

1. Conference Meeting Agenda

Documents: [CA9.17.13.PDF](#)

2. Public Meeting Agenda

Documents: [PM9.17.13.PDF](#)

3. 163-13 Budget Amendment #1 For 2013 Local Municipal Budget (Previously Adopted)
Public Hearing scheduled

Documents: [163-13 BUDGET AMENDMENT-WEBSITE.PDF](#)

4. Resolutions

4.I. 172-13

Documents: [172-13 DISCHARGE OF MORTGAGE-27 CONNEL DRIVE.PDF](#)

4.II. 173-13

Documents: [173-13 EXECUTIVE SESSION 9.17.13.PDF](#)

4.III. 174-13

Documents: [174-13 AUTHORIZING RETENTION OF CDS FOR TRIAL.PDF](#)

4.IV. 175-13

Documents: [175-13 AMENDMENT TO BUDGET.PDF](#)

4.V. 176-13

Documents: [176-13 SELF-EXAMINATION OF MUNICIPAL BUDGET.PDF](#)

4.VI. 177-13

Documents: [177-13 FINAL-BUDGET ADOPTION.PDF](#)

4.VII. 178-13

Documents: [178-13 BENECARD RESOLUTION.PDF](#)

4.VIII. 179-13

Documents: [179-13 DELTA DENTAL RESOLUTION.PDF](#)

4.IX. 180-13

Documents: [180-13 AUTHORIZING COMPETITIVE CONTRACTING FOR EMS \(3\).PDF](#)

4.X. 181-13

Documents: [181-13 WO ATTORNEY CONTRACTS.PDF](#), [181-13 ASSISTTOWN ATTY CONTRACT - KAYSER.PDF](#), [181-13 CONTRACT FOR MUNICIPAL ATTORNEY SERVICES-TRENK.PDF](#)

4.XI. 182-13

Documents: [182-13 RESOLUTION ABANDONED CARS 9.17.13.PDF](#)

4.XII. 183-13

Documents: [183-13 AUTHORIZING RETENTION OF RELIABLE WOOD FOR RECYCLING CENTER \(2\).PDF](#)

4.XIII. 184-13

Documents: [184-13 RAFFLE LICENSES-9.17.13.PDF](#)

4.XIV. 185-13

Documents: [185-13 APPROVAL TO SUBMIT GRANT-2014 IMPROVEMENTS VARIOUS STREETS PROJECT.PDF](#)

4.XV. 186-13

Documents: [186-13 MUNICIPAL SERVICES AGREEMENT-LLEWELLYN PARK.PDF](#)

5. Ordinances On Second And Final Reading

5.I. 2382-13

Documents: [2382-13 COUNCIL RULES-AGENDA ORDINANCE.PDF](#)
5.II. 2383-13

Documents: [2383-13 ORDINANCE AMENDING CHP. 2, SECTION 66.1A FEES FOR SERVICES.PDF](#)
5.III. 2384-13

Documents: [2384-13 LICENSE APPLICATION - FINAL.PDF](#), [2384-13 MEMORANDUM OF UNDERSTANDING.PDF](#), [2384-13 CHPTR 5-SUBCHAPTER 33-SHOP LOCAL REWARDS PRGM.PDF](#)
6. Ordinances On First Reading

6.I. 2385-13

Documents: [2385-13 WO ATTORNEY-ADMIN CODE 2.PDF](#)
6.II. 2386-13

Documents: [2386-13 CHAPTER 7, SUBSECTION 7-32.2 RESTRICTED PARKING ZONES.PDF](#)
6.III. 2387-13

Documents: [2387-13 CHAPTER 7-TRAFFIC-SUBSECTIONS 7-10.1, 7-14.3, 7-25.PDF](#)

WEST ORANGE TOWNSHIP COUNCIL
CONFERENCE MEETING AGENDA

Council Chambers - 66 Main Street, West Orange, NJ

September 17 , 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.

- **Mayor's Proclamation:** Discovery Girl Award- Brittany Berry

- **Commendation:** Alcohol and Drug Abuse Prevention Team (ADAPT) Poster Contest Winners - **"What Keeps You Drug and Alcohol Free?"**

1st Place: Lorenzo Jiles, 8th Grade-Liberty Middle School-West Orange

3rd Place: Anusha Sivandra, 8th Grade-Liberty Middle School-West Orange

- **Presentation-Single Stream Recycling-Nick Salese, Recycling Coordinator**

- **Presentation:** Downtown West Orange Alliance

7:00 P.M.

- **Public Meeting**

Agenda is subject to change.

AGENDA
September 17, 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~~-July 16, 2013 and August 20, 2013**

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

***6. Report of Township Officers-Municipal Judge's Report-August 2013**

***7. Bills**

(163-13) Hearing on Amendment #1 for 2013 Local Municipal Budget

***8.Resolutions**

- a. 171-13 Removed
- b. 172-13 Resolution Authorizing a Discharge of Mortgage -27 Connell Drive, West Orange
- c. 173-13 Resolution Authorizing an Executive Session for the purpose of discussing Litigation-Township of West Orange v. Link Communications, Ltd.
- d. 174-13 Resolution Authorizing the Re-Engagement of Computer Design and Services, Inc. (CDS) for an Additional Fifteen (15) Hours for a Sum NTE \$1,500.00 In Connection With the Litigation of the Township of West Orange v. Link Communications, Ltd.
- e. 175-13 Resolution for Budget Amendment #2 (requires no hearing)
- f. 176-13 Resolution Authorizing Self-Examination of Municipal Budget

- g. 177-13 Resolution for 2013 Municipal Budget Adoption
- h. 178-13 Resolution Awarding a Contract for Employee Prescription Drug Insurance with Benecard Services, Inc. Effective November 1, 2013-October 31, 2014
- i. 179-13 Resolution Awarding a Contract for Employee Dental Insurance with Delta Dental Effective November 1, 2013 – October 31, 2014
- j. **180-13 Postponed until 10/1/13** Resolution Authorizing Competitive Contracting for Emergency Medical Services
- k. 181-13 Resolution Authorizing the Mayor to Execute Professional Service Contracts for Mr. Trenk as Township Attorney and Ken Kayser as Assistant Township Attorney.
- l. 182-13 Resolution Authorizing the Township to Sell at Public Auction Unclaimed Vehicles Pursuant to State and Local Laws.
- m. 183-13 Resolution Awarding a Contract to Reliable Woods, LLC, One Caven Point Rd., Jersey City, NJ to Provide Services in Accordance with the Township's RFP for Operation of the Township Recycling Center for a Three Year Period Commencing October 1, 2013 and Ending September 30, 2016 with Two Options to Provide These Services for One Additional Year
- n. 184-13 Resolution Authorizing Raffle Licenses
- o. 185-13 Resolution for Approval to Submit a Grant Application and Execute a Grant Contract with the NJ Department of Transportation for the 2014 Improvements to Various Streets Project
- p. 186-13 Resolution Authorizing Reimbursement for 2012 Leaf Collection Costs to Llewellyn Park as well as Costs Associated with the Removal of Tree Debris Associated with Hurricane Sandy

9. Ordinances on Second and Final 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"

10. Ordinances on First Reading

- a. 2385-13 An Ordinance Amending and Supplementing Chapter II, Section 2-9, of the Revised General Ordinances of the Township of West Orange Entitled "Department of Law"
- b. 2386-13 An Ordinance Amending and Supplementing Chapter 7, Traffic, Subsection 7-32.2, Restricted Parking Zones, of the Revised General Ordinances of the Township of West Orange

c. 2387-13 An Ordinance Amending and Supplementing Chapter 7, Traffic, Subsection 7-10.1 Stopping or Standing Prohibited During Certain Hours on Certain Streets, Subsection 7-14.3, Parking Time Limited on Certain Streets During Certain Hours of Certain Days and Subsection 7-25, Loading Zones, of the Revised General Ordinances of the Township of West Orange

11. ABC Hearing-None

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.

		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
		ABC Grant	-	14,652.03
		Body Armor Replacement Fund	-	8,641.61
		PSE&G Grant	-	128,593.00
		EMMA Assistance - Fire	-	5,000.00
		County of Essex-Delinquency Prevention Grant	18,562.00	18,563.00
		CTTEC Grant	-	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
		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
		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

	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
	Total Miscellaneous Revenues		15,825,621.68	16,300,593.95
5.	Subtotal General Revenues (Items 1,2,3 and 4)		20,973,923.80	21,448,896.07
7.	Total General Revenues		72,968,579.20	73,443,551.47
		CURRENT FUND - APPROPRIATIONS		
	(A) Operations - within "CAPS"			
	DEPARTMENT OF PLANNING AND DEVELOPMENT		-	-
	Director		-	-
	Planning Department		-	-
	Other Expenses		8,095.00	32,095.00
	TOTAL DEPARTMENT OF PLANNING AND DEVELOPMENT		-	-
	UNCLASSIFIED		563,487.73	587,487.73
			-	-
	Challenge Grant Bus Shuttle		131,100.00	147,487.50
	Total Operations {Item 8(A)} within "CAPS"		51,458,831.30	51,499,218.80
	Total Operations Including Contingent		-	-
	within "CAPS"		51,459,831.30	51,500,218.80
	Detail:		-	-
	Other Expenses (Including Contingent)		21,665,701.14	21,706,088.64
(1)	DEFERRED CHARGES		xxxxxxxx.xx	xxxxxxxx.xx
	Prior Years Bills		-	-
	State of NJ Site Remediation Plan Review		-	709.21
	McManimon & Scotland - Master Plan Re-exam		-	4,346.26
	O'Donnell McCord, P.C. - 2011 - Tax Appeal Litigation		-	8,760.00
	McManimon & Scotland - Master Plan Re-exam		-	136.50
(2)	STATUTORY EXPENDITURES:		xxxxxxxx.xx	xxxxxxxx.xx
	PERS/PFRS Assessment		-	17,502.17
	Total Deferred Charges and Statutory		6,156,436.22	6,187,890.36
(H-1)	Total General Appropriations for Municipal			
	Purposes within "CAPS"		57,616,267.52	57,688,109.16
	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
CTTEC Grant		-	34,106.62
EMMA Assistance - Fire		-	5,000.00
West Orange Municipal Alliance Match		-	14,230.00
County of Essex-Delinquency Prevention Grant		18,562.00	18,563.00
Body Armor Replacement Fund		-	8,641.61
PSE&G Grant		-	128,593.00
ABC Grant		-	14,652.03
Total Public and Private Programs Offset		-	-
by Revenue		896,164.70	1,098,580.33
Total Operations - Excluded from "CAPS"		6,240,186.04	6,442,601.67
Detail:		-	-
Other Expenses		6,212,783.04	6,415,198.67
		-	-
(C) Capital Improvements - Excluded from "CAPS"	for 2013		for 2013
New Jersey DOT Trust Fund Authority Act		-	-
NJDOT - Misc Streets - 2013		-	200,715.00
Total Capital Improvements - Excluded from "CAPS"		50,000.00	250,715.00
(H-2) Total General Appropriations for Municipal		-	-
Purposes Excluded from "CAPS"		12,465,253.69	12,868,384.32
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
(L) Subtotal General Appropriations		70,081,521.21	70,556,493.48
9. Total General Appropriations		72,968,579.20	73,443,551.47
(H-1) Total General Appropriations for		-	-
Municipal Purposes within "CAPS"		57,616,267.52	57,688,109.16
(A) Operations - Excluded from "CAPS"	xxxxxxxx.xx		xxxxxxxx.xx
Public & Private Progs Offset by Revs.		896,164.70	1,098,580.33
Total Operations - Excluded from "CAPS"		6,240,186.04	6,442,601.67
(C) Capital Improvements		50,000.00	250,715.00
Total General Appropriations		72,968,579.20	73,443,551.47
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	{
	{		{
	Karen Carnevale, Municipal Clerk		
	BE IT FURTHER RESOLVED, that this complete amendment, in accordance with the provision of N.J.S.A 40A:4-9,		
	be published in the Star Ledger, in the issue of September , 2013, and that said publication		
	contain notice of public hearing on said amendment to be held at the Municipal Building on August 20, 2013,		
	at 7:00 PM.		
	Susan McCartney, Council President		
	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 J. 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		

RESOLUTION

WHEREAS, on March 12, 2010 a mortgage was filed by the Township under the West Orange Housing Rehabilitation Program, against Barbara Holstein (the “Owner”) who owns 27 Connel Drive in the Township of West Orange known as Block 168.10, Lot 12 (the “Property”); and

WHEREAS, the mortgage was in the amount of \$14,475.00 payable whenever this Property was sold or the title transferred; and

WHEREAS, the Owner has indicated that they have repaid the entire amount of the Mortgage plus a \$2000.00 administrative fee on or about August 21, 2013; and

WHEREAS, the Department of Planning and Development has reviewed their files and found that the mortgage filed against the Property in the amount of \$14,475.00 and the administrative fee of \$2000.00 has been paid in full;

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

BE IT FURTHER RESOLVED, that the Municipal Clerk be and is hereby authorized to attest to the Mayor’s signature on the Discharge of Mortgage concerning the Property.

Karen J. Carnevale, Municipal Clerk

Susan McCartney, Council President

Adopted: September 17, 2013

RESOLUTION TO HOLD A CLOSED SESSION

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

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

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

BE IT RESOLVED, that the Township Council of the Township of West Orange, now assembled in public session at its regular meeting of **September 17, 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

Township of West Orange v. Link Communications, Ltd.

(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 **September 17, 2013.**

Motion:

Second:

Vote

Aye:

Opposed:

Karen J. Carnevale
Municipal Clerk

Susan McCartney
Council President

Adopted: September 17, 2013

RESOLUTION

WHEREAS, the Township of West Orange ("Township") is currently a plaintiff to certain litigation captioned Township of West Orange v. Link Communications, Ltd., Docket No. L-9667-10 (the "Litigation"), which is pending before the Superior Court of New Jersey, Law Division, Essex County; and

WHEREAS, the Litigation involves the Township's claims against Defendant Link Communications, Ltd. ("Defendant") arising out of the Township's purchase of certain mobile computer and video equipment for the Township's police vehicles, and Defendant's installation thereof; and

WHEREAS, the Township asserts in the Litigation that Defendant's installation and maintenance of certain mobile computer and video equipment in Township police vehicles was faulty; and

WHEREAS, the Township Attorney's office represents the Township in connection with the Litigation; and

WHEREAS, pursuant to Resolution No. 121-12, the Township Council authorized the retention of Computer Design and Services, Inc. ("CDS") for thirty (30) hours at a cost of \$3,000 in order to prepare an expert report in connection with the Litigation; and

WHEREAS, there is currently a trial date of October 7, 2013 in the Litigation; and

WHEREAS, the testimony of CDS in connection with its expert report will be required if and when the Litigation proceeds to trial; and

WHEREAS, CDS has again offered a discounted hourly rate of \$100 per hour in connection with its expert services;

NOW, BE IT HEREBY RESOLVED, by the Township Council of the Township of West Orange, that the Township Attorney is hereby authorized to re-engage CDS in connection with

trial of the Litigation for an additional fifteen (15) hours, for a sum not to exceed \$1,500; and be it further

RESOLVED, that the Municipal Clerk shall cause notice of this retention to be advertised in accordance with any and all applicable law(s).

Karen J. Carnevale
Municipal Clerk

Susan McCartney
Council President

Adopted: September 17, 2013

		RESOLUTION TO AMEND INTRODUCED BUDGET	175-13	
			Adopted-09/17/13	
		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, the local municipal budget for the year 2013 was amended on the 20th day of August, 2013, and		
		WHEREAS, the public hearing on said budget amendment has been held as advertised; and		
		WHEREAS, it is desired to further amend said amended 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:		
			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
		Recycling Tonnage Grant	54,817.70	52,009.07
		Clean Communities Program	59,800.00	69,098.00
		Municipal Alliance on Alcoholism and Drug Abuse	71,150.00	59,800.00
		St. Cloud Historic Preservation Survey		24,500.00
		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	1,287,709.96	1,307,349.33
		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
		General Capital Fund Balance	127,787.00	127,787.97
		Reserve to Pay Debt Service	134,739.00	134,739.15
		Assessment Trust Fund Balance	23,091.00	23,091.98
		Trust Fund Balance	192,292.00	192,292.74
		Unemployment Tax Fund Balance	4,869.00	4,869.85
		Deferred Sewer Revenues	462.00	462.85

		SUMMARY OF REVENUES		-	-
3. Miscellaneous Revenues:				xxxxxxxx.xx	xxxxxxxx.xx
	Total Section A: Local Revenues			7,199,663.51	7,199,663.51
	Total Section B: State Aid Without Offsetting Appropriations			4,696,469.00	4,696,469.00
	Total Section C: Dedicated Uniform Construction Code Fees Offset with Appropriations			611,857.00	611,857.00
	Total Section Special Items of General Revenue Anticipated with Prior Written Consent of			-	-
	Director of Local Government Service-Shared Services Agreements			10,068.00	10,068.00
	Total Section Special Items of General Revenue Anticipated with Prior Written Consent of			-	-
	Director of Local Government Services - Public and Private Revenues			1,287,709.96	1,307,349.33
	Total Section Special Items of General Revenue Anticipated with Prior Written Consent of			-	-
	Director of Local Government Services - Other Special Items			2,494,826.48	2,494,831.02
	Total Miscellaneous Revenues			16,300,593.95	16,320,237.86
5. Subtotal General Revenues (Items 1,2,3 and 4)				21,448,896.07	21,468,539.98
6. Amount to be Raised by Taxes for Support of Municipal Budget:				-	-
	a) Local Tax for Municipal Purposes Including Reserve for Uncollected Taxes			50,005,482.75	49,839,006.84
	Total Amount to be Raised by Taxes for Support of Municipal Budget			51,994,655.40	51,828,179.49
7. Total General Revenues				73,443,551.47	73,296,719.47

			CURRENT FUND - APPROPRIATIONS		
(A)	Operations - within "CAPS"				
	DEPARTMENT OF POLICE			-	-
	Division of Police			-	-
	Salaries and Wages		11,791,554.70	11,621,554.70	
	TOTAL DEPARTMENT OF POLICE		12,284,554.70	12,114,554.70	
	TOTAL UNCLASSIFIED		-	-	
	Total Operations {Item 8(A)} within "CAPS"		51,499,218.80	51,329,218.80	
	Total Operations Including Contingent within "CAPS"		-	-	
			51,500,218.80	51,330,218.80	
	Detail:		-	-	
	Salaries & Wages		29,794,130.16	29,624,130.16	
(H-1)	Total General Appropriations for Municipal Purposes within "CAPS"		57,688,109.16	57,518,109.16	
			-	-	
(A)	Operations - Excluded from "CAPS"		for 2013	for 2013	
	Public and Private Programs Offset by Revenues		xxxxxxxxxxx	xxxxxxxxxxx	
	NJ Dept of Environmental Protection		-	-	
	Clean Communities Program		59,800.00	69,098.00	
	West Orange Municipal Alliance		71,150.00	59,800.00	
	West Orange Municipal Alliance Match		14,230.00	14,950.00	
	St. Cloud Historic Preservation Survey		-	24,500.00	
	Total Public and Private Programs Offset by Revenue		-	-	
			1,098,580.33	1,121,748.33	
	Total Operations - Excluded from "CAPS"		6,442,601.67	6,465,769.67	
	Detail:		-	-	
	Other Expenses		6,415,198.67	6,438,366.67	
(H-2)	Total General Appropriations for Municipal Purposes Excluded from "CAPS"		-	-	
			12,868,384.32	12,891,552.32	
(O)	Total General Appropriations - Excluded from CAPS		12,868,384.32	12,891,552.32	
(L)	Subtotal General Appropriations		70,556,493.48	70,409,661.48	
9.	Total General Appropriations		73,443,551.47	73,296,719.47	
	Summary of Appropriations				
(H-1)	Total General Appropriations for Municipal Purposes within "CAPS"		-	-	
			57,688,109.16	57,518,109.16	
(A)	Operations - Excluded from "CAPS"		xxxxxxxxxx	xxxxxxxxxx	
	Public & Private Progs Offset by Revs.		1,098,580.33	1,121,748.33	
	Total Operations - Excluded from "CAPS"		6,442,601.67	6,465,769.67	
	Total General Appropriations		73,443,551.47	73,296,719.47	

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)						
			AYE {		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 17th day of September, 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 17th day of September, 2013						
			Susan McCartney, Council President			

**Township of West Orange
SELF-EXAMINATION OF BUDGET RESOLUTION**

WHEREAS, N.J.S.A. 40A:4-78b has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the Director of the Division of Local Government Services, of conducting the annual budget examination; and

WHEREAS, N.J.A.C. 5:30-7 was adopted by the Local Finance Board on February 11, 1997; and

WHEREAS, pursuant to N.J.A.C. 5:30-7.2 through 7.5, the Township of West Orange has been declared eligible to participate in the program by the Division of Local government Services, and the Chief Financial officer has determined that the local government meets the necessary conditions to participate in the program for the 2013 budget year.

NOW THEREFORE BE IT RESOLVED by the governing body of the Township of West Orange that in accordance with N.J.A.C. 5:30-7.6a & 7.6b and based upon the Chief Financial Officer's certification, the governing body has found the budget has met the following requirements:

1. That with reference to the following items, the amounts have been calculated pursuant to law and appropriated as such in the budget:
 - a. Payment of interest and debt redemption charges
 - b. Deferred charges and statutory expenditures
 - c. Cash deficit of preceding year
 - d. Reserve for uncollected taxes
 - e. Other reserves and non-disbursement items
 - f. Any inclusions of amounts required for school purposes.
2. That the provisions relating to limitation on increases of appropriations pursuant to N.J.S.A. 40A:4-45.2 and appropriations for exceptions to limits on appropriations found at N.J.S.A. 40A:4-45.3 et seq., are fully met (complies with CAP law).
3. That the budget is in such form, arrangement, and content as required by the Local Budget Law and N.J.A.C. 5:30-4 and 5:30-5.
4. That pursuant to the Local Budget Law:
 - a. All estimates of revenue are reasonable, accurate and correctly stated,
 - b. Items of appropriation are properly set forth
 - c. In itemization, form, arrangement and content, the budget will permit the exercise of the comptroller function within the municipality.
5. The budget and associated amendments have been introduced and publicly advertised in accordance with the relevant provisions of the Local Budget Law, except that failure to meet the deadlines of N.J.S.A. 40A:4-5 shall not prevent such certification.

6. That all other applicable statutory requirements have been fulfilled.

BE IT FURTHER RESOLVED that a copy of this resolution will be forwarded to the Director of the Division of Local Government Services upon adoption.

Approved: September 17, 2013

Vote recorded as follows:

Ayes:_____

Nays:_____

Susan McCartney, Council President

Karen J. Carnevale, Municipal Clerk

[Name of Municipality]
_____ COUNTY, NEW JERSEY

CERTIFICATION OF APPROVED BUDGET

It is hereby certified that the Approved Budget complies with the requirements of law and approval is given pursuant to N.J.S.A. 40A:4-78(b) and N.J.A.C. 5:30-7.

It is further certified that the municipality has met the eligibility requirements of N.J.A.C. 5:30-7.4 and 7.5, and that I, as Chief Financial Officer, have completed the local examination in compliance with N.J.A.C. 5:30-7.6.

Dated: _____

By: _____
Chief Financial Officer

This certification form and resolution of the governing body executing such certification should be annexed to the adopted budget (N.J.A.C. 5:30-7.6(e))

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) \$ 49,839,006.84 (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) \$ 146,519.50 (Sheet 43) Open Space, Recreation, Farmland and Historic Preservation Trust Fund Levy
(e) \$ 1,989,172.65 (Sheet 38) Minimum Library Levy

RECORDED VOTE
(Insert last name) Ayes {
McCartney
Cirilo
Guarino
Spango

Nays {
Krakoviak

Abstained {
* fill in name
* fill in name
* fill in name
Absent {
* fill in name
* fill in name
* fill in name

1. General Revenues**SUMMARY OF REVENUES**

Surplus Anticipated	08-100	\$	2,898,302.12
Miscellaneous Revenues Anticipated	13-099	\$	16,320,237.86
Receipts from Delinquent Taxes	15-499	\$	2,250,000.00
2. AMOUNT TO BE RAISED BY TAXATION FOR MUNICIPAL PURPOSES (Item 6(a), Sheet 11)	07-190	\$	49,839,006.84
3. AMOUNT TO BE RAISED BY TAXATION FOR <u>SCHOOLS IN TYPE I</u> 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 School 5			0.00
4. To Be Added TO THE CERTIFICATE FOR AMOUNT TO BE RAISED BY TAXATION FOR <u>SCHOOLS IN TYPE II</u> 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		1,989,172.65
Total Revenues	13-299	\$	73,296,719.47

SUMMARY OF APPROPRIATIONS**2013**

5. GENERAL APPROPRIATIONS	XXXXXXXX	XXXXXXXXXX.XX
Within "CAPS"	XXXXXXXX	XXXXXXXXXX.XX
(a&b) Operations Including Contingent	34-201	\$ 51,330,218.80
(e) Deferred Charges and Statutory Expenditures - Municipal	34-209	\$ 6,187,890.36
(g) Cash Deficit	46-885	\$ 0.00
Excluded from "CAPS"	XXXXXXXX	XXXXXXXXXX.XX
(a) Operations - Total Operations Excluded from "CAPS"	34-305	\$ 6,465,769.67
(c) Capital Improvements	44-999	\$ 250,715.00
(d) Municipal Debt Service	45-999	\$ 5,965,287.65
(e) Deferred Charges - Municipal	46-999	\$ 209,780.00
(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	\$ 2,887,057.99
6. SCHOOL APPROPRIATIONS - TYPE I SCHOOL DISTRICTS ONLY (N.J.S. 40A:4-13)	07-195	\$ 0.00
Total Appropriations	34-499	\$ 73,296,719.47

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 17th day of September, 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 appeared in the 2013 approved budget and all amendments thereto, if any, which have been previously approved by the Director of Local Government Services.

Certified by me this 17th day of September, 2013

_____, Clerk.

Signature

RESOLUTION

WHEREAS, the Township of West Orange, Essex County, State of New Jersey has solicited informal quotations in conjunction with the proposed selection of a prescription drug insurance provider, and

WHEREAS, the Township of West Orange reviewed the proposals and the guarantee of benefits remaining the same as under the Township's current program; and

WHEREAS, the contract for insurance constitutes an enumerated exception under N.J.S.A. 40A:11-5(1)(m) of the local Public Contracts Law; and

WHEREAS, the Township of West Orange solicited proposals from multiple vendors; and

WHEREAS, the Township of West Orange received six (6) proposals from multiple vendors; and

WHEREAS, the Township of West Orange received five (5) of the six (6) proposals from multiple vendors provided equal coverage and one (1) provided additional coverage; and

WHEREAS, the Township of West Orange does not want to change the coverage for prescription drugs for its employees and retirees; and

WHEREAS, the cost of prescription drug benefits in the five (5) proposals with equal coverage ranged in price which represents a 0% to 10% increase in the cost for prescription drug insurance for the ensuing 12 months; and

WHEREAS, the Township of West Orange determined that Benecard Services, Inc.'s proposal represented a zero (0%) increase in prescription drug costs;

NOW, BE IT HEREBY RESOLVED, this 17th day of September by the Township of West Orange that the Township of West Orange selects Benecard Services, Inc. as its prescription drug insurance provider effective November 1, 2013 through October 31, 2014 in accordance with the proposal; and

BE IT FURTHER RESOLVED, that the Township Council of the Township of West Orange authorizes and directs the Business Administrator to execute any and all necessary documents in order to implement the intent of this resolution; and it is further

BE IT FURTHER RESOLVED, that the Township of West Orange recognizes Fairview Insurance Agency as Broker of Record for Benecard Services, Inc..

BE IT FURTHER RESOLVED, that the Township of West Orange will publish a notice of the award of this contract and other such required actions, in compliance with the New Jersey's Local Public Contracts Law (LPCL), N.J.S.A. 40A:11-1 et seq.

Karen J. Carnevale, Municipal Clerk

Susan McCartney, Council President

I hereby certify funds available in Account # _____

John O. Gross, Chief Financial Officer

RESOLUTION

WHEREAS, the Township of West Orange, Essex County, State of New Jersey has solicited informal quotations in conjunction with the proposed selection of a dental insurance provider, and

WHEREAS, the Township of West Orange reviewed the proposals and the guarantee of benefits remaining the same as under the Township's current program; and

WHEREAS, the contract for insurance constitutes an enumerated exception under N.J.S.A. 40A:11-5(1)(m) of the local Public Contracts Law; and

WHEREAS, the Township of West Orange solicited proposals from multiple vendors; and

WHEREAS, the Township of West Orange received four (4) proposals from multiple vendors; and

WHEREAS, the Township of West Orange determined that one proposal, Delta Dental's, proposal represents a 4.99% increase in dental insurance coverage; and

WHEREAS, the Township of West Orange determined that the other three proposals represented premium changes from a 3.81% increase in dental insurance coverage to a 0.40% decrease; and

WHEREAS, the Township of West Orange received one (1) of the four (4) proposals from Delta Dental which provides equal coverage, and provides access to dental professionals for 100% of the Township's employees current dental providers; and

WHEREAS, the Township of West Orange three (3) of the four (4) proposals from multiple vendors provided equal coverage, but limited access to dental professionals to 47% or less than the Township's employees current dental providers; and

WHEREAS, the Township of West Orange does not want to limit access to dental professionals to 47% or less than the Township's employees current dental providers; and

NOW, BE IT HEREBY RESOLVED, this 17th day of September by the Township of West Orange that the Township of West Orange selects Delta Dental as its dental insurance provider effective November 1, 2013 through December 31, 2014 in accordance with the proposal; and

BE IT FURTHER RESOLVED, that the Township Council of the Township of West Orange authorizes and directs the Business Administrator to execute any and all necessary documents in order to implement the intent of this resolution; and it is further

BE IT FURTHER RESOLVED, that the Township of West Orange recognizes Fairview Insurance Agency as Broker of Record for Delta Dental, Inc..

BE IT FURTHER RESOLVED, that the Township of West Orange will publish a notice of the award of this contract and other such required actions, in compliance with the New Jersey's Local Public Contracts Law (LPCL), N.J.S.A. 40A:11-1 et seq.

Karen J. Carnevale, Township Clerk

Susan McCartney, Council President

I hereby certify funds available in Account #_____.

John O. Gross, Chief Financial Officer

**RESOLUTION AUTHORIZING COMPETITIVE CONTRACTING
FOR
EMERGENCY MEDICAL SERVICES**

WHEREAS, the Township of West Orange ("Township") provides emergency medical first aid, basic life support, and ambulance transport services to its residents and visitors through the Township's Fire Department and, additionally, with the support and assistance of the West Orange Volunteer First Aid Squad (the "First Aid Squad"); and

WHEREAS, the First Aid Squad no longer operates on a strictly volunteer basis; and

WHEREAS, the Township intends to continue to use its Fire Department for emergency medical first aid, basic life support, and ambulance transport services, but now requires a competitive process with respect to the operation of a third party emergency medical service which will provide additional support and assistance to residents and visitors to the Township; and

WHEREAS, the New Jersey Local Public Contracts Law, N.J.S.A. 40A:11-1, et seq., has a procedure for the award of contracts by competitive contracting in lieu of public bidding wherein proposals are evaluated and ranked in a methodology by scoring in the categories of technical, management and cost related criteria; and

WHEREAS, N.J.S.A. 40A:11-4.1(f) of the Local Public Contracts Law authorizes the use of competitive contracting in lieu of public bidding for the hiring of a third party entity which provides emergency medical services; and

WHEREAS, the Township's Legal Department has determined that in order to secure the services of a third party which provides emergency medical first aid, basic life support, and ambulance transport services, a request for such services must be done consistent with the provisions of the Local Public Contracts Law; and

WHEREAS, pursuant to N.J.S.A. 40A:11-4.3, a resolution of the governing body is required to authorize the use of competitive contracting when specialized goods or services are desired to be contracted;

NOW, BE IT HEREBY RESOLVED, by the Township Council of the Township of West Orange, that the Township is authorized to use the competitive contracting process to solicit and consider proposals for the provision of emergency medical first aid, basic life support, and ambulance transport services in the Township, consistent with the requirements of N.J.S.A. 40A:11-4.4 and other applicable provisions of the Local Public Contracts Law.

Karen J. Carnevale
Municipal Clerk

Susan McCartney
Council President

Adopted: September 17, 2013

RESOLUTION

WHEREAS, the Township of West Orange is a municipal corporation of the State of New Jersey, duly established and operating as a Faulkner Act Mayor-Council form of government providing a wide range of municipal services for a diverse population of approximately 45,000 residents living within its more than 12 square miles ; and

WHEREAS, the governance of such a population, its businesses, land and infrastructure, gives rise to a wide variety and large volume of legal issues which must be promptly addressed and resolved to assure the effective and efficient operation of the administration of local government; and

WHEREAS, the Township's Administrative Code provides for a Law Department headed by the Township Attorney and employing an Assistant Township Attorney and from time to time such Special Counsel, technical and expert assistance as are reasonable and necessary to provide competent, effective and efficient legal services for the Township; and

WHEREAS, the Mayor and Council wish to ensure that the operation of the Law Department and employment of those providing legal services for the municipal corporation are consistent with current legal requirements and best practices, including those for formal retention agreements with provisions setting forth the scope of work to be performed and billing requirements promoting reduction of legal costs, transparency and accountability, all as recommended by the Office of the New Jersey State Comptroller; and

WHEREAS, forms of agreement between the Township of West Orange and the Township Attorney and the Assistant Township Attorney have been drafted to be consistent with the foregoing concerns and goals and are annexed hereto for review and approval by the Township Council for authorization for execution by the respective parties;

NOW, THEREFORE, BE IT, AND HEREBY IT IS, RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST ORANGE, that the Mayor be and hereby is authorized to execute the Agreements, or agreements in a substantially similar form to those attached, for the retention of the Township Attorney and the Assistant Township Attorney, and the Municipal Clerk is authorized to attest to the Mayor's signature and to cause notice of these actions to be advertised in accordance with any applicable law.

Susan McCartney, Council President

Karen J. Carnevale, Municipal Clerk

Adopted: September 17, 2013

ANNUAL AGREEMENT FOR SERVICES OF THE ASSISTANT TOWNSHIP ATTORNEY

THIS AGREEMENT made and entered into on this _____ day of _____, 20____ 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", and Kenneth W. Kayser, Esq., an Attorney at Law of the State of New Jersey, with a principal place of business at 120 Eagle Rock Avenue, E. Hanover, New Jersey 07936, hereinafter referred to as "COUNSEL".

WITNESSETH THAT:

WHEREAS, The Township of West Orange is a Faulkner Act Mayor-Council Form of government with a Law Department established by Ordinance, the Director of which is the Township Attorney; and

WHEREAS, the Township Attorney, with the Mayor's approval, has requested the appointment of COUNSEL to the position of Assistant Township Attorney subject to the approval of the Township Council, which has approved of COUNSEL'S appointment,; and

WHEREAS, *N.J.S.A. 40A:9-139*, requires that the appointment of municipal attorneys be limited to a term of one year, and *N.J.S.A. 40A:11-15*, provides that professional services contracts shall not exceed twelve months; and

WHEREAS, the TOWNSHIP provides for payment of the Township Attorney at the rate of \$ 31,500.00 per year, as set by the Township's salary ordinance, which includes payment for COUNSEL's representation of the TOWNSHIP in its general legal matters, but not for litigation, arbitrated or mediated matters, in which the Township has an adversary, and which are to be billed separately and by the hour at the rate provided in the TOWNSHIP's Attorney Billing Guidelines (currently \$80.00 per hour);

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

1. **Scope of Services.** The TOWNSHIP hereby retains the services of Kenneth W. Kayser, Esq., as Assistant Township Attorney for the TOWNSHIP OF WEST ORANGE, to assist the Township Attorney by providing the same general legal services on behalf of the TOWNSHIP as provided by State statutes, regulations and the Revised General Ordinances of the TOWNSHIP, including, but not limited to: (i) providing legal advice to the Mayor, Council, and Department Directors, in their day to day operation of the TOWNSHIP's government, including compliance with the Local Public Contracts Law, the Open Public Meetings Act, the Open Public Records Act, the Local Finance Law, Local Budget Law, Civil Service Law, etc.; (ii) legal research and drafting of legal opinions, contracts, agreements, resolutions and ordinances required for the effective and efficient operation of the TOWNSHIP's government; (iii) providing legal advice regarding policy initiatives and changes; (iv) representing the TOWNSHIP's interests in the purchase and sale of real property, and other property; (v) enforcement of licensing and regulatory ordinances of the TOWNSHIP, etc.; (vi) representation of the Township in any and all judicial and administrative proceedings, whether before a Judge, Arbitrator, or Mediator, in which the Township, or any of its officers in their official capacity, may have an interest; and (vii) related matters, all as specifically delegated by and at the direction and under the supervision of the Township Attorney so that there shall be no duplication of services and to maximize the efficiency and effectiveness of the operation of the Law Department.

The Scope of Services shall include matters of litigation, arbitration or mediation in which the TOWNSHIP has an adversary, but in all such matters, COUNSEL shall be paid at an hourly rate separate and apart from, and in addition to, the salary paid for representation of the TOWNSHIP in its general legal matters. The Assistant Township Attorney shall have the responsibility for reviewing and approving legal service invoices submitted by Special Counsel

when requested to do so by the Township Attorney to avoid any conflict of interest.

2. **Salary and Hourly Rate.** For representation of the Township in its general legal matters, COUNSEL shall be paid a salary as set forth in the current salary ordinance for the TOWNSHIP, currently \$31,500.00 per year. For matters of litigation, arbitration or mediation in which COUNSEL performs legal services for the TOWNSHIP in an adversarial setting, COUNSEL shall be paid at the hourly rate provided in the TOWNSHIP's Attorney Billing Guidelines (currently \$80 per hour) for those legal services reasonably necessary to provide competent and adequate representation of the TOWNSHIP's interests, payment for all such services to be subject to governing body approval.

3. **Submission and Content of Invoices.** COUNSEL shall be entitled to payment for services rendered in adversarial matters upon submission of invoices to the TOWNSHIP on a monthly basis. The invoices shall set forth in detail the time expended each day and description of the services rendered. All invoices shall, at a minimum, set forth: (i) the name of the matter; (ii) date(s) of services rendered; (iii) the attorney's name, initials, or other such identification; (iv) the attorney's hourly rate; (v) total charge for the task or billing entry; (vi) detailed description of the service rendered; and (vii) the amount of time spent on the particular task. COUNSEL shall not block bill for any services rendered. For purposes of this Agreement, "block billing" shall refer to the practice of grouping together multiple activities or tasks under one (1) time entry.

4. **Reimbursement for Expenses.** COUNSEL may seek reimbursement for actual expenses reasonably incurred, such as postage, copying, mileage, meals, parking, court reporters or delivery of documents in accordance with the TOWNSHIP's Billing Guidelines. The amounts for such expenses shall be itemized on the monthly invoices provided to the TOWNSHIP.

5. **Administrative Work, Secretarial Services and Multiple Attorney Billing.** COUNSEL shall not bill the TOWNSHIP for office overhead expenses such as secretarial or

administrative support staff and billing for multiple attorneys for internal conferences or attendance at outside meetings and events should be discouraged and minimized.

6. **Billing for Travel Time.** COUNSEL may bill the TOWNSHIP for travel time to and from any destinations in connection with matters of litigation, arbitration or mediation which COUNSEL is handling for the TOWNSHIP at one-half of the normal hourly rate for such matters.

7. **Coordination of Representation.** COUNSEL shall coordinate and regularly communicate with the appropriate TOWNSHIP officials, department heads, TOWNSHIP employees and any others involved, regarding the status of various matters and the need for information and cooperation on their part.

8. **Professional Liability Coverage Required.** At all times during COUNSEL's retention by the TOWNSHIP, COUNSEL shall comply with the applicable New Jersey Court Rules requirements for professional liability coverage. COUNSEL shall maintain in good standing one or more policies of lawyers' professional liability insurance which shall insure COUNSEL's firm against liability imposed upon it by law for damages resulting from any claim made against it by its clients arising out of the performance of professional services by attorneys employed by the firm in their capacities as attorneys.

9. **Township Representations.** 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 on behalf of the Township the provision of legal services; (b) authorize the continuation of services or work beyond the amount specifically approved in the Resolution and Certificate of Funds; or (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.

10. **Applicability of Laws.** 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.

11. **Choice of Law.** 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

WITNESS:

KENNETH W. KAYSER

By: _____
KENNETH W. KAYSER

775278_1

AGREEMENT FOR SERVICES OF THE TOWNSHIP ATTORNEY

THIS AGREEMENT made and entered into on this _____ day of _____, 20____ 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", and **Richard D. Trenk, Esq.**, an Attorney at Law of the State of New Jersey, with a principal place of business at Trenk, DiPasquale, Della Fera & Sodono, 347 Mt. Pleasant Avenue, West Orange, New Jersey 07052, hereinafter referred to as "COUNSEL".

WITNESSETH THAT:

WHEREAS, The Township of West Orange is a Faulkner Act Mayor-Council Form of government with a Law Department established by Ordinance, the Director of which is the Township Attorney; and

WHEREAS, the Mayor has appointed COUNSEL to the position of Township Attorney subject to advice and consent of the Township Council, which has approved of the Mayor's appointment,; and

WHEREAS, N.J.S.A. 40:69A-43, a section of the Faulkner Act, provides that "each department head shall serve during the term of office of the mayor appointing him, and until the appointment and qualification of his successor", which takes precedence over N.J.S.A. 40A:9-139, requiring that the appointment of municipal attorneys be limited to a term of one year, and

WHEREAS, the TOWNSHIP provides for payment of the Township Attorney at the rate of \$ 52,500.00 per year, as set by the Township's salary ordinance, which includes payment for COUNSEL's representation of the TOWNSHIP in its general legal matters, but not for litigation, arbitrated or mediated matters, in which the Township has an adversary, and which are to be billed separately and by the hour at the rate provided in the TOWNSHIP's Attorney Billing Guidelines (currently \$80.00 per hour);

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

1. **Scope of Services.** The TOWNSHIP hereby retains the services of Richard D. Trenk, Esq., as Township Attorney for the TOWNSHIP OF WEST ORANGE, to provide all general legal services on behalf of the TOWNSHIP as provided by State statutes, regulations and the Revised General Ordinances of the TOWNSHIP, including, but not limited to: (i) providing legal advice to the Mayor, Council, and Department Directors, in their day to day operation of the TOWNSHIP's government, including compliance with the Local Public Contracts Law, the Open Public Meetings Act, the Open Public Records Act, the Local Finance Law, Local Budget Law, Civil Service Law, etc.; (ii) legal research and drafting of legal opinions, contracts, agreements, resolutions and ordinances required for the effective and efficient operation of the TOWNSHIP's government; (iii) providing legal advice regarding policy initiatives and changes; (iv) representing the TOWNSHIP's interests in the purchase and sale of real property, and other property; (v) enforcement of licensing and regulatory ordinances of the TOWNSHIP, etc.; (vi) representation of the Township in any and all judicial and administrative proceedings, whether before a Judge, Arbitrator, or Mediator, in which the Township, or any of its officers in their official capacity, may have an interest; and (vii) related matters.

The Scope of Services shall include matters of litigation, arbitration or mediation in which the TOWNSHIP has an adversary, but in all such matters, COUNSEL shall be paid at an hourly rate separate and apart from, and in addition to, the salary paid for representation of the TOWNSHIP in its general legal matters. Whenever the Township Attorney deems it appropriate and subject to governing body approval, whether due to potential conflict of interest, the need for more specialized or expert legal skills, or to handle particularly complex or specialized legal matters, special counsel may be hired by the Township Attorney subject to governing body approval and at a negotiated rate of compensation. COUNSEL shall review the invoices submitted by such special counsel to determine their accuracy and reasonableness under the

Township's Billing Guidelines and shall manage their representation of the TOWNSHIP's interests to maximize the efficiency and effectiveness of their legal representation.

2. **Salary and Hourly Rate.** For representation of the Township in its general legal matters, COUNSEL shall be paid a salary as set forth in the current salary ordinance for the TOWNSHIP, currently \$ 52,500.00 per year. For matters of litigation, arbitration or mediation in which COUNSEL performs legal services for the TOWNSHIP in an adversarial setting, COUNSEL shall be paid at the hourly rate provided in the TOWNSHIP's Attorney Billing Guidelines (currently \$80 per hour) for those legal services reasonably necessary to provide competent and adequate representation of the TOWNSHIP's interests, payment for all such services to be subject to governing body approval.

3. **Submission and Content of Invoices.** COUNSEL shall be entitled to payment for services rendered in adversarial matters upon submission of invoices to the TOWNSHIP on a monthly basis. The invoices shall set forth in detail the time expended each day and description of the services rendered. All invoices shall, at a minimum, set forth: (i) the name of the matter; (ii) date(s) of services rendered; (iii) the attorney's name, initials, or other such identification; (iv) the attorney's hourly rate; (v) total charge for the task or billing entry; (vi) detailed description of the service rendered; and (vii) the amount of time spent on the particular task. COUNSEL shall not block bill for any services rendered. For purposes of this Agreement, "block billing" shall refer to the practice of grouping together multiple activities or tasks under one (1) time entry.

4. **Reimbursement for Expenses.** COUNSEL may seek reimbursement for actual expenses reasonably incurred, such as postage, copying, mileage, meals, parking, court reporters or delivery of documents in accordance with the TOWNSHIP's Billing Guidelines. The amounts for such expenses shall be itemized on the monthly invoices provided to the TOWNSHIP.

5. **Administrative Work, Secretarial Services and Multiple Attorney Billing.**

COUNSEL shall not bill the TOWNSHIP for office overhead expenses such as secretarial or administrative support staff and billing for multiple attorneys for internal conferences or attendance at outside meetings and events should be discouraged and minimized.

6. **Billing for Travel Time.** COUNSEL may bill the TOWNSHIP for travel time to and from any destinations in connection with matters of litigation, arbitration or mediation which COUNSEL is handling for the TOWNSHIP at one-half of the normal hourly rate for such matters.

7. **Coordination of Representation.** COUNSEL shall coordinate and regularly communicate with the appropriate TOWNSHIP officials, department heads, TOWNSHIP employees and any others involved, regarding the status of various matters and the need for information and cooperation on their part.

8. **Professional Liability Coverage Required.** At all times during COUNSEL's retention by the TOWNSHIP, COUNSEL shall comply with the applicable New Jersey Court Rules requirements for professional liability coverage. COUNSEL shall maintain in good standing one or more policies of lawyers' professional liability insurance which shall insure COUNSEL's firm against liability imposed upon it by law for damages resulting from any claim made against it by its clients arising out of the performance of professional services by attorneys employed by the firm in their capacities as attorneys.

9. **Township Representations.** 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 on behalf of the Township the provision of legal services; (b) authorize the continuation of services or work beyond the amount specifically approved in the Resolution and Certificate of Funds; or (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.

10. **Applicability of Laws.** 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.

11. **Choice of Law.** 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

WITNESS:

**TRENK, DiPASQUALE, DELLA FERA,
SODONO**

By: _____
RICHARD D. TRENK
For the Firm

RESOLUTION
ABANDONED CAR AUCTION

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

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

The Purchasing Agent is hereby authorized to sell four (4) transferable vehicle title(s) in the manner set forth in N.J.S.A. 39:10A-1 and N.J.S.A. 40A:14-157. Date and time of sale is scheduled for Tuesday October 1, 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 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 Tuesday October 1, 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: September 17, 2013

ABANDONED CAR AUCTION NOTICE

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

<u>YEAR</u>	<u>MAKE</u>	<u>VEHICLE ID</u>
2001	LIN	1LNHM87A21Y727322
1999	VW	3VWBB81E8XM805566
2000	DODGE	1B4HS 28N4Y F1870 46
1991	ACU	JH4KA826XMC009295

In accordance with N.J.S.A. 39:10A-1 and N.J.S.A. 40A:14-157 the Township of West Orange will hold for sale at public auction on Tuesday October 1, 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>
1999	ISU	4S2CK58W5X4373507
1997	SUB	4S3BG6856V7641045
1995	GMC	1GKEC16K0SJ706172
1993	TOY	4T1SK12E6PU213762
1999	SAT	1G8ZH5284XZ349839

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: September 19, 2013

RESOLUTION

WHEREAS, the Township of West Orange (the “Township”) is the owner of real property known as Block 170, Lots 13, 15.03 and 17 on the Tax Map of the Township commonly known as 590 Mt. Pleasant Avenue (the “Property”); and

WHEREAS, the Township utilizes the Property as an integral part of its Recycling Program; and

WHEREAS, the operations conducted at the Property include the composting of leaves, the processing of vegetative wood waste and operating a recycling convenience center for West Orange residents for mixed paper, cardboard, and commingled containers; and

WHEREAS, the Township requires the services of a firm to operate the Recycling Center for Class B materials, exempt wood, Class C materials, exempt compost and to operate the Recycling Center for the collection and processing of mixed paper, cardboard and commingled containers; and

WHEREAS, in July 2013, the Township, utilizing the competitive contracting provisions of the Local Public Contracts Law, N.J.S.A. 40A:11-4.1 through 4.5, advertised a Request for Proposal (“RFP”) entitled “Request for Proposal for Operation of the Township of West Orange Recycling Center” in order to enter into a Contract to operate the West Orange Recycling Center (the “Contract”); and

WHEREAS, the RFP sought proposals for a term of three (3) years with two (2) one-year options; and

WHEREAS, the Township received a single proposal in response to the RFP from Reliable Wood Products, LLC (“Reliable Wood”) of One Caven Point Road, Jersey City, New Jersey, 07305 (the “Proposal”); and

WHEREAS, a copy of the Proposal is available for inspection at the Township Purchasing Department, 66 Main Street, Room 111; and

WHEREAS, the Proposal includes payment to the Township as follows: \$8,506.00 monthly (totaling \$102,072.00 annually), for the three-year period commencing October 1, 2013 and ending September 30, 2016; \$9,006 monthly (totaling \$108,072.00 annually) for the first optional one-year period, commencing October 1, 2016 and ending September 30, 2017; and \$9,006 monthly (totaling \$108,072.00 annually) for the second optional one-year period, commencing October 1, 2017 and ending September 30, 2018; and

WHEREAS, the Township Purchasing Agent has determined that the Proposal is responsive and compliant to the specifications contained within the Township's RFP;

NOW, THEREFORE BE IT HEREBY RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST ORANGE that the Contract be and hereby is awarded to Reliable Wood Products, LLC of One Caven Point Road, Jersey City, New Jersey 07305 to provide services in accordance with the Township's RFP for operation of the Township recycling center and in compliance with the payment schedule in Reliable's Proposal, for the three-year period commencing October 1, 2013 and ending September 30, 2016, with two (2) options to provide these services for one additional year.

Karen J. Carnevale, Municipal Clerk

Susan McCartney, Council President

Adopted: September 17, 2013

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

John O. Gross, Chief Financial Officer

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>
St. Peters Prep Tricky Tray	11.24.13	481 Eagle Rock Ave.	7001
St. Peters Prep On Premise 50/50	11.24.13	481 Eagle Rock Ave.	7002
St. Peters Prep Off Premise 50/50	11.24.13	481 Eagle Rock Ave.	7003
The Valerie Fund On Premise Merchandise	10.27.13	McLoone's Boathouse	7004
Removed			7005
WOHS Music Boosters On Premise 50/50	10.12.13	51 Conforti Avenue	7006
Hadassah Northern Region Off Premise Merchandise	4.6.13	760 Northfield Ave.	7007
Franciscan Charities On Premise 50/50	9.30.13	350 Mt. Pleasant Ave.	7008

Susan McCartney
Council President

Karen J. Carnevale
Municipal Clerk

Adopted: September 17, 2013

Township of West Orange
Resolution No. 185-13

Resolution: Approval to submit a grant application and execute a grant contract with the New Jersey Department of Transportation for the 2014 Improvements to Various Streets project.

NOW, THEREFORE, BE IT RESOLVED that Council of the Township of West Orange formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Township Council, Township Grant Writer, and Clerk are hereby authorized to submit an electronic grant application identified as MA-2014-West Orange Town Township-00456 to the New Jersey Department of Transportation on behalf of the Township of West Orange, which is requesting \$651,000.00 for improvements to the following streets: Oxford Terrace, Dartmouth Terrace, and Belgrade Terrace.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the Township of West Orange and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

Certified as a true copy of the Resolution adopted by the Council
On this 17th day of September, 2013

Clerk

My signature and the Clerk's seal serve to acknowledge the above resolution and constitute acceptance of the terms and conditions of the grant agreement and approve the execution of the grant agreement as authorized by the resolution above.

ATTEST and AFFIX SEAL

(Clerk)

(Presiding Officer)

RESOLUTION

WHEREAS, pursuant to N.J.S.A. 40:67-23.2 et. seq, commonly referred to as the Municipal Services Act, the Township of West Orange entered into an Agreement with Llewellyn Park entitled "Municipal Services Agreement" and dated December 23, 2010; and

WHEREAS, the Municipal Services Agreement specified the services the Township shall provide Llewellyn Park or the cost of services the Township shall reimburse to Llewellyn Park; and

WHEREAS, the Agreement included Leaf Collection from the Park roads as a service and specifies the method for calculating the reimbursement, and it also includes the removal of obstructions such as fallen tree limbs as a service; and

WHEREAS, there is attached hereto a report of the Township Engineer recommending reimbursement for 2012 Leaf Collection costs to Llewellyn Park in accordance with the formula for reimbursement set forth in the Agreement between Llewellyn Park and the Township as well as the reimbursement for costs associated with the removal of tree debris associated with Hurricane Sandy that resulted in the simultaneous collection of leaves and tree debris in October, November and December 2012; and

WHEREAS, the Township of West Orange wishes to reimburse Llewellyn Park as set forth in the aforementioned report of the Township Engineer.

NOW, THEREFORE BE IT RESOLVED by the Township Council of the Township of West Orange that Llewellyn Park be reimbursed as set forth therein, on the attached report of the Township Engineer, Leonard R. Lepore, for 2012 leaf collection costs and obstruction removal.

BE IT FURTHER RESOLVED that the Township Business Administrator and/or Comptroller issue the appropriate checks to comply with this Resolution as soon as feasible.

KAREN J. CARNEVALE, MUNICIPAL CLERK
PRESIDENT

SUSAN McCARTNEY, COUNCIL

Adopted: September 17, 2013

I hereby certify funds are available from: _____

JOHN GROSS, CHIEF FINANCIAL OFFICER

**2012 LEAF COLLECTION AND OBSTRUCTION REMOVAL REIMBURSEMENT TO
LLEWELLYN PARK**

LEAF COLLECTION

PRIVATE COMMUNITY	ROAD LENGTH L.F. MILES		PERCENTAGE OF TOWNSHIP	ENHANCEMEN T FACTOR	AMOUNT TO REIMBURSED
LLEWELLYN PARK	45,408	8.6	9.1005%	2.0	\$34,546.20

TOTAL TOWNSHIP MILES

94.5

**TOWNSHIP LEAF COLLECTION COST FOR 2012 =
\$189,803.86**

OBSTRUCTION REMOVAL

PRIVATE COMMUNITY	ROAD LENGTH L.F. MILES		PERCENTAGE OF TOWNSHIP	ENHANCEMEN T FACTOR	AMOUNT TO REIMBURSED
LLEWELLYN PARK	45,408	8.6	9.1005%	1.0	\$50,273.72

**Total Obstruction Removal Cost for Hurricane Sandy =
\$552,428.12**

**Total Reimbursement
84,819.92**

\$

NOTES:

**Amounts to be reimbursed = % of Township Roads x Township Leaf Collection Cost (or
obstruction removal cost) x Enhancement**

**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.

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.

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 J. Carnevale, Municipal Clerk

Introduction: August 20, 2013

Adopted: September 17, 2013

2382-13

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

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 Applicant.
- b. *Quarterly Reporting Required.* Along with the weekly deposits required under this subsection, within ten (10) business days of 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. A Licensee's sign-up form(s) or agreement(s) with a Taxpayer Consumer shall conspicuously state that the Licensee will be solely responsible for handling and distributing monies to tenants, renters, non-resident employees, visitors or other such individuals who do not pay property taxes.

- 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 20, 2013

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

Karen J. Carnevale, Municipal Clerk

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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."

**AN ORDINANCE AMENDING AND SUPPLEMENTING
CHAPTER II, SECTION 2-9, OF THE REVISED GENERAL
ORDINANCES OF THE TOWNSHIP OF WEST ORANGE
ENTITLED “DEPARTMENT OF LAW”.**

BE IT ORDAINED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST ORANGE, in the County of Essex, State of New Jersey, that Chapter II, Section 2-9, of the Revised General Ordinances of the Township of West Orange, entitled “Law Department”, shall be amended and supplemented to modify Sections 2-9.1, Township Attorney, 2-9.2, Duties of the Township Attorney, 2-9.3, Assistant Township Attorney, and 2-9.4, Special Counsel, to make them consistent with recent practice and best practices going forward with respect to the operation of the Law Department.

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

CHAPTER II

2-9 DEPARTMENT OF LAW.

2-9.1 Township Attorney

There shall be a Department of Law, the director of which shall be the Township Attorney. The Township Attorney shall be appointed by the Mayor with the advice and consent of the Council, need not serve full time, and shall serve during the term of office of the mayor appointing him, and until the appointment and qualification of his successor, with the manner and amount of compensation to be approved by the Governing Body. The Department of Law shall consist of the Township Attorney and such other employees as are hired by the Township Attorney with approval of the Governing Body, including, but not limited to, an Assistant Township Attorney. (1972 Code § 2-6.1)

2-9.2 Duties of the Township Attorney.

The Township Attorney shall be the attorney for the Township as a municipal corporation of the State of New Jersey and he or she shall provide that entity and its officers in their official capacity with all appropriate legal advice, opinions and services which they may require, at all times being subject to the laws, regulations, ordinances and rules of the State of New Jersey, County of Essex, Township of West Orange, and as the same may be interpreted by the courts having proper jurisdiction.

The duties of the Township Attorney shall include at least the following and may be performed by him or her personally, or as delegated to one or more subordinates:

- a. Provide legal advice and opinions, whether orally and informally, or in formal written form, to those Township Officials, elected or appointed, including, but not limited to, the Mayor, Council, Business Administrator, Chief Financial Officer, or any Department Director, requesting same in the course of performing their official duties and to ensure that such performance and the operation of the municipal corporation in the administration of municipal affairs is lawful and proper;
- b. Attend all meetings of the Township Council and provide legal advice to the Council as necessary to ensure that the proceedings are conducted in a lawful and proper manner, and to provide legal advice on all matters of Township business;
- c. Represent the Township in any and all judicial and administrative proceedings, whether before a Judge, Arbitrator, or Mediator, in which the Township, or any of its officers in their official capacity, may have an interest, or before the Council sitting as an administrative authority, including, but not limited to, ABC matters;
- d. Represent the Township in any transactional matters, including, but not limited to, the purchase and/or sale, or lease of property, real or personal, in which the Township has an interest;
- e. Draft, or review and approve as to form and sufficiency, all legal documents, contracts, deeds, ordinances and resolutions made, executed or adopted by or on behalf of the Township;
- f. Enter into any agreement, compromise, or settlement of any litigation in which the Township is involved, subject to the approval of the Governing Body;
- g. Supervise and direct the work of such additional attorneys, technical and professional assistants as may be authorized by the Governing Body for regular or special employment by or for the Township.

(1972 Code § 2-6.2; Ord. No. 288-73 §§ 1-4; New)

2-9.3 Assistant Township Attorney.

Subject to Governing Body approval, there shall be an Assistant Township Attorney appointed by the Township Attorney, who shall supervise same and delegate and assign those of his duties, or portions of them, which in the Township Attorney's judgment will contribute to and facilitate the efficient and effective operation of the Law Department. The Assistant Township Attorney shall be authorized to perform all of the duties of the Township Attorney in the event of his or her absence or unavailability, and subject to the Township Attorney's delegation of authority to avoid any duplication of services. The Assistant Township Attorney need not serve full time and shall be subject to annual reappointment with the manner and amount of compensation to be approved by the Governing Body. (1972 Code § 2-2-6.4)

2-9.4 Special Counsel.

Subject to Governing Body approval, the Township Attorney may appoint such Special Counsel as may be required or advisable to handle matters in which a conflict of interest precludes representation by the Township Attorney or Assistant Township Attorney, or which due to its complexity, special nature, time demands or constraints, or for any good reason, would benefit from the special experience and/or training of the Special Counsel to be hired. Such Special Counsel need not serve full time and would be expected to serve for the duration of the matter for which he or she was appointed, subject to annual reappointment with the manner and amount of compensation to be approved by the Governing Body. Special Counsel would be subject to the supervision of the Township Attorney who would monitor the work, review and approve the bills of all Special Counsel. (1972 Code § 2-6.4)

Section 2. The remainder of Chapter II and Section 2-9, remain 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

Robert D. Parisi, Mayor

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

Karen J. Carnevale, Municipal Clerk

First Reading: September 17, 2013

Second Reading: October 1, 2013

LEGISLATIVE HISTORY

The Law Department section of the Administrative Code is being modified to more accurately set forth the manner in which it has been operated for the past decade or more and to promote and provide for best practices as recommended by the Office of the NJ State Comptroller.

AN ORDINANCE AMENDING AND SUPPLEMENTING
CHAPTER 7, TRAFFIC, SUBSECTION 7-32.2,
RESTRICTED PARKING ZONES,
OF THE REVISED GENERAL ORDINANCES OF
THE TOWNSHIP OF WEST ORANGE

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

Section 1. Subsection 7-32.2, Restricted Parking Zones, of the Revised General Ordinances of the Township of West Orange is hereby supplemented and amended as follows
(italic type denotes deletion, bold type denotes addition):

7-32.2 Restricted Parking Zones. Pursuant to N.J.S.A 39:4-197.6, Restricted Parking Zones, as defined in N.J.S.A. 39:4-207.6e, are established in front of the following residences as indicated on the Tax Maps of the Township of West Orange, at the specified locations. Parking within a specific zone is restricted to the motor vehicle issued a permit pursuant to N.J.S.A. 39:4-197.7. In accordance with N.J.S.A., 39:4-197.6 parking is permitted in the Restricted Parking Zone except when prohibited in front of the residence by other sections of this Chapter.

Residence Address	No. of Spaces	Location
58 Llewellyn Avenue the	1	Beginning 146 feet west of westerly curbline of Sayers Place and extending 20 feet westerly.
29 Virginia Avenue the	1	Beginning 242 feet west of westerly curbline of Winfield Street and extending 20 feet westerly.
82 Riggs Place east of extending	1	Beginning 470 feet the easterly curbline of Rollinson Street and 20 feet easterly.
12 Orange Place Cherry	1	Beginning 243 feet west of the westerly curbline of

**Street and extending 20 feet
westerly.**

Section 2. If any provision of this Ordinance or application thereof, under any circumstances, is held invalid, the invalidity shall not effect any other provisions or applications of this Ordinance that can be given effect without the invalid provision(s) or application(s) and to this end the provisions of this Ordinance are severable.

Section 3. All other Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed.

Section 4. This Ordinance shall take effect upon final passage and publication in accordance with law and upon the approval of the New Jersey Department of Transportation if required.

ROBERT D. PARISI, MAYOR

SUSAN McCARTNEY, COUNCIL PRESIDENT

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

**Karen J. Carnevale
Municipal Clerk**

Introduced: September 17, 2013

Adopted: October 1, 2013

**AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 7, TRAFFIC,
SUBSECTION 7-10.1, STOPPING OR STANDING PROHIBITED DURING CERTAIN
HOURS
ON CERTAIN STREETS,
SUBSECTION 7-14.3, PARKING TIME LIMITED ON CERTAIN STREETS DURING
CERTAIN HOURS OF CERTAIN DAYS AND
SUBSECTION 7-25, LOADING ZONES, OF THE REVISED GENERAL ORDINANCES OF
THE TOWNSHIP OF WEST ORANGE**

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

Section 1. Subsection 7-10.1, Stopping or Standing Prohibited During Certain Hours on Certain Streets, of the Revised General Ordinances of the Township of West Orange is hereby supplemented and amended as follows (*italic type denotes deletion, bold type denotes addition*):

Name of Street	Sides	Hours	Location
<i>Stanford Avenue</i>	<i>North</i>	<i>All</i>	<i>From the westerly curbline of Pleasant Valley Way to a point 68 feet westerly.</i>
<i>Stanford Avenue</i>	<i>North</i>	<i>All</i>	<i>Beginning 180 feet westerly of the westerly curbline of Pleasant Valley Way and extending 178 feet westerly.</i>
Stanford Avenue	North	All	From the westerly curbline of Pleasant Valley Way to a point 73 feet westerly.
Stanford Avenue	North	All	Beginning 238 feet westerly of the westerly curbline of Pleasant Valley Way and extending 120 feet westerly.

Section 2. Subsection 7-14.3, Parking Time Limited on Certain Streets During Certain Hours of Certain Days, of the Revised General Ordinances of the Township of West Orange is hereby supplemented and amended as follows (*italic type denotes deletion, bold type denotes addition*):

Name of Street Location	Sides	Time Limit	Hours	Days
<i>Stanford Avenue Beginning 68 the curbline of Valley</i>	<i>North</i>	<i>15 min.</i>	<i>8:00 a.m. to 4:00 p.m.</i>	<i>Monday thru Friday Pleasant Way and Extending 112 feet westerly.</i>

Section 3. Subsection 7-25, Loading Zones, of the Revised General Ordinances of the Township of West Orange is hereby supplemented and amended as follows (*italic type denotes deletion, bold type denotes addition*):

Street	Hours/Days	Sides	Location
Stanford Avenue	School Days, 8:00 a.m. to 4:00 p.m.	North	Beginning 73 feet west of the westerly curbline of Pleasant Valley Way and extending 165 feet westerly.

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

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

Section 6. This Ordinance shall take effect upon final passage and publication in accordance with law.

ROBERT D. PARISI, MAYOR

SUSAN McCARTNEY, COUNCIL PRESIDENT

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

Karen J. Carnevale , Municipal Clerk

**Introduced: September 17, 2013
Adopted: October 1, 2013**

