

1. Conference Meeting Agenda

Documents: [CA1.19.16.PDF](#)

2. Public Meeting Agenda

Documents: [PM1.19.16.PDF](#)

3. Resolution(S)

3.I. 18-16

Documents: [18-16 RAFFLE LICENSES 1.19.16.PDF](#)

3.II. 19-16

Documents: [19-16 AUTH SHARED SERVICES AGREEMENT- ANIMAL FACILITY SHELTERING SERVICES - NC.PDF](#), [19-16 EXHIBIT A.PDF](#)

3.III. 20-16

Documents: [20-16 AUTHORIZING HOLD HARMLESS AGREEMENT ACTIVE SHOOTER SIMULATION-JC.PDF](#)

3.IV. 21-16

Documents: [21-16 REFUND - TAX COURT OF NJ 1.19.16.PDF](#), [21-16 COPY OF 19 TC ATTACHMENT.PDF](#)

3.V. 22-16

Documents: [22-16 EXECUTIVE SESSION 1.19.16.PDF](#)

4. Ordinance(S) On First Reading

4.I. 2473-16

Documents: [2473-16 INCREASING SMOKING AGE TO 21.PDF](#)

4.II. 2474-16

Documents: [2474-16 BOND ORDINANCE 375000 FOR PARKING IMPROVEMENTS AT GREGORY SCHOOL \(2\).PDF](#)

4.III. 2475-16

Documents: [2475-16 BOND ORDINANCE 7378635 FOR VARIOUS CAPITAL IMPROVEMENTS.PDF](#)

CONFERENCE MEETING AGENDA

**Township of West Orange
66 Main Street – 7:00 p.m.**

Tuesday, January 19, 2016

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 emailed to the Star Ledger and the West Orange Chronicle on October 14, 2015. 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 October 14, 2015.

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

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6:30 P.M

Council Liaison Announcements

7:00 P.M.

- **Public Meeting**

PUBLIC MEETING AGENDA-Amended

**Township of West Orange
66 Main Street – 7:00 p.m.**

Tuesday, January 19, 2016

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 emailed to the Star Ledger and the West Orange Chronicle on October 14, 2015. 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 October 14, 2015.

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)**

**** Please note that Councilman Cirilo was sworn in on January 1 as Council President at 12 noon. There was no formal meeting. ****

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

1. Pledge of Allegiance

2. Public Comment

3. *Consent Agenda

4. *Approval of Minutes of Previous Meeting – Continuation of December 15, 2015 Public Meeting and January 5, 2016 Public Meeting

5. *Report of Township Officers-None

6. *Reading of Petitions and Communications and Bids- None

7. *Bills - None

8. *Resolutions

a. 18-16 Resolution Authorizing the Issuance of Raffle Licenses (Clerk)

b. 19-16 Resolution Authorizing a Inter Local Agreement Between the Township of West Orange and the Borough of North Caldwell for the Provision of Animal Facility Sheltering Service for 2016 (Legal-Moon)

West Orange Township shall provide animal facility sheltering services for a period of one (1) year. The Borough of North Caldwell will pay the Township a rate of \$3,342 per annum to be prorated on a semi-annual basis of \$1,671.00.

c. 20-16 Resolution Authorizing the Execution of a Hold Harmless Agreement Between the West Orange Police Department and the Jersey City Police Department for an Active Shooter Simulation Being Conducted at the Jersey City Police Department Facility (Legal-Moon)

- d. 21-16 Resolution Authorizing the Collector of Taxes to Rebate Payment to the Listed Taxpayer Pursuant to Final Judgment by the Tax Court of New Jersey (Gagliardo)
- e. 22-16 Resolution Authorizing an Executive Session for the Purpose of Discussing Personnel Issues Relating to the Municipal Court

9. Ordinances on Second and Final Reading-None

10. Ordinances on First Reading

- a. 2473-16 An Ordinances Amending Chapter 12, Sections 8.2, 8.3, 8.4, 8.5, 8.6, 8.7, 8.14, and 8.16 of the Revised General Ordinances of the Township of West Orange - (Tobacco Product Vending Machines) (Legal-Moon)
- b. 2474-16 Bond Ordinance Authorizing Parking Improvements at Gregory School in and for the Township of West Orange, in the County of Essex, New Jersey, Appropriating \$375,000 Therefore and Authorizing the Issuance of \$357,140 Bonds or Notes to Finance Part of the Cost Thereof (Draikewicz)
- c. 2475-16 Bond Ordinance Authorizing Various Capital Improvements in and for the Township of West Orange, in the County of Essex, New Jersey Appropriating \$7,378,635 Therefore and Authorizing the Issuance of \$7,027,266 Bonds or Notes to Finance Part of Cost Thereof (Draikewicz)

10. ABC Hearing-None

11. Adjournment

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

Agenda is subject to change.

RESOLUTION

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

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

<u>Organization</u>	<u>Date of Event</u>	<u>Place</u>	<u>RL No.</u>
Evas Village Inc Casino Night	March 4, 2016	Montclair Golf Club	7247
Robert Wood Johnson University Hospital Rahway Foundation Off Premise 50/50	April 16, 2016	350 Pleasant Valley Way	7248
Temple Bnai Abraham On Premise Merch	April 7, 2016	750 Eagle Rock Ave.	7249
Temple Bnai Abraham On Premise 50/50	April 7, 2016	750 Eagle Rock Ave.	7250
Our Lady of Lourdes Church Bingo	Jan 5-Dec 27, 2016	100 Valley Way	7251
Our Lady of Lourdes Church Pull Tabs	Jan 5-Dec 27, 2016	100 Valley Way	7252
Congregation Ahawas Bnai Jacob & David Off Premise Merchandise	May 16, 2016	700 Pleasant Valley Way	7253
Newark Academy Parents Association On Premise Merchandise	Feb. 27, 2016	350 Wilshire Grand Hotel	7254

Karen J. Carnevale, Municipal Clerk

Victor Cirilo, Council President

Adopted: January 19, 2016

RESOLUTION

WHEREAS, the Borough of North Caldwell (the "Borough") and the Township of West Orange (the "Township") have agreed to enter into an Inter-Local Agreement (the "Agreement") whereby the Township will render and provide animal facility sheltering services for 2016 (the "Agreement") for the Borough; and

WHEREAS, pursuant to the terms of the Agreement, annexed hereto as Exhibit "A," the Borough will pay the Township the sum of \$3,342.00 per annum (the "Annual Rate") to be prorated on a semi-annual basis of \$1,671.00 per period (the "Semi Annual Rate") for the contract year 2016; and

WHEREAS, the Township desires to dedicate twenty-five (25%) of the Annual Rate in the dog license account 04-2010-00-6690-304 to cover the costs and other expenses authorized under the agreement; and

WHEREAS, the Health Officer has reviewed the Agreement and approved the terms contained therein; and

WHEREAS, the Borough shall indemnify the Township for any services provided for the Borough and the Agreement, as stated in the Agreement; and

NOW, BE IT HEREBY RESOLVED, by the Township Council of the Township of West Orange that the Mayor of the Township of West Orange be and is hereby authorized to execute the Agreement, annexed hereto as Exhibit "A" with the Borough for year 2016 ending December 31, 2016; and

BE IT FURTHER RESOLVED, by the Township Council of the Township of West Orange that twenty-five (25%) of the per annum amount of the Annual Rate shall be dedicated and placed in the dog license account 04-2010-00-6690-304 to cover the costs and other expenses authorized under the Agreement; and

BE IT FURTHER RESOLVED, that the original fully executed copies of the memorandum of agreement shall be maintained by the Municipal Clerk.

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

Victor Cirilo
Council President

Adopted: January 19, 2016

Exhibit “A”

INTER-LOCAL AGREEMENT

THIS AGREEMENT, made this **1st day of January, 2016** by and between the Township of West Orange, a municipal corporation of the State of New Jersey, having principal offices at 66 Main Street, West Orange, NJ 07052, hereinafter referred to as "Provider", and the BOROUGH OF NORTH CALDWELL, a municipal corporation of the State of New Jersey, having principal offices at 141 Gould Avenue, North Caldwell, NJ 07006, hereinafter referred to as "Recipient";

WITNESSETH

WHEREAS, N.J.S.A.40A:65-4 et seq., the Uniform Shared Services and Consolidation Act,, any local unit is authorized to enter into an agreement with any other local unit to provide or receive any service that each local unit participating in the Agreement is empowered to provide or receive within its own jurisdiction, including services incidental to the primary purposes of any of the participating local units; and

WHEREAS, the Recipient (North Caldwell) wishes to retain the services of the Provider (West Orange) for Animal Facility Sheltering Services for a period of 2016 beginning January 1, 2016 and ending December 31, 2016.

WHEREAS, the Recipient has stated that they impound approximately four (4) to six (6) animals per year, and

WHEREAS, the Recipient has trained and certified two Animal Control Officers that will perform all animal related functions within their borders.

NOW THEREFORE, in consideration of the foregoing and subject to the term and conditions of the following, the parties hereto agree as follows:

1. The Provider shall make their Animal Control Facility available to the Recipient on a daily basis, as needed, seven (7) days a week for Recipient Animal Control Officers to impound stray dogs and cats picked up within the borders of North Caldwell.

2. The Recipient will pay the provider the sum of \$3,342.00 per annum to be prorated on a semi-annual basis of \$1,671.00 per period and paid within thirty (30) days of receipt of invoice for the contract year 2016.
3. The payment set forth above shall include all employees, equipment and supplies necessary for the care of the animals impounded and the maintenance of the facility, including periodic inspection of animals by a licensed veterinarian.
4. The Provider will provide space at the animal control facility for stray dogs and cats impounded by the Recipient Animal Control Officers picked up within the borders of the Borough of North Caldwell, provided that the Recipient will not trap for stray cats until the Provider confirms space is available in the quarantine area.
5. The Recipient will provide Animal Control Officers who will be responsible for the transport of stray animals to the West Orange animal control facility.
6. The Recipient Animal Control Officers will be responsible for securing animals in the proper cages, completing the cage card information and the log in of animal data.
7. The Recipient shall notify the West Orange Health Department prior to impounding an animal.
8. The impounded dog or cat shall be held for a period of seven (7) days unless claimed earlier by the owner; then such dog or cat shall be put up for adoption or humanely disposed of, but in no way whatsoever, shall they be made available for experimentation.
9. Any person may redeem their dog, cat or other animal from the Provider's Animal Control Facility located at 311 Lakeside Avenue, West Orange, NJ 07052. The redemption hours are set by the Provider or through an appointment time designated by the Provider's Animal Control Officers. The redemption of said animals will be completed upon the payment to the Provider the sum of \$30.00 pick-up fee, Monday –

Friday; 8:30 a.m. – 5:00 p.m. There will be an \$85.00 pick-up fee for other hours, weekends and holidays and a boarding fee of \$7.00 for each day that the animal has been impounded up to and including seven (7) days. After the seven (7) day period the dog, cat or other animal becomes the property of the Provider unless otherwise arranged. No redemption will be honored unless the owner provides a current dog license as set forth in State Statutes.

10. Any stray dog or cat in the custody of the Provider charged with biting a human being shall be quarantined and isolated from other animals for the regular quarantine period of at least ten (10) days. The cost of this shall be to the owner or person who is bitten or scratched or, if the person is a minor, the legal guardian, if established.

11. The Recipient Municipality will be charged a boarding fee of Fifteen (\$15.00) Dollars per day for any animals brought to the Provider who are involved in litigation and cannot be released to their owners.

12. The Providers services include the handling and care of all animals impounded, as described. The charges for owned animals shall be the responsibility of the owner.

13. The Recipient shall advertise or attempt to contact the owner of a stray animal impounded to inform them of the animal's location for redemption.

14. The Provider will not accept sick or injured animals or unwanted owned animals from the Recipient at the animal control facility. If a Recipient animal is determined to be sick or injured the Recipient will be notified to remove the animal for transport to the designated veterinarian by the Recipient Animal Control Officers.

15. The Recipient will provide transportation of injured animals to the Recipient's designated veterinarian without assistance from the Provider.

16. The Recipient Animal Control Officers shall be responsible for the

determination and preparation of a specimen to be examined for suspected rabies by the New Jersey Department of Health.

17. The Recipient Health Department or Animal Control Officers will be responsible for specimen transports to the State for rabies examination.

18. The Provider will be responsible for the annual shelter report filed with the State each year for contract communities.

19. The Provider will include Recipient residents in the free rabies vaccination clinics sponsored at the West Orange locations.

20. The Recipient will indemnify and save the Provider Municipality harmless and against any and all loss, damage, liability and claims whatsoever caused, resulting directly or indirectly from the performance of this agreement.

21. Under the terms of this contract, one or both parties may terminate the contract within Sixty (60) days written notice to the other party by Certified Mail-Return Receipt Requested and accompanied by a Resolution of withdrawal by one or both parties. Upon the expiration, all rights and obligations between the parties under this contract shall cease and be deemed null and void.

22. This is a one year Contract ending December 31, 2016 and the parties hereto agree to be bound by the provision of Schedule A attached hereto and made a part hereof.

ATTEST: Nancy A. Bretzger
BOROUGH CLERK

ATTEST: _____
TOWNSHIP CLERK

BOROUGH OF NORTH CALDWELL
RECIPIENT

BY: [Signature]
MAYOR

TOWNSHIP OF WEST ORANGE
PROVIDER

MAYOR

SCHEDULE A

ADDENDUM TO ANIMAL FACILITY SHELTERING SERVICES CONTRACT BETWEEN THE TOWNSHIP OF WEST ORANGE, PROVIDER, AND THE BOROUGH OF NORTH CALDWELL, RECIPIENT.

1. The Borough of North Caldwell will indemnify and hold harmless the Township of West Orange with reference to any cause of action resulting from or arising out of any act or conduct by Animal Control Officers when said act or conduct is solely and exclusively for the performance of his duties and obligations to the Borough of North Caldwell pursuant to the terms and conditions of this Contract or for actions or conduct that occurs at the Provider's Animal Control Facility as it relates to the sheltering of impounded stray dogs and cats from the Borough of North Caldwell pursuant to the terms and conditions of this Contract. In the event the Township of West Orange receives notification of any cause of action or claim which it contends arises out of this sheltering agreement with the Borough of North Caldwell of the services of the Provider's Animal Control Officers pursuant to the terms of this Contract, said notification shall be made promptly to the Borough of North Caldwell by directing same to the Mayor and Business Administrator.

2. The Borough of North Caldwell shall indemnify and hold harmless acts, conduct or services of the Animal Control Officers when said individuals are acting solely and exclusively for the Borough of North Caldwell provided that said acts, conduct or services arise out of and are in the scope and duties of the Animal Control Officer's employment. It is the intent of this provision that the Animal Control Officers shall conduct themselves pursuant to general principles, obligations, duties and responsibilities governing the general nature and standards of Animal Control services performed at an animal sheltering facility recognized throughout the State of New Jersey.

20-16
January 19, 2016

RESOLUTION

WHEREAS, the West Orange Police Department desires to conduct an training session for “Active Threats Response Tactics” at a facility of the Jersey City Police Department from February 22, 2016 through March 4, 2016 (the “Training Session”); and

WHEREAS, the Jersey City Police Department requires the execution of a Hold Harmless Agreement for use of its facility; and

WHEREAS, the Township of West Orange and the Jersey City Police Department have agreed upon the terms set forth in the Hold Harmless Agreement annexed hereto as Exhibit “A .”

NOW, BE IT HEREBY RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST ORANGE, that a representative of the West Orange Police Department shall be and hereby is authorized to execute the Hold Harmless Agreement in connection with the West Orange Police Department’s Training Session at; and

BE IT FURTHER RESOLVED, that the original fully executed copies of the memorandum of agreement shall be maintained by the Municipal Clerk.

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

Victor Cirilo
Council President

Adopted: January 19, 2016

21-16
January 19, 2016

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

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

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

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

LIST ATTACHED

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

Victor Cirilo, Council President

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

John Gross- Township Chief Financial Officer

2016
TAX COURT JUDGMENTS-21-16

TAX YEAR	DATE	BLOCK	LOT	QUAL	OLD VALUE	NEW VALUE	DIFFERENCE	TX RATE	REFUND AMOUNT
2013	12/4/2015	171	31		710400	659000	51400	0.03648	\$1,875.07
2014	12/4/2015	171	31		710400	659000	51400	0.03742	\$1,923.39
2013	12/18/2015	168	30		2260100	2050000	210100	0.03648	\$7,664.45
2014	12/18/2015	168	30		2260100	2050000	210100	0.03742	\$7,861.94
2015	12/18/2015	168	30		2260100	2050000	210100	0.03817	\$8,019.52
2013	12/18/2015	88	17		12989000	12000000	989000	0.03648	\$36,078.72
2014	12/18/2015	88	17		12989000	12000000	989000	0.03742	\$37,008.38
2013	12/24/2015	154.06	11		422000	375000	47000	0.03648	\$1,714.56
2014	12/18/2015	155.22	42.01	C0147	382200	360000	22200	0.03742	\$830.72
2015	12/18/2015	155.22	42.01	C0147	382200	360000	22200	0.03817	\$847.37
2014	12/18/2015	155.22	42.01	C0086	323600	315000	8600	0.03742	\$321.81
2015	12/18/2015	155.22	42.01	C0086	323600	315000	8600	0.03817	\$328.26
2015	12/24/2015	113.02	121		317600	250000	67600	0.03817	\$2,580.29
2015	12/24/2015	114	5		288300	245000	43300	0.03817	\$1,652.76
								TOTAL	\$108,707.25

RESOLUTION TO HOLD A CLOSED SESSION

WHEREAS, the Open Public Meetings Act (N.J.S.A. 10:4. et seq.) provides for the exclusion of the public meetings of the governing body during the discussion of certain matters; and

WHEREAS, prior to the exclusion of the public from a meeting of the Township Council it is required that the Council adopt a Resolution stating the general nature of the subject to be discussed and stating as precisely as possible the time when the minutes of the discussion conducted in closed session can be disclosed to the public; and

WHEREAS, this body is about to consider a matter which falls within the purview of N.J.S.A. 10-4-12, and can properly exclude the public from such discussions; now, therefore, be it

BE IT RESOLVED, that the Township Council of the Township of West Orange, now assembled in public session at its regular meeting of **January 19, 2016** enter into a closed session to consider the following matter(s).

- () 1. Discussion of any material, the disclosure of which constitutes an invasion of individual privacy.
- () 2. A collective bargaining agreement or the terms of provisions of same.
- () 3. Techniques or tactic utilized to protect the safety and property of the public provided that their disclosure could impair such protection.
- () 4. An investigation of violations or possible violations of the laws of the State of New Jersey and/or the Township of West Orange Administrative Code.
- () 5. Pending or anticipated litigation or contract negotiation in which this body is or maybe a party.
- () 6. A matter falling within the attorney-client privilege to the extent that confidentiality is required in order for the attorney to exercise his ethical duties to this body.
- (X) 7. Personnel matters.
- () 8. Discussion of any matter which by express provision of Federal law or State statute or rule of Court shall be rendered confidential.
- () 9. Discussion of any matter in which the release of information would impair a right to receive funds from the Government of the United Sates.
- () 10. Discussion of any matter involving the purchase, lease or acquisition of real property with public funds, the setting of banking rates or investment of public funds, where it could adversely affect the public interest if discussion of such matters were disclosed.
- () 11. Deliberations occurring after a public hearing that may result in imposition of a civil penalty or suspension or loss of a license or permit.

More specifically, the Council may discuss in closed session the following topic(s):

Personnel Matter(s)

a. 19-16 Resolution Authorizing an Executive Session for the Purpose of Discussing Personnel Issues Relating to the Municipal Court

(the general subject matter(s)) of discussion shall be indicated by a check mark in the appropriate box and shall be more specifically referred to thereafter to the extent such additional disclosure can be made without compromising the need for confidentiality giving rise to the closed session.

IT IS FURTHER RESOLVED that the minutes of said discussion shall be made public as soon as the matter under discussion is no longer of a confidential or sensitive nature such that the public interest will no longer be served by such confidentiality.

The foregoing Resolution was duly adopted by the Township Council of the Township of West Orange at a public meeting held on **January 19, 2016**.

Motion: Susan McCartney

Second: Michelle Casalino

Vote

Aye: 5

Opposed: 0

Karen J. Carnevale
Municipal Clerk

Victor Cirilo
Council President

Adopted: January 19, 2016

**AN ORDINANCE AMENDING CHAPTER 12, SECTIONS 8.2, 8.3, 8.4, 8.5, 8.6, 8.7, 8.14,
and 8.16 OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF
WEST ORANGE
(Tobacco Product Vending Machines)**

BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF WEST ORANGE, NEW JERSEY that Chapter 12 of the Revised General Ordinances of the Township of West Orange be and are hereby amended as follows:

I. PURPOSE

The purpose of this ordinance is to revise the municipal code provision governing the sale of tobacco and tobacco products by raising the age required to purchase tobacco and tobacco products to the age of 21 from the current age of 18.

II. CHAPTER 12, SECTION 8.2 SHALL BE AND HEREBY IS AMENDED AND SUPPLEMENTED TO INCORPORATE THE FOLLOWING:

12-8.2 Definitions.

As used in this section:

Adult shall mean any male or female of the age of eighteen (18) years or older.

Health Department shall mean the Department of Health and Welfare of the Township of West Orange.

Health Officer shall mean the Director of Health and Welfare of the Township of West Orange or his/her designee.

License shall mean any license issued by the Township including, but not limited to, a liquor license, a license to sell or distribute food and beverages or a license to permit vending machines and/or mechanical amusement devices.

Liquor license shall mean any license to sell or distribute alcoholic beverages issued by the Township pursuant to the laws of the State of New Jersey.

Underaged Person shall mean any male or female under the age of twenty-one (21) years of age.

Person shall mean an individual, partnership, corporation, cooperative association, personal representative, receiver, trustee, assignee or any other legal entity.

Public place shall mean any building or enclosed structure open to the general public and any street, road, sidewalk, walkway, park or open space located within the Township and maintained for use by the general public.

Tobacco product shall mean any product made from the tobacco plant for the purpose of smoking, chewing, inhaling or other personal use including cigars, chewing tobacco, pipe

tobacco, snuff and cigarettes in any form. Tobacco products shall also include electronic cigarettes, e-vapor products, and dissolvable tobacco.

Tobacco retailer shall mean any person that operates a store, stand, booth, concession or place at which sales of tobacco are made including a person that owns, operates or uses a vending machine and/or a vending machine location.

Township shall mean the Township of West Orange.

Vending machine shall mean any automated self-service device which, upon insertion of money, tokens or other form of payment, dispenses a tobacco product.

Vending machine location shall mean the room, enclosure, space or area where a tobacco product vending machine is installed and/or operated.

III. CHAPTER 12, SECTION 8.3 SHALL BE AND HEREBY IS AMENDED AND SUPPLEMENTED TO INCORPORATE THE FOLLOWING:

12-8.3 Prohibition of Underaged Persons Using Tobacco Products in a Public Place.

It shall be unlawful for any underaged person to use tobacco in and/or on any public place or to possess in open view, an opened pack, opened carton or other opened container holding a tobacco product in any public place unless in the presence of a parent or guardian. A broken seal on any package or other container shall be evidence of an open container.

IV. CHAPTER 12, SECTION 8.4 SHALL BE AND HEREBY IS AMENDED AND SUPPLEMENTED TO INCORPORATE THE FOLLOWING:

12-8.4 Unlawful Purchase of Tobacco Products.

It shall be unlawful for any person to purchase a tobacco product; (a) with funds by an underaged person; or (b) with the intent to sell such a product to an underaged person.

V. CHAPTER 12, SECTION 8.5 SHALL BE AND HEREBY IS AMENDED AND SUPPLEMENTED TO INCORPORATE THE FOLLOWING:

12-8.5 Identification Required.

Any person selling or permitting to be sold a tobacco product to an individual shall first request and examine identification from the purchaser positively establishing that the individual's age is twenty-one (21) years or greater, unless the seller has some other reasonable grounds for determining the age of a minor.

VI. CHAPTER 12, SECTION 8.6 SHALL BE AND HEREBY IS AMENDED AND SUPPLEMENTED TO INCORPORATE THE FOLLOWING:

12-8.6 Prohibition of Underaged Persons Using Tobacco Products in a Public Place.

It shall be unlawful for any underaged person to use tobacco in and/or on any public place or to possess in open view, an opened pack, opened carton or other opened container holding a tobacco product in any public place unless in the presence of a parent or guardian. A broken seal on any package or other container shall be evidence of an open container.

VII. CHAPTER 12, SECTION 8.7 SHALL BE AND HEREBY IS AMENDED AND SUPPLEMENTED TO INCORPORATE THE FOLLOWING:

12-8.7 Sign Requirement.

The following six (6) inch by eight (8) inch sign shall be posted in a conspicuous place near each cash register in all retail establishments which sell tobacco products:

SALE OF TOBACCO PRODUCTS TO PERSONS UNDER THE AGE OF 21 OR SMOKING IN PUBLIC PLACES BY PERSONS UNDER THE AGE OF 21 IS PROHIBITED BY LAW. LEGAL PROOF OF AGE MUST BE SHOWN. A PERSON WHO SELLS OR OFFERS TO SELL A TOBACCO PRODUCT TO A PERSON UNDER 21 YEARS OF AGE MAY BE PROSECUTED IN ACCORDANCE WITH STATE STATUTES AND TOWNSHIP OF WEST ORANGE ORDINANCES.

VIII. CHAPTER 12, SECTION 8.14 SHALL BE AND HEREBY IS AMENDED AND SUPPLEMENTED TO INCORPORATE THE FOLLOWING:

8-8.14 Penalties.

- a. Unless otherwise provided by law, statute or ordinance, any person violating any provision of this section shall, upon conviction thereof, pay a fine of not less than two hundred fifty (\$250.00) dollars or more than one thousand (\$1,000.00) dollars for each offense. The complaint shall be made in the Municipal Court or before such other judicial officer having authority under the laws of the State of New Jersey.
- b. In addition any violator of this section shall be subject to having any Township license, as defined herein, held by the violator, suspended, revoked or fined. No such action may be taken unless the requirements of due process are satisfied.
- c. Any person who continually violates this section may also be charged in the Municipal Court or in Superior Court with maintaining a nuisance.
- d. These penalties are in addition to any penalties that may be imposed by the New Jersey Code of Juvenile Justice.
- e. In addition to the other fines and sanctions which may be issued by the Court, the Court may assess a monetary penalty of up to two hundred fifty (\$250.00) dollars per violation which shall be dedicated and forwarded to the Safe Housing Reward Fund. This Fund shall be maintained.

IX. CHAPTER 12, SECTION 8.16 SHALL BE AND HEREBY IS AMENDED AND SUPPLEMENTED TO INCORPORATE THE FOLLOWING:

This section shall take effect as provided by law after its final passage and publication.

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.

Victor Cirilo, Council President

Robert D. Parisi, Mayor

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

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

Introduced: January 19, 2016

Adopted:

Legislative History

This ordinance is drafted to revise the municipal code provisions prohibiting the sale of tobacco and tobacco products to minors to increase the age required to purchase tobacco and tobacco products from 18 to 21. In addition, this ordinance also expands the definition of tobacco and tobacco products to include e-cigarettes.

**BOND ORDINANCE AUTHORIZING PARKING
IMPROVEMENTS AT GREGORY SCHOOL IN AND FOR
THE TOWNSHIP OF WEST ORANGE, IN THE COUNTY
OF ESSEX, NEW JERSEY, APPROPRIATING \$375,000
THEREFORE AND AUTHORIZING THE ISSUANCE OF
\$357,140 BONDS OR NOTES TO FINANCE PART OF THE
COST THEREOF**

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

SECTION 1:

The improvements described in Section 3 of this bond ordinance (the “Improvements”) are hereby authorized to be undertaken by the Township of West Orange, New Jersey (the “Township”) as general improvements. For the said Improvements there is hereby appropriated the amount of \$375,000, such sum includes the sum of \$17,860 as the down payment (the “Down Payment”) required by the Local Bond Law of the State of New Jersey, constituting Chapter 2 of Title 40A of the New Jersey Statutes, as amended and supplemented (the “Local Bond Law”). The Down Payment is now available by virtue of provision in one or more previously adopted budgets for down payments or capital improvement purposes.

SECTION 2:

In order to finance the additional cost of the Improvements not covered by application of the Down Payment, negotiable bonds of the Township are hereby authorized to be issued in the principal amount of \$357,140 pursuant to the provisions of the Local Bond Law (the “Bonds”). In anticipation of the issuance of the Bonds and to temporarily finance said improvements or purposes, negotiable bond anticipation notes of the Township are hereby authorized to be issued in the principal amount not exceeding \$357,140 pursuant to the provisions of the Local Bond Law (the “Bond Anticipation Notes” or “Notes”).

SECTION 3:

(a) The Improvements hereby authorized and the purposes for the financing of which said obligations are to be issued is for parking improvements at Gregory School, including all work and materials necessary therefor and incidental thereto.

(b) The estimated maximum amount of Bonds or Notes to be issued for the purpose of financing a portion of the cost of the Improvements is \$357,140.

(c) The estimated cost of the Improvements is \$375,000 which amount represents the initial appropriation made by the Township. The excess of the appropriations made for each of the Improvements over the estimated maximum amount of Bonds or Notes authorized to be issued therefor is the amount of the Down Payment for each purpose.

SECTION 4:

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

SECTION 5:

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

SECTION 6:

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

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

(b) The average period of usefulness of the Improvements, within the limitations of the Local Bond Law, taking into consideration the respective amounts of all obligations authorized for the several purposes, according to the reasonable life thereof computed from the date of the Bonds authorized by this bond ordinance, is 10 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk and a complete executed duplicate thereof has been filed in the office of the Director, Division of Local Government Services, Department of Community Affairs, State of New Jersey. Such statement shows that the gross debt of the Township, as defined in the Local Bond Law, is increased by the authorization of the Bonds and Notes provided in this bond ordinance by \$357,140 and the obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$75,000 for items of expense listed in and permitted under Section 20 of the Local Bond Law is included in the estimated cost of the Improvements, as indicated herein.

SECTION 7:

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

SECTION 8:

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

SECTION 9:

This Bond Ordinance constitutes a declaration of official intent under Treasury Regulation Section 1.150-2. The Township reasonably expects to pay expenditures with respect to the Improvements prior to the date that Township incurs debt obligations under this Bond Ordinance. The Township reasonably expects to reimburse such expenditures with the proceeds of debt to be incurred by the Township under this Bond Ordinance. The maximum principal amount of debt expected to be issued for payment of the costs of the Improvements is \$357,140.

SECTION 10:

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

First Reading: January 19, 2016

Final Reading: February 9, 2016

Robert D. Parisi
Mayor

Victor Cirilo
Council President

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

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

NOTICE OF PENDING BOND ORDINANCE

The Bond Ordinance, the summary terms of which are included herein, was introduced and passed upon first reading at a meeting of the governing body of the Township Council of the Township of West Orange, in the County of Essex, State of New Jersey, on January 19, 2016. It will be further considered for final passage after public hearing thereon at a meeting of the governing body to be held at the Township Council at the Municipal Building, 66 Main Street, in said Township on February 9, 2016 at 7 o'clock p.m. During the week prior to and up to and including the date of such meeting, copies of the full ordinance will be available at no cost and during regular business hours, at the Clerk's Office for the members of the general public who shall request the same. The summary of the terms of such bond ordinance follows:

Title: Bond Ordinance Authorizing Parking Improvements At Gregory School In And For The Township Of West Orange, In The County Of Essex, New Jersey, Appropriating \$375,000 Therefore And Authorizing The Issuance Of \$357,140 Bonds Or Notes To Finance Part Of The Cost Thereof.

Purpose(s): For parking improvements at Gregory School.

Appropriation: \$375,000

Bonds/Notes Authorized: \$357,140

Grants (if any) Appropriated: None

Section 20 Costs: \$75,000

Useful Life: 10 years

KAREN J. CARNEVALE
CLERK

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

BOND ORDINANCE STATEMENTS AND SUMMARIES

The Bond Ordinance, the summary terms of which are included herein, has been finally adopted by the Township of West Orange, State of New Jersey on February 9, 2016 and the 20-day period of limitation within which a suit, action or proceeding questioning the validity of such Ordinance can be commenced, as provided in the Local Bond Law, has begun to run from the date of the first publication of this statement. Copies of the full ordinance are available at no cost and during regular business hours, at the Clerk's office for members of the general public who request the same. The summary of the terms of such bond ordinance follows:

Title: Bond Ordinance Authorizing Parking Improvements At Gregory School In And For The Township Of West Orange, In The County Of Essex, New Jersey, Appropriating \$375,000 Therefore And Authorizing The Issuance Of \$357,140 Bonds Or Notes To Finance Part Of The Cost Thereof.

Purpose(s): For parking improvements at Gregory School.

Appropriation: \$375,000

Bonds/Notes Authorized: \$357,140

Grants (if any) Appropriated: None

Section 20 Costs: \$75,000

Useful Life: 10 years

KAREN J. CARNEVALE
CLERK

ORDINANCE # _____

**RE: TOWNSHIP OF WEST ORANGE
\$375,000 PARKING IMPROVEMENTS AT GREGORY SCHOOL**

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

_____ Down Payment Certificate.

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

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

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

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

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

DEBT STATEMENT CERTIFICATE

I, Karen Carnevale, Clerk of the Township of West Orange, in the County of Essex, New Jersey (herein called the "Local Unit"), HEREBY CERTIFY that annexed hereto is a true and complete copy of the Supplemental Debt Statement of the Local Unit that was prepared as of _____, 2016 by John Gross, who was then chief financial officer of the Local Unit and filed in my office on _____, 2016, and that a complete, executed copy of such statement was filed in the office of the Director of the Division of local Government Services of the State of New Jersey on _____, 2016.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Local Unit this ____ day of _____, 2016.

Karen Carnevale, Clerk

CERTIFICATE OF DOWN PAYMENT

I, JOHN GROSS, Chief Financial Officer of the Township of West Orange, in the County of Essex, New Jersey (the "Local Unit") HEREBY CERTIFY that prior to the final adoption on _____, 2016 of an ordinance entitled:

“BOND ORDINANCE AUTHORIZING PARKING IMPROVEMENTS AT GREGORY SCHOOL IN AND FOR THE TOWNSHIP OF WEST ORANGE, IN THE COUNTY OF ESSEX, NEW JERSEY, APPROPRIATING \$375,000 THEREFORE AND AUTHORIZING THE ISSUANCE OF \$357,140 BONDS OR NOTES TO FINANCE PART OF THE COST THEREOF.”

there was available as a down payment for the purposes authorized by the ordinance the sum of \$17,860, which amount was appropriated as a down payment by the ordinance and was made available from the following sources (strike out inapplicable language):

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

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporation seal of the Local Unit this _____ day of _____, 2016.

John Gross, Chief Financial Officer

(Seal)

EXTRACT from the minutes of a _____ meeting of the Township Council of the Township of West Orange, in the County of Essex, New Jersey held at the Municipal Complex in the Township of West Orange on _____ at _____ o'clock _____.m.

PRESENT:

ABSENT:

[Attach appropriate minutes hereto]

CERTIFICATE

I, KAREN 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 _____, 2016 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 _____, 2016.

Karen Carnevale, Clerk

(SEAL)

EXTRACT from the minutes of a _____ meeting of the Township Council of the Township of West Orange, in the County of Essex, New Jersey held at the Municipal Complex in the Township of West Orange on _____ at _____ o'clock ____m.

PRESENT:

ABSENT:

[Attach appropriate minutes hereto]

CERTIFICATE

I, KAREN CARNEVALE, Deputy 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 _____ 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 _____, 2016.

Karen Carnevale, Clerk

(SEAL)

CLERK'S CERTIFICATE

I, KAREN 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 _____ and finally adopted by the governing body on _____, 2016, and where necessary approved by the Mayor on _____.

3. On _____ 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 _____. 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 _____, 2016.

Karen Carnevale, Clerk

[SEAL]

BOND ORDINANCE AUTHORIZING VARIOUS CAPITAL IMPROVEMENTS IN AND FOR THE TOWNSHIP OF WEST ORANGE, IN THE COUNTY OF ESSEX, NEW JERSEY, APPROPRIATING \$7,378,635 THEREFORE AND AUTHORIZING THE ISSUANCE OF \$7,027,266 BONDS OR NOTES TO FINANCE PART OF THE COST THEREOF.

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

SECTION 1:

The improvements described in Section 3 of this bond ordinance (the “Improvements”) are hereby authorized to be undertaken by the Township of West Orange, New Jersey (the “Township”) as general improvements. For the said Improvements there is hereby appropriated the amount of \$7,378,635, such sum includes the sum of \$351,369 as the down payment (the “Down Payment”) required by the Local Bond Law of the State of New Jersey, constituting Chapter 2 of Title 40A of the New Jersey Statutes, as amended and supplemented (the “Local Bond Law”). The Down Payment is now available by virtue of provision in one or more previously adopted budgets for down payments or capital improvement purposes.

SECTION 2:

In order to finance the additional cost of the Improvements not covered by application of the Down Payment, negotiable bonds of the Township are hereby authorized to be issued in the principal amount of \$7,027,266 pursuant to the provisions of the Local Bond Law (the “Bonds”). In anticipation of the issuance of the Bonds and to temporarily finance said improvements or purposes, negotiable bond anticipation notes of the Township are hereby authorized to be issued in the principal amount not exceeding \$7,027,266 pursuant to the provisions of the Local Bond Law (the “Bond Anticipation Notes” or “Notes”).

SECTION 3:

(a) The Improvements authorized and the purposes for which obligations are to be issued, the estimated cost of each Improvement and the appropriation therefor, the estimated maximum amount of bonds or notes to be issued for each Improvement and the period of usefulness of each Improvement are as follows:

<u>Improvements</u>	<u>Appropriation and Estimated Cost</u>	<u>Estimated Maximum Amount of Bonds or Notes</u>	<u>Period of Usefulness</u>
i) Resurfacing of various streets, including but not limited to Harrison Avenue, South Valley Road from Orange Line to Walker Road, Bradford Avenue, Grandview Avenue, Murphy Court, Ralph Road, Elm Street from Mississippi Avenue to Valley Way, Edgar Road, Pen Bryn Road, Rainbow Terrace, Rosemont Terrace, Drive and Court, Underwood Drive from Blackstock Road to Tenney Court, Tenney Court, Dale Drive, Pine Street from Wellington Avenue to Birch Street, Birch Street from Wellington Avenue to Birch Street, Dawes Avenue, Orange Heights Avenue, Meeker Street, Tremont Avenue, Spring Hill Drive, Cherrywood Circle and Fernwood Circle, and improvements to Watson Avenue, Curtis Avenue, Garfield Avenue, Winding Way, and Sheffield Terrance to Dead End, Degnan Park Driveway, including traffic stripping markings, signs, curbing and sidewalks.	\$5,3000	\$5,047,615	12.28 Years
ii) Various sewer improvements, including but not limited to improvements to Old Short Hills Road Pump Station, elimination of Korvel Pump Station and upgrade of Pump Station on 7 Lessing Court, including all work and materials necessary therefor and incidental thereto.	625,000	595,238	40 Years
iii) Various outdoor facility improvements, including but not limited to improvements to outdoor recreational facilities and replacement of aerator, including all work and materials necessary therefor or incidental thereto.	250,000	238,095	15 Years
iv) Acquisition of various information technology equipment, including but not limited to computer software, computer	878,135	836,318	5 Years

<u>Improvements</u>	<u>Appropriation and Estimated Cost</u>	<u>Estimated Maximum Amount of Bonds or Notes</u>	<u>Period of Usefulness</u>
network upgrades, information technology improvements, radio tower certification, replacement of mobile modems, CAD system upgrades, firewall upgrades and 9-1-1 system upgrades.			
v) Various indoor facility improvements, including but not limited to miscellaneous indoor facilities improvements, improvements to Katz Community Center and Police Building, installation of a new roof at O'Connor Park Field House, including all work and materials necessary therefor or incidental thereto.	325,500	310,000	15 Years
TOTAL	\$7,833,635	\$7,027,266	

(b) The estimated maximum amount of Bonds or Notes to be issued for the purpose of financing a portion of the cost of the Improvements is \$7,027,266.

(c) The estimated cost of the Improvements is \$7,378,635 which amount represents the initial appropriation made by the Township. The excess of the appropriations made for each of the Improvements over the estimated maximum amount of Bonds or Notes authorized to be issued therefor is the amount of the Down Payment for each purpose.

SECTION 4:

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

SECTION 5:

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

SECTION 6:

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

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

(b) The average period of usefulness of the Improvements, within the limitations of the Local Bond Law, taking into consideration the respective amounts of all obligations authorized for the several purposes, according to the reasonable life thereof computed from the date of the Bonds authorized by this bond ordinance, is 14.33 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Township Clerk and a complete executed duplicate thereof has been filed in the office of the Director, Division of Local Government Services, Department of Community Affairs, State of New Jersey. Such statement shows that the gross debt of the Township, as defined in the Local Bond Law, is increased by the authorization of the Bonds and Notes provided in this bond ordinance by \$7,027,266 and the obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$2,000,000 for items of expense listed in and permitted under Section 20 of the Local Bond Law is included in the estimated cost of the Improvements, as indicated herein.

SECTION 7:

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

SECTION 8:

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

SECTION 9:

This Bond Ordinance constitutes a declaration of official intent under Treasury Regulation Section 1.150-2. The Township reasonably expects to pay expenditures with respect to the Improvements prior to the date that Township incurs debt obligations under this Bond Ordinance. The Township reasonably expects to reimburse such expenditures with the proceeds of debt to be incurred by the Township under this Bond Ordinance. The maximum principal amount of debt expected to be issued for payment of the costs of the Improvements is \$7,027,266.

SECTION 10:

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

First Reading: January 19, 2016

Final Reading: February 9, 2016

Robert D. Parisi
Mayor

Victor Cirilo
Council President

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

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

TOWNSHIP OF WEST ORANGE

NOTICE OF PENDING BOND ORDINANCE

The Bond Ordinance, the summary terms of which are included herein, was introduced and passed upon first reading at a meeting of the governing body of the Township Council of the Township of West Orange, in the County of Essex, State of New Jersey, on January 19, 2016. It will be further considered for final passage after public hearing thereon at a meeting of the governing body to be held at the Township Council at the Municipal Building, 66 Main Street, in said Township on February 9, 2016 at 7 o'clock p.m.. During the week prior to and up to and including the date of such meeting, copies of the full ordinance will be available at no cost and during regular business hours, at the Clerk's Office for the members of the general public who shall request the same. The summary of the terms of such bond ordinance follows:

Title: Bond Ordinance Authorizing Various Capital Improvements In And For The Township Of West Orange, In The County Of Essex, New Jersey, Appropriating \$7,378,635 Therefore And Authorizing The Issuance Of \$7,027,266 Bonds Or Notes To Finance Part Of The Cost Thereof.

Purpose(s): Resurfacing of various streets, including but not limited to Harrison Avenue, South Valley Road from Orange Line to Walker Road, Bradford Avenue, Grandview Avenue, Murphy Court, Ralph Road, Elm Street from Mississippi Avenue to Valley Way, Edgar Road, Pen Bryn Road, Rainbow Terrace, Rosemont Terrace, Drive and Court, Underwood Drive from Blackstock Road to Tenney Court, Tenney Court, Dale Drive, Pine Street from Wellington Avenue to Birch Street, Birch Street from Wellington Avenue to Birch Street, Dawes Avenue, Orange Heights Avenue, Meeker Street, Tremont Avenue, Spring Hill Drive, Cherrywood Circle and Fernwood Circle, and improvements to Watson Avenue, Curtis Avenue, Garfield Avenue, Winding Way, and Sheffield Terrace to Dead End, Degnan Park Driveway, including traffic stripping markings, signs, curbing and sidewalks; Various sewer improvements, including but not limited to improvements to Old Short Hills Road Pump Station, elimination of Korvel Pump Station and upgrade of Pump Station on 7 Lessing Court; Various outdoor facility improvements, including but not limited to improvements to outdoor recreational facilities and replacement of aerator; Acquisition of various information technology equipment, including but not limited to computer software, computer network upgrades, information technology improvements, radio tower certification, replacement of mobile modems, CAD system upgrades, firewall upgrades and 9-1-1 system upgrades; and Various indoor facility improvements, including but not limited to miscellaneous indoor facilities improvements, improvements to Katz Community Center and Police Building, installation of a new roof at O'Connor Park Field House.

Appropriation: \$7,378,635

Bonds/Notes Authorized: \$7,027,266

Grants (if any) Appropriated: None

Section 20 Costs: \$2,000,000

Useful Life: 14.33 years

KAREN J. CARNEVALE, TOWNSHIP CLERK

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

BOND ORDINANCE STATEMENTS AND SUMMARIES

The Bond Ordinance, the summary terms of which are included herein, has been finally adopted by the Township of West Orange, State of New Jersey on February 9, 2016 and the 20-day period of limitation within which a suit, action or proceeding questioning the validity of such Ordinance can be commenced, as provided in the Local Bond Law, has begun to run from the date of the first publication of this statement. Copies of the full ordinance are available at no cost and during regular business hours, at the Clerk's office for members of the general public who request the same. The summary of the terms of such bond ordinance follows:

Title: Bond Ordinance Authorizing Various Capital Improvements In And For The Township Of West Orange, In The County Of Essex, New Jersey, Appropriating \$7,378,635 Therefore And Authorizing The Issuance Of \$7,027,266 Bonds Or Notes To Finance Part Of The Cost Thereof.

Purpose(s): Resurfacing of various streets, including but not limited to Harrison Avenue, South Valley Road from Orange Line to Walker Road, Bradford Avenue, Grandview Avenue, Murphy Court, Ralph Road, Elm Street from Mississippi Avenue to Valley Way, Edgar Road, Pen Bryn Road, Rainbow Terrace, Rosemont Terrace, Drive and Court, Underwood Drive from Blackstock Road to Tenney Court, Tenney Court, Dale Drive, Pine Street from Wellington Avenue to Birch Street, Birch Street from Wellington Avenue to Birch Street, Dawes Avenue, Orange Heights Avenue, Meeker Street, Tremont Avenue, Spring Hill Drive, Cherrywood Circle and Fernwood Circle, and improvements to Watson Avenue, Curtis Avenue, Garfield Avenue, Winding Way, and Sheffield Terrace to Dead End, Degnan Park Driveway, including traffic stripping markings, signs, curbing and sidewalks; Various sewer improvements, including but not limited to improvements to Old Short Hills Road Pump Station, elimination of Korvel Pump Station and upgrade of Pump Station on 7 Lessing Court; Various outdoor facility improvements, including but not limited to improvements to outdoor recreational facilities and replacement of aerator; Acquisition of various information technology equipment, including but not limited to computer software, computer network upgrades, information technology improvements, radio tower certification, replacement of mobile modems, CAD system upgrades, firewall upgrades and 9-1-1 system upgrades; and Various indoor facility improvements, including but not limited to miscellaneous indoor facilities improvements, improvements to Katz Community Center and Police Building, installation of a new roof at O'Connor Park Field House.

Appropriation: \$7,378,635

Bonds/Notes Authorized: \$7,027,266

Grants (if any) Appropriated: None

Section 20 Costs: \$2,000,000

Useful Life: 14.33 years

KAREN J. CARNEVALE, TOWNSHIP CLERK

ORDINANCE # _____

RE: TOWNSHIP OF WEST ORANGE

\$7,378,635 FOR VARIOUS CAPITAL IMPROVEMENTS

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

_____ Down Payment Certificate.

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

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

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

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

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

DEBT STATEMENT CERTIFICATE

I, Karen Carnevale, Township Clerk of the Township of West Orange, in the County of Essex, New Jersey (herein called the "Local Unit"), HEREBY CERTIFY that annexed hereto is a true and complete copy of the Supplemental Debt Statement of the Local Unit that was prepared as of _____, 2016 by John Gross, who was then chief financial officer of the Local Unit and filed in my office on _____, 2016, and that a complete, executed copy of such statement was filed in the office of the Director of the Division of local Government Services of the State of New Jersey on _____, 2016.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Local Unit this ____ day of _____, 2016.

Karen Carnevale, Township Clerk

CERTIFICATE OF DOWN PAYMENT

I, JOHN GROSS, Chief Financial Officer of the Township of West Orange, in the County of Essex, New Jersey (the "Local Unit") HEREBY CERTIFY that prior to the final adoption on _____, 2016 of an ordinance entitled:

"BOND ORDINANCE AUTHORIZING VARIOUS CAPITAL IMPROVEMENTS IN AND FOR THE TOWNSHIP OF WEST ORANGE, IN THE COUNTY OF ESSEX, NEW JERSEY, APPROPRIATING \$7,378,635 THEREFORE AN AUTHORIZING THE ISSUANCE OF \$7,027,266 BONDS OR NOTES TO FINANCE PART OF THE COST THEREOF."

there was available as a down payment for the purposes authorized by the ordinance the sum of \$351,369, which amount was appropriated as a down payment by the ordinance and was made available from the following sources (strike out inapplicable language):

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

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporation seal of the Local Unit this _____ day of _____, 2016.

John Gross, Chief Financial Officer

(Seal)

EXTRACT from the minutes of a _____ meeting of the Township Council of the Township of West Orange, in the County of Essex, New Jersey held at the Municipal Complex in the Township of West Orange on _____ at _____ o'clock _____.m.

PRESENT:

ABSENT:

[Attach appropriate minutes hereto]

CERTIFICATE

I, KAREN CARNEVALE, Township Clerk of the Township of West Orange, in the County of Essex, State of New Jersey, HEREBY CERTIFY that the foregoing annexed extract from the minutes of a meeting of the governing body of the Township duly called and held on _____, 2016 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 _____, 2016.

Karen Carnevale, Township Clerk

(SEAL)

EXTRACT from the minutes of a _____ meeting of the Township Council of the Township of West Orange, in the County of Essex, New Jersey held at the Municipal Complex in the Township of West Orange on _____ at _____ o'clock ____m.

PRESENT:

ABSENT:

[Attach appropriate minutes hereto]

CERTIFICATE

I, KAREN CARNEVALE, Township Clerk of the Township of West Orange, in the County of Essex, State of New Jersey, HEREBY CERTIFY that the foregoing annexed extract from the minutes of a meeting of the governing body of the Township duly called and held on _____ 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 _____, 2016.

Karen Carnevale, Township Clerk

(SEAL)

CLERK'S CERTIFICATE

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

1. I am the duly appointed 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 _____ and finally adopted by the governing body on _____, 2016, and where necessary approved by the Mayor on _____.

3. On _____ 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 _____. 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 _____, 2016.

Karen Carnevale, Township Clerk

[SEAL]