

1. Conference Meeting Agenda

Documents: [CA10.27.15.PDF](#)

1.I. Best Practices Inventory

Documents: [COPY OF 2015_BEST_PRACTICE_0722.PDF](#)

2. Public Meeting Agenda

Documents: [PM10.27.15 \(2\).PDF](#)

3. Resolution(S)

3.I. 254-15

Documents: [254-15 RESOLUTION AUTHORIZING SUBORDINATION OF MORTGAGE RE 37 THORNE TERRACE.PDF](#)

3.II. 255-15

Documents: [255-15 RESOLUTION PERSONAL PROPERTY AUCTION 2015.DOCX](#)

3.III. 256-15

Documents: [256-15 RESOLUTION FOR FIRE APPARATUS MAINTENANCE 2015.DOC](#)

3.IV. 257-15

Documents: [257-15 RESOLUTION AUTHORIZING LIEN AGAINST 34 OAK CREST ROAD.PDF](#)

3.V. 258-15

Documents: [258-15 RESOLUTION AUTHORIZING CANCELLATION OF TAXES ON OAKRIDGE ROAD PROPERTY \(003\).DOC](#)

3.VI. 259-15

Documents: [259-15 TOWNSHIP OF WEST ORANGE MUNIAID RESOLUTION.DOCX](#)

3.VII. 260-15

Documents: [260-15 RAFFLE LICENSES 10.27.15.DOC](#)

3.VIII. 261-15

Documents: [261-15 RESOLUTION - SPECIAL EMERGENCY ACCRUED LEAVE.DOC](#)

3.IX. 262-15

Documents: [262-15 RESOLUTION AUTHORIZING RENEWAL OF PRESCRIPTION DRUG AGREEMENT WITH BENECARD SERVICES LLC - FIN.PDF](#)

4. Ordinance(S) On Second And Final Reading

4.I. 2464-15

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

4.II. 2465-15

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

4.III. 2466-15

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

4.IV. 2467-15

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

4.V. 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 27, 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)

=====

6:30 P.M

- **Proclamation** - Declaring November 13 “World Pancreatic Cancer Day”
- **Discussion** - 2015 Best Practices Inventory
- **Update-Downtown Redevelopment**
- **Council Liaison Announcements**

7:00 P.M.

- **Public Meeting**

Best Practices Worksheet CY 2015/SFY2016

		West Orange Township (Essex)	
0722		Please see Color Key at bottom of sheet for limits on answers	
	Answer	Question	Comments
		General Management - GM	
1	Yes	Sharing services has been promoted for many years as a means to control costs. In addition to sharing resources such as labor, facilities and equipment with a county or with neighboring communities, shared services include similar agreements with school boards, independent authorities and fire districts. Shared services do not include cooperative purchasing, cooperative pricing or commodity resale agreements. Did your municipality actively negotiate (i.e. meet with representatives from a neighboring town, your county or another local unit) and/or enter into at least one new shared service agreement, or actively negotiate or enter into the renewal of at least one existing shared service agreement, in the preceding year?	
2	N/A	If a final judgment has been entered against the municipality and there is no further adjudication, or if the municipality reaches a final settlement, has your municipality satisfied its obligations under a final judgment or settlement in a timely fashion pursuant to their terms (e.g. tax appeals, tort claims, contractual disputes)? This question cannot be answered "Yes" if your municipality has satisfied a judgment or settlement but additional interest and/or other penalties have been imposed as a result of noncompliance with the terms thereof. This question does not apply to claims adjudicated or settled by the municipality's JIF or insurance carrier.	
3	Yes	Has your municipality adopted a vehicle use policy prohibiting personal use of municipal vehicles (except for commuting), and providing that employees authorized to use such vehicles for commuting to/from work have a fringe benefit value added to the gross income reported on the employee's W-2 (unless the vehicle meets the "qualified non-personal vehicle" criteria specified by the IRS)? Only answer "N/A" if your municipality does not have any municipally-owned vehicles.	
4	No	Has the appropriate administrative official reviewed the State Comptroller's June 25, 2013 Report on local government legal fees, and does your municipality follow the best practices outlined in the checklist annexed as an Appendix to the report?	

Best Practices Worksheet CY 2015/SFY2016

		West Orange Township (Essex)	
0722		Please see Color Key at bottom of sheet for limits on answers	
	Answer	Question	Comments
5	Yes	Does your municipality maintain an up-to-date municipal website containing at minimum the following: past three years adopted budgets; the current year's proposed budget (including the full adopted budget for the current year when approved by the governing body); most recent annual financial statement and audits; notification(s) for solicitation of bids and RFPs; and meeting dates, minutes and agendas for the governing body, planning board, board of adjustment and all commissions?	
6	No	Does your municipality require its elected officials to attend on an annual basis at least one instructional course covering the responsibilities and obligations of elected officials (for example: ethics, municipal finance, labor relations, risk management, shared services, purchasing, land use administration, personnel, technology etcetera)? This item may be satisfied either through a course approved for continuing education credit by DLGS, or in-house education provided by a professional, vendor or staff member (provided they have significant expertise in their profession and routinely prepare public presentations).	
7	Yes	With regard to your municipality's collective bargaining agreements that replaced contracts expiring on or after 1/1/11, is the overall impact of the aggregate economic costs limited to an average increase of 2% or less per year over the contract term?	
8	N/A	A municipality's participation in FEMA's <u>National Flood Insurance Program Community Rating System</u> can lead to significant flood insurance premium reductions for its homeowners. An explanation of the program may be found on FEMA's website at http://www.fema.gov/national-flood-insurance-program/national-flood-insurance-program-community-rating-system , and more information on how the NJDEP's statewide CRS coordinator can assist with improving your rating can be found at http://www.nj.gov/dep/floodcontrol/about.htm . Does your municipality have, or is your municipality in the process of attaining, a Community Rating System ranking of at least Class 9?	

Best Practices Worksheet CY 2015/SFY2016

		West Orange Township (Essex)	
0722		<i>Please see Color Key at bottom of sheet for limits on answers</i>	
	Answer	Question	Comments
9	N/A	If the ratio of assessed values to market values in your municipality is presently less than 65%, is your municipality in the process of conducting a reassessment or revaluation?	
10	Yes	The Local Government Ethics Law, designed to ensure transparency in government, requires local government officers to file Financial Disclosure Forms. Compliance by local elected officials is particularly important. Have all of your local elected officials filed their Financial Disclosure Form in 2015 that covers the 2014 calendar year?	
11	N/A	Many municipalities have created one or more authorities (including fire districts, utilities authorities, redevelopment authorities, housing authorities, port authorities, etc.) to provide greater focus and attention on addressing a public need, or to reduce governing body burdens. While creation of an authority is often appropriate, and many authorities successfully fulfill their missions, authorities with weak membership or insufficient local-level monitoring can become wasteful, inefficient and unresponsive to the public they serve. <u>N.J.S.A. 40A:5A-20</u> allows a local governing body to dissolve an authority subject to certain parameters and with Local Finance Board approval. Municipalities should at least annually assess the authority or authorities they created and publicly discuss their findings and conclusions. Findings and conclusions should address whether the authority's continued existence is appropriate, and whether the authority is appropriately and efficiently serving its residents. <u>Does the governing body meet at least once annually to discuss an assessment of the authority or authorities they have created?</u>	

Best Practices Worksheet CY 2015/SFY2016

		West Orange Township (Essex)	
0722		<i>Please see Color Key at bottom of sheet for limits on answers</i>	
	Answer	Question	Comments
		Finance & Audit - FA	
12	Yes	Internal accounting control processes, procedures and authorizations are designed to safeguard assets and to limit the risk of loss or misstatement. <u>1) Are internal accounting control processes, procedures and authorizations documented and communicated to staff; and 2) Does your Administrator/Manager or CFO, as appropriate, evaluate and discuss risk assessment annually with your governing body or an appropriate subcommittee thereof (such as the Audit or Finance Committee) with a focus on developing and updating accounting control processes, procedures and authorizations?</u> If you selected "yes", please state in the Comment section in the approximate date of the discussion and whether the discussion was with the governing body or, if with a subcommittee thereof, name the subcommittee.	These results have been discussed with the Finance Committee, made up of the Mayor, Business Administrator and Chief Financial Officer in August of 2015
13	Yes	In Local Finance Notice 2007-5, the Division issued guidance concerning the collection and accounting of fees by mayors for the performance of marriage and civil union ceremonies. If your municipality's mayor collects fees for performing weddings and civil unions, are the guidelines on pages 2 and 3 of LFN 2007-5 being followed?	
14	Yes	Does your municipality have a Finance Committee (or equivalent) made up of one or more members of the governing body and other appropriate personnel, as may be needed, that meets at least <u>quarterly</u> and discusses all significant financial issues? If you answer "Yes", phrase state in the Comment section the approximate date of your municipality's most recent Finance Committee meeting.	Oct-15
15	No	Audit findings address areas needing improvement. Ignoring these findings devalues the process; therefore, municipalities should correct noted deficiencies. Have all audit findings from the 2013 audit been <u>1) identified in the corrective action plan and 2) addressed such that they are not repeated in the 2014 audit?</u> If the answer is no, please list the repeat findings in the comments section. Only answer "N/A" if there were no audit findings in 2013. If your municipality wishes to appeal the result of this question, the Director shall determine based on the comment(s) whether the finding(s) is/are sufficiently material to warrant a "no" answer.	1. Expenditures for Outside Police services are being made by the Township prior to the collection of the funds from the vendor. 2. During voucher testing various exceptions were noted including the use of confirming orders, and lack of supporting documentation

Best Practices Worksheet CY 2015/SFY2016

		West Orange Township (Essex)	
0722		Please see Color Key at bottom of sheet for limits on answers	
	Answer	Question	Comments
16	Yes	The CFO should be capable of preparing the annual financial statement, annual debt statement and budget schedules. Excessive auditor assistance on these documents could create a perception that the auditor is not truly independent of the client in auditing the client's financial statements. At a minimum, each CFO should prepare balanced and reconciled financial records including books of original entry, general ledgers, subsidiary ledgers and other computer reports that accurately analyze and reflect the municipality's financial position. These records should have sufficient detail for an accountant with sufficient knowledge of New Jersey's municipal accounting system to extract information necessary to prepare financial and debt statements. This requires that, within acceptable tolerance, all financial transactions (cash and non-cash) be posted in the general ledger and that all general ledger accounts be supported by subsidiary ledgers, reports, reconciliations or are otherwise analyzed. A "yes" answer is appropriate if 1) your CFO prepares the annual financial statement, annual debt statement and annual budget, or 2) your CFO presents balanced and reconciled financial records, or 3) you are retaining outside assistance to do so from an individual or entity separate from your municipality's audit firm. Please note that item #2 cannot count as a "yes" answer if the Report of Audit contains comments and recommendations regarding the General Ledger or Cash Account balances not being reconciled.	
17	Yes	Grant programs can create a significant burden on a municipality's cash flow if program expenses are either not timely reimbursed or are charged to other operating accounts instead of to the grant. Are all grant revenues, along with their corresponding appropriations, reviewed at least quarterly to determine that all program expenses have 1) been filed for reimbursement and 2) have been properly charged to the grant, with follow up communication to grantor agencies in instances where payments are delayed?	

Best Practices Worksheet CY 2015/SFY2016

		West Orange Township (Essex)	
0722		Please see Color Key at bottom of sheet for limits on answers	
	Answer	Question	Comments
18	Yes	N.J.S.A. 40A:5-4 requires municipalities to complete their annual audit for the preceding fiscal year within 6 months after the close of its fiscal year. Further, <u>N.J.S.A. 40A:5-6</u> requires the municipality’s auditor to submit a certified duplicate copy of the audit report and recommendations with the Division within 5 days after filing the original with the municipal clerk. <u>Has your municipality received its completed audit for the preceding fiscal year within the statutory timeframe, and confirmed that your auditor has filed a certified duplicate copy of the audit report with the Division?</u> You may only answer this question “N/A” if the Director expressly granted an extension in response to a governing body resolution petitioning for same.	
19	Yes	For its most recent audit period completed, has the municipality: 1) not had findings reported in the Schedule of Findings and Questioned Costs related to potential or actual questioned costs; or 2) <u>not</u> accrued a liability or made payment to a grantor for questioned costs or disallowed expenditures; or 3) <u>not</u> been notified of an amount that must be refunded to a grantor as a result of a contract audit or for any other reason?	
20	Yes	Pursuant to <u>N.J.S.A. 40A: 2-40</u> , the chief financial officer each municipality shall, before the end of the first month of the fiscal year, file their Annual Debt Statement with the Division of Local Government Services. The annual debt statement must be filed electronically following the procedure described in Local Finance Notice 2013-3. <u>Did your municipality file its electronic Annual Debt Statement for the preceding fiscal year with the Division no later than January 31 (July 31 for SFY municipalities)?</u>	

Best Practices Worksheet CY 2015/SFY2016

		West Orange Township (Essex)	
0722		Please see Color Key at bottom of sheet for limits on answers	
	Answer	Question	Comments
21	Yes	Local Finance Notice 2014-09 contains important information about the need for municipalities that have certain outstanding debt to abide by requirements to annually disclose certain information with respect to financial conditions. The continuing financial disclosure obligations are required by federal law and local agreements executed as part of past issuances of debt. Failure to comply can result in penalties against local governments and individual officers responsible for various filings. Failure to comply can also result in a lack of access to capital markets. Has your CFO done all of the following: (1) reviewed Local Finance Notice 2014-09; and (2) undertaken, or caused to be undertaken, a review of past compliance with such requirements?	
22	Yes	Is your municipality up to date and fully compliant with continuing disclosure obligations as discussed in the previous question?	
		Procurement - P	
23	No	Municipalities and their agencies are allowed to prohibit the award of public contracts to business entities that have made certain campaign contributions exceeding \$300 and to limit the contributions that the holders of a contract can make during the term of a contract to \$300. A model ordinance concerning pay-to-play can be found at http://www.nj.gov/dca/divisions/dlgs/resources/muni_st_docs/ pay_to_play_ordinance-contractor.doc . Has your municipality adopted a pay-to-play ordinance pursuant to N.J.S.A. 40A:11-51 that is more restrictive than state statutory requirements?	

Best Practices Worksheet CY 2015/SFY2016

		West Orange Township (Essex)	
0722		<i>Please see Color Key at bottom of sheet for limits on answers</i>	
	Answer	Question	Comments
24	Yes	Pursuant to N.J.S.A. 52:15C-10(a), municipalities (among other government entities) must notify the State Comptroller within no later than 20 business days of awarding most contracts greater than \$2 million but less than \$10 million. For contracts \$10 million or more, N.J.S.A. 52:15C-10(b) requires written notification to the State Comptroller of any negotiation or solicitation no later than 30 days before advertisement; from which point the State Comptroller has 30 days to approve the procurement moving forward unless said period is waived. Further information on the law and applicable forms is available on the State Comptroller's website. <u>Did your municipality comply with the notice and approval provisions of N.J.S.A. 52:15C-10 in the prior year?</u>	
25	Yes	The Prompt Payment Law, enacted as P.L. 2006 c.96, establishes timing standards for the payment of obligations under a wide range of construction-related contracts. The law seeks to ensure that contractors submitting bills for completed work are paid on a timely, established schedule, and that the full chain of subcontractors receive timely payment from their hiring contractor. Local Finance Notice 2006-21 discusses the law and its impact on local governments. <u>Have your municipality's claim payment procedures been reviewed by legal counsel and appropriate municipal staff to ensure compliance with the Prompt Payment Law?</u>	
26	Yes	Has your municipality established a chain of command as required by <u>N.J.A.C. 5:34-6.1</u> (b) to ensure appropriate individuals are in place to determine when emergency procurement is necessary, and to ensure that the provisions for emergency purchasing set forth in <u>N.J.S.A. 40A:11-6</u> are properly implemented?	

Best Practices Worksheet CY 2015/SFY2016

		West Orange Township (Essex)	
0722		Please see Color Key at bottom of sheet for limits on answers	
	Answer	Question	Comments
27	Yes	N.J.S.A. 40A:11-5 (a)(i) states that, if a municipality utilizes the professional services exemption from the Local Public Contracts Law, “The governing body shall in each instance state supporting reasons for its action in the resolution awarding each contract and shall forthwith cause to be printed once, in the official newspaper, a brief notice stating the nature, duration, service and amount of the contract, and that the resolution and contract are on file and available for public inspection in the office of the clerk of the [] municipality...”. <u>With respect to the award of professional services contracts, is your municipality complying with the above referenced provision of the Local Public Contracts Law?</u>	

Best Practices Worksheet CY 2015/SFY2016

		West Orange Township (Essex)	
0722		Please see Color Key at bottom of sheet for limits on answers	
	Answer	Question	Comments
		Budget Preparation and Presentation - BP	
28	Yes	In preparing your annual budget it is important for both the governing body and public to understand the concept of surplus and how it accumulates (or declines) over the years. A formal policy regarding surplus serves as a basis for decisions concerning future financial solvency, and the lack of a policy could lead bond rating agencies to downgrade your municipality's credit rating. In developing said surplus policy your CFO should analyze and explain at least a five-year trend of surplus; illustrating the factors causing each annual increase or decrease. A surplus policy with realistic and sustainable goals can then be determined. Does your municipality have a written policy goal for the amount of surplus available in support of municipal operations, and is this goal evaluated annually?	
29	Yes	In preparing your annual budget, it is important that the impact that current budgeting decisions may have on future years' budgets be presented, evaluated and considered before the governing body takes final action. Long term plans concerning revenue, appropriations, tax levy, tax levy cap and surplus are critical to sustaining (or achieving) a solid fiscal condition. Are budget projections 1) factoring in the impact that the current year's budget may have on the future tax levy (as restricted by the levy cap) and future surplus balances for at least two future year's budgets, and 2) are these budget projections discussed with the governing body?	This has been discussed in detail with the Finance Committee, composed of the Mayor, Business Administrator and Chief Financial Officer, and generally with governing body during the budget process.

Best Practices Worksheet CY 2015/SFY2016

		West Orange Township (Essex)	
0722		Please see Color Key at bottom of sheet for limits on answers	
	Answer	Question	Comments
30	N/A	Certain municipalities have indirectly pledged prompt payment (i.e. issued a guarantee) of debt service with respect to debt issued by counties, independent authorities or developers. Bond Rating Agencies (e.g. Moody's, Fitch, Standard & Poor's) have downgraded certain municipalities' bond ratings to below investment grade for lack of preparation in the event a lender calls in a debt guarantee. If your municipality guarantees any debt, are direct service revenues that may be pledged against debt repayment monitored by the municipal CFO; and to the extent that cash flow from pledged revenue will not satisfy the debt repayment, are sufficient funds held in reserve to satisfy the guarantee or is an existing authorization in place to issue debt (e.g. a bond ordinance) in the event a lender calls in the guarantee?	
31	Yes	Do elected officials receive a written status report at least quarterly on all budget revenues and appropriations as they correspond to the annual adopted budget?	
32	Yes	In developing your multi-year capital plan, is your municipality dedicating sufficient revenues to fund maintenance, repair and eventual replacement of infrastructure such as roads, storm sewers, sanitary sewers and water systems?	
33	Yes	N.J.S.A. 40A:4-5 requires that calendar year municipalities approve their introduced budgets no later than February 10 (or August 10 for state fiscal year municipalities) unless the Director sets forth a later date pursuant to N.J.S.A. 40A:4-5.1. Did your municipality approve its introduced current year budget no later than the date provided by law or as extended by the Director in Local Finance Notice 2014-21? This question may only be answered N/A if your municipality is under State Supervision.	

Best Practices Worksheet CY 2015/SFY2016

		West Orange Township (Essex)	
0722		Please see Color Key at bottom of sheet for limits on answers	
	Answer	Question	Comments
34	Yes	N.J.S.A. 40A:4-10 requires that calendar year municipalities adopt their budgets no later than March 20 (or September 20 for state fiscal year municipalities), unless the Director sets forth a later date pursuant to N.J.S.A. 40A:4-5.1. Did your municipality adopt its current year budget no later than the date provided by law or as extended by the Director in Local Finance Notice 2014-21? This question may only be answered "N/A" if your municipality is under State Supervision, or delayed its budget adoption because it awaited a Division determination concerning a grant award or Transitional Aid award.	
		Health Insurance - HI	
35	Yes	Does your municipality exclude from healthcare coverage part-time elected and appointed officials (less than 35 hours per week)? Only answer "yes" if no part-time elected or appointed officials receive health benefits. If your municipality has part-time elected or appointed officials who elect to take State Health Benefits Program (SHBP) health benefits (or receive a waiver for not doing so) by virtue of serving in their position continuously since May 21, 2010, you must answer "No". If you answered "No", please list in the Comments section the name and title of each elected or appointed official receiving either health benefits or a waiver payment in lieu of health benefits.	

Best Practices Worksheet CY 2015/SFY2016

		West Orange Township (Essex)	
0722		Please see Color Key at bottom of sheet for limits on answers	
	Answer	Question	Comments
36	Yes	Does your municipality conduct a monthly review of health benefit covered lives itemized on health insurance invoices to determine that health insurance invoices do not include employees, former employees, spouses or dependents who should no longer be receiving coverage?	
37	Yes	Municipalities frequently contract with or designate insurance brokers to secure healthcare coverage from insurance carriers. Brokers are typically paid by third-party administrators (TPA's) hired to collect, review and pay healthcare bills. The municipality pays the TPA, who in turn pays the broker. Broker fees are often directly related to the amount of insurance premiums or fees paid by the municipality (i.e. the higher the premium, the larger the broker's commission). Thus, the municipality-broker-TPA arrangement is vulnerable to abuse because brokers could face conflicting incentives in seeking lower-cost insurance alternatives. <u>If your municipality contracts with or otherwise designates an insurance broker, is the structure for broker payments set at a flat-fee rather than on a commission basis (so as to mitigate the risk of brokers recommending more expensive insurance coverage to earn higher fees)?</u>	
38	Yes	The State Health Benefits Program (SHBP) offers medical, prescription and dental coverage options for more than 850,000 participants, including employees, dependents and retirees. All plans have substantial networks of healthcare providers, and provide services nationwide. 62% of municipalities, and 33% of counties, within New Jersey participate in SHBP. <u>If your municipality has non-SHBP coverage, as your collective bargaining agreements come up for renegotiation, do your municipality's negotiation proposals seek contract provisions allowing its employees to be switched to SHBP or another non-SHBP plan of lesser cost?</u>	

Best Practices Worksheet CY 2015/SFY2016

		West Orange Township (Essex)	
0722		Please see Color Key at bottom of sheet for limits on answers	
	Answer	Question	Comments
39	Yes	Prior to municipal officers and employees being required to substantially share in the cost of their health benefits, there was no disincentive to officers and employees accepting coverage even though they had alternative coverage. Many municipalities would offer payments in lieu of health benefits to encourage officers and employees to voluntarily drop coverage, provided they had coverage from another source. The policy often saved money by replacing the expensive cost of providing health care with the less expensive payment in lieu of health benefits. The need to pay officers and employees money to not take a health insurance benefit they can receive from another source has lessened, because the cost of premium sharing will cause officers and employees to drop coverage if alternative coverage is available. <u>Has your governing body had a thorough and adequate discussion about its current policy regarding payments in lieu of health benefits, its impact on the municipal budget, and whether said payments are still warranted?</u> “N/A” is only applicable where the municipality has a policy of not making payments in lieu of health benefits.	This has been discussed in detail with the Finance Committee, composed of the Mayor, Business Administrator and Chief Financial Officer, and generally with governing body during the budget process.

Best Practices Worksheet CY 2015/SFY2016

		West Orange Township (Essex)	
0722		Please see Color Key at bottom of sheet for limits on answers	
	Answer	Question	Comments
		Personnel - PE	
40	Yes	The Fair Labor Standards Act (FLSA) is a federal law that establishes minimum wage, overtime pay, recordkeeping, and child labor standards affecting full-time and part-time workers in the private sector and in Federal, State, and local governments. The law requires that overtime pay must be paid for all hours over 40 hours in a work week except for those employees classified as exempt and thus not entitled to overtime. Management employees such as elected officials, managers/administrators, municipal clerks, CFOs, public works superintendents, police chiefs and other department heads are typically classified as having exempt status and thus not entitled to overtime pay. Other municipal employees may also be classified as exempt under the FLSA (you should consult with labor counsel for more detailed guidance). Does your municipality refrain from paying overtime to employees who are classified as exempt under the FLSA? <i>In answering this question, be aware that exempt status would also preclude overtime pay for time worked during emergencies, attendance at night meetings, participation in training sessions, and police "off-duty" assignments (a/k/a "Jobs in Blue"). Also, please note that compensated leave time in lieu of cash payments is considered to be a form of overtime pay unless such leave is utilized in the same pay period.</i>	
41	Yes	N.J.S.A. 34:13A-8.2 requires public employers, including municipalities, to file with the Public Employment Relations Commission (PERC) a copy of all contracts negotiated with public employee representatives. This includes, but is not limited to, collective bargaining agreements, memoranda of understanding, contract amendments, and "side letter" or "side bar" agreements. Copies of same may be emailed to contracts@perc.state.nj.us. Has your municipality filed all current contracts with PERC?	

Best Practices Worksheet CY 2015/SFY2016

		West Orange Township (Essex)	
0722		Please see Color Key at bottom of sheet for limits on answers	
	Answer	Question	Comments
42	Yes	Does your municipality make available to the public free of charge, either through an internet posting or on-site review, documents that show the current salaries of all personnel?	
43	Yes	Accurate records of employee time are critical not only for financial accountability, but also effective management of your workforce. Is your municipality ensuring that 1) employees complete and file standardized forms, either electronically or by paper, to verify all employee time worked (e.g. time cards, electronic time keeping); 2) your personnel/human resources office maintains records accounting for all employee leave time earned and used; and 3) supervisors are reviewing and approving/denying employee time and attendance documentation before those records are submitted to management and, in the case of department heads, is such documentation reviewed and verified independently?	
44	Yes	Has your municipality instituted a policy to not compensate employees for sick leave accumulated after a certain date?	The Township has a establisheed a policy to negotiate reduction and/or eliminatiuon of this benefit from its colective baragaining agreements, successfully in non-uniforms units.
45	Yes	Does your municipality have a transitional duty program (light duty) to encourage employees out on workers compensation to return to work?	
46	No	The State Workers Compensation Law provides that, when an employee receives a work-related injury producing temporary disability, the employee is entitled to wage-continuation equal to 70% of the employee's weekly wages, subject to a maximum compensation as determined by the Commissioner of Labor. Does your municipality limit benefits for work-related injuries to the above statutory benefit? The answer to this question can be "prospective" if such a provision was imposed by an arbitrator in binding arbitration but the municipality is seeking to eliminate such a contractual obligation through collective bargaining.	

Best Practices Worksheet CY 2015/SFY2016

		West Orange Township (Essex)	
0722		Please see Color Key at bottom of sheet for limits on answers	
	Answer	Question	Comments
47	N/A	The weekly benefit rate provided under the State Temporary Disability Law for a non-work-related injury is calculated on the basis of claimant's average weekly wage. Each claimant is paid 2/3 of their average weekly wage up to the maximum amount payable, which is \$604 for disabilities beginning on or after 1/1/15. Does your municipality refrain from supplementing the Temporary Disability benefit? The answer to this question can be "prospective" if such a provision was imposed by an arbitrator in binding arbitration but the municipality is seeking to eliminate such a contractual obligation through collective bargaining. Only answer "N/A" if your municipality does not participate in the State Temporary Disability Program.	
48	Yes	Has your municipality adopted an ordinance, resolution, regulation or policy eliminating longevity awards, bonuses or payments for non-union employees?	
49	Yes	For any employees covered by a collective bargaining agreement, has your municipality eliminated longevity awards, bonuses or payments for employees hired on or after a specified date, and refrained from increasing longevity awards, bonuses or payments for employees hired before a specified date? The answer to this question can be "prospective" if such provisions were imposed by an arbitrator in binding arbitration but the municipality is seeking to eliminate such a contractual obligation through collective bargaining.	
50	No	Employee personnel manuals or handbooks serve as a valuable tool to convey a municipality's policies, procedures and benefits. Many insurance carriers encourage the adoption of such a document and offer discounted rates for their use. These publications should review employees' rights and obligations in areas ranging from discrimination, safety, violence, and harassment to vacation and sick days, holidays, use of township vehicles, smoking and political activity, among others. Has your municipality adopted or updated an employee personnel manual/handbook by resolution or ordinance within the last five years? If yes, please provide in the Comments section the date of the meeting during which the personnel manual was adopted.	

Best Practices Worksheet CY 2015/SFY2016

		West Orange Township (Essex)	
0722		Please see Color Key at bottom of sheet for limits on answers	
	Answer	Question	Comments
	0	Select	
	38	Yes	
	6	No	
	6	N/A	
	0	Prospective	
	50	Total Answered:	
	44	Score (Yes + N/A + Prospective)	
	88%	Score %	
	0%	Percent Withheld	
		Chief Administrative Officer's Certification	
		I hereby certify that the information provided in this Best Practices Inventory is accurate	Certification #(s)
		to the best of my knowledge.	
		Name & Title	Date
		John Sayers, Business Administrator	10/14/2015
		Chief Financial Officer's Certification	
		I hereby certify that the information provided in this Best Practices Inventory is accurate	Certification #(s)
		to the best of my knowledge.	N-0451
		Name	Date
		John O. Gross	10/14/2015
		Municipal Clerk's Certification	
		I hereby certify that the Governing Body of the Township of West Orange in the County of	
		Essex will discuss the CY 2015/SFY 2016 Best Practice Inventory as	
		completed herein at a public meeting on October 27, 2015, with the Inventory results, and the	
		certification thereof by the Chief Administrative and Chief Financial Officers, respectively, to	Certification #(s)
		be stated in the minutes of said public meeting.	C-1350
		Name	Date
		Karen Carnevale	10/14/2015

Best Practices Worksheet CY 2015/SFY2016

[illegible]

AGENDA--REVISED
Tuesday, October 27, 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 October 13, 2015**
- 5. *Report of Township Officers-None**
- 6. *Reading of Petitions and Communications and Bids-None**
- 7. *Bills**
- 8.*Resolutions**
 - a. 254-15 Resolution for Subordination of Mortgage/Camillo DeMartinis- 37 Thorn Terrace (Legal-Duffy)
 - b. 255-15 Resolution Personal Property Auction 2015 (DeSantis)
 - c. 256-15 Resolution for Fire Apparatus Maintenance 2015 (DeSantis)
 - d. 257-15 Resolution Authorizing Lien Against 34 Oak Crest Road (Legal-Duffy)
This resolution would authorize the placement of a lien in the amount of \$518.42 against 34 Oak Crest Road (the “Property”), representing the costs incurred by the Township in removing accumulated trash and debris from the Property
 - e. 258-15 Resolution Authorizing Cancellation of Taxes Due on Block 34, Lot 28, Oakridge Road (Legal-Duffy)
This resolution would authorize the Tax Collector to cancel the total sum of \$60.33 in outstanding taxes due and owing on Block 35, Lot 28 on Oakridge Road in the Township, which is property that was acquire by the Township by adoption on Resolution 166-15

- f. 259-15 Resolution for 2016 MuniAid Application (Skinner)
Approval to submit a grant application and execute a grant contract with the New Jersey Department of Transportation for the Curtis Avenue and Garfield Avenue (Curtis Avenue and Hoover Avenue) Road Improvements project.
- g. 260-15 Resolution Authorizing the Issuance of Raffle Licenses (Clerk)
- h. 261-15 Resolution Authorization for Sale of Notes Special Emergency Appropriation Severance Liabilities Resulting from Accrued Leave in Connection with the Layoff or Retirement of Employees (Legal- Draikiwicz)
- i. 262-15 Resolution Authorizing 14-Month Renewal of Prescription Drug Agreement with Benecard Services, LLC (Legal-Duffy)
This resolution would authorize a 14-month renewal of the Township's existing prescription drug agreement with Benecard Services, LLC on the term and conditions set forth in the annexed renewal letter.

9. Ordinances on Second and Final 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)
- b. 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)
- c. 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)
- d. 2467-15 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 Retirements of Employees (Legal- Draikiwicz)
- e. 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.

10. Ordinances on First Reading-None

11. ABC Hearing

- a. 551-15 Resolution Authorizing and Person to Person/Place to Place Transfer of License 0722-33-021-002 from Gaffers Pub, LLC to 4 Corners Deli, LLC
- b. 552-15 Hearing on Renewal for Plenary Retail Consumption, Distribution and Club Licenses for the 2015-2016 License Term **(resolution to follow)**

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 Housing Rehabilitation Program has a mortgage against certain real property owned by Camillo and Maria DeMartinis (the "Owners") residing at 37 Thorne Terrace, Block 153.11, Lot 49 (the "Property"), in the amount of Eleven Thousand, One Hundred and Eighty Six Dollars (\$11,186.00), which was dated April 5, 2002 and recorded in the Essex County Register's Office on June 3, 2002 in Book 8289, Page 632 (the "WOHRP Mortgage"); and

WHEREAS, there is a first mortgage on the Property from New York Community Bank ("NYCB") in the outstanding amount of Ninety-Seven, Four Hundred and Fifty Eight Dollars and Ninety Four Cents (\$97,458.94) (the "First Mortgage"); and

WHEREAS, the Owners desire to refinance their home and obtain a new mortgage loan from Mortgage Now, Inc. ("MNI") in the amount of One-Hundred and Thirty-Three Thousand and Six Hundred Dollars (\$133,600.00), and with an interest rate of 4.25% (the "New Mortgage"); and

WHEREAS, the New Mortgage will pay off the First Mortgage; and

WHEREAS, the Owners have requested that the Township of West Orange subordinate the WOHRP Mortgage to the New Mortgage; and

WHEREAS, based on the amount of the New Mortgage and the appraisal accepted by MNI, the proposed subordination will not materially change the equity available to satisfy the WOHRP Mortgage;

NOW THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST ORANGE, that the Mayor be and hereby is authorized to execute a Subordination of Mortgage, annexed hereto as Attachment "A," in favor of NMI with respect to the Property and the Owners; and be it further

RESOLVED, that the Municipal Clerk be and is hereby authorized to attest to the Mayor's signature on the Subordination of Mortgage; and be it further

October 27, 2015

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

Karen Carnevale
Township Clerk

Jerry Guarino
Council President

Dated:

Adopted:

4833-3992-2473, v. 1

ATTACHMENT “A”

October 27, 2015

File No. WAC-18539

SUBORDINATION OF MORTGAGE

This Subordination is made on _____, 20____,

Between the Mortgage Holder(s), **TOWNSHIP OF WEST ORANGE DEPARTMENT OF PLANNING & DEVELOPMENT** ., whose address is: _____

referred to as "I,"

and the New Lender(s), **MORTGAGE NOW INC**, whose address is: 1161 Broad Street, Suite 213, Shrewsbury NJ 07702

referred to as "You."

If there is more than one Mortgage Holder, the word "I" shall mean "We."

1. Present Mortgage. I hold a mortgage (referred to as the "present mortgage"). The present mortgage is dated **April 5, 2002** and was made by **Camillo Demartinis** to **Township of West Orange Department of Planning & Development**

I also hold the note, bond or other agreement for payment that is secured by the present mortgage. The present mortgage covers property located in the Town of West Orange in the County of Essex, State of New Jersey. This present mortgage was recorded on **June 3, 2002 in Book 8289 PAGE 632** in the Register's Office of the County of Essex, State of New Jersey. The original amount of the present mortgage was \$ **11,186.00** .

2. New Mortgage. You are about to make a loan in the principal amount of \$ **133,600.00** , which will be secured by a mortgage (referred to as the "new mortgage") covering the same property as the present mortgage.

3. Postponement. The present mortgage will be subject, subordinate and inferior in priority to the new mortgage. This includes all renewals and extensions of the new mortgage. I have been paid \$ _____ for making this Postponement.

4. Continuing Effect. This Postponement changes only the priority of the present mortgage. The present mortgage remains in effect in all other respects.

5. Who is Bound. This Postponement is binding upon me and all who succeed to my rights as holder of the present mortgage.

6. Signatures. I agree to this Postponement. If this Postponement is made by a corporation, its proper corporate officers sign and its corporate seal is affixed.

Attested by:

**TOWNSHIP OF WEST ORANGE DEPART. OF
PLANNING & DEVE.**

By _____ (Seal)
Its duly authorized officer or agent

October 27, 2015

STATE OF _____, COUNTY OF _____, ss.:

I CERTIFY that on _____, 20____,

_____,

personally came before me and stated to my satisfaction that this person (or if more than one, each person):

- (a) was the maker of the attached instrument;
- (b) was authorized to and did execute this instrument as _____(title)
of **Township of West Orange Depart. of Planning & Deve.**, the entity named in this instrument;
and,
- (c) executed this instrument as the act of the entity named in this instrument.

(Print name and title below signature)

RECORD AND RETURN TO:

CTA Title Services, LLC
445 Brick Blvd Suite #305
732-920-5065
Brick, New Jersey 08723

RESOLUTION

AUTHORIZING THE AUCTION OF SURPLUS TOWNSHIP EQUIPMENT

WHEREAS, certain personal property of the Township of West Orange has become obsolete and is no longer fit or needed for public use; and

WHEREAS, an auction was approved and held on June 24, 2015 where only one bidder submitted a bid below minimum estimations and was not accepted, and

WHEREAS, fair market value has been re-estimated and a new auction date set; and

WHEREAS, the list vehicles, to be sold as one lot, has been provided by the West Orange Department of Public Works and has been itemized and described in the attachment Schedule (1) hereto; and

WHEREAS, pursuant to the Local Public Contracts Law N.J.S.A. 40A:11-36 (1) when the fair estimated value of the property to be sold exceeds 15 percent of the bid threshold in any one sale, it shall be advertised and sold at public sale to the highest bidder; and

NOW, THEREFORE BE IT RESOLVED by the West Orange Township Council and hereby in accordance with N.J.S.A. 40A:11-36 (1) etc., as follows:

Such personal property shall be advertised to receive sealed bids and sold to the highest bidder. The Township of West Orange is not responsible for the quality, condition or operability of listed personal property for sale. The auction date will be Tuesday November 10, 2015 at 11:00 A.M. and will be held at the West Orange Department of Public Works, 25 Lakeside Avenue, West Orange, New Jersey.

All Moneys received from the sale shall be paid into the General Municipal Treasury and shall be so accounted and certified by the Chief Financial Officer.

Karen Carnevale, Municipal Clerk

Jerry Guarino, Council President

2015 AUCTION VEHICLE LIST

VEH	VEHICLE DESCRIPTION	VIN #	CONDITION			
DPW 1A	1994 Ford Dump 4X4 5cy.	1FDXK74C3RVA24682	FAIR			
DPW 86	1994 Ford Dump 4X4 5cy.	1FDXK74C1RVA24681	FAIR			
H 16	1994 Ford Tempo	1FAPP36X2RK193789	GOOD			
POL 3	2004 Ford Crown Vic. Marked	2FAFP71WX4X102629	FAIR-RUNS			
POL 10	2005 Ford Crown Vic. Marked	2FAFP71W25X107776	FAIR-RUNS			
PLO 14	2005 Ford Crown Vic. Marked	2FAFP71W15X107770	FAIR-RUNS			
POL 22	2008 Ford Crown Vic. Marked	2FAHP71V98X164027	FAIR-RUNS			
POL 25	2005 Ford Crown Vic. Marked	2FAFP71W95X107774	FAIR-RUNS			
POL 27	2004 Ford Crown Vic. Marked	2FAFP71W24X102625	FAIR-RUNS			
POL 29	2003 Ford Crown Vic. Marked	2FAFP71W73X135618	FAIR-RUNS			
POL 109	Ford Car 1999 Marked	2FAFP71WXXX203030	FAIR-RUNS			
POL 304	Ford Car 2001 Marked	2FAFP71W41X180514	FAIR-RUNS			
FIRE E 5	1990 Seagrave Pumper	1F9EX28J5LCST2092	MOTOR			
POL 103	2001 Ford Explorer 4X4 Unmarked	1FMZU72E31ZA69691	POOR			
	Total estimate fair market value \$6,500.00					
TOTAL						\$0.00

RESOLUTION TO AWARD CONTRACT FOR FIRE APPARATUS MAINTENANCE AND REPAIR

WHEREAS, the Township of West Orange Fire Department has requested the services of a company to perform routine maintenance and repair on the following equipment to keep it operating efficiently:

1 2006 Peirce Fire Pumper
1 1993 E-One Pumper
1 2001 Pierce Pumper
1 2006 Pierce Pumper
1 1985 Pirsch Pumper
1 2015 Pierce Ladder
1 1991 E-One Ladder

WHEREAS, in accordance with the Local Public Contract Law N.J.S.A. 40A:11-1 et seq., the Purchasing Agent advertised for and received said bids at the appointed time and place on October 1, 2015; and

WHEREAS, one bid was received and that bid was reviewed by both the West Orange Fire department and the Purchasing Agent to be responsible and responsive to the specifications and cost restraints; and

WHEREAS, the following information has been obtained from:

Fire & Safety Services, 200 Ryan Street, South Plainfield, New Jersey 07080

Annual maintenance costs:

Chassis (7) units @ \$1,125.00 = \$7,875.00

Pumper (5) units @ \$275.00 = \$1,375.00

Aerial Ladder (1) unit \$1,800.00

General Repairs Rates:

Hourly Repair Rate \$75.00

Hourly OT \$75.00

Travel Cost \$75.00

OEM Parts Mark Up 20%

NOW LET IT BE RESOLVED, by the Council of the Township of West Orange that the Fire Apparatus maintenance and Repair contract be awarded to Fire & Safety Services for the term of 24 months with the option to extend one (1) additional year.

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

Karen Carnevale, Municipal Clerk

Jerry Guarino
Council President

I hereby certify funds available: 01-2010-00-7902-157 (Auto Servicing of all Fire Pumps)

John O. Gross, Chief Financial Officer

MEMO TO: Anne DeSantis
Purchasing Agent

FROM: Fire Chief Peter F. Smeraldo, Jr.

DATE: October 20, 2015

RE: Fire Apparatus Maintenance and Repair Bid Spec

Regarding the Bid Specifications submitted for the purpose of apparatus maintenance and repairs, I reviewed the only bid package submitted to the Township. That was bid package was supplied by Fire and Safety Services LLC (FS) of South Plainfield NJ. The following are my comments to the bid package:

Page 1: FS indicates their exceptions to the bid package:

- a. Page 7 F. FS indicates they do not have certified factory trained Cummins Engine technicians but, they subcontract when necessary. We currently do not own a fire apparatus with a Cummins engine(s) however, the new ladder truck currently being built will have that motor
- b. Repairing or servicing the aerial ladder components on Truck 1. This is because they are not certified in E-One apparatus aerial units. FS can perform repairs to the engine and chassis on E-One apparatus.

Page 7:

- A. The service center must have the ability to provide road service and maintain a service facility for repairs that cannot be performed within the Fire Stations.
 - a. Requirement Met. FS has a maintenance facility that exceeds 18,000 sq. ft. and a repair road fleet consisting of 11 vehicles.
- B. The service center be located no further than 40 miles from the Township of West Orange.
 - a. Requirement Met. Located at 200 Ryan Street, South Plainfield NJ FS is 26 miles from West Orange Fire Headquarters.
- C. The service center must be certified ASE as a Blue Seal of Excellence facility.

- a. Requirement Met – FS is an ASE certified repair facility.
- D. The service center must adhere to National Fire Protection (NFPA) guidelines. This shall include the minimum job performances (JPR) as indicated in NFPA Standard 1071- Standard for Emergency Vehicle Technician (EVT) Professional Qualifications and NFPA 1915 – Standards for Fire Apparatus Preventative Maintenance Program.
 - a. Requirement Met.
- E. The service center must employ and show proof thereof with this proposal, a minimum of four (4) certified Level III emergency vehicle technicians (EVT).
 - a. Requirement Met. FS employs fifteen (15) full-time and two (2) part-time mechanics. Seven (7) are certified EVT technicians and provided proof of same.
- F. In addition, the facility must have technicians with factory training from Waterous Pump Company, Hale Fire Pump Company, Detroit Diesel engines, Cummins engines and Allison Transmissions to ensure service is performed properly. Certificates must be available upon request.
 - a. Exception noted above. FS indicated that they can provide service to the remainder of the requirement.

The pricing break down Section VIII page 15:

FS pricing includes all our fire apparatus yearly chassis preventative maintenance, yearly fire pump maintenance, hourly shop and road and travel costs and Original Equipment Manufacturers (OEM) parts mark up.

In reviewing this bid package, I recommend that the Township award Fire and Safety Services LLC the fire apparatus maintenance and repair contract as proposed.

RESOLUTION

WHEREAS, certain real property located at 34 Oak Crest Road in the Township (the "Property") has been and continues to be subject to various complaints for property maintenance and other violations; and

WHEREAS, for a period of several months, accumulated trash and debris were present upon the exterior of the Property in violation of various provisions of the Revised General Ordinances of the Township pertaining to health and property maintenance; and

WHEREAS, on or about October 6, 2015, the owner of the Property (the "Owner") was warned that if the accumulated trash and debris were not removed within 48 hours, the Township would arrange for removal of same at the expense of the Owner; and

WHEREAS, as of October 9, 2015, the accumulated trash and debris remained on the Property; and

WHEREAS, as of October 9, 2015, the Owner had not provided any notification to the Township of an intent to comply with the Township's request to remove the accumulated trash and debris; and

WHEREAS, on October 9, 2015, employees of the Department of Public Works removed the accumulated trash and debris from the Property; and

WHEREAS, the itemized bill for the clean-up of the Property, a copy of which is annexed as **Attachment "A,"** reflects that the total cost of labor and other services associated with the clean-up of the Property was \$358.42; and

WHEREAS, the Township incurred 2 hours' of legal fees in connection with the clean-up of the Property, at a rate of \$80 per hour, representing the total sum of \$160.00 in legal fees;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of West Orange that a lien in the amount of \$518.42 shall be placed against 34 Oak Crest Road,

October 27, 2015

West Orange for the cost of services required to remove the accumulated trash and debris on the Property; and be it further

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

Karen J. Carnevale
Municipal Clerk

Jerry Guarino
Council President

Dated:

Adopted:

4831-5360-1833, v. 1

ATTACHMENT “A”

34 OAKCREST RD. WEST ORANGE N.J.

DATE: 10/9/2015

EMPLOYEES													AMT.		COST	
	HOURS WORKED		HOURLY RATE		DAILY RATE	EQUIPMENT	hours used	hourly rate	daily rate	MATERIALS						
	REG.	O.T.	REG.	O.T.												
Asst. Supervisor	0	0	\$ -	\$ -	\$ -	#33 Truck	0	\$ 8.00	\$ -			0				
Repaier	0	0	\$ -	\$ -	\$ -	#75 Truck	0	\$ 7.00	\$ -			0				
Truck Driver	0	0	\$ -	\$ -	\$ -	#89 Truck	0	\$ 7.00	\$ -		dump charge	5	\$ 75.00			
Laborer	4	0	\$27.54	\$ -	\$ 110.16	#65 Truck	4	\$ 7.00	\$ 28.00			0				
	4	0	\$15.03	\$ -	\$ 60.12	#46 Truck	0	\$ 8.00	\$ -			0				
Rec. Laborer	0	0	\$ -	\$ -	\$ -	# 89 Truck	0	#####	\$ -			0				
grounds keeper	0	0	\$ -	\$ -	\$ -	Rec #2 Truck	0	\$ -	\$ -			0				
Laborer Light	0	0	\$ -	\$ -	\$ -	#45 Truck	0	\$ -	\$ -			0				
Seasonal Help	0	0	\$ -	\$ -	\$ -	Rec #10 Truck	0	#####	\$ -			0				
Seasonal Help	0	0	\$ -	\$ -	\$ -	#28 Truck	0	\$ -	\$ -							
Seasonal Help	0	0	\$ -	\$ -	\$ -	Paint Machine	0	\$ -	\$ -							
Seasonal Help	0	0	\$ -	\$ -	\$ -	Sand Pro	0	\$ -	\$ -							
Seasonal Help	0	0	\$ -	\$ -	\$ -	Scag	0	\$ 5.00	\$ -							
Seasonal Help	0	0	\$ -	\$ -	\$ -	Weedwacker	0	\$ 3.00	\$ -							
Seasonal Help	0	0	\$ -	\$ -	\$ -	Blower	0	\$ 3.00	\$ -							
Seasonal Help	0	0	\$ -	\$ -	\$ -	Bp Blower	0	\$ 2.00	\$ -							
Seasonal Help	0	0	\$ -	\$ -	\$ -	Chain Saw	0	\$ 2.00	\$ -							
Seasonal Help	0	0	\$ -	\$ -	\$ -	Toro Z360	0	\$ -	\$ -							
						loader jd 544	0	#####	\$ -							
						landem	0	#####	\$ -							
						Tractor 2600	0	\$ -	\$ -							
						Tractor 2910	0	\$ -	\$ -							
						Tractor case	0	\$ -	\$ -							
						Tractor jd 855	0	\$ -	\$ -							
PART TIME	REC. PAYROLL*															
FULL TIME	REC. PAYROLL**															
	TOTAL LABOR	8	0		\$ 255.42	EQUIPT. TOTALS	4		\$ 28.00		MATERIAL TOTALS	5	\$ 75.00			

[illegible]

RESOLUTION

WHEREAS, there is certain real property located at Block 35, Lot 28 in the Township, located on Oakridge Road (the "Property"); and

WHEREAS, by adoption of Resolution 166-15 on June 23, 2015, the Township Council authorized the transfer of the Property from Robert C. Williams to the Township for the sum of \$1.00 (the "Transfer"); and

WHEREAS, at the time of the Transfer, outstanding taxes in the total amount of \$60.33 were due and owing on the Property; and

WHEREAS, based upon the Township's acquisition of the Property, the Tax Collector recommends that the foregoing taxes be cancelled at this time;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of West Orange that the Tax Collector be and is hereby authorized, empowered and directed to cause to be cancelled the amount of \$60.33, representing the amount of taxes currently due and owing on the Property; and it is further

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

Karen J. Carnevale
Municipal Clerk

Jerry Guarino
Council President

Dated:

Adopted:

Township of West Orange
Resolution

Resolution: Approval to submit a grant application and execute a grant contract with the New Jersey Department of Transportation for the Curtis Avenue and Garfield Avenue (Curtis Avenue and Hoover Avenue) Road Improvements project.

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

BE IT FURTHER RESOLVED that the Mayor, Township Council, Township Grant Writer and Clerk are hereby authorized to submit an electronic grant application identified as *MA-2016-Curtis Avenue and Garfield Avenue (C-00621 for West Orange Town Township* to the New Jersey Department of Transportation on behalf of the Township of West Orange requesting \$637,095.00 for improvements to Curtis Avenue and Garfield Avenue.

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

Certified as a true copy of the Resolution adopted by the Council

On this ____ day of _____, 20__

Clerk

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

ATTEST and AFFIX SEAL _____
(Clerk) (Presiding Officer)

RESOLUTION

WHEREAS, the following charitable organization(s) have applied for a Raffle License which raffle is to be conducted within the Township of West Orange,

NOW THEREFORE, BE IT RESOLVED by the Township Council of the Township of West Orange, that the Municipal Clerk is hereby authorized to issue a license to conduct a raffle by the following organization (s) at the place (s) and time(s) set opposite their respective name(s):

<u>Organization</u>	<u>Date of Event</u>	<u>Place</u>	<u>RL #</u>
PTA Redwood School On Prem 50/50	November 20, 2015	481 Eagle Rock Ave.	7239
PTA Redwood School On Prem Tricky Tray	November 20, 2015	481 Eagle Rock Ave.	7240
PTA Redwood School Casino Night	November 20, 2015	481 Eagle Rock Ave.	7241

Karen J. Carnevale, Municipal Clerk

Jerry Guarino, Council President

Adopted: October 27, 2015

RESOLUTION

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

WHEREAS, an ordinance (2467-15) has been adopted creating a special emergency appropriation of \$800,000 to meet certain expenses to be incurred for severance liabilities resulting from accrued leave in connection with the layoff or retirement of employees and N.J.S.A. 40A:4-53 provides for the creation of a special emergency appropriation for the purpose above mentioned;

NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST ORANGE, COUNTY OF ESSEX, NEW JERSEY (not less than two-thirds of all the members, thereof, affirmatively concurring) that in accordance with N.J.S.A. 40A:4-55:

1. The sum of \$800,000 is hereby appropriated for severance liabilities resulting from accrued leave in connection with 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. That an emergency note or notes be authorized not in excess of \$800,000, the amount appropriated by the Ordinance stated above.
3. That said note or notes shall be issued in fiscal 2015 and may be renewed from time to time and at least 1/5 of all such notes and renewals, thereof, shall mature and be paid in each fiscal year thereafter until all are paid. All notes issued hereunder shall bear interest at such rate or rates as may be determined by the chief financial officer; The notes shall be in the form determined by the chief financial officer and the chief financial officer's signature upon the notes shall be conclusive as to such determination.
4. The chief financial officer is hereby authorized and directed to determine all matters in connection with the notes not determined by this or a subsequent resolution and the chief financial officer's signature upon the notes shall be conclusive as to such determination.
5. The chief financial officer is hereby authorized to sell the notes and any renewals thereof from time to time at public or private sale in such amounts as such officer may determine at not less than par and to deliver the same from time to time to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof and payment therefor.

6. All notes issued pursuant to this resolution shall be executed by the chief financial officer and the Mayor and shall be under the seal of the Township and attested by the Clerk of the Township. Such officers are hereby authorized to execute and deliver all documents necessary or convenient in connection with the issuance, sale and delivery of the notes.
7. Any note issued pursuant to this resolution shall be a general obligation of the Township. The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and the interest on the notes authorized herein and, unless otherwise paid or payment is provided for, an amount sufficient for such payment shall be inserted in the budget and a tax sufficient to provide for the payment thereof shall be levied and collected.
8. The chief financial officer is authorized and directed to report in writing to this governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this resolution is made, such report to include the amount, description, interest rate and maturity of the notes sold, the price obtained and the name of the purchaser.

Karen J. Carnevale, Municipal Clerk

Jerry Guarino, Council President

Adopted: October 27, 2015

October 27, 2015

RESOLUTION

WHEREAS, on or about September 17, 2013, the Township of West Orange Council authorized the Township of West Orange (the "Township") to enter into a Contract for Employee Prescription Drug Insurance (the "Agreement") with Benecard Services, Inc. ("Benecard"); and

WHEREAS, the Agreement was thereafter renewed for a term from November 1, 2014 through October 31, 2015; and

WHEREAS, the Township seeks to renew the Agreement for a term from November 1, 2015 through December 31, 2016 (the "Renewal"); and

WHEREAS, the terms and conditions of the Renewal are set forth in the renewal letter dated October 20, 2015, annexed hereto as Attachment "A," including the monthly rates;

NOW, BE IT HEREBY RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST ORANGE, that the Township shall and hereby does authorize the Renewal, on the terms and conditions set forth in the renewal letter annexed hereto as Attachment "A"; and be it further

RESOLVED, that the Mayor be and is hereby authorized to execute all documents necessary to effectuate the Renewal; and be it further

RESOLVED that the a copy of this resolution shall be published and made available in the Clerk's Office for reasonable inspection in accordance with applicable law.

I hereby certify funds are available from:

Account No.

John Gross,
Township Chief Financial Officer

Karen Carnevale
Township Clerk

Honorable Jerry Guarino
Council President

Dated:

Adopted:
4825-3841-9497, v. 1

ATTACHMENT “A”

October 27, 2015

BENECARD®

Benecard Services, LLC

October 20, 2015

Mr. Ryan Graham
Fairview Insurance Agency
25 Fairview Avenue
Verona, NJ 07044

Re: **Benecard®** Prescription Benefit Program, Township of West Orange 14-Month Renewal

Dear Ryan,

Benecard is pleased to have an opportunity to offer its prescription benefit administration services to the Township of West Orange for another year. Benecard has built our reputation on providing risk free, quality & sound prescription benefit administration services to our clients and their members over the past 20+ years by providing:

- a combination of aggressive network management & effective clinical cost management programs resulting in lower than average national and regional trends
- accurate forecasts & stable annual renewal quotations
- a comprehensive reporting package and expert advice on the next steps to take

Benecard has reviewed the prescription benefit program activities to date for the current plan year and the new rates effective November 1, 2015 expiring December 31, 2016 will reflect an overall increase of approximately 14%. This increase is directly attributable to a few members who have serious illnesses that require expensive drug treatment (e.g. Leukemia, Multiple Sclerosis, Osteoporosis and Infertility). This quote will remain valid for (60) days.

The quoted renewal rates provided below do not account for any Federal and/or State government programs, fees, taxes or regulations including, but not limited to, the Patient Protection and Affordable Care Act with the exception of certain preventive health services and coverage for dependents to the age 26. The quoted renewal rates also assume that the present benefit design, co-pay structure, and participation level will remain unchanged. Should any of these factors change during the contract period, Benecard reserves the right to re-rate this program. The proposed rates include insurance carrier charges by Heartland Fidelity Insurance Company pursuant to coverage for your Benecard contract. These charges guarantee program costs by the carrier for the contract period.

Benecard Client ID# **1625** – Group #'s **1000/1098/1099/2000/2098/2099**

Retail Co-pay: \$12 Brand / \$5 Generic

Retail Day Supply Limitations: 1-30 days = 1 co-pay; 31-60 days = 2 co-pays; 61-90 days = 3 co-pays

Mail Order Co-pay: \$0 Brand / \$0 Generic

Mail Order Day Supply Limitation: up to 90 days

*2015 Out of Pocket Limit (separate): \$6,200 for individual and \$12,400 for family

*2016 Out of Pocket Limit (separate): \$6,450 for individual and \$12,900 for family

Coverage	<u>Single</u>	<u>Parent/Child</u>	<u>Parent/Children</u>	<u>Member/Spouse</u>	<u>Family</u>	<u>Totals</u>
Current Census	59	3	3	31	37	133
Monthly Rates	223.61	547.38	547.38	447.21	849.71	
14-Month Program Cost Based on Current Census						864,921

Over Age Dependent Rate for 11/1/2015 - 12/31/2016 **\$178.36**

Should the proposed rates change at any point during the 2015/2016 contract period the overage dependent rate will be changed accordingly.

October 27, 2015

Page 2, **Benecard®** Prescription Benefit Program, Township of West Orange 14-Month RenewalBenecard Client ID# **1625** – Group #'s **3000/3098/3099/4000/4098/4099/5000/5098/5099**

Retail Co-pay: \$20 Brand / \$10 Generic

Retail Day Supply Limitations: 1-30 days = 1 co-pay; 31-60 days = 2 co-pays; 61-90 days = 3 co-pays

Mail Order Co-pay: \$2 Brand / \$2 Generic

Mail Order Day Supply Limitation: up to 90 days

¹ 2015 Out of Pocket Limit (separate): \$6,200 for individual and \$12,400 for family¹ 2016 Out of Pocket Limit (separate): \$6,450 for individual and \$12,900 for family

Coverage	<u>Single</u>	<u>Parent/Child</u>	<u>Parent/Children</u>	<u>Member/Spouse</u>	<u>Family</u>	<u>Totals</u>
Current Census	24	2	5	14	92	137
Monthly Rates	204.84	501.48	501.48	409.71	778.45	
14-Month Program Cost Based on Current Census						1,200,918

Over Age Dependent Rate for 11/1/2015 - 12/31/2016 **\$163.39**

Should the proposed rates change at any point during the 2015/2016 contract period the overage dependent rate will be changed accordingly.

Benecard Client ID# **1625** – Group #'s **7100/8100/9100**

Retail Co-pay: \$21 Preferred Brand / \$9 Generic / \$41 Non-Preferred Brand

Retail Day Supply Limitations: 1-30 days = 1 co-pay; 31-60 days = 2 co-pays; 61-90 days = 3 co-pays

Mail Order Co-pay: \$31 Preferred Brand / \$10 Generic / \$52 Non-Preferred Brand

Mail Order Day Supply Limitation: up to 90 days

¹ 2015 Out of Pocket Limit (separate): \$1,222 for individual¹ 2016 Out of Pocket Limit (separate): \$1,222 for individual and \$12,900 for family

Coverage	<u>Single</u>	<u>Parent/Child</u>	<u>Parent/Children</u>	<u>Member/Spouse</u>	<u>Family</u>	<u>Totals</u>
Current Census	135	2	2	127	66	332
Monthly Rates	263.84	645.85	645.85	527.65	1,002.55	
14-Month Program Cost Based on Current Census						2,399,343

Over Age Dependent Rate for 11/1/2015 - 12/31/2016 **\$210.45**

Should the proposed rates change at any point during the 2015/2016 contract period the overage dependent rate will be changed accordingly.

¹ The Affordable Care Act requires the Township of West Orange health benefits program implement an out-of-pocket (OOP) limit to protect individuals from excessive OOP expenses on all essential health benefits on or after January 1, 2015. The OOP limits represented above are based on the Township of West Orange's request to have a separate prescription OOP and at these required dollar limits. It is our understanding that the Township of West Orange's acceptance of this proposal is based on their request to have a separate OOP limit combined with all other essential health benefit OOP limits that does not exceed the annual limitation on the OOP's for that year as outlined by the Department of Labor. For Group #'s 1000 through 5099, the prorated Rx OOP limits will be \$1,033 individual / \$2,066 family beginning November 1, 2015 and expiring December 31, 2015. Beginning January 1, 2016 and expiring December 31, 2016 the full Rx OOP limits for Group #'s 1000 through 5099 will be \$6,450 individual / \$12,900 family. For Group #'s 7100, 8100, and 9100 the full Rx OOP limits will be \$1,222 individual / \$12,900 family. The Rx OOP limits are subject to change if the ACA OOP limits are modified. Benecard reserves the right to re-rate the Township of West Orange's prescription benefit program if the client modifies or implements a different copayment level, coinsurance, deductible or any other benefit design change, including a change to the OOP amount that differs from what was used for underwriting purposes to develop for the quotation provided herein or enacts a change after inception of the new policy start date.

We aggressively manage program costs for our clients while working within the confines of their benefit design. However, as you know, a key to successfully managing prescription benefit costs is implementing plan design and co-payment changes that control over-utilization and expenditures on higher priced medications. If Township of West Orange is preparing for collective bargaining or budgeting costs, please do not hesitate to call on us to develop a customized benefit analysis. Benecard offers benefit modeling services to its clients in which we provide recommendations for a variety of plan modifications.

October 27, 2015

Page 3, **Benecard**® Prescription Benefit Program, Township of West Orange 14-Month Renewal

Along with the recommendations, Benecard will identify both the potential program cost impact and the possible impact benefit changes could have on plan participants if implemented.

Depending on existing benefit features and utilization patterns carefully planned benefit modifications can result in savings ranging from 5% to 25% of program costs. We work closely with our clients and their professional benefit consultants to deliver a benefit plan that is consistent with their human resource and budgetary objectives.

We look forward to continuing to provide the highest quality of client and participant services during the coming plan year, and to continue our longstanding relationship based on quality of service and careful program cost management. Do feel free to contact me should any questions arise regarding this renewal proposal.

Very truly yours,

Barbara Seifert
Client Relations Manager

cc: Raj Kapoor, Client Services Director
Kelly Monahan, Client Services Director
Julie Graham, Fairview Insurance Agency

**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.

Jerry Guarino, Council President

Robert D. Parisi, Mayor

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 5th 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
Mountain Drive	South and West	All	Entire Length.
Mountain Drive	East	All	Beginning at the northerly terminus of Mountain Drive extending 120 southerly.
and feet			

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.

Jerry Guarino, Council President

Robert D. Parisi, Mayor

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

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.

**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.