

1. Conference Agenda

Documents: [CA9.29.15.PDF](#)

2. Public Meeting Agenda

Documents: [PM9.29.15.PDF](#)

3. Resolution(S)

3.I. 239-15

Documents: [239-15 RES. AUTHORIZING ADDENDUM TO SHARED SERVICES AGREEMENT FOR EXPERT REPORT IN MT LAUREL LI.PDF](#), [239-15 EXHIBIT A TO RESOLUTION AUTHORIZING ADDENDUM TO SHARED SERVICES AGREEMENT FOR EXPERT REPORT IN.PDF](#)

3.II. 240-15

Documents: [240-15 AWARD OF PLOW TRUCK-ROBERT H. HOOVER AND SON INC..PDF](#)

3.III. 241-15

Documents: [241-15 MT RESOLUTION-VERNON AVE ROAD IMPROVEMENTS.PDF](#)

3.IV. 242-15

Documents: [242-15 RESOLUTION AND ATTACHMENT SNOW REMOVAL 2015-16.PDF](#), [242-15 SNOW REMOVAL BIDS 2015-2016.PDF](#)

3.V. 243-15

Documents: [243-15 RAFFLE LICENSES 9.29.15.PDF](#)

4. Ordinance(S) On Second And Final Reading

4.I. 2463-15

Documents: [2463-15 BOND ORDINANCE 130,000 FOR RENOVATIONS TO PUBLIC LIBRARY \(2\).PDF](#)

5. Ordinance(S) On First Reading

5.I. 2464-15

Documents: [2464-15- ADDITIONAL OVERHAUL OF ZONING ORDINANCE.PDF](#), [2464-15 ATTACHMENT - RESOLUTION- PLANNING BOARD APPROVING EDITS TO TOWNSHIP CODE.PDF](#)

5.II. 2465-15

Documents: [2465-15 MOUNTAIN DRIVE STOPPING OR STANDING.PDF](#)

5.III. 2466-15

Documents: [2466-15 ORDINANCE REVISING TOWING PROVISIONS OF MUNICIPAL CODE.PDF](#)



# **COUNCIL COMMITTEE CONFERENCE MEETING**

## **AGENDA**

**Council Chambers – 66 Main Street, West Orange, NJ**

**September 29, 2015**

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 December 1, 2014. 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 December 1, 2014.

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

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**6:30 P.M**

- **Oath of Office-Michelle Casalino-At Large Council Member**
- **West Orange Arts Council**
- **Update-Downtown West Orange Alliance**
- **Council Liaison Appt. to Fulfill 2014-2015 Term**

\_\_\_\_\_Local Assistance Board

\_\_\_\_\_WOSCHA (John P. Renna House)

\_\_\_\_\_West Orange Municipal Alliance Committee

- **Council Liaison Announcements**

**7:00 P.M.**

- **Public Meeting**

## **AGENDA**

*Tuesday, September 29, 2015*  
**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 December 1, 2014. 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 December 1, 2014.**

### **Statement of Decorum**

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

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

- 1. Pledge of Allegiance**
- 2. Public Comment**
- 3. \*Consent Agenda**
- 4. \*Approval of Minutes of Previous Meeting – Public Meeting September 8, 2015**
- 5. \*Report of Township Officers-None**
- 6. \*Reading of Petitions and Communications and Bids-None**
- 7. \*Bills**
- 8.\*Resolutions**
  - a. 239-15 Resolution Authorizing an Amendment to the Municipal Shared Services Defense Agreement Previously Authorized by Council (Legal-Moon)  
**This resolution authorizes an amendment to the Municipal Shared Services Defense Agreement previously approved by the Township Council regarding retention of an expert for use in the Township’s declaratory action pending following the latest Supreme Court Mt. Laurel opinion.**
  - b. 240-15 Resolution Authorizing an Award of Contract to Robert H. Hoover & Son, Inc., 149 Gold Mine Road, Flanders, New Jersey 07836 to Furnish and Deliver One (1) 2016 Western Star 4700 Single Axle 4X4 Chassis, with Hook Lift, Appurtenances and Hydraulics or Approved Equal in the total amount of \$184,910.00 (DeSantis)
  - c. 241-15 Resolution Authorizing an Award of Contract to Grabowski Construction, Inc., 770 Northfield Avenue, West Orange, NJ for the Mount Vernon Avenue Road Improvements in the Amount of \$376,208.30 (Lepore)

- d. 242-15 Resolution Authorizing an Award of a One (1) Year Service Contract for Snow Plowing and Removal Services for the Year(s) 2015-2016 to the Bidders on Schedule A (Lepore)
- e. 243-15 Resolution Authorizing the Issuance of Raffle Licenses (Clerk)

## **9. Ordinances on Second and Final Reading**

- a. 2463-15 Bond Ordinance Authorizing Renovations to the Public Library In and For the Township of West Orange, in the County of Essex, New Jersey, Appropriating \$130,000 Therefore and Authorizing the Issuance of \$123,500 Bonds or Notes to Finance Part of the Cost Thereof (Draikewicz)

## **10. Ordinances on First Reading**

- a. 2464-15 An Ordinance Amending Chapter 25, Sections 8.4, 9.9, 9.10 and 11.10 and Chapter 32, Section 3, of the Revised General Ordinances of the Township of West Orange – Revisions of Various Zoning Ordinances (Legal-Moon)
- a. 2465-15 An Ordinance Amending and Supplementing Chapter 7, Traffic, Subsection 7-10.1, Stopping or Standing Prohibited During Certain Hours on Certain Streets, of the Revised General Ordinances of the Township of West Orange (Lepore)
- b. 2466-15 An Ordinance Amending Chapter 5, Sections 32.1, 32.3, 32.7, 32.8, 32.9, 32.10, 32.11, and 32.12 of the Revised General Ordinances of the Township of West Orange – (Police-Requested Towing and Storage Services) (Legal – Moon)

## **11. ABC Hearing-None**

## **12. Adjournment**

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

**Agenda is subject to change.**

**RESOLUTION**

**WHEREAS**, the Township of West Orange (the "Township") previously adopted Township Resolution 156-15 on June 9, 2015 which authorized the Township to execute a Municipal Shared Services Defense Agreement (the "MSSDA") for the various purposes set forth therein, including the retention of a common expert to draft an report for use in the Township's pending declaratory judgment action captioned In re Matter of the Application of the Township of West Orange, Docket No.: ESX-L-4697-15 which was filed pursuant to the New Jersey Supreme Court's decision In the Matter of the Adoption of N.J.A.C. 5:96 and 5:97 by the New Jersey Council on Affordable Housing, 221 N.J. 1 (2015); and

**WHEREAS**, pursuant to the MSSDA, Dr. Robert Burchell ("Dr. Burchell"), a distinguished professor at Rutgers University was retained pursuant to Research Study Agreement ("RSA") through Rutgers University to serve as the expert for all of the municipalities who were parties to the MSSDA; and

**WHEREAS**, Dr. Burchell became ill and has been unable to complete the obligations under the RSA; and

**WHEREAS**, Rutgers University has terminated the RSA as permitted under its terms; and

**WHEREAS**, the MSSDA requires modification to allow the members to retain one or more alternative experts, consultants and/or other professionals in furtherance of the collective need for each participating municipality to obtain an expert report and/or the services of an expert for use in the declaratory judgment actions; and

**WHEREAS**, an Amendment to the MSSDA to effectuate the modification is annexed hereto as Exhibit "A;" and

**WHEREAS**, the Township recognizes that the pending declaratory judgment action requires immediate action and may require further expedited actions as the Township Attorney may determine are necessary and appropriate to comply with the pending litigation; and

**WHEREAS**, the Township has determined that it is in the best interest to approve the Amendment to the MSSDA and/or to affirm and ratify the Amendment to the MSSDA, and to authorize the Township Attorney to take actions on behalf of the Township with regard to the issues raised and associated with the continued implementation of the MSSDA.

**NOW, BE IT HEREBY RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST ORANGE**, that the Township Council of the Township of West Orange authorizes, approves, ratifies, and confirms the execution of the Amendment to the MSSDA, annexed hereto as Exhibit “**A**,” and

**BE IT FURTHER RESOLVED** Mayor shall be and hereby is authorized to execute the Amendment to the MSSDA, annexed hereto as Exhibit “**A**,” and 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 copy of the Amendment to the MSSDA shall be maintained by the Municipal Clerk; and

**BE IT FURTHER RESOLVED** that the Township hereby authorizes Jeffrey R. Surenian, Esq. to execute the expert consulting agreement with Econsult Solution, Inc.; and

**BE IT FURTHER RESOLVED** that the Township hereby authorizes Jeffrey R. Surenian, Esq. to execute on behalf of the Township with the written approval of the Township Attorney such other agreements as are advisable to effectuate the purposes of the MSSDA as amended; and

**BE IT FURTHER RESOLVED** that the Township further authorizes the Township Attorney to approve such other changes to the MSSDA as may be necessary to effectuate its purposes, and to take action on behalf of the Township with regard to the issues raised and associated with the implementation of the MSSDA provided that the action will not require the Township to appropriate or commit any additional funding with regards to the MSSDA; and

**BE IT FURTHER RESOLVED** that any actions which will require any additional appropriation or commitment of additional funds will be subject to approval of the Township Council of the Township of West Orange;

**BE IT FURTHER RESOLVED**, that this Resolution shall take effect immediately.

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**Karen J. Carnevale, Municipal Clerk**

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**Jerry Guarino, Council President**

**Adopted: September 29, 2015**

# Exhibit “A”

**AMENDMENT TO THE  
MUNICIPAL SHARED SERVICES DEFENSE AGREEMENT**

This Amendment to the Municipal Shared Services Defense Agreement (“MSSDA”) previously entered into in by the Members of the MSSDA in or after June, 2015,

WHEREAS several municipalities have previously entered into a MSSDA authorizing the retention of Rutgers University and its Principal Investigator, Dr. Robert Burchell to perform certain tasks as outlined therein, including, without limitation, the development of a reasonable position consistent with applicable law as the means by which the fair share of municipalities may be determined; and

WHEREAS, Dr. Burchell had a serious health event on or about July 27, 2015 that has impeded the goal of the MG to obtain such a report; and

WHEREAS, more specifically, Rutgers University (hereinafter “Rutgers”) has indicated that Dr. Burchell is the only one at the University that could perform the work contemplated by the contract between the Municipal Group (“MG”) and Rutgers, dated July 2015 (hereinafter “Rutgers Agreement”); and

WHEREAS, as result of the foregoing, Rutgers is not able to complete the work required by the Rutgers Agreement; and

WHEREAS, on September 11, 2015, Rutgers sent the representative of the MG a letter terminating the Rutgers Agreement; and

WHEREAS, even before receipt of the termination letter, vigorous efforts have been made to find an expert that can perform the services that Rutgers is no longer able to provide; and

WHEREAS, it has been determined that Econsult Solutions, Inc. (“Econsult”) has the interest and capability to perform the services as expeditiously as possible; and

WHEREAS, it has been further determined that the MSSDA, as presently written, does not permit the MG to enter into an agreement with any other expert than Rutgers; and

WHEREAS, because of the foregoing, it has been determined that an amendment to the MSSDA is necessary to empower the MG to enter into an agreement with Econsult.

Now, therefore, in consideration of the mutual benefits that will be derived, the Members of the MG hereby agree as follows:

1. Section 1 of the MSSDA, titled “Purpose” is hereby amended as follows:

Section 1(b)-(d) shall be replaced with:

(b) collectively retain such experts and/or consultants, including but not limited to Econsult Solutions, Inc. as may be necessary,

(c) collectively work with experts or consultants that have been retained, including but not limited to Econsult, to conduct an analysis and report of the housing need for each region and the allocation of that need to the individual municipalities in the region;

(d) may elect, at the exclusive expense of any Member or group of Members, to rely upon and present such experts or consultants as a witness in the Litigation, including for any mediation, Alternative Dispute Resolution or other proceeding involving a determination of a Member’s Affordable Housing Obligation;

2. Section 3 of the MMSDA titled “Retention of Burchell” is hereby amended and is titled as “Retention of Experts and/or Consultants.” This section is amended to provide that the administrators of the MMSDA, shall retain such experts and/or consultants, including but not limited to Econsult, as may be necessary and to communicate with such experts and/or consultants in the method and manner as set forth.
3. Section 5, titled “Shared Costs” is hereby amended to provide that shared costs shall include payment to any expert or consultant, including but not limited to Econsult, and such other professionals, and/or common counsel, as shall be agreed upon by the Members in accordance with the terms and procedures of the MSSDA.
4. Section 6, titled “Expenses Not Covered by This Agreement” shall be amended to allow any member or group of Members of the MMSDA to retain Econsult or any other commonly retained expert and/or consultant for the purposes as set forth in the MSSDA; however, it shall be in accordance with the rate schedule as set forth in any agreement between the MSSDA and such expert and/or consultant; it shall not be based upon the rates as set forth for Dr. Burchell nor shall payment be made to Rutgers except to the extent that representatives of the MG may pay the remainder of the 70,000 in expense allocated for the provision of a final report in accordance with the underlying agreement and/or for the purposes of securing rights to information that otherwise would not be available. Any amounts in excess of the \$70,000 that may be needed to secure the right to use the underlying data that Rutgers has assembled may only be paid if authorized at a meeting held in accordance with paragraph 2 of the underlying agreement.
5. Section 7, titled ”Liaison Counselor Committee” is hereby amended to allow Jeffrey R. Surenian, Esq. to pay an administrative assistant to administer this MSSDA and the consortium at a rate not to exceed \$70 per hour and to pay out of pocket expenses.

6. Section 11, titled "Common Interest" is amended by removing any reference to Dr. Burchell and shall refer to any expert and/or consultant, including but not limited to Econsult, that have been retained by the MSSDA.
7. Section 15, titled "Conflict of Interest" is amended by removing any reference to Dr. Burchell and shall refer to any expert and/or consultant, including but not limited to Econsult, that have been retained by the MSSDA.
8. Section 16, titled "Effective Date" is amended removing the reference to "Rutgers" and replacing it with "such experts and/or consultants, including but not limited to Econsult, that have been retained by the MSSDA
9. Section 17, titled "Subsequent Agreement" , shall be amended to include paragraph 17 c as follows: Since the Agreement between Econsult and the MG may not have been finalized at the point of execution of this amendment, the designated attorney for the municipality shall have 10 business days from receipt of the Econsult Agreement by electronic mail to withdraw from the consortium and secure a rebate of the 2,000 paid minus the pro rata share of all costs and expenses incurred to the date of such withdrawal.
10. All other provisions in the MSSDA that refer to or may be interpreted to relate or refer to dealings with Rutgers or Burchell are removed and amended to provide that the MSSDA permits the retaining of such experts and/or consultants, including but not limited to Econsult, as may be agreed upon by the Members in accordance with the terms and provisions of the MSSDA. All other terms and provisions remain unchanged and in effect.

IN WITNESS WHEREOF, the Members hereto, which may be by and through their appointed counsel, enter into this Agreement. Each person signing this Agreement represents and warrants that he or she has been duly authorized to enter into this Agreement by the company or entity on whose behalf it is indicated that the person is signing.

ATTEST:

\_\_\_\_\_  
, Clerk

By: \_\_\_\_\_  
Mayor

## RESOLUTION

**WHEREAS**, the Township of West Orange issued a bid to furnish and deliver one (1) 2016 Western Star 4700 Single Axle 4X4 Chassis, with Hook Lift, Appurtenances and Hydraulics or approved equal; and

**WHEREAS**, the Township advertised said bid on August 7, 2015 pursuant to the Local Public Contract Law (N.J.S.A. 40A:11-23) and did receive one submission on the date and time advertised; and

**WHEREAS**, the bid received from Robert H. Hoover & Sons, Inc. was reviewed by the West Orange Engineering Department and the Purchasing Agent which found said bidder to be responsible and responsive to the Township's specifications and cost allowance with no exceptions.

**NOW LET IT BE RESOLVED**, by the Council of the Township of West Orange that the award of contract in the total amount of \$184,910.00 go to Robert H. Hoover & Son, Inc., 149 Gold Mine Road, Flanders, New Jersey 07836 to furnish and deliver said equipment.

|                                                                       |               |
|-----------------------------------------------------------------------|---------------|
| One (1) Cab and Chassis with hook lift, hydraulics plow & plow hitch: | \$ 159,605.00 |
| Option #1: Engine Warranty:                                           | \$ 2,750.00   |
| Option #2: Transmission Warranty:                                     | \$ 646.00     |
| Option #4 Vbox Salt Spreader & 14 foot flatbed:                       | \$ 21,909.00  |

**BE IT FURTHER RESOLVED** that the Purchasing Agent is hereby authorized to arrange to pay by purchase order in accordance with the terms of the specifications and from funds certified available by the Chief Financial Officer.

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Karen J. Carnevale, Municipal Clerk

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Jerry Guarino, Council President

**Adopted: September 29, 2015**

**I hereby certify funds are available from:**

**Account # 03-2407-14-0070-030 \$180,000.00 (1-F 700 Plow Truck)**  
**Account # 03-2450-15-0070-060 \$4,910.00 (Unspecified Vehicles)**

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John O. Gross, Chief Financial Officer

**RESOLUTION**

**WHEREAS**, the Township of West Orange advertised for bids, pursuant to the New Jersey Local Public Contracts Law (N.J.S.A. 40A:11-1) for Mount Vernon Avenue Road Improvements; and

**WHEREAS**, at the date, time and place advertised for the opening of said bids, the Township did receive four bids; and

**WHEREAS**, the Township Engineer reported that the successful bidder, Grabowski Construction, Inc., has strictly complied with the bid specifications and they are the lowest responsible bidder; and

**WHEREAS**, the Township Council of the Township of West Orange, has considered said bids and has further considered the recommendation of the Township Engineer as to the award of said bid.

**NOW, THEREFORE BE IT RESOLVED** by the Township Council of the Township of West Orange that the contract for Mount Vernon Avenue Road Improvements is hereby awarded to:

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

In the amount of \$376,208.30.

**BE IT FURTHER RESOLVED** that certified checks and or bid bonds of all except the lowest responsible bidder be forthwith returned, and the Mayor and Township Clerk be and they hereby are respectively authorized to execute and attest a contract for the foregoing.

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**KAREN CARNEVALE, MUNICIPAL CLERK**

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**JERRY GUARINO, COUNCIL PRESIDENT**

**Adopted: September 29, 2015**

**I hereby certify funds are available from:**

**ACCOUNT NO. 03-2450-15-0060-010-  
2015 STREET RESURFACING**

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**JOHN GROSS, CHIEF FINANCIAL OFFICER**

**RESOLUTION**

**AWARD CONTRACT FOR SNOW PLOWING AND REMOVAL SERVICES  
YEARS 2015-2016**

**WHEREAS**, the Township of West Orange has advertised for bids, pursuant to the New Jersey Local Public Contracts Law (N.J.S.A.40A:11-1) for Snow Plowing and Removal Services for year(s) 2015-2016 and received bids on September 15, 2015; and

**WHEREAS**, the West Orange Department of Public Works has reviewed the bids received and has recommended that three of the bidders be awarded the Option 1 and four of the bidders be awarded the Option 4 of the specifications. These options represent specific snow plowing routes and snow removal equipment respectively. The Option 2 and 3 portion of the specifications will be considered for award separately; and

**WHEREAS**, hereto is attached Schedule A listing the vendors with the services and rates to be provided.

**NOW, THEREFORE BE IT RESOLVED** by the Township Council of the Township of West Orange that a one year service contract for Snow Plowing and Removal Services for the year(s) 2015-2016 be awarded to the following bidders listed on Schedule A.

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**Karen J. Carnevale**  
**Municipal Clerk**

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**Jerry Guarino**  
**Council President**

**Adopted: September 29, 2015**

I hereby certify funds are available from: **Account: 01-2010-00-7502-113**  
**(Salt, Chloride & Snow)** - 2015 not exceed \$100,000.00 and  
2016 not exceed \$225,000.00 subject to 2016 budget appropriation

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**John O. Gross, Chief Financial Officer**

## SCHEDULE A

| VENDOR SUBMISSION LIST                                                                | AWARD YES/NO       |
|---------------------------------------------------------------------------------------|--------------------|
| Artic Services, LLC<br>5 Beechwood Lane<br>East Hanover, New Jersey 07936             | NO<br>Disqualified |
| Grabowski Construction Inc.<br>770 Northfield Avenue<br>West Orange, New Jersey 07052 | YES                |
| Shauger Property Service, Inc.<br>429 Dodd Street<br>East Orange, New Jersey 07017    | YES                |
| Downes Tree Service, Inc.<br>65 Royal Avenue<br>Hawthorne, New Jersey 07506           | YES                |
| N.Y. Asphalt<br>73 Industrial Loop<br>Staten Island, New York 10309                   | YES                |

### Option 1, Snow Plow Routes:

1A-1, Valley, F-450 truck - Grabowski Construction, \$210 per hour;  
1A-2, Valley, F-700 truck – no award.

1B-1, Heights, F-450 truck – Shauger Property Service, \$225 per hour;  
1B-2, Heights, F-700 truck- no award.

1C-1, Merklin District, F-700 truck – Grabowski Construction, \$235 per hour.

1D-1, Korwel, Oaks, Dogwood, F-700 truck, Grabowski Construction, \$235 per hour.

1E-1, Englishtown, etc., F-700 truck, Downes Tree Service, \$275 per hour.

1F-1, Upper Gregory, F-700 truck, Downes Tree Service, \$275 per hour.

#### **Option 4, Equipment for Plowing, Loading and Hauling:**

4A - Single Axle Truck, 26,000 GVWR, with  
Plow:

Downes Tree Service, \$275 per hour  
Shauger Property Service, \$275 per hour

4BC - Tandem Axle Truck:

Downes Tree Service, \$150 per hour  
Grabowski Construction, \$140 per hour  
NY Asphalt, \$225 per hour

4B - Tandem Axle Truck with Plow:

Downes Tree Service, \$300 per hour

4BD – Tri-Axle Truck:

Downes Tree Service, \$150 per hour  
Grabowski Construction, \$140 per hour  
NY Asphalt, \$225 per hour  
Shauger Property Services, \$180 per  
hour

4C - Single Axle Truck, 12,000 GVWR with  
Plow:

Downes Tree Service, \$275 per hour

4BA - 20 CY Roll offs:

Downes Tree Service, \$200 per hour  
NY Asphalt, \$225 per hour  
Shauger Property Services, \$225 per  
hour

4BE - Front End Loaders, 2.5 CY bucket:

Downes Tree Service, \$220 per hour  
Grabowski Construction, \$250 per hour  
NY Asphalt, \$225 per hour  
Shauger Property Services, \$300 per  
hour

4BB - 30 CY Roll offs:

Downes, \$200 per hour  
NY Asphalt, \$225 per hour

# 2015-2016 Snow Plowing and Removal Bids

| 2015-2016 SNOW BIDS   | ARCTIC          | DOWNES         | GRABOWSKI        | NY ASPHALT       | SHAUGER         |          |
|-----------------------|-----------------|----------------|------------------|------------------|-----------------|----------|
| OPTION 1 ROUTES       |                 |                |                  |                  |                 |          |
| 1A-1 Valley F450      | 185             | 275            | 210              | NO BID           | 225             |          |
| 1A-2 Valley F700      | 205             | 275            | NO BID           | NO BID           | NO BID          | No Award |
| 1B-1 Heights F450     | 185             | 275            | NO BID           | NO BID           | 225             |          |
| 1B-2 Heights F700     | 205             | 275            | NO BID           | NO BID           | NO BID          | No Award |
| 1C-1 Merklin etc.     | 205             | 275            | 235              | NO BID           | NO BID          |          |
| 1D-1 Oaks etc.        | 205             | 275            | 235              | NO BID           | NO BID          |          |
| 1E-1 Englishtown etc. | 205             | 275            | NO BID           | NO BID           | NO BID          |          |
| 1F-1 Upper Gregory    | 205             | 275            | NO BID           | NO BID           | NO BID          |          |
| OPTION 2 LOTS         |                 |                |                  |                  |                 |          |
| 2A 9' plow 3cy. Spr.  | 175             | 275            | NO BID           | NO BID           | 225             |          |
| 2B 1.5cy min.         | 250             | 175            | NO BID           | NO BID           | 250             |          |
| TOTAL 2 ITEMS         | 425             | 450            | NO BID           | NO BID           | 475             |          |
| OPTION 3 WALKS, etc.  |                 |                |                  |                  |                 |          |
| 3A snow blower +2     | NO BID          | 125x4=500      | NO BID           | NO BID           | 155X4=620       |          |
| 3B backpack +2        | NO BID          | 50x4=200       | NO BID           | NO BID           | 155X4=620       |          |
| 3C tractor +2         | NO BID          | 150x4=600      | NO BID           | NO BID           | NO BID          |          |
| 3D lump sum           | NO BID          | 1300           | NO BID           | NO BID           | 1240            |          |
| 3D-1 <4"              | NO BID          | 2500           | NO BID           | NO BID           | 2000            |          |
| 3D-2 4" to 8"         | NO BID          | 3000           | NO BID           | NO BID           | 2795            |          |
| 3D-3 8" to 12"        | NO BID          | 3800           | NO BID           | NO BID           | 3995            |          |
| 3D-4 12" to 18"       | NO BID          | 4800           | NO BID           | NO BID           | 6495            |          |
| 3D-5 >18"             | NO BID          | 6800           | NO BID           | NO BID           | 8495            |          |
| TOTAL 1               | NO BID          | 20900          | NO BID           | NO BID           | 23780           |          |
| TOTAL 2               | NO BID          | 22200          | NO BID           | NO BID           | 25020           |          |
| OPTION 4A & 4B        |                 |                |                  |                  |                 |          |
| 4A                    | 205 (12 SINGLE) | 275 (3 SINGLE) | NO BID           | NO BID           | 275 (4 SINGLE)  |          |
| 4B                    | 225(12 TANDEM)  | 300 (3 SINGLE) | NO BID           | NO BID           | NO BID          |          |
| 4C                    | 185 (7 MASON)   | 275 (3 MASON)  | NO BID           | NO BID           | NO BID          |          |
| 4BA                   | 205 (3X20 YD.)  | 200 (2X20 YD.) | NO BID           | 225 (5X 20 YD.)  | 225 (1X 20 YD.) |          |
| 4BB                   | 205 (3X30 YD.)  | 200 (2X30 YD.) | NO BID           | 225 (5X 30 YD.)  | NO BID          |          |
| 4BC                   | 200 (2 TANDEM)  | 150 (2 TANDEM) | 140 (2 TANDEM)   | 225 (10X TANDEM) | NO BID          |          |
| 4BD                   | 200 (12 TRI-AX) | 150 (2 TRI-AX) | 140 (TRI-AX) 225 | (10X TRI-AX)     | 180 (3 TRI-AX)  |          |

Arctic Services was disqualified because they did not initially provide a vehicle list as required, and are not currently registered with the State of NJ as a Public Works Contractor.

## 2015-2016 Snow Plowing and Removal Bids

|     |                 |               |               |                  |               |  |
|-----|-----------------|---------------|---------------|------------------|---------------|--|
| 4BE | 280 (2X4y,2X6y) | 220 (3X 3-4y) | 250 (6x 3-7y) | 225 (5X2.5-4.5y) | 300 (3X 3-4y) |  |
|-----|-----------------|---------------|---------------|------------------|---------------|--|

Arctic Services was disqualified because they did not initially provide a vehicle list as required, and are not currently registered with the State of NJ as a Public Works Contractor.

**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):

| <b><u>Organization</u></b>                                                          | <b><u>Date of Event</u></b> | <b><u>Place</u></b>     | <b><u>RL #</u></b> |
|-------------------------------------------------------------------------------------|-----------------------------|-------------------------|--------------------|
| W.O.H.S. Music Booster<br>On Premise 50/50                                          | October 10, 2015            | 51 Conforti Avenue      | 7227               |
| Junior Devils, Inc. D/B/A<br>New Jersey Devils Youth Hockey Club<br>Tricky Tray     | November 13, 2015           | 750 Eagle Rock Avenue   | 7228               |
| Junior Devils, Inc. D/B/A<br>New Jersey Devils Youth Hockey Club<br>Off Prem. 50/50 | November 13, 2015           | 750 Eagle Rock Avenue   | 7229               |
| Rotary Club West Orange<br>Tricky Tray                                              | September 27, 2015          | 66 Main Street          | 7230               |
| St Barnabas Development FDN<br>A/N St Barnabas Burn FDN<br>Off Premise 50/50        | October 11, 2015            | 9 Cherry Lane           | 7231               |
| St Barnabas Development FDN<br>A/N St Barnabas Burn FDN<br>On Prem. Merch.          | October 11, 2015            | 9 Cherry Lane           | 7232               |
| St Barnabas Development FDN<br>A/N St Barnabas Burn FDN<br>On Prem. Merch.          | December 2, 2015            | 481 Eagle Rock Ave.     | 7233               |
| Cope Center, Inc.<br>On Prem. 50/50                                                 | December 2, 2015            | 350 Mount Pleasant Ave. | 7234               |

|                                                              |                                         |                         |      |
|--------------------------------------------------------------|-----------------------------------------|-------------------------|------|
| Childrens Institute<br>On Prem. Merch.                       | October 6, 2015                         | 25 Prospect Ave.        | 7235 |
| Zoological Society of New Jersey, Inc.<br>On Prem. Merch.    | October 3, 2015 and<br>October 10, 2015 | 560 Northfield Ave.     | 7236 |
| West Orange Education<br>Foundation Inc.<br>On Prem. 50/50   | October 2, 2015                         | 350 Pleasant Valley Way | 7237 |
| Jewish Community Center<br>of Metrowest Inc.<br>Casino Night | November 12, 2015                       | 760 Northfield Ave.     | 7238 |

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**Karen J. Carnevale, Municipal Clerk**

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**Jerry Guarino, Council President**

**Adopted: September 29, 2015**

**ORDINANCE No. 2463-15**

**BOND ORDINANCE AUTHORIZING RENOVATIONS TO  
THE PUBLIC LIBRARY IN AND FOR THE TOWNSHIP OF  
WEST ORANGE, IN THE COUNTY OF ESSEX, NEW  
JERSEY, APPROPRIATING \$130,000 THEREFORE AND  
AUTHORIZING THE ISSUANCE OF \$123,500 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 \$130,000, such sum includes the sum of \$6,500 as the down payment (the “Down Payment”) required by the Local Bond Law of the State of New Jersey, constituting Chapter 2 of Title 40A of the New Jersey Statutes, as amended and supplemented (the “Local Bond Law”). The Down Payment is now available by virtue of provision of an emergency appropriation.

**SECTION 2:**

In order to finance the additional cost of the Improvements not covered by application of the Down Payment, negotiable bonds of the Township are hereby authorized to be issued in the principal amount of \$123,500 pursuant to the provisions of the Local Bond Law (the “Bonds”). In anticipation of the issuance of the Bonds and to temporarily finance said improvements or purposes, negotiable bond anticipation notes of the Township are hereby authorized to be issued in the principal amount not exceeding \$123,500 pursuant to the provisions of the Local Bond Law (the “Bond Anticipation Notes” or “Notes”).

**SECTION 3:**

(a) The Improvements hereby authorized and the purposes for the financing of which said obligations are to be issued is for renovations to the Public Library, including all work and materials necessary therefor and 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 \$123,500.

(c) The estimated cost of the Improvements is \$130,000 which amount represents the initial appropriation made by the Township. The excess of the appropriations made for each of the Improvements over the estimated maximum amount of Bonds or Notes authorized to be issued therefor is the amount of the Down Payment for each purpose.

#### 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 Clerk and is available for public inspection.

#### SECTION 6:

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

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

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

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the 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 \$123,500 and the obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$25,000 for items of expense listed in and permitted under Section 20 of the Local Bond Law is included in the estimated cost of the Improvements, as indicated herein.

#### SECTION 7:

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

#### SECTION 8:

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

#### SECTION 9:

This Bond Ordinance constitutes a declaration of official intent under Treasury Regulation Section 1.150-2. The Township reasonably expects to pay expenditures with respect to the Improvements prior to the date that Township incurs debt obligations under this Bond Ordinance. The Township reasonably expects to reimburse such expenditures with the proceeds of debt to be incurred by the Township under this Bond Ordinance. The maximum principal amount of debt expected to be issued for payment of the costs of the Improvements is \$123,500.

#### 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 8, 2015**

**Final Reading: September 29, 2015**

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**Robert D. Parisi**  
**Mayor**

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**Jerry Guarino**  
**Council President**

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

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**Karen J. Carnevale, Municipal Clerk**

**NOTICE**

The Bond Ordinance, the summary terms of which are included herein, was introduced and passed upon first reading at a meeting of the governing body of the Township Council of the Township of West Orange, in the County of Essex, State of New Jersey, on September 8, 2015. It will be further considered for final passage after public hearing thereon at a meeting of the governing body to be held at the Township Council at the Municipal Building, 66 Main Street, in said Township on September 29, 2015 at 7 o'clock p.m. During the week prior to and up to and including the date of such meeting, copies of the full ordinance will be available at no cost and during regular business hours, at the Clerk's Office for the members of the general public who shall request the same. The summary of the terms of such bond ordinance follows:

Title: Bond Ordinance Authorizing Renovations To The Public Library In And For The Township Of West Orange, In The County Of Essex, New Jersey, Appropriating \$130,000 Therefore And Authorizing The Issuance Of \$123,500 Bonds Or Notes To Finance Part Of The Cost Thereof.

Purpose(s): For renovations to the Public Library.

Appropriation: \$130,000

Bonds/Notes Authorized: \$123,500

Grants (if any) Appropriated: None

Section 20 Costs: \$25,000

Useful Life: 15 years

KAREN CARNEVALE  
CLERK

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

**STATEMENT**

The Bond Ordinance, the summary terms of which are included herein, has been finally adopted by the Township of West Orange, State of New Jersey on September 29, 2015 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 Renovations To The Public Library In And For The Township Of West Orange, In The County Of Essex, New Jersey, Appropriating \$130,000 Therefore And Authorizing The Issuance Of \$123,500 Bonds Or Notes To Finance Part Of The Cost Thereof.

Purpose(s): For renovations to the Public Library.

Appropriation: \$130,000

Bonds/Notes Authorized: \$123,500

Grants (if any) Appropriated: None

Section 20 Costs: \$25,000

Useful Life: 15 years

KAREN J. CARNEVALE  
MUNICIPAL CLERK

**ORDINANCE 2463-15**

**RE: TOWNSHIP OF WEST ORANGE  
\$130,000 FOR RENOVATIONS TO PUBLIC LIBRARY**

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

\_\_\_\_\_ Down Payment Certificate.

\_\_\_\_\_ Certified copy of the minutes of the meeting of the Township Council held \_\_\_\_\_ 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, Municipal Clerk of the Township of West Orange, in the County of Essex, New Jersey (herein called the "Local Unit"), HEREBY CERTIFY that annexed hereto is a true and complete copy of the Supplemental Debt Statement of the Local Unit that was prepared as of September 8, 2015 by John Gross, who was then chief financial officer of the Local Unit and filed in my office on September 8, 2015, 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 \_\_\_\_\_, 2015.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Local Unit this \_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
Karen J. Carnevale, Municipal Clerk

**CERTIFICATE OF DOWN PAYMENT**

I, JOHN GROSS, Chief Financial Officer of the Township of West Orange, in the County of Essex, New Jersey (the "Local Unit") HEREBY CERTIFY that prior to the final adoption on September 29, 2015 of an ordinance entitled:

"BOND ORDINANCE AUTHORIZING RENOVATIONS TO  
THE PUBLIC LIBRARY IN AND FOR THE TOWNSHIP OF  
WEST ORANGE, IN THE COUNTY OF ESSEX, NEW JERSEY,  
APPROPRIATING \$130,000 THEREFORE AND  
AUTHORIZING THE ISSUANCE OF \$123,500 BONDS OR  
NOTES TO FINANCE PART OF THE COST THEREOF."

there was available as a down payment for the purposes authorized by the ordinance the sum of \$6,500, which amount was appropriated as a down payment by the ordinance and was made available from the following sources (strike out inapplicable language):

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

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporation seal of the Local Unit this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
John Gross, Chief Financial Officer

(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 8, 2015 at 7 o'clock p.m.

PRESENT:

Council President Jerry Guarino

Councilman Victor Cirilo

Councilman Joe Krakoviak

Councilwoman Susan McCartney

ABSENT:

None

[Attach appropriate minutes hereto]

**CERTIFICATE**

I, KAREN J. CARNEVALE, Municipal Clerk of the Township of West Orange, in the County of Essex, State of New Jersey, HEREBY CERTIFY that the foregoing annexed extract from the minutes of a meeting of the governing body of the Township duly called and held on September 29, 2015 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 \_\_\_\_\_, 2015.

\_\_\_\_\_  
Karen J. Carnevale, Municipal Clerk

(SEAL)

EXTRACT from the minutes of a Public meeting of the Township Council of the Township of West Orange, in the County of Essex, New Jersey held at the Municipal Complex in the Township of West Orange on September 29, 2015 at 7 o'clock p.m.

PRESENT:

ABSENT:

[Attach appropriate minutes hereto]

**CERTIFICATE**

I, KAREN J, CARNEVALE, Municipal Clerk of the Township of West Orange, in the County of Essex, State of New Jersey, HEREBY CERTIFY that the foregoing annexed extract from the minutes of a meeting of the governing body of the Township duly called and held on September 29, 2015 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 \_\_\_\_\_, 2015.

\_\_\_\_\_  
Karen J. Carnevale, Municipal Clerk

(SEAL)

### **CLERK'S CERTIFICATE**

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

1. I am the duly appointed 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 8, 2015 and finally adopted by the governing body on September 29, 2015, and where necessary approved by the Mayor on September 29, 2015.

3. On September 10, 2015 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 1, 2015. 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 \_\_\_\_\_, 2015.

\_\_\_\_\_  
Karen J. Carnevale, Municipal Clerk

[SEAL]

**AN ORDINANCE AMENDING CHAPTER 25, SECTIONS 8.4, 9.9, 9.10, and 11.10 and  
CHAPTER 32, SECTION 3, OF THE REVISED GENERAL ORDINANCES OF THE  
TOWNSHIP OF WEST ORANGE  
(REVISION OF VARIOUS ZONING ORDINANCES)**

**BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF WEST ORANGE, NEW JERSEY** that Chapter 25 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 make additional revisions as part of the overhaul and revision of the Township of West Orange Code governing various aspects of zoning and planning consistent with recommendations provided from the West Orange Planning Board and adopted by the Township of West Orange Council.

**II. CHAPTER 25-8.4 SHALL BE AND HEREBY IS AMENDED AND SUPERCEDED TO READ AS FOLLOWS:**

**25-8.4 Walls and Fences.**

Walls and fences are permitted under the following conditions:

- a. Walls and fences which are not more than fifty (50%) percent solid are permitted anywhere on the property, in all districts, provided they are not higher than four (4) feet.
- b. Solid walls and fences not higher than six (6) feet are permitted in the rear yard and on the side property line up to the rear line of the applicant's house. If the distance on each side of such a fence is more than five (5) feet to each adjacent house, such solid fence may be located in the side property up to the front of the applicant's house.
- c. In all nonresidential districts, fences or walls not exceeding six (6) feet in height shall be permitted in the side and rear yards provided the fence or wall is not closer than five (5) feet at any point to a principal building in a residential district.
- d. In all nonresidential districts, a fence or wall to be used for screening may not exceed six (6) feet in height.
- e. In all districts the finished side of the fence must face away from the applicant's property.
- f. The use of barbed and/or razor wire is prohibited in all districts.
- g. Electrical wire fence is prohibited in all districts.
- h. No fence as described in this section may be constructed in any district without a written application being made to the Zoning Officer who shall issue a permit after compliance with the following fee schedule:
  1. A fifty (\$50.00) dollar fee for erection in any residential district.
  2. A one hundred (\$100.00) dollar fee for erection in any nonresidential district.

**III. CHAPTER 25-9.9 SHALL BE AND HEREBY IS AMENDED AND SUPERCEDED TO READ AS FOLLOWS:**

**25-9.9 Home Occupations.**

No home occupation may be conducted in a legal owner-occupied one (1) family residence unless the following conditions are met:

- a. A simplified site plan indicating the location of the use on the premises within the principal structure and written description of the occupation to be conducted shall be submitted to the **Building Department and Zoning Official**. A Certificate of Continued Occupancy, Certificate of Occupancy, or Certificate of Habitability shall be required for home occupations.
- b. The proposed activity shall comply with the following:
  1. Only one such activity shall be permitted on the premises within the principal structure; and such use must not be incompatible with or disturb the adjacent residential neighborhood.
  2. The activity shall be conducted solely by a person or persons, and members of his/her immediate family, all of whom shall be residing full-time and permanently on the premises, and by no other person or persons living off the premises.
  3. Not more than twelve and one-half (12.5%) percent or one-eighth (1/8) of the floor area of the principal structure shall be used for such activity.
  4. No display or advertising of products or services shall be visible from outside of the principal structure in which the activity takes place.
  5. No outside storage any way related to the activity shall be visible from outside of the principal structure in which the activity takes place.
  6. No pick-up or delivery or materials to or from the premises in which the activity takes place shall be made, except by private passenger vehicle, licensed package delivery service, or US Postal Service.
  7. The activity, including deliveries as described in paragraph 6, shall be conducted only between the hours of 8:00 a.m. and 8:00 p.m.
  8. The activity shall not give rise of the need for on-street parking which shall interfere with the residential parking on the street adjacent to the principal structure in which the activity is permitted.
- c. The following activities related to home occupations are prohibited:
  1. Any activity which creates noise, smells or sights, which are ascertainable outside of the principal structure in which the activity takes place;
  2. Any activity which causes interference with electrical or electronic equipment off the premises in which the activity takes place;
  3. A retail or wholesale salesroom(s) or showroom(s);
  4. Any activity which involves the use or storage of hazardous materials as defined by law.

**IV. CHAPTER 25-9.10. SHALL BE AND HEREBY IS AMENDED AND SUPERCEDED TO READ AS FOLLOWS**

**25-9.10 Home Professional Office.**

A home professional office must meet the following conditions:

- a. The home must be located on one of the following streets or roadways: Pleasant Valley Way, Mount Pleasant Avenue, State Highway 10, Northfield Avenue, Main Street, Prospect Avenue, Gregory Avenue, Old Short Hills Road, Eagle Rock Avenue, Park Avenue, Washington Street, Harrison Avenue, Valley Road or South Valley Road.
- b. The professional use must be located on the entry level, and shall not occupy (i) more than fifty (50%) percent of the entry level and (ii) shall not exceed one thousand (1,000) square feet.
- c. A site plan indicating the part of the premises, with square footage, to be used shall be submitted to the Planning Board for approval. A Certificate of Continued Occupancy, or Certificate of Occupancy, shall be required. Amended site plan approval and a new Certificate shall be required for any change of the profession practiced on the premises.
- d. The applicant shall submit evidence that he or she has the degree, certificate or license of the profession for which the premises are to be used.
- e. Not more than three (3) people, including the resident of the home and staff, can work in the professional activity on the premises.
- f. A sufficient number of spaces shall be provided for off-street parking for residents of the home and staff personnel.
- g. A name plate, not exceeding one (1) square foot in area, may be used after obtaining a sign permit from the Planning Department. No interior illuminated lighting in the sign shall be permitted; and only the name of the professional and the profession shall appear on the sign which shall be within the property lines not more than five (5) feet high, and shall be located within the property lines of the site. No signs shall be posted in windows.
- h. If a home is located on a corner lot, and one of the adjacent streets is listed in paragraph a, a home professional office, otherwise subject to the requirements of this ordinance is permitted.

**V. CHAPTER 25-11.10. SHALL BE AND HEREBY IS AMENDED AND SUPERCEDED TO READ AS FOLLOWS:**

**25-11.10 Outdoor Cafes in the B-1, B-2 and PC Districts.**

Outdoor cafes shall be permitted subject to the standards and conditions of Section 5-10 of Chapter V, General Licensing, of the Revised General Ordinances of the Township of West Orange and in conjunction with the following conditions:

- a. Adequate access for emergency response personnel must be allowed to the main entrance of the serving establishment from the outdoor serving area as defined by Township fire regulations.
- b. Adequate sidewalk access (at least four (4) feet) must be maintained for easy passage of pedestrians on any public sidewalk or right-of-way.
- c. Some form of formal space delineation, such as a removal fence, may be required during cafe business hours to define sidewalk space from cafe space.
- d. Outdoor or patio type furniture must be used; upholstered furniture is prohibited.

- e. Street furniture (seating, tables, fencing, etc.) must be moved into the serving establishment when the outdoor cafe is not open for business.
- f. Cleanliness of the outdoor serving area is the responsibility of the serving establishment.
- g. Signage, in addition, to that permitted for the serving establishment pursuant to Section 25-15, is prohibited.
- h. A sketch showing the proposed location of tables, chairs and umbrellas shall be prepared and submitted to the Director of Planning and Development for approval prior to the use of the sidewalk area.
- i. The use of the described locations shall be authorized by a sidewalk cafe permit issued by the Director of Planning upon compliance by the applicant with the requirements of this paragraph and the payment of an annual fee of fifty (\$50.00) dollars.
- j. Any permit issued by the Director of Planning shall designate the hours of operation of any sidewalk cafe but in no event may a sidewalk cafe remain open after 11:00 p.m. on Sunday through Thursday or after 12:00 midnight on Friday, Saturday and legal holidays.
- k. Nothing herein shall be deemed to be a waiver of the provisions of any health and/or licensing ordinance regulating the operation of a sidewalk cafe.

**VI. CHAPTER 32-3 SHALL BE AND HEREBY IS AMENDED AND SUPERCEDED TO READ AS FOLLOWS:**

**32-3 Approving Agency; Administration.**

The approval provisions of this chapter shall be administered by the Planning Board or Zoning Board of Adjustment in accordance with Sections 25-46.7b and 25-47.8d of Chapter XXV, Land Use Regulations.

**VII. 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.

**VIII. 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.

**IX. EFFECTIVE DATE**

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

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**Jerry Guarino, Council President**

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**Robert D. Parisi, Mayor**

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**Karen J. Carnevale, Municipal Clerk**

**Introduced: September 29, 2015**

**Adopted: October 27, 2015**

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

**Legislative History**

This ordinance is drafted as an additional part of the overhaul of the Municipal Code governing the zoning for the Township of West Orange. These revisions are another set of revisions approved and proposed by the Township of West Orange Planning Board and Zoning Board of Adjustment.

4824-7734-6088, v. 1

**TOWNSHIP OF WEST ORANGE**

**PLANNING BOARD RESOLUTION**

WHEREAS the Planning Board of the Township of West Orange, County of Essex, State of New Jersey has drafted proposed amendments to the land development ordinance; and

WHEREAS the proposed revisions are titled:

SUPPLEMENTAL PROPOSED LAND USE REGULATIONS ORDINANCE  
CHANGES, SITE PLAN AND TECHNICAL REVIEW PROCEDURE

WHEREAS pursuant to Municipal Land Use Law §26(a) prior to the adoption of a development regulation, revision or amendment thereto the Planning Board shall review and comment upon same;

**NOW THEREFORE BE IT RESOLVED:**

1. That at a public meeting held on June 3, 2015 the Planning Board considered the proposed ordinance amendment to determine their consistency with the Master Plan, the 2010 Master Plan Re-Examination and the planning goals of the Township.
2. Upon review the Planning Board has determined that the proposed ordinances amendments are not inconsistent with the Master Plan, the 2010 Master Plan Re-Examination and the planning goals of the Township of West Orange, and recommends that they be adopted by the governing body for the following and other reasons:

The proposed amendments will ensure better uniformity and consistency with recent changes to the Land Use Regulations Ordinance.

IN WITNESS WHEREOF, the Board has caused this Resolution to be executed by its Secretary on the 5<sup>th</sup> day of August 2015.



Robin Miller, Secretary

**AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 7, TRAFFIC, SUBSECTION 7-10.1, STOPPING OR  
STANDING PROHIBITED DURING CERTAIN HOURS ON CERTAIN STREETS, OF THE REVISED  
GENERAL ORDINANCES OF THE TOWNSHIP OF WEST ORANGE**

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

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

| Name of Street        | Sides                 | Hours      | Location                                                                                              |
|-----------------------|-----------------------|------------|-------------------------------------------------------------------------------------------------------|
| <b>Mountain Drive</b> | <b>South and West</b> | <b>All</b> | <b>Entire Length.</b>                                                                                 |
| <b>Mountain Drive</b> | <b>East</b>           | <b>All</b> | <b>Beginning at the<br/>northerly terminus of<br/>Mountain Drive<br/>extending 120<br/>southerly.</b> |
| <b>and<br/>feet</b>   |                       |            |                                                                                                       |

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

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

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

\_\_\_\_\_  
**ROBERT D. PARISI, MAYOR**

\_\_\_\_\_  
**JERRY GUARINO, COUNCIL PRESIDENT**

**Introduced: September 29, 2015**

**Adopted: October 27, 2015**

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

\_\_\_\_\_  
**Karen J. Carnevale, Municipal Clerk**

### **LEGISLATIVE HISTORY**

Although Mountain Drive was recently improved with new curb and a wider paved cartway, it is only 24 feet wide and it cannot accommodate vehicles parked on both sides. This Ordinance prohibits stopping or standing on the south and west sides of Mountain Drive for its entire length. Also, on the north and east sides stopping or standing will be prohibited at the end of the road where stopping or standing will be prohibited to facilitate “K” turns by vehicles.

**AN ORDINANCE AMENDING CHAPTER 5, SECTIONS 32.1, 32.3, 32.7, 32.8, 32.9,  
32.10, 32.11, and 32.12 OF THE REVISED GENERAL ORDINANCES OF THE  
TOWNSHIP OF WEST ORANGE  
(Police-Requested Towing and Storage Services)**

**BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF WEST ORANGE, NEW JERSEY** that Chapter 5 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 revise the municipal code provision governing the towing of vehicles within the Township of West Orange by licensed tow companies.

**II. CHAPTER 5, SECTION 32.1 SHALL BE AND HEREBY IS AMENDED AND SUPPLEMENTED TO INCORPORATE THE FOLLOWING:**

**5-32.1 Definitions.**

As used in this section:

*Cruising* shall mean the operation of a tow truck in and upon a Township street to solicit vehicle towing and storage business except in response to a Police request.

*Licensee* shall mean a towing operator having a license granted by the Township pursuant to the provisions of this section.

*Owner* shall mean any individual or entity who, or which, owns or leases, and/or operates, parks or abandons a vehicle within the Township.

*Police* shall mean the Police Department of the Township.

*Storage services* shall mean the storage or housing of vehicles by a towing operator.

*Towing operator* shall mean any entity lawfully engaged in the business of providing towing and storage services for vehicles towed, which services are made available to the general public upon such rates, charges and fees as determined by Township Ordinance.

*Towing services* shall mean the towing and/or removing of vehicles by the holder of a license issued pursuant to the provisions of this section.

*Vehicle* shall mean every device in, upon or by which a person or property is or may be transported upon a highway, excepting devices moved by human power or used exclusively upon stationary rails or tracks.

**III. CHAPTER 5, SECTION 32.3 SHALL BE AND HEREBY IS AMENDED AND SUPPLEMENTED TO INCORPORATE THE FOLLOWING:**

**5-32.3 Application for License; Contents.**

- a. Every applicant for a license under this section shall complete, sign and verify a written application, in triplicate, on forms furnished by the Business Administrator.
- b. The application shall state:
  1. The complete legal name and principal office address of the applicant.
  2. The complete home address and home telephone number of the applicant of a sole proprietorship or the complete home address and home telephone number of the shareholders, principal officers and partners if the applicant is a corporation or partnership.
  3. The serial number and registration of each vehicle to be operated by the applicant and certificate of title.
  4. The location of the storage area for the towing equipment listed in subsection 5-32.7 and the vehicles stored following their being towed by the licensee, record owner of same and name and addresses of any lienholders.
  5. The principal storage yard for all vehicles towed under this ordinance must be within the boundaries of the Township of West Orange.
  6. The name and address of the insurer and policy numbers of the garage keeper's liability and garage liability policies, proof of payment of premium which policies shall name the applicant as the insured as mandated in subsection 5-32.12 herein.
  7. Consent to appointment of the Township Clerk as the applicant's true and lawful attorney for the purpose of acknowledging service out of any court of competent jurisdiction to be served against the applicant.
  8. An agreement to be available for service or on call twenty-four (24) hours a day every day of the year and to abide by the fees contained in this section.
  9. Proof that the applicant holds title or is a bona fide lessee of the equipment and storage space used for the entire period of the contract.
  10. Proof that all storage facilities owned by the applicant are located in appropriately zoned for Storage Services.
- c. Applications shall be filed with the Business Administrator together with a certified check for the application fee specified in subsection 5-32.6.
- d. Applications in conformance with this section shall be submitted in triplicate no later than May 1.
- e. Applicants shall provide a current business registration certificate in accordance with N.J.S.A. 52:32-44.

**IV. CHAPTER 5, SECTION 32.7 SHALL BE AND HEREBY IS AMENDED AND SUPPLEMENTED TO INCORPORATE THE FOLLOWING:**

**5-32.7 Equipment.**

- a. A towing operator, when filing an application for and at all times while holding a license under this section, shall own or lease the following items of equipment:
  1. At least two (2) light-medium wrecker with a gross vehicle weight rating of eleven thousand eight hundred (11,800) pounds.
  2. One (1) heavy duty wrecker with a gross vehicle weight rating of at least a forty (40) ton boom rating and rotating capacity.
  3. At least two (2) flat bed carriers with at least two (2) car capacity and a gross vehicle weight rating of at least twenty-thousand (20,000) pounds.
- b. All tow trucks shall be properly lettered on both sides in accordance with law to include the name of the licensee. The lettering shall be permanently affixed to the sides of the tow trucks. Lettering affixed magnetically to the sides of the tow trucks will not be sufficient to meet this requirement.
- c. All equipment used by a licensee in performing its obligation under the license shall be maintained in good and safe condition and may be inspected for such condition by the Police at any time wherever located. Any deficiency in such condition reported by the Police to the licensee shall be promptly corrected and any failure to correct may be cited as grounds for revocation of the license pursuant to subsection 5-32.16.
- d. No licensee may be listed more than once in the West Orange Township rotation.
- e. All tow vehicles shall be insured in the licensee's name. Any vehicles owned by the licensee and/or leased pursuant to a lease-purchase and/or lease-finance agreement shall be registered in the licensee's name. All tow vehicles listed by the licensee in its application shall be continuously under the control of the licensee during its period of active duty in the rotation. Any present or existing licensee which cannot comply with the requirements of this paragraph shall have a period of six (6) months from the date of adoption of this provision to comply with its requirements.
- f. On January 15 of each year, or the next business day thereafter, each licensee shall submit to the Township a list of all employees, including each employee's duties, driver abstracts and criminal history checks for all of those employees. Those employees whose duties include driving, shall at all times possess valid driver's licenses in accordance with Title 39 of the New Jersey Statutes.
- g. Within ten (10) days of employing, hiring, and/or engaging a new employee or new employees, the licensee shall submit the names, duties, social security numbers, and criminal history checks of each new employee to the Township.
- h. All costs in connection with the application, including, but not limited to costs of obtaining criminal history checks, and/or fingerprints, shall be borne by the applicant, and the Township shall have no responsibility to aid and/or assist the applicant in obtaining said information.
- i. Each licensee shall maintain adequate and complete records showing all vehicles towed, stored and released, all services rendered and all fees charged and collected. All records

shall be available for inspection by the Township at any time during normal business hours.

- j. INTENTIONALLY OMITTED
- k. Each licensee shall make available to the Township for inspection at any time, all vehicles. All changes to the roster of vehicles must be filed with the Chief of Police prior to those vehicles being placed in service.
- l. Every vehicle must display the licensee's license and shall have the name of the licensee displayed on the vehicles in such manner and of such lettering as conforms to the provisions of N.J.S.A. § 39:4-46.

**V. CHAPTER 5, SECTION 32.8 SHALL BE AND HEREBY IS AMENDED AND SUPPLEMENTED TO INCORPORATE THE FOLLOWING:**

**5-32.8 Storage and Garage Facilities.**

- a. *General Storage.* Each licensee shall have dedicated storage space within West Orange, or a community adjacent and contiguous to West Orange sufficient to accommodate at least eighty (80) vehicles, including storage space within the confines of West Orange sufficient to accommodate at least fifty (50) vehicles, outdoors or indoors, for at least thirty (30) days.
- b. *Indoor Storage; Police.* In addition to the storage space referred to in paragraph a. above, each licensee shall have indoor storage space sufficient to accommodate at least four (4) vehicles for exclusive use by the West Orange Police Department for impounded vehicles and vehicles that are the subject of any Police investigation. This facility must be located within the boundaries of West Orange.
- c. *Equipment Facility.* Each licensee shall have an area and facility adequate for the storage and servicing of the equipment required by subsection 5-32.7.
- d. *Condition of Facilities; Signs; Moving of Vehicles.* All storage and garage facilities shall be adequately safeguarded against vandalism and theft. The licensee shall assume and be solely responsible for all costs incident to moving vehicles from one (1) storage area to another storage area owned or operated by the licensee. The facilities shall also be clean and in good order and the hours of recovery of vehicles shall be prominently posted and previously approved in writing by the Township. A licensee must have, at least, the following hours of recovery: Monday through Friday, excluding holidays, 8:00 a.m. to 6:00 p.m. and Saturday, excluding holidays, 8:00 a.m. to 1:00 p.m.

**VI. CHAPTER 5, SECTION 32.9 SHALL BE AND HEREBY IS AMENDED AND SUPPLEMENTED TO INCORPORATE THE FOLLOWING:**

**5-32.9 Licensee's Personnel.**

- a. Each towing licensee shall comply with New Jersey State Law regarding commercial vehicles, including all applicable Commercial Driver's License ("CDL") requirements. Each driver shall be of good moral character, mentally alert, and present a neat appearance at all times. Possession of a CDL license, when required by law, shall be mandatory.
- b. All tow truck drivers of a licensee shall be fully trained and knowledgeable in tow truck and storage operations and equipment, and have obtained a certification from TRAA,

Wreckmaster or other similar entity, agency or association, and consent to background investigation by the Township Police if requested by the Township Police at any time. All tow truck drivers currently performing such services for a licensee pursuant to such certification for six (6) months from the passage of this section, at which time all tow truck drivers must have obtained such certification.

- c. Each tow truck driver of a licensee shall appear in person at the Township Police Department to be registered as a tow truck driver prior to the driver's operation of any tow truck on Township streets.
- d. No licensee shall employ directly or indirectly any employees of the Township.

**VII. CHAPTER 5, SECTION 32.10 SHALL BE AND HEREBY IS AMENDED AND SUPPLEMENTED TO INCORPORATE THE FOLLOWING:**

**5-32.10 Towing and Storage Services.**

Towing and storage services shall be governed by the following provisions:

- a. Towing services by licensees will be rotated on a weekly basis on a twenty-four (24) hour, seven (7) day week basis, without exception, with a week's "duty" shift starting at 12:00 midnight on Monday and continuing until 11:59 p.m. the following Sunday.
- b. Licensees will respond to a Police request for service when requested by the Township Police desk officer or other officer expressly authorized to communicate such request by dispatching one (1) or more tow trucks to arrive at the scene to which dispatched within a reasonable time. For normal circumstances such reasonable time shall be deemed to be within twenty (20) minutes.
- c. A licensee shall immediately notify the Township Police if the licensee is wholly or partially not operational due to failure of any equipment or any personnel insufficiency and shall furnish such details thereof in writing as may be requested by the Police.
- d. Tow trucks of a licensee will not cruise and will not respond to any scene where towing may be required except upon Police request or as permitted by this section. This prohibition does not include tows at an automobile owner's request, such as contract tows, tows from private property or a tower's customer's specific request.
- e. No flashing lights or sirens shall be used on a tow truck except as permitted by the Township Police Chief under applicable law.
- f. All tow trucks shall be operated in accordance with all existing traffic regulations and in a safe and prudent manner. Tow truck drivers will request Police assistance during the course of servicing when they find it necessary to turn around, back up, tow in a direction opposite to normal traffic, to cross a median, or other required help.
- g. Each licensee will be responsible for all vehicles and visible contents in their custody that are towed off the roads under direction of the Police. An inventory shall be made at the scene to note such contents of each vehicle.

- h. No vehicle will be removed from Township roads or highways traversing the Township without proper authorization from the Police at the scene or the owner, as the case may be.
- i. No tow shall be effected to any area outside the Township between the hours of 6:00 p.m. and 8:00 a.m. The vehicle shall be towed to the licensee's storage area unless the licensee and vehicle owner and/or driver agree to tow further at no cost to the Township.
- j. The Police Officer investigating the incident is in complete charge of the incident scene (excluding actual towing operations), and all drivers shall comply with the officer's instructions.
- k. Each licensee, prior to departure from the scene of towing services, shall clean and clear the streets and surrounding areas of any debris resulting from any accident at such scene to the reasonable satisfaction of the Police, and at all times carry the equipment necessary to perform such services. Such services may be charged in conformance with subsection 5-32.11 herein.
- l. In the event a licensee refuses to tow at the scene of the incident or refuses to tow when requested by the owner, the Police Officer assigned to the incident shall report the refusal in writing to his/her superior with all pertinent details. The report of refusal shall be furnished to the Township Police Chief and the Mayor as soon as practicable for evaluation of the licensee's performance of its obligation under the license. No towing operator shall be required to tow any vehicle in an unsafe manner or in such a way as to cause further damage to the vehicle towed or the towing vehicle.
- m. No vehicles shall be towed for illegal parking before the issuance of an illegal parking summons.
- n. Each licensee shall provide the Township Police with a typewritten list of vehicles in its custody that are unclaimed at 12:00 noon every Friday.
- o. Vehicles impounded or confiscated by the Police and stored by the licensee shall not be released by the licensee without prior written authorization by the Police.
- p. If a licensee finds that it is unavailable to respond to a Police request for service that licensee shall immediately notify any other holder of a license issued pursuant to this section of such unavailability and request that licensee to respond.
- q. The Police Department shall dispose of unclaimed vehicles as may be reported pursuant to subsection 5-32.14b in accordance with the requirements of N.J.S.A. § 39:10A-1 et seq.
- r. Every licensee shall attach a copy of its invoice for each tow to a copy of the release that is returned to the Township Police Department.
- s. All licensees shall be required to tow any damaged Township vehicle to the appropriate designated automobile repair facility within one business day.

**VIII. CHAPTER 5, SECTION 32.11 SHALL BE AND HEREBY IS AMENDED AND SUPPLEMENTED TO INCORPORATE THE FOLLOWING:**

**5-32.11 Towing and Storage Charges.**

- a. The maximum rate for towing and storage of vehicles pursuant to this section shall be as follows:

| <i>Type of Service</i>                                                                                                           | <i>Amount</i>                                  |
|----------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------|
| All passenger automobiles, motor vehicles and similar vehicles                                                                   | \$110.00.                                      |
| Medium-duty trucks, campers, and similar vehicles weighing more than 8,000 lbs. and less than 15,000 lbs.                        | \$210.00 per hour with a one (1) hour minimum. |
| Heavy-duty trucks, tractor-trailers, campers, and similar devices with dual wheels with a gross variable weight over 15,000 lbs. | \$325.00 per hour with a one (1) hour minimum. |
| Road service including jumpstarts, tire changes and related services                                                             | \$85.00.                                       |
| Recovery/winching for cars                                                                                                       | \$95.00.                                       |
| Rollover of cars                                                                                                                 | \$125.00.                                      |
| Heavy duty recovery services                                                                                                     | \$650.00 per hour with a one (1) hour minimum. |
| Waiting time for each hour or part thereof                                                                                       | \$50.00 per hour.                              |
| Normal cleanup provided in subsection 5-32.10k. herein                                                                           | \$55.00.                                       |
| Storage charges (outside)                                                                                                        | \$40.00 per day.                               |
| Storage charges (inside)                                                                                                         | \$50.00 per day.                               |
| Outside storage for trucks, tractor-trailers, and campers                                                                        | \$75.00 per day.                               |
| Inside storage for trucks, trailers, campers                                                                                     | \$105.00 per day.                              |
| Administrative fee which may be                                                                                                  | \$45.00.                                       |

charged to a third party (non-owner) (i) for physical visits to a stored vehicle; or (ii) requests requiring an inordinate amount of clerical time. Documentation of such clerical time must be available upon request. This fee may be charged each time access is sought to the vehicle. Any owner shall be permitted access to the vehicle on one (1) occasion at no charge

Yard fee \$45.00

- b. *Reserved.*
- c. *Reserved.*
- d. An administrative fee of twenty (\$20.00) dollars shall be paid to the Township for each vehicle towed by the licensee in accordance with this section. This fee is to be paid by the licensee on a monthly basis upon the filing of monthly reports in form satisfactory to the Township's Chief Financial Officer. All reports and payments must be received by the fifteenth of the next month.
- e. The Township and its Police shall not be liable to a licensee with respect to service rendered to any owner pursuant to the licensee or otherwise. The licensee shall look only to the owner of such vehicle for payment of service charges or any other compensation.
- f. Any vehicle towed will only be released upon presentation of a duly authorized and executed release from the Police Department authorizing such release.
- g. Licensee shall **not** charge a storage or towing fee when it tows a vehicle designated to be impounded or stored as part of a criminal investigation by the West Orange Police Department or other law enforcement agency operating within the Township of West Orange, except that this provision shall not prevent Licensee from seeking restitution including storage or towing fees in a criminal prosecution resulting from the criminal investigation.
- h. Licensee shall **not** charge a storage or towing fee for the transport or storage of any vehicle owned by the Township being transported or stored en route to a designated automobile repair facility.
- i. Licensee shall **not** charge a storage or tow fee when a vehicle is towed or impounded in error, whether by error on the part of Licensee or by error on the part of the West Orange Police Department in misidentifying a vehicle for towing or impounding. Licensee shall refund to the owner of the vehicle any storage or tow fee already paid for a vehicle towed or stored in error.

- j. All fees charged pursuant to this ordinance shall be due and payable prior to the tow operator being required to return the vehicle to the owner or other person authorized by the owner to obtain possession of the towed vehicle.

**IX. CHAPTER 5, SECTION 32.12 SHALL BE AND HEREBY IS AMENDED AND SUPPLEMENTED TO INCORPORATE THE FOLLOWING:**

The licensee shall have in effect, prior to application and at all times during the term of the license, the following insurance:

- a. Garage keeper's liability policy in the amount of one million (\$1,000,000.00) dollars for any one (1) claimant, and one million (\$1,000,000.00) dollars for more than one (1) claimant with five hundred thousand (\$500,000.00) dollars coverage for property damage for any one (1) event.
- b. Automobile liability insurance issued by a financially sound insurance corporation of or authorized to transact business in the State, insuring the licensee and every tow truck operator against liability imposed by law for damages because of bodily injury, including death, sustained by any person and injury to or destruction of property, including the loss of use thereof, caused by accident and arising out of the ownership, maintenance or use of the tow trucks of the licensee. The amount of the limits of liability coverage to be afforded by such policy shall be seven hundred fifty thousand (\$750,000.00) dollars for bodily injury to each person, one million (\$1,000,000.00) dollars for bodily injuries in each accident and five hundred thousand (\$500,000.00) dollars for property damage in each accident. Financially sound Insurance Corporation shall be defined to require a rating of at least A-Plus from A.M. Best Company or such other comparable rating entity that may exist.
- c. The licensee shall supply a certificate of insurance to the Township Clerk describing every policy of insurance and identifying the Township as an insured party. Each certificate of insurance shall contain a provision that no cancellation of the policy shall become effective until after the expiration of thirty (30) days written notice of such proposed cancellation forwarded by the insurance company to the Township Clerk.
- d. The form and content of the insurance policy and certificate of insurance shall be submitted to the Township Attorney's office for review and approval.

**X. 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.

**XI. 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.

**XII. EFFECTIVE DATE**

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

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**Jerry Guarino, Council President**

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**Robert D. Parisi, Mayor**

**Introduced: September 29, 2015**

**Adopted: October 27, 2015**

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

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**Karen J. Carnevale, Municipal Clerk**

**Legislative History**

This ordinance is drafted to revise the municipal code provisions governing the towing of vehicles by licensed tow companies. This Ordinance specifically adds the following requirements:

1. Addition of requirement that license applicants demonstrate appropriate zoning for their storage facilities.
2. Revisions to the equipment necessary to obtain a towing license.
3. Revisions to the requirements necessary to demonstrate sufficient storage capacity for including the additional requirement to demonstrate the ability to store at required capacity for at least thirty (30) days.
4. Extension of certification requirements to all tow truck operators.
5. Modification and increase of maximum rates allowed for towing and storage.
6. Increase in required garage keeper's liability insurance from seven hundred fifty thousand dollars to one million dollars.
7. Requires towing of damaged police vehicles to designated facilities within one business day.
8. Prohibits towing companies from charging towing or storage fees to the Township when a vehicle is being towed and impounded as part of a criminal investigation.
9. Prohibits towing companies from charging towing or storage fees to the Township when a Township owed vehicle is being transported for repairs.
10. Prohibits towing company from charging tow or storage fees when a vehicle is impounded or towed in error.