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5. Ordinance(S) On First Reading

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Documents: [2427-14 HANDICAPPED ORDINANCE LONGVIEW STREET AND ASHLAND AVEUE.PDF](#)

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COUNCIL COMMITTEE CONFERENCE MEETING

AGENDA

Council Chambers - 66 Main Street, West Orange, NJ

September 9, 2014

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 22, 2013. 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 22, 2013.

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

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6:30 P.M

- a. **Introduction**-Jeff Rutzky-West Orange Superintendent of Schools
- b. **Update**-Public Information Officer-Jessica Glicker
- c. **Council Liaison Announcements**

7:00 P.M.

- **Public Meeting**

AGENDA-Amended
September 9, 2014
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 22, 2013. 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 22, 2013.

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**
- 2. Roll Call – Councilman Cirilo, Councilman Guarino, Councilman Krakoviak, Councilwoman Spango, Council President McCartney (Mayor Parisi)**
- 3. Public Comment**
- 4. *Consent Agenda**
- 5. *Approval of Minutes of Previous Meeting – Public Meeting August 12, 2014**
- 6. *Report of Township Officers-None**
- 7. *Reading of Petitions and Communications and Bids-None**
- 8. *Bills**
- 9. *Resolutions**
 - a. 160-14 Resolution Authorizing Raffle Licenses
 - b. 161-14 Resolution Authorizing a Refund to Nordan Realty Corp. d/b/a The Reserve at BelAir, 820 Morris Turnpike, Suite 301, Short Hills, NJ for Overpayment of Taxes in the Amount of \$8,095.59 and Approving Cancellation of the Remainder of Real Estate Taxes on the Property for 2013
 - c. 162-14 Resolution Authorizing the Settlement and Release of Mortgage with Bayview Loan Servicing, LLC for the Amount of \$6,000. in Exchange for Satisfaction of the West Orange Housing Rehabilitation Program Mortgage for the Property at 71 Lowell Avenue, Block 44.03, Lot 18
 - d. 163-14 Resolution Authorizing Fees and Rates for the West Orange Recreation Department for the 2015 Season
 - e. 164-14 Resolution Authorizing the Collector of Taxes to Rebate Payment to the Listed Taxpayer Pursuant to Final Judgment by the Tax Court of New Jersey to the Listed Taxpayers (attachment)
 - f. 165-14 Resolution Authorizing an Amendment to the Agreement Between the Life Christian Church, LLC and the Township of West Orange to Extend the Time Frame Consistent with the Terms of Amendment No. 1 as Set Forth in Attachment B

- g. 166-14 Resolution Authorizing the Owner of the Property at 34 Stanford Avenue to Remove the Section of the Sidewalk in Front of Said Property
- h. 167-14 Resolution Directing Application Be Made to the Local Finance Board Pursuant to NJSA 58:11B-9(a), 40A:2-26(e), 40A:2-7(d) and 40A:2-11(c)
- i. 168-14 Resolution Authorizing Change Order No. 6 with Conquest Industries, Inc., 32 Woodland Avenue, Westwood, NJ for Downtown West Orange Streetscape and Traffic Improvements in the Amount of \$10,884.80
- j. 169-14 Resolution to Authorize an Award of Contract to Eastern Communications Ltd., 48-14 36th Street, Long Island City, NY, 11101 for Installation of a Digital Microwave Communication System in the Amount of \$62,534.83
The purpose of this equipment is to provide emergency personnel a separate radio bandwidth to communicate.
- k. 170-14 Resolution Amending Resolution 18-14 Emergency Temporary Appropriation Resolution for the Purpose of Funding Eminent Tax Appeals NJS 40A:4-20
- l. 171-14 Resolution Authorizing an Award of Contract for Historic Architectural Services to Hunter Research Group, 120 West State Street, Trenton, NJ 08608 to Conduct a Study of the Historic Preservation Sites in Accordance with the Certified Local Grant Funds Awarded to the Township
The Township of West Orange “Township” had applied for a Certified Local Grant “CLG” and was approved to receive the amount of \$24,500.00. These funds afford the Township the opportunity to participate more directly in State and Federal Historic Preservation Programs
- m. 172-14 Resolution Declaring West Orange a Stigma Free Town Eliminating Any Stigma Associated with Mental Health Illness and Will Promote Public Awareness of Mental Health Issues and the Removal of any Barriers to Recovery, and Work to Overcome Stigma, Stereotyping and Discrimination.
- n. 173-14 Resolution to Authorize the Sale of Abandoned Vehicles
- o. 174-14 Resolution to Accept NW Financial Group, LLC Request for Qualifications for Financial Advisory Services
- p. 175-14 Resolution Authorizing Change Order No. 2 for Llewellyn Park Roadway and Sanitary Sewer Improvements between Sanitary Construction Company, 415 Franklin Avenue, Rockaway, New Jersey 07866 and the Township of West Orange which authorizes additional funding in the amount of \$545,000 to complete all improvements as originally specified in the bid documents and plans which brings the total amount authorized through Change Order No. 2 for this project to \$4,377,260 or a 25.64 percent increase from the original contract amount is approved.
- q. 176-14 Resolution Authorizing the Township of West Orange to Place a Lien in the Amount of \$20,260.44 Against 293 St. Cloud Avenue, West Orange, NJ (Block 168, Lot 15.03) for Expenses and Fees Incurred by the Township

10. Ordinances on Second and Final Reading

- a. 2417-14 An Ordinance Requiring the Installation of a Key Lock Box Emergency Access System for Use by the West Orange Fire Department During an Emergency or Any Other Action Deemed Necessary by the W. O. Fire Department and Adding Section 4 to Chapter 18 of the Municipal Code of the Township of West Orange

- b. 2418-14 An Ordinance Requiring the Installation of a Fire Department Connection Indicator Light for Use by the West Orange Fire Department and Adding Section 5 to Chapter 18 of the Municipal Code of the Township of West Orange
- c. 2419-14 An Ordinance Amending Chapter 4, Subsection 35.2 of the Revised General Ordinances of the Township of West Orange-Restrictions-Feeding Wildlife
- d. 2420-14 An Ordinance Amending and Supplementing Chapter 7, Traffic, Subsection 7-23.1, Turn Prohibitions of the Revised General Ordinances of the Township of West Orange – Oak Ridge Road and Hazel Avenue
- e. 2421-14 An Ordinance Amending and Supplementing Chapter 7, Traffic Subsection 7-12, Parking Prohibited for Street Cleaning and Maintenance, Subsection 7-13, Parking Prohibited at all Times on Certain Streets, Subsection 7-14.7, Alternate Side Parking, of the Revised General Ordinances of the Township of West Orange-Cary Street
- f. 2422-14 An Ordinance Amending and Supplementing Chapter 7, Traffic Subsection 7-12, Parking Prohibited for Street Cleaning and Maintenance, Subsection 7-13, Parking Prohibited at all Times on Certain Streets and Subsection 7-14.1c Night Parking Restrictions on Certain Streets of the Revised General Ordinances of the Township of West Orange – Rollinson Street

11. Ordinances on First Reading

- a. 2423-14 An Ordinance Amending Chapter 13, Section 4.1(a)(1) to Update the Township's Construction Permit Fee Ordinance
- b. 2424-14 An Ordinance Amending Chapter 25, Section 9.12 of the Revised General Ordinances of the Township of West Orange (Hours of Operation for Business Operating in Residential Zones in the Township of West Orange)
- c. 2425-14 Bond Ordinance Authorizing Various Improvements in Connection with the Capital Assessment in Respect of the Joint Meeting of Essex and Union Counties in and For the Township of West Orange, In the County of Essex, NJ, Appropriating \$1,300,00 Therefor and Authorizing the Issuance of \$1,300,000 Bonds or Notes to Finance Part of the Cost Thereof
- d. 2426-14 An Ordinance Amending and Supplementing Chapter 2, Section 17 of the Revised General Ordinances of the Township of West Orange, Entitled "Department of Recreation and Cultural Affairs"
- e. 2427-14 An Ordinance Amending and Supplementing Chapter 7, Traffic, Subsection 7-32.1, Handicapped Parking on Streets of the Revised General Ordinances of the Township of West Orange-Longview Street-West, Ashland Avenue-East and West
- f. 2428-14 An Ordinance Amending and Supplementing Chapter 7, Traffic, Subsection 7-23.1, Turn Prohibitions of the Revised General Ordinances of the Township of West Orange-Northfield Ave. and Glen View Drive

12. ABC Hearing

- a. 529-14 Renewal Resolution for the 2014-2015 License Term.

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

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>
Junior Devils, Inc. d/b/a NJ Devils Youth Hockey Club Tricky Tray	11.14.14	750 Eagle Rock Ave.	7111
Junior Devils, Inc. d/b/a NJ Devils Youth Hockey Club Off Premise 50/50	11.14.14	750 Eagle Rock Ave.	7112
The Garden Club of Montclair On Premise Merchandise	10.7.14	111 Prospect Ave.	7114
Hazel Elementary School On Premise Merchandise	9.20.14	45 Hazel Avenue	7115
ALISA/W.O./Essex County Chapter of AMIT Children, Inc.	11.16.14	700 Pleasant Valley Way	7116

Susan McCartney
Council President

Karen J. Carnevale
Municipal Clerk

Adopted: September 9, 2014

RESOLUTION

WHEREAS, there is certain real property located at Block 167.03, Lot 17 in the Township of West Orange (the "Township"), also known as 50 Haggerty Drive ("Property"); and

WHEREAS, by Deed dated June 12, 2013, recorded July 8, 2013, the Nordan Realty Corp., d/b/a The Reserve at Bel Air, 820 Morris Turnpike, Suite 301, Short Hills, New Jersey 07078 ("Nordan") conveyed the Property to the Township; and

WHEREAS, the Township desires to cancel the real estate taxes on the Property for the third and fourth quarters of 2013, totaling \$4,104.68, representing the taxes due after the Property was transferred to the Township; and

WHEREAS, despite having conveyed the Property to the Township, Nordan paid taxes on the Property for the third quarter of 2013 through the second quarter of 2014 in the amount of \$8,095.59 to date; and

WHEREAS, the Township's Tax Collector has stated that the \$8,095.59 in overpaid taxes should be refunded to Nordan;

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

1. The Township's Tax Collector and Chief Financial Officer be and hereby are authorized to issue a refund to Nordan for their overpayment of real estate taxes in the amount of \$8,095.59; and
2. That the remainder of the real estate taxes due on the Property for 2013 are hereby canceled of record.

Susan McCartney
Council President

Karen J. Carnevale
Municipal Clerk

Adopted: September 9, 2014

RESOLUTION

WHEREAS, the Township of West Orange Housing Rehabilitation Program has a mortgage against certain real property at 71 Lowell Avenue, Block 44.03, Lot 18 (the "Property"), in the amount of Fifteen Thousand Dollars (\$15,000.00), which was dated September 27, 2007 and recorded in the Essex County Register's Office on December 19, 2007 in Book 12107, Page 4795 (the "WOHRP Mortgage"); and

WHEREAS, the Property was previously owned by Arthur G. Carlock (the "Owner") who also agreed to the mortgage with the Township of West Orange (the "Township") through the Housing Rehabilitation Program; and

WHEREAS, the Owner died on May 7, 2012; and

WHEREAS, on or about May 28, 2013, the first position lien-holder on the Property, Bayview Loan Servicing, LLC ("Bayview") commenced a foreclosure proceeding asserting that \$572,540.42 is owed on the First Mortgage; and

WHEREAS, the administrator of the Owner's estate has advised that the Property has an appraised value of \$215,000; and

WHEREAS, the first position lien-holder on the Bayview has provided a settlement offer of \$6,000 in exchange for satisfaction of the WOHRP Mortgage pursuant to the Settlement and Release of Mortgage annexed hereto as Exhibit "A;" and

NOW THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST ORANGE, that the Mayor be and hereby is authorized to execute a Settlement and Release of Mortgage with Bayview for the amount of \$6,000 in exchange for satisfaction of the WOHRP Mortgage on 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 Settlement and Release of Mortgage.

Susan McCartney
Council President

Karen J. Carnevale
Municipal Clerk

Adopted: September 9, 2014

Exhibit “A”

**SETTLEMENT AND RELEASE OF MORTGAGE BY TOWNSHIP OF WEST ORANGE
FOR 71 LOWELL AVENUE, WEST ORANGE, NEW JERSEY**

The Township of West Orange (the "Township") and Bayview Loan Servicing, LLC ("Bayview") hereby stipulate that:

WHEREAS, through the Township's Housing Rehabilitation Program the Township has a mortgage against certain real property at 71 Lowell Avenue in West Orange, New Jersey, Block 44.03, Lot 18 (the "Property"), with the legal description annexed hereto as Exhibit "A," in the amount of Fifteen Thousand Dollars (\$15,000.00), which was dated September 27, 2007 and recorded in the Essex County Register's Office on December 19, 2007 in Book 12107, Page 4795 (the "WOHRP Mortgage") with an additional Two Thousand Dollars (\$2,000) owed for administrative fees; and

WHEREAS, the Property was previously owned by Arthur G. Carlock (the "Owner") who agreed to the mortgage with the Township of West Orange (the "Township") through the Township's Housing Rehabilitation Program; and

WHEREAS, the Owner died on May 7, 2012; and

WHEREAS, Bayview Loan Servicing, LLC ("Bayview") holds the first position lien on the Property; and

WHEREAS, Bayview has commenced a foreclosure proceeding to execute on its first position lien on the Property; and

WHEREAS, Bayview seeks to have the Township WOHRP Mortgage released from the Property; and

WHEREAS, Bayview and the Township have agreed to the terms of this Settlement and Release;

NOW THEREFORE, in consideration of the mutual promises and covenants contained herein, the Township and Bayview hereby agree as follows:

1. No later than August 29, 2014, Bayview shall pay to the Township Six-Thousand Dollars (\$6,000.00) (the "Settlement Payment"), payable to the "Township of West Orange."

2. Upon receipt of the Settlement Payment, the Township of West Orange shall provide to Bayview an executed copy of the Satisfaction of Mortgage, annexed hereto as Exhibit "B."

3. Subject to the Settlement Payment being paid in full, the Township waives any and all further claims on the WOHRP Mortgage, including all claims related to the amounts owed for the funds obtained through the Township's Housing Rehabilitation Program and any and all administrative fees owed as part of the WOHRP Mortgage on the Property.

4. This Stipulation is the result of a negotiated settlement and may not be construed as having been prepared by any one party.

5. Bayview and the Township represent that they have full and complete authority to execute this Settlement and Release on their behalves, each of which shall be deemed an original but such counterparts shall altogether constitute but one and the same Settlement and Release. This Settlement and Release may be executed by facsimile or email signature and such facsimile or email signature shall be deemed an original.

BAYVIEW LOAN SERVICING, LLC

By: 
Sergio Serrano V.P.

DATED: August 14, 2014

4829-9546-1148.

TOWNSHIP OF WEST ORANGE,

By: _____
ROBERT D. PARISI, MAYOR

DATED: September __, 2014

Exhibit “A”

EXHIBIT "A"

Legal Description:

BEGINNING AT A POINT IN THE NORTHWESTERLY LINE OF LOWELL AVENUE DISTANT 150 FEET SOUTHWESTERLY ALONG THE SAME FROM THE NORTHEASTERLY CORNER OF LOT NO. 20 BLOCK 44-C ON MAP OF SECTION ONE, GLENVIEW CORPORATION, WHICH BEGINNING POINT IS DISTANT ALSO 150 FEET, SOUTHWESTERLY FROM THE NORTHERLY LINE OF THE WHOLE TRACT AT ITS POINT OF INTERSECTION WITH THE NORTHWESTERLY LINE OF LOWELL AVENUE; RUNNING THENCE (1) ALONG THE NORTHWESTERLY LINE OF LOWELL AVENUE SOUTH 34 DEGREES 37 MINUTES 10 SECONDS WEST 70 FEET; THENCE (2) NORTH 55 DEGREES 22 MINUTES 50 SECONDS WEST 124.50 FEET; THENCE (3) NORTH 32 DEGREES 10 MINUTES 20 SECONDS EAST 70.06 FEET; THENCE (4) SOUTH 55 DEGREES 22 MINUTES 30 SECONDS EAST 127.49 FEET TO THE NORTHWESTERLY LINE OF LOWELL AVENUE AND THE POINT AND PLACE OF BEGINNINGS.

BEING KNOWN AND DESIGNATED AS LOT NO. 18, BLOCK 44-C ON MAP OF SECTION ONE, GLENVIEW CORPORATION, WHICH MAP WAS FILED JULY 28, 1949 IN THE ESSEX COUNTY REGISTER'S OFFICE, CASE NO. 1676.

BEING THE SAME PREMISES COMMONLY KNOWN AS: 71 LOWELL AVENUE, WEST ORANGE, NEW JERSEY.

THE ABOVE DESCRIPTION BEING IN ACCORDANCE WITH A SURVEY MADE BY WILLIAM HELD ASSOCIATES, INC., LAND SURVEYORS, DATED SEPTEMBER 6, 1995.

BEING THE SAME PROPERTY CONVEYED TO ARTHUR G. CARLOCK AND ELLEN J. CARLOCK, HUSBAND AND WIFE BY DEED FROM ARTHUR G. CARLOCK, INDIVIDUALLY AND AS EXECUTOR OF THE ESTATE OF MADELINE HAGMANN RECORDED 04/19/1996 IN DEED BOOK 5412 PAGE 855, IN THE ESSEX COUNTY, NEW JERSEY, CLERK'S OFFICE.

Exhibit “B”

SATISFACTION OF MORTGAGE
71 LOWELL AVENUE, WEST ORANGE, NEW JERSEY
BLOCK 44.03, LOT 18, WEST ORANGE, NEW JERSEY
(Legal Description annexed hereto as Exhibit "A")

KNOW ALL MEN BY THESE PRESENTS,

That the Township of West Orange (the "Township")

DO HEREBY CERTIFY that the following Mortgage **IS SATISFIED**, and do hereby consent that the same be discharged of record.

Mortgage dated the 27th day of September in the year 2007, made by Arthur G. Carlock to the Township of West Orange

in the principal sum of \$15,000 and recorded on the 19th day of December in the year 2007 in Book 12107, Page 4795 of the Essex County Registry with which mortgage has not been assigned of record.

Dated the _____, day of September in the year 2014.

TOWNSHIP OF WEST ORANGE

ATTEST:

Karen J. Carnevale, Municipal Clerk

Robert D. Parisi, Mayor

EXHIBIT "A"

Legal Description:

BEGINNING AT A POINT IN THE NORTHWESTERLY LINE OF LOWELL AVENUE DISTANT 150 FEET SOUTHWESTERLY ALONG THE SAME FROM THE NORTHEASTERLY CORNER OF LOT NO. 20 BLOCK 44-C ON MAP OF SECTION ONE, GLENVIEW CORPORATION, WHICH BEGINNING POINT IS DISTANT ALSO 150 FEET, SOUTHWESTERLY FROM THE NORTHERLY LINE OF THE WHOLE TRACT AT ITS POINT OF INTERSECTION WITH THE NORTHWESTERLY LINE OF LOWELL AVENUE; RUNNING THENCE (1) ALONG THE NORTHWESTERLY LINE OF LOWELL AVENUE SOUTH 34 DEGREES 37 MINUTES 10 SECONDS WEST 70 FEET; THENCE (2) NORTH 55 DEGREES 22 MINUTES 50 SECONDS WEST 124.50 FEET; THENCE (3) NORTH 32 DEGREES 10 MINUTES 20 SECONDS EAST 70.06 FEET; THENCE (4) SOUTH 55 DEGREES 22 MINUTES 30 SECONDS EAST 127.49 FEET TO THE NORTHWESTERLY LINE OF LOWELL AVENUE AND THE POINT AND PLACE OF BEGINNINGS.

BEING KNOWN AND DESIGNATED AS LOT NO. 18, BLOCK 44-C ON MAP OF SECTION ONE, GLENVIEW CORPORATION, WHICH MAP WAS FILED JULY 28, 1949 IN THE ESSEX COUNTY REGISTER'S OFFICE, CASE NO. 1676.

BEING THE SAME PREMISES COMMONLY KNOWN AS: 71 LOWELL AVENUE, WEST ORANGE, NEW JERSEY.

THE ABOVE DESCRIPTION BEING IN ACCORDANCE WITH A SURVEY MADE BY WILLIAM HELD ASSOCIATES, INC., LAND SURVEYORS, DATED SEPTEMBER 6, 1995.

BEING THE SAME PROPERTY CONVEYED TO ARTHUR G. CARLOCK AND ELLEN J. CARLOCK, HUSBAND AND WIFE BY DEED FROM ARTHUR G. CARLOCK, INDIVIDUALLY AND AS EXECUTOR OF THE ESTATE OF MADELINE HAGMANN RECORDED 04/19/1996 IN DEED BOOK 5412 PAGE 855, IN THE ESSEX COUNTY, NEW JERSEY, CLERK'S OFFICE.

RESOLUTION

WHEREAS, the West Orange Recreation Department desires to establish certain fees and rates for various programs sponsored by the department; and

WHEREAS, the fees and rates that the West Orange Recreation Department wishes to establish for the 2015 season are as follows:

<u>Activity</u>	<u>Fee</u>	<u>Old Fees</u>
Traveling Sports	\$60.00-\$125.00	\$60.00-\$95.00
In House Team Sport	\$45.00-\$65.00	\$45.00
Instructional In House Sports	\$35.00	\$35.00
Sports Clinics		
30 hours or less	\$175.00	\$175.00
15 hours or less	\$70.00	\$70.00
12 hours or less	\$45.00	\$45.00
10 hours or less	\$35.00	\$35.00
Preschool Program	\$55.00	\$55.00
Footsteps Program	\$55.00	\$55.00
Footsteps Camp	\$395.00-\$475.00	N/A
Summer Basketball League		
West Orange Teams	\$275.00-\$500	\$250.00
Visiting Teams	\$375.00-\$650.00	\$350.00
Disabled Program Parties	\$7.00 residents/ \$8.00 non residents	\$6.00 residents/ \$7.00 non residents
Disabled Program Summer Camp	\$100.00	\$85.00
Senior Citizen Golf Tournament	\$90.00-\$110.00 residents \$110.00-\$130.00 non-residents	0.00
Community Garden Plot	\$20.00 residents \$35.00 non-residents	0.00

; and

WHEREAS, West Orange Ordinance 2-17.5(l) provides that “the Recreation Department may charge and collect in advance a reasonable fee for admission to or use the facilities, programs, or activities as specifically authorized by Resolution of Council”;

NOW, THEREFORE BE IT HEREBY RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST ORANGE that the above listed fees and rates be and are hereby approved and adopted for the 2015 season; and

BE IT FURTHER RESOLVED that the West Orange Recreation Department be and hereby is authorized to charge the above rates to residents of the Township of West Orange.

Karen J. Carnevale
Township Clerk

Susan McCartney
Council President

Adopted: September 9, 2014

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

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

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

NOW, THEREFORE BE IT RESOLVED by the West Orange Township Council that the Collector
of Taxes and Treasurer of West Orange, be and they are hereby authorized, empowered and directed to
cause to be paid or applied to the said taxpayers the sums in full and final satisfaction to tax rebates due:

LIST ATTACHED

Karen J. Carnevale
Municipal Clerk

Susan McCartney
Council President

Adopted: September 9, 2014

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

John Gross- Township Chief Financial Officer

TAX COURT JUDGMENT
RESOLUTION # 164-14

TAX YEAR	DATE	BLOCK	LOT	QUAL	OLD VALUE	NEW VALUE	DIFFERENCE	TX RATE	REFUND AMOUNT	TO BE APPLIED
2012	7/31/2014	176.02	1		1129000	1029000.00	100000	0.03544	\$3,544.00	
2013	7/31/2014	176.02	1		1129000	1029000.00	100000	0.03648	\$3,648.00	
2014	8/8/2014	176.02	1		1129000	1029000.00	100000	0.03742		\$3,742.00
2009	7/11/2014	152.02	132		1539200	1100000.00	439200	0.12547	\$55,106.42	
2010	7/11/2014	152.02	132		1539200	1100000.00	439200	0.12983	\$57,021.34	
2011	7/11/2014	152.02	132		4919500	4860000.00	59500	0.03481	\$2,071.20	
2012	7/11/2014	152.02	132		4919500	4500000.00	419500	0.03544	\$14,867.08	
2013	7/11/2014	152.02	132		4919500	4500000.00	419500	0.03648	\$15,303.36	
2014	7/11/2014	152.02	132		4919500	4250000.00	669500	0.03742		\$25,052.69
2013	6/13/2014	109	1.01	C0046	387900	335000.00	52900	0.03648	\$1,929.79	
2014	6/13/2014	109	1.01	C0046	387900	335000.00	52900	0.03742		\$1,979.52
2011	6/13/2014	78.02	1		881900	800000.00	81900	0.03481	\$2,850.94	
2009	7/11/2014	156	1		5818300	5634200.00	184100	0.12547	\$23,099.03	
2010	7/11/2014	156	1		5818300	5132300.00	686000	0.12983	\$89,063.38	
2011	7/11/2014	156	1		21600000	20207200.00	1392800	0.03481	\$48,483.37	
2012	7/11/2014	156	1		19440000	18944600.00	495400	0.03544	\$17,556.98	
2010	7/25/2014	176.03	7		300000	275000	25000	0.12983	\$3,245.75	
2012	7/25/2014	176.03	7		1012500	975000	37500	0.03544	\$1,329.00	
2013	7/25/2014	176.03	7		1012500	950000	62500	0.03648	\$2,280.00	
2011	7/31/2014	84.01	22		2859600	2000000	859600	0.03481	\$29,922.68	
2012	7/31/2014	84.01	22		2859600	1500000	1359600	0.03544	\$48,184.22	
2012	7/31/2014	159.08	56		5191500	4900000	291500	0.03544	\$10,330.76	
2013	7/31/2014	152.07	5.04		1200000	1100000	100000	0.03648	\$3,648.00	
2014	8/8/2014	152.07	5.04		1200000	1100000	100000	0.03742		\$3,742.00
2013	7/31/2014	109	1.01	C0060	399200	375000	24200	0.03648	\$882.82	
2012	8/15/2014	78.01	5.02		798500	675000	123500	0.03544	\$4,376.84	
2013	8/15/2014	78.01	5.02		798500	625000	173500	0.03648	\$6,329.28	
2014	8/15/2014	169.01	6.01	C0020	680500	660000	20500	0.03742		\$767.11
TOTALS									\$445,074.22	\$35,283.32

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, on October 1, 2013, TLCC and the Township entered into an Agreement (the “Agreement”), annexed hereto as Attachment “**A**,” whereby TLCC agreed various conditions including completion all outstanding exterior work no later than April 15, 2015 in order to obtain a Certification 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, TLCC now intends to complete the second floor auditorium and related space before the third floor is completed so as to more fully serve its membership and the Township; and

WHEREAS, TLCC has requested the Township extend the time frame for completion of such outstanding exterior until April 15, 2016; and

WHEREAS, the Township of West Orange is amenable to extending the time frame consistent with the terms of the Amendment No. 1 to the Agreement By and Between the Life Christian Church and the Township of West Orange (“Amendment No. 1”) as set forth in Attachment “**B**,” annexed hereto, and

WHEREAS, TLCC has confirmed its agreement with Amendment No. 1 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 Amendment No. 1, annexed hereto as **Attachment “B,”** 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 "B"** shall be maintained by the Municipal Clerk with a copy to be provided to TLCC.

Karen J. Carnevale
Township Clerk

Susan McCartney
Council President

Adopted: September 9, 2014

RESOLUTION

WHEREAS, a section of the sidewalk in front of the property located at 34 Stanford Avenue (the "Property") within the Township of West Orange has fallen into a state of disrepair as shown in the pictures annexed hereto as Attachment "1;" and

WHEREAS, the sidewalk in front of the Property ends abruptly and does not appear to lead to or connect with any other sidewalk or walking surface; and

WHEREAS, both the Township of West Orange Municipal Engineer and the West Orange Police Chief have visited the Property, observed the condition of the sidewalk in front of the property, and agree that there is no need or purpose for this section of the sidewalk to remain in place as it is unlikely that the sidewalk will be extended; and

WHEREAS, the Township of West Orange shall reserve its right to require re-installation of the sidewalk at a later time if deemed necessary by the Township of West Orange or its officials;

NOW, BE IT HEREBY RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST ORANGE that the owner of the Property is authorized to remove the section of the sidewalk in front of the Property that is adjacent to the western section of the Property that runs from the western edge of the walkway to the doorway of the house to the Property's western boundary as depicted Attachment "1" under the following conditions: (1) that the owner of the Property nor any subsequent owner(s) of the Property do not degrade the right of way behind the curb or install any improvements that would interfere with the future re-installation of a sidewalk if deemed necessary by the Township, (2) that the current owner of the Property obtain all necessary permits prior to commencement the removal of the sidewalk, and (3) that the sidewalk be replaced with grass to maintain an aesthetic consistent with the other properties neighboring the Property.

Karen J. Carnevale
Township Clerk

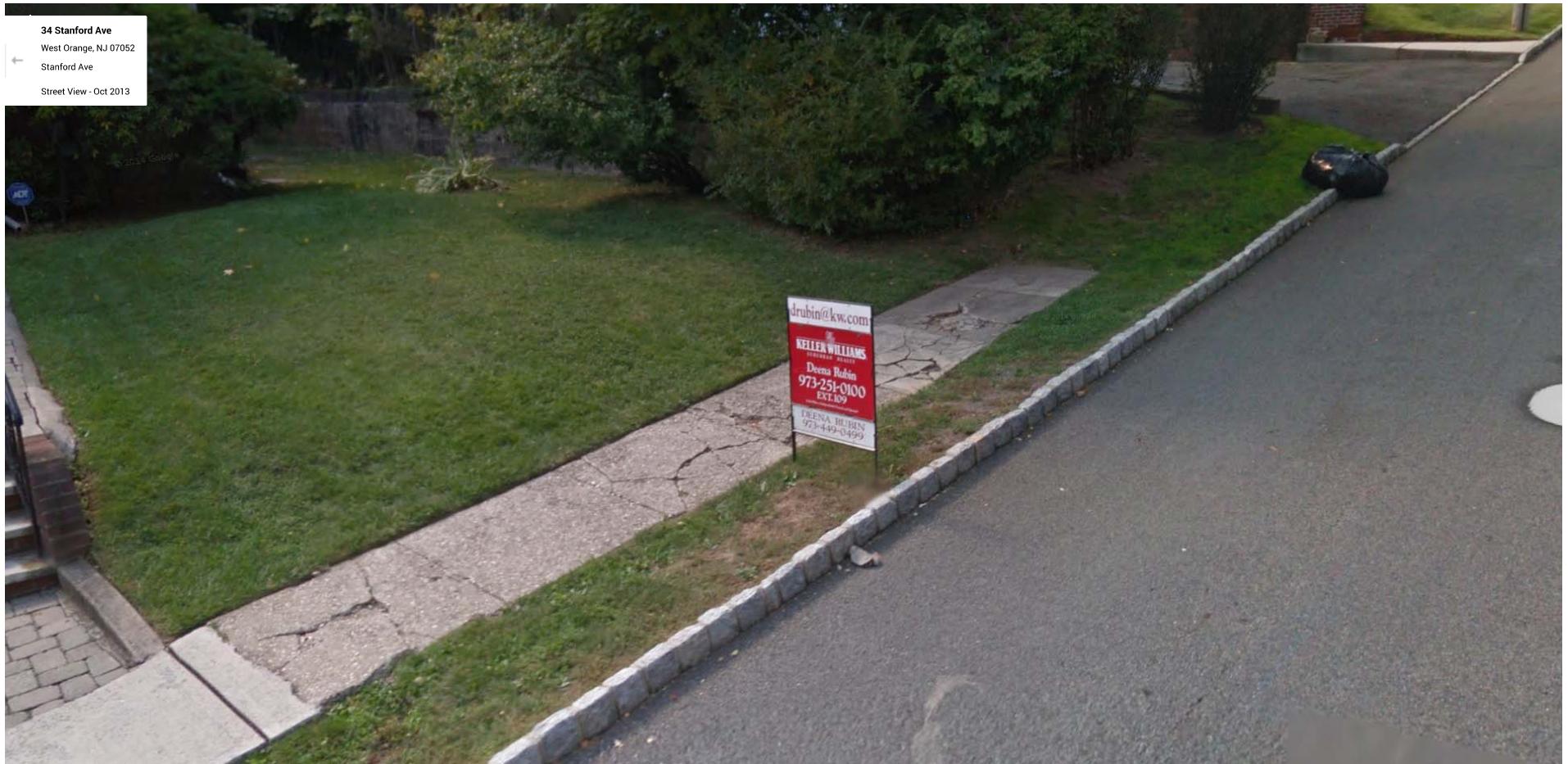
Honorable Susan McCartney
Council President

Adopted: September 9, 2014

ATTACHMENT 1



ATTACHMENT 1



**RESOLUTION OF THE TOWNSHIP OF WEST ORANGE DIRECTING
APPLICATION BE MADE TO THE LOCAL FINANCE BOARD PURSUANT TO
N.J.S.A. 58:11B-9(a), 40A:2-26(e), 40A:2-7(d) and 40A:2-11(c).**

WHEREAS, THE TOWNSHIP OF WEST ORANGE (the "Township") desires to make application to the Local Finance Board for its review of a proposed project financing in connection with a loan through the New Jersey Environmental Infrastructure Trust for a capital assessment from the Joint Meeting of Essex and Union Counties, waiver of down payment and approval to use a non-conforming maturity schedule; and

WHEREAS, THE TOWNSHIP OF WEST ORANGE believes that:

- (a) it is in the public interest to accomplish such purposes,
- (b) said purposes or improvements are for the health, welfare, convenience or betterment of the inhabitants of the local unit or units,
- (c) the amounts to be expended for said purposes or improvements are not unreasonable or exorbitant,
- (d) the proposal is an efficient and feasible means of providing services for the needs of the inhabitants of the local unit or units and such purposes or improvements will not cause any undue financial burden to be placed upon the local unit or units,

NOW, THEREFORE BE IT RESOLVED BY THE TOWNSHIP OF WEST ORANGE, as follows:

Section 1. Application to the Local Finance Board for consideration by said Board of the Township's proposed project financing, waiver of down payment and waiver for a non-conforming maturity schedule is hereby approved and the Township's Bond Counsel, along with the other representatives of the Township, are hereby authorized to prepare such application and to represent the Township in the matters pertaining thereto.

Section 2. The Clerk of the Township is hereby directed to cause a copy of this resolution to be filed with the Local Finance Board as a part of such application.

RECORDED VOTE:

AYE

NO

ABSTAIN

ABSENT

Karen J. Carnevale
Municipal Clerk

Susan McCartney
Council President

Adopted: September 9, 2014

R E S O L U T I O N

WHEREAS, the Township of West Orange entered into a contract with Conquest Industries, Inc. having its principal place of business at 32 Woodland Avenue, Westwood, New Jersey for Downtown West Orange Streetscape and Traffic Improvements in the amount of \$1,549,696.25 as awarded by a Resolution of the Township Council No. 50-11 dated March 8, 2011 for the base bid and two alternate bids;

WHEREAS, these improvements are funded by a Federal Earmark Grant in the amount of \$2,015,777 which is administered by the New Jersey Department of Transportation (NJDOT); and

WHEREAS, the Township previously approved five NJDOT Change Orders in the amounts of \$120,000.00, \$74,455.90, \$0.00, \$113,947.13 and -\$9,117.35 which increased the contract amount to \$1,848,981.23; and

WHEREAS, during the course of construction numerous field conditions were encountered which required field changes to the plan; and

WHEREAS, the field conditions required adjustments in curb location and construction, inlet reconstruction, building foundation reconstruction, modification of electric junction boxes, additional test pits for traffic signals, traffic signal modification, crosswalk relocation, landscaping and in some locations additional site clearing; and

WHEREAS, the field conditions and as-built quantities for Item No.'s 5, 22, 23, 54, 62, 63 and 65 which were for various traffic markings, traffic striping and landscaping resulted in a net decrease of \$4,160.20 on Change Order No. 6; and

WHEREAS, on Change Order No. 6 an additional 250.75 man hours of Uniform Traffic Directors were added at a cost of \$15,045 bringing the total increase associated with Change Order No. 6 to \$10,884.80; and

WHEREAS, the Township Engineer and its consultant Maser Consulting (successors to Birdsall Services Group) recommend Change Order No. 6 as being necessary and beneficial which is a net increase of \$10,884.80; and

WHEREAS, the Change Order reflects a 0.59 percent increase in the previously authorized contract amount increasing the authorized contract amount to \$1,859,866.73 or a 20 percent increase over the award amount of \$1,549,696.25; and

WHEREAS, sufficient funds exist to pay for the Change Order; and

WHEREAS, the Township Council concurs in the foregoing.

NOW, THEREFORE BE IT RESOLVED by the Township Council of the Township of West Orange that Change Order No. 6 in the amount of \$10,884.80 with Conquest Industries, Inc. for Downtown West Orange Streetscape and Traffic Improvements, increasing the authorized contract amount to \$1,859,866.73 is hereby approved and the Township Council further authorizes Robert D. Parisi, Mayor to execute said Change Orders.

**Karen J. Carnevale, Municipal Clerk
President**

Susan McCartney, Council

I hereby certify funds are available from: ACCOUNT NO.: 03-2227-22-2100-103

John Gross, Chief Financial Officer



TOWNSHIP OF WEST ORANGE

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

DEPARTMENT OF PUBLIC WORKS

ROBERT D. PARISI

Mayor

LEONARD R. LEPORE

Director, Township Engineer

Tel: (973) 325-4160

Fax: (973) 669-9588

September 3, 2014 Email: engineering@westorange.org

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

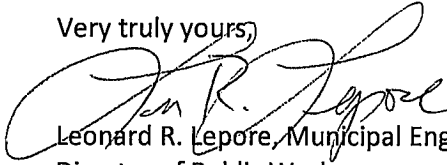
RE: **DOWNTOWN WEST ORANGE STREETScape**
& TRAFFIC IMPROVEMENTS
CONQUEST INDUSTRIES, LLC
CHANGE ORDER NO. 6 & FINAL

Mayor Parisi, Council President McCartney, Councilwoman Spango & Gentlemen:

All the work associated with the project entitled "Downtown West Orange Streetscape & Traffic Improvements" performed by Conquest Industries, LLC, 32 Woodland Avenue, Westwood, New Jersey 07676 is complete, and the final project cost is \$1,859,866.73. The amount authorized through Change Order No. 5 for this project is \$1,848,981.93. The original contract amount was \$1,549,696.25. The five prior change orders increased the contract amount by \$299,285.68. The amount of those change orders respectively were \$120,000.00, \$74,455.90, \$0.00, \$113,947.13 and -\$9,117.35. Change Order No. 3 was only for an extension of time, and it did not authorize any additional appropriation or expenditures. I am now requesting you approve Change Order No. 6 and Final which is in the amount of \$10,884.80. This Change Order reflects final as-built quantities for signs, traffic stripes, traffic markings and landscaping (Item No.'s 5, 22, 23, 54, 62, 63 and 65). Collectively this is a decrease of \$4,160.20. However, there were additional Uniform Traffic Directors which amounted to a \$15,045.00 increase for the net increase of \$10,884.80 resulting in a final contract cost of \$1,859,866.73. By prior Agreement with Conquest Industries, they reimbursed the Township \$30,000 for costs of additional Uniform Traffic Directors caused by their delays in completion of this project. With the exception of the cost of Uniform Traffic Directors, all other construction costs were paid by a Federal Grant.

Attached please find a copy of Change Order No. 6 and a Resolution authorizing an additional appropriation of \$10,884.80 for a total appropriation of \$1,859,866.73 for the contract Downtown West Orange Streetscape and Traffic Improvements.

Very truly yours,



Leonard R. Lepore, Municipal Engineer
Director of Public Works

LRL/tp
enc.

cc: John K. Sayers
John Gross
Kenneth Kayser
Richard Trenk
Paul Nolan
Frank Putrino
Richard Loveless

file:downtowns west orange streetscape change order no. 6

RESOLUTION

WHEREAS, the Township of West Orange entered into a contract with Conquest Industries, Inc. having its principal place of business at 32 Woodland Avenue, Westwood, New Jersey for Downtown West Orange Streetscape and Traffic Improvements in the amount of \$1,549,696.25 as awarded by a Resolution of the Township Council No. 50-11 dated March 8, 2011 for the base bid and two alternate bids;

WHEREAS, these improvements are funded by a Federal Earmark Grant in the amount of \$2,015,777 which is administered by the New Jersey Department of Transportation (NJDOT); and

WHEREAS, the Township previously approved five NJDOT Change Orders in the amounts of \$120,000.00, \$74,455.90, \$0.00, \$113,947.13 and -\$9,117.35 which increased the contract amount to \$1,848,981.23; and

WHEREAS, during the course of construction numerous field conditions were encountered which required field changes to the plan; and

WHEREAS, the field conditions required adjustments in curb location and construction, inlet reconstruction, building foundation reconstruction, modification of electric junction boxes, additional test pits for traffic signals, traffic signal modification, crosswalk relocation, landscaping and in some locations additional site clearing; and

WHEREAS, the field conditions and as-built quantities for Item No.'s 5, 22, 23, 54, 62, 63 and 65 which were for various traffic markings, traffic striping and landscaping resulted in a net decrease of \$4,160.20 on Change Order No. 6; and

WHEREAS, on Change Order No. 6 an additional 250.75 man hours of Uniform Traffic Directors were added at a cost of \$15,045 bringing the total increase associated with Change Order No. 6 to \$10,884.80; and

WHEREAS, the Township Engineer and its consultant Maser Consulting (successors to Birdsall Services Group) recommend Change Order No. 6 as being necessary and beneficial which is a net increase of \$10,884.80; and

WHEREAS, the Change Order reflects a 0.59 percent increase in the previously authorized contract amount increasing the authorized contract amount to \$1,859,866.73 or a 20 percent increase over the award amount of \$1,549,696.25; and

WHEREAS, sufficient funds exist to pay for the Change Order; and

WHEREAS, the Township Council concurs in the foregoing.

NOW, THEREFORE BE IT RESOLVED by the Township Council of the Township of West Orange that Change Order No. 6 in the amount of \$10,884.80 with Conquest Industries, Inc. for Downtown West Orange Streetscape and Traffic Improvements, increasing the authorized contract amount to \$1,859,866.73 is hereby approved and the Township Council further authorizes Robert D. Parisi, Mayor to execute said Change Orders.

Karen Carnevale, Municipal Clerk

Susan McCartney, Council President

I hereby certify funds are available from:

John Gross, Chief Financial Officer

ACCOUNT NO.: 03-2227-22-2100-103

NEW JERSEY DEPARTMENT OF TRANSPORTATION
LOCAL AID & ECONOMIC DEVELOPMENT
FEDERAL AID CHANGE ORDER

Sheet 1 of 2
Order No. 6
Order Letter
Date 7/29/14

Project Downtown West Orange Streetscape and Traffic Improvement Program
Federal Project No. HHP-B00S (971) Doc. No. _____
Contractor ConQuest Industries, Inc.

You are hereby directed to implement the following changes in accordance with the provisions of the specifications for this contract.

Location of proposed order:

Nature and reason of order:

- Final As-Built Quantities
- Supplemental S-24 – Liquidated Damages
- Supplemental S-25 – Construction Administration Fees beyond the scope of work

☐ Extension ☐ Reduction of time recommended this order 0 days

CONTRACT AMOUNT	ROAD	BRIDGE	TOTAL
Amount of original contract	\$ 1,549,696.25	\$ _____	\$ 1,549,696.25
Adjusted amount based on order Nos. 1, 2, 3, 4, 5 and 6	\$ 1,859,866.73	\$ _____	\$ 1,859,866.73

CONTRACT TIME
Original Completion Date <u>10/25/2011</u>
Adjustment This Order (+ or -) <u>0</u>
Previous Adjustments (+ or -) <u>+342</u>
Adjusted Completion Date <u>10/31/2012</u>

ORDER NO. <u>6</u>	☒ Road	☐ Bridge	☐ Other
	Road	Bridge	Total
Extra Work	\$ _____	\$ _____	\$ _____
Increases	\$ 18,940.00	\$ _____	\$ _____
Decreases	\$ -8,055.20	\$ _____	\$ _____
Total	\$ 10,884.80	\$ _____	\$ _____

RESERVED FOR FHWA OR F.T.A.

Recommended:


County / Municipal / Sponsor's Engineer

7/30/14
Date

Approved:

Approved for Funding Participation Purposes:

Presiding Officer

Date

Richard Loveless, Director, Bureau of Local Aid – Newark

Date

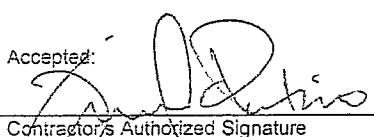
ALTERNATE PROCEDURES PROJECTS

This order is approved for ☐ Full ☐ Partial federal participation.

Director, Local Aid & Economic Development

Date

Accepted:


Contractor's Authorized Signature

7/30/14
Date

Name FRANK PUTRINO

Title PRESIDENT

- ☐ Unprotected
☐ Protested by letter dated _____ attached.

CONTRACTS PAYABLE SECTION

Reviewed by _____ Date _____

Input Submitted by _____ Date _____

Certification of Funds

Director of Accounting & Auditing Date _____

NEW JERSEY DEPARTMENT OF TRANSPORTATION
LOCAL AID & ECONOMIC DEVELOPMENT
FEDERAL AID CHANGE ORDER

Sheet 2 of 2
Order No. 6
Order Letter _____
Date 7/29/14

Project Downtown West Orange Streetscape and Traffic Improvement Program
Federal Project No. HHP-B00S (971) Doc. No. _____
Contractor ConQuest Industries, Inc.

ITEM NO.	DESCRIPTION	QUANTITY (+/-)	UNIT	UNIT PRICE	INCREASE AMOUNT	DECREASE AMOUNT
5	CONSTRUCTION SIGNS	-100	SF	\$15.00		(\$1,500.00)
22	TRAFFIC STRIPES, LONGLIFE, EPOXY RESIN, 8" WIDE	+1100	LF	\$3.30	\$3,630.00	
23	TRAFFIC MARKINGS, THERMOPLASTIC	-1063	SF	\$5.40		(\$5,740.20)
54	ACER RUBRUM 'BRANDYWINE', BRANDYWINE RED MAPEL, 2" TO 2-1/2" B&B	+1	UNIT S	\$265.00	\$265.00	
62	PRUNUS X YEDOENSIS 'AKEBONO', AKEBONO YOSHINO CHERRY, 2" TO 2-1/2" B&B	-1	UNIT S	\$265.00		(\$265.00)
63	SYRINGA RETICULATA 'IVORY SILK', IVORY SILK TREE LILAC, 2" TO 2-1/2" B&B	-1	UNIT	\$265.00		(\$265.00)
65	ZELKOVA SERRTA 'MUSASHINO', MUSASHINO ZELKOVA, 2" TO 2-1/2" B&B	-1	UNIT S	\$285.00		(\$285.00)
S-2	ADDITIONAL UNIFORMED TRAFFIC DIRECTORS	+250.75	MH	\$60.00	\$15,045.00	

TOTAL: \$18,940.00 (\$8,055.20)
NET
CHANGE: \$10,884.80

Nature and reason of order:

Item No. 5 through 65

Final as-built quantities

Supplemental Item S-2

Additional police hours were necessary for the project.

Amount of Original Contract	\$	1,549,696.25
Adjusted Amount Based on Change Order No. <u>1</u> , <u>2</u> , <u>4</u> , <u>5</u> , <u>6</u>	\$	1,859,866.73
Total Change (+)	\$	310,170.48
% Change in Contract		+20.0%
(+) Increase		

**RESOLUTION TO AUTHORIZE AN AWARD TO EASTERN COMMUNICATIONS, INC. FOR
THE INSTALLATION OF A DIGITAL MICROWAVE COMMUNICATION SYSTEM**

WHEREAS, the Township of West Orange "Township" is responsible for the maintenance and ongoing upgrades to the Harris 800 MHz Simulcast Public Safety EDACS Radio System, and

WHEREAS, the purpose of this equipment is to provide emergency personnel a separate radio bandwidth to communicate; and

WHEREAS, this equipment is housed in three locations: West Orange Police Department Radio Room Control Point, Marcella Avenue Communications Tower, and Chetwynd Terrace Communications Tower; and

WHEREAS, currently there are multiple leases with the local telephone company for T-1 circuits to provide these services; and

WHEREAS, converting for T-1 circuits to Ethernet conductivity is the most cost efficient and a scalable system for future upgrades; and

WHEREAS, the Township did advertise for bids according to Local Public Contracts N.J.S.A. 40A:11-23 and did receive three (3) bids at the date and time designated (Exhibit A, attached); and

WHEREAS, Eastern Communications, Ltd has proposed a turnkey implementation including interface to the Township's existing Harris 800 MHz EDACS trucked radio system. EDACS technology is proprietary to Harris Corporation requiring technical support only from authorized service agencies to insure the integrity and warranty of the Township's system; and

WHEREAS, after technical review is have been recommended that Eastern Communications, Inc. has submitted a responsible and responsive proposal that meets all the requirements set forth in the specifications at the lowest cost.

NOW BE IT RESOLVED by the Council of the Township of West Orange that Eastern Communications, Ltd., 48-14 36th Street, Long Island City, New York 11101 be awarded contract to Install a Digital Microwave Communication System in the amount of \$62,534.83.

BE IT FUTHER RESOLVED that a purchase order will be issued and executed by the Township's Purchasing Agent with funds certified by the Chief Financial Officer.

**Karen J. Carnevale, Municipal Clerk
President**

Susan McCartney, Council

Adopted: September 9, 2014

I hereby certify funds available in account : 03-2407-14-0030-030

John O. Gross, Chief Financial Officer

EXHIBIT A

Bids results on August 5, 2014 - 11:00 A.M.

Installation of Digital Microwave System

Vendors:**Pricing:**

Eastern Communications
48-14 36th Street
Long Island City, New York 11101

\$55,625.40 (Outdoor Solution)
\$62,534.83 (Indoor Solution)

ProComm
823 Uniontown Road
Phillipsburg, NJ 08865

\$64,838.00 (Outdoor Solution)
\$88,257.00 (Indoor Solution)

Advantech AMT Corp.
8756 Virginia Meadows Drive
Manassas, VA 20109

\$94,344.00

TOWNSHIP OF WEST ORANGE
AMENDING RESOLUTION #18-14,
EMERGENCY TEMPORARY APPROPRIATION RESOLUTION
FOR THE PURPOSE OF FUNDING EMINENT TAX APPEALS
N.J.S. 40A:4-20

170-14

WHEREAS, an emergent condition has arisen with respect to the continued operation of the Municipality, and more appropriations are needed to pay tax appeal claims, and no adequate provision has been made in the 2014 Budget for the aforesaid purpose, and N.J.S.40A:4-20 provides for the creation of an emergency temporary appropriation for the purpose above mentioned, and

WHEREAS, on January 14, 2014, the West Orange Township Council adopted Resolution #18-14, and

WHEREAS, tax appeal judgements have or will exceeded the amount previously authorized for 2014,

NOW, THEREFORE, BE IT RESOLVED, that the West Orange Township Council amends such resolution in accordance with N.J.S. 40A:4-20, emergency temporary appropriations be and the same are hereby made for the purpose indentified by the titles herein listed and the sums set opposite such titles:

2014 EMERGENCY TEMPORARY APPROPRIATIONS ARE HEREBY ATTACHED AND MADE PART OF THIS RESOLUTION

Tax Appeals 1,900,000.00

Karen J. Carnevale
Municipal Clerk

Susan McCartney
Council President

Adopted: September 9, 2014

HISTORIC PRESERVATION CERTIFIED LOCAL GOVERNMENT GRANT

Resolution Authoring Award for Historical Architectural Services

WHEREAS, the Township of West Orange "Township" had applied for a Certified Local Grant "CLG" and was approved to receive the amount of \$24,500.00; and

WHEREAS, these funds afford the Township the opportunity to participate more directly in State and Federal Historic Preservation Programs; and

WHEREAS, the goals of the CLG are to identify all buildings, sites, structures, objects and districts that are significant in American history, architecture, engineering, etc. within the Township, that meet criteria for inclusion in the National Register of Historic Places and implement planning tools for protection of these resources; and

WHEREAS, the Township has advertised a Request for Proposal for a Historic Architect to collect all the necessary information to satisfy the terms of the CLG, and

WHEREAS, on the date and place advertised did receive three (3) proposals (attached Exhibit A); and

WHEREAS, after review by the West Orange Planning Board, Hunter Research, Inc was selected to perform the necessary documentation and reports; and

WHEREAS, the cost of these services will be initially paid by the Township and that cost will be reimbursed as per the terms of the CLG.

NOW BE IT RESOLVED by the Township of West Orange Council that the Hunter Research Group, 120 West State Street, Trenton, New Jersey 08608 be awarded the contract to conduct the study of the Historic Preservation Sites in accordance with the CLG funds awarded the Township.

**Karen J. Carnevale, Municipal Clerk
President**

Susan McCartney, Council

Adopted: September 9, 2014

EXHIBIT A

August 6, 2014 11:00 A.M.

Request for Proposals for Architectural Historian Services for Certified Local Grant
Grant designated allowance: \$24,500.00

Vendors:

Hunter Research, Inc.
120 W. State Street
Trenton, NJ 08608

Richard Grubb and Associates, Inc.
259 Prospect Plains Road, Building D.
Cranbury, NJ 08512

Connolly & Hickey Historical Architects, LLC
2 North Union Avenue, 2nd Floor
Cranford, NJ 07016

RESOLUTION

WHEREAS, the Township Council of the Township of West Orange (the "Township") recognizes that, according to the Substance Abuse and Mental Health Services Administration ("SAMHSA"), one in five Americans have experienced issues with mental illness; and

WHEREAS, despite major accomplishments and the progress achieved, New Jersey must still overcome significant challenges before it can reach the goal of making quality mental health care available to all those who need it; and

WHEREAS, according to SAMHSA, mental health problems are more common than cancer and heart disease combined, and according to the Veteran's Administration ("VA"), more than half of all Iraq and Afghanistan veterans hospitalized at VA hospitals are treated for mental illness, and the stigma associated with mental illness is the biggest roadblock to recovery; and

WHEREAS, the Codey Fund for Mental Health has initiated a statewide campaign requesting towns throughout New Jersey to designate their municipality a Stigma Free Town; and

WHEREAS, by declaring West Orange a Stigma Free Town, West Orange supports the elimination of any stigma associated with mental health illness and will promote public awareness of mental health issues and the removal of any barriers to recovery, and work to overcome stigma, stereotyping and discrimination.

NOW, BE IT HEREBY RESOLVED by the Township Council of the Township of West Orange that the Township of West Orange is a Stigma Free Town.

BE IT FURTHER RESOLVED that on major thoroughfares in and out of the municipality, road signs be erected showing the establishment of a Stigma Free Town.

Karen J. Carnevale, Municipal Clerk

Susan McCartney, Council President

Adopted: September 9, 2014

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 three (3) transferable vehicle title(s) in the manner set forth in N.J.S.A. 39:10A-1 and N.J.S.A. 40A:14-157. Date and time of sale is scheduled for Tuesday September 23, 2014 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 9, 2014

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 September 23, 2014 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>
2003	FORD	1FMZU73K63ZB07776
1999	JEEP	1J4FF68S1XL545810
2001	2001	4A3AA46G51E056708

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

Notice to be published in WO Chronicle 09/11/2014

RESOLUTION TO AUTHORIZE FINANCIAL ADVISORY SERVICES

WHEREAS, the Township of West Orange “Township” has used NW Financial Services in the past for various financial matters; and

WHEREAS, there have been Federal and State regulatory changes that effect the Township’s issuance of general obligation notes and bonds; and

WHEREAS, NW Financial Advisory Services has responded to the Township’s Request for Qualifications pursuant to the fair and open process for the year 2014; and

WHEREAS, pursuant to N.J.S.A. 40A:11-5(1)(a)(i), the proposed professional service contract is subject to an exception to the standard bidding procedures set forth in the Local Public Contracts Law; and

WHEREAS, attached is a list of rates (Exhibit “A”) for services to be provided.

NOW, BE IT HEREBY RESOLVED, by the Township Council of the Township of West Orange that the Mayor be and is hereby authorized to execute an agreement, to NW Financial Advisory Services,
2 Hudson Place, 3rd Floor, Hoboken, NJ 07030, on terms and conditions set forth in the agreement and the Municipal Clerk shall be and hereby is authorized to attest to the Mayor’s signature.

NOW BE FURTHER RESOLVED that notice of this award shall be published and available in the Clerk’s office in accordance with applicable law.

Karen J. Carnevale, Municipal Clerk
President

Susan McCartney, Council

Adopted: September 9, 2014

5. COMPENSATION PROPOSAL

For financial advisory services rendered in connection with the sale of bonds and notes, NW Financial proposes to be compensated based on the following schedule:

1. Notes:

For the issuance of general obligation notes, NW Financial proposes to be compensated a flat fee of \$5,000 plus reasonable out of pocket expenses. This amount shall be payable at the closing of the proposed note issuance. NW Financial will not invoice unless the note transaction is finalized and closed.

2. Bonds:

For the issuance of general obligation bonds and/or refunding bonds, NW Financial proposes to be compensated \$1/1000 with a minimum of \$7,500 plus reasonable out of pocket expenses. This amount shall be payable at the closing of the proposed bond issuance. NW Financial will not invoice unless the bond issuance is finalized and closed.

3. Consulting:

For financial consulting services not related to the issuance of bonds and notes, NW Financial proposes that compensation be based upon the hourly rates established below.

<u>Position</u>	<u>Hourly Rate (\$/hour)</u>
Principal	\$195
Managing Director	\$185
Senior Vice President	\$180
Vice President	\$170
Analyst	\$140

Reimbursable Expenses: NW Financial proposes to invoice for reasonable out of pocket expenses such as phone, postage, copies, travel, etc.

EXHIBIT "A"





TOWNSHIP OF WEST ORANGE

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

DEPARTMENT OF PUBLIC WORKS

ROBERT D. PARISI

Mayor

LEONARD R. LEPORE

Director, Township Engineer

Tel: (973) 325-4160

Fax: (973) 669-9588

September 3, 2014

Email: engineering@westorange.org

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

RE: **LLEWELLYN PARK ROADWAY AND SANITARY SEWER IMPROVEMENTS**

Mayor Parisi, Council President McCartney, Councilwoman Spango and Gentlemen:

Earlier this year by Ordinance No. 2409-14 adopted on May 6, 2014 you authorized additional funding of \$550,000 for Llewellyn Park Roadway and Sanitary Sewer Improvements. The Llewellyn Park Committee of Managers by letter dated August 4, 2014 requested the Township authorize an additional appropriation of \$545,000 as Change Order No. 2 for the contract Llewellyn Park Roadway and Sanitary Sewer Improvements with Sanitary Construction Company, Inc. of 415 Franklin Avenue, Rockaway, New Jersey 07866. In June, 2012 by Resolution No. 126-12 you authorized a contract with Sanitary Construction Company, Inc. for Llewellyn Park Roadway and Sanitary Sewer Improvements in the amount of \$3,483,873.00. This was for their Base Bid plus Alternate No. 1.

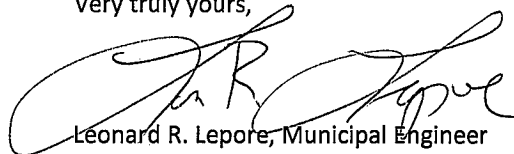
As the work progressed, numerous significant and unforeseen field conditions were discovered, and these needed to be addressed so that the improvements would be constructed to the quality level, standards and longevity that was anticipated by the construction plans and bid specifications. Please see the attached memo dated August 25, 2014 prepared by Carl A. Jenne, P.E. of Jenne Associates, LLC the design engineer for this project and the project administrator and inspector for the Township. In this memo Mr. Jenne describes various conditions associated with sanitary sewer improvements, roadway improvements and drainage improvements. As a result of these unforeseen conditions you approved Resolution No. 165-13 on August 20, 2013. This approved Change Order No. 1 authorized additional funding in the amount of \$348,387.00 for roadway and sanitary sewer improvements in Llewellyn Park by Sanitary Construction Company. This funding was to perform work within the scope of the original contract, plans and specifications, but necessitated by the additional expenditures required to address unforeseen field conditions. This brought the total amount of funding authorized for this project to \$3,832,260.00. To date a total of \$3,827,593.70 has been expended on this project. However a number of the improvements specified in the original documents remain to be completed. See the previously referenced memo and attached construction drawings sheets P-1 and S-4.

To complete the improvements Mr. Jenne and Mr. John Bober of the Llewellyn Park Committee of Managers negotiated the cost of this work on a lump sum basis. The work to be performed is depicted on Drawings P-1 and S-4 and itemized in the proposal of Sanitary Construction Company, Inc. dated August 15, 2014. The lump sum cost of the work is \$500,000. Mr. Jenne estimates that this cost is about ten percent less than it would be based on the unit prices bid for the various construction items by Sanitary Construction Company. However some work will still be performed based on unit prices bid in the contract. The cost of that work is estimated at \$45,000 which includes a contingency. The total additional funding requested to complete the Llewellyn Park Roadway and Sanitary Sewer Improvements is \$545,000. This will bring the total authorized contract amount to \$4,377,260.00.

The adjusted contract amount of \$4,377,260.00 through Change Order No. 2 represents an increase of \$893,387.00 over the original contract award amount of \$3,483,873.00. This is a 25.64 percent increase in the contract amount. The Change Order is to perform work on roadways sewers in Llewellyn Park that were part of the original documents. The additional funding is needed due to the unforeseen conditions that needed to be addressed as the work proceeded on other roadways and infrastructure in Llewellyn Park. The State's Administrative Code, specifies procedures for authorizing Change Orders in excess of 20 percent of the original awarded contract price. The procedures include a statement by me the contracting unit's engineer. Consequently, I recommend that you authorize Change Order No. 2 in the amount of \$545,000 for the contract Llewellyn Park Roadway and Sanitary Sewer Improvements with Sanitary Construction Company Inc. which will bring the total contract amount to \$4,377,260.00 or a 25.64 percent increase over the original award amount of \$3,483,873.00. This Change Order is necessitated by the unforeseen field conditions in Llewellyn Park, one of the Country's older planned communities. This caused additional expenditures as the project progressed. The additional appropriation associated with this contract is to complete roadway and sewer improvements that were specified in the original documents, and it does not represent an expansion in the scope of the project. The costs for this additional work were negotiated on a lump sum basis, and it represents a reduction from the estimate cost of the improvements if the unit prices bid were used. To award as a separate contract for this work would likely result in higher costs as Sanitary Construction Company, Inc. can achieve economies of scale as a result of their presence in Llewellyn Park.

Therefore I request you approve the attached Resolution which authorizes Change Order No. 2 for the project Llewellyn Park Roadway and Sanitary Sewer Improvements with Sanitary Construction Company, Inc., 415 Franklin Avenue, Rockaway, N.J. 07866 in the amount of \$545,000. This Change Order authorizes the additional work depicted on Construction Drawings P-1 and S-4 prepared by Jenne Associates and revised July 17, 2014, described by Mr. Jenne in his memo of August 25, 2014 for the lump sum cost of \$500,000 as stated by Sanitary Construction Company, Inc., in their proposal of August 15, 2014 plus \$45,000 for contingencies and items that will be compensated on a unit price basis and are not part of the lump sum cost.

Very truly yours,



Leonard R. Lepore, Municipal Engineer
Director of Public Works

LRL/tp

enc.

cc: John K. Sayers
John Gross
Richard D. Trenk
Kenneth Kayser
Llewellyn Park Committee of Managers
Carl Jenne
William Cervino

file:Llewellyn park roadway and sanitary sewer improvements

RESOLUTION

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

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

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

WHEREAS, the Township by Resolution No. 165-13 dated August 20, 2013 at the request of the Llewellyn Park Committee of Managers authorized additional funds in the amount of \$348,387.00 by approving Change Order No. 1; and

WHEREAS, this additional funding was used to address additional costs associated with unforeseen field conditions and it increased the authorized funding for this contract to \$3,832,260.00 or a ten percent increase over the original contract award amount; and

WHEREAS, as the work continued more field conditions needed to be addressed and as of August 2014 the total amount expended for this project was \$3,827,593.70 but several roadway and sewer improvements specified in the original contract bid documents and specifications still needed to be completed; and

WHEREAS, by Ordinance No. 2409-14 adopted May 9, 2014 the Township appropriated an additional \$550,000 for Llewellyn Park Roadway and Sanitary Sewer Improvements; and

WHEREAS, in August 2014 Carl Jenne of Jenne Associates, LLC the project's designer and contract administrator and inspector for the Township and John Bober of the Llewellyn Park Committee of Managers negotiated a lump sum price of \$500,000 to complete the remaining improvements plus an allowance of \$45,000 for unit price and contingency items as depicted on Construction Drawings P-1 and

S-4 prepared by Jenne Associates and revised July 17, 2014, described by Mr. Jenne in his memo of August 25, 2014 and as stated by Sanitary Construction Company, Inc., in their proposal of August 15, 2014

WHEREAS, Mr. Jenne estimated the cost of this additional work is about ten percent less than it would be based on unit prices bid in the contract; and

WHEREAS, the Llewellyn Park Committee of Managers by letter dated August 4, 2013 requested the Township authorize Change Order No. 2 with Sanitary Construction Company, Inc., in the amount of \$545,000 to complete the improvements specified in the original bid documents; and

WHEREAS, the additional funding increases the total authorized funding for this contract to \$4,377,260.00 or a 25.6 percent increase over the original award amount.; and

WHEREAS, the State's Administrative Code specifies procedures for authorizing Change Orders in excess of 20 percent which includes a statement by the contracting unit's engineer; and

WHEREAS, the Municipal Engineer by letter dated September 3, 2014 recommended Change Order No. with Sanitary Construction Company, Inc. in which he stated:

- This Change Order is necessitated by the unforeseen field conditions in Llewellyn Park, one of the Country's older planned communities which caused additional expenditures as the project progressed.
- The additional appropriation associated with this contract is to complete roadway and sewer improvements that were specified in the original documents, and it does not represent an expansion in the scope of the project.
- The costs for this additional work were negotiated on a lump sum basis, and it represents a reduction from the estimate cost of the improvements if the unit prices bid were used.
- To award as a separate contract for this work would likely result in higher costs as Sanitary Construction Company, Inc. can achieve economies of scale as a result of their presence in Llewellyn Park.

; and

WHEREAS, sufficient funds exist for this Change Order; and

WHEREAS, the Township Council concurs in the foregoing.

NOW THEREFORE BE IT RESOLVED by the Township Council of the Township of West Orange that Change Order No. 2 for the contract Llewellyn Park Roadway and Sanitary Sewer Improvements between Sanitary Construction Company, 415 Franklin Avenue, Rockaway, New Jersey 07866 and the

Township of West Orange which authorizes additional funding in the amount of \$545,000 to complete all improvements as originally specified in the bid documents and plans which brings the total amount authorized through Change Order No. 2 for this project to \$4,377,260 or a 25.64 percent increase from the original contract amount is approved.

BE IT FURTHER RESOLVED that the Mayor and Municipal Engineer are authorized to sign the Change Order

BE IT FURTHER RESOLVED that in accordance with the State's Administrative Code a notice of the Change Order shall be published in the West Orange Chronicle.

KAREN J. CARNEVALE, MUNICIPAL CLERK

SUSAN McCARTNEY, COUNCIL PRESIDENT

I hereby Certify funds are available from:

Account No.

03-2358-12-0010-010 \$76,791.51

03-2358-12-0010-020 \$468,208.49

JOHN GROSS, CHIEF FINANCIAL OFFICER

Memorandum

TO: File

FROM: Carl A. Jenne, PE

SUBJECT: Change Order #2
Sanitary Construction Company, Inc.
2012 Llewellyn Park Roadway/Sewer Improvements

DATE: August 25, 2014

CC: Leonard Lepore, West Orange Township Engineer
John Bober, Llewellyn Park Committee of Managers

Scope of Work and Negotiation:

During May and June I undertook a detailed analysis of the work remaining on the referenced contract and prepared revised plans and estimates for the work, shown on the attached revised Contract Plan Sheets P-1 and S-4. (Plan Sheet P-1 presents a comprehensive presentation of all roadway/drainage/culvert work identified as of that time, including work outside the scope of the original contract, which the Committee of Managers will need to address in the future.)

The remaining contract work is summarized as follows (highlighted in red on Plan Sheet P-1):

- Llewellyn Place
- Maintenance Yard
- Mountain Avenue from #110 to Tulip Avenue
- Oak Bend from Mountain/Wildwood to Park Way
- Park Way from Main Street to Glen Avenue
- Portions of Parkway between Oak Bend and Mountain Avenue (not in original scope but damaged as a result of construction vehicle traffic)
- Tulip Avenue from Forest/Trefoil to I-280
- CIPP work at Rocky Way
- Miscellaneous stone swale, stone rip rap, curbing and video inspection of sewers prior to paving

In late June and July John Bober and I undertook negotiations with SCC in an attempt to reach a mutually agreeable price for this work. The negotiations resulted in splitting the work into two categories: Quantifiable roadway related work (negotiated as a lump sum) and other remaining work (estimated based on existing unit prices and an additional contingency).

For the roadway work, a lump sum price of \$500,000 was negotiated which we felt was both fair and advantageous to the Committee of Managers and West Orange (copy of their quote). For the other work, an additional amount of \$45,000 was estimated.

The final price negotiated is approximately 30% less than the first price presented by SCC for the work and at or below the costs I estimated if we went out to bid for a new contract to complete the work (as would be expected since SCC is familiar with the area as well as the specific work effort required).

JENNE ASSOCIATES, LLC

Consulting Engineers

1362 Crim Road

Bridgewater, NJ 08807

Telephone: (908) 698-2890

Fax: (908) 926-2359

Memorandum

Subject: 2012 Llewellyn Park Roadway and Sewer Improvements – Change Order #2

Date: August 1, 2014

Page 2 of 3

We presented this to the Committee of Managers who voted on 8/4/2014 to recommend approval of the \$545,000 change order to West Orange, increasing the total contract amount to \$4,377,260 (\$3,483,873 original award plus CO#1 previously approved for \$348,387 plus this CO#1 of \$545,000).

The total contract increase of \$893,387 amounts to 25.6% of the original award (\$196,612 over 20%).

Justification for total contract increase exceeding 20% of original contract:

The original bid documents reflected quantity estimates based on the best available information at that time regarding the work that would be required to complete the work under the contract.

The roadway, sewer and drainage systems in Llewellyn Park are extremely old and have fallen into a state of disrepair and deterioration owing to deferred maintenance and repairs. While the design process recognized the poor condition of the existing systems, budgetary constraints on both the design and construction did not allow for construction under a "worst-case scenario".

Significant unforeseen changed conditions were uncovered when construction began which needed to be addressed in order to obtain the quality of project that was anticipated in the bid.

Sewer work

- Sewer pipe work in the original contract was based on replacement of existing VCP pipe with new SDR35 pipe between existing manholes or lining of the existing pipes using CIPP methods. Reasonable assumptions were made regarding the location of adjacent utilities and the ability of the utility companies to accurately locate their facilities prior to construction.
- As construction proceeded, it became clear that the utility company records in Llewellyn Park were poor, at best, and there were numerous occasions where utilities were both not found where indicated and found in locations were not indicated.
- It also became clear that many sections of sewer pipe that needed to be replaced had utility lines over and alongside them making replacement in the same location very costly. This appears to be a result of the utility lines being installed after the sewer pipe without keeping the facilities separate (as is current practice).
- These issues resulted in the need for an extensive test pit program to locate the facilities/conflicts prior to construction and additional manholes to reroute some of the pipes to a different location in the roads to clear conflicting utilities.

Roadway work

- Roadway work in the original contract was based on milling and resurfacing the roadway with limited full depth repairs and the extensive use of geotextile fabric (based on 15 pavement cores undertaken during design).
- As construction progressed, it was found that the existing pavement was significantly thinner than was anticipated with many areas exhibiting on 1 to 2 inches of total asphalt (vs a desired 4 to 6").
- The thin pavement did not allow for the use of the geotextile fabric and required additional asphalt levelling course on many of the streets.
- The thin pavement in the shoulder areas required significantly more milling and asphalt to obtain the proper strength at the shoulder pavement edge.

Drainage work

- Drainage work in the original contract was based on limited repairs of known areas experiencing drainage issues.

Memorandum

Subject: 2012 Llewellyn Park Roadway and Sewer Improvements – Change Order #2

Date: August 1, 2014

Page 3 of 3

- As construction progressed, it was found that many of the inlets were not structurally sound and the many of the drainage pipes under the roadways were in poor condition (design video inspections were limited to the sanitary sewer pipes and the known locations where there were drainage issues).
- In order to maintain the expected design life for the roadway work the additional drainage issues in the roadways needed to be addressed before the roadway work was undertaken (drainage issue outside the roadway were left for a future time).

All the work included in the change orders is within the scope of the original contract and does not result in the undertaking of new or different work or project nor does it substantially change the quality or the character of the work items in the original bidding. Repairs to Park Way between Oak Bend and Mountain Avenue are a direct and unanticipated result of the heavy construction truck traffic.

The additional sanitary sewer, roadway and drainage work is required to maintain the integrity of the final roadway re-paving and achieve the design life expected at the time of the bid.

John and I agree that the prices negotiated with SCC are fair and reasonable and that issuing the change order is in the best interests of West Orange and the Llewellyn Park Committee of Managers.



Sanitary Construction Company, Inc.

415 Franklin Avenue
Rockaway, NJ 07866
Phone: (973) 664-0250 Fax: (973) 664-0289
www.sanitaryconstruction.com
UTCANJ/OSHA Blue Level Partner

To:	Township Of West Orange	Contact:	Mr. Carl Jenne
Address:	66 Main Street	Phone:	908.698.2890
	West Orange, NJ 07052	Fax:	
Project Name:	Added Base Bid W. Orange Lewellyn Park	Bid Number:	200913265
Project Location:	Lewellyn Park, West Orange, NJ	Bid Date:	7/18/2012

Per Contract is for Roadway Work shown on plans "Rockaway and Sewer Plan P-1, Revised 7/17/14 and " Maintenance Bid, Drainage Improvements Plan S-4" ,revised 7/17/14 excluding Glen Avenue and Park Way between Oak Bend and Mountain Avenue-Lump Sum Price -\$500,000as a change order to our existing contract with West Orange , as negotiated with John Bober and Carl Jenne.

Item #	Item Description
1	Milling 2" Variable Depth MAX 3" 40" Width
2	Roadway Excavation, Unclassified
4	Hot Mix Asphalt 9.5m64--Base
4	Hot Mix Asphalt 9.5m64--Leveling
5A	Hot Mix Asphalt 9.5m64-Overlay
6	Geotextile Paving Fabric
8	Replace Belgium Block Curb
10	DGA Base Course 6" Thick
11	DGA Pipe Backfill
16	Reset MH Casting
19	15" HDPE Storm Drain-- Maintenance YARD
20	Type A-1 Inlets
22	Type E Inlets
46	Construct Speed Hump--
55	Ejector Piping
59	Stone Filter Berm 4' Width X 2' Height

Total Bid Price: \$500,000.00

Payment Terms:

Payment Terms are Net 30 with Retainage at a max of 2%

ACCEPTED: The above prices, specifications and conditions are satisfactory and are hereby accepted. Buyer: _____ Signature: _____ Date of Acceptance: _____	CONFIRMED: Sanitary Construction Co., Inc. Authorized Signature:  Estimator: _____
---	---

COMMITTEE OF MANAGERS OF LLEWELLYN PARK

ONE PARK WAY LLEWELLYN PARK WEST ORANGE, NEW JERSEY 07052

Website: www.llewellynpark.com Email: lpoffice@verizon.net

Telephone (973) 731-5010 Fax (973) 325-6339

August 4, 2014

Mr. Leonard Lepore, PE
Director of Engineering and DPW
Township of West Orange
25 Lakeside Avenue
West Orange, NJ 07052

Dear Mr. Lepore:

Please be advised that the Llewellyn Park Committee of Managers has reviewed the recommended additional contract work and cost for Sanitary Construction Company for the 2012 Llewellyn Park Roadway and Sewer Project, prepared by Carl A. Jenne, PE, and approves Change Order 2 increasing the value of their contract by an additional \$545,000.00. The new contract total amount will be \$4,377,260.00 (original award of \$3,483,873.00 plus \$348,387.00 Change Order 1 plus \$545,000.00 for Change Order 2).

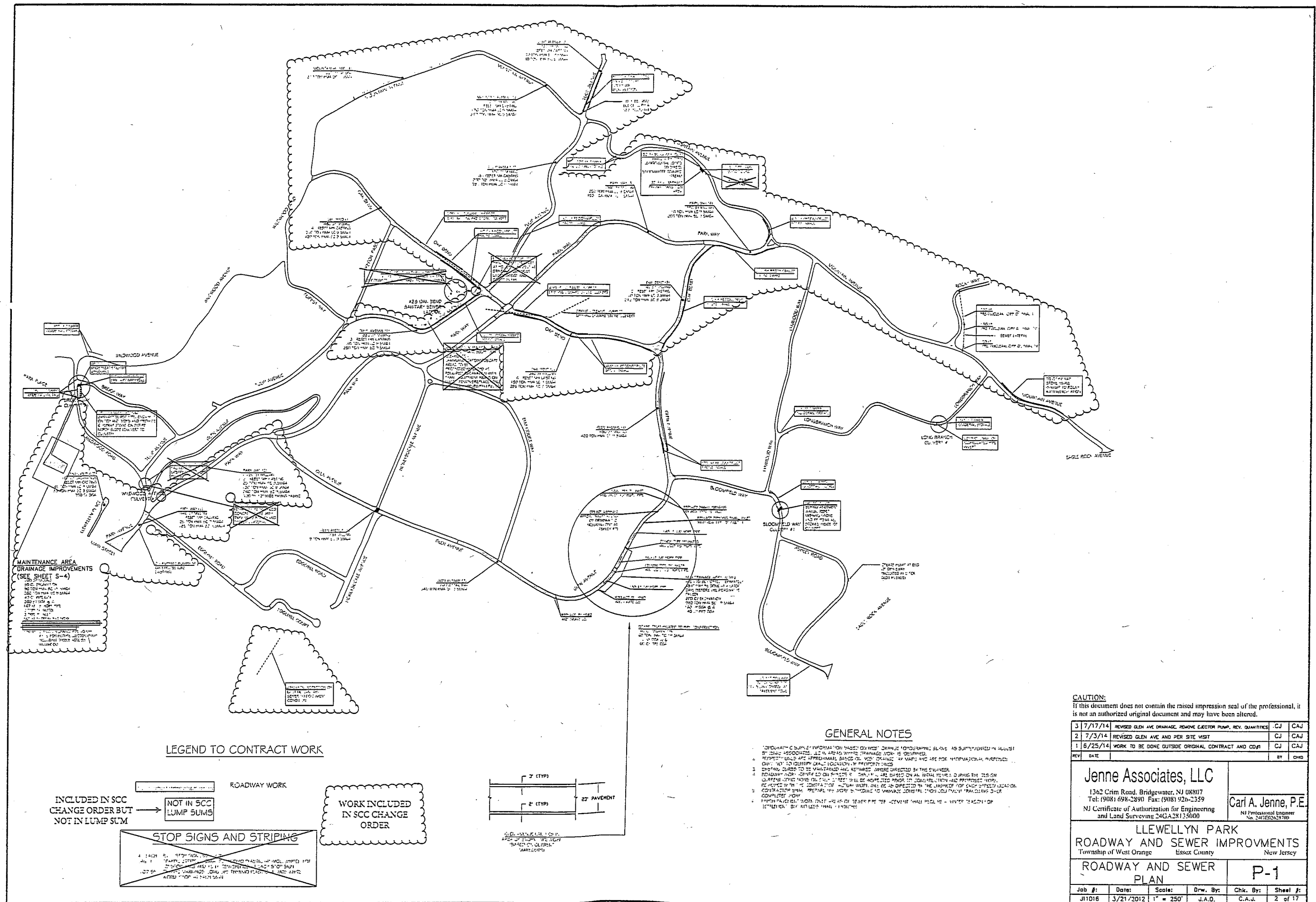
The above was approved by a 7-0 vote at our August 4, 2014.

Kindly forward this letter to the Mayor and Town Council for their consideration in approving the contract change order.

Sincerely,

Heath Betke Shelby

Chair, Committee of Managers



LEGEND TO CONTRACT WORK

INCLUDED IN SCC
CHANGE ORDER BUT
NOT IN LUMP SUM

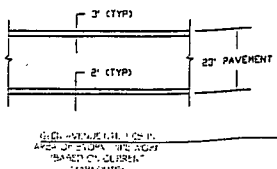
NOT IN SCC
LUMP SUMS

ROADWAY WORK

WORK INCLUDED
IN SCC CHANGE
ORDER

STOP SIGNS AND STRIPING

4. STOP SIGNS AND STRIPING SHALL BE PROVIDED FOR ALL NEW AND EXISTING STOP SIGNS AND STRIPING. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE COST OF STOP SIGNS AND STRIPING. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE COST OF STOP SIGNS AND STRIPING.



GENERAL NOTES

1. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE COST OF STOP SIGNS AND STRIPING.
2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE COST OF STOP SIGNS AND STRIPING.
3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE COST OF STOP SIGNS AND STRIPING.
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6. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE COST OF STOP SIGNS AND STRIPING.

CAUTION:
If this document does not contain the raised impression seal of the professional, it is not an authorized original document and may have been altered.

REV	DATE	DESCRIPTION	BY	CHKD
3	7/17/14	REVISED GLEN AVE DRAINAGE, REMOVE EJECTOR PUMP, REV. QUANTITIES	CJ	CAJ
2	7/3/14	REVISED GLEN AVE AND PER SITE VISIT	CJ	CAJ
1	6/25/14	WORK TO BE DONE OUTSIDE ORIGINAL CONTRACT AND CD#1	CJ	CAJ

Jenne Associates, LLC

1362 Crim Road, Bridgewater, NJ 08807
Tel: (908) 698-2890 Fax: (908) 926-2339
NJ Certificate of Authorization for Engineering
and Land Surveying 24GA28135000

Carl A. Jenne, P.E.
NJ Professional Engineer
No. 24H00002100

LLEWELLYN PARK
ROADWAY AND SEWER IMPROVEMENTS
Township of West Orange Essex County New Jersey

Job #:	Date:	Scale:	Drw. By:	Chk. By:	Sheet #:
J1016	3/21/2012	1" = 250'	J.A.D.	C.A.J.	2 of 17

WILDWOOD ROAD

MH #115

SLEEVE TO BE
CONSTRUCTED
UNDER WILDWOOD
AVENUE

MILL/RECONSTRUCT
ROADWAY DRIVEWAY
AND PARKING LOT AS
REQUIRED TO PROVIDE
6" DGA, 2" BASE HMA
AND 2" SURFACE HMA

PAVEMENT TO BE
RAISED TO ELEV
190 (6" +/-) NEAR
FENCE LINE TO
CREATE A "RIDGE
LINE" SLOPING
OFF ON EITHER
SIDE TOWARD
INLETS

INLET (TYPE "A")
GR. = 189.5
INV. = 186.30

INLET (TYPE "A")
GR. = 189.5
INV. = 186.30

CONSTRUCT 165 LF 12" FILTREXX SILT SOXX
STONE BERM INSIDE OF EXISTING CHAIN LINK
FENCE TO FILTER SURFACE WATER PRIOR TO
FLOWING ONTO ADJACENT PARKING LOT
(EXPECTED TO OCCUR DURING EXTREME
STORM EVENTS WHERE ADJACENT STREAM
OVERFLOWS ONTO MAINTENANCE YARD
PROPERTY). SILT SOXX SHALL BE EXTEND 2'
BELOW ADJACENT GRADE AND BE SECURED
WITH 2" HEADWIDTH WOODEN STAKES PLACED
A MINIMUM 10' ON CENTER.

CONSTRUCTION QUANTITIES

700 SY MILLING
50 CY EXCAVATION
90 TON HMA BC 19.5MG4
180 TON HMA SC 9.5MG4
40 CY PIPE DGA
200 SY DGA @ 6"
167 LF 15" HDPE PIPE
2 TYPE "A" INLETS
2 TYPE "E" INLET
165 LF FILTREXX SILT SOXX FILTER BERM
40 CY CONCRETE TO RAISE GARAGE FLOOR
EJECTOR PUMP, COMPLETE
540 LF 2" PVC DISCHARGE PIPE (150 PSI)
TO SAN. MH #115 - FITTINGS TO BE
MINIMIZED)

INSTALL NEW SEWAGE EJECTOR PUMP WITH
PROVIDE AND INSTALL 540 LF 2" DISCHARGE
LINE UNDER PARKING LOT/DRIVEWAY (3" MIN.
COVER) AND CONNECT TO SAN MH #115
ALONG WILDWOOD AVENUE

INLET (TYPE "E")
GR. = 188.1
INV. = 184.5

10 LF 15" HDPE TO
CONNECT TO EXISTING PIPE
STUB AT PROPERTY LINE
INSTALLED IN 2013 ON
ADJACENT PROPERTY (WHICH
CONNECTS TO THE EXISTING
INLET ON THAT PROPERTY)

57 LF 15" HDPE

RAISE FLOOR IN THIS TWO-
BAY GARAGE WITH CONCRETE
TO 2'-4" ABOVE PAVEMENT
GRADE AND ON CONCRETE

INLET (TYPE "E")
GR. = 188.1
INV. = 185.0

1 PLAN

CAUTION:
If this document does not contain the raised impression seal of the professional, it
is not an authorized original document and may have been altered.

REV	DATE	DESCRIPTION	BY	CHKD
3	7/17/14	REVISED GLEN AVE DRAINAGE, REMOVE EJECTOR PUMP, REV. QUANTITIES	CJ	CAJ
2	7/3/14	REVISED GLEN AVE AND PER SITE VISIT	CJ	CAJ

Jenne Associates, LLC 1362 Crim Road, Bridgewater, NJ 08807 Tel: (908) 698-2890 Fax: (908) 926-2359 NJ Certificate of Authorization for Engineering and Land Surveying 24GA28135000		Carl A. Jenne, P.E. NJ Professional Engineer No. 24100025700
--	--	---

LLEWELLYN PARK ROADWAY AND SEWER IMPROVEMENTS Township of West Orange Essex County New Jersey	
--	--

MAINTENANCE BLDG. DRAINAGE IMPROVEMENTS				S-4	
Job #:	Date:	Scale:	Drw. By:	Chk. By:	Sheet #:
J11016	3/21/2012	1" = 20'	J.A.D.	C.A.J.	12 of 17

RESOLUTION

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

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

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

WHEREAS, the Township by Resolution No. 165-13 dated August 20, 2013 at the request of the Llewellyn Park Committee of Managers authorized additional funds in the amount of \$348,387.00 by approving Change Order No. 1; and

WHEREAS, this additional funding was used to address additional costs associated with unforeseen field conditions and it increased the authorized funding for this contract to \$3,832,260.00 or a ten percent increase over the original contract award amount; and

WHEREAS, as the work continued more field conditions needed to be addressed and as of August 2014 the total amount expended for this project was \$3,827,593.70 but several roadway and sewer improvements specified in the original contract bid documents and specifications still needed to be completed; and

WHEREAS, by Ordinance No. 2409-14 adopted May 6, 2014 the Township appropriated an additional \$550,000 for Llewellyn Park Roadway and Sanitary Sewer Improvements; and

WHEREAS, in August 2014 Carl Jenne of Jenne Associates, LLC the project's designer and contract administrator and inspector for the Township and John Bober of the Llewellyn Park Committee of Managers negotiated a lump sum price of \$500,000 to complete the remaining

improvements plus an allowance of \$45,000 for unit price and contingency items as depicted on Construction Drawings P-1 and S-4 prepared by Jenne Associates and revised July 17, 2014, described by Mr. Jenne in his memo of August 25, 2014 and as stated by Sanitary Construction Company, Inc., in their proposal of August 15, 2014

WHEREAS, Mr. Jenne estimated the cost of this additional work is about ten percent less than it would be based on unit prices bid in the contract; and

WHEREAS, the Llewellyn Park Committee of Managers by letter dated August 4, 2013 requested the Township authorize Change Order No. 2 with Sanitary Construction Company, Inc., in the amount of \$545,000 to complete the improvements specified in the original bid documents; and

WHEREAS, the additional funding increases the total authorized funding for this contract to \$4,377,260.00 or a 25.6 percent increase over the original award amount.; and

WHEREAS, the State's Administrative Code specifies procedures for authorizing Change Orders in excess of 20 percent which includes a statement by the contracting unit's engineer; and

WHEREAS, the Municipal Engineer by letter dated September 3, 2014 recommended **Change Order No. 2** with Sanitary Construction Company, Inc. in which he stated:

- This Change Order is necessitated by the unforeseen field conditions in Llewellyn Park, one of the Country's older planned communities which caused additional expenditures as the project progressed.
- The additional appropriation associated with this contract is to complete roadway and sewer improvements that were specified in the original documents, and it does not represent an expansion in the scope of the project.
- The costs for this additional work were negotiated on a lump sum basis, and it represents a reduction from the estimate cost of the improvements if the unit prices bid were used.
- To award as a separate contract for this work would likely result in higher costs as Sanitary Construction Company, Inc. can achieve economies of scale as a result of their presence in Llewellyn Park.

; and

WHEREAS, sufficient funds exist for this Change Order; and

WHEREAS, the Township Council concurs in the foregoing.

NOW THEREFORE BE IT RESOLVED by the Township Council of the Township of West Orange that Change Order No. 2 for the contract Llewellyn Park Roadway and Sanitary Sewer Improvements between Sanitary Construction Company, 415 Franklin Avenue, Rockaway, New Jersey 07866 and the Township of West Orange which authorizes additional funding in the amount of \$545,000 to complete all improvements as originally specified in the bid documents and plans which brings the total amount authorized through Change Order No. 2 for this project to \$4,377,260 or a 25.64 percent increase from the original contract amount is approved.

BE IT FURTHER RESOLVED that the Mayor and Municipal Engineer are authorized to sign the Change Order

BE IT FURTHER RESOLVED that in accordance with the State's Administrative Code a notice of the Change Order shall be published in the West Orange Chronicle.

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

SUSAN McCARTNEY , COUNCIL

Adopted: September 9, 2014

I hereby Certify funds are available from:

	Account No.
	03-2358-12-0010-010 \$76,791.51
	03-2358-12-0010-020 \$468,208.49

JOHN GROSS, CHIEF FINANCIAL OFFICER

EXHIBIT "A"

TRENK, DIPASQUALE, WEBSTER,
DELLA FERA & SODONO, P.C.
347 Mt. Pleasant Avenue, Suite 300
West Orange, NJ 07052
(973) 243-8600
Township Attorney for the Township of West Orange

STATE OF NEW JERSEY,

Complainant,

v.

BRUCE BRUMLOP,

Defendant.

STATE OF NEW JERSEY
MUNICIPAL COURT OF THE TOWNSHIP OF
WEST ORANGE

SUMMONS NO. 030588

ORDER AUTHORIZING TOWNSHIP
OF WEST ORANGE PERSONNEL
TO ENTER ONTO PROPERTY TO
PARTIALLY ABATE PROPERTY
MAINTENANCE CODE VIOLATION

THIS MATTER having been opened to the Municipal Court of the Township of West Orange (the "Township"), on behalf of the State of New Jersey and upon the Complaint of William Ordoñez, former Property Maintenance Inspector for the Township; and a Summons having issued to the Defendant, Bruce Brumlop ("Defendant"); and Defendant having been given notice by the Court of the hearing date in person and the Defendant having failed to appear in the Township's Municipal Court in connection with Summons No. 030588 (the "Summons") on the scheduled hearing date of October 26, 2011; and the Township having appeared in the Municipal Court on that date, by and through the Office of the Township Attorney, Trenk, DiPasquale, Webster, Della Fera & Sodono, P.C.; and Defendant owning or otherwise having a legal interest in certain real property within the Township, specifically at 293 St. Cloud Avenue, West Orange, New Jersey (the "Property");

AND WHEREAS, the Township deems the exterior of the Property in a state such that it is in continued violation of Township Code Sections 14-8.2(a), and 14-8.3(a)(1), (2) and (5), as set forth in the Summons; and whereas conditions at the Property are such that the home's

siding has become detached and the indoor insulation exposed to the outdoors; and the referenced condition constituting a violation of the noted Township Code Sections; and the Court having been satisfied that sufficient proofs have been presented to show that the health, well-being and safety of the Property and adjoining properties are in jeopardy; and upon a finding of other good cause for the relief set forth herein;

IT IS on this 15th day of November, 2011:

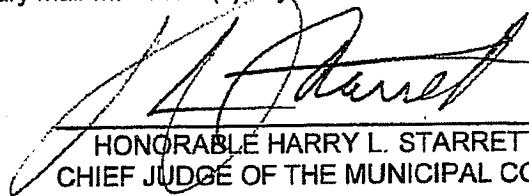
ORDERED, that the Defendant shall have ten (10) business days from the date of this Order to abate the violating conditions set forth in Summons; and it is further

ORDERED that, in the event that the violating conditions as set forth in the Summons are not abated within ten (10) business days from the date of this Order, either Township personnel or an appropriate third-party vendor hired by the Township shall be authorized to enter onto the Property to abate and/or remediate the existing condition and violation, specifically by covering up the damaged siding; and it is further

ORDERED, that the Defendant shall reimburse the Township for expenses incurred to abate the violation within fifteen (15) days' receipt of the invoice for work performed to complete the abatement, which invoice shall be sent to Defendant's last-known address via Certified Mail, Return Receipt Requested, ordinary mail and also by posting a copy of this Order on the door of the Property; and it is further

ORDERED, that if the Defendant does not timely reimburse the Township for expenses incurred to abate the violation, the Township may record a lien on the Property, without further notice to Defendant, for the amount of any and all services rendered to abate, remediate and/or ameliorate the existing and/or continuing violation(s) (the "Lien"), and collect statutorily-authorized interest on that lien, as set forth in N.J.S.A. 54:4-67; and it is further

ORDERED, that Defendant shall be served with a copy of this Order, via Certified Mail,
Return Receipt Requested, and via ordinary mail within one (1) day of the date of this Order.



HONORABLE HARRY L. STARRETT
CHIEF JUDGE OF THE MUNICIPAL COURT

466927_1.DOC

EXHIBIT “B”

**TRENK, DIPASQUALE, WEBSTER,
DELLA FERA & SODONO, P.C.**
347 Mt. Pleasant Avenue, Suite 300
West Orange, NJ 07052
(973) 243-8600
Township Attorneys for the Township of West Orange

STATE OF NEW JERSEY,

Complainant,

v.

BRUCE BRUMLOP,

Defendant.

STATE OF NEW JERSEY
MUNICIPAL COURT OF THE TOWNSHIP OF
WEST ORANGE

SUMMONS NO. 030588

**SUPPLEMENTAL ORDER AUTHORIZING
THE TOWNSHIP OF WEST ORANGE
AND/OR A THIRD-PARTY CONTRACTOR
TO ENTER INTO THE INTERIOR OF THE
RESIDENCE LOCATED AT 293 ST. CLOUD
AVENUE TO ABATE PROPERTY
MAINTENANCE CODE VIOLATION**

THIS MATTER having been opened to the Municipal Court of the Township of West Orange (the "Township"), on behalf of the State of New Jersey and upon the Complaint of William Ordoñez, former Property Maintenance Inspector for the Township; and Summons No. 030588 (the "Summons") having issued to the Defendant, Bruce Brumlop ("Defendant"); and Defendant having been given notice in writing and orally by the Court of various hearing dates; and the Defendant having failed to appear in the Township's Municipal Court in connection with the Summons on the last-scheduled hearing date of October 26, 2011; and the Township having appeared in the Municipal Court on that date, by and through the Office of the Township Attorney, Trenk, DiPasquale, Webster, Della Fera & Sodono, P.C.; and Defendant owning or otherwise having a legal interest in certain real property within the Township, specifically at 293 St. Cloud Avenue, West Orange, New Jersey, including all structures, house(s) and/or building(s) thereon (the "Property"); and there being no individuals currently dwelling or

RECEIVED TIME JAN. 5. 2:31PM

occupying the Property, and the Township not having knowledge of a current address or contact information of Defendant;

AND WHEREAS, this Court entered an Order dated November 15, 2011, whereby the Township and/or an appropriate third-party contractor was and remains authorized to enter onto the Property to abate or remediate conditions which violate the Township's property maintenance code; and the Township continuing to deem the Property in such a state that it is in continued violation of Township Code Sections 14-8.2(a), and 14-8.3(a)(1), (2) and (5);

AND WHEREAS, upon the Certification of Gerry Huegel, Senior Township Architect, inspection of and access to the interior of the house at the Property is required in order to remediate the referenced Code violations, specifically for the purpose of raising the deflected garage roof and properly underpinning same to ensure structural integrity; and the Court having been satisfied that sufficient proofs have been presented throughout the pendency of the Summons to show that the health, well-being and safety of the Property and adjoining properties are in jeopardy; and upon a finding of other good cause for the relief set forth herein;

IT IS on this 5th day of January, 2012:

ORDERED, that Township personnel and/or an appropriate third-party vendor or contractor hired by the Township shall be and hereby are authorized to enter into the house at the Property; and it is further

ORDERED, that the Township personnel and/or the appropriate third-party vendor or contract shall be authorized to enter into the house at the Property solely for the purposes of *determining whether there are* inspecting, improving, repairing, abating and/or remediating the Property Maintenance Code violations at the Property, including but not limited to inspection of the garage and other areas where there may be structural damage to the Property affecting the exterior maintenance of the Property *AND WHAT REMEDIAL ACTION, IF ANY, IS REQUIRED* and it is further

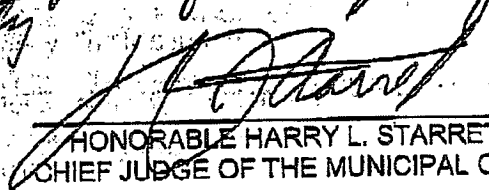
ORDERED, that the Defendant shall reimburse the Township for expenses incurred to abate the Property Maintenance Code violation(s) within fifteen (15) days receipt of the invoice

~~for work performed to complete the abatement, which invoice shall be sent to Defendant's last-known address via Certified Mail, Return Receipt Requested, ordinary mail and also by posting a copy of this Order on the door of the Property; and it is further~~

~~ORDERED, that if the Defendant does not timely reimburse the Township for expenses incurred to abate the violation, the Township may record a lien on the Property, without further notice to Defendant, for the amount of any and all services rendered to abate, remediate and/or ameliorate the existing and/or continuing violation(s) (the "Lien"), and collect statutorily-authorized interest on that lien, as set forth in N.J.S.A. 54:4-67; and it is further~~

ORDERED, that Defendant shall be served with a copy of this Order, via Certified Mail, Return Receipt Requested, and via ordinary mail within two (2) days of the Township Attorney's receipt of this Order.

and by posting on the front door of the property


HONORABLE HARRY L. STARRETT
CHIEF JUDGE OF THE MUNICIPAL COURT

493683_1.DOC

EXHIBIT “C”

**NOTICE OF
UNSAFE STRUCTURE**

Application Date:

Control Number: 0

Permit Number: 0

Date Permit Issued:

Notice Date: 2/3/2012

Violation Number: 20120014/0

Township of West Orange
66 Main Street
West Orange, NJ 07052
973-325-4112

IDENTIFICATION

Work Site Location: 293 ST. CLOUD AVENUE Block: 168 Lot: 15.03 Qualification Code: _____
Owner In Fee: BRUMLOP, BRUCE H Agent: _____
Address: 293 ST. CLOUD AVENUE Address: _____
WEST ORANGE NJ 07052 Telephone: _____
Telephone: _____

To: ☒ Owner: _____
☐ Agent/Contractor: _____
☐ Other: _____

Date Of Inspection: 2/2/2012

Date Of This Notice: 2/3/2012

ACTION

Take **NOTICE** that as a result of the inspections conducted by this agency on 2/2/2012 on the above property, an unsafe condition has been found to exist pursuant to N.J.S.A. 52:27D-132 and N.J.A.C. 5:23-2.32. The building or structure, or portion thereof, deemed an unsafe condition is described as follows:

SEE ATTACHED

You are hereby **ORDERED** to:

- ☒ Vacate the above structure by 2/3/2012
☒ Demolish the above structure by 2/24/2012, or correct the above noted unsafe conditions by no later than 2/24/2012.

Failure to correct the unsafe condition or refusal to comply with this **ORDER** will result in this matter being forwarded to legal counsel for prosecution and assessment of penalties up to \$2,000.00 per week per violation. You must immediately declare to the Construction Official, your acceptance or rejection of the terms of this **ORDER**.

Any building or structure vacated pursuant to this **ORDER** shall not be reoccupied unless and until a certificate of occupancy is issued by the Construction Official.

If you wish to contest this **ORDER**, you may request a hearing before the Construction Board of Appeals of the Essex County Construction Board Of Appeals within 15 business days of receipt of this notice as provided by N.J.A.C. 5:23A-2.1. The Application to the Construction Board of Appeals may be used for this purpose.

Your application for appeal must be in writing, setting forth your name and address, the address of the building or site in question, the specific sections of the Uniform Construction Code in question and the extent and nature of your reliance on them. You may include a brief statement setting forth your position and nature of the relief sought by you, and you may also append any documents that you consider useful.

The fee for an appeal is \$100.00 and should be forwarded with your application to the Construction Board of Appeals Office at:
900 Bloomfield Avenue Verona NJ 07044

If you have any questions concerning this matter, please call: 973-325-4112

By Order of: Thomas Tracey
Thomas Tracey CONSTRUCTION OFFICIAL

Date: 2-3-2012

**NOTICE OF
IMMINENT HAZARD**

Application Date:

Control Number: 0

Permit Number: 0

Date Permit Issued:

Notice Date: 2/3/2012

Violation Number: 20120014/0

Township of West Orange
66 Main Street
West Orange, NJ 07052
973-325-4112

IDENTIFICATION

Work Site Location: 293 ST. CLOUD AVENUE Block: 168 Lot: 15.03 Qualification Code: _____
Owner In Fee: BRUMLOP, BRUCE H Agent/Contractor: _____
Address: 293 ST. CLOUD AVENUE Address: _____
WEST ORANGE NJ 07052
Telephone: _____ Telephone: _____
To: ☒ Owner: ☐ Other: _____
☐ Agent/Contractor: _____
Date Of Inspection: 2/2/2012 Date Of This Notice: 2/3/2012

ACTION

Take **NOTICE** that as a result of the inspections conducted by this agency on 2/2/2012 of the above property, an imminent hazard has been found to exist pursuant to N.J.S.A. 52:27D-132 and N.J.A.C. 5:23-2.32. The building or structure, or portion thereof, deemed an imminent hazard is described as follows:

SEE ATTACHED

As such, you are hereby **ORDERED** to immediately and forthwith vacate the above structure or portion thereof.

Further, you are **ORDERED** to:

- ☒ Immediately correct the above noticed imminent hazards so as to render the structure temporarily safe and secure.
- ☒ Demolish the above structure by 2/24/2012

Failure to immediately comply with this **ORDER** may result in the necessary correction being made by the Construction Official at the expense of the property owner pursuant to N.J.A.C. 5:23-2.32(b)5.

Failure to render the structure temporarily safe and secure and/or demolish the structure in accordance with this **ORDER** will result in this matter being forwarded to legal counsel for prosecution, and assessment of penalties up to \$2,000.00 per week per violation. You must immediately declare to the Construction Official, your acceptance or rejection of the terms of this **ORDER**.

If you wish to contest this Order, you must apply for a stay to a court of competent jurisdiction within 24 hours.

If you have any questions concerning this matter, please call: 973-325-4112

By Order of:


Thomas Tracey CONSTRUCTION OFFICIAL

Date: 2-3-2012

ENFORCEMENT ATTACHMENT

Date Issued:
Control Number: 0
Permit Number: 0

Permit Date:

Notice Date: 02/03/2012

Violation Number: 20120014 / 0

Township of West Orange
66 Main Street
West Orange, NJ 07052
973-325-4112

IDENTIFICATION

Work Site Location: 293 ST. CLOUD AVENUE

Block: 168

Lot: 15.03

Qual: _____

Owner In Fee: BRUMLOP, BRUCE H

Agent: _____

Address: 293 ST. CLOUD AVENUE

Address: _____

WEST ORANGE NJ 07052

Telephone: _____

Telephone: _____

ACTION

Date Of Notice: 02/03/2012

Date Of Inspection: 02/02/2012

Compliance Due Date: 02/24/2012

VIOLATIONS

You have caused or allowed a residential structure to become Unsafe and Unsanitary in violation of N.J.A.C.5:23-2.32(a).

1. Due to lack of maintenance to roof system, the roof structure has failed due to water infiltration in numerous locations.
2. Rear center roof structure has collapsed into the center family room area of house also causing the floor system and side exterior wall to fail.
3. Side garage roof has ponding water due to roof structural problem and is failing.
4. Kitchen, rear bedroom and bathroom have sheetrock failing at the ceiling areas due to poor roof conditions
5. Basement was viewed to have about two feet of standing water from roof leaking above
6. Mold and mildew were viewed throughout the upper main level of the house.

You are also hereby Ordered as per N.J.A.C.5:23-2.30(a) to secure required permits to repair building or demolish structure by February 24, 2012

Any question regarding this violation should directed to West Orange Building Department 973-325-4112

Thomas Tracey
Construction Official
Twp. of West Orange

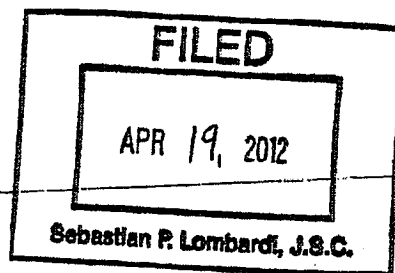
REQUIRED ACTIONS

ALL PERMITS REQUIRED UNDER THE NEW JERSEY UNIFORM CONSTRUCTION CODE MUST BE SECURED PRIOR TO PERFORMING WORK.

EXHIBIT “D”

27-069

TRENK, DIPASQUALE, WEBSTER,
DELLA FERA & SODONO, P.C.
347 Mt. Pleasant Avenue, Suite 300
West Orange, NJ 07052
Phone: (973) 243-8600
Fax: (973) 243-8677
Attorneys for Plaintiff Township of West Orange



TOWNSHIP OF WEST ORANGE,

Plaintiff,

v.

BRUCE H. BRUMLOP,

Defendant.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: ESSEX COUNTY

Docket No. ESX-L-2001-12

Civil Action

ORDER AUTHORIZING TOWNSHIP OF
WEST ORANGE TO DEMOLISH CERTAIN
REAL PROPERTY LOCATED AT 293 ST.
CLOUD AVENUE WITHIN THE TOWNSHIP
OF WEST ORANGE, PURSUANT TO
NOTICE OF UNSAFE STRUCTURE AND
NOTICE OF IMMINENT HAZARD
PREVIOUSLY ISSUED UNDER N.J.A.C.
5:23-2.32

HEARING DATE: APRIL 19, 2012

THIS MATTER having been opened to the Court by Plaintiff Township of West Orange ("Township"), by and through its counsel, Trenk, DiPasquale, Webster, Della Fera & Sodono, P.C., by the filing of a Verified Complaint on March 13, 2012; and the Court having entered an Order to Show Cause on March 13, 2012; and Defendant Bruce Brumlop ("Defendant") having been noticed of the within action, through service of the Order to Show Cause and Verified Complaint via Certified Mail, Return Receipt Requested, and via Regular Mail, and via notice published in the *Newark Star-Ledger* on March 30, 2012; and no opposition having been filed; and the Court having heard argument on April 19, 2012, and for the reasons set forth on the record on that date, and for other good cause shown;

IT IS on this 19th day of April, 2012;

ORDERED, that the Township is duly authorized and has duly exercised its authority to issue a Notice of Unsafe Structure and Notice of Imminent Hazard pursuant to the Uniform Construction Code (the "Notices"), specifically N.J.A.C. 5:23-2.32, as to certain real property owned by Defendant and located at 293 St. Cloud Avenue within the Township (the "Property"); and it is further

ORDERED, that the Township has sufficiently established service of process against Defendant with respect to the Notices, consistent with New Jersey Court Rule 4:4-4 and N.J.A.C. 5:23-2.32(a)(4); and it is further

ORDERED, that the Township shall be and hereby is authorized to demolish the residential building located on the Property pursuant to N.J.A.C. 5:23-2.32, and pursuant to the Notices previously issued by the Township; and it is further

ORDERED, that the Township may submit a Certification setting forth its compensatory damages, including all costs involved in bringing this action and the cost to remove the structure and granting the Township a lien on the Property with respect to costs associated with the demolition and other work performed at the Property to ensure the public safety and welfare; and it is further

ORDERED, that a copy of this Order shall be served on Defendant at his last known address, via Certified Mail, Return Receipt Requested, and via Regular Mail, within five (5) days of the Township Attorney's receipt of this Order.


HONORABLE SEBASTIAN P. LOMBARDI
JUDGE OF THE SUPERIOR COURT

SEBASTIAN P. LOMBARDI, JSC

☐ Opposed
☒ Unopposed

639785_1

EXHIBIT “E”

req# 603

T. Fiore
Demolition, Inc.
457 Wilson Ave.
Newark, NJ 07105
(973) 465-1818 PH (973) 465-7357 FX
www.tfiore.com

May 16, 2012

Quote # QTFD12186

Mr. Nick Salese
Township of West Orange
West Orange, NJ 07052

Via Email nsalese@westorange.org

Reference: Demolition and removal services at 293 St Cloud Ave.

Dear Mr. Salese,

T. Fiore Demolition, Inc. is pleased to quote **demolition services** at the above referenced location as per our site visit. T. Fiore will supply all labor, equipment, insurance and required licenses to complete this project for the following lump sum price of

Fifteen thousand dollars (\$15,000.00)

Inclusions

- Structure demolition and removal to include footings, foundations, and slabs. This includes disposal.
- Provide common backfill and leave site to a clean rough grade
- Provide utility disconnections – sewer and water,
- Acquire and coordinate permits with owner and city inspector

Exclusions

- Any police protection, sidewalk or street/lane closings and permits
- Any temporary or permanent fencing
- Any sidewalk, street or driveway restorations
- Any hazardous materials, asbestos or environmental testing and removals
- Any site restoration, wall repairs, masonry repair or new construction
- Any engineering services, shoring or bracing
- Any UST or AST removals or permits
- Any tree removals or disposal

Thank you for choosing T. Fiore Demolition, Inc. Any further information and or comments that you may have, please feel free to contact my office.
Best regards,

Dennis Dannenfelser Jr.
Operations Supervisor
Phone: (973) 465-1818
Fax: (973) 465-7357
Cell: (973) 418-3079 24 Hrs.
dendemotrash@yahoo.com
NJDC#13VH02363800



CAP Services, Inc.
81 Heckel Street
Belleville, NJ 07109
Ph: 973 844-0012 Fax: 973 844-0014
www.capdemolition.com

DEMOLITION PROPOSAL

To: Nick Salese
Construction Official
Township of West Orange
66 Main Street
West Orange, NJ 07052

Date: May 23, 2012

Re: Demolition Services:
293 St. Cloud Avenue
West Orange, NJ 07052

Responsibilities of CAP Services, Inc.:

1. Provide all of the necessary labor and equipment to perform the demolition work at 293 St. Cloud Avenue in West Orange, NJ.
2. Supply all necessary insurances and licenses-to perform the demolition work.
3. Demolish and remove the existing house to its entirety.
4. Disconnect Utilities, which includes a plumber to cut and cap the water/ sewer service.
5. Obtain Demolition permits.
 - Demolish House: \$ 14,500.00
 - Utilities/Demolition Permits: \$ 1,000.00

Exclusions:

1. Asbestos Abatement, Hazardous Materials/Contaminated Soils
2. Cutting Down Trees and Disposing of
3. Fencing
4. Damage to sidewalks and/or pavements
5. Tanks (Underground or Above)



Carmine Pucillo, President

5/23/2012

Date

Nick Salese, Construction Official

Date

****This proposal shall be executed upon signing and faxing/mailing of the same. Quote valid for 60 days past date of this proposal. Any previous proposals regarding this project are no longer valid.**



S. Boschen Builders, LLC

License No. 13VH00769400
589 Mt Pleasant Avenue
West Orange NJ 07052-1405
(973) 761-5468

Job Specifications

Date: 5/21/2012

Customer: Township of West Orange
66 Main Street.
West Orange, NJ 07052

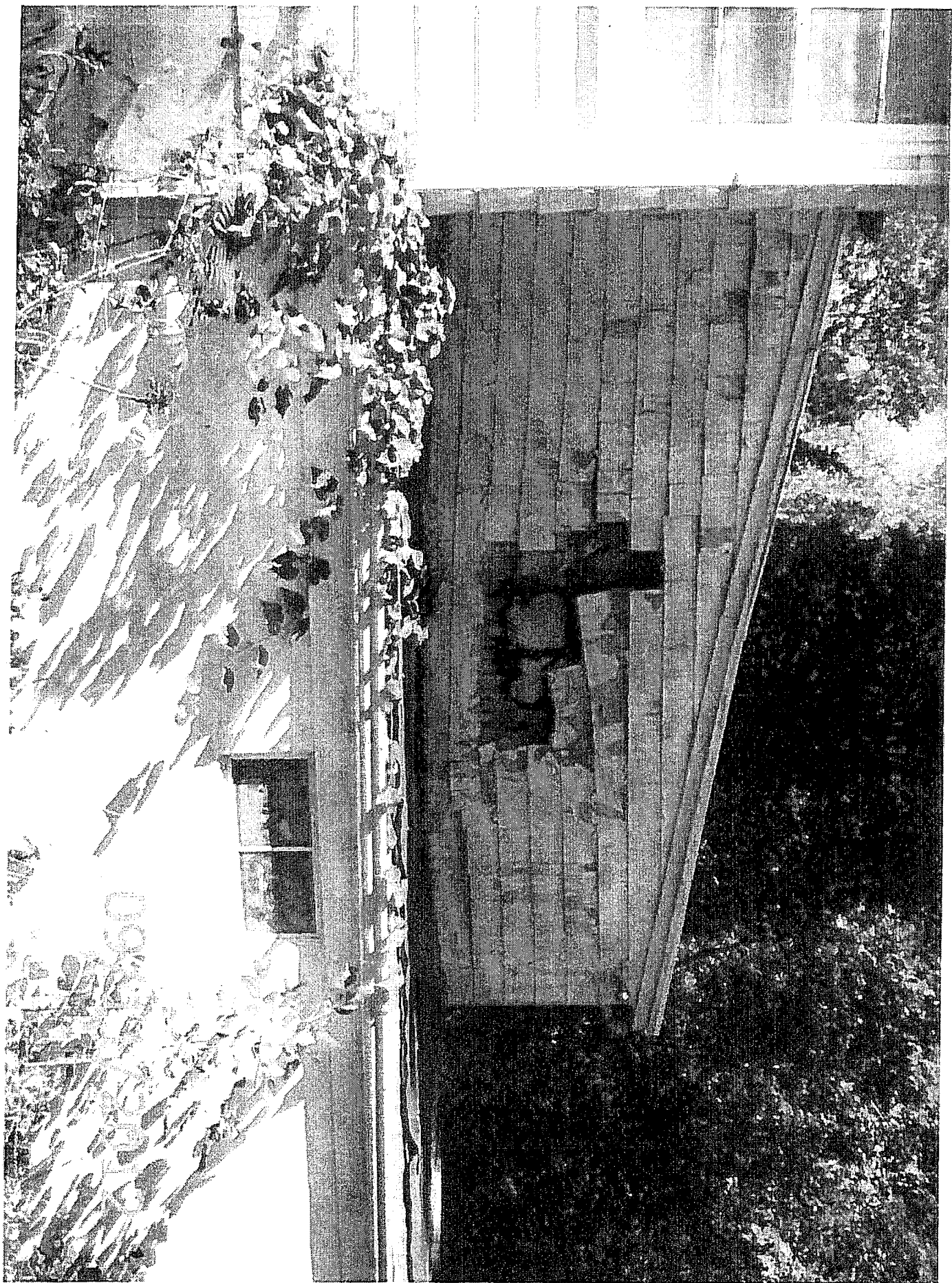
DEMOLITION OF 293 ST CLOUD AVENUE, WEST ORANGE, NJ

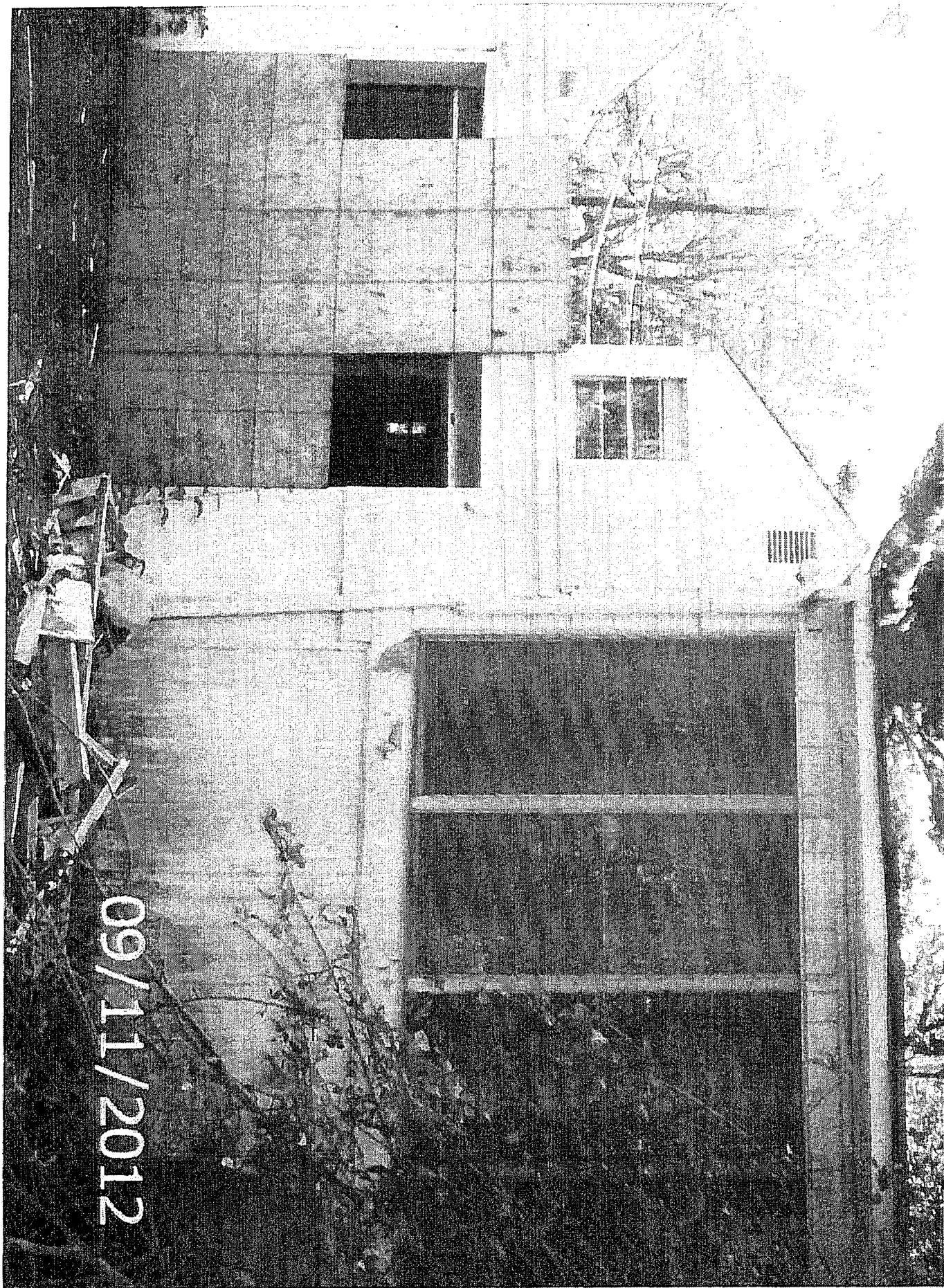
1. Township to provide permit & fees
2. Township to cut and cap water and sewer
3. Exterminating - \$325.00
4. Demo structure as per NJ DEP standards - \$15,287.50
 - a. Contractors DEP # NJ5807
5. Use water curtain to suppress dust during demolition operation - \$0
6. Grade hole as to leave in a safe manner - \$0
 - a. Option — stabilize disturbed area with seed, fertilizer, lime & hay - \$448

No asbestos or oil tanks included in price if applicable

Total for above without Option to re-seed \$15,287.50

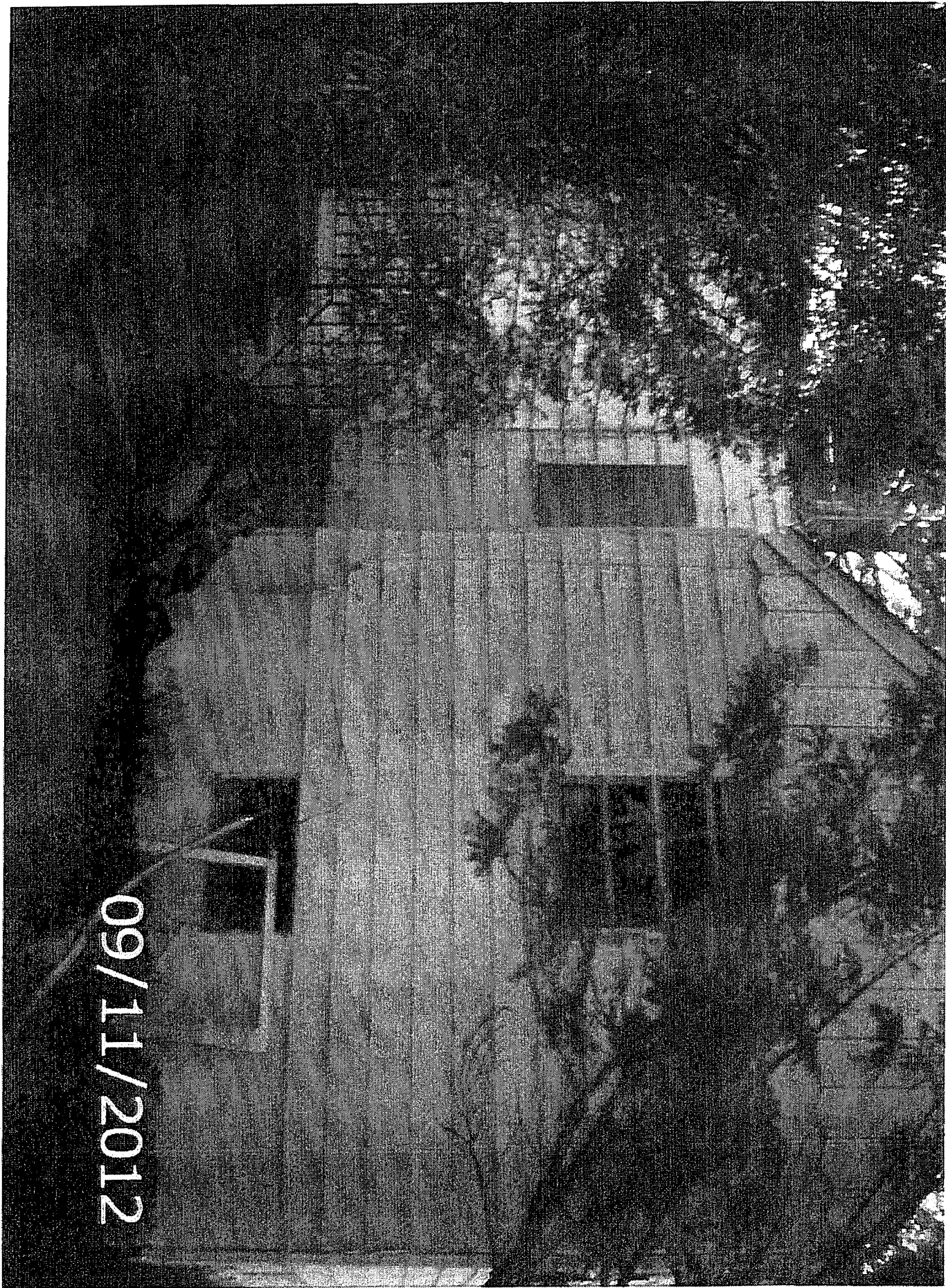
EXHIBIT “F”



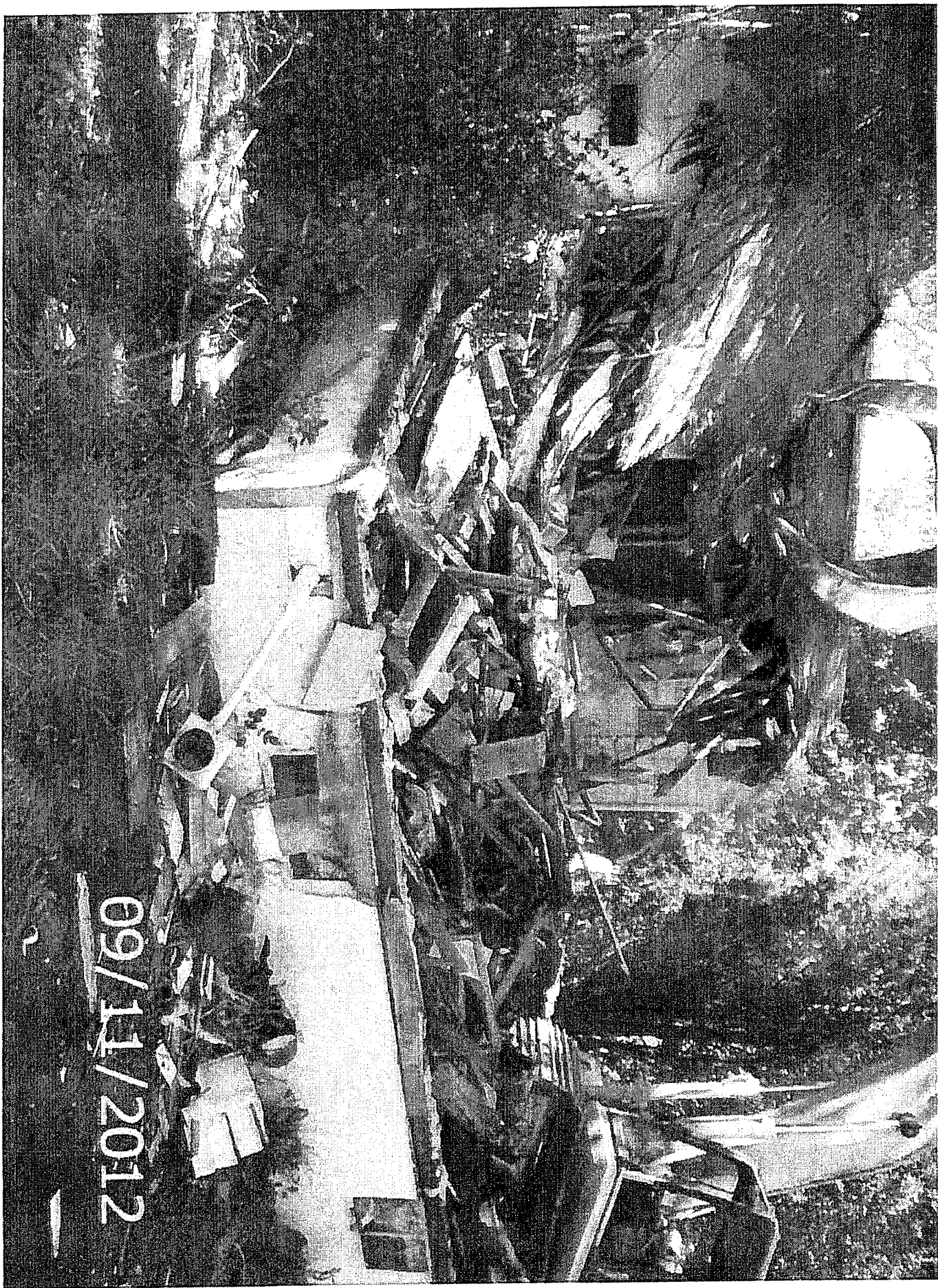


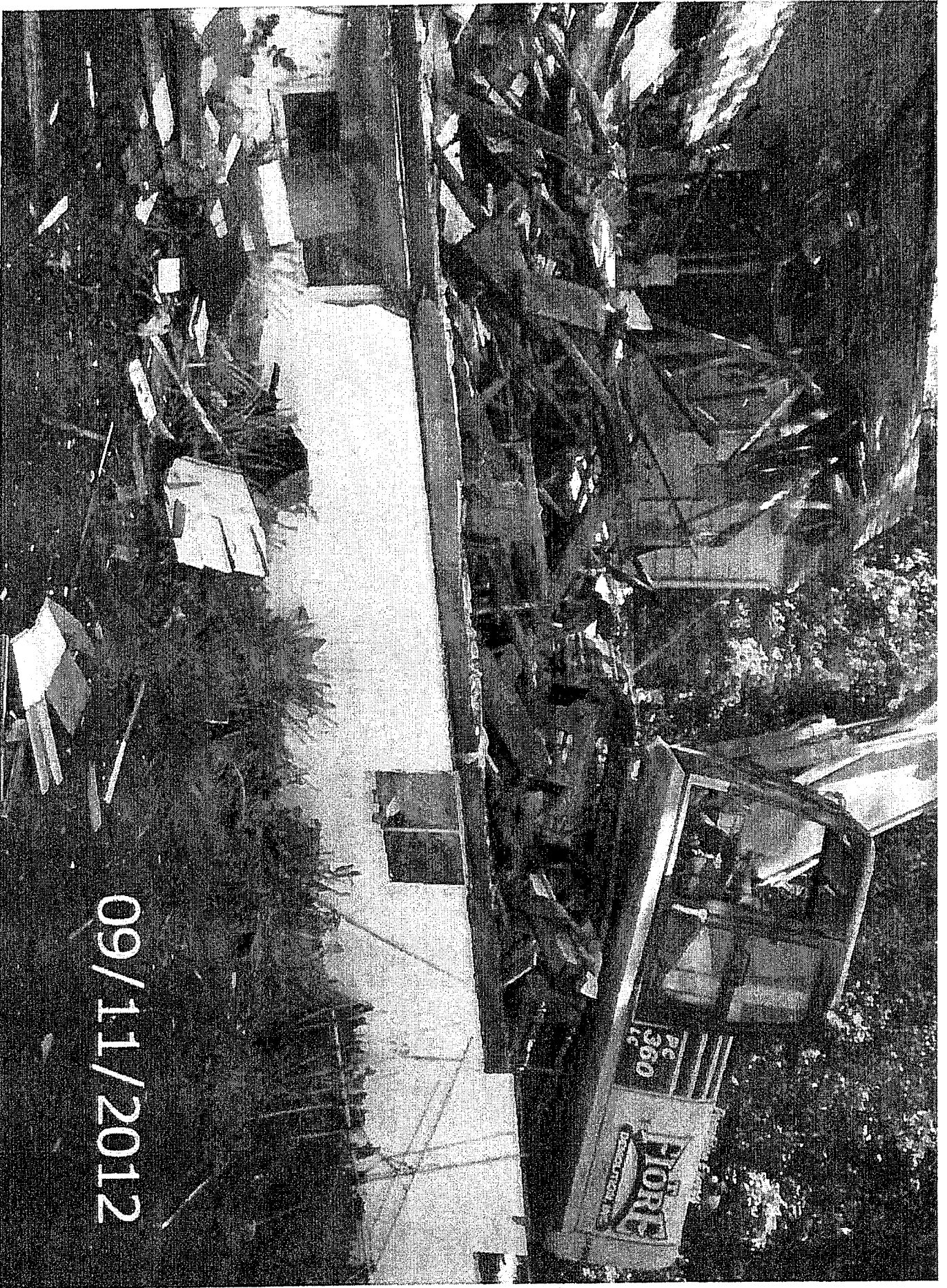
09/11/2012

09/11/2012

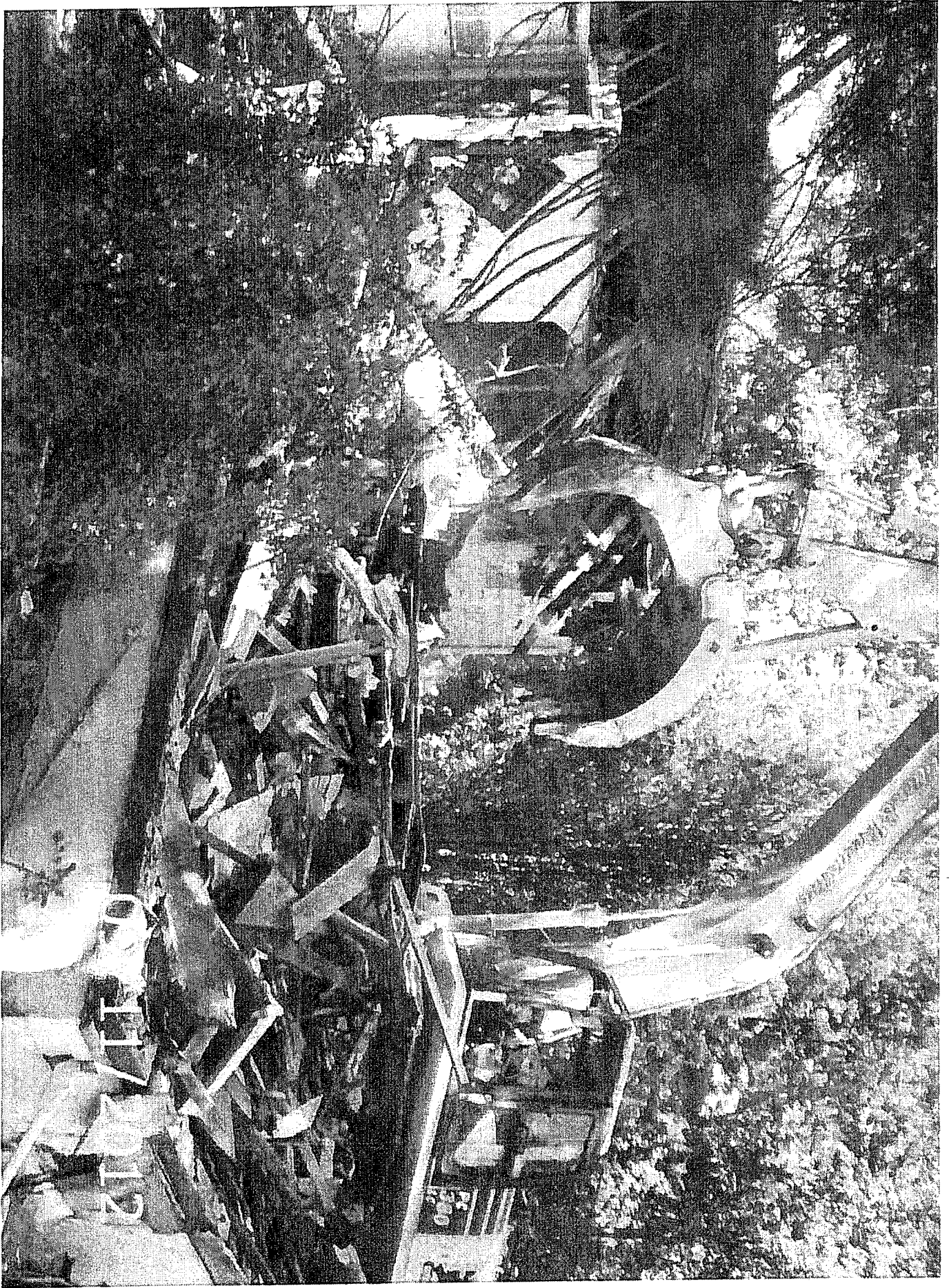


09/11/2012



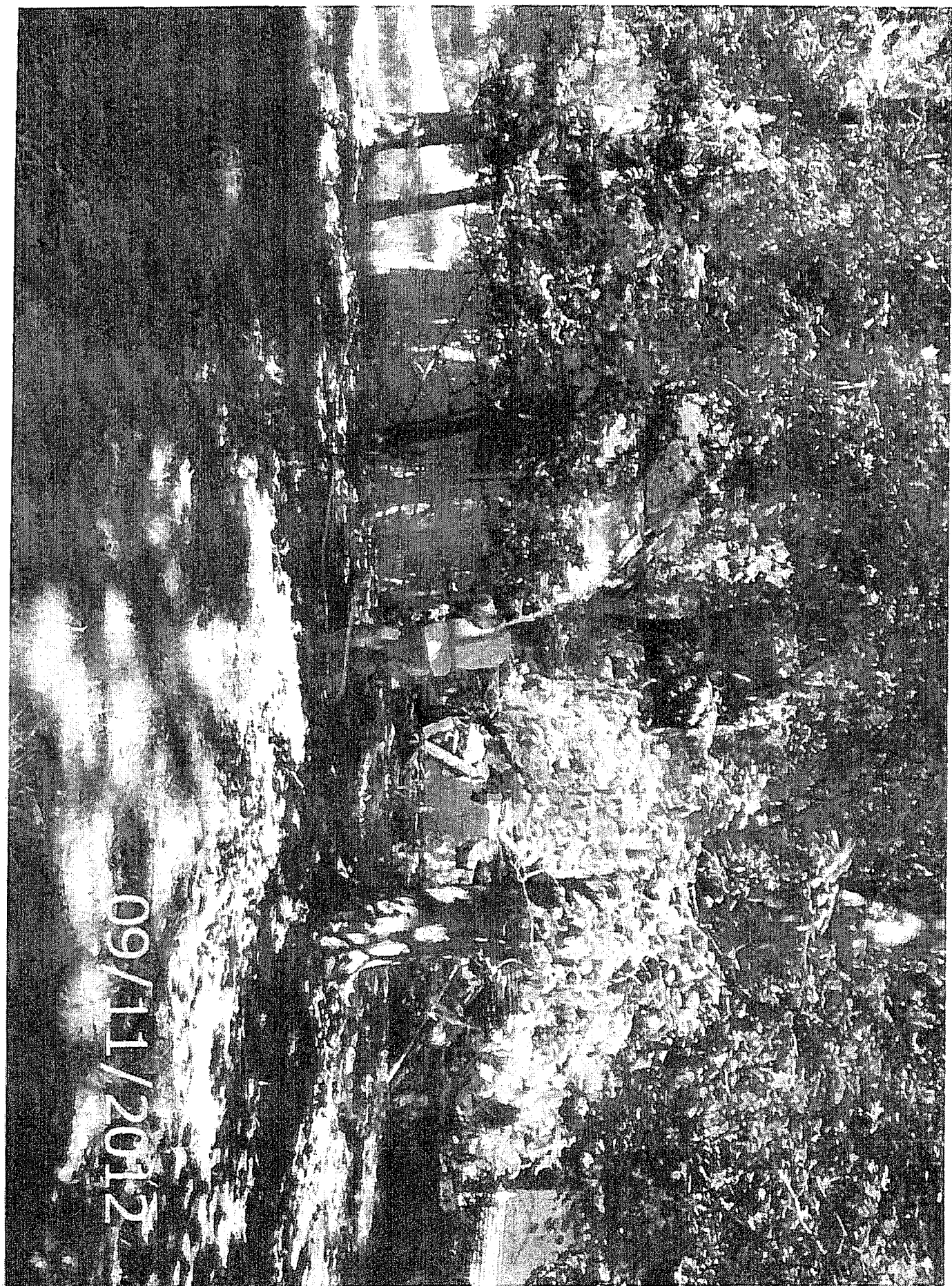


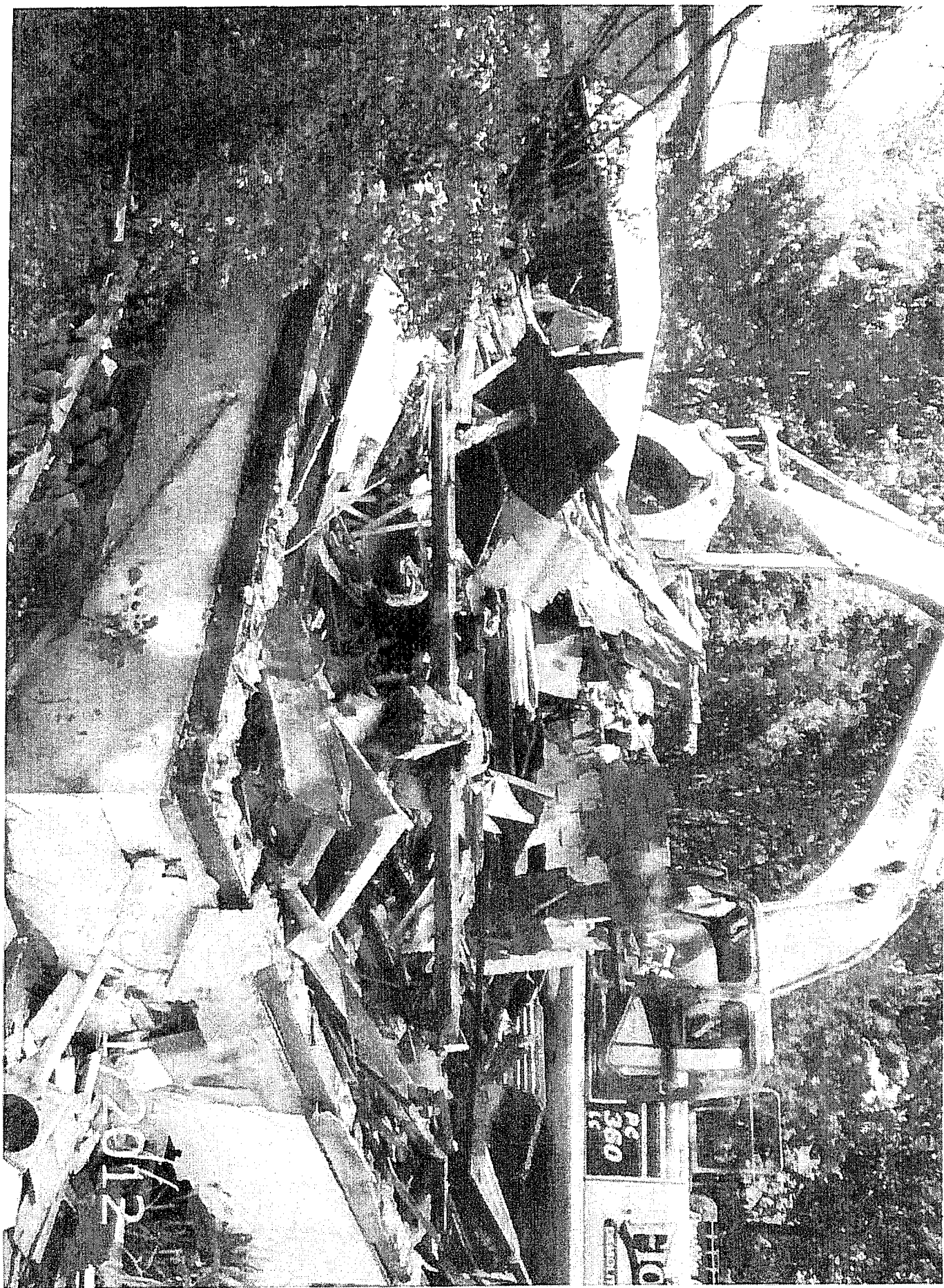
09/11/2012

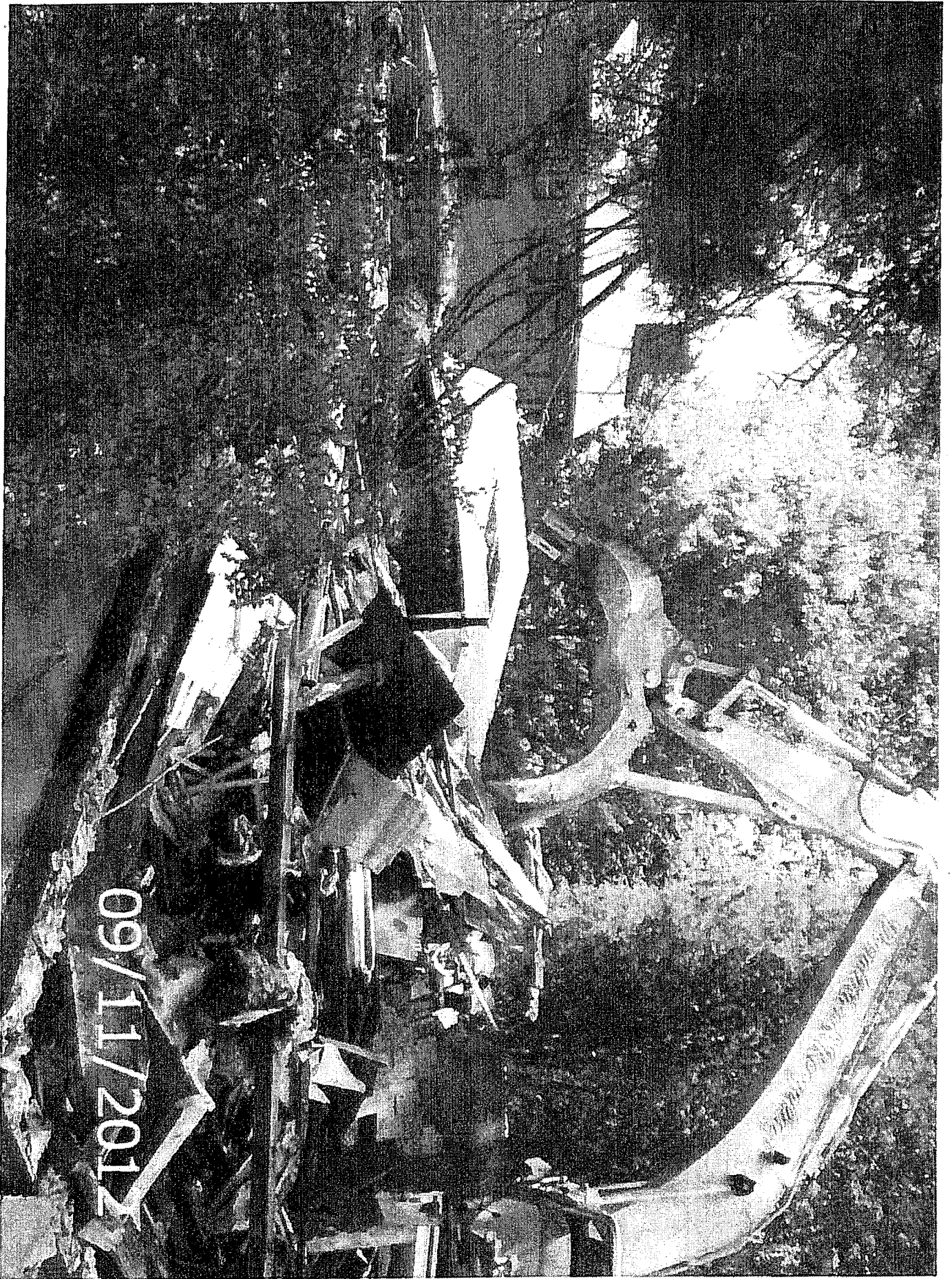


A black and white photograph of a winter scene. The foreground is covered in a thick layer of snow, with some dark patches visible. In the middle ground, there are several trees with bare branches, some of which are covered in snow. In the background, a building with a gabled roof is partially visible, also covered in snow. The overall scene is quiet and serene.

09/11/2012





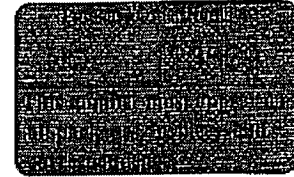


09/11/2012

EXHIBIT "G"

TOWNSHIP OF WEST ORANGE
TOWNSHIP HALL
66 MAIN STREET
WEST ORANGE, N.J. 07052

PURCHASE ORDER



VOUCHER MUST BE RETURNED FOR PAYMENT

5

Ship to: TOWNSHIP OF WEST ORANGE
PUBLIC WORKS
25 LAKESIDE AVE
WEST ORANGE, NJ 07052
FOB DESTINATION FREIGHT PREPAID & CHARGED BACK

Vendor: T. FIORE DEMOLITION, INC.
457 WILSON AVENUE
NEWARK, NEW JERSEY 07105

Account 01-zzzz-zz-2012- 2012Archive --

Vendor Code 1000397 Date of Order 06/25/12 Requisition # 603

Quantity	Unit	Description of Materials or Service	Unit Price	Extended
1.0000		293 ST. CLOUD AVE - DEMOLITION/REMOVAL SE AS PER QUOTE # QTFD12186	15,000.000	15,000.00

Purchase Order Total:
THIS ORDER IS TAX EXEMPT PER NJSA
54:32B-9(a)(1) TAX EXEMPT ID NO. 22-6002396

15,000.00

Proof of Business Registration Certificate is Mandatory. P.L. 2004 57. Pursuant to NJSA 2A:30A2 the TWO has an ADR policy.

I DO SOLEMNLY DECLARE AND CERTIFY UNDER THE PENALTIES OF THE LAW THAT THE WITHIN BILL IS CORRECT IN ALL ITS PARTICULARS; THAT THE ARTICLES HAVE BEEN FURNISHED OR SERVICES RENDERED AS STATED THEREIN; THAT NO BONUS HAS BEEN GIVEN OR RECEIVED BY ANY PERSON OR PERSONS WITH THE KNOWLEDGE OF THIS CLAIMANT IN CONNECTION WITH THE ABOVE CLAIM; THAT THE AMOUNT THEREIN STATED IS JUSTLY DUE AND OWING; AND THAT THE AMOUNT CHARGED IS A REASONABLE ONE.

(X)

VENDOR SIGN HERE

OFFICIAL POSITION

DATE

**SIGN AND RETURN ONLY
THIS ORIGINAL FOR PAYMENT**

HAVING KNOWLEDGE OF THE FACTS IN THE COURSE OF REGULAR PROCEDURES, I CERTIFY THAT THE MATERIALS AND SUPPLIES HAVE BEEN RECEIVED OR THE SERVICES RENDERED; SAID CERTIFICATION IS BASED ON DELIVERY SLIPS ACKNOWLEDGED BY A MUNICIPAL OFFICIAL OR EMPLOYEE OR OTHER REASONABLE PROCEDURES.

DEPARTMENT HEAD

[Signature]
CHIEF FINANCIAL OFFICER

DEPARTMENT

LENOARD LEPORE, DIRECTOR,

ORDERED BY

[Signature]
PURCHASE ORDER APPROVED - PURCHASING AGENT

EXHIBIT “H”

457 Wilson Avenue
Newark, NJ 07105

Date	Invoice #
9/14/2012	D22926

Bill To

TOWNSHIP OF WEST ORANGE
PUBLIC WORKS
25 LAKESIDE AVENUE
WEST ORANGE, NJ 07052

Site
293 SAINT CLOUD AVENUE WEST ORANGE, NJ 07052

Cust Job#	Terms	Due Date	Rep
	Duc Upon Receipt	9/14/2012	DD

Description	Billed Amount
DEMOLITION AND REMOVAL	15,000.00
Total	\$15,000.00
Payments/Credits	\$0.00
Balance Due	\$15,000.00

Phone #	Fax #	E-mail
973-465-1818	973-465-7357	tsanfilippo@fioreenterprise.com

EXHIBIT "I"

THIS CHECK HAS A COLORED BACKGROUND AND CONTAINS MULTIPLE SECURITY FEATURES. SEE BACK FOR DETAILS.

TOWNSHIP OF WEST ORANGE

CURRENT ACCOUNT
WEST ORANGE, NJ 07052

PNO Bank, NA
New Jersey

Number 123391

55-760312

\$\$\$\$\$\$15000dollars and 00cents

Date 09/28/12 Amount \$15,000.00

Pay
to the
order of

T. FIORE DEMOLITION, INC.
457 WILSON AVENUE
NEWARK, NEW JERSEY 07105



[Signature] MAYOR
[Signature] COMPTROLLER
[Signature] TREASURER / DESIGNEE

TOWNSHIP OF WEST ORANGE

Number 123391

Total Amount 15000.00

PO Number

Amount Account

Invoice

123539

15000.00 01-2010-00-7101-112 D22926 293 ST. CLOUD AVE - DEMOLITION /REMOVA

123539

15000.00 Check Total

RESOLUTION

WHEREAS, certain property located at 293 St. Cloud Avenue, Block 168, Lot 15.03 (the "Property") in the Township of West Orange (the "Township") was subject to various complaints for property maintenance and other violations before the Township of West Orange Municipal Court (the "Municipal Court") in 2010 and 2011; and

WHEREAS, on May 20, 2010, the Township issued to the Property owner, Bruce H. Brumlop ("Mr. Brumlop"), Summons 030588 for failure to maintain the exterior of the premises at the Property (the "Summons"); and

WHEREAS, on September 29, 2010, Mr. Brumlop pled guilty to the Summons, paid a fine of \$183, and committed to paint the home by October 19, 2010; and

WHEREAS, on August 3, 2011, having not painted the home, Mr. Brumlop appeared in Municipal Court after missing six (6) prior hearings, and committed to retaining a contractor to paint the home; and

WHEREAS, on August 16, 2011, Mr. Brumlop made his final appearance in Municipal Court, and the home on the Property had still not been painted; and

WHEREAS, thereafter, Mr. Brumlop did not appear for required court dates on August 30, 2011, September 14, 2011, October 26, 2011 and February 22, 2012, while the conditions at the Property worsened; and

WHEREAS, on November 15, 2011, the Honorable Harry L. Starrett, Chief Judge of the Municipal Court, entered an "Order Authorizing the Township of West Orange to Enter Onto Property to Partially Abate Property Maintenance Code Violation," annexed hereto as **Exhibit "A,"** which, among other things: (i) authorized the Township or a third-party approved by the Township to enter on to the Property to perform work to abate said violations, if they were not yet resolved; and (ii) ordered that the Township could record a lien on the Property, without further notice to Defendant, "for the amount of any and all services rendered to abate" the violations, and collect statutorily-authorized interest on that lien; and

WHEREAS, on January 3, 2012, Gerhard Huegel, then the Township's Senior Architect, submitted a Certification to the Municipal Court indicating that he inspected the exterior conditions of the Property, and found severe and urgent conditions necessitating inspection of the interior of the residence at the Property in a further effort to remediate the violating conditions; and

WHEREAS, on January 5, 2012, the Municipal Court entered an Order, annexed hereto as **Exhibit "B,"** authorizing the Township, or a third-party approved by the Township, to enter into the residence due to the urgent conditions described by Mr. Huegel; and

WHEREAS, on February 3, 2012, Tom Tracey, the Township Construction Official issued a Notice of Unsafe Structure and Notice of Imminent Hazard with regard to the property, annexed hereto as **Exhibit "C,"** which ordered that Mr. Brumlop fix the conditions stated or demolish the Property by February 24, 2012; and

WHEREAS, on March 13, 2012, the dangerous conditions at the Property not having been abated, the Township filed in the Superior Court of New Jersey a Verified Complaint and Order to Show Cause seeking authorization to demolish the Property; and

WHEREAS, on April 19, 2012, the Honorable Sebastian P. Lombardi, Judge of the Superior Court, entered an Order, a copy of which is annexed hereto as **Exhibit "D,"** authorizing the Township to demolish the Property, and to recoup as a lien its costs in demolishing the Property, in bringing the Verified Complaint and Order to Show Cause, and in performing any other work at the Property to ensure the public safety and welfare (the "Order");

WHEREAS, in May 2012, the Township received bids from three (3) vendors to demolish the Property, which are annexed hereto as **Exhibit "E";** and

WHEREAS, T. Fiore Demolition, Inc.'s ("T. Fiore") bid of \$15,000.00 to demolish the Property was the lowest of those received; and

WHEREAS, on September 11, 2012 T. Fiore demolished the property. A copy of date-stamped photos of the demolition are annexed hereto as **Exhibits "F";** and

WHEREAS, the Township incurred a cost of \$15,000.00 for the demolition of the Property. A copy of the Township's June 25, 2012 Purchase Order for the demolition is annexed hereto as **Exhibit "G,"** a copy of T. Fiore's September 14, 2012 invoice to the Township is annexed hereto as **Exhibit "H,"** and a copy of the Township's September 28, 2012 check to T. Fiore for \$15,000.00 is annexed hereto as **Exhibit "I";** and

WHEREAS, the Township expended \$5,260.44 in legal fees and expenses in connection with this matter; and

WHEREAS, the Township's Ordinances permit the Township to place a lien against the Property in the amount of \$20,260.44 for expenses and fees incurred by the Township in handling this matter.

NOW, BE IT HEREBY RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST ORANGE that a lien in the amount of \$20,260.44 shall be placed against 293 St. Cloud Avenue, West Orange for the cost of services required to demolish the structure and safeguard the Property.

KAREN J. CARNEVALE, MUNICIPAL CLERK

SUSAN McCARTNEY, COUNCIL PRESIDENT

Adopted: September 9, 2014

RESOLUTION

WHEREAS, the Township of West Orange (the “Township”) will hold a general municipal election on November 4, 2014 (the “Election”); and

WHEREAS, the deadline for submission of petitions of nomination (the “Petitions”) to the Municipal Clerk (the “Clerk”), pursuant to N.J.S.A. 40:45-8, was September 2, 2014; and

WHEREAS, Mayor Robert D. Parisi (“Mayor Parisi”), a candidate in the Election, has timely submitted Petitions in support of his candidacy to the Clerk, pursuant to N.J.S.A. 40:45-8; and

WHEREAS, on September 8, 2014, the Clerk received correspondence from Eldridge Hawkins, Esq., on behalf of Mayoral candidate Eldridge Hawkins, Jr., objecting to the Petitions filed on behalf of Mayor Parisi (the “Hawkins Objection”); and

WHEREAS, the Hawkins Objection alleges that Petitions submitted on behalf of Mayor Parisi may be deficient for various reasons; and

WHEREAS, the Township Attorney and Assistant Township Attorney have recused themselves from any involvement with the Clerk’s consideration and review of the Hawkins Objection; and

WHEREAS, it is necessary for the Clerk to receive the benefit of independent legal advice with respect to her consideration and review of the Hawkins Objection, the applicable statutes, and any potential legal challenge to the discharge of her duties as Clerk; and

WHEREAS, the Clerk is required, pursuant to N.J.S.A. 19:13-11, to make determinations with regard to the sufficiency of any filed Petition by no later than September 11, 2014; and

WHEREAS, in light of the emergent and time-sensitive nature of the Clerk’s review of the Hawkins Objection, and in light of the general importance in preserving the integrity of all aspects of the electoral process within the Township, the Law Department recommends that the

Township immediately retain independent counsel for the Clerk; and

NOW, BE IT HEREBY RESOLVED, by the Township Council of the Township of West Orange, that Thomas P. Scrivo, Esq. of McElroy, Deutsch, Mulvaney & Carpenter, LLP, shall be retained to represent the Clerk at a discounted fixed hourly rate of \$200 per hour; and it is further

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

Karen J. Carnevale
Township Clerk

Susan McCartney
Council President

Adopted: September 9, 2014

I hereby Certify funds are available from: Account No.

JOHN GROSS, CHIEF FINANCIAL OFFICER

**AN ORDINANCE REQUIRING THE INSTALLATION OF A
KEY LOCK BOX EMERGENCY ACCESS SYSTEM FOR USE BY THE
WEST ORANGE FIRE DEPARTMENT DURING AN EMERGENCY OR ANY OTHER
ACTION DEEMED NECESSARY BY THE WEST ORANGE FIRE DEPARTMENT
AND ADDING SECTION 4 TO CHAPTER 18 OF THE
MUNICIPAL CODE OF THE TOWNSHIP OF WEST ORANGE**

WHEREAS, the health, safety, and welfare of the citizens of the Township of West Orange (“Township”) are promoted by requiring certain structures to have a key lock box installed on the exterior of the structure to aid the Township Fire Department in gaining access to the structure when responding to calls for emergency service; and

WHEREAS, many buildings are equipped with automatic systems that may cause the Township Fire Department to be summoned at a time of emergency when the building or business is not occupied or when the occupant is not available to provide the Township Fire Department entry into the building; and

WHEREAS, the key lock box emergency access system will eliminate costly damage from forcible entry into buildings equipped with automatic systems by the Township Fire Department checking for fire or other dangerous conditions; and

WHEREAS, the Township Fire Department can reduce the potential for rapid expansion of fire and other hazardous conditions by quick access and decrease dangers for firefighters; and

WHEREAS, the key lock box emergency access system has been adopted by Section 506 of the International Fire Code 2006, New Jersey Edition; and

WHEREAS, the key lock box emergency access system will operate on a controlled master key basis by the Township Fire Department; and

WHEREAS, the Township is authorized to pass this Ordinance pursuant to N.J.S.A. 40:48-2, and pursuant to the Township’s police powers.

NOW, THEREFORE, BE IT ORDAINED, by the Township Council of the Township of West Orange in the County of Essex and the State of New Jersey, that there should be created a Chapter 18, Section 4 of the Revised General Ordinances of the Township, entitled “Key Lock

Box Emergency Access System,” which shall provide as follows:

18-4 KEY LOCK BOX EMERGENCY ACCESS SYSTEM

18-4.1 Definitions

Automatic Dialer shall refer to a device that automatically dials and relays a prerecorded message to a central station or the fire department.

Automatic Fire Suppression System refers to a system or assembly of piping, valves, controls, and sprinklers, which are designed and installed to comply with the National Fire Protection Association (NFPA) standards, which utilize water, foam, carbon dioxide, or other gas to automatically react to suppress fire.

Fire Official shall refer to the Fire Chief or his/her designee.

Central Station shall refer to an office of a private company to which remote alarm and supervisory signaling devices are transmitted and where personnel are in attendance at all times to supervise the circuits and investigate signals.

Key Lock Box shall refer to a secure rapid entry system that is designed to be used by Fire Department Personnel in the event of an emergency to gain entry into a structure by using the enclosed owner-provided key(s). This box is usually mounted on the exterior of the building in a location that is specified by the Fire Official and Construction Official. All boxes shall be UL (Underwriters Laboratories) certified, Knox Box brand, and approved by the Fire Official and Construction Official.

Standpipe System shall refer to a wet or dry system of piping, valves, outlets and related equipment designed to provide water at specified pressures and installed exclusively for the fighting of fires.

18-4.2 Structures to Be Equipped with a Key Lock Box

Unless otherwise determined in writing by the Fire Official, the following structures shall be equipped with a Key Lock Box of a type and size and at a location approved by the Fire Official and Construction Official:

- (a) All new commercial buildings shall be equipped with a Key Lock Box prior to the issuance of the certificate of occupancy.
- (c) All existing commercial buildings constructing additions, major renovations, or changes of use that require Township Zoning or Planning Board approval, shall be equipped with a Key Lock Box prior to the issuance of any necessary permits.
- (d) All existing commercial buildings with new occupancies by tenants shall be equipped with a Key Lock Box prior to the issuance of a Certificate of Continued Occupancy.

- (e) Each building protected by an automatic fire suppression and/or standpipe system and not manned 24 hours a day, 7 days a week.
- (f) Each building protected by an automatic fire alarm system (automatic dialer, central station, external audible/visual alarm) and not manned 24 hours a day, 7 days a week.
- (g) Multi-family residential structures that have restricted access through locked doors but have a common corridor for access to the living units, including but not limited to condominium buildings.
- (h) Schools, whether public or private.
- (i) Governmental structures and nursing care facilities, unless the building is staffed or open 24 hours a day, 7 days a week.

18-4.3 Key Lock Box Contents

The property owner is required at all times to keep a key(s) in the Key Lock Box that will allow access to the structure. The Key Lock Box shall contain, but not be limited to, the following items as designated by the Fire Official:

- (a) Labeled keys to locked points of ingress and egress, whether in interior or exterior of such buildings;
- (b) Labeled keys to the locked mechanical rooms;
- (c) Labeled keys to locked elevator rooms and controls;
- (d) Labeled keys to any fence or secured areas;
- (e) Labeled keys to areas of the building where fire alarm panels and fire protection systems are located;
- (f) Labeled keys to any other areas that may be required by the Fire Official;
- (g) A card containing the emergency contact names and phone numbers for such buildings;
- (h) Floor plans of the rooms within the building showing locations of shut-offs;
- (i) Hazardous materials information; and
- (j) An inventory of the keys.

The property owner shall notify the Township Fire Department when any or all of the locks or keys have been changed and shall keep the immediate area of the Key Lock Box free and clear of any and all obstructions.

- .4 Registration and Installation of Key Lock Boxes

The property owner shall apply for a registration for a Key Lock Box on forms provided by and obtained from the Fire Official. A registration is required prior to the installation of a Key Lock Box in order to verify the proper size, mounting location and installation of said Key Lock Box. The Key Lock Box shall be installed at a location approved by the Fire Official and the Construction Official. No Key Lock Box shall be installed, voluntarily or otherwise, without first obtaining the approval of the Fire Official and the Construction Official. The property owner shall be responsible for the cost to purchase, install, and maintain the Key Lock Box.

18-4.5 Compliance

All existing buildings required to have a Key Lock Box shall comply with this Ordinance one (1) year from its effective date. All newly constructed buildings not yet occupied or buildings currently under construction and all buildings or businesses applying for a certificate of occupancy shall comply immediately upon passage of this Ordinance. In any event, the owner of any structure in the Township shall comply with this ordinance within sixty (60) days from receipt of written notice from the Fire Official. The cost of purchasing and installing, along with any cost associated with implementation of the program at a specific property, will be borne by the property owner.

18-4.6 Penalties

Any property owner failing to comply with this Ordinance shall be subject to a fine of not more than Three Hundred (\$300) Dollars for each day of violation or non-compliance.

Robert D. Parisi, Mayor

Susan McCartney, Council President

Karen J. Carnevale, Municipal Clerk

Introduced: August 12, 2014

Adopted: September 9, 2014

2417-14

LEGISLATIVE HISTORY

Authority for this proposed legislation is derived from N.J.S.A. 40:48-2, entitling municipalities to make and enforce ordinances and regulations it deems necessary and proper for the protection of persons and property, and for the preservation of the public health, safety and welfare of the municipality and its inhabitants. The key lock box emergency access system has also been adopted by Section 506 of the International Fire Code 2006, New Jersey Edition.

The purpose of the proposed legislation is to promote the health, safety, and welfare of the Township's citizens and business owners by allowing the Township Fire Department to gain access to structures when same is not occupied or when the occupants are unable to grant ingress to the Fire Department. The improved access will reduce the need for forced entry into structures and should avoid costly and time-consuming efforts in gaining access to locked structures during an emergency.

By enabling quick access to buildings, the proposed legislation will also reduce the risk of rapid extension of fire and other hazardous conditions. Such a reduction will decrease dangers to firefighters, and help minimize the spread of property damage.

**AN ORDINANCE REQUIRING THE INSTALLATION OF A FIRE DEPARTMENT
CONNECTION INDICATOR LIGHT FOR USE BY THE WEST ORANGE FIRE
DEPARTMENT AND ADDING SECTION 5 TO CHAPTER 18 OF THE MUNICIPAL
CODE OF THE TOWNSHIP OF WEST ORANGE**

WHEREAS, the health, safety, and welfare of the citizens of the Township of West Orange (“Township”) are promoted by requiring certain structures to install a connection indicator light on the exterior of the structure to aid the Township Fire Department in locating Fire Department Connections (“FDCs”) in emergency situations; and

WHEREAS, the Township Fire Department can reduce the potential for rapid extension of fire and other hazardous conditions and decrease dangers for firefighters by quick access to FDCs; and

WHEREAS, the Township Construction Official and Fire Official have reviewed this ordinance and recommend its passage; and

WHEREAS, the Township is authorized to pass this Ordinance pursuant to N.J.S.A. 40:48-2, and pursuant to the Township’s police powers.

NOW, THEREFORE, BE IT ORDAINED, by the Township Council of the Township of West Orange in the County of Essex and the State of New Jersey, that there should be created a Chapter 18, Section 5 of the Revised General Ordinances of the Township, entitled “Fire Department Connection Indicator Light,” which shall provide as follows:

-5 FIRE DEPARTMENT CONNECTION INDICATOR LIGHT

- .1 The owner of a new structure, an existing structure undergoing construction requiring a new or revised Certificate of Occupancy, or an existing structure undergoing a change of use, having a sprinkler and/or standpipe connection either attached to or within five feet of said structure, shall be required to install, maintain and illuminate a weatherproof light fixture containing a 100 watt light source, red in color, mounted on the structure in the immediate vicinity of the sprinkler or standpipe connection at a height of seven feet above the connection. The exact final

placement and design of the light fixture shall be set forth on plans submitted to and approved by the Fire Chief or his/her designee and the Construction Official.

- .2 The owner of a new structure, an existing structure undergoing construction requiring a new or revised Certificate of Occupancy, or an existing structure undergoing a change of use, having a sprinkler and/or standpipe connection remotely located at a distance in excess of five feet of said structure shall cause to be placed, installed, maintained and illuminated a freestanding, weatherproof light fixture containing a 100 watt light source, red in color, mounted immediately behind the fixture at a height of four feet. The exact final placement and design of the light fixture shall be set forth on plans submitted to and approved by the Fire Chief or his/her designee and the Construction Official.
- .3 In certain cases, based upon extraordinary conditions, the Fire Chief, or his/her designee, shall have the right to grant a waiver of the requirements imposed by this section, on an individual basis; however, some form of other substitute identification will be required.
- .4 The owner of any structure in the Township which falls within the requirements of this action shall cause the structure to be brought into compliance with this Section within one (1) year from its effective date, or 60 days from receipt of written notice from the Fire Chief, or his/her designee, whichever is sooner.
- .5 Any property owner failing to comply with this Ordinance shall be subject to a fine of not more than Three Hundred (\$300) Dollars for each day of violation or non-compliance.

Robert D. Parisi, Mayor

Susan McCartney, Council President

Karen J. Carnevale, Municipal Clerk

Introduced: August 12, 2014

Adopted: September 9, 2014

LEGISLATIVE HISTORY

Authority for this proposed legislation is derived from N.J.S.A. 40:48-2, entitling municipalities to make and enforce ordinances and regulations it deems necessary and proper for the protection of persons and property, and for the preservation of the public health, safety and welfare of the municipality and its inhabitants.

The purpose of the proposed legislation is to promote the health, safety, and welfare of the Township's citizens and business owners by allowing the Township Fire Department to locate and gain access to Fire Department Connections ("FDCs") as quickly as possible during emergency situations. FDCs are intended to provide sprinkler systems with a means to receive water support from a Fire Department pumping apparatus. This ability is necessary when sprinkler systems need supplemental water support, and when events such as floods, hurricanes, and similar events interrupt utility-provided water because of loss of power to pumping stations or damage to the water supply infrastructure piping. If these events were to interrupt the automatic water supply to a sprinkler system, then the only possibility of providing water to the sprinkler would be through the FDC. By enabling quick access to FDCs, the proposed legislation will reduce the risk of rapid extension of fire and other hazardous conditions. Such a reduction will decrease dangers to firefighters, and help minimize the spread of property damage.

**AN ORDINANCE AMENDING CHAPTER 4, SECTION 35.2 OF THE REVISED
GENERAL ORDINANCES OF THE TOWNSHIP OF WEST ORANGE**

I. PURPOSE

WHEREAS, the existence of stray, feral and otherwise unconfined wildlife in the Township of West Orange (the “Township”) creates a hazard to the health of Township residents and their pets; and

WHEREAS, the Township's Health Department (the “Department”) reports that during the period between 2010 and 2013, approximately four-hundred and thirty (430) stray cat complaints were registered with the Department's Animal Control Division (“ACD”), and five-hundred and seventeen (517) stray cats were impounded; and

WHEREAS, the Department reports that during the period between January 1, 2014 and June 30, 2014, sixty-eight (68) stray cat complaints were registered with the ACD, and eighty-one (81) stray cats were impounded; and

WHEREAS, the intentional feeding of stray, feral and otherwise unconfined wildlife within the Township is a major cause of the proliferation of stray, feral and otherwise unconfined wildlife in the Township; and

WHEREAS, Chapter 4, Section 35.2 of the Township's Revised General Ordinances (“Section 35.2”) prohibits the feeding of wildlife, excluding confined wildlife, in any public park or Township-owned property; and

WHEREAS, the prohibition set forth in Section 35.2, insofar as it is limited in application to public parks and Township-owned property, has proven insufficient to prevent the aforementioned hazard to the health of Township residents and their pets;

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 Chapter 4, Section 35.2 the Revised General Ordinances of the Township shall be amended as follows:

II. CHAPTER 4, SECTION 35.2 SHALL BE AND HEREBY IS AMENDED AND SUPERSEDED TO READ AS FOLLOWS:

4-35.2 Prohibited Conduct

No person shall feed any wildlife, excluding confined wildlife, anywhere within the Township.

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.

Susan McCartney
Council President

Robert D. Parisi, Mayor

Karen J. Carnevale, Municipal Clerk

Introduction: August 12, 2014

Adopted: September 9, 2014

AN ORDINANCE AMENDING AND SUPPLEMENTING
CHAPTER 7, TRAFFIC, SUBSECTION 7-23.1, TURN PROHIBITIONS,
OF THE REVISED GENERAL ORDINANCES OF
THE TOWNSHIP OF WEST ORANGE

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

Section 1. Subsection 7-23.1, Turn Prohibitions, of the Revised General Ordinances of the Township of West Orange is hereby supplemented and amended as follows: (*italic type denotes deletion, bold type denotes addition*):

Intersection	Turn Prohibited	Hours/ Days	Movement Prohibited
Oak Ridge Road and Hazel Avenue	Right	7:30 a.m. to	Northbound on Oak Ridge Road to eastbound on Hazel
		9:00 a.m. ; 2:30 p.m. to 4:00 p.m. School Days	Avenue
Oak Ridge Road and Hazel Avenue	Left	7:30 a.m. to	Southbound on Oak Ridge Road to eastbound on Hazel
		9:00 a.m. ; 2:30 p.m. to 4:00 p.m. School Days	Avenue
Birch Street and Hazel Avenue Avenue	Right	7:30 a.m. to	Northbound on Birch Street to eastbound on Hazel
		9:00 a.m. ; 2:30 p.m. to 4:00 p.m. School Days	
Hazel Avenue and Avenue Hazel Avenue School easterly Avenue driveway	Left	7:30 a.m. to	Southbound on Hazel
		to 9:00 a.m. ; 2:30 p.m. to 4:00 p.m. School Days	School easterly driveway to eastbound on Hazel

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

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

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

Robert D. Parisi, Mayor

Susan McCartney , Council President

Introduced: August 12, 2014

Adopted: September 9, 2014

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

**Karen J. Carnevale
Municipal Clerk**

LEGISLATIVE HISTORY

This Ordinance, to improve both vehicular and pedestrian safety in the vicinity of the Hazel Avenue School, will prohibit certain turning movements on Hazel Avenue from intersecting streets and a school driveway on school days during the hours of 7:30 A.M. to 9:00 A.M. and 2:30 P.M. to 4:00 P.M. These proposed regulations will prohibit turning movements in an easterly direction on Hazel Avenue from Oak Ridge Road, Birch Street and the easterly school driveway. This will minimize conflicts between vehicles traveling in opposite directions on Hazel Avenue and keep most traffic flowing westerly on Hazel Avenue with the school located to the right on the northerly side of the street.

**AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 7, TRAFFIC,
SUBSECTION 7-12, PARKING PROHIBITED FOR STREET CLEANING AND
MAINTENANCE, SUBSECTION SECTION 7-13, PARKING PROHIBITED AT ALL
TIMES ON CERTAIN STREETS, SUBSECTION 7-14.7, ALTERNATE SIDE PARKING,
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 7-12, Parking Prohibited for Street Cleaning and Maintenance, 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 & Day	Location
Cary Street	North	Monday 8:00 a.m. to 10:00 a.m.	Valley Road to Orange Municipal Line

Section 2. Subsection 7-13, Parking Prohibited at All Times 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	Location
Cary Street	South	Valley Road to Orange Municipal Line

Section 3. Subsection 7-14-7, Alternate Side Parking, 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	Column A	Column B	Location
<i>Cary Street</i>	<i>South</i>	<i>North</i>	<i>Valley Road to Orange</i>

Municipal Line

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

Section 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 upon the approval of the New Jersey Department of Transportation if required by Statute.

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: August 12, 2014

Adopted: September 9, 2014

LEGISLATIVE HISTORY

This Ordinance will rescind Alternate Side Parking Regulations on Cary Street from Valley Road to the Orange Municipal Line and only allow parking on the northerly side of the street. This will provide more on street parking on Cary Street every day of the week. The southerly side will have parking prohibited at all times, and for street cleaning and maintenance on the northerly side, parking will be prohibited on Mondays between the hours of 8:00 a.m. and 10:00 a.m.

**AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 7, TRAFFIC,
SUBSECTION 7-12, PARKING PROHIBITED FOR STREET CLEANING AND
MAINTENANCE, SUBSECTION 7-13, PARKING PROHIBITED AT ALL TIMES ON
CERTAIN STREETS AND SECTION 7-14.1c NIGHT PARKING RESTRICTIONS ON
CERTAIN STREETS OF THE REVISED GENERAL ORDINANCES OF
THE TOWNSHIP OF WEST ORANGE**

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

Section 1. Subsection 7-12, Parking Prohibited for Street Cleaning and Maintenance, 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 and Days	Location
Rollinson Street	East	Monday 8:00 a.m. to 10:00 a.m.	Pillot Place to Swaine Place

Section 2. Subsection 7-13, Parking Prohibited at All Times 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	Location
<i>Rollinson Street</i>	<i>East</i>	<i>From Northfield Avenue to Mitchell Street</i>
Rollinson Street	East	From Northfield Avenue to Swaine Place
Rollinson Street	East	From Pillot Place to Mitchell Street

Section 3. Subsection 7-14.1c, Night Parking Restricted 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	Location
Rollinson Street	West	Mitchell Street to Northfield Avenue
Rollinson Street	East	Pillot Place to Swaine Place

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

Section 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 and upon approval of the New Jersey Department of Transportation if required by Statute.

Robert D. Parisi, Mayor

Susan McCartney, Council President

Karen J. Carnevale
Municipal Clerk

Introduced: August 12, 2014

Adopted: September 9, 2014

LEGISLATIVE HISTORY

To provide additional on street parking in the Valley section of West Orange, this Ordinance will rescind the on street parking prohibition on the easterly side of Rollinson Street between Pillot Place and Swaine Place. Parking will still be prohibited at all times on that side between Mitchell Street and Pillot Place and the one block from Swaine Place to Northfield Avenue. However, to allow for street cleaning and maintenance, parking on the easterly side of Rollinson Street between Pillot Place and Swaine Place will be prohibited on Mondays between the hours of 8:00 A.M. and 10:00 A.M. Finally overnight parking is allowed on Rollinson Street where parking is allowed and this Ordinance addresses that by amending Revised General Ordinance 7-14.1c which lists certain exceptions to the overnight prohibition.

**AN ORDINANCE AMENDING CHAPTER 13, SECTION 4.1(a)(1) TO UPDATE
THE TOWNSHIP'S CONSTRUCTION PERMIT FEE ORDINANCE**

I. PURPOSE

WHEREAS, the Township of West Orange (the "Township") intends to update its Building Subcode Fees within its Construction Permit Fee Ordinance to correct a long-standing typographical error; and

WHEREAS, the Township Construction Official has suggested that the Building Subcode Fees be updated as proposed below;

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 Chapter 13, Section 4.1(a)(1) of the Township Code shall be and hereby is re-affirmed and re-adopted, and is hereby amended as follows:

II. AMENDMENTS

13-4.1 Construction Permit Fee.

The fee for a construction permit shall be the sum of the subcode fees listed in paragraphs a. and b. hereof and shall be paid before the permit is issued.

- a. *Building Subcode Fee.* The building subcode fee shall be:
 1. For new construction and additions, \$0.025 per cubic foot of building or structure volume, provided that the minimum fee shall be one hundred twenty-five (\$125.00) dollars, and certificate of occupancy, fifty (\$50.00) dollars.

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

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

**Honorable Susan McCartney
Council President**

**Honorable Robert D. Parisi
Mayor**

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

Introduction: September 9, 2014

Adopted: September 23, 2014

LEGISLATIVE HISTORY

This legislation is intended to update the Township's Building Subcode Fees within its Construction Permit Fee Ordinance to correct a long-standing typographical error. On May 23, 2000, Ordinance No. 1703-00 was adopted, which provided that the Building Subcode Fee for new construction would be \$0.018 per cubic foot of building or structure volume. On April 26, 2005, Ordinance No. 2012-05 was adopted, which increased the Building Subcode Fee for new construction to \$0.025 per cubic foot of building or structure volume. On October 2, 2007, Ordinance No. 2146-07 was adopted, which added a flat fee to be charged for retaining walls, shed type structures and swimming pools, and declared that the maximum fee that can be charged for obtaining a temporary certificate of occupancy is \$30.00, in accordance with State regulations. However, in Ordinance No. 2146-07, a decimal point was misplaced, mistakenly changing the Building Subcode Fee for new construction to \$0.25 per cubic foot of building or structure volume, increasing that fee by 100 times. The Construction Official has stated that the actual fee charged has been \$0.025 per cubic foot of building or structure volume since he started working for the Township in 2006. It has recently come to the Construction Official's attention that the fee listed in the Ordinance is incorrect. Thus, the proposed ordinance would correct the typographical error.

**AN ORDINANCE AMENDING CHAPTER 25, SECTION 9.12 OF THE
REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF WEST ORANGE
(HOURS OF OPERATION FOR BUSINESSES OPERATING IN
RESIDENTIAL ZONES IN THE TOWNSHIP OF WEST ORANGE)**

BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF WEST ORANGE, NEW JERSEY that Chapter 25-9.12 of the Revised General Ordinances of the Township of West Orange be and are hereby amended as follows:

I. PURPOSE

The purpose of this ordinance is to set limitations on the hours of operation for any business operating within 200 feet of any residential zone.

II. CHAPTER 25, SECTION 9.12 SHALL BE AND HEREBY IS AMENDED AND SUPERCEDED TO READ AS FOLLOWS:

- .12 Hours of Operation of Businesses Operating within Residential Districts

- a. For purposes of this section, *Business* shall mean a restaurant, retail food establishments, retail sales and personal services business. *Businesses* shall not include an establishment that sells prescription or non-prescription pharmaceuticals, or an establishment provides emergency medical care services provided that the establishment does not perform any other commercial functions during the hours prohibited under subsection (e) of this ordinance.
- b. No businesses established within 200 feet of any residential zone shall have hours of operation with opening of the business earlier than 6:00 a.m. and closing of the business later than 12:00 midnight.
- c. No deliveries to such businesses shall likewise commence prior to 6:00 a.m. and all deliveries must be completed before 12:00 midnight except as may be approved by any reviewing board.
- d. Nothing herein shall preclude the reviewing board hearing any application for establishing more restrictive hours for operations or delivery, based upon the nature of the proposed business operation and other facts and circumstances considered by the board.
- e. Hours of operation or delivery beyond that authorized by this Ordinance shall be prohibited.
- f. The foregoing restrictions shall not apply to any business already established and in operation on the date this ordinance is adopted where hours of operation differ

from the requirements of this subsection. No business already established and in operation as of the date of this subsection shall increase or expand hours of operation beyond existing hours of operation or the hours permitted by this subsection, whichever is the greater.

- g. Any businesses may obtain a permit to operate during the hours prohibited under subsection (e) of this ordinance on a temporary basis not to exceed one month after applying to and receiving approval from the Township of West Orange Planning Board or the Township of West Orange Zoning Board of Adjustment.
- h. Nothing within this ordinance shall alter or affect the requirements set forth in Chapter 4, Section 9 of the Municipal Code of the Township of West Orange and any Business operating during all or part of the hours of 12:00 midnight and 6:00 a.m. shall be required to comply with the requirements of Chapter 4, Section 9 of the Municipal Code of the Township of West Orange.

III. REPEAL OF CONFLICTING ORDINANCES

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

IV. SEVERABILITY

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

V. EFFECTIVE DATE

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

Robert D. Parisi, Mayor

Susan McCartney, Council President

Karen J. Carnevale, Municipal Clerk

Introduced: September 9, 2014

Adopted: September 23, 2014

Legislative History

This ordinance is drafted to limit the hours of operations of businesses located in residential districts within the Township of West Orange or located within two hundred (200) feet of a residential district. The limits as to the hours of operation of businesses are limited only to businesses located in residential districts or within two hundred (200) feet of a residential district in compliance with Fasino v. Mayor and Member of the Borough Council of the Borough of Montvale, 122 N.J. Super. 304 (Law Div. 1973) which deemed unconstitutional a general closing ordinance passed by the Borough of Montvale that governed hours of operations for all businesses within a municipality. In addition, this ordinance is drafted consistent with the Appellate Division's holding in Fulbrook v. City of Camden, 2013 WL 5942128 (N.J. App. Div. 2013) wherein the Appellate Division affirmed a trial court's finding that an ordinance limiting the hours of operations for certain businesses within Residential Zones or within two hundred (200) feet of a Residential Zone represented a valid exercise of the City of Camden's police power.

Similarly, the Township of West Orange seeks to regulate the hours of operations for business located within two hundred (200) feet of a residential district as an exercise of its police powers and in support of the general welfare of the residents of the Township of West Orange. Modeled after the ordinance addressed in Fulbrook v. City of Camden, this ordinance seeks to maintain the esthetic and serenity of the Township of West Orange's residential districts for the benefit of the residents who reside in those districts in an effort to minimize the amount of debris, noise, and activity that often accompanies commercial business which is particularly detrimental to a residential district where commercial businesses are fewer.

ORDINANCE 2425-14

BOND ORDINANCE AUTHORIZING VARIOUS IMPROVEMENTS IN CONNECTION WITH THE CAPITAL ASSESSMENT IN RESPECT OF THE JOINT MEETING OF ESSEX AND UNION COUNTIES IN AND FOR THE TOWNSHIP OF WEST ORANGE, IN THE COUNTY OF ESSEX, NEW JERSEY, APPROPRIATING \$1,300,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$1,300,000 BONDS OR NOTES TO FINANCE PART OF THE COST THEREOF.

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

SECTION 1:

The improvements described in Section 3 of this bond ordinance (the “Improvements”) are hereby authorized to be undertaken by the Township of West Orange, New Jersey (the “Township”) as general improvements. For the said Improvements there is hereby appropriated the amount of \$1,300,000. No down payment is required by the Local Bond Law of the State of New Jersey, constituting Chapter 2 of Title 40A of the New Jersey Statutes, as amended and supplemented (the “Local Bond Law”) pursuant to N.J.S.A. 40A:2-11(c) as the bond ordinance authorizes obligations solely for a purpose described in N.J.S.A. 40A:2-7(d), as more fully explained in Section 6(e) of this ordinance.

SECTION 2:

In order to finance the additional cost of the Improvements, negotiable bonds of the Township are hereby authorized to be issued in the principal amount of \$1,300,000 (the “Bonds”) pursuant to the provisions of the Local Bond Law. In anticipation of the issuance of the Bonds and to temporarily finance said improvements or purposes, negotiable bond anticipation notes of the Township are hereby authorized to be issued in the principal amount not exceeding \$1,300,000 pursuant to the provisions of the Local Bond Law (the “Bond Anticipation Notes” or “Notes”).

SECTION 3:

(a) The Improvements authorized and the purposes for which obligations are to be issued is to pay the Township’s capital assessment in respect of the Joint Meeting of Essex and Union Counties (the “Joint Meeting”), which will be used by the Joint Meeting to finance upgrades to the Joint Meeting’s wastewater treatment plant improvements, including, (i) improvements to aeration equipment, (ii) improvements to digester system and (iii) improvements to dewatering facility, and including all structures and appurtenances, work or materials necessary therefor or

incidental thereto.

(b) The estimated maximum amount of Bonds or Notes to be issued for the purpose of financing a portion of the cost of the Improvements is \$1,300,000.

(c) The estimated cost of the Improvements is \$1,300,000 which amount represents the initial appropriation made by the Township.

SECTION 4.

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

SECTION 5:

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

SECTION 6:

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

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

(b) The average period of usefulness of the Improvements, within the limitations of the Local Bond Law, taking into consideration the respective amounts of all obligations authorized

for the several purposes, according to the reasonable life thereof computed from the date of the Bonds authorized by this bond ordinance, is twenty (20) years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Township Clerk and a complete executed duplicate thereof has been filed in the office of the Director, Division of Local Government Services, Department of Community Affairs, State of New Jersey. Such statement shows that the gross debt of the Township, as defined in the Local Bond Law, is increased by the authorization of the Bonds and Notes provided in this bond ordinance by \$1,300,000 and the obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$400,000 for items of expense listed in and permitted under Section 20 of the Local Bond Law is included in the estimated cost of the Improvements, as indicated herein.

(e) This bond ordinance authorized obligations of the Township solely for a purpose described in N.J.S.A. 40A:2-7(d). This purpose is in the public interest and is for the health, welfare, convenience or betterment of the inhabitants of the Township. The amounts to be expended for this purpose pursuant to this bond ordinance are not unreasonable or exorbitant, and the issuance of the obligations authorized by this bond ordinance will not materially impair the credit of the Township or substantially reduce its ability to pay punctually the principal of and the interest on its debts and to supply other essential public improvements and services. The Local Finance Board in the Division of Local Government Services of the Department of Community Affairs of the State of New Jersey has heretofore made a determination to this effect and has caused its consent to be endorsed upon a certified copy of this bond ordinance as passed upon first reading.

SECTION 7:

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

SECTION 8:

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

SECTION 9:

This Bond Ordinance constitutes a declaration of official intent under Treasury Regulation Section 1.150-2. The Township reasonably expects to pay expenditures with respect to the Improvements prior to the date that Township incurs debt obligations under this Bond Ordinance. The Township reasonably expects to reimburse such expenditures with the proceeds of debt to be incurred by the Township under this Bond Ordinance. The maximum principal amount of debt expected to be issued for payment of the costs of the Improvements is \$1,300,000.

SECTION 10:

This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

First Reading: September 9, 2014

Final Reading: October 21, 2014

Robert D. Parisi, Mayor

Susan McCartney, Council President

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

Karen J. Carnevale, Municipal Clerk

NOTICE OF PENDING BOND ORDINANCE

The bond ordinance, the summary terms of which are included herein, was introduced and passed upon first reading at a meeting of the governing body of the Township of West Orange, in the County of Essex, State of New Jersey, on September 9, 2014. It will be further considered for final passage, after public hearing thereon, at a meeting of the governing body to be held at the Municipal Building, 66 Main Street in the Township of West Orange, on October 21, 2014 at 7 o'clock PM. During the week prior to and up to and including the date of such meeting copies of the full ordinance will be available at no cost and during regular business hours, at the Clerk's office for the members of the general public who shall request the same. The summary of the terms of such bond ordinance follows:

Title: Bond Ordinance Authorizing Various Improvements In Connection With The Capital Assessment In Respect Of The Joint Meeting Of Essex And Union Counties In And For The Township Of West Orange, In The County Of Essex, New Jersey, Appropriating \$1,300,000 Therefore And Authorizing The Issuance Of \$1,300,000 Bonds Or Notes To Finance Part Of The Cost Thereof.

Purpose(s): Finance upgrades to the Joint Meeting's wastewater treatment plant, including, (i) improvements to aeration equipment (ii) improvements to digester system and (iii) improvements to dewatering facility.

Appropriation: \$1,300,000

Bonds/Notes Authorized: \$1,300,000

Grants (if any) Appropriated: None

Section 20 Costs: \$400,000

Useful Life: 20 Years

Karen J. Carnevale, Township Clerk

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

BOND ORDINANCE STATEMENTS AND SUMMARIES

The bond ordinance, the summary terms of which are included herein, has been finally adopted by the Township of West Orange, in the County of Essex, State of New Jersey on October 21, 2014 and the 20 day period of limitation within which a suit, action or proceeding questioning the validity of such ordinance can be commenced, as provided in the Local Bond Law, has begun to run from the date of the first publication of this statement. Copies of the full ordinance are available at no cost and during regular business hours, at the Clerk's office for members of the general public who request the same. The summary of the terms of such bond ordinance follows:

Title: Bond Ordinance Authorizing Various Improvements In Connection With The Capital Assessment In Respect Of The Joint Meeting Of Essex And Union Counties In And For The Township Of West Orange, In The County Of Essex, New Jersey, Appropriating \$1,300,000 Therefore And Authorizing The Issuance Of \$1,300,000 Bonds Or Notes To Finance Part Of The Cost Thereof.

Purpose(s): Finance upgrades to the Joint Meeting's wastewater treatment plant, including, (i) improvements to aeration equipment, (ii) improvements to digester system and (iii) improvements to dewatering facility.

Appropriation: \$1,300,000

Bonds/Notes Authorized: \$1,300,000

Grants (if any) Appropriated: None

Section 20 Costs: \$400,000

Useful Life: 20 Years

Karen J. Carnevale, Township Clerk

Re: TOWNSHIP OF WEST ORANGE**\$1,300,000 FOR IMPROVEMENTS IN CONNECTION
WITH THE JOINT MEETING OF ESSEX AND UNION COUNTIES**

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

_____ N/A Down Payment Certificate.

_____ Certified copy of the minutes of the meeting of the Township Council held _____ showing introduction of the ordinance.

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

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

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

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

DEBT STATEMENT CERTIFICATE

I, Karen J. Carnevale, Township Clerk of the Township of West Orange, in the County of Essex, New Jersey (herein called the "Local Unit"), HEREBY CERTIFY that annexed hereto is a true and complete copy of the Supplemental Debt Statement of the Local Unit that was prepared as of September 9, 2014 by John Gross, who was then chief financial officer of the Local Unit and filed in my office on September 9, 2014, and that a complete, executed copy of such statement was filed in the office of the Director of the Division of Local Government Services of the State of New Jersey on _____, 2014.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Local Unit this ____ day of _____, 2014.

Karen J. Carnevale, Township Clerk

CERTIFICATE

I, KAREN J. CARNEVALE, Township Clerk of the Township of West Orange, in the County of Essex, State of New Jersey, HEREBY CERTIFY that the foregoing annexed extract from the minutes of a meeting of the governing body of the Township duly called and held on September 9, 2014 has been compared by me with the original minutes as officially recorded in my office in the Minute Book of the governing body and is a true, complete and correct copy thereof and of the whole of the original minutes so far as they relate to the subject matters referred to in the extract.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the Township this _____ day of _____, 2014.

Karen J. Carnevale, Township Clerk

(SEAL)

EXTRACT from the minutes of a Public meeting of the Township Council of the Township of West Orange, in the County of Essex, New Jersey held at the Municipal Complex in the Township of West Orange on September 9, 2014 at 7 o'clock p.m.

PRESENT:

ABSENT:

[Attach appropriate minutes hereto]

CERTIFICATE

I, KAREN J. CARNEVALE, Township Clerk of the Township of West Orange, in the County of Essex, State of New Jersey, HEREBY CERTIFY that the foregoing annexed extract from the minutes of a meeting of the governing body of the Township duly called and held on October 21, 2014 has been compared by me with the original minutes as officially recorded in my office in the Minute Book of the governing body and is a true, complete and correct copy thereof and of the whole of the original minutes so far as they relate to the subject matters referred to in the extract.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the Township this ____ day of _____, 2014.

Karen J. Carnevale, Township Clerk

(SEAL)

CLERK'S CERTIFICATE

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

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

2. Attached hereto is a true and complete copy of an ordinance passed by the governing body of the Local Unit on first reading on September 9, 2014 and finally adopted by the governing body on October 21, 2014, and where necessary approved by the Mayor on October 21, 2014.

3. On September 11, 2014 a copy of the ordinance and a notice that copies of the ordinance would be made available to the members of the general public of the municipality who requested copies, up to and including the time of further consideration of the ordinance by the governing body, was posted in the principal municipal building of the Local Unit at the place where public notices are customarily posted. Copies of the ordinance were made available to all who requested them;

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

5. After final passage, the ordinance, a copy of which is attached hereto, was duly published on October 23, 2014. No protest signed by any person against making the improvement or incurring the indebtedness authorized therein, nor any petition requesting that a

referendum vote be taken on the action proposed in the ordinance has been presented to the governing body or to me or filed in my office within 20 days after the publication or at any other time after the final passage thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the Township this ____ day of _____, 2014.

Karen J. Carnevale, Township Clerk

[SEAL]

2-17 DEPARTMENT OF RECREATION AND CULTURAL AFFAIRS.

2-17.1 Department Generally.

- a. There shall be a Department of Recreation and Cultural Affairs, the head of which shall be the Director. Prior to his/her appointment, the Director shall have a bachelor's degree from a recognized college or university, with specialized training in recreation or a related field, and at least four (4) years of experience in public recreation administration. The requirement of a bachelor's degree may be waived if a candidate for the position of Director has at least fifteen (15) years experience and training in the field of public recreation.
- b. At any time wherein the position of Director of Recreation and Cultural Affairs is vacant the duties of the Director of Recreation and Cultural Affairs, in part or in total, may be performed by a Deputy Department Head of Recreation. He/she shall receive such compensation as may be fixed by ordinance.

Any references within this section to a Recreation Director shall mean the Director of Recreation and Cultural Affairs or a Deputy Department Head of Recreation as the Director of Recreation and Cultural Affairs.

(1972 Code § 2-12.1; Ord. No. 888-87 § 1; Ord. No. 2307-11 § II)

2-17.2 Residency.

The Director of Recreation shall be a bona fide resident of the Township. A bona fide resident, for the purpose of this section, is a person having a permanent domicile within the Township and one which has not been adopted with the intention of again taking up or claiming a previous residence outside the Township limits. The Director need not be a full time resident at the time of appointment but shall establish bona fide residence in the Township within one (1) year of appointment or be dismissed from office. (1972 Code § 2-12.2; Ord. No. 888-87 § 2)

2-17.3 Advisory Committee; Program.

The Mayor shall appoint a Citizen's Advisory Committee on Recreation to advise and consult with the Superintendent. With the aid and assistance of the Committee, the Director shall plan and develop recreational facilities; promote and direct an all year program of cultural and leisure time activities for children, youth and adults; provide for the optimum coordination and development of public and private recreational facilities and programs. (1972 Code § 2-12.3)

2-17.4 Department; Functions.

The Department of Recreation and Cultural Affairs shall:

- a. Administer and operate parks, playgrounds and playfields and facilities for indoor and outdoor sports, athletic and recreational programs and activities for children and adults.
- b. Sponsor and administer cultural and recreational programs and activities in cooperation with other public and private agencies and organizations, and provide specialized programs for the aged, the handicapped and other special purposes.

- c. Employ and instruct the Department of Public Works with respect to the maintenance and repair of public buildings and grounds used, controlled or managed for recreational purposes by the Division.
- d. Establish and administer a community school program whereby school properties are used for community activities. The Department of Recreation shall be assisted by a Community School Advisory Board of Trustees separate and distinct from the Recreation Advisory Board, the membership of which shall be comprised of two (2) members appointed by each councilperson and two (2) members appointed by the Mayor, each member to serve for one (1) year from date of appointment and until his successor is appointed.
(1972 Code § 2-12.4; Ord. No. 363-75 § 1; Ord. No. 390-76 § 1; Ord. No. 478-78, A 1)

2-17.5 Regulations.

The following acts are expressly prohibited and/or regulated by the Recreation Department and shall require enforcement under Chapter IV. The following such acts are prohibited and/or regulated:

- a. Other than in regulated parking areas, no vehicle shall be allowed within any park owned by the Township or under its jurisdiction at any time except for emergency vehicles or others with written permission from the Recreation Director.
- b. It shall be strictly prohibited for one to start or maintain a fire of any kind or to use barbecue equipment of any kind in any park owned by the Township or under its jurisdiction or on other Township owned or maintained property.
- c. It shall be strictly prohibited for one to operate a powered flight model in any park owned by the Township or under its jurisdiction or on other Township owned or maintained property.
- d. It shall be unlawful for a person to enter into any park owned by the Township or under its jurisdiction or on other Township owned or maintained property and post bills of any sort without the express permission of the Recreation Director.
- e. A permit shall be required for organized group/team practices, and games and/or activities. All permits are issued through the Recreation Department. This shall include all recreational facilities and open space located within the parks and playgrounds deemed to be under the jurisdiction of the Recreation Department. The Recreation Department shall establish reasonable guidelines, policies, and prohibitions for the issuance of said permits.
- f. Private businesses shall be prohibited from using any municipal recreational facility without the written permission of the Recreation Department. The use of all recreational facilities under the jurisdiction of the Recreation Department for financial gain by businesses, organizations, and individuals shall be prohibited without the written permission of the Recreation Department.
- g. Scholastic games and practices shall have priority over all other users including those who may have previously occupied the park area.

- h. There shall be no private tennis lessons held on the tennis courts within the Township parks. (Redundant with letter f)
- ih. Bike riding, and roller blading, skateboarding and the use of any and all riding devices utilizing wheels or rollers are prohibited on all hard court surfaces within any Recreation facility. are prohibited on the tennis courts within any Township park.
- ji. People are prohibited from wearing hard sole shoes on the tennis courts within any Township park. Additionally, the use of metal spiked or cleated footwear is prohibited on all artificial or synthetic surfaces.
- kj. There shall be one (1) hour time limit for the use of the tennis courts when other players are waiting to use the tennis courts.
- lk. The Recreation Department may charge and collect in advance a reasonable fee for admission to or use of facilities, programs, or activities as specifically authorized by Resolution of Council.
- l. Golfing activities are prohibited in all Recreation Department facilities.
- m. Abusive language and actions are prohibited in all Recreation Department facilities.
- n. The possession, use, and/or consumption of alcohol is prohibited in all Recreation Department facilities without the written permission of the Recreation Director.
- o. Smoking of cigarettes and use of tobacco products within or adjacent to public parks, playgrounds and ballfields under the jurisdiction of the Recreation Department is prohibited.
- p. Excessive noise is prohibited at all times.
- q. All dogs must be leashed within the confines of all Recreation Department facilities. Furthermore, dogs shall be prohibited from being inside the confines of a Kiddie Park, as defined herein.
- r. No littering or dumping is permitted. Dumpsters located within all Recreation Department facilities are restricted to municipal use only.
- s. No person shall conduct or engage in any activity that is either a prohibited activity or an activity that may endanger the health, safety or welfare of others.

(1972 Code § 2-12.5; Ord. No. 1722-00 § 1)

2-17.6 Public Parks; Hours and Regulations.

- a. The following public parks of the Township, and the parking areas located within or adjacent thereto, shall be closed to the public and for parking of any vehicles between the hours of 10:00 p.m. and 6:00 a.m. prevailing time, unless otherwise posted.
 - 1. Byrne Memorial Park;

2. Colgate Field;
3. Degnan Memorial Field;
4. Stagg Field;
5. Lafayette Playground;
6. William E. Boland Park;
7. O'Connor Park;
8. Jenkins Playground;
9. Rolling Green Tennis Courts;
10. Minish Park;
11. Gilbert Place;
12. Club Boulevard Playground;
13. Ridgeway Avenue Park..

Any and all future parks under the jurisdiction of the Municipal government of the Township of West Orange.

- b. It shall be unlawful for any person to enter in or upon, occupy, be present in or park any vehicle, or suffer or permit to be parked any vehicle in the aforesaid public parks, or parking areas located in or adjacent thereto, between the hours of 10:00 p.m. and 6:00 a.m., prevailing time, and it shall be unlawful for any person or persons to at any time remove, damage, mutilate, deface or destroy any barricade, chain, notice, sign or other object used to block the entrance to the aforesaid public parks or parking areas, or indicating that the parks or parking areas are closed.
- c. Nothing herein contained shall be deemed or construed to apply to:
 1. Personnel of the Township engaged in or conducting Township business in any public park or parking area.
 2. Any group or organization holding a permit to conduct an activity in such park or parking area for a period specifically prohibited.
 3. Any person found in a park or parking area by reason of an unusual or unforeseen emergency.
- d. There are areas within each park listed in subsection 2-17.6a, except for Rolling Green Tennis Courts, that contain playground apparatus. These areas are considered "Kiddie Parks." "Kiddie Parks" are to be used by children under the age of twelve (12) years old and under the supervision of an adult.
- e. It shall be unlawful for any person, regardless of age, to enter in or upon, occupy, be present in or park any vehicle, or suffer or permit to be parked any vehicle in any of the "Kiddie Parks," or the parking area located in or adjacent thereto, after 8:00 10:00 p.m. (1972 Code § 2-12.6; Ord. No. 313-74, S 1; Res. 2416-76; New; Ord. No. 1722-00 § 2)

2-17.7 Golf Prohibited.

- a. *Prohibition.* The playing and/or practicing of golf in parks owned by the Township or under its jurisdiction or on other Township owned or maintained property is expressly prohibited at all times.
- b. *Penalties.* Any person convicted of violating this subsection shall be fined twenty-five (\$25.00) dollars for a first offense in addition to any court costs. Conviction of a second offense shall result in a fine of fifty (\$50.00) dollars in addition to any court costs. Conviction of a third or subsequent offense shall result in a fine of one hundred (\$100.00) dollars for each such offense in addition to any court costs. There shall be a mandatory court appearance for any summons charging a third or subsequent offense.
(Ord. No. 1521-98 §§ 1, 2)

2-17.8 7 Identification Cards; FeesUse of Facilities by Non-Residents; Rules and Regulations; Exceptions.

- a. Township owned playgrounds, fields and other recreation facilities shall only be utilized by bona fide residents of West Orange. All persons, twelve (12) years of age or older, using such facilities must have in their possession a Township issued identification card which shall be issued for a period of five (5) years and must be renewed thereafter.
- b. The Department of Recreation shall promulgate rules and regulations designed to carry out the intent and purpose of this subsection.
- c. The provisions of this subsection shall not apply to any recreation facility wholly or partially constructed or improved with New Jersey Green Acres trust funds.
(Ord. No. 1527-98)

2-17.98 Registration Policy for Participation in All Recreation Programs.

Each and every time a West Orange resident completes a registration form for participation in a Township of West Orange Recreation Program, the resident must provide documents to demonstrate (i) Parent/guardian proof of identity and residency (ii) Child's proof of identity and school enrollment status.

- a. Proof of parent/guardian identity and residency by providing one of the following documents:
 1. Valid New Jersey Division of Motor Vehicle Driver's License showing a West Orange address;
 2. Valid New Jersey Division of Motor Vehicles ID Card showing a West Orange address;
 3. Valid West Orange Recreation Department ID Card.
- b. Child's Documentation. Both of the following documents must be provided:
 1. Child's birth certificate; and
 2. Child's most recent report card.

- c. *Proof of Custodial Situations.* Legal and binding court documents and/or a correspondence or document signed by an attorney-at-law attesting to the custodial situation shall constitute sufficient proof of the custodial situation.
(Ord. No. 2148-07 § II; Ord. No. 2219-09 § II)

2-17.9 Penalties

Any person or entity that violates any of the provisions of Sections 2-17.5 through 2-17.9 or any rule or regulation expounded pursuant hereto shall be subject to the replacement, repair or restoration of any damaged park or recreation area property and shall be liable to a penalty as follows:

- a. First offense: twenty-five dollars (\$25).
- b. Second offense: fifty dollars (\$50).
- c. Third offense: one hundred dollars (\$100).

2-18 - 2-25 RESERVED.

**AN ORDINANCE AMENDING AND SUPPLEMENTING
CHAPTER 7, TRAFFIC, SUBSECTION 7-32.1,
HANDICAPPED PARKING ON STREETS,
OF THE REVISED GENERAL ORDINANCES OF
THE TOWNSHIP OF WEST ORANGE**

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

Section 1. Subsection 7-32.1, Handicapped Parking on 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	Side	No. of Spaces	Location
Longview Street the Lindsley feet southerly.	West	1	Beginning 151 feet south of southerly curblin of Avenue extended and extending 22
Ashland Avenue the extending 18 feet	East	1	Beginning 50 feet north of northerly curblin of Park Avenue and northerly.
Ashland Avenue the extending 18 feet	West	1	Beginning 100 feet north of northerly curblin of Park Avenue and northerly.

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

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

Section 4. This Ordinance shall take effect upon final passage and publication in accordance with the law.

Robert D. Parisi, Mayor

Susan McCartney, Council President

Karen J. Carnevale, Municipal Clerk

Introduced: September 9, 2014

Adopted: September 23, 2014

LEGISLATIVE HISTORY

This Ordinance creates three on street handicapped parking spaces, known as Restricted Parking Spaces under N.J.S.A 39:4-197.5, to assist two residents with Disabled Persons Identifications issued by the New Jersey Motor Vehicle Commission. One of the spaces will be created on the westerly side of Longview Street, a public street within the Hutton Lafayette Garden Apartment Complex, in the vicinity of number 63, and the other two spaces will be created on Ashland Avenue just north of Park Drive in the vicinity of the apartment building at 31-33 Park Avenue where the other resident resides. These stalls will also serve the Physician's office at 35 Park Avenue. Both these properties are corner lots with frontage along Ashland Avenue. These three stalls will not be Restricted Parking Zones established under Subsection 7.32.2 pursuant to N.J.S.A. 39:4-197.5 which are on street handicapped parking stalls established in front of a residence for the exclusive use of a resident of that home with a Disabled Persons Identification. A complex of multifamily buildings prevents this on Longview Street and the overnight parking prohibition on Park Avenue does not make it practical to place such a stall there. These stalls once created, while assisting residents of 63 Longview Street and 31-33 Park Drive, will be available for anyone with a NJMVC Disabled Persons Identification with a corresponding special vehicle identification card.

**AN ORDINANCE AMENDING AND SUPPLEMENTING
CHAPTER 7, TRAFFIC, SUBJECT ION 7-23.1, TURN PROHIBITIONS,
OF THE REVISED GENERAL ORDINANCES OF
THE TOWNSHIP OF WEST ORANGE**

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

Section 1. Subsection 7-23.1, Turn Prohibitions, of the Revised General Ordinances of the Township of West Orange is hereby supplemented and amended as follows: (*italic type denotes deletion, bold type denotes addition*):

Intersection	Turn Prohibited	Hours/ Days	Movement Prohibited
Northfield Avenue and Glen View Drive	Left	All	Eastbound on Northfield Avenue to northbound on Glen View Drive

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

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

Section 4. This Ordinance shall take effect upon final passage and publication in accordance with law and upon approval of the Essex County Board of Chosen Freeholders and the New Jersey Department of Transportation if required by Statute.

Robert D. Parisi, Mayor

Susan McCartney, Council President

Karen J. Carnevale, Municipal Clerk

Introduced: September 9, 2014

Adopted: September 23, 2014

LEGISLATIVE HISTORY

This Ordinance will prohibit left turns from Northfield Avenue eastbound onto Glen View Drive northbound. Glen View Drive is located on the northerly side of Northfield Avenue just east of the signalized intersection of Northfield Avenue and Old Short Hills Road. Due to the presence of the traffic signal, westbound traffic along Northfield Avenue will often queue up to and through the intersection of Northfield Avenue and Glen View Drive. Here Northfield Avenue contains three travel lanes: two thru lanes and one exclusive left turn lane onto Old Short Hills Road. The volume of westbound traffic coupled with three lanes makes this left turn from Northfield Avenue onto Glen View Drive difficult. Vehicles waiting to turn onto Glen View Drive from Northfield Avenue eastbound block one of the two eastbound lanes on Northfield Avenue which then delays eastbound traffic. This turn prohibition will result in the safe and efficient movement of traffic. Residents of Glen View Drive will still be able to directly access their homes from Northfield Avenue westbound. In the eastbound direction they will need to turn left at Herbert Terrace, proceed to Beacon Place then Glen View Drive. From Old Short Hills Road they shall proceed westbound on Northfield Avenue to Herbert Terrace.