

1. Conference Meeting Agenda

Documents: [CA10.13.15.PDF](#)

2. Public Meeting Agenda

Documents: [PM10.13.15.PDF](#)

3. Resolution(S)

3.I. 244-15

Documents: [244-15 CDBG REP RESOLUTION.PDF](#)

3.II. 245-15

Documents: [245-15 AUTHORIZING EXTENSION OF CONCESSION STAND CONTRACT.PDF](#)

3.III. 246-15

Documents: [246-15 AUTHORIZING SPECIAL RETENTION OF R CANDIDO ESQ IN STATE V HERNANDEZ.PDF](#)

3.IV. 247-15

Documents: [247-15 RESOLUTION ABANDONED CARS SALE 10272015.PDF](#)

3.V. 248-15

Documents: [248-15 AUTHORIZING SUBLEASE WITH ARTS COUNCIL AT 555 VALLEY.PDF](#), [248-15 555 VALLEY SUBLEASE - EXECUTED BY WEST ORANGE ARTS COUNCIL.PDF](#)

3.VI. 249-15

Documents: [249- RESOLUTION CHERRY-BELGRADE 101315.PDF](#)

3.VII. 250-15

Documents: [250-15 CHANGE ORDER - OXFORD TER WINDING WAY DARTMOUTH RD.PDF](#)

3.VIII. 251-15

Documents: [251-15 AMENDING RESOLUTION AMENDING 217-15 - EAGLE ROCK AVE..PDF](#)

3.IX. 252-15

Documents: [252-15 TAX COURT OF NJ REBATE 10.13.15.PDF](#), [252-15 ATTACHMENT.PDF](#)

3.X. 253-15

Documents: [253-15 OVERPAYMENT OF 2015 TAXES - CORELOGIC.PDF](#)

4. Ordinance(S) On First Reading

4.I. 2467-15

Documents: [2467-15 SPECIAL EMERGENCY ORDINANCE - ACCRUED
LEAVE.PDF](#)

4.II. 2468-15

Documents: [2468-15 ORDINANCE AMENDING CHAPTER 14 SECTIONS 20 3 AND
20 5 OF REVISED GENERAL ORDINANCES.PDF](#)

COUNCIL COMMITTEE CONFERENCE MEETING

AGENDA

Council Chambers – 66 Main Street, West Orange, NJ

October 13, 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 – Councilwoman Casalino, Councilman Cirilo, Councilman Krakoviak, Councilwoman McCartney, Council President Guarino (Mayor Parisi)

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6:30 P.M

- **Discussion – 2016 Township Council meeting dates**
- **Council Liaison Announcements**

7:00 P.M.

- **Public Meeting**

AGENDA

Tuesday, October 13, 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 – Special Meeting 9.24.15 and Public Meeting 9.29.15**
- 5. *Report of Township Officers-None**
- 6. *Reading of Petitions and Communications and Bids-None**
- 7. *Bills**
- 8.*Resolutions**
 - a. 244-15 Resolution Appointing Leonard R. Lepore and James A. Williams as the Township of West Orange Community Development representatives to the Essex County Division of Housing and Community Development for the year 2016. (Planning-Carlucci)
 - b. 245-15 Resolution Extending Concession Stand Agreement with TM Foods for 2016 Term (Legal-Duffy)
On May 26, 2015, the Township Council authorized the execution of an agreement between the Township and TM Foods (“TM”), pursuant to which TM paid the Township \$8,388.06 for the right to rent and operate the food and beverage stand at the Ginny Duenkel Pool (the “Agreement”). In accordance with the terms of the Agreement, this resolution would renew the Agreement between the Township and TM, for the 2016 term, for the sum of \$8,400.00.
 - c. 246-15 Resolution Authorizing Special Retention of Robert J. Candido, Esq. to Appear in Municipal Court Matter (Legal-Duffy)
This resolution would authorize the special retention of the Township’s former Municipal Prosecutor, Robert J. Candido, Esq., to serve as prosecutor in connection with a pending motion to vacate a conviction in a matter in which Mr. Candido

previously appeared. Mr. Candido would be retained at the hourly rate of \$150 for his services.

- d. 247-15 Resolution Authorizing the Sale of Abandoned Car(s) (Purchasing-DeSantis)
Vehicles in violation, accidents, and/or abandoned will be towed off the street by a licensed Towing Company designated by the Township. The Township is authorized to sell at Public Auction unclaimed vehicles pursuant to State and Local Laws.
- e. 248-15 Resolution Authorizing Execution of Sublease between Township and West Orange Arts Council re: 555 Valley Street (Legal-Duffy)
This resolution would authorize the execution of a sublease between the Township and the West Orange Arts Council ("WOAC") regarding 1,300 rentable square feet of space in a building owned by Housing and Neighborhood Development Services, Inc., located at 555 Valley Street (the "Sublease"). Pursuant to the Sublease, WOAC would pay rent to the Township in the amount of \$300 per month for the duration of the Sublease, which commences on September 1, 2015 and expires on August 31, 2019.
- f. 249-15 Resolution Authorizing the Recommendation to the New Jersey Department of Transportation that the Contract for Cherry Street and Belgrade Terrace Roadway Improvements be awarded to: Reggio Construction, Inc., 1575 West Street, Fort Lee, New Jersey 07024 whose bid Amounted to \$ 585,552.00 Subject to the Approval of the Department. (Lepore)
The work on both streets will consist of new granite block curb, new concrete sidewalks, new concrete driveway aprons, new handicapped ramps at intersections, asphalt driveway repair, service walk adjustments, top-soiling, seeding and pavement milling and resurfacing.
- g. 250-15 Resolution Authorizing Change Order No. 1 with Reggio Construction, Inc., 1575 West Street, Fort Lee, NJ, 07024 for the Contract for Oxford Terrace, Winding Way and Dartmouth Road Roadway Improvements in the amount of \$35,000 which brings the adjusted contract amount to \$620,296.25 or a 5.98 percent increase. (Lepore)
- h. 251-15 Resolution Amending Resolution 217-15 Requesting the Planning Board to Evaluate Certain Properties in the Vicinity of Eagle Rock and Prospect Avenue to Determine If They Should Be Designated an Area in Need of Redevelopment or an Area in Need of Rehabilitation (Gross)
- i. 252-15 Resolution Authorizing the Collector of Taxes to Rebate Payment to the Listed Taxpayer Pursuant to Final Judgment by the Tax Court of New Jersey (Gagliardo)
- j. 253-15 Resolution Authorizing Resolution Authorizing Tax Overpayment Refunds to Listed Taxpayer (Gagliardo)

9. Ordinances on Second and Final Reading-None

10. Ordinances on First Reading

- a. 2467-15An Ordinance Authorizing Special Emergency Appropriation Pursuant to N.J.S.A. 40A:4-53 for Severance Liabilities Resulting From Accrued Leave in Connection with the Layoff or Retirements of Employees (Legal-Draikewicz)

- b. 2468-15 An Ordinance Amending and Supplementing Chapter 14, Sections 20.3 and 20.5 of the Revised General Ordinances of the Township of West Orange, Entitled “Duties and Responsibilities of Foreclosing Creditor” (Legal – Buffman)

This revised ordinance would amend Chapter 14 to add two additional requirements on foreclosing creditors. This amendment is authorized by N.J.S.A. 40:48-2.12s, which permits municipalities to adopt ordinances regulating the care, maintenance, security and upkeep of the exterior of vacant and abandoned residential properties. The two additional requirements are: (i) to file an annual contract with the Township Clerk which sets forth the name and contact information of the representative who will be responsible for the upkeep of the property, the foreclosing attorney and the servicer of the loan; and (ii) to immediately provide notice to the Township once a foreclosing creditor is vested with legal title to the property. 14-20.5 also includes a continuing obligation clause for foreclosing creditors to update all information throughout the foreclosure process.

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.

**ESSEX COUNTY COMMUNITY DEVELOPMENT
2016**

WHEREAS, the Township of West Orange is one of the municipalities of Essex County that must appoint two (2) Community Development representatives to the Essex County Division of Housing and Community Development; and

WHEREAS, the Mayor has recommended the appointment of Leonard R. Lepore and James A. Williams as Community Development representatives from the Township of West Orange; and

WHEREAS, the Council is in agreement with the recommendation of the Mayor.

NOW, THEREFORE BE IT RESOLVED by the Municipal Council of the Township of West Orange that Leonard R. Lepore and James A. Williams be and they are hereby appointed as the Township of West Orange Community Development representatives to the Essex County Division of Housing and Community Development for the year 2016.

Karen J. Carnevale, Municipal Clerk

Jerry Guarino, Council President

Adopted: October 13, 2015

RESOLUTION

WHEREAS, following an advertisement for bids pursuant to the New Jersey Local Public Contracts Law, N.J.S.A. 40A:11-23, et seq., for the rental and operation of the food and beverage concession stand at the Ginny Duenkel Municipal Pool (the “Concession Stand Contract”), the Township Council adopted Resolution 66-15 on February 24, 2015, authorizing the award of the Concession Stand Contract to TM Foods (“TM”); and

WHEREAS, by adoption of Resolution 143-15 on May 26, 2015, the Township Council authorized the execution of the Concession Stand Contract, a copy of which is annexed hereto as **Attachment A**; and

WHEREAS, pursuant to the terms of the Concession Stand Contract, the Township may exercise the option to extend the Concession Stand Contract and thereby allow TM to rent and operate the concession stand, for the term beginning on May 23, 2016 and commencing on September 16, 2016, for the sum of \$8,400.00 (the “Extension Option”); and

WHEREAS, the Township of West Orange wishes to exercise the Extension Option, and has confirmed TM’s agreement to same;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of West Orange, that the Concession Stand Contract is hereby renewed for the term beginning on May 23, 2016 and commencing on September 16, 2016 for the sum of \$8,400.00; and

BE IT FURTHER RESOLVED that a copy of this Resolution be made available in the Clerk’s office in accordance with applicable law.

Karen J. Carnevale
Municipal Clerk

Jerry Guarino
Council President

Adopted: October 13, 2015

RESOLUTION

WHEREAS, N.J.S.A. 2B:12-27 authorizes the governing body of a municipality to employ an attorney-at-law as a prosecutor to represent a municipality in any matter within the jurisdiction of a municipal court; and

WHEREAS, in his prior capacity as Municipal Prosecutor for the Township of West Orange (the "Township"), Robert J. Candido, Esq. handled a driving-while-intoxicated matter captioned State v. Hernandez, Summons No. E12-6552/53 (the "Hernandez Action"; and

WHEREAS, a motion has been filed in the Hernandez Action by which the defendant seeks the entry of an order vacating her guilty conviction entered by the Court on approximately July 30, 2013 (the "Hernandez Motion"); and

WHEREAS, in light of Mr. Candido's familiarity with this matter and willingness to respond to and appear in connection with the Hernandez Motion, the Law Department recommends that the Township retain Mr. Candido at the fixed hourly rate of \$150 per hour to serve as prosecutor as to the Hernandez Action only; and

WHEREAS, upon retention, Mr. Candido shall submit detailed invoices to the Township for all services rendered, with a copy to the Township Attorney;

NOW, BE IT HEREBY RESOLVED, by the Township Council of the Township of West Orange, that Robert J. Candido, Esq. shall be retained to serve as prosecutor in connection with the Hernandez Action; and it is further

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

Karen J. Carnevale
Municipal Clerk

Jerry Guarino
Council President

Adopted: October 13, 2015

247-15
October 13, 2015

RESOLUTION
ABANDONED CAR AUCTION

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

The Purchasing Agent is hereby authorized to sell there (3) transferable vehicle title(s) in the manner set forth in N.J.S.A. 39:10A-1 and N.J.S.A. 40A:14-157. Date and time of sale is scheduled for Tuesday October 27, 2015 at 2:00 PM in following location:

Twin Towing
1 Lakeside Avenue
West Orange, NJ 07052

The Purchasing Agent is hereby authorized to sell three (3) transferable vehicle title(s) in the manner set forth in N.J.S.A. 39:10A-1 and N.J.S.A. 40A:14-157. Date and time of sale is scheduled for Tuesday October 27, 2015 at 3:00 PM in following location:

Select Towing
52 Washington Street
West Orange, NJ 07052

Karen J. Carnevale
Municipal Clerk

Jerry Guarino
Council President

Adopted: October 13, 2015

ADVERTISEMENT

ABANDONED CAR AUCTION NOTICE

In accordance with N.J.S.A. 39:10A-1 and N.J.S.A. 40A:14-157 the Township of West Orange will hold for sale at public auction on Tuesday October 27, 2015 at 2:00 pm prevailing time, the vehicles listed below. Sale will be held and vehicles may be inspected at Twin Towing, Inc., 1 Lakeside Avenue, West Orange, NJ 07052.

<u>YEAR</u>	<u>MAKE</u>	<u>VEHICLE ID</u>
1997	NIS	JN1CA21D9VT208717
1999	FOR	2FMZA5140XBB92950
2008	PON	1G2ZH57N584124661

In accordance with N.J.S.A. 39:10A-1 and N.J.S.A. 40A:14-157 the Township of West Orange will hold for sale at public auction on Tuesday October 27, 2015 at 3:00 pm prevailing time, the vehicles listed below. Sale will be held and vehicles may be inspected at Select Towing, 52 Washington Street, West Orange, NJ 07052.

<u>YEAR</u>	<u>MAKE</u>	<u>VEHICLE ID</u>
2003	LIN	5LMFU28R73LJ50096
1993	FORD	1FACP57U4PA273306
2001	M-B	WDBRF61J91F101860

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

Anne DeSantis
Purchasing Agent

RESOLUTION

WHEREAS, by agreement dated August 1, 2009 (the "Lease"), the Township of West Orange (the "Township") agreed to lease approximately 1,300 rentable square feet of space in a building owned by Housing and Neighborhood Development Services, Inc. ("HANDS"), located at 555 Valley Street in the Township (the "Property"); and

WHEREAS, on May 12, 2015, the Township and HANDS entered into a First Amendment to the Lease, which provided for, among other things, a modification of the rent payable by the Township to HANDS for the Township's use of the Property; and

WHEREAS, in order to offset its new rent obligations and also provide a headquarters for the West Orange Arts Council ("WOAC"), a 501(c)(3) organization created pursuant to Chapter 2, Section 56 of the Township's Revised General Ordinances, the Township desires to enter into a sublease with WOAC, in the form annexed hereto as **Attachment A** (the "Sublease"); and

WHEREAS, pursuant to the terms of the Sublease, WOAC has agreed to pay rent to the Township in the amount of \$300 per month for the duration of the Sublease, which commences on September 1, 2015 and expires on August 31, 2019; and

WHEREAS, in accordance with the terms of the Lease, the Township has provided notification of the Sublease to HANDS, and has requested that HANDS provide its written consent to the Sublease;

NOW, BE IT HEREBY RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST ORANGE, that the Mayor be and is hereby authorized to execute the Sublease in the form annexed hereto as **Attachment A**, and the Municipal Clerk be and is hereby authorized to attest to the Mayor's signature; and it is further

RESOLVED that a copy of this Resolution be made available in the Clerk's office in accordance with applicable law.

Karen J. Carnevale
Municipal Clerk

Jerry Guarino
Council President

Adopted: October 13, 2015

4853-1310-8265, v. 1

SUBLEASE

This Sublease (the "Sublease"), is made and entered into as of the _____ day of _____, 2015, by and between the Township of West Orange ("Overtenant"), having an office at 66 Main Street, West Orange, New Jersey, 07052, and the West Orange Arts Council ("Undertenant"), having an office at 555 Valley Street, West Orange, New Jersey, 07052 (collectively, the "Parties").

BACKGROUND:

A. Overtenant and Housing and Neighborhood Development Services, Inc. ("Lessor") entered into that certain Lease Agreement dated as of August 1, 2009 (the "Lease"), for the lease of approximately 1,300 rentable square feet of space (the "Premises") located in the building located at 555 Valley Street, West Orange, New Jersey (the "Building"), all as more particularly described in the Lease.

B. Overtenant and Lessor entered into that certain First Amendment to the Lease Agreement dated as of May 12, 2015 (the "Amendment"), providing for a modification of the rent payable by Overtenant under the Lease, and certain other modifications as more fully described therein.

C. Overtenant and Undertenant desire to enter into this Sublease in accordance with the following conditions and covenants.

NOW, THEREFORE, Overtenant and Undertenant, for and in consideration of the mutual covenants, agreements and undertakings herein et forth and other valuable consideration, the receipt and sufficiency of which are hereby acknowledged, and intending to be legally bound, enter into this Sublease in accordance with the following terms:

1. Incorporation by Reference of Lease. Except as expressly modified by this Sublease, the terms of the Lease and Amendment are incorporated herein.
2. Effective Date. This Sublease is effective, *nunc pro tunc*, to September 1, 2015.
3. Landlord's Consent. This Sublease is conditioned upon obtaining Lessor's prior written consent in accordance with Section 6 of the Lease.
4. Condition of Premises. Undertenant hereby accepts the premises "AS IS, WHERE IS," with **no** representations or warranties of any kind.
5. Damages. If any damage occurs to the Premises during Undertenant's occupancy or as a result of Undertenant's occupancy or vacation of the Premises, Undertenant shall be solely liable and responsible for all damages and liability. Undertenant shall indemnify and hold Overtenant harmless for all damages, liabilities, and attorney's fees and expenses incurred.

6. Term. The term of this Sublease shall commence on September 1, 2015 and expire on August 31, 2019.

7. Renewal. Unless the Sublease is terminated in accordance with the terms set forth herein, the Sublease shall automatically renew and continue on a month-to-month basis on the same terms and conditions contained herein.

8. Rent. Undertenant agrees to pay Overtenant, without diminution, deduction or set-off whatsoever and without prior notice or demand, \$300.00 per month for the duration of the Term ("Rent"). All Rent shall be due upon the first day of each calendar month.

9. Utilities. Overtenant shall be responsible for the payment of all utilities.

10. Termination. Overtenant or Undertenant may each terminate this Sublease, upon thirty (30) days' written notice, by delivery, via personal service, registered mail, or overnight courier, of such written notice to the other Party.

11. Notice. Notices and other communications provided herein shall be in writing, delivered via personal service, registered mail, or overnight courier, to each Party at its address set forth below:

If to the Overtenant:

Municipal Clerk
Township of West Orange
66 Main Street
West Orange, NJ 07052
Phone: (973) 325-4155
Fax: (973) 731-1196
E-Mail: kcarnevale@westorange.org

With a copy to:

Richard D. Trenk, Esq.
Trenk, DiPasquale, Della Fera & Sodono, P.C.
347 Mt. Pleasant Ave., Suite 300
West Orange, NJ 07052
Phone: (973) 243-8600
Fax: (973) 243-8677
E-mail: rtrenk@trenklawfirm.com

If to the Undertenant:

Joseph McCartney, Treasurer
West Orange Arts Council
555 Valley Street

West Orange, NJ 07052
Phone: (973) 736-2674
Fax: (973) 243-6769
E-Mail: joseph_p_mccartney53@msn.com

12. No Representations. Neither Party has made any representations or promises, other than those contained in this Sublease or in some further writing signed by the Party making the representation or promise.

13. WAIVER OF JURY TRIAL. TO THE EXTENT THAT WAIVER IS PERMITTED BY LAW, THE PARTIES WAIVE TRIAL BY JURY IN ANY ACTION OR PROCEEDING BROUGHT IN CONNECTION WITH THIS SUBLEASE.

14. Choice of Law. This Sublease shall be governed by the laws of the State of New Jersey.

15. Choice of Venue. Venue for the adjudication of any disputes arising from or in relation to this Sublease shall lie exclusively in the Superior Court of New Jersey, Essex Vicinage.

16. No Assignment. Undertenant may **not** assign this Sublease under any circumstances.

17. Captions. The captions set forth in this Sublease are included for convenience only and shall not be taken into consideration in any construction or interpretation of this Sublease or any of its provisions.

18. Severability. If any provision of this Sublease is declared by any Court or tribunal of competent jurisdiction to be illegal, void or unenforceable as written, the remaining provisions of this Sublease shall nevertheless remain in full force and effect.

19. Ambiguity. The Parties further stipulate and agree that they have each had an opportunity to participate in the negotiation and drafting of this Sublease, and that any ambiguity in this Sublease will not be construed for or against either party.

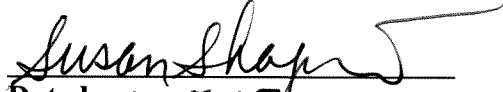
20. Access to Legal Counsel. The Parties further stipulate and agree that they have each had an opportunity to consult with legal counsel of their choosing prior to entering into this Sublease, and that neither Party has relied upon any statement, representation or advice by the other Party's counsel.

21. Counterparts. This Sublease may be executed in any number of counterparts, each of which shall be an original and all of which together shall constitute one and the same instrument.

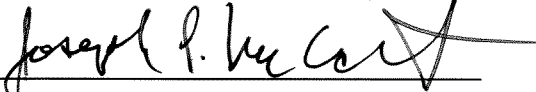
22. Amendments. This Sublease may only be amended in writing, pursuant to an instrument executed by the Parties.

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

WITNESS:


Dated: 10-5-15

WEST ORANGE ARTS COUNCIL

By: 
Title: TREASURER

WITNESS:

Dated:

TOWNSHIP OF WEST ORANGE

By: _____
Robert D. Parisi, Mayor

**NEW JERSEY DEPARTMENT OF TRANSPORTATION
DIVISION OF LOCAL AID
AND ECONOMIC DEVELOPMENT
RECOMMENDATION OF AWARD
STATE AID PROJECT**

BE IT RESOLVED

that **the Township Council of the Township of West Orange, New Jersey**

hereby recommends to the New Jersey Department of Transportation that the contract for

Cherry Street and Belgrade Terrace Roadway Improvements

in the **Township of West Orange**, County of Essex

be awarded to: **Reggio Construction, Inc., 1575 West Street, Fort Lee, New Jersey 07024**

whose bid amounted to **\$ 585,552.00** subject to the approval of the Department.

That the Mayor of the Township of West Orange be and is hereby directed to sign for and on its behalf the contract in the prescribed form for said construction.

That the clerk of this body be and is hereby directed to seal said contract with the corporate seal of this body and to attest to the same.

Approved by the Township Council of the Township of West Orange on October 13, 2015.

Jerry Guarino, Council President

(Date)

Karen Carnevale, Township Clerk

(Date)

Certification of Funds

John O. Gross, Chief Financial Officer

(Date)

2015 NJDOT TTF Grant- \$226,000.00 2015 Street Resurfacing Acct# 03 2408 15 0060010 \$359,552.00

(Affix Seal)

RESOLUTION

WHEREAS, the Township Council by Resolution No. 170-15 dated June 23, 2015 awarded a contract to Reggio Construction, Inc., 1575 West Street, Fort Lee, New Jersey 07024, for Oxford Terrace, Winding Way and Dartmouth Road Roadway Improvements in the amount of \$585,296.25; and

WHEREAS, to date the contractor has completed all the work associated with the contract except for the final pavement milling and paving and traffic striping and markings; and

WHEREAS, the value of the work completed to date which includes drainage facilities, granite block curb, concrete driveway aprons, concrete sidewalks and new handicapped ramps at intersections is \$434,027.00; and

WHEREAS, two of the streets, Winding Way and Dartmouth Road, are in the vicinity of the Gregory Elementary School; and

WHEREAS, to reduce congestion around the School, the Municipal Engineer recommends these roads be paved on a Saturday; and

WHEREAS, work being performed by the paving subcontractor for Reggio Construction, Inc., on a Saturday has a premium cost associated with it of \$8,000; and

WHEREAS, the Township Engineer by letter dated October 6, 2015 indicated another section of Winding Way outside the original contract area and located between Sheffield Terrace and "upper" Sheffield Terrace needs to be milled and resurfaced prior to this winter; and

WHEREAS, the subcontractors for Reggio Construction, Inc., and Reggio Construction, Inc., will perform this additional work at the unit prices bid in the contract; and

WHEREAS, the Township Engineer estimates this additional milling and paving will cost approximately \$20,000; and

WHEREAS, the Municipal Engineer estimates the cost to complete all the work including the additional milling and paving and the premium for Saturday paving at \$620,300 which includes accounting for as built quantities of the work completed to date; and

WHEREAS, the Municipal Engineer has recommended Change Order No. 1 dated October 6, 2015 with Reggio Construction, Inc. in the amount of \$35,000 to authorize additional funding for the additional milling and paving of Winding Way, the additional cost of paving on Saturday and the additional cost of the as built quantities to date be approved; and

WHEREAS, sufficient funds exist for this work; and

WHEREAS, the Township Council concurs in the foregoing.

NOW, THEREFORE BE IT RESOLVED, by the Township Council of the Township of West Orange that Change Order No. 1 with Reggio Construction, Inc., 1575 West Street, Fort Lee, NJ, 07024 for the contract Oxford Terrace, Winding Way and Dartmouth Road Roadway Improvements in the amount of \$35,000 which brings the adjusted contract amount to \$620,296.25 or a 5.98 percent increase is approved.

JERRY GUARINO, COUNCIL PRESIDENT

KAREN J. CARNEVALE, MUNICIPAL CLERK

I certify funds are available:

JOHN GROSS, CFO

Account No: 03 2408 15 0060 010
2015 Street Resurfacing, \$35,000.00

Adopted: October 13, 2015

THE TOWNSHIP OF WEST ORANGE

**RESOLUTION AMENDING RESOLUTION 217-15 REQUESTING THE
PLANNING BOARD TO EVALUATE CERTAIN PROPERTIES IN THE VICINITY OF
EAGLE ROCK AND PROSPECT AVENUE TO DETERMINE IF THEY SHOULD BE
DESIGNATED AS AN AREA IN NEED OF REDEVELOPMENT OR
AN AREA IN NEED OF REHABILITATION**

WHEREAS, THE Township Council of the Township of West Orange adopted Resolution 217-15 on August 11, 2015 requesting the planning board to evaluate certain properties in the vicinity of eagle rock and prospect avenue to determine if they should be designated as an area in need of redevelopment or an area in need of rehabilitation; **and**,

WHEREAS, upon further review it has been recognized that three contiguous properties owned by the Township of West Orange, Block 107 Lot 1.02 known as 4 Boland Drive, Block 107 Lot 1.05, known as Crystal Lake and Block 107 Lot 1.06, known as Prospect Avenue Rear, could be potentially impacted by the redevelopment of the contiguous properties; **and**,

WHEREAS, upon further review it has been recognized that it is advisable to include three additional lots, Block 107 Lot 1.02 known as 4 Boland Drive, Block 107 Lot 1.05, known as Crystal Lake and Block 107 Lot 1.06, in the evaluation of certain properties in the vicinity of eagle rock and prospect avenue to determine if they should be designated as an area in need of redevelopment or an area in need of rehabilitation; **and**,

WHEREAS, pursuant to N.J.S.A. 40A:12A-4(a), a municipal governing body has the power to cause a preliminary investigation to be made by the Planning Board pursuant to N.J.S.A. 40A-12A-5; **and**,

WHEREAS, the Township Council desires to have a preliminary investigation made on certain lands and premises within the Township of West Orange to see if the area hereinafter set forth is in need of redevelopment and/or rehabilitation; **and**,

WHEREAS, the Township intends to use all those powers provided by the Legislature for use in a redevelopment area, excluding the power of eminent domain.

BE IT RESOLVED, by the Council of the Township of West Orange, in the County of Essex, New Jersey does hereby, amend Resolution 217-15 to include Block 107 Lot 1.02 known as 4 Boland Drive, Block 107 Lot 1.05, known as Crystal Lake and Block 107 Lot 1.06 in its list of properties, that pursuant to N.J.S.A. 40A:12A-4, requests and authorizes the Planning Board of the Township of West Orange to undertake a preliminary investigation as to whether the properties identified in Resolution 217-15 and in this Resolution amending Resolution 217-15, be classified as an area in need of redevelopment or an area of rehabilitation; **and**,

BE IT FURTHER RESOLVED that the Planning Board of the Township of West Orange shall conduct the aforesaid investigation in accordance with the requirements of N.J.S.A. 40A:12A-6; **and**,

BE IT FURTHER RESOLVED that the redevelopment area determination, if such a determination is made, shall authorize the municipality to use all those powers provided by the Legislature for use in a redevelopment area, excluding the power of eminent domain; **and**,

BE IT FURTHER RESOLVED that in making its preliminary investigation, the Planning Board shall make its recommendations based upon a finding that the conditions as set forth in N.J.S.A. 40A:12A-5 are found to be present.

Karen J. Carnevale
Municipal Clerk

Jerry Guarino
Council President

Adopted: October 13, 2015

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

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

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

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

LIST ATTACHED

Karen J. Carnevale
Municipal Clerk

Jerry Guarino
Council President

Adopted: October 13, 2015

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

John Gross- Township Chief Financial Officer

**2015 TAX COURT
JUDGMENTS 252-15**

TAX YEAR	DATE	BLOCK	LOT	QUAL	OLD VALUE	NEW VALUE	DIFFERENCE	TX RATE	REFUND AMOUNT
2014	8/14/2015	155.22	42.01	C0044	333600	323600	10000	0.03742	\$374.20
2014	8/14/2015	155.22	42.01	C0085	391800	360000	31800	0.03742	\$1,189.96
2014	8/14/2015	177.02	22.05		628100	625000	3100	0.03742	\$116.00
2015	9/25/2015	154.06	11		422000	375000	47000	0.03817	\$1,793.99
2015	9/18/2015	168.11	4		461200	440000	21200	0.03817	\$809.20
								TOTAL	\$4,283.35

RESOLUTION

WHEREAS, Corelogic, mortgage company has made a duplicate payment
in the 3rd quarter of 2015 taxes;

WHEREAS, the Tax Collector of the Township of West Orange has indicated

that such mortgage company has requested and is entitled to refunds to the
extent of such overpayment;

NOW, THERFORE, BE IT RESOLVED by the Township Council of the Township of
West Orange that the Tax Collector and Treasurer of West Orange be and they are hereby
authorized, empowered and directed to cause to be paid to Corelogic the sums
indicated in full and final satisfaction of overpayment of the 2015 taxes.

<u>Block</u>	<u>Lot</u>	<u>Name and Address</u>	<u>Amount</u>
155.20	69	Vietta Hardaway 20 Wedgewood Drive West Orange, NJ 07052	\$2711.00

Payable to: Corelogic
1 Corelogic Drive
Westlake, Texas 76262

TOTAL: \$ 2711.00

Karen J. Carnevale
Municipal Clerk

Jerry Guarino
Council President

Adopted: October 13, 2015

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

John Gross, Chief Financial Officer

**AN ORDINANCE AUTHORIZING SPECIAL EMERGENCY
APPROPRIATION PURSUANT TO N.J.S.A. 40A:4-53 FOR
SEVERANCE LIABILITIES RESULTING FROM ACCRUED
LEAVE IN CONNECTION WITH THE LAYOFF OR
RETIREMENT OF EMPLOYEES.**

BE IT ORDAINED by the Governing Body of the Township of West Orange, in the County of Essex, New Jersey that in accordance with N.J.S.A. 40A:4-53:

1. The sum of \$800,000 is hereby appropriated for severance liabilities resulting from accrued leave resulting from the layoff or retirement of employees, and shall be deemed a special emergency appropriation as defined and provided for in N.J.S.A. 40A:4-53.

2. The authorization to finance the appropriation shall be provided for in succeeding annual budgets by the inclusion of at least 1/5 of the amount authorized pursuant to this act (N.J.S.A. 40A:4-55).

3. This ordinance shall take effect as provided by law.

Introduction: October 13, 2015

Adopted: October 27, 2015

Robert D. Parisi
Mayor

Jerry Guarino
Council President

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

Karen J. Carnevale
Municipal Clerk

NOTICE

The Ordinance published herewith was introduced and passed upon first reading at a meeting of the Township Council of the Township of West Orange, New Jersey, held on October 13, 2015. It will be further considered for final passage after public hearing thereon at a meeting of said Township Council to be held at the Municipal Building, 66 Main Street, West Orange, New Jersey, in said Township on October 27, 2015 at __ o'clock p.m. and during the week prior to and up to and including the date of such meeting, copies of said Ordinance will be made available at the Clerk's Office to the members of the general public who shall request the same.

KAREN J. CARNEVALE
TOWNSHIP CLERK

STATEMENT

THE ORDINANCE PUBLISHED HERewith HAS BEEN FINALLY ADOPTED ON OCTOBER 27, 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.

KAREN J. CARNEVALE
TOWNSHIP CLERK

ORD #: 2467-15

Re: TOWNSHIP OF WEST ORANGE

**SPECIAL EMERGENCY APPROPRIATION FOR SEVERANCE LIABILITIES
RESULTING FROM ACCRUED LEAVE IN CONNECTION WITH THE LAYOFF OR
RETIREMENT OF EMPLOYEES.**

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

N/A Down Payment Certificate.

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

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

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

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

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

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 Building in the Township of West Orange on October 13, 2015 at 7 o'clock p.m.

PRESENT:

ABSENT:

[Attach appropriate minutes hereto]

CERTIFICATE

I, KAREN J. CARNEVALE, Clerk of the Township of West Orange, in the County of Essex, State of New Jersey, HEREBY CERTIFY that the foregoing annexed extract from the minutes of a meeting of the governing body of the Township duly called and held on October 13, 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 Building in the Township of West Orange on October 27, 2015 at 7 o'clock p.m.

PRESENT:

ABSENT:

[Attach appropriate minutes hereto]

CERTIFICATE

I, KAREN J. CARNEVALE, Clerk of the Township of West Orange, in the County of Essex, State of New Jersey, HEREBY CERTIFY that the foregoing annexed extract from the minutes of a meeting of the governing body of the Township duly called and held on October 27, 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, 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 October 13, 2015 and finally adopted by the governing body on October 27, 2015, and where necessary approved by the Mayor on October 27, 2105.

3. On October 15, 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 November 5, 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 AND SUPPLEMENTING CHAPTER 14, SECTIONS 20.3 AND 20.5 OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF WEST ORANGE, ENTITLED “DUTIES AND RESPONSIBILITIES OF FORECLOSING CREDITOR”

NOW, THEREFORE, BE IT ORDAINED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST ORANGE, in the County of Essex and State of New Jersey, that Chapter 14, Sections 20.3 and 20.5 of the Revised General Ordinances of the Township of West Orange shall be amended and supplemented as follows:

14-20 DUTIES AND RESPONSIBILITIES OF FORECLOSING CREDITOR

14-20.3 Duty to Report

- a. A foreclosing creditor shall, within 10 days of serving a summons and complaint, submit a foreclosure notice to the Township Clerk.
- b. Upon receipt of a foreclosure notice, the Township Clerk shall provide a copy of the foreclosure notice to the Zoning Officer and/or their designee(s) for enforcement of property maintenance regulations.
- c. Once a foreclosing creditor is vested with legal title to the property and upon filing the deed with the county clerk, the foreclosing creditor shall simultaneously provide the Township Clerk with a copy of the deed.

14-20.5 Responsibility to Maintain Property

In the event that any residential property becomes vacant and abandoned subsequent to a foreclosing creditor’s filing of a summons and complaint but prior to the vesting of title in the foreclosing creditor or any third party, a foreclosing creditor shall assume all duties imposed upon owners and operators of property, pursuant to Section 8.1 and Section 8.2 of this Chapter and Section 5.1 of Chapter 20, with respect to the subject property. The foreclosing creditor, within 10 days of receiving notice that the property is vacant and abandoned, shall also provide a copy of an annual contract with the Township Clerk that sets forth the name and contact information of the representative who shall be responsible for the care, maintenance, security and upkeep of the exterior property and ensure compliance with Section 8.1 and Section 8.2 of this Chapter and Section 5.1 of Chapter 20, with respect to the subject property. The foreclosing creditor shall also provide the name and contact information of the foreclosing attorney and the name and contact information of the servicer of the loan. The foreclosing creditor has a continuing obligation to update all information throughout the foreclosure process.

BE IT FURTHER ORDAINED, that the remainder of Chapter 14 shall remain unchanged.

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

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

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

Karen J. Carnevale
Municipal Clerk

Jerry Guarino
Council President

Honorable Robert Parisi
Mayor

Introduction: October 13, 2015

Adopted: October 27, 2015

Legislative History

This legislation is authorized by N.J.S.A. 40:48-2.12s, which permits municipalities to adopt ordinances regulating the care, maintenance, security and upkeep of the exterior of vacant and abandoned residential properties that are the subject of foreclosure actions.

This amended legislation imposes two additional requirements upon foreclosing creditors in order to regulate vacant and abandoned residential properties: (1) to provide notice to the Township once a foreclosing creditor is vested with legal title to the property; and (2) to file an annual contract with the Township Clerk that sets forth the name and contact information of the representative who shall be responsible for the care, maintenance, security and upkeep of the exterior property, as well as the foreclosing attorney and servicer of the loan. Chapter 14, Section 20.5 also includes a continuing obligation clause for foreclosing creditors to update all information throughout the foreclosure process.