROGRAM : 2013 - 2017	3 ESTIMATED TOTAL COST	4 ESTIMATED COMPLETION TIME	FUNDING AMOUNTS PER BUDGET YEAR						MEMO: To be funded in future years
			5a 2013	5b 2014	5c 2015	5d 2016	5e 2017	5f 2018	
Individual Sheet Totals	)	)	)	)	)	)	)	)	
Sheet40c	0.00		0.00	0.00	0.00	0.00	0.00	0.00	0.00
Sheet40c_i	0.00		0.00	0.00	0.00	0.00	0.00	0.00	0.00
Sheet40c_ii	0.00		0.00	0.00	0.00	0.00	0.00	0.00	0.00
Sheet40c_iii	0.00		0.00	0.00	0.00	0.00	0.00	0.00	0.00
Sheet40c_iv	0.00		0.00	0.00	0.00	0.00	0.00	0.00	0.00
Sheet40c_v	0.00		0.00	0.00	0.00	0.00	0.00	0.00	0.00
Sheet40c_vi	0.00		0.00	0.00	0.00	0.00	0.00	0.00	0.00
Grand Totals	0.00		0.00	0.00	0.00	0.00	0.00	0.00	0.00
Proof	O.K.	n/a	O.K.	O.K.	O.K.	O.K.	O.K.	O.K.	

WARNING: Spending by Funding Source does NOT equal Total Project Cost; see specified sheets and column at the far right

5 Year YEAR CAPITAL PROGRAM : 2013 - 2017	2 Estimated Total Cost	BUDGET APPROPRIATIONS		4 Capital Improve- ment Fund	5 Capital Surplus	6 Grants-In- Aid and Other Funds	BONDS AND NOTES				Project Funding Total
		3a Current Year 2013	3b Future Years				7a	7b	7c	7d	
							General	Self Liquidating	Assessment	School	

[illegible]

		RESOLUTION TO AMEND INTRODUCED BUDGET	163-13		
			Adopted-08/20/13		
		WHEREAS, the local municipal budget for the year 2013 was approved on the 19th day of March, 2013, and			
		WHEREAS, the public hearing on said budget has been held as advertised; and			
		WHEREAS, it is desired to amend said approved budget;			
		NOW, THEREFORE BE IT RESOLVED by the governing body of the Township of West Orange, of the County of Essex			
		Essex that the following amendments to the approved budget of 2013 be made:			
			Introduced	Amended	
			From	To	
		GENERAL REVENUES			
			2013	2013	
		3. Miscellaneous Revenues - Section F: Special Items of General Revenue Anticipated with	-	-	
		Prior Written Consent of Director of Local Government Services - Public and	-	-	
		Private Revenues Offset with Appropriations:	xxxxxxxx.xx	xxxxxxxx.xx	
		N.J. Transportation Trust Fund Authority Act	-	200,715.00	200,715.00
		ABC Grant	-	14,652.03	14,652.03
		Body Armor Replacement Fund	-	8,641.61	8,641.61
		PSE&G Grant	-	128,593.00	128,593.00
		EMMA Assistance - Fire	-	5,000.00	5,000.00
		County of Essex-Delinquency Prevention Grant	18,562.00	18,563.00	1.00
		CTTEC Grant	-	34,106.62	34,106.62
		Total Section F: Special Item of General Revenue Anticipated with Prior Written	xxxxxxxx.xx	xxxxxxxx.xx	-
		Consent of Director of Local Government Services - Public and Private Revenues	896,000.70	1,287,709.96	391,709.26
		3. Miscellaneous Revenues - Section G: Special Items of General Revenue Anticipated with	-	-	-
		Prior Written Consent of Director of Local Government Services - Other Special	-	-	-
		Items:	xxxxxxxx.xx	xxxxxxxx.xx	-
		Extra Duty Admin Fee	-	83,263.01	83,263.01
		SUMMARY OF REVENUES	-	-	-
			xxxxxxxx.xx	xxxxxxxx.xx	-
		3. Miscellaneous Revenues:	xxxxxxxx.xx	xxxxxxxx.xx	-
		Total Section Special Items of General Revenue Anticipated with Prior Written Consent of	-	-	-
		Director of Local Government Services - Public and Private Revenues	896,000.70	1,287,709.96	391,709.26
		Total Section Special Items of General Revenue Anticipated with Prior Written Consent of	-	-	-
		Director of Local Government Services - Other Special Items	2,411,563.47	2,494,826.48	83,263.01

	Total Miscellaneous Revenues		15,825,621.68	16,300,593.95	474,972.27
5.	Subtotal General Revenues (Items 1,2,3 and 4)		20,973,923.80	21,448,896.07	474,972.27
7.	Total General Revenues		72,968,579.20	73,443,551.47	474,972.27
					-
		CURRENT FUND - APPROPRIATIONS			-
					-
					-
	(A) Operations - within "CAPS"				-
					-
	DEPARTMENT OF PLANNING AND DEVELOPMENT		-	-	-
	Director		-	-	-
	Planning Department		-	-	-
	Other Expenses		8,095.00	32,095.00	24,000.00
	TOTAL DEPARTMENT OF PLANNING AND DEVELOPMENT		-	-	-
	UNCLASSIFIED		563,487.73	587,487.73	24,000.00
			-	-	-
	Challenge Grant Bus Shuttle		131,100.00	147,487.50	16,387.50
	Total Operations {Item 8(A)} within "CAPS"		51,458,831.30	51,499,218.80	40,387.50
	Total Operations Including Contingent within "CAPS"		-	-	-
			51,459,831.30	51,500,218.80	40,387.50
	Detail:		-	-	-
	Other Expenses (Including Contingent)		21,665,701.14	21,706,088.64	40,387.50
(1)	DEFERRED CHARGES		xxxxxxxx.xx	xxxxxxxx.xx	-
	Prior Years Bills		-	-	-
	State of NJ Site Remediation Plan Review		-	709.21	709.21
	McManimon & Scotland - Master Plan Re-exam		-	4,346.26	4,346.26
	O'Donnell McCord, P.C. - 2011 - Tax Appeal Litigation		-	8,760.00	8,760.00
	McManimon & Scotland - Master Plan Re-exam		-	136.50	136.50
(2)	STATUTORY EXPENDITURES:		xxxxxxxx.xx	xxxxxxxx.xx	-
	PERS/PFRS Assessment		-	17,502.17	17,502.17
	Total Deferred Charges and Statutory		6,156,436.22	6,187,890.36	31,454.14
(H-1)	Total General Appropriations for Municipal Purposes within "CAPS"		57,616,267.52	57,688,109.16	71,841.64
	Additional Appropriations Offset by Revenues (N.J.S. 40A:4-45.3h)		-	-	-
			xxxxxxxxxxxx	xxxxxxxxxxxx	-
			-	-	-
	Public and Private Programs Offset by Revenues		xxxxxxxxxxxx	xxxxxxxxxxxx	-
	Public Health Priority Funding Act of 1977		-	-	-
	NJ Dept of Solid Waste Administration		-	-	-
	Recycling Tonnage Grant		54,817.70	52,009.07	(2,808.63)
	CTTEC Grant		-	34,106.62	34,106.62

EMMA Assistance - Fire		-	5,000.00	5,000.00
West Orange Municipal Alliance Match		-	14,230.00	14,230.00
County of Essex-Delinquency Prevention Grant		18,562.00	18,563.00	1.00
Body Armor Replacement Fund		-	8,641.61	8,641.61
PSE&G Grant		-	128,593.00	128,593.00
ABC Grant		-	14,652.03	14,652.03
Total Public and Private Programs Offset		-	-	-
by Revenue		896,164.70	1,098,580.33	202,415.63
Total Operations - Excluded from "CAPS"		6,240,186.04	6,442,601.67	202,415.63
Detail:		-	-	-
Other Expenses		6,212,783.04	6,415,198.67	202,415.63
		-	-	-
(C) Capital Improvements - Excluded from "CAPS"	for 2013	for 2013	-	-
New Jersey DOT Trust Fund Authority Act		-	-	-
	NJDOT - Misc Streets - 2013	-	200,715.00	200,715.00
Total Capital Improvements - Excluded from "CAPS"		50,000.00	250,715.00	200,715.00
(H-2) Total General Appropriations for Municipal		-	-	-
Purposes Excluded from "CAPS"		12,465,253.69	12,868,384.32	403,130.63
For Local District School Purposes -		-	-	-
Excluded from "CAPS"	xxxxxxxx.xx	xxxxxxxx.xx	-	-
(O) Total General Appropriations - Excluded from		12,465,253.69	12,868,384.32	403,130.63
(L) Subtotal General Appropriations		70,081,521.21	70,556,493.48	474,972.27
9. Total General Appropriations		72,968,579.20	73,443,551.47	474,972.27
(H-1) Total General Appropriations for		-	-	-
Municipal Purposes within "CAPS"		57,616,267.52	57,688,109.16	71,841.64
(A) Operations - Excluded from "CAPS"	xxxxxxxx.xx	xxxxxxxx.xx	-	-
Public & Private Progs Offset by Revs.		896,164.70	1,098,580.33	202,415.63
Total Operations - Excluded from "CAPS"		6,240,186.04	6,442,601.67	202,415.63
(C) Capital Improvements		50,000.00	250,715.00	200,715.00
Total General Appropriations		72,968,579.20	73,443,551.47	474,972.27
				-
Be it further resolved that three certified copies of this resolution be filed forthwith in the office of the Director of Local Government Services for his certification of the local municipal budget so amended.				-
				-
Recorded Vote				-
(insert last names)				-
	AYES	NAYS	{	-
	{		{	-
	{		{	-
		ABSTAINED	{	-

		{		{		-
		{	ABSENT	{		-
		{		{		-
						-
It is hereby certified that this is a true copy of a resolution amending the budget, adopted by the governing						-
body on the 20th day of August, 2013 .						-
Certified by me:						-
		Karen Carnevale, Municipal Clerk				-
It is hereby certified that the budget amendment annexed hereto and hereby made a part hereof is an exact copy of the						-
original on file with the Clerk of the Township of West Orange, that all additions are correct, that all statements contained						-
herein are in proof and the total of anticipated revenues equals the total of appropriations.						-
Certified by me						-
this 20th day of August, 2013						-
						-
			Susan McCartney, Council President			-
						-
						-
			Karen J. Carnevale, Municipal Clerk			-

**RESOLUTION OF NEED OF THE TOWNSHIP OF WEST ORANGE
REGARDING THE RESIDENTIAL DEVELOPMENT OF BLOCK 9,
LOTS 1, 7, 44, 50 AND 56**

WHEREAS, Valley Road Residential, LLC (hereinafter referred to as the “Sponsor”) proposes to construct the Valley Road Residential housing project, a 100 family rental unit project for moderate income households (hereinafter referred to as the “Project”) pursuant to the provisions of the New Jersey Housing and Mortgage Finance Agency Law of 1983, as amended (N.J.S.A. 55:14K-1 et seq.), the rules promulgated thereunder at N.J.A.C. 5:80-1.1 et seq., and all applicable guidelines promulgated thereunder (the foregoing hereinafter collectively referred to as the “HMFA Requirements”) within the Township of West Orange (hereinafter referred to as the “Municipality”) on a site described as Lots 1, 7, 44, 50 and 56 in Block 9 as shown on the Official Tax Map of the Township of West Orange, Essex County, and commonly known as the Harvard Press site, located at 9, 15 Mitchell Street and 22-26 Central Avenue, West Orange, New Jersey; and

WHEREAS, the Project will be subject to the HMFA Requirements and the mortgage and other loan documents executed between the Sponsor and the New Jersey Housing and Mortgage Finance Agency (hereinafter referred to as the “Agency”); and

WHEREAS, pursuant to the HMFA Requirements, the governing body of the Municipality hereby determines that there is a need for this housing project in the Municipality.

NOW THEREFORE, BE IT RESOLVED by the Township Council of the Township of West Orange (the “Council”) that:

1. The Council finds and determines that the Valley Road Residential housing project proposed by the Sponsor meets or will meet an existing housing need; and
2. The Council does hereby adopt the within Resolution and makes the determination and findings herein contained by virtue of, pursuant to, and in conformity with the provisions of the HMFA Law to enable the Agency to process the Sponsor’s application for Agency funding to finance the Project.

RESOLVED, that a copy of this resolution shall be maintained in the Municipal Clerk’s Office.

Karen J. Carnevale, Municipal Clerk

Susan McCartney, Council President

Adopted: August 20, 2013

R E S O L U T I O N

WHEREAS, by Resolution No. 126-12, dated June 26, 2013, the Township Council awarded a contract to Sanitary Construction Company, 415 Franklin Avenue, Rockaway, New Jersey 07866 in the amount of \$3,483,873 for Llewellyn Park Roadway and Sanitary Sewer Improvements; and

WHEREAS, these improvements are being made pursuant to Ordinance No. 2323-11 which authorized the Township to make the improvements and assess the benefitting property owners for their cost; and

WHEREAS, the Township by Ordinance No. 2358-12 appropriated \$4,184,305.00 for this project of which \$500,000 consisted of a cash deposit by the Llewellyn Park Committee of Managers; and

WHEREAS, by letter dated August 8, 2013 the Llewellyn Park Committee of Managers requested additional funds in the amount of \$348,387.00 be authorized to allow additional roadway and sanitary sewer improvements in Llewellyn Park; and

WHEREAS, by letter dated August 14, 2013 the Municipal Engineer recommends a Change Order be issued in the amount of \$348,387.00 for this additional work; and

WHEREAS, sufficient funds exist for this Change Order; 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 for the contract Llewellyn Park Roadway and Sanitary Sewer Improvements between Sanitary Construction Company, 415 Franklin Avenue, Rockaway, New Jersey 07866 and the Township of West Orange which authorizes additional funding in the amount of \$348,387.00 for additional roadway and sanitary sewer improvements in Llewellyn Park is approved.

BE IT FURTHER RESOLVED that the Municipal Engineer is authorized to execute the Change Order.

Karen J. Carnevale, Municipal Clerk

Susan McCartney, Council President

Adopted: August 20, 2013

I hereby Certify funds are available from: Account No. 03-2358-12-0010-010

John O. 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; and

WHEREAS, construction commenced in Spring 2013; and

WHEREAS, due to the construction of Belle Terre Road an adjoining street, Garfield Avenue, was 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, was now in poor condition; and

WHEREAS, the Township Engineer recommended 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 approve a Change Order for this work with Reivax Contracting Corporation; and

WHEREAS, the Township Engineer estimated the cost of the improvement at \$81,400; and

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

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

WHEREAS, the contractor was willing to perform this work at the unit prices bid for the improvement of Belle Terre Road and Roosevelt Avenue; and

WHEREAS, sufficient funds existed for this additional work; and

WHEREAS, the Township Council by Resolution No. 98-13 authorized Change Order No. 1 in the amount of \$96,571.12 bringing the adjusted contract amount to \$579,426.72; and

WHEREAS, during the improvement of Garfield Avenue field conditions were encountered which resulted in unanticipated costs for installing concrete sidewalks and driveway aprons to meet Americans with Disabilities Act (ADA) requirements and unanticipated costs to make improvements to the base pavement in Garfield Avenue which brought the total cost to improve Garfield Avenue to nearly \$116,000 or about \$19,500 more than anticipated with contingencies; and

WHEREAS, unanticipated conditions on Belle Terre Road required additional drainage improvements to prevent runoff from running down driveways as well as additional base pavement to stabilize the roadway which added just over \$10,000.00 to the cost of the project; and

WHEREAS, the Township Engineer estimates the total cost of the completed project will be \$609,641.36 or \$30,224.64 more than currently authorized through Change Order No. 1; and

WHEREAS, to date the monies expended for this project totaled \$537,851.36; and

WHEREAS, the Municipal Engineer requests approval of Change Order No. 2 in the amount of \$30,224.64 to complete the final surface course and traffic striping on Belle Terre Road and Roosevelt Avenue; and

WHEREAS, with Change Order No. 2 the adjusted contract amount will be \$609,641.36 or a 26.26 percent increase over the original contract amount; and

WHEREAS, the Municipal Engineer recommended these Change Orders as the most efficient and cost effective manner to improve Garfield Avenue from Belle Terre Road and Hoover Avenue that would result in a timely improvement that would avoid further deterioration of Garfield Avenue and that would not conflict with the improvement of Belle Terre Road and Roosevelt Avenue; and

WHEREAS, the Township Council concurs in the foregoing; and

NOW THEREFORE BE IT RESOLVED, by the Township Council of the Township of West Orange that Change Order No. 2 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 \$30,224.64 be approved for the additional street improvements on Garfield Avenue, which adjoins Belle Terre Road, and whose condition had deteriorated as a result of additional traffic being detoured onto it, to address the additional costs resulting from field conditions encountered there as well as on Belle Terre Road during the construction.

BE IT FURTHER RESOLVED, that a notice be placed in the West Orange Chronicle in accordance with N.J.A.C. 5:30-11.9 since the adjusted contract amount through Change Order No. 2 of \$609,641.36 exceeds the awarded contract amount of \$482,855.60 by 26.26 percent.

**KAREN J. CARNEVALE, MUNICIPAL CLERK
PRESIDENT**

SUSAN McCARTNEY , COUNCIL

I hereby Certify funds are available from:

**Account No. 03-2137-22-5040-010
2013 STREET RESURFACING
\$30,224.64**

JOHN GROSS, CHIEF FINANCIAL OFFICER

167-13
August 20, 2013

**RESOLUTION AUTHORIZING
COMPETITIVE CONTRACTING PROCESS
FOR BASIC LIFE SUPPORT SERVICE COMPANY**

This resolution will allow the Township to prepare a request for proposal in which the competitive contracting methodology will be used according to State Statute. The proposal will be prepared with the ranking of criteria so an award can be made based on multiple factors.

WHEREAS, the Township is seeking to secure a contract with a company that can supply Basic Life Support Ambulance Services in response to the Township's 911 Emergency Police Dispatch Communication Center; and

WHEREAS, the cost of these services will exceed the Township bid threshold; and

WHEREAS, under the Local Public Contracts Law N.J.S.A. 40A:11-4.1 competitive contracting may be used by local contracting units in lieu of the standard public bidding process for procurement of specialized goods and services where the price exceeds the bid threshold; and

WHEREAS, the Township meets the criteria of Local Public Contracts Law N.J.S.A. 40a:11-4.1.3 which allows the use of a methodology to rank and evaluate proposals received to not only secure the best price but the best service to suit the Townships needs.

NOW HEREBY BE IT RESOLVED, by the Council of the Township of West Orange, that Competitive Contract Process shall be initiated for the purpose of receiving proposals for our payroll processing services and implemented by the Purchasing Agent, Business Administrator, and the Chief Financial Officer according to the local public contracts law.

Karen J. Carnevale
Municipal Clerk

Susan McCartney
Council President

Adopted: August 20, 2013

RESOLUTION

WHEREAS, certain West Orange property owners or their mortgage company have made a duplicate payment for the third quarter 2013 tax;

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 Treasurer of West Orange be and they are hereby authorized, empowered and directed to cause to be paid to the taxpayers on the attached list the sums indicated in full and final satisfaction of overpayment of the 2013 taxes.

<u>Block</u>	<u>Lot</u>	<u>Name and Address</u>	<u>Amount</u>
23	30	Antoinio & Joy Burnett 63 Pillot Place	\$1,634.68
34	16	Yojhaira Dilone 82 Hillside Avenue	\$3,175.42
42.03	91	Andrew Kessler 239 So Valley Rd	\$2,586.44
59	4	Barbara & Curtis Rumph 71 Rollinson Street	\$2,423.82
59	11	Durning/Cuseglio or Attorney 57 Rollinson Street	\$2,433.01
80.02	1.05	Young/Chung or Attorney 35 Gregory Avenue	\$11,193.65
148.05	39	Anthony Hall 49 Valley Way	\$3,061.13
152.07	5.01	Raymond Hamlin & Mortgage Services 4 McCluskey Ct	\$2,453.78
152.27	21	Salvatore Rosamimlia or Mortgage Services 24 Cannon Street	\$6,149.97
158.12	225	Mohammed & Faleelde Iqbal 46-48 Lessing Road	\$4,494.35

159.11	24	Angela Gerez or Attorney 392 St Cloud Avenue	\$2,342.99
168.01	15.03	Donald Meisner 1375 Pl Valley Way	\$3,384.27
172.14	5	Russel & Brenda Lawson 529 Mt Pleasant Avenue	\$2,148.06
175.01	179	San & Amy Rivera 20 Belle Terre Road	\$3,055.32
176.06	14	Ronald Thompson or Title Co 59 Greenwood Ave	\$2,226.04
179.14	9	Philip Walden Or Corelogic 33 Rosemont Terrace	\$3,645.23
179.17	23	Goldstein – Title Co 1 Howell Drive	\$4,800.00

Karen J. Carnevale
Municipal Clerk

Susan McCarthy
Council President

Adopted: August 20, 2013

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

John Gross
Township Chief Financial Officer

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 for the years 2010, 2011, 2012.

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:

<u>Block</u>	<u>Lot</u>	<u>Name & Address</u>	<u>YR</u>	<u>Assessment</u>	<u>Reduction Amount</u>
79.01	9	IfthikarRehman 1 Ardmore Road West Orange, NJ 07052	2011	39,900	\$1,388.92
79.01	9	IfthikarRehman 1 Ardmore Road West Orange, NJ 07052	2012	39,900	\$1,414.06
84.01	60	Feinstein, Raiss, Kelin& Booker, LLC Trust Acct Attorneys at Law 100 Executive Drive Ste 360 West Orange, NJ 07052	2011	251,000	\$8,737.31
84.01	60	Feinstein, Raiss, Kelin& Booker, LLC Trust Acct Attorneys at Law 100 Executive Drive Ste 360 West Orange, NJ 07052	2012	251,000	\$8,895.44
109	3.01	D & S Steiner % LasserHochman ,LLC Attorneys at Law 75 Eisenhower Parkway – Ste 120 Roseland, NJ 07068	2011	68,700	\$2,391.45
109	3.01	D & S Steiner % LasserHochman ,LLC Attorneys at Law 75 Eisenhower Parkway – Ste 120 Roseland, NJ 07068	2012	168,700	\$5,978.73
152.07	5.03	Brach Eichler, LLC & Barry & Elise Horowitz 101 Eisenhower Parkwy Roseland, NJ 07068	2012	42,600	\$1,509.74
158.12	214	Barbara Constable 64-66 Lessing Road West Orange, NJ 07052	2011	77,900	\$2,711.70

158.12	214	Barbara Constable 64-66 Lessing Road West Orange, NJ 07052	2012	77,900	\$2,760.78
168.10	5	Law Office of Nathan P Wolf, LLC Wade N & Carol E Trustees 673 Morris Avenue Springfield, NJ 07081	2010	33,800	\$4,388.25
176.05	12.02	Carlet, Garrison, Klein & Zaretsky, LLP Attorneys at Law 1135 Clifton Avenue, Ste 104 PO Box 2666 Clifton, NJ 07015	2010	145,000	\$18,825.35
176.10	10	The Irwin Law Firm Attorney Trust Acct F.B.O. Michael & Barbara Luxenberg 80 Main Street, Ste 410 West Orange, NJ 07052	2012	90,500	\$3,207.32

TOTAL:\$62,209.05

Karen J. Carnevale
Municipal Clerk

Susan McCarthy
Council President

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

John O. Gross,
Township Chief Financial Officer

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 **August 20, 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

The Orange Reservoir Tax Case

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

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

The foregoing Resolution was duly adopted by the Township Council of the Township of West Orange at a public meeting held on **August 20, 2013.**

Motion:

Second:

Vote

Aye:

Opposed:

Karen J. Carnevale
Municipal Clerk

Susan McCartney
Council President

Adopted: August 20, 2013

BOND ORDINANCE AMENDING BOND ORDINANCE 2366-12 AND BOND ORDINANCE 2377-13 FINALLY ADOPTED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST ORANGE, NEW JERSEY ON DECEMBER 18, 2012, AS AMENDED ON JUNE 11, 2013.

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

Section 1. The Bond Ordinance of the Township Council of the Township of West Orange, in the County of Essex, New Jersey (the "Township") entitled "Bond Ordinance Reappropriating \$1,606,799.25 Proceeds Of Obligations Not Needed For Their Original Purposes For The Acquisition Of Various Improvements By The Township Of West Orange, New Jersey ." finally adopted on December 18, 2012, as amended on June 11, 2013 (the "Ordinance") is hereby incorporated by reference in its entirety.

Section 2. Section 2 of the Ordinance with respect to the field lighting and concession stand is hereby amended in its entirety as follows:

<u>Improvements</u>	<u>Appropriation and Estimated Cost</u>
Joseph Suriano Field Lighting	\$262,634.00
Concession Stand West Orange High School	\$ 10,843.14
Purchase of Jitney Buses	\$276,522.86

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

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

Section 5. This amendatory bond ordinance shall take effect twenty days after the first publication thereof after final adoption as provided by Local Bond Law.

Introduction: July 16, 2013

Adopted: August 20, 2013

Robert D. Parisi
Mayor

Susan McCartney
Council President

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

Karen J. Carnevale, Municipal Clerk

**ORDINANCE OF THE TOWNSHIP OF WEST ORANGE, IN THE
COUNTY OF ESSEX, STATE OF NEW JERSEY ADOPTING AN
AMENDMENT TO THE HARVARD PRESS REDEVELOPMENT PLAN**

WHEREAS, the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1, et seq.*, (the “Act”) authorizes municipalities to determine whether certain parcels of land in the municipality constitute areas in need of redevelopment; and

WHEREAS, after referral to and investigation by the Planning Board of the Township in accordance with the Act, on March 18, 2008, the West Orange Township Council, acting by resolution, designated the following area as an area in need of redevelopment in accordance with the Act: Block 9, Lot 1, commonly known as 9 Mitchell Street; Block 9, Lot 7, commonly known as 15 Mitchell Street; Block 9, Lot 44, commonly known as 22-24 Central Avenue; Block 9, Lot 50, commonly known as 24-26 Central Avenue; and Block 9, Lot 56, located on Central Avenue (collectively, and together with any roads, right-of-ways or other public lands encompassed therein or appurtenant thereto, the “Redevelopment Area”); and

WHEREAS, on April 29, 2008, after review of a proposed redevelopment plan for the Redevelopment Area by the Planning Board of the Township in accordance with the Act, and after reviewing the recommendations of the Planning Board with respect to the same, the Township Council finally adopted Ordinance # 2168-08 implementing the proposed redevelopment plan together with the Planning Board’s recommendations, as reflected in the Ordinance (the “Redevelopment Plan”); and

WHEREAS, acting by Resolution adopted June 25, 2013, the Township referred certain proposed amendments to the Redevelopment Plan as set forth at Exhibit A attached hereto (the “Proposal”) to the Planning Board for its review and comment in accordance with *N.J.S.A. 40A:12A-7(e)*; and

WHEREAS, on July 9, 2013, the Planning Board conducted a public meeting regarding the Proposal, recommended the adoption of the Proposal and resolved to transmit its recommendation to the Mayor and Council (such resolution of the Planning Board attached hereto as Exhibit B); and

WHEREAS, the Township desires to adopt the Proposal,

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWNSHIP COUNCIL OF
THE TOWNSHIP OF WEST ORANGE AS FOLLOWS:**

I. GENERAL

The aforementioned recitals are incorporated herein as though fully set forth at length.

II. ADOPTION OF PLAN AMENDMENT

The Proposal, as filed in the Office of the Township Clerk and attached hereto as Exhibit A, is hereby approved.

III. AMENDMENT OF ZONING ORDINANCE

The zoning ordinance and map of the Township is hereby amended to incorporate the provisions of the Proposal.

IV. SEVERABILITY

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

V. AVAILABILITY OF THE ORDINANCE

A copy of this Ordinance shall be available for public inspection at the offices of the Township Clerk.

VI. EFFECTIVE DATE

This Ordinance shall take effect as provided in law.

Honorable Susan McCartney
Council President

Honorable Robert Parisi
Mayor

Introduced: July 16, 2013

Adopted: August 20, 2013

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

Karen J. Carnevale, Municipal Clerk

Introduction and First Reading:

COUNCIL	YES	NO	ABS	N.V.	AB	COUNCIL	YES	NO	ABS	N.V.	AB
McCartney, Pres.						Krakoviak					
Cirilo						Spango					
Guarino											
X – Indicate Vote ABS – Abstain N.V. – Not Voting AB – Absent											

Second Reading, Public Hearing and Final Adoption:

COUNCIL	YES	NO	ABS	N.V.	AB	COUNCIL	YES	NO	ABS	N.V.	AB
McCartney, Pres.						Krakoviak					
Cirilo						Spango					
Guarino											
X – Indicate Vote ABS – Abstain N.V. – Not Voting AB – Absent											

I HEREBY CERTIFY the foregoing to be a true copy of an ordinance finally adopted by the West Orange Township Council, in the County of Essex, at its meeting held on August 20, 2013.

Karen J. Carnevale, Township Clerk

Exhibit A

PROPOSAL

On page 17 of the Redevelopment Plan, strike the following language:

Permitted uses in the MUBR zone shall be limited to multi-family residential uses and those uses allowed in the B-1 zone. The residential units shall be condominium type units that are individually sold in the general real estate market place and not rented. This use provision may need to be amended upon completing the research of the remaining properties located in Block 9 and along Central Avenue. Any use not expressly permitted in the MUBR zone shall be prohibited, including rental units.

And insert the following language in its place:

Permitted uses in the MUBR zone shall be limited to multi-family residential uses and those uses allowed in the B-1 zone. Any use not expressly permitted in the MUBR zone shall be prohibited.

Exhibit B

Planning Board Resolution

**RESOLUTION
OF THE PLANNING BOARD
OF THE TOWNSHIP OF WEST ORANGE**

Heard: July 9, 2013

WHEREAS, pursuant to a Resolution of the Township Council of the Township of West Orange entitled "Resolution of the Township of West Orange, County of Essex, New Jersey Requesting the Planning Board to Review and Make Recommendations With Regard to Proposed Amendments to the Harvard Press Redevelopment Plan," adopted June 25, 2013, the Planning Board of the Township of West Orange, at its July 9, 2013 regular meeting, discussed a proposed amendment to the Harvard Press Redevelopment Plan, dated April 7, 2008 and adopted by the Township Council on April 29, 2008 by Ordinance No. 2168-08; and

WHEREAS, the proposed amendment modifies page 17 of that Plan, as follows:

1. Striking the following language:

Permitted uses in the MUBR Zone shall be limited to multi-family residential uses and those uses allowed in the B-1 Zone. The residential units shall be condominium type units that are individually sold in the general real estate market place and not rented. This use provision may need to be amended upon completing the research of the remaining properties located in Block 9 and along Central Avenue. Any use not expressly permitted in the MUBR Zone shall be prohibited, including rental units; and

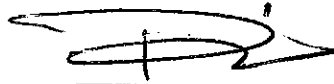
2. Inserting the following language in its place:

Permitted uses in the MUBR Zone shall be limited to multi-family residential uses and those uses allowed in the B-1 Zone. Any use not expressly permitted in the MUBR Zone shall be prohibited; and

WHEREAS, the Planning Board gave the proposed amendment its due consideration and concluded that the proposed amendment was reasonable and consistent with the goal of redeveloping the property;

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Township for West Orange that the Harvard Press Development Plan should be amended as set forth above and as proposed in the Resolution of the Township Council adopted June 25, 2013.

Certified to be a true copy of the Resolution approved by the Planning Board on July 9, 2013.

A handwritten signature in black ink, appearing to read 'Robin Miller', is written over a horizontal line.

ROBIN MILLER, Secretary
Planning Board of the Township of West Orange

**AN ORDINANCE OF THE TOWNSHIP OF WEST ORANGE, COUNTY OF ESSEX,
STATE OF NEW JERSEY,
AUTHORIZING THE ESTABLISHMENT OF A
GOVERNMENT ENERGY AGGREGATION PROGRAM**

WHEREAS, the Government Energy Aggregation Act, N.J.S.A. 48:3-93.1 et seq. governs the establishment of a government energy aggregation program, which is a government-operated purchasing cooperative through which multiple energy consumers purchase energy together under the auspices of a government aggregator; and

WHEREAS, the New Jersey Board of Public Utilities (“BPU”) has promulgated rules (N.J.A.C. 14:4-6.1, et seq.) for the implementation of government energy aggregation programs; and

WHEREAS, pursuant to the Government Energy Aggregation Act, N.J.S.A. 48:3-93.1 et seq., the Township seeks to establish a Government Energy Aggregation Program (“Program”) for the provision of electricity within the Township, for the purpose of obtaining power supply cost savings for residential and non-residential participants in the Township; and

WHEREAS, the West Orange Township Council intends to review and approve a Government Energy Aggregation Program in the Township and authorize the Mayor and Township personnel under the authority of the Mayor, consistent with any applicable rules, to solicit proposals and enter into a contract, subject to review by the Township, for the provision of electric generation services on behalf of residential customers who do not opt out and non-residential customers that opt in, within the boundaries of the Township, to the extent that such a contract will produce power supply cost savings to them; and

WHEREAS, the Township may from time to time solicit proposals from electric power suppliers for electric generation services through the Program in which the Township and its authorized personnel will be lead agents in administering the West Orange Community Energy Aggregation (“WOCEA”); and

WHEREAS, the Township may from time to time issue one or more Request for Proposals for electric generation services and energy aggregation services on behalf of the WOCEA pursuant to the Local Public Contract Law, the Government Energy Aggregation Act and the Electric Discount and Energy Competition Act; and

WHEREAS, the Township will award contracts for said electric generation service and energy aggregation services to electric power suppliers that submit qualified price bids lower than the prevailing price for utility-provided basic generation service; and

WHEREAS, pursuant to applicable BPU rules, the Township needs to enter into an Electric Distribution Company Aggregation Agreement with Public Service Electric and Gas Company; and

WHEREAS, N.J.S.A. 48:3-93.1 et seq. requires the Program to be established by ordinance;

NOW, THEREFORE, BE IT ORDAINED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST ORANGE, in the County of Essex and State of New Jersey, that there should be created a Chapter 2, Section 93, of the Revised General Ordinances of the Township of West Orange, which shall provide as follows:

TOWNSHIP CODE § 2-93.1

2-93.1: Program Established. The Township hereby establishes a Government Energy Aggregation Program, in accordance with the provisions of the Government Energy Aggregation Act, N.J.S.A. 48:3-93.1 et seq., and the rules promulgated thereunder, N.J.A.C. 14:4-6.1, et seq. The Township's program may be referred to as the West Orange Community Energy Aggregation, or "WOCEA." The Township of West Orange shall be the lead agency and any agreements entered into in connection with the Program shall be subject to review by the Township.

2-93.2: Aggregation Agreement. The Mayor shall be and hereby is authorized to execute and the Clerk to attest to the execution of an Electric Distribution Aggregation Agreement, in a form acceptable to the Township, with Public Service Electric and Gas Company ("PSE&G").

2-93.3: Applicability of Rules and Regulations; Solicitation of Proposals. Pursuant to the terms and conditions of the Government Energy Aggregation Act and the rules promulgated thereunder, and specifically N.J.A.C. 14:4-6.2, the Township shall oversee the WOCEA as lead agency and consistent with applicable rules, shall solicit proposals for electric generation service and energy aggregation services on behalf of Township residents who do not opt out and non-residential customers that opt in to the WOCEA program. The Mayor may execute and enter into a contract for such services provided that the lowest qualified bid price is below the prevailing price for utility-provided basic generation service, consistent with any applicable law. Pursuant to the regulations of the Government Energy Aggregation Act, a public notice of the WOCEA program will be issued whereby non-residential energy consumers may opt into the WOCEA program, and residential customers may opt out.

2-93.4: Master Performance Agreement. The Mayor may also execute a master performance agreement that obligates the participants in the WOCEA to purchase electricity at terms and conditions stated therein with a third party supplier that has been awarded the contract by the Township on behalf of participating members of the WOCEA, and provided that such contract shall be at prices reasonably forecast and estimated by the Township to provide savings to participants relative to the price charged for basic generation service by PSE&G.

2-93.5: Repeal. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

2-93.6: Conflicts. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

Karen J. Carnevale, Municipal Clerk

Susan McCartney, Council President

Honorable Robert D. Parisi
Mayor

Introduced: July 16, 2013

Adopted: August 20, 2013

**AN ORDINANCE AMENDING AND SUPPLEMENTING
CHAPTER III, SECTION 3-5, OF THE REVISED
GENERAL ORDINANCES OF THE TOWNSHIP OF WEST
ORANGE ENTITLED “RULES OF COUNCIL”,
“AGENDA”, AND SECTION 3-8, “ORDER OF BUSINESS”**

BE IT ORDAINED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST ORANGE, in the County of Essex, State of New Jersey, that Chapter III, Section 3-5, of the Revised General Ordinances of the Township of West Orange, entitled “Rules of Council”, “Agenda”, shall be amended and supplemented to memorialize certain rules and procedures regarding the creation and distribution of the Council Agenda, and publication of supporting materials, and Section 3-8, entitled “Order of Business”, shall be amended and supplemented to make minor changes to the order of business at regular Council meetings, all as follows:

Section 1. The Revised General Ordinances of the Township of West Orange are amended and supplemented to read as follows:

CHAPTER III RULES OF COUNCIL

3-5 AGENDA.

An agenda for each regular meeting of the Township Council shall be prepared by the Clerk under the supervision of the President of the Council. All Ordinances, Resolutions and any supporting written material for consideration at the next Council Meeting shall be delivered to and received at the Clerk's Office by 3:00 p.m., on the Wednesday **next** preceding the meeting, earlier if possible and, if later, shall require permission of the Council President before placement on the agenda. The agenda headings shall be written in plain English and each Resolution and Ordinance, unless clearly self-explanatory, shall include a brief description of its purpose also written in plain English by the department submitting it. The agenda shall be completed not later than 3 p.m. on the Thursday preceding each regular meeting of the Council, except for emergency matters which may be added to the agenda at any time before the meeting with permission of the President of the Council. The Clerk shall expeditiously deliver a copy of the Agenda, all Ordinances and Resolutions and all submitted supporting materials, to each Council member, to the Mayor, Business Administrator, and to the Law Department. The Clerk shall expeditiously cause the agenda, Ordinances, and Resolutions to be posted on the Township's website no later than the following Friday at noon in order that such materials are readily available to the general public. In the event of an intervening holiday, the deadlines set forth here shall be adjusted to provide the same amount of time for preparation and notice of the agenda. In the event of additions, deletions, or changes of any kind to the agenda, or any item on it, such changes shall be expeditiously posted to the Township's website with a notation indicating the change by 4:30 p.m., on the

Monday preceding the Council meeting. The agenda and any changes to it shall also be physically posted on the Clerk's Bulletin Board in the public hallway at Town Hall. A conforming agenda shall be published to the Township's website on the day after each Council meeting to indicate those items which were not acted upon due to removal or postponement by the Council at its meeting. (1972 Code § 3-5; Ord. No. 2349-12).

3-8 Order of Business.

The order of business at a regular meeting of the Council shall be as follows:

Conference Agenda:

Council Liaison Announcements - an opportunity for council members to announce upcoming events and/or to express appreciation to local clubs/organizations/volunteers, etc.

Public Agenda:

Pledge of Allegiance;

Roll Call;

Public Comment - Each member of the public wishing to speak shall do so through the Council President after stating their name and address for the record and shall be limited to 5 minutes. Each Council Member, including the Council President, may respond and shall be limited to 5 minutes;

Consent Agenda	1- Approval of Minutes of Previous Meeting
	2- Report of Township Officers
	3- Reading of Petitions and Communications and Bids
	4- Bills
	5- Resolutions;

Ordinances on Second and Final Reading;

Ordinances on First Reading;

ABC Hearing, if any;

Pending Matters/New Matters/Council Discussion - Each Council Member, including the Council President, shall have the opportunity to raise and discuss any pending matter, new matter, or issue for Council discussion, each Council Member having 5 minutes to speak and a representative of the Administration to be permitted 5 minutes to speak in response, the total time for this section to be no longer than 30 minutes

unless a majority of the Council votes to expand that time;

Adjournment.

Section 2. The remainder of Chapter III remains unchanged.

Section 3. If any part of this Ordinance is determined to be invalid, such part shall be severed and its invalidity shall not affect the remaining parts of this Chapter.

Section 4. Any and all parts of ordinances which are inconsistent with any of the terms and provisions of this Ordinance shall be and the same are hereby repealed as to and to the extent of such inconsistency.

Section 5. This Ordinance shall take effect upon final passage and publication as required by law.

Susan McCartney, Council President

Approved:

Robert D. Parisi, Mayor

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

Karen Carnevale, Municipal Clerk

Introduction: August 20, 2013

Adopted: September 17, 2013

LEGISLATIVE HISTORY

This Ordinance amends the previous version of the Rules of the Council regarding its Agenda and the Order of Business at regular Council Meetings to make them consistent with the actual recent practice of the Council and Clerk and the intended practice going forward with respect to the preparation and publication of its meeting agendas and the conduct of its meetings, including any meetings of the Council sitting as the Township's ABC Board. On the whole, the intent is to focus on the business of the Council, its ordinances and resolutions, to discuss and vote upon them in expeditious fashion as a courtesy to those interested members of the public who have seen them posted on the Agenda and have come to the meeting out of particular interest in them, or any of them, and wish to get back to their homes and private matters without undue delay. Such focus and order of business also serve as a courtesy and cost savings to those Township Department Directors and professionals, and private professionals, whether working for the Township or on behalf of a citizen/resident/business owner, who must attend a Council meeting, or ABC Board meeting, to assist the Township's elected and appointed officials, or a citizen/resident/business owner who is paying for their presence and professional services, often on the basis of time spent. The legislative purpose is to provide information to the public which is likely to be useful to their understanding of the Council business matters to be discussed and acted upon at the Council meeting, while at the same time respecting their time and that of those who must attend a Council meeting as part of their employment responsibilities, whether public or private.

AN ORDINANCE AMENDING CHAPTER 2, SECTION 66.1a OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF WEST ORANGE, ENTITLED "FEES FOR SERVICES"

BE IT ORDAINED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST ORANGE, in the County of Essex and State of New Jersey, that Chapter 2, Section 66.1a of the Revised General Ordinances of the Township of West Orange is hereby amended as follows:

I. PURPOSE

The purpose of this Ordinance is to reduce the fees charged for public records in order to ensure compliance with the Open Public Records Act, N.J.S.A. 47:1A-1 to -13 (OPRA).

II. CHAPTER 2, SECTION 66.1a SHALL BE AND HEREBY IS AMENDED AND SUPERSEDED TO READ AS FOLLOWS:

- a. For the issuance of photocopies of ordinances, minutes, resolutions, and other government records embodied in the form of printed matter, except those listed below, the fees shall be:

1. \$0.05 per letter size page or smaller; and
2. \$0.07 per legal size page or larger.

However, if a copy of a police accident report is requested other than in person, an additional fee of \$5.00 shall be charged to cover the administrative costs of the report.

Further, if the public records are delivered or mailed, there shall be an additional charge assessed depending upon the postage or delivery method utilized.

III. REPEAL OF CONFLICTING ORDINANCES

Any Ordinances of the Township 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

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

**Honorable Susan McCartney
Council President**

**Honorable Robert D. Parisi
Mayor**

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

Karen J. Carnevale, Municipal Clerk

Introduced: August 20, 2013

Adopted: September 17, 2013

LEGISLATIVE HISTORY

Currently, Section 66.1a of Chapter 2 of the Revised General Ordinances of the Township of West Orange provides for the following fees for public records: (1) \$0.75 per page for the first page to the tenth page; (2) \$0.50 per page for the eleventh page to the twentieth page; and (3) \$0.25 per page for all pages over twenty. These fees are derived from N.J.S.A. 47:1A-2, which is a since-repealed provision of the former Right to Know Law ("RKL"), which was part of the Public Records Act of 1963. The RKL was displaced by the Open Public Records Act, N.J.S.A. 47:1A-1 to -13 (OPRA), in January 2000. See generally Smith v. Hudson County Register, 411 N.J. Super. 538, 558 (App. Div. 2010). The provision of OPRA applicable to fees for public records is N.J.S.A. 47:1A-5b, and it provides for the following fees: (1) \$0.05 per letter size page or smaller, and (2) \$0.07 per legal size page or larger. This Ordinance brings Section 66.1a of Chapter 2 into compliance with OPRA.

In addition, the second paragraph of Section 2-66.1b currently provides that "for a police accident report there is an additional fee when the request is not made in person of \$5.00 for the first three (3) pages and \$1.00 for each additional page as provided by N.J.S.A. 39:4-131." The referenced provision of the State Motor Vehicle Regulations was amended in September 2010, and the provision permitting an additional \$1.00/page charge after three (3) pages was removed. The additional charge for requests not made in person is now capped at \$5.00. N.J.S.A. 39:4-131. This Ordinance therefore brings Section 66.1a of Chapter 2 into compliance with the State Motor Vehicle Regulations as well.

**TOWNSHIP OF WEST ORANGE
60 MAIN STREET
WEST ORANGE, NJ 07030
(973) 325-4155
(973) 731-1196 FAX**

**LICENSE APPLICATION TO OPERATE
"SHOP LOCAL" REWARD PROGRAMS**

Name of Applicant:

Contact Person:

Job Title:

Address:

City:

State:

Zip:

Business Phone:

Cell Phone:

Email Address:

Customer Service Phone:

Customer Service Email:

The above-named entity and/or individual agrees to adhere to the provisions of Chapter 5, Section 33 of the Municipal Code of the Township of West Orange, and to the terms and conditions specified in the foregoing pages of this license application.

Signature of Applicant:

Print Name and Title:

Date: _____

TERMS AND CONDITIONS OF LICENSE AND LICENSE APPLICATION

DEFINITIONS

“Township” shall mean the Township of West Orange, a municipal corporation of the State of New Jersey with its principal location at 60 Main Street, West Orange, New Jersey 07052

“Shop Local Program” shall mean any program whereby Taxpayer Consumers make purchases at Participating Merchants and earn property tax credits to satisfy a Taxpayer Consumer’s property tax obligations to the Township, or earn credits for check rebates for purchases made at Participating Merchants.

“Applicant” shall mean the entity seeking a license to design, operate and administer a “Shop Local” program to stimulate local commerce by providing property tax credits or other such rewards in connection with purchases by Taxpayer Consumers made at Participating Merchants, as defined herein.

“Participating Merchant(s)” shall mean business(es) with a location in the Township, or located outside the Township but not competing with any local business within the Township, which voluntarily register and enter into an agreement with Applicant to participate in the Shop Local Program.

“Taxpayer Consumer(s)” shall mean Township property owners, residents, residents of other municipalities who work in the Township, or any individual who voluntarily registers and enters into an agreement with the Applicant to participate in the Shop Local Program and qualifies for receipt of tax credits or rebates.

GENERAL TERMS AND CONDITIONS

This License Application is authorized and governed by Chapter 5, Section 33 of the Revised General Ordinances of the Township of West Orange (the “Ordinance”). The terms and conditions set forth therein apply to and shall be binding on the Applicant. Any additional terms and conditions stated herein, in addition to those set forth in the Ordinance, shall also apply to and be binding on the Applicant.

Annual Report

On or about June 1 of any calendar year, the Applicant shall provide to the Township’s Chief Financial Officer a balance sheet setting forth the financial status of the Township Shop Local Program including, but not limited to: (i) gross monies derived from the Township Shop Local Program; (ii) revenue earned by the Applicant in connection with the Shop Local Program; (iii) total credits earned by Taxpayer Consumers; (iv) a listing of Taxpayer Consumers, organized by name, address and Block/Lot number, who have earned credits for patronizing local businesses, and the amounts earned by such Taxpayer Consumers; and (v) the total monies due and owing to the Township in connection with credits earned by the Taxpayer Consumers.

Weekly Payments to Township by Applicant

The Applicant agrees to maintain a dedicated bank account for funds received in connection with the Shop Local Program, unless the Taxpayer Consumer's property tax credit funds will be immediately directed to and held in the Township's own FDIC insured dedicated bank account, in which case the Administrator need not establish such a bank account. The Applicant agrees to hold in trust and/or turn over all funds collected from the Shop Local Program on behalf of Taxpayer Consumers, via electronic transfer, to the Township's dedicated bank account, on a weekly basis.

Payments to Tenants and Non-Residents

It will be the Licensee's sole responsibility to hold in trust and remit any and all monies to be paid as rebates to Taxpayer Consumers who do not pay property taxes to the Township. This includes, but is not necessarily limited to, tenants, renters, non-resident employees, visitors, or other such individuals authorized to participate and register in the Shop Local Program.

Insurance Requirements, and Indemnification and Hold Harmless

As more fully set forth in the Ordinance, Applicant shall be required to obtain and provide proof of commercial/general liability insurance in the amounts stated in the Ordinance, and workers' compensation coverage insurance as well. The Applicant also agrees to indemnify, defend, and hold harmless the Township, its officers, agents and employees, from any and all claims, actions, liability or costs, including reasonable attorneys' fees and other costs of defense, in connection with, arising out of, or in any way related to the negligence of the Applicant, or its agents or employees, in the administration of the Shop Local Program.

Fiduciary Requirement

As more fully set forth in Section 5-33.10 of the Ordinance, the Applicant shall provide to the Township, in lieu of a cash or other bond, proof of a valid fiduciary policy naming the Township as a loss payee in the amount of \$50,000, which amount may be amended from time to time by Resolution of the Township Council.

Termination of Program

Applicant shall provide at least ninety (90) days' written notice to Participating Merchants, Taxpayer Consumers and the Township in the event the Shop Local Program shall be terminated for any reason. In the event of termination, Applicant will be responsible for transmitting a final data file and bank wire transfer accounting for all outstanding credits or rebates applicable to Taxpayer Consumers. The Bond Guarantee and/or Fiduciary Policy may be released following a final accounting of all gross revenues and outstanding tax credits, which may be independently audited at the request of the Township and at the sole cost and expense of the Applicant.

No Subcontractors

The Applicant shall not be permitted to utilize any subcontractors in the performance of services under any license granted pursuant to this Application, unless the subcontractor is disclosed on this application. If the subcontractor will possess or hold in trust any monies to be credited to the Township on behalf of a Taxpayer Consumer, such subcontractor shall have a fiduciary policy naming the Township as a loss payee in the amount stated in Section 5-33.10 of the Ordinance.

Terms of Use of "Shop West Orange" Phrase

The Applicant shall not use the name "Shop West Orange" nor the graphic "Shop West Orange" logo or any part thereof without the written consent of the Township Business Administrator. If Applicant breaches this requirement, said license shall automatically terminate. All rights to the name "Shop West Orange," and the graphic "Shop West Orange" logo, are reserved to the Township.

Amount of Credits to Taxpayer Consumers

As more fully set forth in Section 5-33.9 of the Ordinance, it shall be the Applicant's sole responsibility to ensure that Taxpayer Consumers have access to a written description of the gross percentage of credits that will be paid to the Township towards Taxpayer Consumers' real property taxes upon a purchase made at all Participating Merchants.

The Applicant shall be responsible for providing merchants with window clings stating the merchant's participation in the program, the form of which may be approved by the Township's Business Administrator. Furthermore, the Applicant shall make its best effort to ensure that all Participating Merchants post the window cling in its front window or in another conspicuous location indicating that the Participating Merchant is a *"Participating Member of Shop West Orange Property Tax Reward Program."*

Each Participating Merchant shall be responsible for making available to Taxpayer Consumers patronizing its business a written description of the percentage of each transaction which shall be paid to the Township and/or credited to the Taxpayer Consumer.

Advertising

Applicant shall have the responsibility to ensure that the Shop Local Program is properly advertised to all Township residents. This shall include at a minimum, but is in no way limited to: (i) working with Participating Merchants to launch and/or maintain Shop West Orange page(s) on the Applicant's web portal and keeping same updated; (ii) regularly maintaining the Applicant's Web site to post a list, with phone numbers and addresses, of all Participating Merchants participating in the Shop Local Program; (iii) (iii) providing Participating Merchants with e-mail addresses of Taxpayer Consumers who have registered for the Shop Local Program and have shopped at their location, individually; and (iv) making itself available to the Township, its Chamber of Commerce and the Downtown West Orange Alliance to discuss strategies for advertising.

Review of Applications by Merchants

The Applicant shall coordinate, receive and review all applications by local businesses to become a Participating Merchant. In the event that the Applicant receives an application to become a Participating Merchant from a business located outside the Township, the Applicant shall review same and provide a copy to the Township's Business Administrator. Any approvals to businesses located outside the Township shall be subject to the review and approval of the Township's Mayor, Chief Financial Officer and/or Business Administrator.

Breach of Licensing Terms

In the event of a breach of any of the terms and conditions of the Ordinance or the terms and conditions stated in this Application, the Township reserves the right to revoke and/or suspend the Applicant's license. In the event of termination, the Applicant shall satisfy the requirements set forth in the subsection titled "Termination of Program."

Business Registration Certification

Along with this Application, Applicant shall provide to the Township a copy of its New Jersey Business Registration Certificate.

QUESTIONS FOR APPLICANT

(Applicant may submit a written response to these questions on separate sheets)

1. Set forth the State of incorporation of the business entity applying for the license to operate the Shop Local Program, the nature of the registration, (e.g., S-corporation, partnership, joint venture, etc.), and set forth the names of any subsidiaries, affiliates, or parent companies of the entity. Also set forth the principal place of business, and any locations from which the Applicant operates in the State of New Jersey.
 - (a) Provide the names and business addresses of all Principals, managers, subsidiaries and affiliates of the entity submitting this Application. For purposes of this license application, "Principals" shall mean individuals possessing an equitable or legal ownership interest in the Applicant, or in any subsidiary or affiliate of Applicant. If the Applicant is a corporation, "Principals" shall also include each investor who would have any amount of operational control over the Applicant and every stockholder having an ownership interest of ten percent (10%) or more in the firm.

Name & Title	Address, Phone and Email

(b) If the entity is a partially owned or a fully-owned subsidiary of another entity, identify the parent company and describe the nature and extent of the affiliate's approval rights over the activities of the entity submitting this license application. If applicable, set forth and describe the approval process. If the Applicant is a partnership or a joint venture or other such organization, provide the requested information with respect to each member of the partnership, joint venture or other such organization.

(c) Provide proof or a verified statement that the Applicant has complied with all applicable affirmative action (or similar) requirements with respect to its business activities.

2. How many years has the business organization been operating under its present name?

3. How many years has the business organization been under its current management, including but not limited to identifying the names and service terms of its Chief Executive Officer, Chief Operating Officer, Treasurer/Controller, Managing Partner, etc.

4. (a) How many employees are employed by the Applicant?

Full Time	
Part Time	
Contract/Temporary	

(b) If the Applicant is a closely held corporation or partnership of fewer than twenty-five (25) employees, of the above-referenced employees what are each employee's job titles and job duties?

5. Are there any civil judgments entered against, or lawsuits filed against, the Applicant within the last three (3) years? If yes, set forth the nature of each action, and the status or result of same.

6. Is the Applicant now involved in any bankruptcy or re-organization proceedings, or has it been involved in any bankruptcy or re-organization proceedings in the last ten (10) years? If yes, set forth the jurisdiction, the current status of the action, and/or the result of the action.

7. Provide three (3) references who can attest to the Applicant's past conduct with respect to a municipal Shop Local Program or similar municipal loyalty or rewards programs. If the Applicant has no prior experience operating a municipal loyalty program, state that and provide three (3) references who can attest to the Applicant's prior business activities and conduct.

8. Set forth the manner and means in which the Applicant intends to administer the Shop Local Program, including but not limited to: (a) the procedure(s) for registering local merchants and advertising the program to same; (b) the manner in which Applicant will handle day-to-day operations, such as communicating with Participating Merchants and municipalities about questions and concerns, fixing breakdowns of equipment, etc.; and (c) generally, the extent to which Applicant is able to operate under and according to the terms and conditions of the Ordinance and this Application (e.g., roles of key staff, 24-hour availability, customer service, etc.).
9. Describe the nature of the goods to be sold and/or supplied to Participating Merchants in order to administer the Shop Local Program, including but not limited to swipe card terminals, and computer access. Also describe the extent, if any, to which the Applicant's Web site will provide means for Participating Merchants and Taxpayer Consumers to monitor their participation in and access to the Shop Local Program.

10. Append to this application a copy of the Applicant's Articles of Incorporation, Bylaws, or Operating Agreement, as applicable.
11. If there are no Articles of Incorporation or Bylaws of the Applicant, set forth any and all applicable governance procedures of the Applicant. If there are no governance procedures, please state that there are no such procedures in place.

12. At its sole cost and expense, Applicant shall complete and submit to a criminal background check through MorphoTrak, Inc. (see <http://www.bioapplicant.com/nj>), formerly known as Sagem Morpho, Inc. Applicant shall complete an approved MorphoTrak form available from the Township Clerk, and will be required to visit a MorphoTrak office for fingerprinting and completion of the background check. If the Applicant is a corporation, a criminal background check shall be submitted for all officers and directors of the corporation, all shareholders owning more than ten (10) percent of common stock, and any other employee who will be an authorized signatory on any bank account where Taxpayer Consumers' monies will be deposited. If the Applicant is a partnership, each partner shall submit to a criminal background check by MorphoTrack, Inc. No license shall be issued to an Applicant until results of the background check are submitted to the Township.
13. Append a current financial statement listing all assets and liabilities for the business entity for the past two (2) years.

14. Does the Applicant intend to use any subcontractor(s) to perform any duties in connection with administration of the Shop Local Program? If so: (i) disclose the corporate and/or trade name(s) of all such entities or individuals; (ii) the location(s) of its operation(s); and (iii) the anticipated scope of services of the subcontractor(s).

MEMORANDUM OF UNDERSTANDING**BETWEEN****TOWNSHIP OF WEST ORANGE AND FINCREDIT, INC.****FOR THE****SHOP WEST ORANGE PROPERTY TAX REWARD PROGRAM****DEFINITIONS**

“Township” shall mean the Township of West Orange, with principal offices located at 66 Main Street, West Orange, New Jersey 07052

“Administrator” shall mean Fincredit, Inc., with a mailing address of P.O. Box 43, Marlboro, New Jersey 07746, and a physical address at 2271 Rt. 33, Suite 106, Hamilton, New Jersey 08690. Fincredit is charged with implementation of the Shop West Orange Program, including entering into agreements with Participating Merchants and Taxpayer Consumers.

“Participating Merchant(s)” shall mean business(es) with a location in the Township, or located outside the Township but not competing with any local business, which voluntarily register and enter into an agreement with Applicant to participate in the Shop West Orange Program.

“Taxpayer Consumer(s)” shall mean Township property owners, renters, residents of other municipalities who work in the Township, or any individual who voluntarily registers with and enters into an agreement with the Administrator and qualifies for receipt of tax credits or rebates.

“Property Tax Reward Cards” shall mean Shop West Orange Program swipe cards issued to Taxpayer Consumers for use at Participating Merchants.

DESCRIPTION

The Shop West Orange Property Tax Reward Program the (“Shop West Orange Program”), will utilize technology similar to that utilized in connection with traditional “gift and loyalty card” programs in addition to Administrator proprietary software. The goal of the program is to provide Township taxpayers with a financial incentive to patronize participating Township businesses in the form of a Property Tax Reward or other such rebate, and at the same time provide Township-based businesses with a financial incentive, in the form of increased patronage and revenues, to enroll in the program.

In summary, a Taxpayer Consumer who patronizes a Participating Merchant will receive a corresponding percentage-of-sale credit on his or her property taxes. Where a non-resident Taxpayer Consumer is an employee in a Township business, or where a Consumer is a resident who is a tenant in the Township, these Taxpayer Consumers may receive a rebate.

The key aspects of the program involve:

1. Program promotion and marketing;
2. Participating Merchant registration;
3. Taxpayer Consumer registration via a secure web portal through the Administrator's Web site, and through issuance of Property Tax Reward Cards;
4. Taxpayer Consumers patronizing Participating Merchants;
5. Taxpayer Consumers receiving a Property Tax Reward credit based upon a percentage of a purchase made at a Participating Merchant, as a reward for patronizing the Participating Merchant, and where the percentage credit to be awarded to the Taxpayer Consumer will be chosen by the Participating Merchant;
6. Administrator receiving a fee for the cost of administering the program, which shall equal to twenty-five (25%) percent of the Property Tax Reward for each transaction between a Taxpayer Consumer and Participating Merchant; and
7. The Township receiving **weekly** money transfers from Administrator in the amount of property tax reward credits earned by Taxpayer Consumers.

Administrator Responsibilities

1. Strict adherence to the terms of the Township Reward Program ordinance, and any other applicable Township ordinances.
2. Program Promotion, including but not limited to:
 - a. Assisting with the design of the Property Tax Reward Cards for the Shop West Orange Program
 - b. Assisting in the production of "infomercials" to be aired on Local Cable TV Channel(s)
 - c. Attending meetings with the Township or designated association(s) including program kick offs with local businesses
3. Entering into agreements with Participating Merchants and establishing all terms including, but not limited to:
 - Responsibility for hardware
 - Software and training in use of software
 - Reward card processing
 - Percentage of transaction credit to Taxpayer Consumer
 - Percentage of transaction credit to Administrator
 - Incorporating language indicating voluntary nature of program and legal indemnification language

4. Hosting a Web portal/Web site whereby Administrator may register and enter into agreements with Taxpayer Consumers establishing all terms including but not limited to:
 - A statement of the percentage of a transaction credit which will go to Taxpayer Consumer
 - A statement of the percentage of a transaction credit which will go to Administrator
 - The timing of posting of credits earned (annually)
 - Policy regarding data privacy and sharing of information for marketing purposes
 - Specific limits and restrictions relative to program participation
 - A statement that a taxpayer in the Township must be current on its property taxes to participate
 - No refunds will be issued
 - Credits on accounts that are current will result in prepayments of property taxes for future periods
 - A statement that the Administrator is not responsible for impact of program participation on mortgage escrow calculations.
 - A statement that neither the Administrator nor the Township is responsible for credits with respect to changes in property ownership
 - Posting language indicating the voluntary nature of program and legal indemnification language satisfactory to the Association
5. Assisting with the recruiting of merchants and supporting Participating Merchants, including but not limited to by posting a list, with contact information, of all participating Merchants on the Administrator's Web site.
6. Providing Taxpayer Consumers with access to a listing of all Participating Merchants, and providing each Participating Merchant with access to a listing of e-mail addresses of all participating Taxpayer Consumers patronizing its business.
7. Providing Taxpayer Consumers with 24-hour online access to the dollar amount of property tax credits earned by the Taxpayer Consumers to date.
8. Establishing FDIC insured dedicated bank account(s) for the Township Shop West Orange Program, unless the Taxpayer Consumer's property tax credit funds will be immediately directed to and held in the Township's own FDIC insured dedicated bank account, in which case the Administrator need not establish such a bank account. No funds for any other program or purpose shall be commingled. A copy of the statement for such accounts shall be provided to the Township upon request.
9. Generating an annual download file, as applicable, in accordance with Township specifications, including necessary flags and filters, to ensure that delinquent accounts are rejected. The file shall be transmitted to the Township on or about June 1 of each year. This includes coordinating with Township software administrator(s) or other such Township employee(s) to give authorized personnel the ability to review, accept or reject annual downloads prior to generating the annual download file.
10. Initiating a weekly wire transfer (or ACH) to a Township-specified account for the property tax credits. The amount of the wire transfer must equal the total dollar amount of valid transactions to be posted to Taxpayer Consumers' accounts.

11. Providing customer service support Monday – Friday, 9:00 am to 5:00 pm EST for Participating Merchants, Taxpayer Consumers and the Township.
12. Submitting to the appropriate Township official(s) any application from a business with a location outside the Township who wishes to be a Participating Merchant with respect to the Township's Shop Local Program.

Township Responsibilities

1. Distributing Property Tax Reward Cards to Taxpayer Consumers through existing Township mailings, through mailings at the Township's discretion.
2. Strictly upholding and enforcing the terms of the Township Reward Program Ordinance, and any other applicable Township ordinances.
3. Providing dedicated bank account information for the **weekly** wire transfers to the Township.
4. Absorbing any applicable bank fees relating to the wire transfers to the Township.
5. Providing the software administrator(s) contact information to the Administrator to facilitate the Shop West Orange Program implementation and integration with Township software.
6. Providing access to staff and other such resources for pre-launch program testing.
7. Acquiring and distributing the Property Tax Reward Cards.
8. Acquiring a "Mobile App" from Administrator, at a cost of approximately \$600 to the Township, if required or requested. This is a discretionary feature and is not required.
9. Ongoing program marketing and promotion including, but not limited to, email blasts, social media, paper ads, billboards, so long as funds are available to support these marketing and promotion activities.
10. Updating Applicant regarding any known changes in status of Participating Merchants.
11. Recruiting merchants and support applicant in Participating Merchants' recruiting efforts.
12. Reviewing and/or approving applications, in its discretion, from businesses with a location outside the Township who wish to be a Participating Merchant with respect to the Township's Shop Local Program.

IDENTITY OF PARTICIPATING MERCHANTS

The Applicant shall coordinate, receive and review all applications by local businesses to become a Participating Merchant. In the event that the Applicant receives an application to become a Participating Merchant from a business located outside the Township, the Applicant shall review same, and any approvals shall be subject to the review and approval of the Township's Chief Financial Officer and/or Business Administrator, which approval shall not be unreasonably withheld.

DISCLOSURE OF PROGRAM FEES

It is understood that certain fees will be incurred in connection with administration of the Shop West Orange Program, and a listing of such fees shall be submitted with the Administrator's application for a license to operate the Shop West Orange Program. Such fees are currently as follows:

1. Costs to Participating Merchant:

- Hardware Costs are a \$160, one-time cost for the dial up processing machine (\$230 dual comm. IP). They may also opt for processing via the Administrator's Web site in which case the cost is \$0, or \$50 if the Participating Merchant wishes to purchase a card reader. The cost of equipment is subject to change.
- \$10 monthly processing fee.
- No additional costs will apply. Administrator agrees to waive its customary \$0.15 cents per swipe fee.

2. Other costs :

- For providing ongoing services as Administrator of the Shop West Orange Program, Administrator will retain twenty-five (25%) percent of the Property Tax Reward credit provided by Participating Merchants to Taxpayer Consumers.
- Example: A Participating Merchant chooses a ten percent (10%) property tax credit on sales. If a homeowner makes a \$100 purchase, creating a \$10 property tax credit, the homeowner will receive \$7.50 and the Administrator will retain \$2.50 for program expenses and administration fees.

APPLICABILITY OF ORDINANCE AND LICENSE APPLICATION TERMS

In addition to the terms set forth in this Memorandum of Understanding, the terms and conditions set forth in any applicable Township Ordinances, as well as those stated in the license application to operate a Shop West Orange Program in the Township, shall apply. The terms stated in this Memorandum of Understanding are contingent on: (i) Administrator's completion of a license application; (ii) approval of a license to operate the Shop West Orange Property Tax Reward Program. Should there be any changes to this Memorandum of Understanding, such changes shall be proposed and agreed to in writing by all parties.

TOWNSHIP OF WEST ORANGE

Dated: _____

Signed: _____
Robert D. Parisi, Mayor

Dated: _____

Attest: _____
Karen J. Carnevale, Municipal Clerk

FINCREDIT, INC.

Dated: _____

Signed: _____
Carmine DeFalco, Managing Director

Dated: _____

Witness: _____
Name: _____

740132_2

ORDINANCE O- -13

AN ORDINANCE AMENDING CHAPTER 5 OF THE GENERAL ORDINANCES OF THE TOWNSHIP OF WEST ORANGE, AND CREATING SUBCHAPTER 33, ENTITLED “LICENSING FOR SHOP LOCAL REWARD PROGRAMS”

WHEREAS, pursuant to Resolution No. 87-13, the Township Council for the Township of West Orange formalized its support of a “Shop Local” campaign to stimulate the patronage of local businesses located in the Township;

NOW, THEREFORE, BE IT ORDAINED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST ORANGE, in the County of Essex and State of New Jersey, that there should be created a Chapter 5, Section 33, of the Revised General Ordinances of the Township of West Orange, which shall provide as follows:

5-33 LICENSING FOR “SHOP LOCAL” REWARD PROGRAMS

5-33.1 Purpose

The purpose of this Ordinance is to provide a uniform set of procedures for applications by and licensing of an Applicant seeking to operate and administer a “Shop Local” program within the Township.

5-33.2 Definitions

As referred to in this Chapter and all applicable subsections, the following terms shall have the following meanings:

“Shop Local Program” shall mean any program whereby Taxpayer Consumers make purchases at Participating Merchants and earn property tax credits to satisfy a Taxpayer Consumer’s property tax obligations to the Township, or earn credits for check rebates for purchases made at Participating Merchants.

“Applicant” shall mean the entity seeking a license to design, operate and administer a “Shop Local Program” to stimulate local commerce by providing property tax credits or other such rewards in connection with purchases by Taxpayer Consumers made at Participating Merchants, as defined herein. The term “Applicant” may also refer to a “Licensee” after a license is awarded to an Applicant pursuant to the terms of this Chapter.

“Participating Merchant(s)” shall mean business(es) with a location in the Township, or located outside the Township but not competing with any local business, which voluntarily register and enter into an agreement with Applicant to participate in the Shop Local Program.

“Taxpayer Consumer(s)” shall mean Township property owners, residents, residents of other municipalities who work in the Township, or any individual who voluntarily registers and enters into an agreement with the Applicant to participate in the Shop Local Program and qualifies for receipt of tax credits or rebates.

5-33.3 License Required

No person or entity shall operate a Shop Local Program within the Township unless the entity seeking to operate same is licensed pursuant to the terms of this Ordinance.

5-33.4 Licensing of Applicants

- a. *Application Information.* Applications for a license to operate a Shop Local Program shall be made to the Township Clerk on forms provided by the Township Clerk. The form(s) to be used for the application shall be approved by the Township Council and may set forth additional requirements, terms and conditions, other than those enumerated in this Ordinance, which the Township Council deems necessary and proper to the efficient and effective administration of the Shop Local Program.

Applications shall be verified by oath or affirmation. Applications by a corporation shall be verified by all officers and directors and all persons holding more than ten-percent (10%) of the corporation's common stock, as well as the corporation itself.

- b. *Review of License.* Upon receipt of the license application, the Township Clerk shall review the application to ensure that it has been properly completed. The Township Clerk shall thereafter submit all properly completed applications to the Township Council for determination as to whether to grant or deny the license.
- c. *Factors considered.* In determining whether to grant or deny the license to the Applicant, the Township Council shall take into consideration, among any other factors it considers relevant, the following:

1. The Applicant's ability to properly conduct the licensed activity.
2. The moral character of the Applicant, whether a corporate entity or other such partnership. If a corporation, the Township Council shall consider the moral character of each officer, director, manager, supervisor and/or shareholder. If a partnership, the Township Council shall consider the moral character of each partner.
3. The business responsibility of the Applicant, including but not limited to community service work or other such charitable endeavors.
4. The criminal history of the Applicant, whether an entity or individual owner, director, manager, supervisor, officer or shareholder. A copy of the Applicant's criminal history record, obtained from the New Jersey State Police, shall be submitted with the application. If the Applicant is a corporation, a criminal history record from the New Jersey State Police shall be submitted for all officers and directors of the corporation, all shareholders owning more than ten (10) percent of common stock, and any other employee who will be an authorized signatory on any bank account where Taxpayer Consumers' monies will be deposited. If the Applicant is a partnership, a criminal history record from the New Jersey State Police shall be submitted for all partners.
5. Prior experience in the financial industry, although a lack of prior experience shall not necessarily be a factor militating against issuance of a license.

- d. *Issuance of License.* If the Applicant's request for a license is approved by the Township Council, the Township Clerk shall issue a license to the Applicant within ten (10) business days of the approval. The contents of an Applicant's license to operate a Shop Local Program shall contain the information required pursuant to Section 1.4 of this Chapter.

5-33.5 Term of License

The first license granted to an Applicant shall be for a term of two (2) years from the date of issuance of the license by the Township Clerk (the "Initial Term"), after Township Council approval. After the expiration of the Initial Term, the license may be renewed for subsequent terms of three (3) years, provided that Applicant submits a request for renewal to the Township Clerk in accordance with Section 5-33.7, and same is approved by the Township Council. The three (3) year term shall commence from the date of issuance of the license renewal by the Township Clerk.

- .6 Application and License Fees

- a. *Application Fee.* In order to submit an application for a license pursuant to this Ordinance, the Applicant shall remit a non-refundable application fee of \$50 to the Township Clerk. This application fee shall not apply to applications for license renewals.
- b. *License Fee.* The Applicant shall remit a \$100 fee for the initial two (2) year term of its license. If the license is renewed for subsequent three (3) year term(s) in accordance with Section 5-33.5, the Applicant shall pay to the Township a \$200 non-refundable license fee.

- .7 Renewals

All license renewals shall be put to the Township Council for consideration. Failure to request a license renewal, in writing, within thirty (30) days prior to expiration of a license term shall render the Applicant's license void at the conclusion of the term.

An Applicant's license may be renewed contingent upon payment of the applicable non-refundable license fee and the filing of:

- 1. A sworn statement filed with the Township Clerk that there have been no changes in the information contained in the initial application, which shall be filed with the Township Clerk no later than thirty (30) days prior to the expiration of a term; or
- 2. In the event of any change in information submitted with the Applicant's initial application, submission of a renewal application to the Township Clerk for consideration by the Township Council no later than thirty (30) days prior to the expiration of a term.

5-33.8 Revocation and Suspension

An Applicant's license may be revoked or suspended pursuant to the terms of Section 1.9 of this Chapter. In addition to the causes for revocation or suspension specified therein, the Applicant's license may be revoked or suspended by the Council after notice and a hearing for any of the following reasons:

- a. Applicant fails to timely remit payments to the Township to satisfy obligations due to the Township from Taxpayer Consumers.
- b. Applicant does not satisfy its obligations to the Township, as set forth in the terms of this Ordinance or in the terms and conditions set forth in the license application as approved by the Township Council.
- c. The Township learns of the existence of entry of a judgment, or an unsatisfied judgment of record, entered against the licensee or Applicant in any suit arising from or in relation to the operation of any Shop Local Program;
- d. Applicant fails to comply with any and all applicable laws of the State of New Jersey, the ordinances of the Township, or the rules and regulations adopted in accordance with this Ordinance;
- e. The Township learns of the intentional misrepresentation of information on an application for a license or a request for a renewal.

5-33.9 Shop Local Program As Sole Responsibility of Applicant and Applicant's Responsibility for Informing Taxpayer Consumers

- a. *Sole Responsibility of Applicant.* The Shop Local Program shall be administered and managed solely by the Applicant. Upon licensing, it shall be the Licensee's independent responsibility to oversee the Shop Local Program, register Taxpayer Consumers, and/or contract with interested Participating Merchants. The Applicant shall not represent in any manner that it is an agent or representative of the Township.
- b. *Written descriptions of program.* It shall be the Applicant's sole responsibility to ensure that Taxpayer Consumers have access to a written description of the gross percentage of credits that will be paid to the Township towards the Taxpayer Consumer's real property taxes upon a purchase made at all Participating Merchants. Licensee shall make its best effort to ensure that all Participating Merchants post a sign in its front window or in another conspicuous location, indicating that the Participating Merchant is a "*Participating Member of Shop West Orange Property Tax Reward Program.*" Every Participating Merchant shall be responsible for making available to Taxpayer Consumers patronizing its business a written description of the percentage of each transaction which shall be paid to the Township and/or credited to the Taxpayer Consumer.
- c. *Review of Participating Merchant's Applications To Participate In Program.* The Applicant shall coordinate, receive and review all applications by local businesses to become a Participating Merchant. In the event that the Applicant receives an application to become a Participating Merchant from a business located outside the Township, the Licensee shall review same, and any approvals shall be subject to the review and approval of the Township's Chief Financial Officer and/or Business Administrator, which approval shall not be unreasonably withheld.

Insurance and Indemnification

- a. *Proof of Insurance.* In conjunction with the submission of an Applicant's application or renewal notice to operate a Shop Local Program, an Applicant must provide proof of a valid and current general commercial liability insurance policy with a company duly licensed to transact business under the insurance laws of this State. The policy or

policies shall provide coverage for a sum of not less than \$1,000,000 against loss by reason of general commercial liability, not less than \$250,000 to satisfy any claim for damages to property negligently caused by the Applicant, and not less than \$2,000,000 in the aggregate. Applicant shall also be required to maintain in force, for the duration of the licensing period, insurance policies for workers compensation coverage for its employees, officers, agents, and/or partners, as required by applicable workers compensation laws, and shall provide a Certificate of Insurance to the Township to evidence such coverage. The Applicant must provide a current Certificate of Insurance listing the Township as an additional insured. All insurance must cover any acts of defalcation of Township funds.

- b. *Indemnification.* The Applicant shall indemnify, defend, and hold harmless the Township, its officers, agents and employees, from any and all claims, actions, liability or costs, including reasonable attorneys' fees and other costs of defense, in connection with, arising out of, or in any way related to the negligence of the Applicant, or its agents or employees, in the administration of the Shop Local Program.

5-33.10 Fiduciary Policy Requirement

- a. *Fiduciary Policy Required.* The Applicant shall provide to the Township, in lieu of a cash or other bond, proof of a valid fiduciary policy naming the Township as a loss payee in the amount of \$50,000. The amount required for the Fiduciary Policy may be amended from time to time by Resolution of the Township Council.
- b. *Amendments to Fiduciary Policy.* The Township specifically reserves the right to require changes to the fiduciary policy amount during a license term, based upon the volume and amounts of sales transactions. The type of guarantee may be substituted with another form of security acceptable to the Township, at the discretion of the Township Council.

5-33.11 Timing and Reporting

- a. *Weekly Deposits Required.* A Licensee under this Chapter must maintain a dedicated bank account for funds received in connection with the Shop Local Program, unless the Taxpayer Consumer's property tax credit funds will be immediately directed to and held in the Township's own FDIC insured dedicated bank account, in which case the Administrator need not establish such a bank account. A Licensee shall hold in trust and every week shall turn over all funds collected from the Shop Local Program on behalf of Taxpayer Consumers, via electronic transfer, to the Township's dedicated bank account. The cost of the wire transfer, if any, shall be the responsibility of the Township rather than the Applicant.
- b. *Quarterly Reporting Required.* Along with the weekly deposits required under this subsection, at the expiration of each calendar quarter, a Licensee shall provide a report to the Township's Chief Financial Officer, which must be certified and provide the following information: (i) name of Taxpayer Consumer; (ii) amount of funds collected; and (iii) the address and/or Block and Lot number of the Township property which should be credited, if any.
- c. *Payments to tenants and non-residents.* It will be the Licensee's sole responsibility to hold in trust and remit any and all monies to be paid as rebates to Taxpayer Consumers who do not pay property taxes to the Township, including but not limited to tenants,

renters, non-resident employees, visitors, or other such individuals authorized to participate and register in the Shop Local Program.

- d. *Reports to Taxpayer Consumers.* The Licensee shall make available to all Taxpayer Consumers a written statement of credits or rebates earned by the Taxpayer Consumer. The Licensee may provide this statement via e-mail, or make same accessible via its Web site.

5-33.12 Property Tax Credits Provided Only Upon Receipt of Funds by the Township

The Township will only provide credits to a Taxpayer Consumer's property tax bill after payment is received from a Licensee with respect to the specific property tax account. If the Township does not receive payment relating to a property tax credit, whether or not such rebates were collected by the Licensee, the Taxpayer Consumer will be responsible for the full amount of the property tax liability as if the credits were never provided by the Participating Merchant.

5-33.13 Violations and Penalties

In addition to suspension and/or revocation of any license issued hereunder, and in addition to any applicable State penalties, any violation of the provisions of this Ordinance, or any violation of the terms and conditions of the Applicant's application, shall be punishable as provided in Chapter I, Section 1-5 of the Revised General Ordinances of the Township of West Orange.

5-33.14 Additional Conditions.

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.

The Applicant shall have the right to surrender its license to the Township at any time, so long as it provides ninety (90) days' notice to the Township Clerk and Business Administrator, in writing. In such an event, the Applicant agrees to the orderly phasing out of its involvement in the Shop Local Program, including but not limited to remitting the balance of any and all funds due to the Township in connection with property tax credits which may have been retained by the Applicant on behalf of Taxpayer Consumers.

AND BE IT FURTHER ORDAINED, that the remainder of Chapter 5 remains unchanged.

BE IT FURTHER ORDAINED, that if any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause or provision so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective.

BE IT FURTHER ORDAINED, that any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict.

BE IT FURTHER ORDAINED, that this Ordinance shall take effect upon passage and publication in accordance with law.

Honorable Susan McCartney
Council President

Honorable Robert D. Parisi
Mayor

Adopted: August _____, 2013

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

Richard D. Trenk
Township Attorney

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LEGISLATIVE HISTORY

This Ordinance is intended to provide a legislative scheme which requires that any entity seeking to operate any type of “Shop Local” incentive program must first obtain a license to do so.

On May 7, 2013, the Township Council adopted Resolution No. 87-13, formally expressing its support for a “Shop Local” property tax credit program (the “Shop Local Program”). The Shop Local Program proposes to authorize licensed third party administrators (“TPA”) to organize and administer a local economic stimulation plan whereby a Township resident is rewarded with property tax credits when it makes purchases at Participating Merchants.

As currently contemplated, the Shop Local Program will require TPAs to register and contract with certain interested merchants, which would offer tax credits, processed through the TPA, to residents who make purchases at their businesses. The TPA will receive a fee from the Participating Merchant for a designated portion of the transaction (in an exact percentage selected by the Participating Merchant), and a portion of that fee would then be provided to the Township to satisfy the resident’s financial or tax obligations to the Township.

Other municipalities have adopted or are in the process of adopting and authorizing such programs. These municipalities include Marlboro, Pequannock, Voorhees, Bayonne, Caldwell and Manalapan. The New Jersey Department of Consumer Affairs, Division of Local Government Services, has advised the Township that there is no prohibition on this manner of satisfying a resident’s tax obligations.

This proposed Ordinance serves several important functions. First, it creates a clear procedure to govern the application process for those entities seeking to operate any ShopLocal Program. Once a conforming application has been submitted to the Township Clerk and reviewed for completeness, the Township Council has the authority to grant or deny the license by resolution based on its review of several enumerated factors.

This legislation also promotes the public safety and welfare, requiring that all applicants for a license to operate a Shop Local Program meet a review by the Township Council about the applicant's business aptitude and criminal history. This Ordinance also protects the public by requiring the licensee to post a bond, essentially guaranteeing that monies credited to a Taxpayer Consumer for making purchases at local businesses actually be made available to the Township as a credit to the Taxpayer Consumer. The Ordinance also requires the applicant to file proof of liability insurance which names the Township as an Additional Insured, and further requires an indemnification in favor of the Township to ensure that there is limited liability in connection with the Shop Local Program. Also, given the innovative nature of the Shop Local Program, this legislation authorizes the Township Council to establish, by resolution, a form of application to be submitted by the prospective licensee; this application form may also set forth additional terms and conditions which the Council deems necessary and proper to the efficient and effective administration of the Shop Local Program.

The Authority for this proposed Ordinance is derived from N.J.S.A. 40:48-1, which authorizes the governing body of every municipality in the State of New Jersey to "make, amend, repeal and enforce . . . ordinances, regulations, rules and by-laws not contrary to the laws of this state or of the United States, as it may deem necessary and proper for the good government, order and protection of persons and property, and for the preservation of the public health, safety and welfare of the municipality and its inhabitants."