

1. Conference Agenda

Documents: [CA4.19.16.PDF](#)

2. Public Meeting Agenda

Documents: [PM4.19.16.PDF](#)

3. Resolution(S)

3.I. 98-16

Documents: [98-16 AUTHORIZING FIREWORKS AT MONTCLAIR GOLF CLUB 2016.PDF](#)

3.II. 99-16

Documents: [99-16 AUTHORIZING FIREWORKS AT ROCK SPRING 2016.PDF](#)

3.III. 100-16

Documents: [100-16 RAFFLE LICENSES 4.19.16.PDF](#)

3.IV. 101-16

Documents: [101-16 REIMBURSEMENT STREET LIGHTING-PRIVATE COMMUNITIES.PDF](#), [101-16 ATTACHMENT.PDF](#)

3.V. 102-16

Documents: [102-16 BERGEN COUNTY CO-OPERATIVE.PDF](#), [102-16 AGREEMENT COOP-CK04-BERGEN COUNTY.PDF](#)

3.VI. 103-16

Documents: [103-16 COMBINING RESOLUTION 2016 BONDS 2289215V2.PDF](#)

3.VII. 104-16

Documents: [104-16 AUTHORIZING SUBORDINATION OF MORTGAGE - 25 WINDING WAY.PDF](#), [104-16 EXHIBIT - 25 WINDING WAY.PDF](#)

3.VIII. 105-16

Documents: [105-16 AUTHORIZING IN REM TAX FORECLOSURE - SELECTO FLASH PROPERTIES.PDF](#), [105-16 EXHIBIT A.PDF](#)

4. Ordinance(S) On Second And Final Reading

4.I. 2479-16

Documents: [2479-16 BUDGET CAP ORDINANCE 2016.PDF](#)

4.II. 2480-16

Documents: [2480-16 AMENDMENTS TO TOBACCO ORDINANCE - INCREASING AGE TO PURCHASE TOBACCO AND NDS TO 21.PDF](#)

4.III. 2481-16

Documents: [2481-16 E-CIGARETTE LICENSING ORDINANCE CHAPTER 12](#)

CONFERENCE MEETING

AGENDA

Council Chambers – 66 Main Street, West Orange, NJ

April 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 mailed 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 Guarino, Councilman Krakoviak,
Councilwoman McCartney, Council President Cirilo (Mayor Parisi)**

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6:30 P.M

- **Proclamation – ADAPT - Alcohol and Drug Abuse Prevention Team – Family MEAL Week - April 17, 2016 through April 23, 2016**
- **Essex County Surrogate Theodore N. Stephens – Essex County Surrogate's Court - Services and New Initiatives**

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, April 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)**

**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 – April 5, 2016 Public and Executive Session Meeting**
- 5. *Report of Township Officers-None**
- 6. *Reading of Petitions and Communications and Bids- None**
- 7. *Bills**
- 8. *Resolutions**
 - a. 98-16 Resolution Permitting Display of Fireworks at Montclair Golf Club (Legal)
This resolution permits the Montclair Golf Club to display fireworks on July 2, 2016 with a rain date of July 3, 2016.
 - b. 99-16 Resolution Permitting Display of Fireworks at Rock Spring Club (Legal)
This resolution permits the Rock Spring Club to display fireworks on July 2, 2016 with a rain date of July 3, 2016.
 - c. 100-16 Resolution Authorizing the Issuance of Raffle Licenses (Clerk)
 - d. 101-16 Resolution Authorizing the 2015 Reimbursement for Services to Private Communities – Street Lighting (Lepore)
 - e. 102-16 Resolution Authorizing the West Orange Township to Enter Into a Cooperative Pricing Agreement (DeSantis)

- f. 103-16 Resolution Combining Bonds Aggregating the Principal Sum of \$17,391,000 Authorizing by Twenty Seven Bond Ordinances Heretofore Adopted to Finance Part of the Cost of Various General Improvements in the Township of West Orange, County of Essex, New Jersey into One Consolidated Issue of Bonds and Providing for the Form, Maturities and Other Details of Said Consolidated Issue. (Legal-Galano)
- g. 104-16 Resolution Authorizing Subordination of Mortgage – 25 Winding Way (Planning)
This resolution authorizes the subordination of the Mortgage held by the Township of West Orange as part of the housing rehabilitation program allowing the owners to refinance the mortgage on the home.
- h. **105-16 Resolution Authorizing Foreclosure Under the In Rem Tax Foreclosure Act of 1948 as Amended and Establishing the Tax Foreclosure List of Liens to be Foreclosed**
This resolution authorizes the Township to commence in rem tax foreclosure proceedings for two properties owned by Selecto-Flash at 4 Tompkins Street and 18 Central Avenue. The passage of this authorizing resolution is a statutory prerequisite in order to redeem and foreclose on the tax certificates held by the Township.

9. Ordinances on Second and Final Reading

- a. 2479-16 Calendar Year 2016 Ordinance to Exceed the Municipal Budget Appropriation Limits and to Establish a Cap Bank (N.J.S.A. 40A: 4-45.14)
- b. 2480-16 Ordinance Amending Chapter 12, Sections 8.1, 8.2, 8.3, 8.4, 8.5, 8.7, 8.8, 8.13, 8.14, and 8.16 re: Prohibition of Tobacco Sales to Persons Under the Age of 21
- c. 2481-16 Ordinance Amending Chapter 12 to Include Section 11 re: E-Cigarette Licensing
This ordinance would amend Chapter 12 to include an entirely new section, titled E-Cigarette Licensing. The new ordinance is designed to license establishments that sell electronic smoking devices and related products. The funds collected by licensing of such establishments shall be used to fund the development and maintenance of programs related to tobacco cessation, prevention and control as may be established and/or administered by the West Orange Health Department. The licensing fee is \$1,200.00 per year and shall be paid to the Township of West Orange to offset budget appropriations in connection with education and enforcement of this ordinance and/or the States Tobacco Age of Sale Inspection Program. In order to allow time for implementation of this ordinance, it will be effective as of July 1, 2016.

10. Ordinances on First Reading-None

11. ABC Hearing-None

12. Adjournment

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

Agenda is subject to change.

RESOLUTION

WHEREAS, an application has been submitted by the Montclair Golf Club, which wishes to sponsor its annual Fourth of July fireworks exhibition at the Montclair Golf Club on July 2, 2016 (Rain Date: July 3, 2016); and

WHEREAS, all of the necessary documentation has been submitted to the Township Clerk, on an Application for Permission to Conduct Fireworks Display (the "Application"), as required by State and local law; and

WHEREAS, the Application indicates that Garden State Fireworks, Inc., P.O. Box 403, 383 Carlton Road, Millington, New Jersey, 07946, will provide and supervise the fireworks display; and

WHEREAS, the Application has been reviewed and approved by the Township Police Chief and Fire Official, and confirms that a Certificate of Insurance naming the Township as an additional insured has been provided;

NOW THEREFORE BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST ORANGE that the Montclair Golf Club be and is hereby granted permission to conduct a fireworks display on July 2, 2016 (with a rain date of July 3, 2016); subject to the directives of the Fire Official and Police Chief, or their designees.

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

Victor Cirilo
Council President

Adopted: April 19, 2016

RESOLUTION

WHEREAS, an application has been submitted by the Rock Spring Club, which wishes to sponsor its annual Fourth of July fireworks exhibition at the Rock Spring Club on July 2, 2016 (Rain Date: July 3, 2016); and

WHEREAS, all of the necessary documentation has been submitted to the Township Clerk, on an Application for Permission to Conduct Fireworks Display (the "Application"), as required by State and local law; and

WHEREAS, the Application indicates that Garden State Fireworks, Inc., P.O. Box 403, 383 Carlton Road, Millington, New Jersey, 07946 shall provide and supervise the fireworks display; and

WHEREAS, the Application has been reviewed and approved by the Township Police Chief and Fire Official, and confirms that a Certificate of Insurance naming the Township as an additional insured has been provided;

NOW THEREFORE BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST ORANGE that the Rock Spring Club be and is hereby granted permission to conduct a fireworks display on July 2, 2016 (Rain Date: July 3, 2016), subject to the directives of the Fire Official and Police Chief, or their designees.

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

Victor Cirilo
Council President

Adopted: April 19, 2016

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>
Jersey Battered Womens Service Tricky Tray	May 16, 2016	757 Eagle Rock Avenue	7295
Jersey Battered Womens Service On Premise 50/50	May 2, 2016	481 Eagle Rock Avenue	7296
St Mary Armenian Church Off Prem Merch	June 16, 2016	90 Rock Spring Rd	7297

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

Victor Cirilo, Council President

Adopted: April 19, 2016

RESOLUTION

WHEREAS, on December 21, 1993 the Township of West Orange adopted Ordinance No. 1230-93 which authorized the Township to reimburse qualified private communities for the yearly cost of lighting its roads and streets commencing with 1993; and

WHEREAS, there is attached hereto a report of the Township Engineer, recommending reimbursement for 2015 street and road lighting costs to twenty (20) qualified private communities which are either condominiums or cooperatives in accordance with the formula for reimbursement set forth in Ordinance No. 1230-93 and codified as West Orange Revised General Ordinance No. 2-71; and

WHEREAS, the Township of West Orange wishes to reimburse said qualified communities as set forth in the aforementioned report of the Township Engineer.

NOW, THEREFORE BE IT RESOLVED by the Township Council of the Township of West Orange that the qualified private communities listed on the attached report of the Township Engineer Leonard R. Lepore, be reimbursed, as set forth therein, for 2015 street and road lighting costs.

BE IT FURTHER RESOLVED that the Township Business Administrator and/or Comptroller issue the appropriate checks to comply with this Resolution as soon as feasible.

KAREN J. CARNEVALE, RMC, MUNICIPAL CLERK

VICTOR CIRILO, COUNCIL PRESIDENT

Adopted: April 19, 2016

I hereby certify funds are available from:

**Account No. 01-2030-00-9501-148
Condo Street Lighting - 2015
\$83,860.18**

John Gross, Chief Financial Officer

**2015 STREET LIGHT REIMBURSEMENT
TO QUALIFIED PRIVATE COMMUNITIES**

Private Community	Road Length		No of Lights	Amount per Light	Amount to Be Reimbursed
	L.F.	Miles			
The Woodlands	4,450	0.843	28	\$100.44	\$2,812.32
Eagle Rock Cooperative	550	0.104	6	\$100.44	\$602.64
West Essex Highlands	13,167	2.494	78	\$100.44	\$7,834.32
Crystal Woods	5,275	0.999	85	\$100.44	\$8,537.40
Llewellyn Park *	45,408	8.6	378	\$100.44	\$28,517.74
Eagle Ridge	13,135	2.488	84	\$100.44	\$8,436.96
Essex Green Villas	1,800	0.341	17	\$100.44	\$1,707.48
Hilton Head North	600	0.114	5	\$100.44	\$502.20
Hilltop Villas	1,300	0.246	11	\$100.44	\$1,104.84
Crown View Manor	1,800	0.341	20	\$100.44	\$2,008.80
Briar Hill Villas	1,000	0.189	12	\$100.44	\$1,205.28
Scenic Hills	8,985	1.702	60	\$100.44	\$6,026.40
Carriage House Condominium	700	0.133	6	\$100.44	\$602.64
Crestmont Gardens	600	0.114	5	\$100.44	\$502.20
Llewellyn Gates Associates	1,200	0.227	10	\$100.44	\$1,004.40
Normandie Estates	1,425	0.270	8	\$100.44	\$803.52
Forest Creek	1,391	0.263	9	\$100.44	\$903.96
Crown View Villas	1,425	0.270	20	\$100.44	\$2,008.80
The Point at Crystal Lake	3,724	0.705	28	\$100.44	\$2,812.32
Bel Air	13,390	2.536	59	\$100.44	\$5,925.96
TOTALS		22.979	929		\$83,860.18

*Llewellyn Park amount reflects actual costs incurred by Llewellyn Park for street lighting

**2015 STREET LIGHTING REIMBURSEMENT TO QUALIFIED PRIVATE COMMUNITIES
 PROVIDING ELECTRICITY FOR LIGHTING OF STREETS AND ROADS**

BEL AIR ESTATES - 2015

STREET	LENGTH	WIDTH	# OF LIGHTS	TYPE
Baxter Lane	2040 L.F.	28'	8	50 Watt HPS
Loneragan Lane	750 L.F.	28'	2	50 Watt HPS
Whitbay Drive	3260 L.F.	28'	15	50 Watt HPS
Roehm Court	310 L.F.	28'	2	50 Watt HPS
Hundt Place	290 L.F.	28'	2	50 Watt HPS
Luth Terrace	950 L.F.	28'	1	50 Watt HPS
Pieker Way	240 L.F.	28'	5	50 Watt HPS
Fredericks Street	2050 L.F.	28'	8	50 Watt HPS
Hage Terrace	800 L.F.	28'	2	50 Watt HPS
Donlavage Way	1050 L.F.	28'	5	50 Watt HPS
Kovach Court	825 L.F.	28'	4	50 Watt HPS
Witte Place	825 L.F.	28'	5	50 Watt HPS
TOTAL LIGHTS			59	

REIMBURSEMENT SUMMARY JAN-DEC		
50 - 50 Watt HPS @	\$100.44	\$5,925.96

TOTAL REIMBURSEMENT =

\$5,925.96

**2015 STREET LIGHTING REIMBURSEMENT TO QUALIFIED PRIVATE COMMUNITIES
 PROVIDING ELECTRICITY FOR LIGHTING OF STREETS AND ROADS**

EAGLE RIDGE - 2015

STREET	LENGTH	WIDTH	# OF LIGHTS	TYPE
Guerino Drive	850 L.F.	30'	6	50 Watt HPS
Leonardo Drive	4850 L.F.	30'	29	50 Watt HPS
Araneo Drive	1225 L.F.	30'	7	50 Watt HPS
DeRose Court	650 L.F.	24'	5	50 Watt HPS
Crescenzi Court	850 L.F.	24'	5	50 Watt HPS
Gerutti Court	250 L.F.	24'	2	50 Watt HPS
Zeppi Lane	500 L.F.	24'	4	50 Watt HPS
DeZenzo Road	750 L.F.	24'	5	50 Watt HPS
Vacca Drive	550 L.F.	24'	4	50 Watt HPS
Musano Drive	420 L.F.	24'	3	50 Watt HPS
Cerone Court	490 L.F.	24'	4	50 Watt HPS
Querques Lane	400 L.F.	24'	2	50 Watt HPS
Stiles Court	300 L.F.	24'	2	50 Watt HPS
Giordano Drive	400 L.F.	24'	2	50 Watt HPS
DiGaetano Terrace	650 L.F.	24'	4	50 Watt HPS
TOTAL LIGHTS			84	

REIMBURSEMENT SUMMARY JAN-DEC		
84 - 50 Watt HPS @	\$100.44	\$8,436.96

TOTAL REIMBURSEMENT =

\$8,436.96

**2015 STREET LIGHTING REIMBURSEMENT TO QUALIFIED PRIVATE COMMUNITIES
 PROVIDING ELECTRICITY FOR LIGHTING OF STREETS AND ROADS**

FOREST CREEK - 2015

STREET	LENGTH	WIDTH	# OF LIGHTS	TYPE
McManus Court	525 L.F.	30'	4	50 Watt HPS
Waldeck Court	866 L.F.	30'	5	50 Watt HPS
TOTAL LIGHTS			9	

REIMBURSEMENT SUMMARY JAN-DEC	
9 - 50 Watt HPS @	\$100.44
	\$903.96

TOTAL REIMBURSEMENT =

\$903.96

**2015 STREET LIGHTING REIMBURSEMENT TO QUALIFIED PRIVATE COMMUNITIES
 PROVIDING ELECTRICITY FOR LIGHTING OF STREETS AND ROADS**

SCENIC HILLS - 2015

STREET	LENGTH	WIDTH	# OF LIGHTS	TYPE
Karam Circle	3260 L.F.	30'	19	50 Watt HPS
Meyer Court	280 L.F.	24'	2	50 Watt HPS
Buchanan Court	570 L.F.	24'	4	50 Watt HPS
McChesney Court	260 L.F.	24'	2	50 Watt HPS
Paris Circle	700 L.F.	24'	4	50 Watt HPS
Colton Circle	760 L.F.	24'	5	50 Watt HPS
Larkin Circle	1175 L.F.	24'	9	50 Watt HPS
Perkins Drive	720 L.F.	24'	5	50 Watt HPS
Hart Drive	740 L.F.	24'	6	50 Watt HPS
Kayser Lane	520 L.F.	24'	4	50 Watt HPS
TOTAL LIGHTS			60	

REIMBURSEMENT SUMMARY JAN-DEC		
60 - 50 Watt HPS @	100.44	\$6,026.40

TOTAL REIMBURSEMENT =

\$6,026.40

**2015 STREET LIGHTING REIMBURSEMENT TO QUALIFIED PRIVATE COMMUNITIES
 PROVIDING ELECTRICITY FOR LIGHTING OF STREETS AND ROADS**

WEST ESSEX HIGHLANDS - 2015

STREET	LENGTH	WIDTH	# OF LIGHTS	TYPE
Oval Road	2500 L.F.	40'	16	50 Watt HPS
Reger Lane	500 L.F.	30'	2	50 Watt HPS
Warner Road	1500 L.F.	40'	12	50 Watt HPS
Davey Drive	1500 L.F.	30'	12	50 Watt HPS
Fowler Drive	800 L.F.	24'	6	50 Watt HPS
Bongart Drive	660 L.F.	30'	4	50 Watt HPS
Cadmus Court	320 L.F.	24'	3	50 Watt HPS
Bayowski Road	550 L.F.	30'	3	50 Watt HPS
Lapis Circle	1270 L.F.	30'	3	50 Watt HPS
Luft Lane	450 L.F.	24'	2	50 Watt HPS
Kuzik Drive	425 L.F.	40'	1	50 Watt HPS
Knutsen Drive	750 L.F.	40'	5	50 Watt HPS
Currey Lane	500 L.F.	30'	4	50 Watt HPS
Sullivan Drive	1442 L.F.	40'	5	50 Watt HPS
TOTAL LIGHTS			78	

REIMBURSEMENT SUMMARY JAN-DEC		
78 - 50 Watt HPS @	\$100.44	\$7,834.32

TOTAL REIMBURSEMENT =

\$7,834.32

**RESOLUTION FOR MEMBER PARTICIPATION
IN A COOPERATIVE PRICING SYSTEM**

**A RESOLUTION AUTHORIZING THE TOWNSHIP OF WEST ORANGE
TO ENTER INTO A COOPERATIVE PRICING AGREEMENT**

WHEREAS, N.J.S.A. 40A:11-11(5) authorizes contracting units to establish a Cooperative Pricing System and to enter into Cooperative Pricing Agreements for its administration; and

WHEREAS, the County of Bergen, hereinafter referred to as the "Lead Agency " has offered voluntary participation in #11BeCCP a Cooperative Pricing System for the purchase of goods and services;

WHEREAS, on April 19, 2016 the governing body of the Township of West Orange, County of Essex, State of New Jersey duly considered participation in a Cooperative Pricing System for the provision and performance of goods and services;

NOW, THEREFORE BE IT RESOLVED as follows:

TITLE

This RESOLUTION shall be known and may be cited as the Cooperative Pricing Resolution of the Township of West Orange.

AUTHORITY

Pursuant to the provisions of *N.J.S.A. 40A:11-11(5)*, the Township of West Orange is hereby authorized to enter into a Cooperative Pricing Agreement with the Lead Agency.

CONTRACTING UNIT

The Lead Agency shall be responsible for complying with the provisions of the *Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.)* and all other provisions of the revised statutes of the State of New Jersey.

EFFECTIVE DATE

This resolution shall take effect immediately upon passage.

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

Victor Cirilo
Council President

Adopted: April 19, 2016

COOPERATIVE PRICING SYSTEM AGREEMENT

#CK04-BERGEN, Bergen County Cooperative Pricing System

AGREEMENT FOR A COOPERATIVE PRICING SYSTEM

This Agreement made and entered into this _____ day _____, 2016, by and between the, **COUNTY OF BERGEN** and Township of West Orange, who desire to participate in the #CK04-BERGEN.

W I T N E S S E T H

WHEREAS, *N.J.S.A. 40A:11-11(5)*, specifically authorizes two or more contracting units to establish a Cooperative Pricing System for the provision and performance of goods and services and enter into a Cooperative Pricing Agreement for its administration; and

WHEREAS, the County of Bergen is conducting a voluntary Cooperative Pricing System with other contracting units; and

WHEREAS, this Cooperative Pricing System is to effect substantial economies in the provision and performance of goods and services; and

WHEREAS, all parties hereto have approved the within Agreement by Resolution in accordance with the aforesaid statute; and

WHEREAS, it is the desire of all parties to enter into such Agreement for said purposes;

NOW, THEREFORE, IN CONSIDERATION OF the promises and of the covenants, terms and conditions hereinafter set forth, it is mutually agreed as follows:

1. The goods or services to be priced cooperatively may include all goods and services which may be bid under the laws and stipulations of the State of New Jersey and such other items as two or more participating contracting units in the system agree can be purchased on a cooperative basis.
2. The items and classes of items which may be designated by the participating contracting units hereto may be purchased cooperatively for the period commencing with the execution of this Agreement and continuing until terminated as hereinafter provided.
3. The Lead Agency, on behalf of all participating contracting units, shall upon approval of the registration of the System and annually thereafter ON THE ANNIVERSARY OF THE REGISTRATION OF THE SYSTEM publish a legal ad in such format as required by *N.J.A.C. 5:34-7.9(a)* in its official newspaper normally used for such purposes by it to include such information as:

- (A) The name of Lead Agency soliciting competitive bids or informal quotations.
 - (B) The address and telephone number of Lead Agency.
 - (C) The names of the participating contracting units.
 - (D) The State Identification Code assigned to the Cooperative Pricing System.
 - (E) The expiration date of the Cooperative Pricing System.
4. Each of the participating contracting units shall designate, in writing, to the Lead Agency, the items to be purchased and indicate therein the approximate quantities desired [IF NOT AN OPEN ENDED CONTRACT], the location for delivery and other requirements, to permit the preparation of specifications as provided by law.
 5. The specifications shall be prepared and approved by the Lead Agency and no changes shall be made thereafter except as permitted by law. Nothing herein shall be deemed to prevent changes in specifications for subsequent purchases.
 6. A single advertisement for bids or the solicitation of informal quotations for the goods or services to be purchased shall be prepared by the Lead Agency on behalf of all of the participating contracting units desiring to purchase any item.
 7. The Lead Agency when advertising for bids or soliciting informal quotations shall receive bids or quotations on behalf of all participating contracting units. Following the receipt of bids, the Lead Agency shall review said bids and on behalf of all participating contracting units, either reject all or certain of the bids or make one award to the lowest responsible bidder or bidders for each separate item. This award shall result in the Lead Agency entering into a Master Contract with the successful bidder(s) providing for two categories of purchases:
 - (A) The quantities ordered for the Lead Agency's own needs, and
 - (B) The estimated aggregate quantities to be ordered by other participating contracting units by separate contracts, subject to the specifications and prices set forth in the Lead Agency's Master Contract.
 8. The Lead Agency shall enter into a formal written contract(s) directly with the successful bidder(s) only after it has certified the funds available for its own needs.
 9. Each participating contracting unit shall also certify the funds available only for its own needs ordered; enter into a formal written contract, when required by law, directly with the successful bidder(s); issue purchase orders in its own name directly to successful vendor(s) against said contract; accept its own deliveries; be invoiced by and receive statements from the successful vendor(s); make payment directly to the successful vendor(s) and be responsible for any tax liability.

10. No participating contracting unit in the Cooperative Pricing System shall be responsible for payment for any items ordered or for performance generally, by any other participating contracting unit. Each participating contracting unit shall accordingly be liable only for its own performance and for items ordered and received by it and none assumes any additional responsibility or liability.
11. The provisions of Paragraphs 7, 8, 9, and 10 above shall be quoted or referred to and sufficiently described in all specifications so that each bidder shall be on notice as to the respective responsibilities and liabilities of the participating contracting units.
12. No participating contracting unit in the Cooperative Pricing System shall issue a purchase order or contract for a price which exceeds any other price available to it from any other such system in which it is authorized to participate or from bids or quotations which it has itself received.
13. The Lead Agency reserves the right to exclude from consideration any good or service if, in its opinion, the pooling of purchasing requirements or needs of the participating contracting units is either not beneficial or not workable.
14. The Lead Agency shall appropriate sufficient funds to enable it to perform the administrative responsibilities assumed pursuant to this Agreement.
16. This Agreement shall become effective on the date adopted on the resolution subject to the review and approval of the Director of the Division of Local Government Services and shall continue in effect for a period not to exceed five (5) years from said date unless any party to this Agreement shall give written notice of its intention to terminate its participation.
17. The County of Bergen shall on behalf of all local units participating in the cooperative pricing system renew the system every 5 years in perpetuity; unless all parties give written notice that there is no longer a desire or a need for participation in the system.
19. All records and documents maintained or utilized pursuant to terms of this Agreement shall be identified by the System Identifier assigned by the Director, Division of Local Government Services, and such other numbers as are assigned by the Lead Agency for purposes of identifying each contract and item awarded.
20. This Agreement shall be binding upon and inure to the benefit of the successors and assigns of the respective parties hereto.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be signed and executed by their authorized corporate officers and their respective seals to be hereto affixed the day and year above written.

FOR THE LEAD AGENCY

BY:

(NAME AND TITLE)

FOR THE PARTICIPATING UNIT

BY:

Robert D. Parisi, Mayor

RESOLUTION COMBINING BONDS AGGREGATING THE PRINCIPAL SUM OF \$17,391,000 AUTHORIZED BY TWENTY-SEVEN BOND ORDINANCES HERETOFORE ADOPTED TO FINANCE PART OF THE COST OF VARIOUS GENERAL IMPROVEMENTS IN THE TOWNSHIP OF WEST ORANGE, COUNTY OF ESSEX, NEW JERSEY INTO ONE CONSOLIDATED ISSUE OF BONDS AND PROVIDING FOR THE FORM, MATURITIES AND OTHER DETAILS OF SAID CONSOLIDATED ISSUE.

April 19, 2016

WHEREAS, the Township Council of the Township of West Orange, in the County of Essex, New Jersey (the "Township"), has heretofore adopted twenty-seven ordinances authorizing bonds to finance part of the cost of various general improvements in said Township; and

WHEREAS, it is necessary to issue bonds pursuant to said ordinances in an aggregate principal amount of \$17,391,000 and it is deemed advisable and in the best interests of the Township, for the purpose of the orderly marketing of said bonds and for other financial reasons, to combine the bonds authorized under said twenty-seven ordinances into one consolidated issue in the aggregate principal amount of \$17,391,000 pursuant to the Local Bond Law, constituting Chapter 2 of Title 40A of the Revised Statutes of New Jersey; NOW, THEREFORE,

BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST ORANGE IN THE COUNTY OF ESSEX, NEW JERSEY that:

Section 1. There shall be issued bonds of the Township in the following principal amounts pursuant to the following bond ordinances:

A. \$90,841.34 bonds, being a portion of the bonds authorized by an ordinance entitled: (Ord. No. 1905-03)

"BOND ORDINANCE AUTHORIZING VARIOUS CAPITAL IMPROVEMENTS IN AND FOR THE TOWNSHIP OF WEST ORANGE, IN THE COUNTY OF ESSEX, NEW JERSEY, APPROPRIATING \$636,600 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$604,770 BONDS OR NOTES TO FINANCE PART OF THE COST THEREOF."

as amended by an ordinance entitled: (Ord. No. 2367-12)

"BOND ORDINANCE AMENDS VARIOUS BOND ORDINANCES TO AMEND THE DESCRIPTION TO PROVIDE FOR VARIOUS ROAD IMPROVEMENTS, INCLUDING BUT NOT LIMITED TO NICHOLAS

AVENUE AND MOUNTAIN AVENUE AND IMPROVEMENTS TO
OUTDOOR FACILITIES.”

heretofore finally adopted. The average period of usefulness stated in said ordinance is 12.72 years.

B. \$135,295.00 bonds, being a portion of the bonds authorized by an ordinance entitled: (Ord. No. 2018-05)

“BOND ORDINANCE AUTHORIZING VARIOUS CAPITAL IMPROVEMENTS IN AND FOR THE TOWNSHIP OF WEST ORANGE, IN THE COUNTY OF ESSEX, NEW JERSEY, APPROPRIATING \$1,540,000 THEREFORE AND AUTHORIZING THE ISSUANCE OF \$1,463,000 BONDS OR NOTES TO FINANCE PART OF THE COST THEREOF.”

heretofore finally adopted. The average period of usefulness stated in said ordinance is 15.80 years.

C. \$148,853.66 bonds, being a portion of the bonds authorized by an ordinance entitled: (Ord. No. 2069-06)

“BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS IN AND FOR THE TOWNSHIP OF WEST ORANGE, IN THE COUNTY OF ESSEX, NEW JERSEY, APPROPRIATING \$1,422,243 THEREFORE AND AUTHORIZING THE ISSUANCE OF \$911,453 BONDS OR NOTES TO FINANCE PART OF THE COST THEREOF.”

as amended by an ordinance entitled: (Ord. No. 2367-12)

“BOND ORDINANCE AMENDS VARIOUS BOND ORDINANCES TO AMEND THE DESCRIPTION TO PROVIDE FOR VARIOUS ROAD IMPROVEMENTS, INCLUDING BUT NOT LIMITED TO NICHOLAS AVENUE AND MOUNTAIN AVENUE AND IMPROVEMENTS TO OUTDOOR FACILITIES.”

heretofore finally adopted. The average period of usefulness stated in said ordinance is 6.54 years.

D. \$517,043.02 bonds, being a portion of the bonds authorized by an ordinance entitled: (Ord. No. 2078-06)

“BOND ORDINANCE AUTHORIZING VARIOUS CAPITAL IMPROVEMENTS IN AND FOR THE TOWNSHIP OF WEST ORANGE, IN THE COUNTY OF ESSEX, NEW JERSEY, APPROPRIATING

\$1,027,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$888,981 BONDS OR NOTES TO FINANCE PART OF THE COST THEREOF.”

as amended by an ordinance entitled: (Ord. No. 2367-12)

“BOND ORDINANCE AMENDS VARIOUS BOND ORDINANCES TO AMEND THE DESCRIPTION TO PROVIDE FOR VARIOUS ROAD IMPROVEMENTS, INCLUDING BUT NOT LIMITED TO NICHOLAS AVENUE AND MOUNTAIN AVENUE AND IMPROVEMENTS TO OUTDOOR FACILITIES.”

heretofore finally adopted. The average period of usefulness stated in said ordinance is 14.73 years.

E. \$142,374.18 bonds, being a portion of the bonds authorized by an ordinance entitled: (Ord. No. 2125-07)

“BOND ORDINANCE AUTHORIZING VARIOUS CAPITAL IMPROVEMENTS IN AND FOR THE TOWNSHIP OF WEST ORANGE, IN THE COUNTY OF ESSEX, NEW JERSEY, APPROPRIATING \$656,000 THEREFORE AND AUTHORIZING THE ISSUANCE OF \$623,200 BONDS OR NOTES TO FINANCE PART OF THE COST THEREOF.”

as amended by an ordinance entitled: (Ord. No. 2366-12)

“BOND ORDINANCE REAPPROPRIATING \$1,606,799.25 PROCEEDS OF OBLIGATIONS NOT NEEDED FOR THEIR ORIGINAL PURPOSES FOR THE ACQUISITION OF VARIOUS IMPROVEMENTS BY THE TOWNSHIP OF WEST ORANGE, NEW JERSEY.”

heretofore finally adopted. The average period of usefulness stated in said ordinance is 20.17 years.

F. \$645,486.50 bonds, being a portion of the bonds authorized by an ordinance entitled: (Ord. No. 2133-07)

“BOND ORDINANCE AUTHORIZING VARIOUS CAPITAL IMPROVEMENTS IN AND FOR THE TOWNSHIP OF WEST ORANGE, IN THE COUNTY OF ESSEX, NEW JERSEY, APPROPRIATING \$1,455,000 THEREFORE AND AUTHORIZING THE ISSUANCE OF \$1,382,250 BONDS OR NOTES TO FINANCE PART OF THE COST THEREOF.”

as amended by an ordinance entitled: (Ord. No. 2366-12)

“BOND ORDINANCE REAPPROPRIATING \$1,606,799.25 PROCEEDS OF OBLIGATIONS NOT NEEDED FOR THEIR ORIGINAL PURPOSES FOR THE ACQUISITION OF VARIOUS IMPROVEMENTS BY THE TOWNSHIP OF WEST ORANGE, NEW JERSEY.”

heretofore finally adopted. The average period of usefulness stated in said ordinance is 21.84 years.

G. \$1,442,236.68 bonds, being a portion of the bonds authorized by an ordinance entitled: (Ord. No. 2172-08)

“BOND ORDINANCE AUTHORIZING VARIOUS CAPITAL IMPROVEMENTS IN AND FOR THE TOWNSHIP OF WEST ORANGE, IN THE COUNTY OF ESSEX, NEW JERSEY, APPROPRIATING \$2,581,617 THEREFORE AND AUTHORIZING THE ISSUANCE OF \$2,452,517 BONDS OR NOTES TO FINANCE PART OF THE COST THEREOF.”

as amended by an ordinance entitled: (Ord. No. 2367-12)

“BOND ORDINANCE AMENDS VARIOUS BOND ORDINANCES TO AMEND THE DESCRIPTION TO PROVIDE FOR VARIOUS ROAD IMPROVEMENTS, INCLUDING BUT NOT LIMITED TO NICHOLAS AVENUE AND MOUNTAIN AVENUE AND IMPROVEMENTS TO OUTDOOR FACILITIES.”

heretofore finally adopted. The average period of usefulness stated in said ordinance is 17.10 years.

H. \$544,119.88 bonds, being a portion of the bonds authorized by an ordinance entitled: (Ord. No. 2209-09)

“BOND ORDINANCE AUTHORIZING VARIOUS CAPITAL IMPROVEMENTS IN AND FOR THE TOWNSHIP OF WEST ORANGE, IN THE COUNTY OF ESSEX, NEW JERSEY AND APPROPRIATING \$1,700,000 THEREFORE AND AUTHORIZING THE ISSUANCE OF \$817,000 BONDS OR NOTES TO FINANCE PART OF THE COST THEREOF.”

heretofore finally adopted. The average period of usefulness stated in said ordinance is 7.09 years.

I. \$341,863.16 bonds, being a portion of the bonds authorized by an ordinance entitled: (Ord. No. 2211-09)

“BOND ORDINANCE AUTHORIZING VARIOUS ROAD IMPROVEMENTS IN AND FOR THE TOWNSHIP OF WEST ORANGE, IN THE COUNTY OF ESSEX, NEW JERSEY AND APPROPRIATING \$877,000 THEREFORE AND AUTHORIZING THE ISSUANCE OF \$429,400 BONDS OR NOTES TO FINANCE PART OF THE COST THEREOF.”

heretofore finally adopted. The average period of usefulness stated in said ordinance is 10 years.

J. \$24,050.62 bonds, being a portion of the bonds authorized by an ordinance entitled: (Ord. No. 2214-09)

“BOND ORDINANCE AUTHORIZING VARIOUS IMPROVEMENTS IN AND FOR THE TOWNSHIP OF WEST ORANGE, IN THE COUNTY OF ESSEX, NEW JERSEY AND APPROPRIATING \$1,170,000 THEREFORE AND AUTHORIZING THE ISSUANCE OF \$1,170,000 BONDS OR NOTES TO FINANCE PART OF THE COST THEREOF.”

heretofore finally adopted. The average period of usefulness stated in said ordinance is 40 years.

K. \$1,385,000.11 bonds, being a portion of the bonds authorized by an ordinance entitled: (Ord. No. 2216-09)

“BOND ORDINANCE AUTHORIZING VARIOUS ROAD IMPROVEMENTS IN AND FOR THE TOWNSHIP OF WEST ORANGE, IN THE COUNTY OF ESSEX, NEW JERSEY AND APPROPRIATING \$1,825,000 THEREFORE AND AUTHORIZING THE ISSUANCE OF \$1,733,750 BONDS OR NOTES TO FINANCE PART OF THE COST THEREOF.”

heretofore finally adopted. The average period of usefulness stated in said ordinance is 10 years.

L. \$1,265,116.23 bonds, being a portion of the bonds authorized by an ordinance entitled: (Ord. No. 2222-09)

“BOND ORDINANCE AUTHORIZING THE UPGRADE OF THE COMMUNICATIONS SYSTEM IN AND FOR THE TOWNSHIP OF WEST ORANGE, IN THE COUNTY OF ESSEX, NEW JERSEY AND APPROPRIATING \$1,700,000 THEREFORE AND AUTHORIZING THE ISSUANCE OF \$1,615,000 BONDS OR NOTES TO FINANCE PART OF THE COST THEREOF.”

heretofore finally adopted. The average period of usefulness stated in said ordinance is 7 years.

M. \$29,490.60 bonds, being a portion of the bonds authorized by an ordinance entitled: (Ord. No. 2232-09)

“BOND ORDINANCE AUTHORIZING VARIOUS CAPITAL IMPROVEMENTS IN AND FOR THE TOWNSHIP OF WEST ORANGE, IN THE COUNTY OF ESSEX, NEW JERSEY AND APPROPRIATING \$87,000 THEREFORE AND AUTHORIZING THE ISSUANCE OF \$83,125 BONDS OR NOTES TO FINANCE PART OF THE COST THEREOF.”

heretofore finally adopted. The average period of usefulness stated in said ordinance is 11.42 years.

N. \$1,857,894.72 bonds, being a portion of the bonds authorized by an ordinance entitled: (Ord. No. 2237-09)

“BOND ORDINANCE AUTHORIZING VARIOUS CAPITAL IMPROVEMENTS IN AND FOR THE TOWNSHIP OF WEST ORANGE, IN THE COUNTY OF ESSEX, NEW JERSEY AND APPROPRIATING \$3,000,000 THEREFORE AND AUTHORIZING THE ISSUANCE OF \$2,850,000 BONDS OR NOTES TO FINANCE PART OF THE COST THEREOF.”

heretofore finally adopted. The average period of usefulness stated in said ordinance is 10 years.

O. \$705,595.02 bonds, being a portion of the bonds authorized by an ordinance entitled: (Ord. No. 2272-10)

“BOND ORDINANCE AUTHORIZING VARIOUS CAPITAL IMPROVEMENTS IN AND FOR THE TOWNSHIP OF WEST ORANGE, IN THE COUNTY OF ESSEX, NEW JERSEY, APPROPRIATING \$1,127,000 THEREFORE AN AUTHORIZING THE ISSUANCE OF \$1,070,650 BONDS OR NOTES TO FINANCE PART OF THE COST THEREOF.”

heretofore finally adopted. The average period of usefulness stated in said ordinance is 17.39 years.

P. \$9,310.34 bonds, being a portion of the bonds authorized by an ordinance entitled: (Ord. No. 2278-10)

“BOND ORDINANCE AUTHORIZING VARIOUS CAPITAL IMPROVEMENTS IN AND FOR THE TOWNSHIP OF WEST ORANGE, IN THE COUNTY OF ESSEX, NEW JERSEY, APPROPRIATING \$117,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$111,435 BONDS OR NOTES TO FINANCE PART OF THE COST THEREOF.”

heretofore finally adopted. The average period of usefulness stated in said ordinance is 15 years.

Q. \$1,343,750.00 bonds, being a portion of the bonds authorized by an ordinance entitled: (Ord. No. 2290-10)

“BOND ORDINANCE AUTHORIZING VARIOUS CAPITAL IMPROVEMENTS IN AND FOR THE TOWNSHIP OF WEST ORANGE, IN THE COUNTY OF ESSEX, NEW JERSEY, APPROPRIATING \$2,087,200 THEREFORE AND AUTHORIZING THE ISSUANCE OF \$1, 982,840 BONDS OR NOTES TO FINANCE PART OF THE COST THEREOF.”

heretofore finally adopted. The average period of usefulness stated in said ordinance is 10.10 years.

R. \$90,000.00 bonds, being a portion of the bonds authorized by an ordinance entitled: (Ord. No. 1122-92)

“BOND ORDINANCE AUTHORIZING VARIOUS CAPITAL IMPROVEMENTS AND ACQUISITIONS IN AND FOR THE TOWNSHIP OF WEST ORANGE, IN THE COUNTY OF ESSEX, NEW JERSEY, APPROPRIATING \$1,327,500 THEREFOR INCLUDING A \$60,000 GRANT FROM THE NEW JERSEY DEPARTMENT OF TRANSPORTATION PURSUANT TO THE NEW JERSEY TRANSPORTATION TRUST FUND AUTHORITY ACT AND AUTHORIZING THE ISSUANCE OF \$1,204,125 BONDS OR NOTES TO FINANCE PART OF THE COST THEREOF.”

heretofore finally adopted. The average period of usefulness stated in said ordinance is 24.06 years.

S. \$1,325,250.00 bonds, being all of the bonds authorized by an ordinance entitled: (Ord. No. 1374-96)

“BOND ORDINANCE AUTHORIZING THE FUNDING OF OBLIGATIONS OF THE TOWNSHIP OF WEST ORANGE, IN THE COUNTY OF ESSEX, NEW JERSEY, UNDER THE REHABILITATION COMPONENT OF SUBSTANTIVE CERTIFICATION DATED OCTOBER 11, 1995, PURSUANT TO N.J.S.A. 52:27D-301 ET SEQ., APPROPRIATING \$1,395,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$1,325,250 BONDS OR NOTES TO FINANCE PART OF THE COST THEREOF.”

as amended by an ordinance entitled: (Ord. No. 2367-12)

“BOND ORDINANCE AMENDS VARIOUS BOND ORDINANCES TO AMEND THE DESCRIPTION TO PROVIDE FOR VARIOUS ROAD

IMPROVEMENTS, INCLUDING BUT NOT LIMITED TO NICHOLAS AVENUE AND MOUNTAIN AVENUE AND IMPROVEMENTS TO OUTDOOR FACILITIES.”

heretofore finally adopted. The average period of usefulness stated in said ordinance is 9.27 years.

T. \$39,605.26 bonds, being a portion of the bonds authorized by an ordinance entitled: (Ord. No. 1435-97)

“BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL ACQUISITIONS, RENOVATIONS AND IMPROVEMENTS IN AND FOR THE TOWNSHIP OF WEST ORANGE, IN THE COUNTY OF ESSEX, NEW JERSEY, APPROPRIATING \$348,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$330,600 BONDS AND NOTES TO FINANCE PART OF THE COST THEREOF.”

heretofore finally adopted. The average period of usefulness stated in said ordinance is 10.77 years.

U. \$150,000.00 bonds, being a portion of the bonds authorized by an ordinance entitled: (Ord. No. 1760-01)

“BOND ORDINANCE AUTHORIZING VARIOUS CAPITAL IMPROVEMENTS IN AND FOR THE TOWNSHIP OF WEST ORANGE, IN THE COUNTY OF ESSEX, NEW JERSEY, APPROPRIATING \$1,301,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$1,235,950 BONDS OR NOTES TO FINANCE PART OF THE COST THEREOF.”

as amended by an ordinance entitled: (Ord. No. 2366-12)

“BOND ORDINANCE REAPPROPRIATING \$1,606,799.25 PROCEEDS OF OBLIGATIONS NOT NEEDED FOR THEIR ORIGINAL PURPOSES FOR THE ACQUISITION OF VARIOUS IMPROVEMENTS BY THE TOWNSHIP OF WEST ORANGE, NEW JERSEY.”

as further amended by an ordinance entitled: (Ord. No. 2367-12)

“BOND ORDINANCE AMENDS VARIOUS BOND ORDINANCES TO AMEND THE DESCRIPTION TO PROVIDE FOR VARIOUS ROAD IMPROVEMENTS, INCLUDING BUT NOT LIMITED TO NICHOLAS AVENUE AND MOUNTAIN AVENUE AND IMPROVEMENTS TO OUTDOOR FACILITIES”

heretofore finally adopted. The average period of usefulness stated in said ordinance is 11.82 years.

V. \$250,000.00 bonds, being a portion of the bonds authorized by an ordinance entitled: (Ord. No. 1840-02)

“BOND ORDINANCE AUTHORIZING VARIOUS CAPITAL IMPROVEMENTS IN AND FOR THE TOWNSHIP OF WEST ORANGE, IN THE COUNTY OF ESSEX, NEW JERSEY, APPROPRIATING \$1,096,500 THEREFOR AN AUTHORIZING THE ISSUANCE OF \$1,041,675 BONDS OR NOTES TO FINANCE PART OF THE COST THEREOF.”

as amended by an ordinance entitled: (Ord. No. 2367-12)

“BOND ORDINANCE AMENDS VARIOUS BOND ORDINANCES TO AMEND THE DESCRIPTION TO PROVIDE FOR VARIOUS ROAD IMPROVEMENTS, INCLUDING BUT NOT LIMITED TO NICHOLAS AVENUE AND MOUNTAIN AVENUE AND IMPROVEMENTS TO OUTDOOR FACILITIES.”

heretofore finally adopted. The average period of usefulness stated in said ordinance is 15.16 years.

W. \$152,909.00 bonds, being a portion of the bonds authorized by an ordinance entitled: (Ord. No. 2017-05)

“BOND ORDINANCE AUTHORIZING STORM DRAINAGE IMPROVEMENTS IN AND FOR THE TOWNSHIP OF WEST ORANGE, IN THE COUNTY OF ESSEX, NEW JERSEY, APPROPRIATING \$2,600,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$2,600,000 BONDS OR NOTES TO FINANCE PART OF THE COST THEREOF.”

heretofore finally adopted. The average period of usefulness stated in said ordinance is 40 years.

X. \$327,500.00 bonds, being a portion of the bonds authorized by an ordinance entitled: (Ord. No. 2067-06)

“BOND ORDINANCE AUTHORIZING VARIOUS PRELIMINARY EXPENDITURES IN CONNECTION WITH REDEVELOPMENT PROJECTS IN AND FOR THE TOWNSHIP OF WEST ORANGE, IN THE COUNTY OF ESSEX, NEW JERSEY, APPROPRIATING \$450,000 THEREFORE AND AUTHORIZING THE ISSUANCE OF \$427,500 BONDS OR NOTES TO FINANCE PART OF THE COST THEREOF.”

heretofore finally adopted. The average period of usefulness stated in said ordinance is 15 years.

Y. \$331,414.68 bonds, being a portion of the bonds authorized by an ordinance entitled: (Ord. No. 2166-08)

“BOND ORDINANCE AUTHORIZING VARIOUS CAPITAL IMPROVEMENTS IN AND FOR THE TOWNSHIP OF WEST ORANGE, IN THE COUNTY OF ESSEX, NEW JERSEY, APPROPRIATING \$2,505,500 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$2,380,225 BONDS OR NOTES TO FINANCE PART OF THE COST THEREOF.”

as amended by an ordinance entitled: (Ord. No. 2366-12)

“BOND ORDINANCE REAPPROPRIATING \$1,606,799.25 PROCEEDS OF OBLIGATIONS NOT NEEDED FOR THEIR ORIGINAL PURPOSES FOR THE ACQUISITION OF VARIOUS IMPROVEMENTS BY THE TOWNSHIP OF WEST ORANGE, NEW JERSEY.”

heretofore finally adopted. The average period of usefulness stated in said ordinance is 11.91 years.

Z. \$475,000.00 bonds, being all of the bonds authorized by an ordinance entitled: (Ord. No. 2375-13)

“BOND ORDINANCE AUTHORIZING THE DEVELOPMENT OF A PARK AT RIDGEWAY AVENUE IN AND FOR THE TOWNSHIP OF WEST ORANGE, IN THE COUNTY OF ESSEX, NEW JERSEY, APPROPRIATING \$500,000 THEREFORE AN AUTHORIZING THE ISSUANCE OF \$475,000 BONDS OR NOTES TO FINANCE PART OF THE COST THEREOF.”

heretofore finally adopted. The average period of usefulness stated in said ordinance is 15 years.

AA. \$3,621,000.00 bonds, being a portion of the bonds authorized by an ordinance entitled: (Ord. No. 2358-12)

“BOND ORDINANCE PROVIDING AN APPROPRIATION OF \$4,184,305 FOR RECONSTRUCTION OF THE SANITARY AND STORM SEWERAGE SYSTEMS AND ASSOCIATED RECONSTRUCTION AND REPAVING OF THE ROADWAYS WITHIN THE LLEWELYN PARK SECTION OF THE TOWNSHIP OF WEST ORANGE, IN THE COUNTY OF ESSEX, NEW JERSEY, DIRECTING A SPECIAL ASSESSMENT OF THE COST THEREOF IN THE AMOUNT OF \$3,684,305 AND AUTHORIZING THE ISSUANCE OF \$3,684,305

BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF.”

heretofore finally adopted. The average period of usefulness stated in said ordinance is 30 years.

Section 2. The bonds referred to in Section 1 hereof are hereby combined into one consolidated issue of bonds in the aggregate principal amount of \$17,391,000 and are sometimes hereinafter collectively referred to as the “Bonds.” The bonds referred to in subsections A through Y of Section 1 shall each be designated “General Improvements Bonds, Series 2016” and shall be numbered with the prefix G from one consecutively upward. The bonds referred to in subsection Z of Section 1 shall each be designated “Open Space Bonds, Series 2016” and shall be numbered with the prefix OS from one consecutively upward. The bonds referred to in subsection AA of Section 1 shall each be designated “Special Assessment Bonds, Series 2016” and shall be numbered with the prefix SA from one consecutively upward. The bonds of said consolidated issue shall be dated the date of delivery and will be issued in fully registered form. When issued, the Bonds will be registered in the name of and held by Cede & Co., as the owner thereof and nominee for The Depository Trust Company, New York, New York (“DTC”), an automated depository for securities and clearinghouse for securities transactions.

Upon issuance, the Bonds will be delivered to DTC in single denominations for each maturity of the General Improvement Bonds, Series 2016, Open Space Bonds, Series 2016 and Special Assessment Bonds, Series 2016. Individual purchases of beneficial interests in the Bonds will be made in book-entry form (without certificates) in the denomination of \$1,000 each or any integral multiple thereof.

Principal of the Bonds will be paid annually, subject to prior optional redemption, on the first day of February in the following years and in the following aggregate amounts:

\$13,295,000 General Improvement Bonds, Series 2016, maturing in the principal amount of \$975,000 in the year 2017; \$1,035,000 in the year 2018; \$1,045,000 in the year 2019; \$1,060,000 in the year 2020; \$1,075,000 in the year 2021; \$1,090,000 in the year 2022; \$1,110,000 in the year 2023; \$1,130,000 in the year 2024; \$1,155,000 in the year 2025; \$1,180,000 in the year 2026; \$1,205,000 in the year 2027; and \$1,235,000 in the year 2028.

\$475,000 Open Space Bonds, Series 2016, maturing in the principal amount of \$45,000 in each of the years 2017 through 2021, inclusive; and \$50,000 in each of the years 2022 through 2026, inclusive.

\$3,621,000 Special Assessment Bonds, Series 2016, maturing in the principal amount of \$200,000 in the year 2017; \$220,000 in each of the years 2018 and 2019; \$225,000 in each of the years 2020 and 2021; \$230,000 in the year 2022; \$235,000 in the year

2023; \$240,000 in the year 2024; \$245,000 in the year 2025; \$250,000 in the year 2026; \$255,000 in the year 2027; \$260,000 in the year 2028; \$265,000 in the year 2029; \$275,000 in the year 2030; and \$276,000 in the year 2031.

The combined maturity schedule for the Bonds is as follows:

<u>Year</u>	<u>Principal Amount</u>	<u>Year</u>	<u>Principal Amount</u>
2017	\$1,220,000	2025	\$1,450,000
2018	1,300,000	2026	1,480,000
2019	1,310,000	2027	1,460,000
2020	1,330,000	2028	1,495,000
2021	1,345,000	2029	265,000
2022	1,370,000	2030	275,000
2023	1,395,000	2031	276,000
2024	1,420,000		

The Bonds maturing on or prior to February 1, 2026 shall not be subject to redemption prior to their respective maturity dates. The Bonds maturing on or after February 1, 2027 shall be subject to redemption prior to their respective maturity dates, on or after February 1, 2026 at the option of the Township, either in whole or in part at any time in any order of maturity at one hundred percent (100%) of the principal amount of the Bonds being redeemed (the “Redemption Price”), plus in each case accrued interest thereon to the date fixed for redemption.

Notice of Redemption shall be given by mailing by first class mail in a sealed envelope with postage prepaid to the registered owners of such Bonds at their respective addresses as they last appear on the registration books kept for that purpose by the Township, at least thirty (30) but not more than sixty (60) days before the date fixed for redemption. However, so long as DTC (or any successor thereto) acts as Securities Depository for the Bonds, Notices of Redemption shall be sent to such depository and shall not be sent to the beneficial owners of the Bonds, and will be done in accordance with DTC procedures. Any failure of such depository to advise any of its participants or any failure of any participant to notify any beneficial owner of any Notice of Redemption shall not affect the validity of the redemption proceedings. If the Township determines to redeem a portion of the Bonds of a maturity, such Bonds shall be selected by the Township by lot. If Notice of Redemption has been given as described herein, the Bonds, or the portion thereof called for redemption, shall be due and payable on the date fixed for redemption at the Redemption Price, together with accrued interest to the date fixed for redemption. Payment shall be made upon surrender of the Bonds redeemed.

Section 3. It is hereby found, determined and declared that the average period of usefulness of the improvements or purposes for which the said General Improvement Bonds,

Series 2016 are to be issued, taking into consideration the amount of such General Improvement Bonds, Series 2016 to be issued for said improvements or purposes, is 12.39 years. It is hereby found, determined and declared that the average period of usefulness of the improvements or purposes for which the said Open Space Bonds, Series 2016 are to be issued, taking into consideration the amount of such Open Space Bonds, Series 2016 to be issued for said improvements or purposes, is 15 years. It is hereby found, determined and declared that the average period of usefulness of the improvements or purposes for which the said Special Assessment Bonds, Series 2016 are to be issued, taking into consideration the amount of such Special Assessment Bonds, Series 2016 to be issued for said improvements or purposes, is 30 years.

Section 4. The Bonds shall bear interest from their date based on their outstanding principal amount at a rate to be determined as hereinafter set forth in Section 6 of this Resolution, shall be payable as to principal in lawful money of the United States of America at the administration office of the Township in West Orange, New Jersey, payable semi-annually on the first day of February and August in each year until maturity or prior optional redemption, commencing on February 1, 2017, by check or draft mailed on such interest payment date to the owners thereof registered as such as of each next preceding January 15 and July 15. Interest on the Bonds shall be calculated on the basis of a 360-day year of twelve 30-day calendar months.

Notwithstanding any other provision herein to the contrary, so long as DTC or its nominee, Cede & Co., is the registered owner of the Bonds, payments of the principal of and interest on the Bonds will be made directly to Cede & Co., as nominee of DTC in accordance with the provisions of the DTC Letter of Representations to be executed by the Township and DTC. Disbursal of such payments to the DTC participants is the responsibility of DTC, and disbursal of such payments to the beneficial owners of the bonds is the responsibility of the DTC participants.

Section 5. The Bonds shall be signed by the Mayor and the Township Chief Financial Officer, by their manual or facsimile signatures, and the corporate seal of the Township shall be affixed thereto, or imprinted or reproduced thereon and shall be attested by the manual or facsimile signature of the Clerk or Deputy Clerk of the Township.

Section 6. The Township Chief Financial Officer is hereby authorized and directed to take all actions necessary to offer the Bonds for public sale upon the submission of electronic proposals in accordance with all applicable statutes and to determine in his discretion the date for receipt for such proposals, all in accordance with the terms set forth in the Notice of Sale. The Township Chief Financial Officer is further hereby authorized and delegated the authority to sell and award the Bonds in accordance with the terms of the Notice of Sale and directed to report in writing to the Township Council at the next meeting succeeding the date when any sale or delivery of the Bonds pursuant to this resolution is made, such report to include the principal amount, description, interest rate and maturities of the Bonds sold, the price obtained and the name of the purchaser. The "Notice of Sale" shall comply in all respects with the applicable statutes relating thereto and shall be substantially in the form attached hereto as Exhibit A, with such additions, modifications or deletions as determined by the Township Chief Financial Officer. The Notice of Sale shall be published in a newspaper published and circulated in the

Township as the Township Chief Financial Officer may select and a summary of the Notice of Sale shall be published in The Bond Buyer at least once at least seven (7) days prior to the date of public sale. The Township Chief Financial Officer is authorized and delegated the authority to postpone a public sale without readvertisement in accordance with all applicable statutes relating thereto.

Section 7. The Bonds and the registration provisions endorsed thereon shall be in substantially the following form:

No. 2016 G-_, OS-_, SA-_

UNITED STATES OF AMERICA
STATE OF NEW JERSEY

TOWNSHIP OF WEST ORANGE,
IN THE COUNTY OF ESSEX

GENERAL IMPROVEMENT BOND, SERIES 2016
OR
OPEN SPACE BOND, SERIES 2016
OR
SPECIAL ASSESSMENT BOND, SERIES 2016

Date of Bond: May 17, 2016

Principal Amount: \$

Date of Maturity: February 1, 20__

CUSIP:

The TOWNSHIP OF WEST ORANGE, a municipal corporation of the State of New Jersey, (the "Township") hereby acknowledges itself indebted and for value received promises to pay to Cede & Co. or registered assigns, the sum specified above as the Principal Amount on the date specified above as the Date of Maturity, upon presentation and surrender of this Bond, and to pay to the registered owner hereof interest on such sum, from the Date of Bond specified above until the Date of Maturity specified above, at the rate of ____ and ____ Hundredths per centum (____%) per annum payable on February 1, 2017 and thereafter semi-annually on the first day of August and February in each year. Principal of this Bond will be paid in lawful money of the United States of America, at the administration office of the Township in West Orange, New Jersey. Interest on this Bond will be payable in lawful money of the United States of America by check or draft mailed on such interest payment date to the registered owner hereof as shown on the books of the Township kept for such purpose by the Chief Financial Officer of the Township (the "Bond Registrar") as of the fifteenth day of the month preceding the month in which the payment of interest is to be made.

All of the bonds, of which this Bond is one, shall be initially issued as one fully registered bond for each maturity in the name of Cede & Co., as registered owner and nominee for The Depository Trust Company ("DTC"). Notwithstanding any other provision herein to the contrary, so long as DTC or its nominee, Cede & Co., is the registered owner of the Bonds, payments of the principal of and interest on the Bonds will be made directly to Cede & Co., as nominee of DTC in accordance with the provisions of the DTC Letter of Representations executed by the Township and DTC relating to the Bonds. Disbursal of such payments to the DTC participants is the responsibility of DTC, and disbursal of such payments to the beneficial owners of the Bonds is the responsibility of the DTC participants.

The Bonds maturing on or prior to February 1, 2026 shall not be subject to redemption prior to their respective maturity dates. The Bonds maturing on or after February 1, 2027 shall be subject to redemption prior to their respective maturity dates, on or after February 1, 2026 at the option of the Township, either in whole or in part at any time in any order of maturity at one

hundred percent (100%) of the principal amount of the Bonds being redeemed (the “Redemption Price”), plus in each case accrued interest thereon to the date fixed for redemption.

Notice of Redemption shall be given by mailing by first class mail in a sealed envelope with postage prepaid to the registered owners of such Bonds at their respective addresses as they last appear on the registration books kept for that purpose by the Township, at least thirty (30) but not more than sixty (60) days before the date fixed for redemption. However, so long as DTC (or any successor thereto) acts as Securities Depository for the Bonds, Notices of Redemption shall be sent to such depository and shall not be sent to the beneficial owners of the Bonds, and will be done in accordance with DTC procedures. Any failure of such depository to advise any of its participants or any failure of any participant to notify any beneficial owner of any Notice of Redemption shall not affect the validity of the redemption proceedings. If the Township determines to redeem a portion of the Bonds of a maturity, such Bonds shall be selected by the Township by lot. If Notice of Redemption has been given as described herein, the Bonds, or the portion thereof called for redemption, shall be due and payable on the date fixed for redemption at the Redemption Price, together with accrued interest to the date fixed for redemption. Payment shall be made upon surrender of the Bonds redeemed.

This Bond is transferable only upon the books of the Bond Registrar, by the registered owner hereof in person or by his attorney duly authorized in writing, upon surrender hereof together with a written instrument of transfer satisfactory to the Township duly executed by the registered owner or such duly authorized attorney, and thereupon the Township shall issue in the name of the transferee a new bond or bonds of the same aggregate principal amount, series, designation, maturity and interest rate as the surrendered bond. The Township and any paying agent of the Township may treat and consider the person in whose name this Bond is registered as the holder and absolute owner hereof for the purpose of receiving payment of, or on account of, the principal and interest due hereon and for all other purposes whatsoever.

This Bond is one of an authorized issue of bonds of the Township and is issued pursuant to the Local Bond Law, constituting Chapter 2 of Title 40A of the Revised Statutes of the State of New Jersey, a resolution of the governing body of the Township entitled: “Resolution Combining Bonds Aggregating the Principal Sum of \$17,391,000 Authorized by Twenty-Seven Bond Ordinances Heretofore Adopted to Finance Part of the Cost of Various General Improvements in the Township of West Orange, County of Essex, New Jersey Into One Consolidated Issue of Bonds and Providing for the Form, Maturities and Other Details of Said Consolidated Issue,” adopted April 19, 2016 and by virtue of certain bond ordinances referred to therein.

The full faith and credit of the Township are hereby irrevocably pledged for the punctual payment of the principal of and interest on this Bond according to its terms. This Bond shall not be or be deemed to be a debt or liability of the State of New Jersey or a pledge of the faith and credit of the State of New Jersey.

It is hereby certified and recited that all conditions, acts and things required by the Constitution or statutes of the State of New Jersey to exist, to have happened or to have been performed precedent to or in the issuance of this Bond exist, have happened and have been

performed, and that the issue of bonds of which this is one does not exceed any limitation imposed thereon by said Constitution or statutes.

In the event the Township determines that the beneficial owners of the Bonds (the actual purchasers of the Bonds) shall be able to obtain certificated bonds, the Township shall notify DTC of the availability of bond certificates. In such event, the Township will appoint a paying agent and the Township will issue, transfer and exchange bond certificates in appropriate amounts as required by DTC and others. DTC may determine to discontinue providing its services with respect to the bonds at any time by giving a reasonable amount of notice in writing to the Township. In the event of such determination, if the Township fails to identify another qualified securities depository as successor to DTC, the Township will appoint a paying agent and the Township will issue and deliver replacement bonds in the form of fully registered certificates. Whenever DTC requests the Township to do so, the Township will cooperate with DTC in taking appropriate action (a) to make available one or more separate certificates evidencing the bonds to any DTC participant (participants of DTC) having bonds credited to its DTC account or (b) to arrange for another securities depository to maintain custody of certificates evidencing the bonds.

IN WITNESS WHEREOF, THE TOWNSHIP OF WEST ORANGE has caused this Bond to be executed in its name by the manual or facsimile signatures of its Mayor and its Township Chief Financial Officer, and its corporate seal (or facsimile thereof) to be affixed, imprinted or reproduced hereon, and this Bond and said seal to be attested by the manual or facsimile signature of the Township Clerk, and this Bond to be dated the 17th day of May, 2016.

Attest:

By: _____
Robert D. Parisi
Mayor

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

By: _____
John Gross,
Chief Financial Officer

The following abbreviations, when used in the inscription on this bond, shall be construed as though they were written out in full according to applicable laws or regulations (additional abbreviations may also be used though not in the following list):

TEN COM as tenants in common
TEN ENT as tenants by the
entireties
JT TEN as joint tenants with
right of survivorship
and not as tenants
in common

UNIF GIFT MIN ACT
____Custodian____
(Cust) (Minor)
under Uniform Gifts
to Minors Act
(State)

ASSIGNMENT

FOR VALUE RECEIVED the undersigned hereby sells, assigns and transfers unto

PLEASE INSERT SOCIAL SECURITY OR OTHER IDENTIFYING NUMBER OF
ASSIGNEE (FOR COMPUTER RECORD ONLY)

(Please Print or Typewrite Name and Address of Transferee)

the within bond, and all rights thereunder, and hereby irrevocably constitutes and appoints

Attorney, to transfer the within bond on the books kept for the registration thereof, with full
power of substitution in the premises.

Dated:

NOTICE: The signature to this assignment must correspond with the name as it appears upon
the first page of the within bond in every particular, without alteration or enlargement or any
change whatever.

CERTIFICATE AS TO LEGAL OPINION

The undersigned Clerk of the Township of West Orange, New Jersey hereby certifies that a true and correct copy of the original legal opinion of the law firm of Gibbons P.C., Newark, New Jersey as to the validity of the issue of Bonds of which the within bond is one is available for inspection at the Office of the Clerk of the Township of West Orange, New Jersey and a copy thereof may be obtained by the registered or beneficial owner hereof upon request.

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

Section 8. The Township Chief Financial Officer is hereby authorized and directed (a) to cause a copy of the written opinion with respect to the Bonds which is to be rendered by the firm of Gibbons P.C. (complete except for omission of its date) to be printed or referred to on the Bonds, and at the time of the original delivery of payment for the Bonds and when such written opinion is rendered, to cause the Township Clerk to certify to the truth and correctness of such copy of opinion by executing on each of said Bonds, by manual or facsimile signature, a certificate subjoined to each such copy, and to file a signed duplicate of such written opinion in such Clerk's office and at each place at which the Bonds are payable, (b) to cause the applicable CUSIP number (if any) assigned for each of said Bonds by the CUSIP Service Bureau of Standard & Poor's Ratings Service of New York, New York, to be printed on each of the Bonds, and (c) to cause, in the event that the Bonds shall qualify for issuance of any policy of municipal bond insurance at the option of the purchaser thereof, such legend or reference (if any) of such insurance to be printed (at the expense of such purchaser) on the Bonds.

Section 9. Upon the date of issue of the Bonds, being the date of delivery of the Bonds to DTC on behalf of the successful bidder and the payment of the purchase price thereof in accordance with the Notice of Sale, the Township Chief Financial Officer is hereby authorized and directed as of said date of issue, to execute and deliver to said successful bidder (a) an arbitrage certification with respect to the Bonds under and for the purpose of Section 148 of the Internal Revenue Code of 1986, as amended (the "Code"), and (b) an accompanying opinion of Gibbons P.C. as of said date of issue with respect to said arbitrage certification for the purposes of said Section 148.

Section 10. The proceeds of the Bonds shall be applied in the amounts and for the purpose provided in Section 1 hereof, and to pay and fund any bond anticipation notes theretofore issued for such purpose and then outstanding.

Section 11. The Mayor and Township Chief Financial Officer are hereby authorized and directed to approve the Preliminary Official Statement of the Township issued in connection with the Bonds, the Official Statement of the Township issued in connection with the Bonds, the Notice of Sale and the DTC Letter of Representation and their use in connection with the sale of the Bonds and are further authorized, as is the Township Clerk, to execute all documents, including, but not limited to, the Continuing Disclosure Certificate, the Preliminary Official Statement, the Official Statement, the Notice of Sale and the DTC Letter of Representation, necessary for the sale and delivery of said Bonds.

Section 12. This resolution shall take effect immediately.

AYES:

NAYS:

ABSTAIN:

ABSENT:

EXHIBIT A

TOWNSHIP OF WEST ORANGE,
IN THE COUNTY OF ESSEX,
NEW JERSEY

NOTICE OF SALE OF
\$17,391,000
GENERAL OBLIGATION BONDS, SERIES 2016
CONSISTING OF
\$13,295,000 GENERAL IMPROVEMENT BONDS, SERIES 2016,
\$475,000 OPEN SPACE BONDS, SERIES 2016
AND
\$3,621,000 SPECIAL ASSESSMENT BONDS, SERIES 2016
(BOOK-ENTRY BONDS) (CALLABLE)

ELECTRONIC PROPOSALS (the "Proposals"), via BiDCOMP/PARITY Competitive Bidding System ("PARITY") only, will be received by the Chief Financial Officer of the Township of West Orange in the County of Essex, New Jersey (the "Township"), on May 3, 2016 until 11:00 a.m., New York City time, at which time they will be announced, for the purchase of all, but not less than all, of the Township's General Obligation Bonds, Series 2016 (the "Bonds"). Bidders are required to submit their Proposal for the purchase of the Bonds in accordance with the terms of the Notice of Sale.

Principal Amortization

Principal of the Bonds will be paid annually, subject to prior optional redemption, on the first day of February in the following years and in the following aggregate amounts:

\$13,295,000 General Improvement Bonds, Series 2016, maturing in the principal amount of \$975,000 in the year 2017; \$1,035,000 in the year 2018; \$1,045,000 in the year 2019; \$1,060,000 in the year 2020; \$1,075,000 in the year 2021; \$1,090,000 in the year 2022; \$1,110,000 in the year 2023; \$1,130,000 in the year 2024; \$1,155,000 in the year 2025; \$1,180,000 in the year 2026; \$1,205,000 in the year 2027; and \$1,235,000 in the year 2028.

\$475,000 Open Space Bonds, Series 2016, maturing in the principal amount of \$45,000 in each of the years 2017 through 2021, inclusive; and \$50,000 in each of the years 2022 through 2026, inclusive.

\$3,621,000 Special Assessment Bonds, Series 2016, maturing in the principal amount of \$200,000 in the year 2017; \$220,000 in each of the years 2018 and 2019; \$225,000 in each of the years 2020 and 2021; \$230,000 in the year 2022; \$235,000 in the year

2023; \$240,000 in the year 2024; \$245,000 in the year 2025; \$250,000 in the year 2026; \$255,000 in the year 2027; \$260,000 in the year 2028; \$265,000 in the year 2029; \$275,000 in the year 2030; and \$276,000 in the year 2031.

The combined maturity schedule for the Bonds is as follows:

<u>Year</u>	<u>Principal Amount</u>	<u>Year</u>	<u>Principal Amount</u>
2017	\$1,220,000	2025	\$1,450,000
2018	1,300,000	2026	1,480,000
2019	1,310,000	2027	1,460,000
2020	1,330,000	2028	1,495,000
2021	1,345,000	2029	265,000
2022	1,370,000	2030	275,000
2023	1,395,000	2031	276,000
2024	1,420,000		

Interest Payment Dates

The Bonds will be dated the date of delivery (which is expected to be May 17, 2016) and will bear interest at the rate per annum specified by the successful bidder therefor in accordance herewith, payable on February 1, 2017 and semi-annually thereafter on the first day of August and February in each year until maturity or prior optional redemption. Interest on the Bonds shall be calculated on the basis of a 360-day year of twelve 30-day calendar months.

Optional Redemption Provisions

The Bonds maturing on or prior to February 1, 2026 shall not be subject to redemption prior to their respective maturity dates. The Bonds maturing on or after February 1, 2027 shall be subject to redemption prior to their respective maturity dates, on or after February 1, 2026 at the option of the Township, either in whole or in part at any time in any order of maturity at one hundred percent (100%) of the principal amount of the Bonds being redeemed (the "Redemption Price"), plus in each case accrued interest thereon to the date fixed for redemption.

Notice of Redemption shall be given by mailing by first class mail in a sealed envelope with postage prepaid to the registered owners of such Bonds at their respective addresses as they last appear on the registration books kept for that purpose by the Township, at least thirty (30) but not more than sixty (60) days before the date fixed for redemption. However, so long as DTC (or any successor thereto) acts as Securities Depository for the Bonds, Notices of Redemption shall be sent to such depository and shall not be sent to the beneficial owners of the Bonds, and will be done in accordance with DTC procedures. Any failure of such depository to

advise any of its participants or any failure of any participant to notify any beneficial owner of any Notice of Redemption shall not affect the validity of the redemption proceedings. If the Township determines to redeem a portion of the Bonds of a maturity, such Bonds shall be selected by the Township by lot. If Notice of Redemption has been given as described herein, the Bonds, or the portion thereof called for redemption, shall be due and payable on the date fixed for redemption at the Redemption Price, together with accrued interest to the date fixed for redemption. Payment shall be made upon surrender of the Bonds redeemed.

Book-Entry-Only System

As long as DTC or its nominee, Cede & Co., is the registered owner of the Bonds, payments of the principal of and interest on the Bonds will be made directly to Cede & Co., as nominee of DTC, which will credit payments of principal of and interest on the Bonds to the DTC participants as listed in the records of DTC as of each next preceding January 15 and July 15, respectively (the "Record Dates" for payment of interest on the Bonds), which participants will in turn credit such payments to the beneficial owners of the Bonds.

All bidders of the Bonds must be participants of The Depository Trust Company, New York, New York ("DTC") or affiliated with its participants. The Bonds will be issued in fully registered form, and when issued will be registered in the name of and held by Cede & Co., as the registered owner thereof and nominee for DTC, an automated depository for securities and clearinghouse for securities transactions.

Individual purchases of beneficial ownership interests in the Bonds will be made in book-entry form (without certificates) in the denomination of \$1,000 each or any integral multiple thereof. It shall be the obligation of the successful bidder to furnish to DTC an underwriter's questionnaire and the denomination of the Bonds not less than seventy-two (72) hours prior to the delivery of the Bonds.

In the event that either DTC determines not to continue to act as securities depository for the Bonds or the Township determines that the beneficial owners of the Bonds be able to obtain bond certificates, the Township will appoint a paying agent and will issue and deliver replacement Bonds in the form of fully registered certificates.

Electronic Bidding Procedures

Bids may be submitted electronically via PARITY in accordance with this Notice of Sale, until 11:00 a.m., New York City time, on May 3, 2016, but no bid will be received after the time for receiving bids specified above. To the extent any instructions or directions set forth in PARITY conflict with this Notice of Sale, the terms of this Notice of Sale shall control. For further information about PARITY, potential bidders may contact PARITY at (212) 849-5021. In the event that a bid for the Bonds is submitted via PARITY, the bidder further agrees that:

1. The Township may regard the electronic transmission of the bid through PARITY (including information about the purchase price of the Bonds, the interest rate or rates to be borne by the various maturities of the Bonds, the initial public offering price of each maturity

and any other information included in such transmission) as though the same information were submitted directly to the Township and executed by a duly authorized signatory of the bidder. If a bid submitted electronically by PARITY is accepted by the Township, the terms of the Proposal for Bonds and this Notice of Sale and the information that is electronically transmitted through PARITY shall form a contract, and the successful bidder shall be bound by the terms of such contract.

2. PARITY is not an agent of the Township, and the Township shall have no liability whatsoever based on any bidder's use of PARITY, including but not limited to any failure by PARITY to correctly or timely transmit information provided by the Township or information provided by the bidder.

3. The Township may choose to discontinue use of electronic bidding via PARITY by issuing a notification to such effect via TM3 News Services, or by other available means, no later than 3:00 p.m. (New York City Time) on the last business date prior to the bid date set forth above.

4. Once the bids are communicated electronically via PARITY to the Township as described above, each bid will constitute a Proposal for Bonds and shall be deemed to be an irrevocable offer to purchase the Bonds on the terms provided in this Notice of Sale. For purposes of submitting all Proposal for Bonds, whether by hand delivery or electronically via Parity, the time as maintained on PARITY shall constitute the official time.

5. Each bidder choosing to bid electronically shall be solely responsible to make necessary arrangements to access PARITY for purposes of submitting its bid in a timely manner and in compliance with the requirements of this Notice of Sale. Neither the Township nor Parity shall have any duty or obligation to undertake such registration to bid for any prospective bidder or to provide or assure access to any qualified prospective bidder, and neither the Township nor Parity shall be responsible for the proper operation of, or have any liability for any delays or interruptions of, or any damages caused by PARITY. The Township is using PARITY as a communication mechanism, and not as the Township's agent, to conduct the electronic bidding for the Bonds. By using PARITY, each bidder agrees to hold the Township harmless for any harm or damages caused to such bidder in connection with its use of PARITY for bidding on the Bonds.

Bid Specifications

Each Proposal submitted must name the rate or rates of interest per annum to be borne by the Bonds bid for and the rate or rates named must be multiples of one-eighth or one-twentieth of one per centum. Not more than one rate may be named for Bonds of the same maturity. There is no limitation on the rates that may be named. The difference between the highest and lowest rates of interest named in the Proposal shall not exceed three percent (3%). Each Proposal submitted must be for all of the Bonds and the purchase price specified in the proposal must be not less than 100% of the aggregate par value of the Bonds or for more than 102% of the aggregate par value of the Bonds.

Award, Delivery and Payment

The Bonds will be awarded to the bidder on whose bid the total loan may be made at the lowest true interest cost. Such true interest cost shall be computed, as to each bid, by doubling the semiannual interest rate (compounded semiannually) necessary to discount the debt service payments from the payment dates to the date of the Bonds and the price bid, excluding accrued interest to the delivery date. No Proposal shall be considered that offers to pay an amount less than the principal amount of Bonds offered for sale or under which the total loan is made at an interest cost higher than the lowest true interest cost to the Township under any legally acceptable proposal. If two or more such bidders offer to pay the lowest true interest cost, then the Bonds will be sold to one of such bidders selected by lot from among all such bidders. The bidder to which the Bonds are awarded (in the manner specified above) is herein referred to as the "Successful Bidder."

It is expected that delivery of the Bonds to DTC and payment for the Bonds will take place on or about, May 17, 2016 at the offices of Gibbons P.C., bond counsel to the Township ("Bond Counsel"), in Newark, New Jersey or at such other place as may be agreed upon with the Successful Bidder. The Bonds will be delivered to DTC in single denominations for each maturity of each type of bond. PAYMENT FOR THE BONDS AT THE TIME OF ORIGINAL ISSUANCE AND DELIVERY SHALL BE IN IMMEDIATELY AVAILABLE FUNDS.

Change of Bid Date and Closing Date

The Township reserves the right to postpone, from time to time, the date established for the receipt of bids and will undertake to notify registered prospective bidders via notification published on Thomson Municipal Market Monitor ("TM3") (www.tm3.com). Prospective bidders may request notification by facsimile transmission of any such changes in the date or time for the receipt of bids by so advising, and furnishing their telecopier numbers to the Chief Financial Officer of the Township at (973) 325-4070 by 12:00 Noon, New York City time, on the day prior to the announced date for receipt of bids. In addition, the Township reserves the right to make changes to this Notice of Sale. Such changes will be announced on the TM3.

A postponement of the bid date will be announced via TM3 not later than 11:00 a.m., New York City time, on the last business day prior to any announced date for receipt of bids, and an alternative sale date and time will be announced via TM3 by Noon, New York City time, not less than forty-eight (48) hours prior to such alternative date for receipt of bids.

On any such alternative date and time for receipt of bids, the Township will accept electronic bids for the purchase of the Bonds, such bids to conform in all respects to the provisions of this Notice of Sale, except for the changes in the date and time for receipt of bids and any other changes announced via TM3 at the time the date and time for receipt of bids are announced.

Right to Reject Bids; Waive Irregularities

The right is reserved to reject all bids, and any bid not complying with the terms of this Notice of Sale will be rejected. The Township reserves the right to reject any or all Proposals and so far as permitted by law, to waive any irregularity or informality in any or all Proposals.

Good Faith Deposit

A good faith deposit (the "Deposit"), in the form of an electronic transfer of immediately available federal funds in accordance with the wiring instructions contained in the immediately succeeding paragraph, in the amount of \$347,820 is required for each bid for the Bonds to be considered. A bidder shall transmit such funds to the following:

Provident Bank, West Orange, New Jersey
ABA No.: 221272303
Account No.: 8920700500
Account Name: Township of West Orange Capital Account
Contact: John Gross, Chief Financial Officer
Phone: (973) 325-4070

Such funds must be received in the account identified immediately above no later than 11:00 a.m. New York City time on the date for receipt of bids, and must be accompanied by detailed wiring instructions for the return thereof in the event that such bidder is not the Successful Bidder. Please note that the contact information provided immediately above should be used by bidders for the purposes of confirming receipt of electronic transfer of funds and the transmittal of instructions for the return of such electronic transfers of funds in the event such bidder is not the Successful Bidder. Electronic transfers of funds of unsuccessful bidders for the Bonds will be returned upon award of the Bonds. It is the intent of the Township that electronic transfers of funds will be returned via wire transfer to the unsuccessful bidders not later than 5:00 p.m. on the date for receipt of bids, provided that wiring instructions have been provided by such unsuccessful bidder at the time of transmission of the Deposit to the Township. The Township shall not bear any liability for any delay that may occur in the return of an electronic transfer of the Deposit to an unsuccessful bidder. Interest earned on the Deposit will be credited to the Township and will not be available to the Successful Bidder for the Bonds.

The Deposit of the Successful Bidder will be collected and the proceeds thereof retained by the Township to be applied in partial payment for the Bonds and no interest will be allowed or paid upon the amount thereof, but in the event the Successful Bidder shall fail to comply with the terms of its respective bid, the proceeds thereof will be retained as and for full liquidated damages. Award of the Bonds to the Successful Bidder or rejection of all bids is expected to be made within five hours after opening of the bids, but such Successful Bidder may not withdraw its Proposal for Bonds until after 5:00 p.m. of the day of such bid-opening and then only if such award has not been made prior to the withdrawal.

Bond Insurance

If the Bonds qualify for issuance of any policy of municipal bond insurance, any purchase of such policy shall be at the sole option and expense of the Successful Bidder. If the Bonds are to be insured, the Successful Bidder shall pay the premium therefor prior to the delivery of the Bonds. Any failure of the Bonds to be so insured or of any such policy of insurance to be issued shall not in any way relieve the Successful Bidder of its contractual obligations arising from the acceptance of its Proposal for Bonds for the purchase of the Bonds.

CUSIP Numbers

It is anticipated that CUSIP identification numbers will be printed on the Bonds, but neither the failure to print such number on any Bond nor any error with respect thereto shall constitute cause for the failure or refusal of the Successful Bidder to accept delivery of and pay for the Bonds. The CUSIP Service Bureau charges for the assignment of CUSIP numbers on the Bonds shall be the responsibility of and shall be paid for by the Successful Bidder.

Undertakings of the Successful Bidder

THE SUCCESSFUL BIDDER SHALL MAKE A BONA FIDE PUBLIC OFFERING OF THE BONDS AT THEIR RESPECTIVE INITIAL REOFFERING PRICES AND SHALL PROVIDE THE RELATED CERTIFICATION DESCRIBED BELOW.

The successful bidder shall within thirty (30) minutes after being notified of the award of the Bonds, advise the Township in writing (via facsimile transmission) of the initial reoffering prices to the public of each maturity of the Bonds (the "Initial Reoffering Prices"). The successful bidder must, by facsimile transmission or delivery received by the Township within twenty-four (24) hours after notification of the award, furnish the following information to the Township to complete the Official Statement in final form, as described below:

- A. Selling compensation (aggregate total anticipated compensation to the underwriters expressed in dollars, based on the expectation that all the Bonds are sold at the prices or yields at which the successful bidder advised the Township that the Bonds were initially offered to the public).
- B. The identity of the underwriters if the successful bidder is part of a group or syndicate.
- C. Any other material information that the Township determines is necessary to complete the Official Statement in final form.

After the award of the bonds, the Township will prepare copies of the final Official Statement and will include therein such additional information concerning the reoffering of the bonds as the successful bidder may reasonably request. The successful bidder will be responsible to the Township in all aspects for the accuracy and completeness of information provided by such successful bidder with respect to such reoffering.

SIMULTANEOUSLY WITH OR BEFORE DELIVERY OF THE BONDS, THE SUCCESSFUL BIDDER SHALL FURNISH TO THE TOWNSHIP A CERTIFICATE ACCEPTABLE TO BOND COUNSEL (A COPY OF THE FORM OF SUCH CERTIFICATION IS AVAILABLE UPON REQUEST FROM BOND COUNSEL AT TELEPHONE NO. (973) 596-4777) TO THE EFFECT THAT (I) THE SUCCESSFUL BIDDER HAS MADE A BONA FIDE PUBLIC OFFERING OF THE BONDS AT THE INITIAL REOFFERING PRICES, (II) AS OF THE DATE OF THE SALE OF THE BONDS THE SUCCESSFUL BIDDER REASONABLY EXPECTED TO SELL A SUBSTANTIAL AMOUNT OF THE BONDS TO THE PUBLIC (EXCLUDING BOND HOUSES, BROKERS AND OTHER INTERMEDIARIES) AT THEIR RESPECTIVE INITIAL REOFFERING PRICES, AND (III) SUBSTANTIAL AMOUNTS OF THE BONDS WERE SOLD TO THE PUBLIC (EXCLUDING BOND HOUSES, BROKERS AND OTHER INTERMEDIARIES) AT THEIR RESPECTIVE INITIAL REOFFERING PRICES. Bond counsel advises that (i) such certificate must be made on the best knowledge, information and belief of the successful bidder, (ii) the sale to the public of 10% or more in par amount of the bonds of each maturity at the initial reoffering prices would be sufficient to certify as to the sale of a substantial amount of the bonds, and (iii) reliance on other facts as a basis for such certification would require evaluation by bond counsel to assure compliance with the statutory requirement to avoid the establishment of an artificial price for the Bonds.

Legal Opinions

The obligations hereunder to pay for and to accept delivery of the Bonds shall be conditioned on the availability and the delivery at the time of delivery of the Bonds of the approving opinion of the law firm of Gibbons P.C., Newark, New Jersey, bond counsel to the Township, which will be furnished without cost to the Successful Bidder, substantially in the form set forth in the Official Statement distributed in preliminary form in connection with the sale of the Bonds. Such opinion shall state to the effect that the Bonds are valid and legally binding obligations of the Township, and that all the taxable property therein will be subject to the levy of ad valorem taxes, without limitation as to rate or amount, to pay the principal of the Bonds and the interest thereon; and will also state that under existing law, interest on the Bonds is excluded from gross income for purposes of Federal income taxation. The obligations hereunder to pay for and to accept delivery of the Bonds shall be further conditioned on the availability and delivery to the Successful Bidder, at the time of delivery of the Bonds, of (i) certificates from the Township Chief Financial Officer in form satisfactory to Bond Counsel evidencing the proper execution and delivery of the Bonds, the receipt of payment therefor and the fact the Bonds will not be arbitrage obligations within the meaning of the Code; (ii) a certificate from the Township Attorney, in form and tenor satisfactory to Bond Counsel and dated as of the date of such delivery, to the effect that there is no litigation pending or (to the knowledge of the signer or signers thereof) threatened affecting the validity of the Bonds; and (iii) a certificate from the Township Chief Financial Officer, in form and tenor satisfactory to Bond Counsel and dated as of the date of such delivery, to the effect that to the best of his knowledge of such and belief, and after reasonable investigation: (1) neither the Official Statement relating to the Bonds nor any amendment, or supplement thereto contains any untrue statement of a material fact or omits to state any material fact necessary to make the statements therein, in the light of the circumstances in which they were made, not misleading; (2) since the

date of the Official Statement (or the date of the most recent amendment or supplement thereto) no event has occurred which would make the statements therein untrue or, in the light of the circumstances in which they were made, misleading, and (3) there has not been any material adverse change in the operation or financial affairs of the Township since the date of such Official Statement.

Concerning the Preliminary Official Statement

The Township has issued an Official Statement with respect to the sale of the Bonds in preliminary form (the "Preliminary Official Statement") which the Township has deemed final as of its date for purposes of paragraph (b) (1) of Rule 15c2-12 under the Securities Exchange Act of 1934 ("Rule 15c2-12"), except for certain omissions permitted thereunder and except for changes permitted by other applicable law.

The Preliminary Official Statement may be accessed via the Internet at www.i-dealprospectus.com. A printed version is also available upon request made to the Chief Financial Officer of the Township at the Municipal Building, 66 Main Street, West Orange, New Jersey 07052 (telephone (973) 325-4070).

Official Statement

The Township agrees to provide the successful bidder with up to fifty (50) copies of the final Official Statement adopted by the Township in relation to the sale by the Township of the Bonds within the period of time allowed under Rule 15c2-12, at the sole cost and expense of the Township, with any additional copies which the successful bidder shall reasonably request to be provided at the sole cost and expense of the successful bidder.

Continuing Disclosure

In order to assist the successful bidder in complying with Rule 15c2-12, the Township agrees to deliver on the Closing Date a Continuing Disclosure Certificate to be dated as of the Closing Date pursuant to which the Township shall agree to provide at the times and to the information repositories and other persons described in Rule 15c2-12 the financial or operating data required to be disclosed on a continuing basis pursuant to Rule 15c2-12.

John Gross
Chief Financial Officer

Dated: April 21, 2016

SUMMARY NOTICE OF BOND SALE

TOWNSHIP OF WEST ORANGE
IN THE COUNTY OF ESSEX
NEW JERSEY

\$17,391,000
GENERAL OBLIGATION BONDS, SERIES 2016
CONSISTING OF
\$13,295,000 GENERAL IMPROVEMENT BONDS, SERIES 2016,
\$475,000 OPEN SPACE BONDS, SERIES 2016
AND
\$3,621,000 SPECIAL ASSESSMENT BONDS, SERIES 2016
(BOOK-ENTRY BONDS) (CALLABLE)

ELECTRONIC PROPOSALS (the "Proposals"), via BiDCOMP/PARITY Competitive Bidding System ("PARITY") only, will be received by the Chief Financial Officer of the Township of West Orange, New Jersey (the "Township"), on

May 3, 2016

until 11:00 a.m., New York City time, at which time they will be announced, for the purchase of all, but not less than all, of the Township's \$17,391,000 General Obligation Bonds, Series 2016, dated the date of delivery (the "Bonds").

Principal of the Bonds will be paid annually, subject to prior optional redemption, on the first day of February in the following years and in the following aggregate amounts:

\$13,295,000 General Improvement Bonds, Series 2016, maturing in the principal amount of \$975,000 in the year 2017; \$1,035,000 in the year 2018; \$1,045,000 in the year 2019; \$1,060,000 in the year 2020; \$1,075,000 in the year 2021; \$1,090,000 in the year 2022; \$1,110,000 in the year 2023; \$1,130,000 in the year 2024; \$1,155,000 in the year 2025; \$1,180,000 in the year 2026; \$1,205,000 in the year 2027; and \$1,235,000 in the year 2028.

\$475,000 Open Space Bonds, Series 2016, maturing in the principal amount of \$45,000 in each of the years 2017 through 2021, inclusive; and \$50,000 in each of the years 2022 through 2026, inclusive.

\$3,621,000 Special Assessment Bonds, Series 2016, maturing in the principal amount of \$200,000 in the year 2017; \$220,000 in each of the years 2018 and 2019; \$225,000 in each of the years 2020 and 2021; \$230,000 in the year 2022; \$235,000 in the year 2023; \$240,000 in the year 2024; \$245,000 in the year 2025;

\$250,000 in the year 2026; \$255,000 in the year 2027; \$260,000 in the year 2028; \$265,000 in the year 2029; \$275,000 in the year 2030; and \$276,000 in the year 2031.

The combined maturity schedule for the Bonds is as follows:

<u>Year</u>	<u>Principal Amount</u>	<u>Year</u>	<u>Principal Amount</u>
2017	\$1,220,000	2025	\$1,450,000
2018	1,300,000	2026	1,480,000
2019	1,310,000	2027	1,460,000
2020	1,330,000	2028	1,495,000
2021	1,345,000	2029	265,000
2022	1,370,000	2030	275,000
2023	1,395,000	2031	276,000
2024	1,420,000		

Individual purchases of beneficial ownership interests in the Bonds will be made in book-entry form (without certificates) in the denomination of \$1,000 each or any integral multiple thereof. The Bonds will bear interest at a rate or rates of interest in a multiple of 1/8th or 1/20th of 1% per annum specified by the successful bidder payable on February 1, 2017 and semi-annually thereafter on the first day of August and February in each year until maturity or prior optional redemption. The Bonds are subject to redemption at the option of the Township in accordance with the Notice of Sale dated April 21, 2016 (the "Notice of Sale"). The Bonds will be awarded to the bidder on whose bid the total loan may be made at the lowest true interest cost in accordance with the terms of the Notice of Sale.

For further information relating to the Bonds, reference is made to the Preliminary Official Statement, including the Notice of Sale as an appendix and the form of legal opinion of Gibbons P.C., Newark, New Jersey, bond counsel to the Township, which can be accessed via the Internet at www.i-dealprospectus.com. Copies of the Preliminary Official Statement, the Notice of Sale and the form of the legal opinion may be obtained from the Chief Financial Officer of the Township at the Municipal Building, 66 Main Street, West Orange, New Jersey 07052 (telephone (973) 325-4070).

Dated: April 25, 2016

John Gross
Chief Financial Officer

RESOLUTION

WHEREAS, the Township of West Orange Housing Rehabilitation Program has a mortgage against certain real property owned by Seward and Susan Ward (the "Owners") residing at 25 Winding Way, West Orange, New Jersey, Assessor's Parcel No. 49-10 (the "Property"), in the amount of Twenty Thousand Dollars (\$20,000.00), which was dated December 28, 2011 and recorded in the Essex County Register's Office on March 9, 2012 in Book 12356, Page 4530 (the "WOHRP Mortgage"); and

WHEREAS, there is a first mortgage on the Property from Ditech Financial, LLC ("Ditech") in the outstanding amount of Two Hundred Twenty-Five Thousand, Six Hundred and Two Dollars and Thirty-Two Cents (\$225,602.32) (the "First Mortgage"); and

WHEREAS, the Owners desire to refinance their home and obtain a new mortgage loan from Ditech in the amount of Two-Hundred Thirty-Two Thousand, Six Hundred Dollars (\$232,600.00), 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, the New Mortgage is being obtained through the FHA Streamline which requires no appraisal; and

WHEREAS, based on the amount of the New Mortgage as compared to the First Mortgage, 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 Ditech with respect to the Property and the Owner; 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

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

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

Victor Cirilo
Council President

Adopted: April 19, 2016

4850-6584-9904, v. 1

Exhibit “A”

Recording Requested By:
ServiceLink
400 Corporation Drive
Centralized Curative Team
Building 2 /Floor2 – Mailstop 450
Aliquippa, PA 15001

When Recorded Mail To:
Township of West Orange
66 Main St.
West Orange, NJ 07052

Title Order No. 20726167
APN: 49-10
Lot _____, Block _____

SUBORDINATION AGREEMENT

NOTICE: THIS SUBORDINATION AGREEMENT RESULTS IN YOUR SECURITY INTEREST IN THE PROPERTY BECOMING SUBJECT TO AND OF LOWER PRIORITY THAN THE LIEN OF SOME OTHER OR LATER SECURITY INSTRUMENT

THIS AGREEMENT, made _____, 2016, by **SEWARD WARD and SUSAN WARD**, Owners of the land hereinafter described and hereinafter referred to as "Owners", and **THE TOWNSHIP OF WEST ORANGE**, present owners and holder of the mortgage and note first hereinafter described and hereinafter referred to as "Mortgagee";

WITNESSETH

THAT WHEREAS, **SEWARD WARD and SUSAN WARD**, did execute a mortgage, dated **12/28/2011** covering real property at **25 Winding Way, West Orange, NJ 07052**, County of Essex, State of New Jersey

SEE COMPLETE LEGAL ATTACHED AS EXHIBIT "A"

Township of West Orange
Assessor's Parcel No:49-10

to secure a note in the original sum of **\$20,000.00** dated **12/28/2011** originally in favor of **THE TOWNSHIP OF WEST ORANGE**, which the original mortgage was recorded on **03/09/2012**, in **Book 12356 Page 4530 Instrument 12020578**, of Official Records of said county.

WHEREAS, Owners have executed, or are about to execute, a mortgage and note in the **sum not to exceed \$232,600.00**, (Loan #: 160073903) dated on or about _____, in **DITECH FINANCIAL, LLC**, hereinafter referred to as "Lender", payable with interest and upon the terms and conditions described therein, which mortgage is to be recorded concurrently herewith; and

WHEREAS, it is a condition precedent to obtaining said loan that said mortgage last above mentioned shall unconditionally be and remain at all times a lien or charge upon the land hereinbefore described, prior and superior to the lien or charge of the mortgage first above mentioned; and

WHEREAS, lender is willing to make said loan provided the mortgage securing the same is a lien or charge upon the above described property prior and superior to the lien or charge of the mortgage first above mentioned and

provided that Mortgagee will specifically and unconditionally subordinate the lien or charge of the mortgage first above mentioned to the lien or charge of the mortgage in favor of Lender; an

WHEREAS, it is to the mutual benefit of the parties hereto that Lender make such loan to Owners; and Mortgagee is willing that the mortgage securing the same shall, when recorded, constitute a lien or charge upon said land which is unconditionally prior and superior to the lien or charge of the mortgage first above mentioned.

NOW, THEREFORE, in consideration of the mutual benefits accruing to the parties hereto and other valuable consideration, the receipt and sufficiency of which consideration is hereby acknowledged, and in order to induce Lender to make the loan above referred to, it is hereby declared, understood and agreed as follows:

That said mortgage securing said note in favor of Lender, shall unconditionally be and remain at all times a lien or charge on the property therein described, prior and superior to the lien or charge of the mortgage above mentioned.

That Lender would not make its loan above described without this subordination agreement.

That this agreement shall be the whole and only agreement with regard to the subordination of the lien or charge of the mortgage first above mentioned to the lien or charge of the mortgage in favor of lender above referred to and shall supersede and cancel, but only insofar as would affect the priority between the mortgages hereinbefore specifically described, any prior agreement as to such subordination including, but not limited, those provisions, if any, contained in the mortgage first above mentioned, which provide for the subordination of the lien or charge thereof to another mortgage or mortgages.

Mortgagee declares, agrees and acknowledges that

Lender, in making disbursements pursuant to any such agreement, is under no obligation or duty to, nor has Lender represented that it will, see to the application of such proceeds by the person or persons to who Lender disburses such proceeds and any application or use of such proceeds for purposes other than those provided for in such agreement or agreements shall not defeat the subordination herein made in whole or in part;

He intentionally and unconditionally waives, relinquishes and subordinates the lien or charge of the mortgage first above mentioned in favor of the lien or charge upon said land of the mortgage in favor of Lender above referred to and understands that in reliance upon, and in consideration of, this waiver, relinquishment and subordination, specific loans and advances are being and will be made and, as part and parcel thereof, specific monetary and other obligations are being and will be entered into which would not be made or entered into but for said reliance upon this waiver, relinquishment and subordination; and

NOTICE: THIS SUBORDINATION AGREEMENT CONTAINS A PROVISION WHICH ALLOWS THE PERSON OBLIGATED ON YOUR REAL PROPERTY SECURITY TO OBTAIN A LOAN A PORTION OF WHICH MAY BE EXPENDED FOR OTHER PURPOSES THAN IMPROVEMENT OF THE LAND.

“THE APPROVAL DOES NOT INCLUDE RENEWALS OR EXTENSIONS THAT WOULD INCREASE THE LOAN AMOUNT BEING APPROVED ON THIS DOCUMENT.”

IT IS RECOMMENDED THAT PRIOR TO THE EXECUTION OF THIS SUBORDINATION AGREEMENT, THE PARTIES CONSULT WITH THEIR ATTORNEYS WITH RESPECT THERETO.

THE TOWNSHIP OF WEST ORANGE

By: _____

Name/Title: _____

STATE OF _____

COUNTY OF _____

On _____, 2016, before me, _____ personally appeared **Name:** _____ **Title:** _____ **For: THE TOWNSHIP OF WEST ORANGE**, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or entity upon behalf of which the person(s) acted, executed the instrument.

Witness my hand and official seal,

Signature _____

No title search was performed on the subject property by the preparer. The preparer of this deed makes no representation as to the status of the title nor property use or any zoning regulations concerning described property herein conveyed nor any matter except the validity of the form of this instrument. Information herein was provided to preparer by Grantors/Grantee and /or their agents; no boundary survey was made at the time of this conveyance.

EXHIBIT "A"

THE FOLLOWING DESCRIBED PROPERTY:

ALL THAT CERTAIN TRACT, LOT AND PARCEL OF LAND LYING AND BEING IN THE TOWNSHIP OF WEST ORANGE, COUNTY OF ESSEX, STATE OF NEW JERSEY, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE EASTERLY SIDE OF ORANGE HEIGHTS AVENUE, ORANGE HEIGHTS AVENUE IS NOW KNOWN AS WINDING WAY, THEREIN DISTANT SOUTHERLY 468.54 FEET FROM THE INTERSECTION OF THE SAID SIDE OF ORANGE HEIGHTS AVENUE WITH THE SOUTHERLY SIDE OF SHEFFIELD TERRACE; RUNNING THENCE (1) ALONG THE SAID SIDE OF ORANGE HEIGHTS AVENUE, SOUTH 16 DEGREES, 24 MINUTES WEST 26.38 FEET TO AN ANGLE IN THE SAME; THENCE STILL ALONG THE SAID ORANGE HEIGHTS AVENUE; (2) SOUTH 1 DEGREES 10 MINUTES EAST 55.92 FEET TO ANOTHER ANGLE IN THE SAME; THENCE (3) STILL ALONG THE SAID AVENUE, SOUTH 27 DEGREES 9 MINUTES EAST 38.55 FEET TO ANOTHER ANGLE IN THE SAME; THENCE (4) STILL ALONG THE SAID AVENUE SOUTH 77 DEGREES 01 MINUTES EAST 30.10 FEET TO ANOTHER ANGLE IN THE SAME; THENCE (5) STILL ALONG THE SAID AVENUE NORTH 46 DEGREES 53 MINUTES EAST 73.72 FEET; THENCE (6) THROUGH THE LANDS FORMERLY OWNED BY THE ESTATE OF MARGARET BREWER, NORTH 52 DEGREES 43 MINUTES WEST 118.68 FEET TO THE POINT AND PLACE OF BEGINNING. DESCRIPTION BEING IN ACCORDANCE WITH A SURVEY MADE BY DECKER AND CORIELL, INC. DATED 10/24/03.

Assessor's Parcel No: 49-10

RESOLUTION

RESOLUTION OF THE TOWNSHIP OF WEST ORANGE AUTHORIZING FORECLOSURE UNDER THE IN REM TAX FORECLOSURE ACT OF 1948 AS AMENDED, AND ESTABLISHING THE TAX FORECLOSURE LIST OF LIENS TO BE FORECLOSED

WHEREAS, the Township of West Orange has determined that it is necessary and proper to foreclose certain Tax Sale Certificates held by the Township of West Orange, County of Essex, State of New Jersey, by summary proceedings pursuant to the authority granted by the In Rem Tax Foreclosure Act of 1948, as amended; and

NOW THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST ORANGE, ESSEX COUNTY AND STATE OF NEW JERSEY that the governing body of the Township of West Orange, that the Tax Sale Certificates as shown on the foreclosure list, annexed hereto as Exhibit "A," now held by the Township of West Orange be foreclosed by the summary proceedings IN REM, and as described by N.J.S.A. 54:5-104.29 to 54:5-104.71 as amended, and pursuant to the rules of the Civil Practice of the Superior Court of New Jersey.

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

Victor Cirilo
Council President

Adopted: April 19, 2016

Exhibit "A" to Resolution of the Township of West Orange Authorizing Foreclosure Under the In Rem Tax Foreclosure Act of 1948 as Amended, and Establishing the Tax Foreclosure List of Liens to be Foreclosed

Foreclosure List (Updated March 28, 2016)

Schedule Number	Tax Sale Certificate Number	Date Sold	BLK/LOT	Book/Pg. Recording	Amount of Sale	Subsequent Liens	Amount To Redeem	Name of Owner
1	12-003	10/25/2012	Block No. 7 Lot No. 22	Book: 12410 Page: 1195	\$335.49	\$5,555.80	\$5,891.29	Selecto-Flash, Corp. 4 Tompkins Street West Orange, NJ 07052
2	12-005	10/25/2012	Block No. 9 Lot No. 36	Book: 12410 Page: 1190	\$36,678.80	\$503,561.64	\$540,240.44	Selecto-Flash, Corp. 18 Central Avenue West Orange, NJ 07052

**CALENDAR YEAR 2016 ORDINANCE TO EXCEED THE
MUNICIPAL BUDGET APPROPRIATION LIMITS
AND TO ESTABLISH A CAP BANK
(N.J.S.A. 40A: 4-45.14)**

WHEREAS, the Local Government Cap Law, N.J.S.A. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 0.0% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Township Council of the Township of West Orange in the County of Essex finds it advisable and necessary to increase its CY 2016 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Township of West Orange hereby determines that a 3.5% increase in the budget for said year, amounting to \$2,007,780.95 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS, the Township of West Orange hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget, shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Township Council of the Township of West Orange, in the County of Essex, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2016 budget year, the final appropriations of the Township of West Orange shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5%, amounting to \$2,007,780.95 and that the CY 2016 municipal budget for the Township of West Orange be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

This ordinance shall take effect after its final passage and publication in accordance with the law.

Victor Cirilo
Council President

Robert D. Parisi, Mayor

Karen J. Carnevale, RMC
Municipal Clerk

Introduced: March 22, 2016

Adopted: April 19, 2016 (tentatively scheduled)

AN ORDINANCE AMENDING CHAPTER 12, SECTIONS 8.1, 8.2, 8.3, 8.4, 8.5, 8.7, 8.8, 8.13, 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. THE TITLE OF CHAPTER 12, SECTION 8 SHALL BE AND HEREBY IS AMENDED AND SUPPLEMENTED TO INCORPORATE THE FOLLOWING:

12-8 Title of Chapter 12, Section 8

Tobacco and Nicotine Delivery Products

II. CHAPTER 12, SECTION 8.1 SHALL BE AND HEREBY IS AMENDED AND SUPPLEMENTED TO INCORPORATE THE FOLLOWING:

12-8.1 Purpose and Findings.

The purpose of this ordinance is to prohibit the sale of tobacco and nicotine delivery products to persons under the age of 21. The Township Council recognizes the dangers and health risks associated with teenagers and young persons who start smoking, as set forth in various studies conducted by the United States Department of Health, the American Cancer Society, and surveys conducted by other entities. The Township of West Orange has concluded that it is appropriate to prohibit the sale of tobacco and nicotine delivery products within the Township of West Orange to persons under the age of twenty-one (21).

The Township Council adopts the following findings with respect to this section:

- a. Cigarette smoking causes about 1 out of every 5 deaths in the U.S. every year. (Centers of Disease Control and Prevention, 2014).
- b. 90% of all tobacco users start before age 21. (Campaign for Tobacco-Free Kids, 2015).
- c. Every day, more than 1,200 people in this country die due to smoking. (U.S. Surgeon General, 2016)
- d. The younger a child begins smoking, the more likely it is that he/she will become a heavy smoker as an adult. (Surgeon General's Report, 1994).
- e. As of 2015, the American Academy of Pediatrics strongly recommends the minimum age to purchase tobacco products, including e-cigarettes, be increased to age 21.
- f. Raising the minimum age of legal access to tobacco products to at least 21 years old would significantly reduce smoking rates, resulting in 223,000 fewer premature deaths, 50,000 fewer deaths from lung cancer, and 4.2 million fewer years of life lost for persons born between 2000 and 2019. (Institute of Medicine, 2015).
- g. 75% of U.S. adults support raising the age of tobacco product sales to age 21 (U.S. Centers for Disease Control and Prevention, 2015).
- h. Teens that use e-cigarettes have a willingness to start smoking conventional cigarettes, more so than teens that do not use e-cigarettes. (Tobacco Control Journal, 2015).

- i. E-cigarette use amongst high school students has tripled from 2013 to 2014. (Center for Disease Control, 2015).

III. 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:

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

Health Officer shall mean the Health Officer 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.

Minor shall mean any male or female under the age of eighteen (18) years of age.

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.

Nicotine Delivery Product shall mean any product that is designed to deliver nicotine, nicotine vapor or non-nicotine vapor, including but not limited to, any type of electronic smoking device defined as an electronic or other powered device that can be used to deliver nicotine or other substances to the person inhaling from the device, including but not limited to, an electronic cigarette, cigar, cigarillo or pipe, or any cartridge or other component of the device or related product, including but not limited to, any substances used in such devices, such as liquids or powders or other forms of tobacco, but excluding United States Food and Drug Administration approved nicotine patches or nicotine chewing gum.

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 shall mean any product made from the tobacco plant for the purpose of including but not limited to smoking, chewing, inhaling or other use including but not limited to cigars, chewing tobacco, pipe tobacco, snuff, shisha and cigarettes in any form or shall mean any other matter or substance which can be smoked.

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.

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

12-8.3 Prohibition of Tobacco Product and Nicotine Delivery Product Sales to Persons Under Age 21.

- a. No person shall sell, distribute or give tobacco or nicotine delivery products in the Township of West Orange unless an employee of the establishment controls the sale of such products. A person may only sell tobacco or nicotine delivery products in a direct, face-to-face exchange between the retailer and the consumer. Self-service displays and vending machines of tobacco or nicotine delivery products shall be prohibited.
- b. No person shall sell, distribute, or give tobacco or nicotine delivery products to any person under the age of 21 years.
- c. No person or tobacco retailer selling tobacco or nicotine delivery products shall allow the retailer, employee or any other person to sell, distribute or give such products until the retailer, employee or other person has read the West Orange Ordinances and State laws pertaining to the sale or distribution of tobacco and nicotine delivery products and has signed a statement that they have read such ordinances and State laws. Such form statement will be supplied by the Health Department and all signed original statements shall be kept on file by the tobacco retailer and made immediately available at all times for review by the Health Department. All retailers shall be in compliance with this provision by the effective date noted in section 8.16.

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

12-8.4 Delete.

This section is intentionally left blank.

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

12-8.5 Identification Required.

No retailer, employee or other person shall sell, distribute or give tobacco or nicotine delivery products shall verify by means of government-issued photographic identification containing the bearer's date of birth that no person purchasing the tobacco or nicotine containing products is younger than 21 years of age. No such verification is required for any person over the age of 26. No person shall sell, distribute or give tobacco or nicotine delivery products to a person less than 21 years of age who has a note or any form of communication from any person.

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 and/or nicotine delivery products:

SALE OF TOBACCO PRODUCTS OR NICOTINE DELIVERY PRODUCTS TO 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 OR A NICOTINE DELIVERY PRODUCT TO A PERSON UNDER 21 YEARS OF AGE MAY BE PROSECUTED IN ACCORDANCE WITH STATE STATUTES AND TOWNSHIP OF WEST ORANGE ORDINANCES. IF YOU ARE AWARE OF ANY RETAILER WHO IS VIOLATING THIS SECTION OF

THE LAW, PLEASE CONTACT THE WEST ORANGE HEALTH DEPARTMENT
AT (973) 325-4120

VIII. CHAPTER 12, SECTION 8.8 SHALL BE AND HEREBY IS AMENDED AND SUPPLEMENTED TO INCORPORATE THE FOLLOWING:

12-8.8 Restriction of Tobacco Vending Machines and Sales.

- a. Tobacco product vending machines are expressly prohibited unless a tobacco retailer demonstrates to the satisfaction of the Health Officer that only persons over 18 are permitted on the premises or location at any time and under any circumstances. The Health Officer may also obtain from any tobacco retailer a sworn statement that the premises or location is only accessible to persons over 18.
- b. At any premises or location where a tobacco product vending machine is permissible no such machine is permissible unless its operation is possible only by the activation of an electronic switch or device which is installed on the vending machine and controlled by the tobacco retailer or designated employee over the age of 18 from a location separate and distinct from the vending machine. In addition the vending machine must be in full view of the person activating the electronic switch or device and prior to activation the tobacco retailer or employee over 18 must obtain written proof that the person desiring to use the machine is not a person under the age of 21.

IX. CHAPTER 12, SECTION 8.13 SHALL BE AND HEREBY IS AMENDED AND SUPPLEMENTED TO INCORPORATE THE FOLLOWING:

12-8.13 Enforcement.

- a. Whenever the Health Officer, or his or her designee, or a Police Officer of the Township of West Orange reasonably believes there exists a violation of this section, such officer shall issue a summons and complaint not later than thirty (30) days after discovery of the alleged violation. The complaint shall be written and shall state with reasonable particularity the nature of the violation, including reference to the subsection(s) of this section alleged to have been violated. The complaint shall be delivered personally or send via certified mail to the alleged violator.
- b. The Health Officer, his/her designee or a Police Officer of the Township, after giving proper identification, and if no search or other warrant is required by law, may summarily inspect any matter, thing, premise, place, person, record, incident or event as necessary to enforce the provisions of this section.
- c. It shall be unlawful for any person to molest, willfully oppose, or otherwise act to interfere with or obstruct the Health Officer or his/her designee or any Police Officer in the performance of duties under this section. The Health Officer or designee may request the assistance of the Police Department when necessary to execute his or her official duty in the manner prescribed by law.
- d. Citizens may bring complaints against violators of this section.

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

12-8.14 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 \$250.00 for the first violation, not less than \$500 for the second violation, and not less than \$1,000 for the third and each subsequent violation. 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, 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 including but not limited to penalties imposed by the New Jersey Code of Juvenile Justice, N.J.S.A. 2A:170-51, et seq. and N.J.S.A. 2C:33-13.1, et seq.
- e. Each sale of tobacco and or nicotine delivery product to any person under the age of 21 shall constitute a separate violation.
- f. Fines and sanctions associated with this section shall be dedicated and forwarded to the Health Department to be used in connection with education and enforcement of this ordinance. The monies shall be maintained by the Chief Financial Officer or Comptroller of the Township of West Orange.

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

12-8.16 Effective Date.

This Ordinance shall take effect as of July 1, 2016.

XII. 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.

XIII. 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.

Victor Cirilo
Council President

Karen J. Carnevale, RMC
Municipal Clerk

Robert D. Parisi
Mayor

Introduced: March 22, 2016

Adopted: April 19, 2016

Legislative History

This ordinance is drafted to revise the municipal code and increase the age required to purchase tobacco and related products from 18 to 21. In addition, this ordinance also prohibits the sale of nicotine delivery products to persons under the age of 21. The ordinance includes, but is not limited to, the following revisions: (i) a revised title to reflect the bulk of the provisions which deal directly with the sale of tobacco and nicotine delivery products rather than tobacco vending machines; (ii) a new purpose and findings by the Township Council regarding the dangers and health risks associated with young persons smoking tobacco and e-cigarettes; (iii) a revisions of sections to reflect the increase in minimum age requirement; (iv) an additional requirement on the retailer to sign a form that they have read this ordinance and state laws regarding the sale of tobacco and nicotine delivery products; and (v) increased penalties for violation of this ordinance.

**AN ORDINANCE AMENDING CHAPTER 12 TO INCLUDE SECTION 11 OF THE
REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF WEST ORANGE
(E-Cigarette Licensing)**

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 supplemented to include Subsection 11, entitled E-Cigarette Licensing as follows:

I. Purpose

The purpose of this Ordinance is to license establishments that sell electronic smoking devices and related products. The funds collected by licensing of such establishments shall be used to fund the development and maintenance of programs related to tobacco cessation, prevention and control as may be established and/or administered by the West Orange Health Department.

II. Definitions

For the purpose of this section, the following terms, phrases, words and their derivations shall have the meaning stated herein unless their use in the text of this section clearly demonstrates different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number shall include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

"Electronic Smoking Device" shall mean an electronic or other powered device that can be used to deliver nicotine or other substances to the person inhaling from the device, including but not limited to, an electronic cigarette, cigar, cigarillo or pipe, or any cartridge or other component of the device or related product.

"License Year" shall mean the time period covering June 1st through May 31st of the year for which a license is issued pursuant to this Ordinance.

"Retail Electronic Smoking Device Establishment" shall mean any establishment that sells, distributes, gives or offers for sale Electronic Smoking Devices designed for consumption through inhalation.

"Sale" shall mean every delivery of Electronic Smoking Devices, whether the same is by direct sale or the solicitation or acceptance of an order, including the exchange, barter, traffic in, keeping and exposing for sale, displaying for sale, delivering for value, peddling and possession with intent to sell, distribute or give.

III. Licensing Fees

- A. No person shall conduct, maintain or operate a Retail Electronic Smoking Device Establishment that sells, distributes or gives Electronic Smoking Devices without first obtaining from the West Orange Health Department a license to do so.
- B. Fees in accordance with the following schedule shall be paid before any license required in this article shall be issued:

Electronic Smoking Device Establishment License \$1,200.00

- C. Licenses issued under the provisions of this article, unless forfeited or revoked by the West Orange Health Department, shall expire annually on the 31st day of May of each year.
- E. No license is transferrable by sale or otherwise.
- F. Such license shall be posted in a conspicuous place in such establishment. No itinerant establishments shall be permitted to obtain an Electronic Smoking Device Establishment License.
- G. All licensing fees shall be paid to the Township of West Orange to offset budget appropriations in connection with education and enforcement of this ordinance and/or the States Tobacco Age of Sale Inspection Program.

IV. Sale Requirements

- A. No person shall sell, distribute or give Electronic Smoking Devices in the Township of West Orange unless an employee of the establishment controls the sale of such products. A person may only sell Electronic Smoking Devices in a direct, face-to-face exchange between the retailer and the consumer. Self-service displays and vending machines of Electronic Smoking Devices shall be prohibited.
- B. No person shall sell, distribute, or give Electronic Smoking Devices to any person under the age of 21 years.
- C. No Retail Electronic Smoking Device Establishment shall allow the retailer, employee or any other person to sell, distribute or give such products until the retailer, employee or other person has read the West Orange Ordinances and State laws pertaining to the sale of Electronic Smoking Devices and has signed a statement that they have read such ordinances and State laws. Such form statement will be supplied by the West Orange Health Department and all signed original statements shall be kept on file by the Retail Electronic Smoking Device Establishment and made immediately available at all times for review by the West Orange Health Department. All Retail Electronic Smoking Device

Establishments shall be in compliance with this provision by the effective date noted in section IX.

- D. The sale of any Electronic Smoking Device refill liquid, whether or not such liquid contains nicotine, that is intended for human consumption that is not contained in packaging that is child-resistant is prohibited as set forth in N.J.S.A. 2A:170-51.9 et. seq.
- E. License holders can only do in-person marketing and sales of Electronic Smoking Devices at the Retail Electronic Smoking Device Establishment. There shall be no cross marketing or sales at nonregistered retail locations and mobile locations, including but not limited to, street fairs, local fairs, festivals, etc.

V. Enforcement

- A. This section shall be enforced by the West Orange Health Department and/or other municipal officials of the Township of West Orange.
- B. Any person found to be in violation of this section shall be ordered to cease the sale of Electronic Smoking Devices immediately.

VI. Violations and Penalties

- A. Any person(s) who is found to be in violation of the provisions of this section shall be subject to the following penalties. For any and every violation of any of the provisions of this Ordinance, the violator of said provision will be subject to a fine of not less than twelve hundred (\$1,200.00) dollars and not more than twenty five hundred (\$2,500.00) dollars. No fines shall be issued for sixty (60) days after publication of this ordinance.
- B. In addition any violator of this section shall be subject to having any Township license held by the violator, suspended, revoked or fined. No such action may be taken unless the requirements of due process are satisfied.
- C. These penalties are in addition to any penalties that may be imposed including but not limited to penalties imposed by the New Jersey Code of Juvenile Justice, N.J.S.A. 2A:170-51, et seq. and N.J.S.A. 2C:33-13.1, et seq.
- D. Fines and sanctions associated with this section shall be dedicated and forwarded to the West Orange Health Department to be used in connection with education and enforcement of this ordinance. The monies shall be maintained by the Chief Financial Officer or Comptroller of the Township of West Orange.

VII. Severability

Each section, subsection, sentence, clause and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause and phrase. If any portion of this Ordinance, or its application to any person or circumstances, shall be

adjudged or otherwise determined to be invalid, unconstitutional, void, or ineffective for any clause or reason, such determination shall not affect the remaining provisions of this Ordinance, and the application of such remaining provisions shall not be affected thereby and shall remain in full force and effect, and to this end, the provisions of this Ordinance are severable.

VIII. Repealer

All ordinances or parts of ordinances contrary to or inconsistent with the provisions of this chapter are hereby repealed to the extent of such conflict or inconsistency.

IX. Effective Date

This Ordinance shall take effect as of July 1, 2016.

Victor Cirilo
Council President

Karen J. Carnevale, RMC
Municipal Clerk

Robert D. Parisi
Mayor

Introduced: March 22, 2016

Adopted: April 19, 2016