

1. Conference Meeting Agenda

Documents: [CA10.1.13.PDF](#)

2. Public Meeting Agenda

Documents: [PM10.1.13.PDF](#)

3. Resolutions

3.I. 180-13

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

3.II. 187-13

Documents: [187-13 RAFFLE LICENSES-10.1.13.PDF](#)

3.III. 188-13

Documents: [188-13 AUTHORIZING GREEN ACRES PROPERTY ACQUISITION.PDF](#)

3.IV. 189-13

Documents: [189-13 APPROVING CANCELLATION OF TAXES FOR BLOCK 166 LOT 13 \(745 NORTHFIELD\).PDF](#)

3.V. 190-13

Documents: [190-13 IMPROVEMENT OF MOUNTAIN DR. + PORT. OF HIGHWOOD RD.-GRABOWSKI.PDF](#)

3.VI. 191-13

Documents: [191-13 ATTACHMENT, 471 PROSPECT AVENUE-OVERPAYMENT OF TAXES.PDF](#), [191-13 OVERPAYMENT REAL ESTATE TAXES-REFUND-AMPC.PDF](#)

3.VII. 192-13

Documents: [192-13 EXECUTIVE SESSION 10.1.13.PDF](#)

3.VIII. 193-13

Documents: [193-13 AUTHORIZING AGREEMENT WITH LIFE CHRISTIAN CHURCH.PDF](#), [193-13 EXHIBIT A.PDF](#)

3.IX. 194-13

Documents: [194-13 AUTHORIZING CONTRACT FOR JITNEY BUSES-WOLFINGTON.PDF](#)

3.X. 195-13

Documents: [195-13 AUTHORIZING SETTLEMENT WITH O_DONNELL MCCORD - FINAL.PDF](#)

3.XI. 196-13

Documents: [196-13 ORANGE RESERVOIR V. TOWO \(2\).PDF](#), [196-13 SETTLEMENT AGREEMENT.PDF](#)

4. Ordinances On Second And Final Reading

4.I. 2385-13

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

4.II. 2386-13

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

4.III. 2387-13

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

5. Ordinance On First Reading

5.I. 2388-13

Documents: [2388-13 OWNER RESPONSIBILITY FOR RENTAL PROPERTIES.PDF](#)

5.II. 2389-13

Documents: [2389-13 ENVIRONMENTAL_COMM_ORD.PDF](#)

5.III. 2390-13

Documents: [2390-13 SALARY ORD DEPT. HEADS 2010-2013.PDF](#)

COUNCIL COMMITTEE CONFERENCE MEETING
AGENDA
Council Chambers - 66 Main Street, West Orange, NJ

October 1, 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)**

=====

6:30 P.M.

- **Presentation:** Essex County Surrogate Theodore N. Stephen, II
- National Teen Driver Safety Week: October 18 -26- State Farm \$100,000. Grant Contest-WOHS
- **Township Update(s):**
 - Police Department-James Abbott, Police Chief
 - First Aid Squad-Jim Troisi-President, Board of Trustees-First Aid Squad
- **Council Liaison Announcements**

7:00 P.M.

- Public Meeting

Agenda is subject to change.

AGENDA
October 1, 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)

1. Pledge of Allegiance.
3. Roll Call – Councilman Cirilo, Councilman Guarino, Councilman Krakoviak, Councilwoman Spango, Council President McCartney (Mayor Parisi)
4. Public Comment
5. *Consent Agenda
 - *5. Approval of Minutes of Previous Meeting-Public Meeting September 17, 2013
 - *6. Report of Township Officers
 - *7. Reading of Petitions and Communications and Bids
 - *8. Bills
 - *9. Resolutions
 - a. 180-13 Resolution Authorizing Competitive Contracting for Emergency Medical Services **(Postponed from 9/17/13)**
 - b. 187-13 Resolution Authorizing Raffle Licenses
 - c. 188-13 Resolution Authorizing the Township to Acquire the Karam Property, Block 159.08, Lot 53 and the McCann Property, Block 159.08, Lot 55, for a Combined Total of \$170,000. to be paid for with Grants From the DEP Green Acres Program for the Purposes of Open Space and/or Recreational Use by the Township and/or It's Residents
 - d. 189-13 Resolution Cancelling the Accrued Taxes on the Property Located at 745 Northfield Avenue, Block 166, Lot 13 Due to a Mistaken Assessment

- e. 190-13 Resolution **Authorizing** an Award of Contract to Grabowski Construction, Inc., 770 Northfield Ave., West Orange, NJ in the Amount of \$426,677.00 for the Improvement of Mountain Drive and a Portion of Highwood Road
- f. 191-13 Resolution Authorizing a Refund of 2012 Overpaid Taxes in the Amount of \$133,155.21 to AMPC Real Estate, 471-475 Prospect Avenue, Block 155, Lot 26.02
- g. 192-13 Resolution Authorizing an Executive Session to Discuss Litigation-City of Orange Reservoir v. TOWO
- h. 193-13 Resolution Authorizing the Township of West Orange to Issue a Certificate of Occupancy Permitting the Life Christian Church to Occupy a Limited Portion of the New Facility at 747 Northfield Avenue to House its Administrative Offices During the Pending Construction
- i. 194-13 Award of Contract to Wolfington Body Company Inc. in the amount of \$237,008.00 for a total of (4) Passenger Vans
The Township provides local jitney/shuttle service for residents to two train stations, as well as Senior and Handicapped transport. This resolution will authorize an award to purchase Four (4) Shuttle Buses to replace existing buses in poor condition.
- j. 195-13 Resolution Authorizing Settlement Payment Resolving Litigation Commenced by O'Donnell McCord, P.C. for Payment of Fees for Services as Special Tax Counsel *(to be discussed in executive session)*
- k. **196-13 Resolution Authorizing a Settlement Agreement and Release Between the Township of West Orange, the City of Orange and CYFA with Respect to the Orange Reservoir Property, Block 162, Lot 2, Cherry Lane, West Orange (resolution to follow once settlement is finalized)**

10. Ordinances on Second and Final 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. Ordinances on First Reading

- a. 2388-13 An Ordinance Creating Chapter 14, Section 19 of the Revised General Ordinances of the Township of West Orange, Entitled "Owner Responsibility for Rental Properties"
- b. **2389-13 An Ordinance Amending and Replacing Chapter II, Section 2-47.1, et seq., of the Revised General Ordinances of the Township of West Orange Entitled "Environmental Commission"**

- c. **2390-13 An Ordinance Amending an Ordinance Creating a Reclassification and Salary Schedule of Certain Township of West Orange Employees Setting Forth Their Titles, Classification and Salary Ranges and Adopting a Salary Guide and Establishing the Employee's Status as a Township Employee and Under the Guidelines of the NJ Department of Civil Service**

12. ABC Hearing

- a. 510-13 Renewal of Plenary Retail Distribution for the 2013-2014 License Term - The Great Atlantic & Pacific Tea Co.- Special Ruling Received in September
- b. 511-13 Person to Person Transfer, The Great Atlantic & Pacific Tea Company Inc.(Inactive) to AMI West Orange, LLC (will remain inactive and held as pocket status), License #0722-44-027-003.

13. Adjournment

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

Agenda is subject to change.

**RESOLUTION 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: October 1, 2013

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>
The Candle Lighters, Inc. Tricky Tray	11.1.13	481 Eagle Rock Avenue	7009
The Candle Lighters, Inc. On Premise 50/50	11.1.13	481 Eagle Rock Avenue	7010
Parents Association of Montclair Kimberley Academy Tricky Tray	11.14.13	The Manor-Prospect Ave.	7011
St. Josephs Church Off Premise Cash	January 2014 - December 2014	44 Benvenue Avenue	7005

Susan McCartney
Council President

Karen J. Carnevale
Municipal Clerk

Adopted: October 1, 2013

RESOLUTION

WHEREAS, the Township of West Orange (the “Township”) and its residents use various property for the purpose of enjoying open space, green space and recreation; and

WHEREAS, from time to time the Township may acquire property in order to expand the amount of open space, green space and recreation space available in the Township and to Township residents; and

WHEREAS, the State of New Jersey, Department of Environmental Protection (“DEP”) administers a “Green Acres Program,” which permits a local government to use State funding to acquire real property that will be used for public outdoor recreation or conservation purposes; and

WHEREAS, certain real property in the Township has become available for such an acquisition, specifically property located at Block 159.08, Lot 53, currently owned by the Estate of Emile Karam (the “Karam Property”), and Block 159.08, Lot 55, currently owned by John and Patricia McCann (the “McCann Property”); and

WHEREAS, Hendricks Appraisal Company, LLC (“Hendricks Appraisal Company”) assessed the combined value of the Karam Property and McCann Property at \$170,000; and

WHEREAS, Hendricks Appraisal Company advised the Township’s Engineering Department that the value of the Karam Property is \$68,000 and the value of the McCann Property is \$102,000; and

WHEREAS, the Township can acquire the referenced properties for the combined sum of \$170,000; and

WHEREAS, because these parcels will be utilized for open space and recreation purposes, the Township can use Planning Incentive Grant monies from the DEP’s Green Acres Program to pay for the acquisition of these parcels;

NOW, BE IT HEREBY RESOLVED, that the Township intends to acquire the Karam Property and the McCann Property, to be paid for with grants from the DEP Green Acres Program, for the purposes of open space and/or recreational use by the Township and/or its residents; and

BE IT FURTHER RESOLVED that the Mayor shall be and hereby is authorized to execute any and all documents required to effectuate the acquisition of these parcels, and the Municipal Clerk shall be authorized to attest to the Mayor's signature.

Karen J. Carnevale
Township Clerk

Honorable Susan McCartney
Council President

Adopted: October 1, 2013

RESOLUTION

WHEREAS, there is certain real property used for office condominiums, located at Block 166, Lot 13 in the Township, also known as 745 Northfield Avenue (the "Property"); and

WHEREAS, the referenced Block and Lot is used as a "Master Card," meaning that it states the number of condominium spaces in the complex or building, the acreage of the land, and is strictly for informational purposes only and has no value; and

WHEREAS, the revaluation company mistook the Master Card for a taxable line item and mistakenly placed a value on it; and

WHEREAS, the Township's Tax Assessor has verified that a tax assessment on the Property was erroneously made on the Property due to this mistake made during revaluation; and

WHEREAS, the Property has erroneously accrued tax assessments from the third quarter of 2012 through the second quarter of 2013 in the amount of \$49,872.35 to date; and

WHEREAS, the Township's Tax Assessor has stated that the mistaken assessment on the Property has already been removed and that the accrued taxes should be cancelled;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of West Orange that the Tax Collector be and is hereby authorized, empowered and directed to cause to be cancelled the amount of \$49,872.35, representing the amount of taxes which have erroneously accrued for the Property.

Karen J. Carnevale
Municipal Clerk

Susan McCartney
Council President

Adopted: October 1, 2013

RESOLUTION

WHEREAS, the Township of West Orange has advertised for bids pursuant to New Jersey Local Public Contracts Law (N.J.S.A.40A:11-1) for the Improvement of Mountain Drive and a portion of Highwood Road; and

WHEREAS, at the date, time and place advertised for opening of said bids the Township did receive six (6) bids; and

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

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

NOW THEREFORE BE IT RESOLVED by the Township Council of the Township of West Orange that the contract for the Improvement of Mountain Drive and a Portion of Highwood Road is hereby awarded to:

**GRABOWSKI CONSTRUCTION, INC.
770 NORTHFIELD AVENUE
WEST ORANGE, NEW JERSEY 07052**

in the amount of \$426,677.00.

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

**KAREN CARNEVALE, MUNICIPAL CLERK
PRESIDENT**

SUSAN McCARTNEY, COUNCIL

Adopted: October 1, 2013

**I hereby certify funds are available from:
- \$426,677.00**

ACCOUNT NO: 03-2137-22-5020-010

JOHN GROSS, CHIEF FINANCIAL OFFICER

AMPCREAL ESTATE

AMPC REAL ESTATE
471-475 PROSPECT AVE

[illegible]

RESOLUTION

WHEREAS, AMPC Real Estate ("AMPC") owns certain real property and any improvements located thereon, located at Block 155, Lot 26.02 in the Township of West Orange, also known as 471-475 Prospect Avenue; and

WHEREAS, AMPC overpaid its taxes for the year 2012 because of a change to the block and lot designation for the same parcel from the assessor which resulted in AMPC's first and second quarter payments from the original block and lot not being credited to the new designation; and

WHEREAS, the Township's Tax Collector has stated that the amount paid to the Township by AMPC for the fourth quarter of 2012 represented an overpayment of \$133,155.21, as reflected on the spreadsheet annexed hereto as Attachment "A"; and

WHEREAS, AMPC paid that sum to the Township and is entitled to a refund of that amount;

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of West Orange as follows, that the Tax Collector and Chief Financial Officer of the Township of West Orange be and hereby are authorized, empowered and directed to issue a refund to AMPC for their overpayment of real estate taxes for the 1st and 2nd quarter of 2012, totaling \$133,155.21., and cancelling the taxes for the 1st and 2nd quarter of 2012 on the original block and lot.

Karen J. Carnevale,
Municipal Clerk

Susan McCartney,
Council President

Adopted: October 1, 2013

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

JOHN O. GROSS, CFO

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 **October 1, 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):

Matter(s) of Litigation

City of Orange Reservoir v. Township of West Orange

O'Donnell McCord, P.C. v. Township of West Orange

(the general subject matter(s)) 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 **October 1, 2013.**

Motion: Jerry Guarino

Second: Patty Spango

Vote

Aye: 5

Opposed: 0

Karen J. Carnevale
Municipal Clerk

Susan McCartney
Council President

Adopted: October 1, 2013

RESOLUTION

WHEREAS, The Life Christian Church, LLC (“TLCC”), a non-profit organization, is the owner of property located at 747 Northfield Avenue, also known as Block 166, Lot 11.03, on the Tax Map of the Township of West Orange (the “Property”); and

WHEREAS, TLCC is the process of constructing a new facility upon the Property (the “New Facility”); and

WHEREAS, TLCC seeks the issuance of a Certificate of Occupancy permitting TLCC to occupy a limited portion of the New Facility in order to house its administrative offices during the pendency of construction; and

WHEREAS, the Township of West Orange (the “Township”) is agreeable to requesting that the Construction Official consider issuance of the aforementioned Certificate of Occupancy on the express conditions set forth in the Agreement annexed hereto as **Attachment A**; and

WHEREAS, TLCC has agreed to all terms set forth in **Attachment A**, and has confirmed its agreement through execution of same;

NOW, BE IT HEREBY RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST ORANGE that the Mayor shall be and hereby is authorized and empowered to execute **Attachment A**, and that the Municipal Clerk shall be and hereby is authorized to attest to the Mayor’s signature; and

BE IT FURTHER RESOLVED, that the original fully executed copies of **Attachment A** shall be maintained by the Municipal Clerk with a copy to be provided to TLCC.

KAREN J. CARNEVALE
Municipal Clerk

SUSAN McCARTNEY
Council President

Adopted: October 1, 2013

RESOLUTION

WHEREAS, The Life Christian Church, LLC ("TLCC"), a non-profit organization, is the owner of property located at 747 Northfield Avenue, also known as Block 166, Lot 11.03, on the Tax Map of the Township of West Orange (the "Property"); and

WHEREAS, TLCC is the process of constructing a new facility upon the Property (the "New Facility"); and

WHEREAS, TLCC seeks the issuance of a Certificate of Occupancy permitting TLCC to occupy a limited portion of the New Facility in order to house its administrative offices during the pendency of construction; and

WHEREAS, the Township of West Orange (the "Township") is agreeable to requesting that the Construction Official consider issuance of the aforementioned Certificate of Occupancy on the express conditions set forth in the Agreement annexed hereto as **Attachment A**; and

WHEREAS, TLCC has agreed to all terms set forth in **Attachment A**, and has confirmed its agreement through execution of same;

NOW, BE IT HEREBY RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST ORANGE that the Mayor shall be and hereby is authorized and empowered to execute **Attachment A**, and that the Municipal Clerk shall be and hereby is authorized to attest to the Mayor's signature; and

BE IT FURTHER RESOLVED, that the original fully executed copies of **Attachment A** shall be maintained by the Municipal Clerk with a copy to be provided to TLCC.

KAREN J. CARNEVALE
Municipal Clerk

SUSAN McCARTNEY
Council President

Adopted:

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ATTACHMENT A

AGREEMENT

The Parties

This Agreement is made on this _____ day of September 2013 between The Life Christian Church ("TLCC"), a non-profit organization having an address of 747 Northfield Avenue, West Orange, New Jersey 07052, and the Township of West Orange (the "Township"), a Municipal Corporation of the State of New Jersey having its principal location at 66 Main Street, West Orange, New Jersey 07052; and whereas, in furtherance of the Agreement, the Parties hereby represent, warrant, state and agree:

Witnesseth

WHEREAS, TLCC is the owner of property located at Northfield Avenue and Vizcaya Boulevard in West Orange, New Jersey, also known as Block 166, Lot 11.03, on the Tax Map of the Township (the "Property"); and

WHEREAS, on September 5, 2007, the Planning Board of the Township of West Orange (the "Planning Board") granted TLCC's application for preliminary and final site plan approval in connection with TLCC's plans to construct a 3,600 square foot modular office space (the "Temporary Facility") at the north/central area of the Property to house TLCC's administrative offices as the initial phase of a project ultimately intended to include a new worship facility (the "New Facility"); and

WHEREAS, on March 19, 2009, the Planning Board granted the final parking and building variances necessary to allow TLCC to move forward with the construction of the New Facility with the condition, among other conditions, that the Temporary Building be removed within eighteen (18) months subsequent to the issuance of a Certificate of Occupancy for the New Facility (the "Site Plan Approval"); and

WHEREAS, at or around the time of the Site Plan Approval, TLCC and the Township separately agreed that TLCC would be permitted to complete the first floor, only, of the New Facility, and to begin operating out of the first floor of the New Facility while blocking public access to the second and third floors of the New Facility; and

WHEREAS, TLCC has requested that the Township issue a Certificate of Occupancy permitting TLCC to occupy the first floor, second floor elevator lobby area, and access to the upper parking level of the New Facility (the "Initial Portion") to enable TLCC to move its administrative offices from the Temporary Facility to the first floor of the New Facility; and

WHEREAS, the Township has agreed to request that the Construction Official consider issuance of a Certificate of Occupancy for the Initial Portion of the New Facility, only, notwithstanding the work remaining as required by the Site Plan Approval and **Exhibit "A"** annexed hereto; and

WHEREAS, TLCC agrees that the Construction Official shall not issue a Certificate of Occupancy for any other portions of the New Facility including the second and third floors thereof (the "Remaining Portion") until TLCC fully completes the outstanding exterior construction, paving and landscaping set forth in the document annexed hereto as **Exhibit "A"** no later than April 15, 2015; and

WHEREAS, the Township has agreed to forego the requirement that a bond be posted immediately in relation to the work to be performed at the Property in consideration of and reliance upon the terms of this Agreement; and

NOW, THEREFORE, in consideration of the mutual benefits conferred in this Agreement, the receipt and sufficiency of which are hereby acknowledged, and subject to the terms and conditions herein contained, the Parties agree as follows:

1. **Certificate of Occupancy for First Floor of New Facility.** The Township shall request that the Construction Official issue a Certificate of Occupancy for the Initial Portion of the New Facility to the extent that he determines, in his professional opinion, that all other requirements under applicable laws, regulations, and codes have been satisfied in their entirety.
2. **Completion of Outstanding Exterior Work.** TLCC shall, by no later than April 15, 2015, complete all requirements of the Site Plan Approval including but not limited to the outstanding exterior construction, paving and landscaping set forth on **Exhibit "A,"** which is incorporated herein at length. The Township does not represent or warrant the costs or expenses associated with TLCC's performance of the work required by this Paragraph.
3. **Certificate of Occupancy for Remaining Floors of New Facility.** TLCC's full and complete performance, by no later than April 15, 2015, of all work required by Paragraph 2 of this Agreement is a precondition to the Township's consideration of the issuance of a Certificate of Occupancy for the Remaining Portion of the New Facility.
4. **Resolutions.** Nothing contained herein shall supersede the aforementioned Resolutions passed by the Planning Board, which remain in full force and effect.
5. **Choice of Law.** This Agreement shall be governed in all respects, including validity, interpretation, and effect by the laws of the State of New Jersey. The Agreement shall be dated as of the date it was last signed by any of the Parties, which date shall be incorporated on the first page of this Agreement.
6. **Choice of Venue.** Venue for the adjudication of any disputes arising from or in relation to this Agreement shall lie exclusively in the Superior Court of New Jersey, Essex Vicinage.
7. **Waiver of Jury Trial.** TLCC and the Township do hereby **WAIVE** any and all right to a trial by jury in any action or proceeding of any kind arising under, out of, by reason of, or relating in any way to this Agreement or the interpretation or enforcement thereof or to any transactions thereunder.

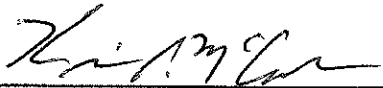
8. **Separate Counsel.** The Parties have been represented by separate counsel or have had sufficient opportunity to consult with counsel. Neither of the Parties have relied upon the other Parties' counsel in executing this Agreement.

9. **Approval by Township Council.** The enforceability of this Agreement is contingent entirely upon approval by the Township Council.

10. **Additional and Miscellaneous Terms.** The Parties represent that they relied upon the legal advice of attorneys of their own choice and that they have each had the opportunity to review this Agreement with their attorneys. The Parties further represent that the terms of the Agreement have been completely read and examined by their attorneys, and that they fully understand and voluntarily accept the stated terms. This Agreement shall be binding upon the Parties, and their agents, successors and assigns. No modifications or changes in this Agreement shall be binding unless in writing and executed by all Parties. No delay in enforcing any aspect of this Agreement shall be deemed a waiver of any rights and remedies.

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

WITNESS:



Dated: SEPT. 24, 2013

WITNESS:

Dated:

784215_1.DOC

THE LIFE CHRISTIAN CHURCH

By:

Title: LEAD PASTOR

TOWNSHIP OF WEST ORANGE

By:

Robert Parisi, Mayor

EXHIBIT A

CHRISTIAN LIFE CHURCH

OEA PROJECT # WO0705.10
DATE: 08-22-2013

<u>ITEM No.</u>	<u>ITEM DESCRIPTION</u>	<u>UNITS</u>	<u>QUANTITIES</u>
1	CLEARING OF SITE (TEMP OFFICE LOCATION)	LS	1
2	EARTHWORK (TEMP OFFICE LOCATION)	CY	4000
3	HMA BASE COURSE, 4" THICK (TEMP OFFICE LOCATION)	SY	1700
4	HMA SURFACE COURSE 1 1/2" THICK	SY	3700
5	GRANITE BLOCK CURB	LF	677
6	CONCRETE SIDEWALK 4" THICK	SF	272
7	KEYSTONE RETAINING WALL	LF	360
8	DECIDUOUS TREES	EACH	10
9	ORNAMENTAL TREES	EACH	1
10	DECIDUOUS SHRUBS	EACH	44
11	EVERGREEN SHRUBS	EACH	81
12	PERENNIALS, GRASSES AND VINES	EACH	20
13	RETENTION BASIN DESILTING	LS	1

Resolution

WHEREAS, the Township of West Orange (“Township”) advertised for the receipt of bids for one (16 + 2) Wheelchair Position or 20 Seat Passenger RV/Van Cutaway Chassis and three to four 25 Passenger RV/VANs Cutaway Chassis; and

WHEREAS, three bids were received on September 19, 2013 by Alliance Bus, Rohrer Enterprises, Inc. D/B/A/Rohrer Bus Sales and Wolfington Body Company, Inc.; and

WHEREAS, the bids were reviewed by the Purchasing Agent for document compliance and found all compliant, the review by the Director of Public Works and Superintendent of Public Works found both Alliance Bus and Rohrer Bus Sales as non compliant; and

WHEREAS, both Alliance Bus and Rohrer Bus Sales were both not responsive to the Township’s specifications with many exceptions including not meeting the delivery date, step height, and aisle width requirements; and

WHEREAS, the Wolfington Body Company submitted the most responsive and responsible bid with no exceptions for the following vehicles:

Three - (25) passenger buses	@ \$59,252.00	=	\$177,756.00
One - (20) passenger bus with two wheelchair positions	@ \$62,918.00	=	<u>\$ 62,918.00</u>
Total Purchase:			\$237,008.00

WHEREAS, the Director and Superintendent of Public Works recommends awarding the contract to Wolfington Body Company Inc., 1315 Route 38, Mount Holly, New Jersey 08060; and

WHEREAS, the Township Council concurs in the foregoing.

NOW THEREFORE BE IT RESOLVED by the Township Council of the Township of West Orange that an award of contract be made to Wolfington Body Company, Inc. in accordance with their proposal dated September 19, 2013.

BE IT FURTHER RESOLVED, that the Purchasing Agent is hereby authorized to arrange to pay for the foregoing in accordance with the terms of said Purchase Order on behalf of the Township of West Orange with funds certified available by the Chief Financial Officer.

Karen J. Carnevale, Municipal Clerk

Susan McCartney, Council President

Adopted: October 1, 2013

I hereby certify funds are available from: 03-2366-12-0080-010

John Gross, Chief Financial Officer

SUMMARY OF BIDS

ONE TWENTY OR 16+2 WHEELCHAIR POSITIONS PASSENGER RV/VAN CUTAWAY CHASSIS AND THREE OR FOUR TWENTY FIVE PASSENGER RV/VAN CUTAWAY CHASSIS

1. Alliance Bus Group
51 Kero Drive
Carlstadt, New Jersey 07072

Twenty or 16+2 Wheelchair Passenger Bus \$58,170.00 ea
Twenty five Passenger Bus \$54,530.00 ea
For three or four

2. Rohrer Enterprises, Inc.
DBA Rohrer Bus Sales
1515 State Road
P.O. Box 100
Duncanon, PA 17020

Twenty or 16+2 Wheelchair Passenger \$64,387.00 ea
Twenty Five Passenger Bus \$58,617.00 ea
For three or four

3. Wolfington Body Company
1315 Route 38
P.O. Box 160
Mt. Holly, New Jersey 08060

Twenty or 16+2 Wheelchair Passenger Bus \$62,918.00 ea
Twenty Five Passenger Bus \$59,252.00 ea
For three or four

Both Alliance Bus Group and Rohrer Bus Sales took exceptions to the bid specifications and were determined to be non-compliant.

RESOLUTION

WHEREAS, the Township of West Orange is a Defendant in an action entitled O'Donnell McCord, P.C. v. Township of West Orange in the Superior Court of New Jersey, Essex County, Docket Number ESX-L-3102-13 (the "Litigation"); and

WHEREAS, in the Litigation, O'Donnell McCord, P.C. ("Plaintiff") asserts claims against the Township totaling \$29,936 for outstanding bills for legal services Plaintiff performed for the Township as special tax counsel, and the Township asserts various counterclaims; and

WHEREAS, the Litigation was referred to mandatory mediation by the Superior Court of New Jersey in an attempt to resolve the dispute and contain litigation costs; and

WHEREAS, a mediation session was conducted on September 26, 2013 wherein a settlement was negotiated (the "Settlement") whereby, subject to Township Council approval, (1) the Township will pay Plaintiff \$20,000 no later than October 31, 2013; (2) Plaintiff will completely release and forever discharge any and all claims and rights Plaintiff may have against the Township relating to this Litigation or any other dispute, including those not yet asserted; and (3) the Township will completely release and forever discharge any and all claims and rights against Plaintiff as they relate to this Litigation; and

WHEREAS, the Township's Law Department recommends that the Township of West Orange enter into the Settlement to fully and finally resolve all claims at issue in the Litigation;

NOW, THEREFORE BE IT HEREBY RESOLVED, by the Township Council of the Township of West Orange that the Township Council hereby authorizes the settlement of the Litigation on the terms set forth in the annexed Settlement Agreement, that the Mayor be and hereby is authorized to execute any and all documents necessary to effectuate the settlement, and the Township Clerk shall be authorized to attest to his signature.

Karen J. Carnevale
Township Clerk

Susan McCartney
Council President

Adopted: October 1, 2013

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

JOHN O. GROSS, CFO

RESOLUTION

WHEREAS, the Township of West Orange and the City of Orange Township have been involved in litigation with respect to the tax status of the Orange Reservoir property, Block 162, Lot 2, located on Cherry Lane within the Township of West Orange; and

WHEREAS, there are tax appeals pending for the years 2004, 2005, 2007, 2008, 2010, 2011, 2012, and 2013. In each of these appeals, the City of Orange claims the property is exempt from taxation and contests the amount of the assessment levied on the property by the Township of West Orange; and

WHEREAS, the Township of West Orange has contested the City of Orange's claim to an exemption and its challenge to the assessment for the property; and

WHEREAS, on January 19, 2005, the Township of West Orange sold a tax lien to CYFA Corporation for the amount of the 2004 taxes; and

WHEREAS, CYFA Corporation in the years 2005, 2006, 2007, and 2008 made subsequent tax payments; and

WHEREAS, the Township of West Orange purchased the tax sale certificates for the years 2009, 2010, and 2011; and

WHEREAS, CYFA Corporation and the Township of West Orange have filed foreclosure actions to foreclose on the their property tax liens; and

WHEREAS, the Township of West Orange, the City of Orange Township and CYFA Corporation desire to resolve all of the pending tax court matters as well as the two pending foreclosure actions; and

WHEREAS, counsel and the tax assessor have recommended at the October 1, 2013 meeting terms under which these matters can be settled,

NOW, THEREFORE, BE IT, AND HEREBY IT IS, RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST ORANGE, that the Mayor and/or tax assessor and counsel be authorized to execute, and the Municipal Clerk to attest to their signatures, if required, on all documents necessary to effectuate the settlement on the terms and conditions approved by the council at its meeting on October 1, 2013,

BE IT FURTHER RESOLVED, that the 2013 Township of West Orange Temporary Emergency Resolution to Fund Tax Appeals be increased by \$400,000.00.

Susan McCartney, Council President

Karen Carnevale, Municipal Clerk

Adopted: October 1, 2013

SETTLEMENT AGREEMENT AND RELEASE

SETTLEMENT AGREEMENT AND RELEASE (“Agreement”) by and between the Township of West Orange, the City of Orange Township and CYFA Corporation.

WHEREAS, the Township of West Orange and the City of Orange Township have been involved in litigation with respect to the tax status of the Orange Reservoir property, Block 162, Lot 2, located on Cherry Lane within the Township of West Orange; and

WHEREAS, there are tax appeals pending for the years 2004, 2005, 2007, 2008, 2010, 2011, 2012, and 2013. In each of these appeals, the City of Orange Township claims the property is exempt from taxation and contests the amount of the assessment levied on the property by the Township of West Orange; and

WHEREAS, the Township of West Orange has contested the City of Orange Township’s claim to an exemption and its challenge to the assessment for the property; and

WHEREAS, on January 19, 2005, the Township of West Orange sold a tax lien certificate to CYFA Corporation for the amount of the 2004 taxes (\$13,508.56); and

WHEREAS, CYFA Corporation in the years 2005, 2006, 2007, and 2008 made subsequent tax payments totaling \$224,614.21; and

WHEREAS, the Township of West Orange purchased the tax sale certificates for the years 2009, 2010, and 2011; and

WHEREAS, CYFA Corporation and the Township of West Orange have filed foreclosure actions to foreclose on the their property tax liens; and

WHEREAS, the Township of West Orange, the City of Orange Township and CYFA Corporation desire to resolve all of the pending tax court matters as well as the two pending foreclosure actions;

NOW, THEREFORE, the Township of West Orange, the City of Orange Township and CYFA Corporation hereby agree as follows:

1. The Township of West Orange and the City of Orange Township shall enter into Stipulations of Settlement for all of the pending Tax Appeals which will provide that Block 162 Lot 2 shall be Tax Exempt with an assessed value going forward of \$700,000.00.
2. The tax exemption shall continue for as long as the City of Orange Township shall continue to use the property for a public purpose.
3. Any property leased by the City of Orange Township to a third party shall be subject to being taxed if the property is not being used by a public entity for a public purpose.
4. The Township of West Orange shall redeem the Tax Sale Certificate held by CYFA Corporation for the Sum of \$378,292.00 on or before October 17, 2013.

5. The City of Orange Township shall pay to the Township of West Orange the Sum of \$100,000.00 on or before October 17, 2013.
6. CYFA Corporation and the Township of West Orange will dismiss with prejudice their foreclosure actions pending in the Superior Court.
7. CYFA Corporation shall return the Tax Sale Certificate to the Township of West Orange.
8. The Township of West Orange, The City of Orange Township and CYFA Corporation release and waive any other claims as to each other arising out of the Orange Reservoir property Block 162 Lot 2 and the pending Tax Court Matters and pending foreclosure matters.

TOWNSHIP OF WEST ORANGE

By: _____
Robert D. Parisi, Mayor

CITY OF ORANGE TOWNSHIP

By: _____
Dwayne D. Warren, Mayor

CYFA CORPORATION

By: _____

**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</i>	<i>North</i>	<i>15 min.</i>	<i>8:00 a.m.</i>	<i>Monday</i>
<i>the</i>			<i>to</i>	<i>thru</i>
<i>curbline of</i>			<i>4:00 p.m.</i>	<i>Friday</i>
<i>Valley</i>				<i>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**

**AN ORDINANCE CREATING CHAPTER 14, SECTION 19 OF THE REVISED
GENERAL ORDINANCES OF WEST ORANGE, ENTITLED
“OWNER RESPONSIBILITY FOR RENTAL PROPERTIES”**

BE IT ORDAINED, by the Township Council of the Township of West Orange (“Township”), in the County of Essex and the State of New Jersey, that there should be created a Chapter 14, Section 19 of the Revised General Ordinances of the Township, which shall provide as follows:

14-19 OWNER RESPONSIBILITY FOR RENTAL PROPERTIES

14-19.1 Purpose

The purpose of this Section is to enable the Township to take effective action to ensure that disorderly conduct, when it occurs on rental properties within the Township, shall not be repeated, and that landlords be held to sufficient standards of responsibility in order to preserve peace health, and safety within the Township.

14-19.2 Definitions

As used in this section:

Hearing Officer shall mean a licensed attorney designated pursuant to Subsection 14-19.5 of this Section to hear and determine proceedings under Subsection 14-19.6 of this Section.

Landlord shall mean the person or persons who own or purport to own a building in which there is rented or offered-for-rent housing space for living or dwelling under either a written or oral lease which building contains no more than four dwelling units.

Public Official shall mean a person designated to institute proceedings on behalf of the Township to require any landlord to post a bond with the Township pursuant to this Section.

Substantiated complaint shall mean a complaint which may form the basis for proceedings in accordance with Subsection 14-19.6 of this Section.

14-19.3 Complaints

If, in any twenty-four-month period, two or more complaints, on separate occasions, of conduct upon or in proximity to any rental premises, and attributable to the acts or incitements of any of the tenants of those premises, have been substantiated by prosecution and conviction in any court of competent jurisdiction as a violation of any provision of Title 2C of the New Jersey Statutes or any provision of the Revised General Ordinances of the Township governing disorderly conduct, the Public Official may institute proceedings to require the landlord of those premises to post a bond against the consequences of future incidents of the same character.

14-19.4 Notice Requirements

- a. In the event a tenant is convicted of any of the conduct described in Subsection 14-19.3a, the Public Official shall cause notice, advising that the conduct specified has occurred, to

be served on the landlord, in person or by registered mail, at the address appearing on the tax records of the Township.

- b. The Public Official shall cause to be served upon the landlord, in person or by registered mail to the address appearing on the tax records of the Township, notice advising of the institution of proceedings under this Section, together with the particulars of the substantiated complaints upon which those proceedings are based, and of the time and place at which a hearing will be held in the matter, which shall be in the municipal building, municipal court or other public place within the Township, and which shall be no sooner than 30 days from the date upon which the notice is served or mailed.

14-19.5 Designation of Hearing Officer

The Hearing Officer shall be a licensed attorney appointed by the Mayor. A Hearing Officer shall not own or lease any real property within the Township, nor hold any interest in the assets of or profits arising from the ownership or lease of such property.

14-19.6 Hearing

At the hearing convened pursuant to this Section, the Hearing Officer shall give full hearing to both the complaint of the Township and to any evidence in contradiction or mitigation that the landlord, if present or represented and offering such evidence, may present. The Hearing Officer may consider, to the extent deemed relevant by the Hearing Officer, prior complaints about the residents of the property, even if those complaints did not result in conviction. At the conclusion of the hearing, the Hearing Officer shall determine whether the landlord shall be required to post a bond in accordance with the terms of Subsection 14-19.6 of this Section.

14-19.7 Bond

- a. Any bond required to be posted pursuant to this Section shall be in accordance with the judgment of the Hearing Officer, in light of the nature and extent of the offenses indicated in the substantiated complaints upon which the proceedings are based, to be adequate in the case of subsequent offenses to make reparation for (1) damages likely to be caused to public or private property and damages consequent upon disruption of affected residents' rights of fair use and quiet possession of their premises, (2) securing the payment of fines and penalties likely to be levied for such offenses, and (3) compensating the Township for the costs of repressing and prosecuting such incidents of disorderly behavior; but no such bond shall be in an amount less than \$500 or more than \$5,000. The Township may enforce the bond thus required by action in the Superior Court of New Jersey and shall be entitled to an injunction prohibiting the landlord from making or renewing any lease of the affected premises for residential purposes until that bond or equivalent security, in satisfactory form and amount, has been deposited with the Township.
- b. A bond or other security deposited in compliance with Subsection 14-19.6a of this Section shall remain in force and on deposit with the Township for a period of four (4) years. Upon expiration of the four-year period, the landlord shall be entitled to the discharge thereof, unless prior thereto further proceedings leading to a forfeiture of the bond or other security shall have occurred, in which case the security shall be renewed, in an amount

and for a period that shall be specified by the Hearing Officer.

14-19.8 Forfeiture or Increase of Bond

- a. If, during the period for which a landlord is required to give security pursuant to Subsection 14-19.7 of this Section, a substantiated complaint is recorded against the property in question, the Public Official may institute proceedings against the landlord for the forfeiture or partial forfeiture of the security, for an extension as provided in Subsection 14-19.7b of this Section, or for an increase in the amount of security required, or for any or all of those purposes.
- b. Any forfeiture or partial forfeiture of security shall be determined by the Hearing Officer solely in accordance with the amount deemed necessary to provide for the compensatory purposes set forth in Subsection 14-19.7a of this Section. Any decision of the Hearing Officer to increase the amount or extend the period of the required security shall be determined in light of the same factors set forth in Subsection 14-19.7a of this Section, and shall be taken only to the extent that the nature of the substantiated complaint or complaints out of which the proceedings arise indicate the appropriateness of such change in order to carry out the purposes of this Section effectually. The decision of the Hearing Officer in such circumstances shall be enforceable in the same manner as provided in Subsection 14-19.7a of this Section.
- c. A landlord may recover from a tenant any amounts of security actually forfeited as described in Subsection 14-19.7 of this Section.

Susan McCartney , Council President

Robert D. Parisi , Mayor

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

Karen J. Carnevale, Municipal Clerk

Introduced : October 1 , 2013

Adopted: October 29, 2013

LEGISLATIVE HISTORY

Authority for this proposed legislation is derived from N.J.S.A. 40:48-2.12n through N.J.S.A. 40:48-2.12r (the “Authorizing Statute”), which was enacted in response to the State Legislature’s concerns regarding “disturbances, damages and public expense resulting from carelessly granted and inadequately supervised rentals to irresponsible tenants by inept or indifferent landlords.” N.J.S.A. 40:48-2.12n(a). The Authorizing Statute was amended in 2009 such that it is now applicable to “any municipality” in the State. N.J.S.A. 40:48-2.12p(a).

The proposed legislation, which is modeled closely upon the Authorizing Statute as well as similar ordinances adopted in various municipalities, serves several important functions. First and foremost, in circumstances in which any particular rental property within the Township gives rise to repeated disorderly incidents, the proposed legislation will shift the cost of repressing and prosecuting such incidents from the Township to the owner of the offending rental property. Moreover, by requiring landlords to post bonds to cover such enforcement costs in appropriate circumstances, the proposed legislation will incentivize landlords within the Township to take affirmative measures to ensure that the tenants residing in their rental properties are not interfering with the peace, health, and safety of the Township. Finally, by providing for a neutral and uninterested Hearing Officer to adjudicate the proceedings authorized by this proposed legislation, and by ensuring that any security posted by a landlord shall be returned in the event that there are no further problems arising from the landlord’s rental property, the proposed legislation creates a system that is both fair and remedial.

AN ORDINANCE AMENDING AND REPLACING CHAPTER II, SECTION 2-47.1, ET SEQ., OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF WEST ORANGE ENTITLED “ENVIRONMENTAL COMMISSION”.

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 2-47, of the Revised General Ordinances of the Township of West Orange, entitled “Environmental Commission”, shall be amended and replaced to repeal the Ordinances previously enacted with respect to the Environmental Commission, which has been defunct for many years, and to replace them with this Ordinance, reestablishing the Environmental Commission and providing for its membership and operation as set forth herein.

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

CHAPTER II, 2-47 ENVIRONMENTAL COMMISSION

2-47.1 ESTABLISHMENT OF COMMISSION.

An Environmental Commission is hereby established in the Township of West Orange pursuant to N.J.S.A. 40:56A-1 to 40:56A-12, and as the same may be amended, the mission of which shall be the protection, development or use of natural resources, including water resources, located within territorial limits of West Orange.

2-47.2 MEMBERSHIP

The Commission shall consist of seven (7) members appointed by the Mayor, one of whom shall also be a member of the Planning Board and all of whom shall be residents of West Orange; the members shall serve without compensation. The Mayor shall designate one of the members to serve as Chairman and presiding officer of the Commission. The terms of the office of the first commissioners shall be for 1, 2 or 3 years, to be designated by the Mayor in making his appointments and their successors shall be appointed for terms of 3 years and until the appointment and qualification of their successors. The first members of the Commission shall be appointed for the following terms:

2 members for the 1-year term expiring December 31, 2014,
2 members for the 2-year term expiring December 31, 2015,
3 members for the 3-year term expiring December 31, 2016.

The Mayor or Township Council may remove any member of the Commission for cause, on written charges served upon the member and after the hearing thereon at which the member shall be entitled to be heard in person or by counsel. A vacancy on the Commission occurring otherwise than expiration of a term shall be filled for the unexpired term in the same manner as an original appointment.

2-47.3 POWERS AND DUTIES

The Environmental Commission :

- a. Shall have the power to conduct research into the possible use of municipal open land areas within the Township.
- b. Shall conduct research and analyze green initiatives that make environmental and financial sense to the Township.
- c. Shall serve as the West Orange Green Team and support the municipality's efforts to work in accordance with the Township's Sustainable Element in the Master Plan.
- d. Shall collaborate with Township employees, service providers, other governmental agencies and the West Orange Board of Education: Administration, Facilities Director and Student Green Teams, to share resource information and ideas consistent with the Commission's mission to protect and or develop natural resources.

- e. Shall inform, educate and encourage participation with Township employees, residents and local businesses the solicitation of ideas on efficient green initiatives.
- f. May prepare, advertise, print, and distribute books, maps, charts, plans and pamphlets for the promotion of environmental goals and educational purposes.
- g. Shall work with the Open Space Index of all natural resource areas, publicly or privately owned, including open marshland, swamps and other wetlands, in order to obtain information on the proper use of such areas and may recommend to the Planning Board plans and programs for inclusion in the Master Plan for the preservation or development and use of such areas.
- h. Shall prepare a report of suggested best management practices to create and promote a 'greener' municipality.

2-47.4 MEETINGS

Environmental Commission meetings shall be open to all West Orange residents and interested parties and shall comply with all requirements under the Open Public Meetings Act whether or not required by law.

2-47.5 MINUTES AND REPORTS

The Environmental Commission shall maintain minutes of its regular meetings, keep records of its activities and make an annual report to the governing body.

2-47.6 STUDIES AND RECOMMENDATIONS

The Environmental Commission shall have the power, subject to the Municipal Land Use Law and any other Statutes which may apply, to make recommendations to the Planning Board, Open Space Commission or the Township Council concerning open space preservation, water resource management, air pollution control, solid waste management, noise control, soil and landscape protection, environmental appearance, marine resources and protection of flora and fauna within the Township

Section 2. 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 3. 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 4. This Ordinance shall take effect upon final passage and publication as required by law.

Susan McCartney, Council President

Karen J. Carnevale, Municipal Clerk

Robert D. Parisi, Mayor

Introduction: October 1, 2013

Adopted: October 29, 2013

LEGISLATIVE HISTORY

The Township previously had an Environmental Commission, but it has been defunct for many years, the positions of Commissioners having gone unfilled. The governing body, through this ordinance, is seeking to reinstate and re-energize the Environmental Commission, re-stating the provisions of the Administrative Code, adding to and omitting some of the powers and duties of the Commission, but intending to be consistent with the enabling statute, N.J.S.A. 40:56A-1, et seq..

AN ORDINANCE AMENDING AN ORDINANCE CREATING A RECLASSIFICATION AND SALARY SCHEDULE OF CERTAIN TOWNSHIP OF WEST ORANGE EMPLOYEES SETTING FORTH THEIR TITLES, CLASSIFICATION AND SALARY RANGES AND ADOPTING A SALARY GUIDE AND ESTABLISHING THE EMPLOYEE'S STATUS AS A TOWNSHIP EMPLOYEE AND UNDER THE GUIDELINES OF THE NEW JERSEY DEPARTMENT OF CIVIL SERVICE.

BE IT ORDAINED by the Township Council of the Township of West Orange as follows:

SECTION 1. That: an ordinance amending an ordinance adopting and creating the reclassification and salary schedules of certain Township of West Orange Municipal employees, setting a salary guide and establishing the employee's status as a Township employee and under the guidelines of the New Jersey Department of Civil Service as filed in the office of the Municipal Clerk for the following positions:

TITLE	Minimum	Maximum	Maximum	Maximum	Maximum
		1/1/2010	1/1/2011	1/1/2012	1/1/2013
Business Administrator	30,000	149,898	149,898	152,896	155,954
Chief Financial Officer	60,000	118,112	135,000	137,600	140,352
Construction Official	22,000	98,345	98,345	100,312	102,318
Director of Recreation	34,000	115,361	115,361	117,668	120,022
Fire Chief	66,923	142,610	142,610	145,462	148,371
Health Officer	38,000	110,000	110,000	112,200	114,444
Municipal Clerk	67,500	112,152	112,152	119,041	121,422
Municipal Court Administrator	40,000	99,070	99,070	101,051	103,072
Municipal Engineer/Director of Public Works	40,000	143,514	143,514	146,384	149,312
Municipal Department Head	36,000	112,418	112,418	114,666	116,960
Police Chief	84,651	154,336	154,336	157,423	160,571
Purchasing Agent	22,000	90,589	90,589	92,401	94,249
Tax Assessor	22,000	97,414	97,414	99,362	101,350
Tax Collector	24,000	110,746	90,000	91,360	93,187

SECTION 2. This ordinance and the titles and salary ranges herein provided shall become effective January 1, 2010, January 1, 2012, and January 1, 2013.

SECTION 3. All ordinances and parts of ordinances heretofore enacted which are inconsistent with any provision of this ordinance are, to the extent of such inconsistency, hereby repealed.

SECTION 4. This ordinance shall take effect upon final passage and publication in accordance with the laws of the state of New Jersey.

ROBERT D. PARISI, MAYOR

Karen J. Carnevale, Municipal Clerk

SUSAN MCCARTNEY, COUNCIL PRESIDENT

Introduced: October 1, 2013

Adopted: October 29, 2013

2390-13

LEGISLATIVE HISTORY

Range and title changes per 2012 Municipal Budget

Increase 0% - 2010
Increase 0% - 2011
Increase 2% - 2012
Increase 2% - 2013