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165-20 AUTHORIZING EXECUTION OF DEED FOR TRANSFER OF THE
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4. Ordinance(S) On Second And Final Reading

4.I. 2609-20

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5. Ordinance(S) On First Reading

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6. ABC Hearing

6.I. 643-20

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643-20 RENEWAL RESOLUTION (3) 8.11.20.PDF

Township of West Orange-Revised
CONFERENCE MEETING AGENDA
Council Chambers – 66 Main Street
Tuesday, August 11, 2020

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.

The annual notice was emailed to the Star Ledger and filed in the Township Clerk's office on October 31, 2019 and published in the West Orange Chronicle on November 7, 2019.

Roll Call – Councilman Guarino, Councilman Krakoviak, Councilwoman Matute-Brown, Councilwoman McCartney, Council President Casalino, Mayor Parisi

6:30 P.M

- **Pedestrian Safety Committee – Update – Councilman Jerry Guarino**
 - Nikhil Badlani Foundation Advisory Board**
 - West Orange High School**
 - Darlene Folas**
 - Brett Zeligson**
 - Anika Fernandes**
 - Anay Badlani**
 - Nicole Rojas**

- **Update – Redevelopment**

- **Council Liaison Announcements**

- **Public Meeting – 7:00 p.m.**

PUBLIC MEETING AGENDA

Township of West Orange

66 Main Street – 7:00 p.m.

August 11, 2020

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. The annual notice was emailed to the Star Ledger and filed in the Township Clerk's office on October 31, 2019, and published in the West Orange Chronicle on November 7, 2019.

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 – Councilman Guarino, Councilman Krakoviak, Councilwoman Matute-Brown, Councilwoman McCartney, Council President Casalino (Mayor Parisi)

- 1. Pledge of Allegiance**
- 2. Public Comment**
- 3. *Consent Agenda**
- 4. *Approval of Minutes of Previous Meeting – Public Meeting July 14, 2020, June 23, 2020 Public Meeting-Revised**
- 5. *Report of Township Officers - None**
- a. *Reading of Petitions and Communications and Bids - Correspondence from Mayor Parisi appointing Dawn M. Donohue as Municipal Judge of West Orange for a three-year term September 15, 2020 and ending September 14, 2023.**
- 6. *Bills**
- 7. PUBLIC HEARING on the 2020 Municipal Budget**
- 8. *Resolutions**
 - a. 143-20 Resolution Regarding Forgiveness of WO Rehabilitation Program Loan for Estate of Madeline Colondrillo (Legal-Trenk)
 - b. 144-20 Resolution Authorizing the Extension of the Contract with Kemper Sports Management, Inc. to manage and operate the Rock Spring facilities through December 31, 2021 (Legal-Trenk)
 - c. 145-20 Resolution Authorizing the Refund of Taxes in the Amount of \$4,935.78 to a Totally Disabled Veteran Pursuant to N.J.S. 54: 4-3.30 et seq. (Tax Assessor)
 - d. 146-20 Resolution Authorizing the Collector of Taxes to Refund Payment to the Listed Taxpayer Due to An Overpayment of Annual Sewer Charge (Gagliardo)
 - e. 147-20 Resolution Authorizing the 2020 Municipal Budget to be Read by Title Only (Clerk)
 - f. 148-20 Resolution Authorizing Self Examination of the Municipal Budget (Gross)
 - g. 149-20 Resolution to Amend Introduced Budget (Gross)

- h. 150-20 Resolution to Adopt the 2020 Municipal Budget (Gross)
- i. 151-20 Resolution Authorizing the Placement of a Lien at 76 Riggs Place, West Orange, NJ (Legal-Trenk)
- j. 152-20 Resolution Approving Pilot Program with Mental Health Association of Essex and Morris, Inc, that will Assist the Police in Training, Responses and Evaluation of How Best to Address Mental Health Responses Commencing September 1, 2020 for a Period of Six (6) Months at a Rate NTE \$30,000. (Legal-Trenk)
- k. 153-20 Resolution Approving Revaluation Order and Consent Judgment with Essex County Board of Taxation (Legal-Trenk)
- l. 154-20 Resolution Authorizing the Collector of Taxes to Rebate Payment to the Listed Taxpayer Pursuant to Final Judgment by the Tax Court of New Jersey (Gagliardo)
- m. 155-20 Resolution Supporting the NJ DOT Improvements on Route 10 Constructing Connecting Sidewalk on Route 10 on the Westbound Side from Chelsea Drive in the Township of Livingston to Kelly Drive/ Merklin Avenue in the Township of West Orange with Associated Curb, Shoulder and Drainage Modifications (Lepore)
- n. 156-20 Resolution Authorizing the Award of a Professional Service Contract to Dr. David E. Jones for Employee Training Workshops for a Maximum Fee of \$30,000 (Legal-Trenk)
- o. 157-20 Resolution Authorizing Submission of a Strategic Plan for the Municipal Alliance Grant for Fiscal Year July 1, 2019 to September 30th, 2020 (VanDyke)
- p. 158-20 Resolution Authorizing Submission of a Strategic Plan for the Municipal Alliance Grant for Fiscal Year October 1, 2020 to June 30th, 2021 (VanDyke)
- q. 159-20 Resolution Authorizing a Contract to Absolute Protective Services, 51 Suttons Lane, Piscataway, NJ 08854 to Furnish and Install a Fire Alarm System in the Municipal Building in the Amount of \$42,662.00 (DeSantis)
- r. 160-20 Resolution to Increase the Public Bidding Threshold from \$40,000. to \$44,000. (DeSantis)
- s. 161-20 Resolution Authorizing a Professional Services Contract to CME Associates, 3759 Highway 1 South, Suite 100, Monmouth Junction, New Jersey 08852, Manal Baba, LSRP, to Provide Professional Services Associated with the Vertical Delineation of Groundwater Contaminants at the Public Works Building, 25 Lakeside Avenue from a Former Leaking Underground Storage Tank for a Fee NTE \$7,200.00 (Lepore)
- t. 162-20 Resolution Authorizing a Professional Services Contract to CME Associates, 3759 Highway 1 South, Suite 100, Monmouth Junction, NJ 08852 to provide LSRP and Environmental Services for Fire House No. 4, 280 Pleasant Valley Way for a Fee NTE \$57,100.00 (Lepore)
- u. 163-20 Resolution Permitting Display of Fireworks at the Life Christian Church (Legal-Moon)
This resolution permits the Life Christian Church to display fireworks on August 9, 2020.
- v. 164-20 Resolution Authorizes the Township to Retain Matrix New World to Provide Environmental Consultant Services to Close Out an Open Department of Environmental Protection File Related to Lake Vincent at Degnan Park (Legal-Moon)
- w. 165-20 Resolution Authorizing the Execution of a Deed Transferring Title to an Undersized Lot in the Upper Mellon Avenue Area to the Adjacent Property Owner Dov and Miriam Gardin (Legal-Moon)
- x. 166-20 Resolution Authorizing Change Order No. 1 for the Reconstruction of Lessing Road to Cifelli & Son Contractors, 81 Franklin Street, Nutley, NJ 07110 in the Amount of \$47,761.41 (Lepore)

- y. 167-20 Resolution Authorizing a Contract with Manor II Electric, Inc., 3 Ardsley Court, Holmdel, NJ 07733 for the Installation of Emergency Electrical Generator in the Municipal Building in the Amount of \$90,000. (Lepore)
- z. 168-20 Resolution Approving Proposal with PPGLH, 33-41 Newark Street, 3rd Floor, Suite D, Hoboken, NJ 07030 to Prepare Zoning Amendments for an Amount NTE \$7,500. (Legal-Trenk)
- aa. 169-20 Resolution Authorizing an Agreement with the Essex County Division of Senior Services for the Period of March 1, 2020 through December 31, 2020, in the amount of \$25,00.00, in Addition to and as a Supplement to the Visiting Nurse Grant; (DeNova)

9. Ordinances on Second and Final Reading

- a. **2609-20** An Ordinance Amending Chapter 4 to Include Section 39 of the Revised General Ordinances of the Township of West Orange (Use of Force, Reporting and Accreditation) (Legal-Maier)

10. Ordinances on First Reading

- a. **2610-20** Bond Ordinance Providing Various Capital Improvements in and by the Township of West Orange, in the County of Essex, New Jersey, Appropriating \$13,463,500 Therefor and Authorizing the Issuance of \$12,822, 345 Bonds or Notes of the Township to Finance Part of the Cost Thereof (Gross)
- b. **2611-20** An Ordinance Amending Chapter 15, Section 15-7 to Update the Township's Rent Control Ordinance (Legal-Trenk)
- c. **2612-20** An Ordinance Amending and Supplementing Chapter 7, Traffic, Subsection 7-32.1 Handicapped Parking on Streets and Subsection 7-32.2, Restricted Parking Zones of the Revised General Ordinances of the Township of West Orange (Lepore)
By adopting this Ordinance, the Township will establish a handicapped parking stall on Watson Avenue opposite 61 Washington Street for the non-exclusive use of the resident who cannot have a dedicated stall in front of their home.
- d. **2613-20** An Ordinance Creating a Reclassification and Salary Schedule of Certain Township of West Orange Employees Setting Forth Their Titles, Classification and Salary Ranges and Adopting a Salary Guide and Establishing the Employee's Status as a Township Employee and Under the Guidelines of the New Jersey Department of Personnel
- e. **2614-20** An Ordinance Amending and Supplementing Chapter XXV Land Use Regulations of the Revised General Ordinances of the Township of West Orange (Legal-Trenk)

11. Pending Matters/New Matters/Council Discussion

12. ABC Hearing

- a. **643-20** Hearing on Renewal for Plenary Retail Consumption, Distribution and Club Licenses for the 2020-2021 License Term (Clerk) (**This resolution subject to change as fees are paid**)

13. 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, Madeline Colondrillo lived at 39 Sunnyside Road in the Township of West Orange for approximately seventy (70) years; and

WHEREAS, Madeline Colondrillo and her husband, John Colondrillo, built their house at 39 Sunnyside Road in 1951; and

WHEREAS, Madeline Colondrillo worked at the Edison Battery Factory on Main Street making airplane parts; and

WHEREAS, in 2009, Ms. Colondrillo obtained a West Orange Rehabilitation Program loan in the amount of \$19,995.00 which was used to make certain repairs to her home; and

WHEREAS, pursuant to the stipulation, the owner is required to continue to live in the home for at least ten (10) years in order for the loan to be forgiven; and

WHEREAS, Ms. Colondrillo passed away on February 6, 2020; and

WHEREAS, on March 19, 2020, her children sold the home; and

WHEREAS, her daughter Diane Forlenza has requested consideration to permit the balance of the loan to be forgiven and not recaptured; and

WHEREAS, the Mortgage Note specifically provides that “the Borrower shall not sell or rent the property for a ten-year period, from the work completion date, without being assessed a penalty ...”;

NOW, BE IT HEREBY RESOLVED, by the Township Council of the Township of West Orange that the Township hereby waives the right to repayment of the West Orange Rehabilitation Program loan and authorizes the Mayor to execute such documents including a Discharge of Mortgage so that the balance in escrow can be released.

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

Michelle Casalino
Council President

Adopted: August 11, 2020

RESOLUTION

WHEREAS, in or about May 2019, the Township acquired Rock Spring Golf Club located at 98 Rock Spring Road in the Township; and

WHEREAS, pursuant to a competitive contracting process as authorized by the Local Public Contracts Law and the Township Council, on April 9 2019, the Council adopted Resolution No. 113-19 awarding Kemper Sports Management, Inc. (“Kemper Sports”) a contract to manage and operate the Rock Spring facilities (“Contract”); and

WHEREAS, Kemper Sports is currently in the second year of its Contract; and

WHEREAS, the award provided for three (3) one-year options beyond the initial two-year term; and

WHEREAS, the Township is in the midst of exploring all options with regard to the future use and development of the golf course facilities and acquiring Green Acres grant funds; and

WHEREAS, due to COVID-19, certain delays have occurred with respect to the evaluation and determination process; and

WHEREAS, the Township believes it is in the best interest to maintain the current operations through 2021 while it continues to explore all options; and

WHEREAS, the Township is satisfied with all of the efforts and success of Kemper Sports with regard to the Rock Spring facilities including Kemper Sports’ responsiveness to the Township and persons using the facilities; and

WHEREAS, the Township deems it appropriate to extend the Contract through December 31, 2021.

NOW THEREFORE, BE IT HEREBY RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST ORANGE, that the Contract with Kemper Sports be and is hereby extended through December 31, 2021; and be it further

RESOLVED, that a copy of this Resolution shall be maintained by the Municipal Clerk and published in accordance with applicable law.

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

Michelle Casalino
Council President

Adopted: August 11, 2020

RESOLUTION

WHEREAS, EURYS DIAZ, is the owner of the single-family dwelling at 30 Manchester Road (Block 155.07, Lot 18) and

WHEREAS, EURYS DIAZ, is an honorably discharged veteran who has been certified as one hundred (100%) totally disabled veteran entitled to exemption from real estate taxes pursuant to N.J.S. 54: 4-3.30 et seq as of February 1, 2020; and

WHEREAS, EURYS DIAZ, has been granted total exemption from real estate taxes; and

WHEREAS, the Tax Collector has advised that EURYS DIAZ is due and owing a refund in the sum of \$4,935.78 and

NOW THEREFORE BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST ORANGE that EURYS DIAZ be granted exemption from real estate taxes, as a totally disabled veteran, pursuant to N.J.S. 54: 4-3.30 et seq.

BE IT FURTHER RESOLVED that the Tax Assessor and Tax Collector adjust their records to reflect the aforementioned grant of exemption.

BE IT FURTHER RESOLVED that the Tax Collector refund the sum of \$4,935.78 to EURYS DIAZ which sum represents real estate taxes paid.

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

Michelle Casalino
Council President

Adopted: August 11, 2020

I hereby certify funds are available from Account No._____

John O. Gross, Chief Financial Officer

RESOLUTION AUTHORIZING THE COLLECTOR OF TAXES
TO REFUND PAYMENT TO THE LISTED TAXPAYER DUE TO AN
OVERPAYMENT OF ANNUAL SEWER CHARGE

WHEREAS, certain West Orange property owners have made an overpayment for the 2020 Annual Sewer charge;

WHEREAS, the Tax Collector of the Township of West Orange has indicated that such Taxpayers or their mortgage company are entitled to refunds to the extent of such overpayments;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of West Orange that the Tax Collector and the Treasurer of the Township of West Orange be and they are hereby authorized, empowered and directed to cause to be paid to the taxpayers on the attached list sums in full and final satisfaction of the overpayment of the 2020 sewer.

<u>Block</u>	<u>Lot</u>	<u>Name & Address</u>	<u>Amount</u>
45.01	10.01	Hudson Homes Management, LLC Attn: Shawn Shorkey 3701 Regent Blvd #175 Irving, TX 75063	\$4,020.20
		TOTAL:	\$4,020.20

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

Michelle Casalino
Council President

Adopted: August 11, 2020

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

John Gross
Chief Financial Officer

Township of West Orange

Resolution to Read Budget by Title

WHEREAS, N.J.S.A. 40A:4-8 is amended to read as follows:

The budget shall be read, in full, or it may be read by its title, if

1. At least one week prior to the date of the hearing and at the hearing, a complete copy of the approved budget,
 - a. shall be made available for public inspection, and
 - b. shall be made available to each person upon request, and
2. The governing body shall, by resolution passed by not less than a majority of the full membership, determine that the budget shall be read by its title and declare that the conditions set forth in subsection (1) of this section have been met.

After closing the hearing, the governing body may adopt the budget, by title without amendments, or may approve amendments as provided in N.J.S.40A:4-9 before adoption.

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

Michelle Casalino, Council

Adopted: August 11, 2020

SELF-EXAMINATION OF BUDGET RESOLUTION

WHEREAS, N.J.S.A. 40A:4-78b has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the Director of the Division of Local Government Services, of conducting the annual budget examination; and

WHEREAS, N.J.A.C. 5:30-7 was adopted by the Local Finance Board on February 11, 1997; and

WHEREAS, pursuant to N.J.A.C. 5:30-7.2 through 7.5, the Township of West Orange has been declared eligible to participate in the program by the Division of Local Government Services, and the Chief Financial officer has determined that the local government meets the necessary conditions to participate in the program for the 2019 budget year.

NOW THEREFORE BE IT RESOLVED by the governing body of the Township of West Orange that in accordance with N.J.A.C. 5:30-7.6a & 7.6b and based upon the Chief Financial Officer's certification, the governing body has found the budget has met the following requirements:

1. That with reference to the following items, the amounts have been calculated pursuant to law and appropriated as such in the budget:
 - a. Payment of interest and debt redemption charges
 - b. Deferred charges and statutory expenditures
 - c. Cash deficit of preceding year
 - d. Reserve for uncollected taxes
 - e. Other reserves and non-disbursement items
 - f. Any inclusions of amounts required for school purposes.
2. That the provisions relating to limitation on increases of appropriations pursuant to N.J.S.A. 40A:4-45.2 and appropriations for exceptions to limits on appropriations found at N.J.S.A. 40A:4-45.3 et seq., are fully met (complies with CAP law).
3. That the budget is in such form, arrangement, and content as required by the Local Budget Law and N.J.A.C. 5:30-4 and 5:30-5.
4. That pursuant to the Local Budget Law:
 - a. All estimates of revenue are reasonable, accurate and correctly stated,
 - b. Items of appropriation are properly set forth
 - c. In itemization, form, arrangement and content, the budget will permit the exercise of the comptroller function within the municipality.
5. The budget and associated amendments have been introduced and publicly advertised in accordance with the relevant provisions of the Local Budget Law, except that failure to meet the deadlines of N.J.S.A. 40A:4-5 shall not prevent such certification.
6. That all other applicable statutory requirements have been fulfilled.

BE IT FURTHER RESOLVED that a copy of this resolution will be forwarded to the Director of the Division of Local Government Services upon adoption.

Vote recorded as follows:

AYE _____

NAY _____

KAREN J. CARNEVALE, RMC, MUNICIPAL CLERK

MICHELLE CASALINO, COUNCIL PRESIDENT

Adopted: August 11, 2020

TOWNSHIP OF WEST ORANGE
ESSEX COUNTY, NEW JERSEY

CERTIFICATION OF APPROVED BUDGET

It is hereby certified that the Approved Budget complies with the requirements of law and approval is given pursuant to N.J.S.A. 40A:4-78(b) and N.J.A.C. 5:30-7.

It is further certified that the municipality has met the eligibility requirements of N.J.A.C. 5:30-7.4 and 7.5, and that I, as Chief Financial Officer, have completed the local examination in compliance with N.J.A.C. 5:30-7.6.

Dated: 8/11/2020

By: 

John O. Gross
Chief Financial Officer

This certification form and resolution of the governing body executing such certification should be annexed to the adopted budget (N.J.A.C. 5:30-7.6(e))

2020 Budget Amendment #1

149-20

BE IT RESOLVED, that the Township Council of the Township of West Orange does hereby approve this amendment to the 2020 Introduced Budget:

GENERAL REVENUES

	2020 Introduced	2020 Amended	Change
1. Surplus Anticipated	2,397,988.90	2,402,754.05	4,765.15
3. Miscellaneous Revenues - Section F: Special Items of General Revenue Anticipated with Prior Written Consent of Director of Local Government Services - Public and Private Revenues Offset with Appropriations:			
Municipal Alliance on Alcoholism and Drug Abuse		19,060.00	19,060.00
Sustainable Jersey Grants Program		2,000.00	2,000.00
Anjec		1,500.00	1,500.00
Essex County Open Space		150,000.00	150,000.00
CARES Title II		25,000.00	25,000.00
NAACHHO		34,142.00	34,142.00
Essex County CARES		2,260,405.84	2,260,405.84
Census Grant		10,000.00	10,000.00
Total 3. Miscellaneous Revenues - Section F: Special Items of General Revenue Anticipated with Prior Written Consent of Director of Local Government Services - Public and Private Revenues Offset with Appropriations:	1,260,116.57	3,762,224.41	2,502,107.84
Total Miscellaneous Revenues	21,326,599.79	23,828,707.63	2,502,107.84
5. Subtotal General Revenues (Items 1, 2, 3 and 4)	26,354,068.05	28,860,941.04	2,506,872.99
7. Total General Revenues	88,169,617.44	90,676,490.43	2,506,872.99

8. GENERAL APPROPRIATIONS

(A) Operations - Excluded from "CAPS"

Public and Private Programs Offset by Revenues

Partners for Health - Match		2,000.00	2,000.00
West Orange Municipal Alliance		19,060.00	19,060.00
West Orange Municipal Alliance Match		4,765.15	4,765.15
Anjec		1,500.00	1,500.00
Essex County Open Space		150,000.00	150,000.00
CARES Title II		25,000.00	25,000.00
NAACHHO		34,142.00	34,142.00
Essex County CARES		2,260,405.84	2,260,405.84
Census Grant		10,000.00	10,000.00

Total Public and Private Programs Offset
by Revenues

635,116.57 3,141,989.56 2,506,872.99

Total Operations - Excluded from "CAPS"

6,404,887.99 8,911,760.98 2,506,872.99

Detail: Other Expenses

6,310,235.72 8,817,108.71 2,506,872.99

(H-2) Total General Appropriations for Municipal
Purposes Excluded from "CAPS"

15,686,467.28 18,193,340.27 2,506,872.99

(O) Total General Appropriations -
Excluded from "CAPS"

15,686,467.28 18,193,340.27 2,506,872.99

(L) Subtotal General Appropriations
{Items (H-1) and (O)}

85,296,049.53 87,802,922.52 2,506,872.99

9. Total General Appropriations

88,169,617.44 90,676,490.43 2,506,872.99

Adopted: August 11, 2020

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

Michelle Casalino, Council President

SECTION 2 - UPON ADOPTION FOR YEAR 2020

RESOLUTION

Be it Resolved by the COUNCIL MEMBERS of the TOWNSHIP
of WEST ORANGE, County of ESSEX that the budget hereinbefore set forth is hereby
adopted and shall constitute an appropriation for the purposes stated of the sums therein set forth as appropriations, and authorization of the amount of:

- (a) \$ 59,642,712.90 (Item 2 below) for municipal purposes, and
- (b) \$ - (Item 3 below) for school purposes in Type I School Districts only (N.J.S.A. 18A:9-2) to be raised by taxation and,
- (c) \$ - (Item 4 below) to be added to the certificate of amount to be raised by taxation for local school purposes in
Type II School Districts only (N.J.S.A. 18A:9-3) and certification to the County Board of Taxation of
the following summary of general revenues and appropriations.
- (d) \$ 280,000.00 (Sheet 43) Open Space, Recreation, Farmland and Historic Preservation Trust Fund Levy
- (e) \$ 2,172,836.49 (Item 5 Below) Minimum Library Tax

RECORDED VOTE

(Insert last name)

Ayes

Nays

Abstained

Absent

SUMMARY OF REVENUES

1. General Revenues			
Surplus Anticipated	08-100		\$ 2,402,754.05
Miscellaneous Revenues Anticipated	13-099		\$ 23,828,707.63
Receipts from Delinquent Taxes	15-499		\$ 2,629,479.36
2. AMOUNT TO BE RAISED BY TAXATION FOR MUNICIPAL PURPOSED (Item 6(a), Sheet 11)			
	07-190		\$ 59,642,712.90
3. AMOUNT TO BE RAISED BY TAXATION FOR SCHOOLS IN TYPE I SCHOOL DISTRICTS ONLY:			
Item 6, Sheet 42	07-195	\$	-
Item 6(b), Sheet 11 (N.J.S.A. 40A:4-14)	07-191	\$	-
TOTAL AMOUNT TO BE RAISED BY TAXATION FOR SCHOOLS IN TYPE I SCHOOL DISTRICTS ONLY			\$ -
4. To Be Added TO THE CERTIFICATE FOR THE AMOUNT TO BE RAISED BY TAXATION FOR SCHOOLS IN TYPE II SCHOOL DISTRICTS ONLY:			
Item 6(b), Sheet 11 (N.J.S.A. 40A:4-14)	07-191		
5. AMOUNT TO BE RAISED BY TAXATION MINIMUM LIBRARY TAX			
	07-192	\$	2,172,836.49
Total Revenues	13-299	\$	90,676,490.43

SUMMARY OF APPROPRIATIONS

5. GENERAL APPROPRIATIONS:	XXXXXX	XXXXXXXXXXXXXX
Within "CAPS"	XXXXXX	XXXXXXXXXXXXXX
(a & b) Operations Including Contingent	34-201	\$ 61,880,599.25
(e) Deferred Charges and Statutory Expenditures - Municipal	34-209	\$ 7,728,983.00
(g) Cash Deficit	46-885	\$ -
Excluded from "CAPS"	XXXXXX	XXXXXXXXXXXXXX
(a) Operations - Total Operations Excluded from "CAPS"	34-305	\$ 8,911,760.98
(c) Capital Improvements	44-999	\$ 1,125,000.00
(d) Municipal Debt Service	45-999	\$ 7,436,579.29
(e) Deferred Charges - Municipal	46-999	\$ 720,000.00
(f) Judgments	37-480	\$ -
(n) Transferred to Board of Education for Use of Local Schools (N.J.S.A. 40:48-17.1 & 17.3)	29-405	\$ -
(g) Cash Deficit	46-885	\$ -
(k) For Local District School Purposes	29-410	\$ -
(m) Reserve for Uncollected Taxes	50-899	\$ 2,873,567.91
6. SCHOOL APPROPRIATIONS - TYPE I SCHOOL DISTRICT ONLY (N.J.S.A. 40A:4-13)	07-195	
Total Appropriations	34-499	\$ 90,676,490.43

It is hereby certified that the within budget is a true copy of the budget finally adopted by resolution of the Governing Body on the 11 day of August, 2020. It is further certified that each item of revenue and appropriation is set forth in the same amount and by the same title as appeared in the 2020 approved budget and all amendments thereto, if any, which have been previously approved by the Director of Local Government Services.

Certified by me this 23 day of June, 2020, kcarnevale@westorange.org, Clerk

Signature

RESOLUTION

WHEREAS, the Township of West Orange (the “Township”) issued a Summons for a variety of violations of the Township’s property maintenance ordinances related to the condition of the premises located at 76 Riggs Place, West Orange, New Jersey (the “Property”); and

WHEREAS, the Property required substantial landscaping and installation of a fence around the Property; and

WHEREAS, the owner of the Property (the “Owner”) was issued the Summons for the violations and appeared before the West Orange Municipal Court (the “Court”) to adjudicate the violations; and

WHEREAS, the Owner advised the Court that he would abate the violations related to the Property; and

WHEREAS, the Owner, however, failed to remediate the condition of the Property to abate all of the violations on the Property to meet the requirements of the Township’s property maintenance ordinances; and

WHEREAS, the Township implemented the Department of Public Works (the “DPW”) to remediate to condition of the Property; and

WHEREAS, the Township incurred a cost of approximately \$1,933 to remediate the condition of the Property; and

WHEREAS, the itemized bill for the remediation of the Property, a copy of which is annexed hereto as **Exhibit A**, reflects that the total cost of the work performed at the Property by the DPW; and

WHEREAS, the Township incurred legal fees in the amount of \$312.50 to seek a lien of the Property; and

WHEREAS, the Township seeks reimbursement for the costs and expenses incurred to abate the violations; and

WHEREAS, N.J.S.A. 54:4-67(a)(1) authorizes the Township charge interest on the lien at a rate of eight percent (8%) on the first \$1,500 of the lien and eighteen percent (18%) on the amount of the lien above the first \$1,500.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of West Orange that a lien in the amount of \$2,245.50 shall be placed against 76 Riggs Place, West Orange for the cost of services required to remediate the condition of the Property and for the legal fees incurred by the Township; and be it further

RESOLVED that the lien shall accrue interest at a rate of eight percent (8%) on the first \$1,500 of the lien and eighteen percent (18%) on the amount of the lien above the first \$1,500; 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.
Municipal Clerk

Michelle Casalino
Council President

Adopted: August 11, 2020

Exhibit “A”

RESOLUTION

WHEREAS, the Township Police Department responds to numerous mental health calls on a regular basis; and

WHEREAS, mental health issues involve a multitude of sensitive and often non-criminal conduct; and

WHEREAS, the requirement to help people with mental health issues to obtain care is a multifaceted issue; and

WHEREAS, many of the use of force responses are related to mental health issues; and

WHEREAS, Mental Health Association of Essex and Morris, Inc. (“MHAEM”) is now headquartered at 80 Main Street in the Township; and

WHEREAS, the Township has worked with MHAEM concerning various issues, including homelessness with positive outcomes; and

WHEREAS, MHAEM is recognized as a national leader in addressing mental health issues; and

WHEREAS, the Township has received from MHAEM a proposal for a six-month pilot program which will assist the police in training, responses and evaluation of how best to address mental health responses; and

WHEREAS, the Township has been in contact with its grant writer and is seeking grant funds to assist with the proposed pilot program;

NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST ORANGE, that the Mayor be and is hereby authorized to enter

into the six-month pilot program with Mental Health Association of Essex and Morris, Inc. at a rate not to exceed \$30,000 commencing September 1, 2020 for a period of six (6) months; and be it further

RESOLVED, that the Municipal Clerk shall advertise and make available the attached Proposal in accordance with applicable law.

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

Michelle Casalino
Council President

Adopted: August 11, 2020

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

John Gross
Chief Financial Officer

**West Orange Police Department and Mental Health Association of
Essex and Morris, Inc. Collaboration Project**

Project Narrative

DATED: July 2020

1. PROJECT STATEMENT

In light of the current social climate in regards to police practices in the country, the West Orange Police Department (WOPD) is looking to expand their access to resources including knowledge, guidance, and training, in an effort to better serve their community in the cases of non-criminal crises. The Mental Health Association of Essex and Morris, Inc. (MHAEM) understands that issues of race undermine mental health and are as a result committed to anti-racism in all agency efforts. Through the development of a collaborative professional relationship between WOPD and MHAEM, the WOPD would have the opportunity to increase their success rate for appropriate disposition and interaction with non-criminal response calls as related to mental health through the development of responses built from empathy and positive regard instead of force. The WOPD and MHAEM recognize that an opportunity is present to explore new models and options for intervention in order to ensure that the use of unnecessary force is minimized and eliminated.

On average, the WOPD reports that they responded to 393 mental health calls from July 13, 2019 to July 13, 2020. These calls resulted in 30 incidents of use of force.¹ In an effort to be more proactive, the department is looking to identify and assess areas of improvement for these incidents. As first responders, law enforcement officers regularly respond to mental health related calls with minimal support and resources. In an effort to explore new strategies and improve outcomes from these community interactions, a partnership between the WOPD and MHAEM is recommended in order to help prioritize appropriate response techniques and advocate for treatment over incarceration when appropriate. A working collaboration between the two aforementioned community entities would help to not only create positive changes for law enforcement officers and individuals with mental illness, but also enhance the overall scope of community care coordination,

¹ Due to multiple officers' involvement, the 30 incidents where use of force occurred resulted in 83 use of force reports.

and the collaboration between criminal justice and behavioral health.

2. PROJECT OBJECTIVES

MHAEM and the WOPD Collaboration Program will aim to complete the following:

- Expand police department mental health training
- Encourage collaboration between local police and behavioral health services
- Enhance partnerships with community care coordination services
- Improve general community relations and increase access to mental health services
- Reduce need for use of force by utilizing prevention, intervention, and treatment
- Increase data development to track outcomes for justice-involved individuals

3. PROJECT DESIGN AND IMPLEMENTATION

MHAEM and the WOPD Collaboration Program will achieve their outcomes through the following models of operation:

Training

MHAEM will provide, on a quarterly basis, mental health training to police officers to further enhance their understanding and knowledge of mental illness through Crisis Intervention Team (CIT) training. Pending the timeline of the project and Center for Disease Control recommendations on social distancing during the COVID-19 pandemic, training can be conducted either in person or through interactive/video format. During these trainings, law enforcement officials will be able to accomplish the following: gaining a better understanding of the causes of mental illness, recognizing symptoms of mental illness, learning how to approach and communicate with a person showing symptoms of mental illness, understanding what to do when a person is experiencing a psychiatric

crisis, and reducing the stigma associated with mental illness through education and practical application.

After-Action Review

MHAEM will work alongside the WOPD to review body camera video footage, in order to provide feedback and analysis for areas of improvement when responding to mental health-related calls. In an effort to avoid and reduce instances involving use of unnecessary force, MHAEM will offer guidance and support to help responding officers deescalate mental health-related situations through the understanding that training, collaboration, and community building may all contribute to the reduction of a need for force.

On-Site Mental Health Professional Pilot-Program

MHAEM will implement and develop an on-site or online program, depending on the status of the COVID-19 pandemic, by staffing a licensed mental health professional at the police department for one to two shifts a week in order to provide practical and real-time support to officers responding to mental health-related crises. Through collaboration between law enforcement officials and mental health professionals, redirection can occur when mental health crises are not a criminal matter, but rather when they indicate a need for treatment intervention. Through the integration of an onsite collaborative mental health perspective into the WOPD, the goal will be to increase empathy and reflection in the response calls to mental-health related issues, to ensure that individuals in crisis feel safe, supported, and have opportunities to stabilize and seek resources appropriate for their personal situation.

4. PROJECT SUMMARY

In summary, MHAEM aims to promote mental health and to improve the care and treatment of individuals with mental illness by actively working towards removing the stigma associated with

emotional and mental disorders. As a community organization, the agency's mission is accomplished through advocacy, education, prevention, early intervention, treatment, and service. With a strong focus on innovative service delivery by emphasizing overall wellness and recovery, MHAEM has continuously met the needs of the community via case management, counseling, criminal justice, consumer advocacy, supportive housing and employment, and family and children's programs while striving to raise mental health awareness in a culturally competent manner. By applying this same mission model to the collaborative program, MHAEM will work alongside the WOPD to promote these ideals in opportunities presented through training, analysis, and practical support. Through the creation and development of a partnership with the WOPD, MHAEM can help law enforcement officers develop the training and skills needed to navigate the mental health system and ensure that when responding to calls, unnecessary instances of force do not occur.

5. BUDGET

In regards to this pilot proposal to include (i) training; (ii) consultation and evaluation of best practice guidelines for mental health engagement; (iii) embedding mental health professionals to assist on certain shifts for responses; and (iv) evaluation and reporting the outcomes and challenges of this pilot program, the cost will be \$5,000 per month for six months or a total of \$30,000. We propose to commence this pilot program September 1, 2020 or as soon thereafter as the Township directs.

RESOLUTION

WHEREAS, on or about March 21, 2019, the Township received notice from the Essex County Board of Taxation (“County Board”) ordering that a revaluation of all Township properties occur by October 1, 2021 to be effective for the 2022 tax year; and

WHEREAS, on or about May 3, 2019, the Township filed a lawsuit challenging the efficacy and basis for the revaluation; and

WHEREAS, the State of New Jersey and the County Board have answered the lawsuit; and

WHEREAS, the Township met with the County Board representatives; and

WHEREAS, the County Board is willing to delay implementation of the revaluation order until November 1, 2024, with the revaluation to be implemented and effective for the 2025 tax year; and

WHEREAS, the last revaluation occurred in 2011; and

WHEREAS, the assessed value is now 85.84% of the true value; and

WHEREAS, the Attorney General and Township Attorney have drafted a proposed Consent Judgment annexed hereto as **Exhibit “A”**; and

WHEREAS, the Tax Assessor believes the Consent Judgment and time frames set forth therein are realistic; and

WHEREAS, the revaluation will require the retention of a firm to appraise all properties within the Township; and

WHEREAS, the law requires periodic revaluations and most Essex County municipalities will undergo revaluations between the present date and 2025;

NOW, BE IT HEREBY RESOLVED, BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST ORANGE that the Revaluation Order and Consent Judgment be and are hereby approved; and be it further

RESOLVED the Township Attorney and Mayor are authorized to execute such documents as are appropriate to implement the settlement.

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

Michelle Casalino
Council President

Adopted: August 11, 2020

154-20
August 11, 2020

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

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

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

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

LIST ATTACHED

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

Michelle Casalino
Council President

I hereby certify funds are available from Account No. _____

John Gross, Chief Financial Officer

Adopted: August 11, 2020

TAX YEAR	DATE	BLOCK	LOT	QUAL	OLD VALUE	NEW VALUE	DIFFERENCE	TX RATE	REFUND AMOUNT
2016	5/14/2020	97	24.02		1912800	1250000	662800	0.0389	\$25,782.92
2017	5/14/2020	97	24.02		1500000	1150000	350000	0.03986	\$13,951.00
2017	6/17/2020	107	1.03		15000000	14250000	750000	0.03986	\$29,895.00
2018	6/17/2020	107	1.03		15000000	13750000	1250000	0.04038	\$50,475.00
2019	6/17/2020	107	1.03		15000000	13500000	1500000	0.04161	\$62,415.00
2015	6/30/2020	11	20		610200	510200	100000	0.03817	\$3,817.00
2019	6/8/2020	166.15	11.04	C0310	1073000	950000	123000	0.04161	\$5,118.03
								TOTAL	\$191,453.95

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST ORANGE
SUPPORTING THE NEW JERSEY DEPARTMENT OF TRANSPORTATION
IMPROVEMENTS ON ROUTE 10**

WHEREAS, the Township of West Orange desires to enhance pedestrian and bicycle safety along Route 10; and

WHEREAS, the New Jersey Department of Transportation (NJDOT) recently completed an evaluation of pedestrian safety on Route 10, Mount Pleasant Avenue in the Township of West Orange and East Mount Pleasant Avenue in the Township of Livingston; and

WHEREAS, the NJDOT'S proposed improvements to Route 10 will consist of constructing connecting sidewalk on Route 10 on the westbound side from Chelsea Drive in the Township of Livingston to Kelly Drive/ Merklin Avenue in the Township of West Orange with associated curb, shoulder and drainage modifications; and

WHEREAS, a resolution of support is required by the NJDOT for the proposed improvements along Route 10.

NOW, THEREFORE, BE IT RESOLVED, that the Township Council of the Township of West Orange of Essex County, in the State of New Jersey formally supports the proposed NJDOT improvements along Route 10 from Kelly Drive in the Township of West Orange to Chelsea Drive in the Township of Livingston.

BE IT FURTHER RESOLVED that a certified copy of this resolution shall be forwarded to the NJDOT as requested.

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

Michelle Casalino
Council President

Adopted: August 11, 2020

156-20
August 11, 2020

**Resolution Authorizing the Award of a Professional Service
Contract to Dr. David E. Jones for Employee Training Workshops**

WHEREAS, the Township of West Orange (the “Township”) is a community with diverse residents; and

WHEREAS, to better serve its residents, the Township seeks to hire a professional educator to conduct workshops for its employees and elected officials; and

WHEREAS, this training will include understanding implicit bias and employing strategies to eliminate unconscious biases that shape behavior and produce disparate treatment of individuals based on their race, ethnicity, religious belief, gender identity, sexual orientation, socioeconomic status, or other characteristics; and

WHEREAS, in order to achieve the Township’s objectives in providing such training to its employees and elected officials, Dr. David E. Jones, a nationally recognized teacher with regard to diversity and inclusion issues, has been selected based upon his professional experience and training, see attached “**Exhibit A**”, and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) authorizes the award of a professional service contract for such services without competitive bidding; and

WHEREAS, as a Non-Fair and Open professional services contract pursuant to N.J.S.A. 19:44A1-1 et seq., P.L. 2005, c.19, the Township will retain on file the Business Entity Disclosure Certification and the Political Declaration of Dr. Jones;

NOW THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST ORANGE that the Township is hereby authorized to retain the professional services of Dr. David E. Jones for a maximum fee of \$30,000 with funds certified by the Chief Financial Officer; and be it further

RESOLVED, that the Township Clerk is hereby authorized to have a notice to be published in the manner provided by law and that the Resolution and Agreement are on file in the Office of the Township Clerk and are available for public inspection.

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

Michelle Casalino
Council President

I hereby certify funds are available from Account No._____

John Gross, Chief Financial Officer

Adopted: August 11, 2020

Writer's Direct Dial: (973) 721-5039
rtrenk@msbnj.com

Client No. 500027-001

August 3, 2020

Via E-Mail

Karen J. Carnevale, R.M.C.
Township Clerk
Township of West Orange
66 Main Street
West Orange, NJ 07052

Re: Resolution Authorizing the Award for Diversity Training

Dear Ms. Carnevale:

Please find enclosed the above-referenced Resolution and Proposal together with Dr. Jones' CV and biography. Please place this on the Agenda for the August 11, 2020 Township Council Meeting.

Thank you for your consideration.

Respectfully yours,



Richard D. Trenk

RDT/cd

Enclosures

cc: Mayor Robert D. Parisi (via e-mail)
Dr. David E. Jones (via e-mail)
John Gross, CFO (via e-mail)
John K. Sayers, Business Administrator (via e-mail)
Paula Reynolds (via e-mail)
Police Chief James P. Abbott (via e-mail)

**Resolution Authorizing the Award of a Professional Service
Contract to Dr. David E. Jones for Employee Training Workshops**

WHEREAS, the Township of West Orange (the “Township”) is a community with diverse residents; and

WHEREAS, to better serve its residents, the Township seeks to hire a professional educator to conduct workshops for its employees and elected officials; and

WHEREAS, this training will include understanding implicit bias and employing strategies to eliminate unconscious biases that shape behavior and produce disparate treatment of individuals based on their race, ethnicity, religious belief, gender identity, sexual orientation, socioeconomic status, or other characteristics; and

WHEREAS, in order to achieve the Township’s objectives in providing such training to its employees and elected officials, Dr. David E. Jones, a nationally recognized teacher with regard to diversity and inclusion issues, has been selected based upon his professional experience and training, see attached “**Exhibit A**”, and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1 *et seq.*) authorizes the award of a professional service contract for such services without competitive bidding; and

WHEREAS, as a Non-Fair and Open professional services contract pursuant to N.J.S.A. 19:44A1-1 *et seq.*, P.L. 2005, c.19, the Township will retain on file the Business Entity Disclosure Certification and the Political Declaration of Dr. Jones;

NOW THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST ORANGE that the Township is hereby authorized to retain the professional services of Dr. David E. Jones for a maximum fee of \$30,000 with funds certified by the Chief Financial Officer; and be it further

RESOLVED, that the Township Clerk is hereby authorized to have a notice to be published in the manner provided by law and that the Resolution and Agreement are on file in the Office of the Township Clerk and are available for public inspection.

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

Michelle Casalino
Council President

I hereby certify funds available:
Account

John O. Gross
Chief Financial Officer



Dr. David E. Jones
Diversity Consultant, Speaker & Trainer

www.davidearljones.com
david.earl.jones514@gmail.com
<https://twitter.com/davidearljones>
p. 718.637.7798

Proposal for Services

Date of Submission: July 12, 2020
Proposal Created By: Dr. David E. Jones

Workshop Title: Your Role and Responsibility in Understanding, Addressing and Dismantling Implicit Bias

Intended Outcomes: Individuals, communities and organizations experience implicit bias. In this workshop, you will learn your role and responsibility in understanding, addressing and dismantling implicit bias. This learning will help you to overcome bias and how to function more inclusively. With a focus on understanding, addressing and dismantling implicit bias, as a result of completing this workshop, attendees will be able to:

- 1) Understand implicit bias and how individuals, communities and organizations unconsciously reinforce bias
- 2) Engage in individual and group exercises to develop awareness of how bias shows up in your experiences
- 3) Learn how implicit bias reinforces systemic racism and creates structural barriers for minoritized people
- 4) Understand how to address and dismantle bias and microaggressions to create more inclusive environments
- 5) Identify strategies to dismantle implicit bias and its' impact on areas such as policy, hiring and curriculum
- 6) Develop an individual action plan to engage in anti-bias practices and hold self and others accountable

Workshop Format:

Three-hour interactive workshop (onsite or online pending)

Speaking Engagement Dates:

12 three-hour workshops from September through November

- 2 three-hour workshops per day
- 4 three-hour workshops per month

Client:

Various West Orange Township Employees (Mayor's Office)

- Township Council
- Tax Collector's Office
- Recreation Department
- Police Department
- Planning Officer's Office
- Office of the Municipal Engineer
- Municipal Court
- Municipal Clerk's Office
- Municipal Administration
- Mayor's Office
- Legal Services
- Health Department
- Fire Department
- Department of Public Works
- Chief Financial Officer's Office

Number of Participants Per Workshop:

Each workshop will have between 20-35 participants

Onsite Coordinator:

Mayor Rob Parisi, rparisi@westorange.org

Invited Speaker:

Dr. David E. Jones, david.earl.jones514@gmail.com

Diversity Consultant

Workshop Package Fee:

\$2,500.00 per workshop

12 workshops (\$2,500.00 per workshop)

316 employees (approx. \$94.00 per employee)

Total Workshop Package Fee: \$30,000.00

Payment Information:

\$15,000.00 due after 6 workshops completed; remaining balance of \$15,000.00 due following the conclusion of 12th workshop. *Fee is inclusive of workshop, preparation, materials, two pre and two post workshop meetings (up to 60 minutes each) and access to workshop materials post-workshop.*

Additional Notes:

Mayor's Office will provide access to in-person facility and technology accommodations for each workshop (i.e. laptop, LCD projector with screen, WiFi and lapel microphone). If workshops are conducted virtually, Mayor's Office will provide access to an online platform for each workshop (i.e. Zoom)

#####

Dr. David E. Jones

www.linkedin.com/in/davidearljones1/

Tel: 718.637.7798 | Email: David.Earl.Jones514@gmail.com

LEADERSHIP PROFILE

A highly skilled and accomplished diversity executive with a combined 15 years of progressive experience with leadership roles in Diversity, Equity and Inclusion; Human Resource and Employment Equity; Residence Life; Title IX and Student Conduct in higher education. Sought after consultant, thought-leader and strategist skilled in executing inclusion priorities and creating organizational culture change and equitable policies, processes, programs and procedures for faculty, students and staff and addressing organizational development. Proficient in executing best practices, action plans and strategies to improve faculty and staff retention, engagement and cultural competency. Track record of implementing student success, access and equity initiatives and outcomes to enhance the student experience, particularly among students of color and first-generation college students. Highly sought-after presenter with over 100+ educational sessions, workshops, trainings and keynotes for higher education institutions, conferences and organizations. Serves higher education associations via institute faculty appointments, advisory board membership and various leadership roles and committees.

AREAS OF EXPERTISE

Diversity, Equity, Inclusion, Human Resource, Employment Equity, Strategic Planning, Multicultural Organizational Development, Teaching, Hiring Process, Technology/Social Media, Social Justice, Consulting, Training, External Reviews, Supervision, Leadership Development, Staff Evaluation, Fiscal Management, Faculty Development, Organizational Change, Implicit Bias, Assessment, Access and Curriculum Development and Student Development

EDUCATIONAL BACKGROUND

Doctor of Education (Ed.D.), Organizational Leadership and Communication
Northeastern University, Boston, MA

Dissertation: *The Lived Experiences of Vice Presidents for Student Affairs: A Study Exploring How Social Identity Impacts Leadership Approach*

Master of Education (Ed.M.) College Student Affairs
University of South Florida, Tampa, FL

Bachelor of Science (B.S.), Communications; Sociology Minor
Eastern Connecticut State University, Willimantic, CT

PROFESSIONAL EXPERIENCE

2020-Present

Chief Diversity Officer & Director of Talent Management, William Paterson University

A leading public University with more than 10,000 students, William Paterson is third most diverse public university in New Jersey and nearly 30 percent of students are the first in their families to attend university. The University was recently designated as a Hispanic-serving institution with over 30 percent of students claiming Hispanic heritage in fall 2018. The institution's ethos and fundamental beliefs are defined by the following core values: academic excellence, creating knowledge, student success, diversity, citizenship

- Serve on the President's Extended Cabinet where institutional planning and decision making is made related to university process, policy, programs and procedure

- Report directly to the Vice President for Human Resources and participate on the executive leadership team for the Office of Human Resources and Office of Employment Equity and Diversity
- Directly leads and supports the University's strategic plan and commitment to designing, developing and implementing proactive diversity, equity and inclusion strategies and initiatives that create a learning and working environment where everyone has an opportunity to succeed
- Lead institutional diversity assessment initiatives such as the Campus Climate Survey
- Execute Human Resource trainings and workshops for university employees utilizing Franklin Covey modules and curriculum
- Lead faculty development initiatives such as the Unconscious Bias workshops for full-time faculty
- Lead the planning and implementation of a 9-week summer leadership and development program for staff
- Provide leadership, support and consultation for the Compliance, Employer Labor Relations, Title IX, Center for Diversity and Inclusion and Black Cultural Center
- Partner with Vice Presidents and Provost to prioritize diversity and inclusion for student service areas and academic units
- Disseminate communication regarding diversity and inclusion matters such as culturally responsive strategy specific to COVID-19
- Support and advise six Academic Deans on diversity initiatives and planning for the academic college
- University representative for the New Jersey Chief Diversity Officers Collective, which meets regularly to discuss best practices, provide resources and counsel
- Lead the implementation of recommendations for two work groups, LGBTQIA+ Task Force and Hispanic Serving Institutions Task Force
- Serve as the NCAA Athletics Diversity and Inclusion Designee for the university which includes being the primary contact and conduit for diversity and inclusion-related information between conference offices, campuses, athletic departments and the NCAA
- Attend the monthly Faculty Senate meeting, providing diversity expertise and support for academic planning and decision making
- Chair the LGBTQIA+ Advisory Board (appointed by the President) to lead the implementation of the LGBTQIA+ Task Force recommendations to improve the campus climate for the LGBTQIA+ community at William Paterson
- Responsible for launching the C.A.R.E.S. Council (Celebrating and Recognizing Everyone's Success), a group comprised to create employee reward and recognition initiatives and a Diversity Council to drive diversity initiatives and strategic planning
- Collaborate with key university stakeholders to establish initiatives such as retreats and leadership development workshops that support student of color persistence, retention and engagement
- Oversee Human Resource talent management strategy specific to search committee processes and the recruitment, selection, hire and retention of faculty and staff with a focus to improve the hiring of and retention among faculty and staff of color
- Work closely with Department Chairs to provide professional development and guidance on diversity prioritizes in partnership with the Provost
- Partner with faculty on initiatives such as the Social Justice Project and Center for Teaching Excellence, which include annual workshops and professional development
- Serve as a resource for employees, sharing information on online professional development and support such as Employee Assistance Program, Safe Colleges and LinkedIn Learning

- Respond to staff and faculty complaints regarding diversity and inclusion incidents by providing mediation and consultation

2016-2020

Director, Paul Robeson Cultural Center, Rutgers University-New Brunswick

Founded over 250 years ago, Rutgers University-New Brunswick is a large public diverse research university comprised of over 50,000 students committed to preparing a diverse community of students to be globally engaged citizens.

- Reported to the Vice Chancellor for Student Affairs and serve on the Division of Student Affairs Leadership Team and the Cultural Center Collaborative Team
- Directly supervised, evaluated and trained 2 professional staff and 38 student staff
- Managed departmental budget in excess of \$300,000
- Led university wide diversity engagement and strategic initiatives, including trainings, programs, strategic planning, committee leadership, and resource allocation
- Administered 128K in scholarships to improve access for students of color
- Partnered with Academic Affairs and the Office of Diversity and Inclusion on student persistence and success initiatives
- Managed the advisement of 21 student organizations
- Directly advised the United Black Council governing board

Selected Accomplishments:

- Established a mentoring initiative to improve student persistence and engagement among students of color
- Led the establishment of the inaugural university MLK Dream Week
- Partnered with Counseling to provide wellness support for students of color, which resulted increased counseling services for students of color; over 15 weekly or scheduled student appointments with a Community Based Counselor
- Within 2 years increased by 40% the attendance of the Rites of Passage Ceremony
- Led the Paul Robeson Cultural Center to receive the 2017 MLK Staff Service Award

2014-2016
2013-2014

Director, Student Conduct and Residence Life, City University of New York

Associate Director, Residence Life, City University of New York

Central Office of Student Affairs

The City University of New York (CUNY) is the public university system of New York City and is the largest urban public university system in the United States, serving 24 colleges across the 5 boroughs of New York City with a diverse environment of 270,000 students

- Reported to the Deputy Vice Chancellor for Student Affairs
- Served as CUNY's chief student conduct and residence life administrator
- Supervised and evaluated the Student Conduct Officer and 2 Graduate Assistants
- Directly managed an \$250,000 annual budget
- Led system wide (24 colleges) assessments of student conduct and residence life
- Led system wide initiatives, trainings, policy development, assessment, resource creation, curriculum development for student conduct, Title IX and residence life
- Educated campus community about Title IX policies
- Directly supported and provided guidance and resources to 9 colleges, 18 professional staff, 3,100 residential students, and 72 resident assistants (RA)
- Managed crisis intervention and advised student conduct officers on protocol

Selected Accomplishments:

- Increased student housing by 554 students with the opening of 2 residence halls
- Played an active role in the development of CUNY's Sexual Misconduct Policy
- Implemented the inaugural afterhours counseling hotline service for students
- Developed an online sexual misconduct training database with Everfi
- Partnered with General Counsel to create sexual misconduct educational and awareness videos for students and employees

- Created a Residence Life Title IX Protocol

2011-2013

Director, Multicultural Affairs, University of Massachusetts Lowell

The University of Massachusetts Lowell is the second-largest public research institution in Massachusetts comprised of over 18,000 students.

- Reported to the Associate Dean of Students and served on the Student Engagement Team for the Division of Student Affairs
- Led diversity programming, initiatives, training, faculty, students, and staff engagement and strategic planning for the university
- Supervised 2 professional staff members and several student staff
- Managed an annual operating budget of \$250,000
- Partnered with Human Resources and Equal Opportunity to address and implement institutional diversity goals, policies and compliance strategies
- Regularly served on search committees to ensure equitable and inclusive hiring processes were achieved
- Participated on strategic planning committees and initiatives to advance institutional diversity, equity and inclusion priorities
- Advised 37 multicultural and/or spiritual student organizations
- Partnered with colleagues to participate in and provide Ally Space training to increase LGBTQ awareness

Selected Accomplishments:

- Established and chaired the university MLK Celebration Week
- Served on the host committee for the Student Social Justice Training Institute
- Created a cultural immersion program for students to travel to U.S. cities
- Established a Diversity Peer Educator student program
- In 2 years recorded an increase of 12 new multicultural student organizations
- Served on the University Global Engagement & Inclusive Culture Committee as part of the institutional strategic planning process
- Chartered and advised the UMass Lowell M.A.L.E.S. (Men Achieving Leadership, Excellence and Success) student organization

2009-2011

Associate Director, Residence Life, University of Massachusetts Lowell

- Reported to the Director of Residence Life
- Served as chief housing officer in director's absence
- Managed a residential program for 3,100 students and 120 student employees
- Directly supervised 8 full-time resident and complex directors
- Served as a residential student conduct officer, adjudicating appeals and suspensions
- Led the hiring and onboarding process for all residential live-in staff

Selected Accomplishments:

- Developed the department inclusion statement and inclusive branding strategy
- Increased racial professional staff diversity by more than 50% in 2 years
- Retained the resident director/complex director staff by 100% over 2 years

2006-2009

Community Development Educator, Residential Edu. New York University

New York University is the largest private urban institution in the United States with an enrollment of over 50,000 students and 12,000 students living on campus.

- Reported to the Assistant Director of Residence Life
- Supervised 26 Resident Assistants and one professional staff member
- Oversaw the two-residence hall, 800 upper-class and graduate students
- Managed a residence hall budget and led residential initiatives for students
- Served as first responder to residence hall crises and student concerns

- 2004-2006 ***Resident Director, Residential Life, University of South Florida***
The University of South Florida is a large public diverse four-year institution with an enrollment of nearly 50,000 students and a residential population of 5,000.
- Oversaw the opening of a first-year residence hall
 - Supervised 12 Resident Assistants and managed residential operations
 - Served on an on-duty response team and responded to crisis incidents

INSTITUTIONAL SERVICE

- 2020 - Present William Paterson University:
- Chair, Freedom of Expression and Responsive Conduct Policy Committee
 - Chair, LGBTQIA+ Advisory Board
 - Chair, Hispanic Serving Institution Working Group
 - Institution Designee, NCAA Athletics Diversity and Inclusion
 - Presenter, Faculty Social Justice Pedagogy Workshop (*May 2020*)
 - Member, President Extended Cabinet
 - Member, University Council
 - Member, Directors Council
 - Monthly Attendee, Faculty Senate
- 2016-2020 Rutgers University-New Brunswick:
- Co-Chair, Student Affairs Diversity Council
 - Violence Prevention Victim Advocacy Male Engagement Committee
 - Rutgers Police Department Community Oriented Review Board
 - Paul Robeson Centennial Committee
 - Bias Prevention and Education Committee
 - Director of New Student Orientation and Parent Programs Search Committee
 - Assistant Director, Asian American Cultural Center Search Committee Chair
 - Assistant Director, Paul Robeson Cultural Center Search Committee Chair
 - End Sexual Violence Now Committee - Division of Student Affairs
 - Inclusion Committee - Division of Student Affairs
 - RU 1st Committee for First Generation/Low-Income/Students of Color
 - Division of Student Affairs Assessment Committee
 - Dean of Students Bias Prevention and Education Committee
 - Title IX Campus Advisor
 - Dr. Martin Luther King, Jr. Dream Week Planning Committee
 - Chair, 27th Association for Black Culture Centers Conference Committee
- 2013-2016 City University of New York
- Chaired, Student Conduct Council
 - Chaired, Residence Life Council
 - Chaired, CUNY NASPA Undergraduate Fellows Program (NUFP)
 - Communications and Community Committee
 - CUNY's Student Death Protocol Workgroup
 - Risk Management Coordinator Search Committee, CUNY Central Office
 - Student Conduct Manager Search Committee Chair
 - Served on the University Campus Climate Survey Advisory Board
 - Title IX, Risk Management & Business Continuity Committee
 - Student Conduct in Residence Halls Working Group
 - Sexual Misconduct Policy Working Group/Committee
 - Trainee Participant, Sexual Assault Training with the Brooklyn district attorney office, New York City Alliance Against Sexual Assault and Family Justice Center

- 2009-2013 University of Massachusetts Lowell
- Division of Student Affairs Student Engagement Committee Tri-Chair
 - Residence Life Inclusion Committee Chair
 - Assistant Director of Multicultural Affairs Search Committee Chair
 - Faculty/Staff Cultural Competence Training Committee
 - Religious Life Council Committee
 - Black Alumni Outreach Committee
 - Chancellor's Student Leadership Medal Selection Process Committee
 - Global & Inclusive Culture: University 2020 Strategic Plan Committee
 - C.A.R.E. Team Committee (students of concern)
 - Served on following Search Committees for entry, mid and senior level positions: Government Relations, Human Resource/Equal Opportunity, Facilities, Residence Life, Student Activities, Career Services, Health Services, Multicultural Affairs, Public Safety
 - Completed certifications such as LGBTQ Ally Space, Search Committee Hiring Process, Title IX, Clery Act/Campus Security Authority, Active Shooter, and Performance Management

PROFESSIONAL AFFILIATIONS

- 2020-Present College and University Professional Association – Human Resources
2010-Present Social Justice Training Institute – Alumni Network
2005-Present NASPA – Student Affairs Administrators in Higher Education
2005-Present Alpha Phi Alpha Fraternity, Inc.
2016-2018 Association for Black Culture Centers
2013-2016 Association for Student Conduct Administration
2008-2016 Association of College and University Housing Officers International
2006-2011 ACPA – College Student Educators International

PROFESSIONAL SERVICE AND LEADERSHIP

- ACPA – College Student Educators International
2014 Selected Participant, Donna M. Bourassa Mid-Level Management Institute
2008 National Conference Program Reviewer

- Association for Black Culture Centers
2017-2018 Conference Chair and Institutional Host, 27th Annual National Conference

- Association of College and University Housing Officers International
2015-2016 Co-Chair, Professionals of Color Network
2014-2015 Chair-Elect, Professionals of Color
2011 Faculty, Regional Entry Level Institute
2008-2009 Chair, NEACUHO Regional Social Issues Committee
2008 Founder, NEACUHO Professionals of Color Retreat
2007 Selected Participant, Regional Entry Level Institute

- NASPA – Student Affairs Administrators in Higher Education
2019-Present NASPA African American Summit Fundraising Committee
2019-Present NASPA Certification for Student Affairs Educators Advisory Task Force
2017-Present Co-Director and Co-Founder, NASPA Ujima Institute
2011-Present Faculty, African American Male Summit
2018-2020 NASPA Region II Representative, Professional Standards Division
2018-2020 Mentor, NASPA Undergraduate Fellow Program
2017-2020 NASPA SA Speaks Coach

- 2014-2020 NASPA Region II Advisory Board Member
2019 External Review Team Member, NASPA Advisory Services
2018 Program Reviewer, NASPA Annual Conference
2017-2018 Committee Member, 2017 NASPA Conference SA Speaks
2016-2018 Co-Coordinator, Strategic Initiatives, NASPA Region II Board
2015-2017 Conference Planning Committee Member, NASPA Region 2 Conference
2015-2017 Co-Chair, NASPA Region II Conference Featured Speakers
2014-2016 Regional Awards Coordinator, NASPA Region II Advisory Board
2015 NASPA Placement Exchange (TPE) Blog Contributor
2015 Reader, NASPA Undergraduate Fellows Program Dungey Leadership Institute
2015 Presenter, NASPA Region II Career in Student Affairs Conference
2015 Presenter, NASPA's Investing in our Future Webinar Series #SAInvest
2014 Faculty, NASPA Undergraduate Fellows Program Dungey Leadership Institute
2014 Presenter, NASPA Region II Graduate Student and New Professionals Institute
2013 Program Reviewer, NASPA Annual Conference
- Social Justice Training Institute
- 2019 Selected Participant, Social Justice Training Institute 2- Certificate of Completion
2017 Faculty Intern, Social Justice Training Institute- Certificate of Completion
2010 Selected Participant, Social Justice Training Institute- Certificate of Completion
- NATIONAL CONFERENCE PRESENTATIONS** (full list: www.davidearljones.com)
- 2018 Jones, D.E. & Harris, K. *Reframing Our Approach to Leadership: Utilizing a Social Justice Lens*. Presented at the National Conference on Race and Ethnicity Annual Meeting, New Orleans, LA.
- 2018 Jones, D.E. & Cabello, C. *Navigating Racial Injustice on Today's College Campuses: Understanding How Cultural Center Professionals Maintain Resiliency and Self-Care While Caring for Others*. Presented at the National Association for Student Personnel Administrators Annual Conference, Philadelphia, PA.
- 2017 Jones, D.E. & Cabello, C. *When Racial Injustice Hits Close to Home: Understanding How Cultural Center Professionals Navigate Self-Care While Creating Space & Caring for Others*. Presented at the National Association for Student Personnel Administrators Annual Conference, San Antonio, TX.
- 2017 Mena, S., Washington, J., Jones, D.E, et. al. *Taking Care of the Activist in You*. Presented at the National Association for Student Personnel Administrators Annual Conference, San Antonio, TX.
- 2017 Jones, D.E. *#BlackLivesMatter: The Time to Create Change Is Now*. SA Speaks Session. Presented at the National Association for Student Personnel Administrators Annual Conference, San Antonio, TX.
- 2016 Jones, D.E., Marquez-Santana, Y. & Holmes-Hope, C. *Multicultural Competency: Strategies for Cross-Cultural Supervision*. Presented at the Association of College and University Housing Officers International Annual Convention, Seattle, WA.
- 2016 Jones, D.E., Davis, R.J., & Harris, K. *Action Planning, Competency Building & Professional Development Strategies for New Professionals*. Presented at the National Association for Student Personnel Administrators Annual Conference, Indianapolis, IN.

- 2015 Jones, D.E., & Harris, K. (2015, 2014, 2013, 2012). *Individual & Personal Planning*. Presented for the African American Male Summit Pre-Conference Seminar at the National Association for Student Personnel Administrators Annual Conference, Baltimore, MD.
- 2015 Jones, D.E., Holmes-Hope, C., Sturdivant, A. *Pathway to Success: Addressing Race and its Impact on the Housing Profession and our Campuses*. Presented at the Association of College and University Housing Officers International Annual Convention, Orlando, FL.
- 2015 Jones, D.E. *NASPA SA Speaks – Who Am I? The Journey of Self-Discovery*. Presented at the National Association for Student Personnel Administrators Annual Conference, New Orleans, LA.
- 2015 Jones, D.E. & Harris, K. *The Death of Michael Brown and the Incidents in Ferguson, Missouri: Conversations with Students about Race and its' Impact on College and University Campuses*. Presented at the National Association for Student Personnel Administrators Annual Conference, New Orleans, LA.
- 2014 Bump, T., Dunkel, N.W., Jones, D.E., Nash, R., & Stark, A. *The Sponsor Effect: Pushing, Pulling & Promoting YOU*. Presented at the Association of College and University Housing Officers International Annual Convention, Washington, DC.
- 2014 Jones, D.E. *MALES Program*. Presented at the Association of College and University Housing Officers International Annual Convention, Washington, DC.
- 2013 Jones, D.E., Harris, K., & Hargrove, D. *I am Trayvon Martin: Conversations with Students about Race*. Presented at the National Association for Student Personnel Administrators Annual Conference, Orlando, FL.
- 2012 Jones, D.E., Hargrove, D., Harris, K., Exume, K., Soares, F., Williams, D. *Key Professional Competencies for New Professionals*. Presented at the National Association for Student Personnel Administrators Conference, Phoenix, AZ.
- 2011 Jones, D.E., Hargrove, D., Harris, K., Exume, K., Soares, F., Williams, D. *Purposeful Competencies: A New Professional Roundtable Discussion*. Presented at the National Association for Student Personnel Administrators Annual Conference, Philadelphia, PA.
- 2011 Jones, D.E., Kohl, J., Toomey, C. *Fostering the Integration of Inclusion within Residence Life*. Presented at the National Association for Student Personnel Administrators Annual Conference, Philadelphia, PA.
- 2011 Jones, D.E., Frier, J., & Harris, K. *Networking with a Purpose: Increasing Your Social Capital*. Presented at the National Association for Student Personnel Administrators Annual Conference, Philadelphia, PA.
- 2010 Iaccarino, G., Dey, F., Jones, D. *Leveraging the New Economy for Career Transformation in Student Affairs*. Presented at the American College Personnel Association Annual Conference, Boston, MA.
- 2010 Soares, F., Jones, D.E., Harris, K., Exume, K., Hargrove, D. *A Legacy of Hope: Fostering Excellence for Black Men in College*. Presented at the National Association for Student Personnel Administrators Annual Conf., Chicago, IL.

- 2010 Soares, F., Jones, D.E., Harris, K., Exume, K., Hargrove, D. *Living a Legacy, Building a New Generation of M.A.L.E.S.* Presented at the National Association for Student Personnel Administrators Annual Conference, Chicago, IL.
- 2009 Jones, D.E. & Davis, R.J. (2009). *Networking Strategies to Increase Social Capital in Higher Education.* Presented at the American College Personnel Association Annual Conference, Washington, DC.
- 2009 Jones, D.E., Hargrove, D., Harris, K., & Exume, K. *We've Imagined, Now Let's (Re)Act: Black Male Student Success.* Presented at the American College Personnel Association Annual Conference, Washington, DC.
- 2009 Iverson, S., Alatorre, H., Jones, D.E., Mrozek, L., & Shea, H. *Forming, Storming, Performing: Group Dynamics & Social Justice Education.* Presented at the American College Personnel Association Annual Conference, Washington, DC.
- 2008 Surratt, D., Jackson, R., Jones, D.E. *Black Male Professionals in Student Affairs: Critical Issues & Perspectives.* Presented at the American College Personnel Association Annual Conference, Atlanta, GA.
- 2007 Harris, K., Hargrove, D. & Jones, D.E. *Understanding the Importance of Student Involvement for Black College Students at Predominately White Institutions.* Presented at the National Association for Student Affairs Professionals Summit on Black Greek-Letter Organizations, Charlotte, NC.
- 2005 Davis, R.J., & Jones, D.E. *Discover the Possibilities: Incorporating African American Men in Residence Life.* Association of College University and Housing Officers International Annual Conference, Milwaukee, WI.

NOTABLE AWARDS AND HONORS

- 2018 Association for Black Culture Centers Conference Chair Recognition Award
- 2017 NASPA Region II Mid-Level Professional Award
- 2017 NASPA Doris Ching Excellence as a Student Affairs Professional Award
- 2016 NASPA African American Knowledge Community Mid-Level Award
- 2010 NASPA Region I Network for Educational Equity & Ethnic Diversity Award
- 2010 ACPA Commission for Social Justice Educators Social Justice Educator Award
- 2010 ACPA Commission for Multicultural Affairs New Professional Award
- 2008 NASPA Region II New Professional Award
- 2007 New York University Residential Education Dept. Diversity Hallmark Award
- 2005 University of South Florida Resident Director of the Year Award

RESEARCH AND TEACHING INTERESTS

Diversity, Equity and Inclusion in Higher Education
Organizational Culture
Student Persistence and Success
Identity, Intersectionality and Leadership
Privilege, Oppression and Power
Race and Racism in Historical and Contemporary Contexts

PUBLICATIONS

- 2020 Jones, D.E. *Foreword*. In Editor Susan Goldman Rubin, Sing and Shout: Paul Robeson. Honesdale, PA. Calkins Creek for Boyds Mill Press Publisher.
- 2019 Batista, A., Jones, D.E, Sewell, S., & Tambascia, T.P. *Creating Pathways for New Professionals*. NASPA Leadership Exchange. Vol. 17, Issue 1, Spring 2019, pgs. 18-22.
- 2018 Jones, D.E. *Before Kaepernick, this Jersey Legend Gave Up Fame, Fortune for Social Activism*. NJ.com, September 15.
- 2011 Harper, S. R., Davis, R. J., Jones, D. E., McGowan, B. L., Ingram, T., & Platt, S. *Race and Racism in the Experiences of Black Male Resident Assistants at Predominately White Universities*. Journal of College Student Development, 52(2), 180-200.

TEACHING EXPERIENCE

- 2018-Present University of Southern California, Race and Equity Center
Equity Institute Teaching Faculty (*online*)
REC 725 – Messaging Commitment to Racial Equity and Inclusion
REC 730 – Identifying, Understanding, and Confronting Implicit Bias
- 2018 Rutgers University-New Brunswick
Graduate School of Education
College of Student Affairs Master of Education
College Student Affairs Culminating Project Review Panel Member
- 2017 Rutgers University-New Brunswick – Department of Africana Studies
Undergraduate Students
▪ Black Male Identity in the United States
- 2010 University of Massachusetts Lowell
Undergraduate Students
▪ First-Year Seminar
- 2005 University of South Florida
Undergraduate Students
▪ First-Year Seminar: College Experience for African American Men

DISSERTATION/THESIS COMMITTEE

- in progress Rutgers University-New Brunswick, Graduate School of Education
Wenylla Reid. Black Students' Perceptions of Career Services. EdD., Education, Culture and Society. (*dissertation proposal accepted*)

INVITED SPEAKING ENGAGEMENTS

- 2020 Moderator, West Orange Town Hall on Racial Justice, West Orange, NJ
Featured Speaker, CUNY Student Life Department, City University of New York
Guest Lecturer, Master of Art in Teaching Program, William Paterson University
Facilitator, White Fragility Book Club Discussion, Leadership Florida
Featured Speaker, Englewood Public Library, Englewood, NJ
Panelist, West Orange Schools: Diversity, Equity & Access Panel, West Orange, NJ
Guest Speaker, Higher Education Leadership Graduate Course, Stony Brook University
Podcast Guest Interview, Inclusion in Progress Podcast

- Featured Speaker, Human Relations Commission “Racial Injustice,” West Orange, NJ
Panel Member, NASPA Region II “Career Search During a Pandemic” Webinar
Guest Lecturer, Applied Human Resource Planning Course, William Paterson University
Guest Lecturer, Higher Education Class - PhD Program, Seton Hall University
Webinar: Promoting Student Emotional Health and Well-being, JED Foundation
Panel Member, Black History Month Opening Ceremony, William Paterson University
- 2019 Moderator, City University of New York Black Male Initiative Conference
Panel Member, Swarthmore College, Black Cultural Center
Keynote Speaker, New York Institute of Technology, Student Life Retreat
Podcast, NASPA – Student Affairs Voices from the Field
Webinar, NASPA Latinx Knowledge Community, Consejos y Consuelos Series
Keynote Speaker, Drew University, MLK Celebration Awards Luncheon
- 2018 Keynote Speaker, NASPA Region III Summer Symposium, Regional Conference
Featured Speaker, NASPA Region II Conf. Microaggressions in the Workplace
Keynote Speaker, Rutgers University Lead-Up Academy Banquet
Featured Speaker, National Orientation Directors Association Region 8 Conf.
Webinar Presenter, NASPA African American Knowledge Community Webinar
Keynote Speaker, New Jersey Women Lawyers Association Diversity Seminar
Lecturer, Rhode Island College Dialogue on Diversity 2018 Spring Lecture
Keynote Speaker, Watkinson School Dr. Martin Luther King, Jr. Day of Service
Panel Member, The Jackie Robinson Foundation Black College Student Success
- 2017 Keynote Speaker, St. Joseph College Women Empowerment Org. Summit
Keynote Speaker, Pace University Student Leadership Conf. (Pleasantville)
Invited Speaker, Rhode Island College, President Commission on Inclusion
Panel Member, NYU Staff of Color Network- Pathway to Chief Housing Officer
Panel Member, Metuchen, NJ Public Library, 13th Documentary Screening
Keynote Speaker, Essex Rising Social Justice Coalition Seminar, Orange, NJ
Invited Guest, Student Affairs Live, Higher Ed Live Network
Keynote Speaker, John Jay College, Peer Mentor Leadership Conference
Keynote Speaker, Ramapo College of New Jersey, Black History Month Banquet
Keynote Speaker, Hobart William Smith Colleges, Prof. Development Day
Keynote Speaker, Alfred Univ., Division of Student Affairs Prof. Development
- 2016 Guest Lecturer, Montclair State University, Resident Assistant Class
Panel Member, The New School, The Birth of a Nation Pre-Screening Discussion
Keynote Speaker, Rowan College at Gloucester County, Faculty/Staff Retreat
Keynote Speaker, Mid-Atlantic ACUHOI Inclusion Summit
Invited Speaker, Quinnipiac University Faculty and Staff Diversity Speaker Series
Panelist, Guttman Community College, Hypersexualization of Women in Media
Keynote Speaker, Rutgers University-New Brunswick, Residence Life Training
Webinar, ACUHOI (housing - student affairs) Professionals of Color Network
Keynote Speaker, New Settlement High School Career Program
Keynote Speaker, Watkinson School All School Assembly
- 2015 Featured Speaker, CSP Assoc. of NY State Urban Campus Institute
Panel Member, LaGuardia Community College, Career Links: Education Panel
Panel Member, Brooklyn College Career Center Graduate Student Panel
Guest Lecturer, College Prep for Kappa Alpha Psi Fraternity, Brooklyn, NY

- 2014 Invited Guest, Student Affairs Live, Higher Ed Live Network
Guest Lecturer, College of Staten Island, SEEK & College Discovery
- 2013 Guest Speaker, Univ. of New Haven Society Human Resource Management
- 2011 Featured Speaker, Northeast Regional National Assoc. of Campus Activities
Keynote Speaker, Massachusetts College of Art and Design Annual Ed. Forum
Keynote Speaker, G.R.A.D. Mentoring Program Seminar
- 2010 Keynote Speaker, Univ. of Massachusetts Lowell Student Org. Women's Program
Keynote Speaker, N.E.A.C.U.H.O. Professionals of Color & Allies Retreat
- 2008 Keynote Speaker, M.A.L.E.S. Student Org. Annual Banquet, ECSU

INVITED DIVERSITY TRAINING ENGAGEMENTS

- 2020 John Jay College – CUNY
Faculty Departments - Public Management, Sociology and Psychology
- 2020 University of Wisconsin-Milwaukee
USC Race and Equity Center Equity Institute's Implicit Bias Module
- 2019 Kent State University
USC Race and Equity Center Equity Institute's Implicit Bias Module
- 2019 Mt. San Jacinto College
USC Race and Equity Center Equity Institute's Implicit Bias Module
- 2019 Long Beach City College
USC Race and Equity Center Equity Institute's Implicit Bias Module
- 2019 North Central College
Diversity Task Force
Division of Student Affairs
Inclusive Organizational Culture Training
- 2019 Purdue University
USC Race and Equity Center Equity Institute's Implicit Bias Module
- 2019 North Central College
President Cabinet and Council
Trainer, Prioritizing Racial Equity and Identity Conscious Leadership
- 2018 University of Virginia
USC Race and Equity Center Equity Institute's Implicit Bias Module
- 2018 University of North Carolina Greensboro
Division of Student Affairs
Inclusion Workshops for Professional Staff
- 2018 Columbia University
School of Professional Studies
Identity and Workplace Seminar for Graduate Students

- 2018 Tufts University
Office of Greek Life
Implicit Bias Workshop for Student Staff
- 2018 Bay Path University
Office of New Student Orientation
Diversity Workshop for First-Year Students
- 2018 Rhode Island College
President Cabinet and President Extended Cabinet
Inclusion Plan Development
- 2017 Eastern Connecticut State University
Division of Student Affairs
Diversity Training for Orientation Student Leaders and Professional Staff
- 2017 PFK O'Connor Davis Accounting Firm
Diversity Council
Diversity Training for Accounting Firm Staff
- 2017 Eastern Connecticut State University
Division of Student Affairs
Diversity Training for L.E.A.P. Student Leadership Program [2013-2017]
- 2017 New Jersey Institute of Technology
Office of Residence Life
Diversity Training for Resident Assistant Staff
- 2017 University of Iowa
Division of Student Affairs
Diversity Training for Professional and Student Staff
- 2016 University of Massachusetts Dartmouth
Division of Student Affairs
Diversity Training for Residence Life Student and Professional Staff
- 2016 Eastern Connecticut State University
Division of Student Affairs
Diversity Training for First-Year Student Orientation [2015-2016]
- 2016 Quinnipiac University
Diversity Training for Faculty and Staff
- 2015 Southern Illinois University-Carbondale
Division of Student Affairs
Social Justice Training for Student Leaders
- 2015 Quinnipiac University
Division of Student Affairs
Diversity Training for Professional Staff

- 2015 Manchester Community College GEAR UP Alliance
Diversity Training for Higher Education Administrators [2014-2015]
- 2014 Eastern Connecticut State University
Division of Student Affairs
Diversity Training for Multicultural Student Organizations
- 2014 United Negro College Fund, Gates Scholars Leadership Academy
Diversity and Inclusion Workshop for Gates Scholars
- 2014 Kent State University
Diversity Webinar for Faculty and Staff
- 2013 Allegheny College
Diversity Workshop for New Student Orientation
- 2013 Allegheny College
Diversity Workshops for Faculty, Staff and Student Leaders
- 2013 University of New Haven
Diversity Training for Student Leaders
- 2013 Eastern Connecticut State University
Division of Student Affairs
Diversity Training for Resident Assistant Student Staff [2011-2013]
- 2012 Eastern Connecticut State University
Division of Student Affairs
Diversity Training for Resident Director Staff [2010-2012]
- 2012 Keene State College
University-Wide Diversity Training for Student Leaders
- 2012 Mount St. Mary University
University-Wide Diversity Workshop for Student Leaders
- 2012 Eastern Connecticut State University
Student Leadership Conference
Diversity Workshop for Student Leadership Conference Attendees
- 2011 University of Massachusetts Lowell
Office of Admissions
Cultural Competency Training [co-facilitated with Dr. Kathy Obear]
- 2010 Eastern Connecticut State University
Division of Student Affairs
Diversity Training for Resident Assistant In-Service
- 2010 Mount Ida College
Identity Development Workshop for Undergraduate Students of Color

INVITED CURRICULUM & PROGRAM REVIEWER

- 2019 Florida State University
External Review Team Member, NASPA Advisory Services
External Review – Division of Student Affairs Diversity and Inclusion
- 2018 University of Southern California, Race and Equity Center
Equity Institute Curriculum Development Team Member
- REC 725 – Messaging Commitment to Racial Equity and Inclusion
 - REC 730 – Identifying, Understanding, and Confronting Implicit Bias
- 2017 Hobart and William Smith Colleges
External Review - Intercultural Center
- 2007 Laboratory Institute of Merchandising
External Review - Department of Residence Life Diversity Plan and Goals

COMMUNITY ENGAGEMENT

- 2020-Present Trustee At-Large, Board of Trustees
The Unitarian Universalist Congregation at Montclair
- 2020- Present Vice President, Diversity Task Force, Parent Teacher Association - St. Cloud Elementary School
2020-2021 Executive Board Member
- 2019-Present Commissioner, West Orange Human Relations Commission
- 2018- Present Member, Diversity, Equity & Access Committee
West Orange School District
- 2005-Present Alpha Phi Alpha Fraternity
Past Mentor, Alpha G.E.N.T.S. Kappa Xi Lambda Mentoring Program
Past Executive Board Member
- Gamma Zeta Lambda Chapter (Secretary)
 - Kappa Xi Lambda Chapter (Secretary)
- 2019-2020 Membership Chair, Parent Teacher Association - St. Cloud Elementary School
2019-2020 Executive Board Member
- 2018-2020 Religious Education Teacher, The Unitarian Universalist Congregation at Montclair
9th Grade Coming of Age Class
Mentor, Coming of Age Youth Class
- 2017 Provocative Discussion Guest Speaker (May 2017)
Essex Rising Social Justice Coalition
Essex County (New Jersey)

Biography

Dr. David E. Jones

Dr. David E. Jones is the Chief Diversity Officer and Director of Talent Management at William Paterson University in Wayne, New Jersey, where he leads an institutional diversity agenda to create an inclusive campus community. Regularly invited to organizations to serve as a diversity consultant, strategist, speaker and trainer, Dr. Jones has served on the teaching faculty for the Equity Institute at the University of Southern California Race and Equity Center since 2018. David holds a doctorate of education in organizational leadership and communication from Northeastern University, a master of education in college student affairs from the University of South Florida, a bachelor of science in communications from Eastern Connecticut State University and is a member of Alpha Phi Alpha Fraternity, Incorporated. Prior to his position at William Paterson, his career includes serving in higher education leadership roles at Rutgers University-New Brunswick, City University of New York, University of Massachusetts Lowell, New York University and University of South Florida.

Dr. Jones has maintained an active leadership agenda with the National Association for Student Personnel Administrators (NASPA), presenting regularly at regional and national conferences and previously serving on the NASPA Region II Board as the Representative for the Professional Standards Division and Co-Chair for Strategic Initiatives. He currently serves NASPA as a leadership team member and faculty for the African American Male Summit and co-director and co-founder for the NASPA Ujima Institute. Previously, Dr. Jones has served on the NASPA Region II conference planning committee, faculty member for the NUFP Dungy Leadership Institute and an institutional external review team member with NASPA Advisory Services. Most notably, Dr. Jones was previously a keynote speaker for the NASPA Region III Summer Symposium.

David specializes in diversity, equity and inclusion, with an interest on the intersection of identity and leadership. His work in this area is highly regarded and as a result, he has been the recipient of several regional and national awards such as the NASPA Doris Ching Award for Excellence as a Student Affairs Professional, Social Justice Educator Award for ACPA's Commission for Social Justice Educators, Mid-Level Professional Award for NASPA's African American Knowledge Community and NASPA Region I's Network for Educational Equity & Ethnic Diversity Award. He has delivered over 100 educational sessions, workshops or keynotes at conferences, postsecondary institutions, corporations and non-profit organizations, nationwide. Dr. Jones has been a selected speaker for the NASPA SA Speaks Series and a faculty intern for the Social Justice Training Institute. Published in *The Journal of College Student Development*, Dr. Jones has also appeared on the Higher Ed Live Network Student Affairs Live show.

Concurrent to his professional work, David remains actively engaged in his community. He currently provides township leadership for West Orange, New Jersey where he serves as a Commissioner for the West Orange Human Relations Commission and a member of the West Orange School District Diversity, Equity and Access Committee. Additionally, David previously served as Membership Chair for the Parent Teacher Association executive board at his children's school and currently holds the position of Vice President for the Diversity Task Force on the Parent Teacher Association executive board. David is a Member-At-Large for the Board of Trustees at the Unitarian Universalist Congregation at Montclair, New Jersey, where he also previously served as Religious Education Teacher for the 9th Grade Coming of Age Class. A native of Brooklyn, New York, David currently lives in a suburb of New York City with his wife, Dr. Stephanie Laudone Jones, an Assistant Professor of Sociology at the City University of New York Borough of Manhattan Community College and their three children, Jacob, Sophia and Natalia. To learn more about Dr. Jones, visit www.davidearljones.com.

Governor's Council on Alcoholism and Drug Abuse
Fiscal Grant Cycle July 2020-June 2025

157-20
August 11, 2020

FORM 1B

WHEREAS, the Governor's Council on Alcoholism and Drug Abuse established the Municipal Alliances for the Prevention of Alcoholism and Drug Abuse in 1989 to educate and engage residents, local government and law enforcement officials, schools, nonprofit organizations, the faith community, parents, youth and other allies in efforts to prevent alcoholism and drug abuse in communities throughout New Jersey.

WHEREAS, The Township Council of the Township of West Orange, County of Essex, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and therefore, has an established Municipal Alliance Committee; and,

WHEREAS, the Township Council further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and,

WHEREAS, the Township Council has applied for funding to the Governor's Council on Alcoholism and Drug Abuse through the County of Essex;

NOW, THEREFORE, BE IT RESOLVED by the Township of West Orange, County of Essex, State of New Jersey hereby recognizes the following:

1. The Township Council does hereby authorize submission of a strategic plan for the Municipal Alliance grant for fiscal year July 1, 2019 to September 30th, 2020 in the amount of:

DEDR	<u>\$1,375</u>
Cash Match	<u>\$ 343.75</u>
In-Kind	<u>\$1,031.25</u>

2. The Township Council acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.

APPROVED: _____
Robert D. Parisi, Mayor

CERTIFICATION

I, Karen J. Carnevale, Municipal Clerk of the Township of West Orange, County of Essex, State of New Jersey, do hereby certify the foregoing to be a true and exact copy of a resolution duly authorized by the Township Council on this 11th day of August, 2020.

Karen J. Carnevale, Municipal Clerk

Governor's Council on Alcoholism and Drug Abuse
Fiscal Grant Cycle July 2020-June 2025

158-20
August 11, 2020

FORM 1B

WHEREAS, the Governor's Council on Alcoholism and Drug Abuse established the Municipal Alliances for the Prevention of Alcoholism and Drug Abuse in 1989 to educate and engage residents, local government and law enforcement officials, schools, nonprofit organizations, the faith community, parents, youth and other allies in efforts to prevent alcoholism and drug abuse in communities throughout New Jersey.

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WHEREAS, the Township Council further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and,

WHEREAS, the Township Council has applied for funding to the Governor's Council on Alcoholism and Drug Abuse through the County of Essex;

NOW, THEREFORE, BE IT RESOLVED by the Township of West Orange, County of Essex, State of New Jersey hereby recognizes the following:

1. The Township Council does hereby authorize submission of a strategic plan for the Municipal Alliance grant for fiscal year October 1, 2020 to June 30th, 2021 in the amount of:

DEDR	\$ <u>17,685.60</u>
Cash Match	\$ <u>4,421.40</u>
In-Kind	\$ <u>13,264.20</u>

2. The Township Council acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.

APPROVED: _____
Robert D. Parisi, Mayor

CERTIFICATION

I, Karen J. Carnevale, Municipal Clerk of the Township of West Orange, County of Essex, State of New Jersey, do hereby certify the foregoing to be a true and exact copy of a resolution duly authorized by the Township Council on this 11th day of August, 2020.

Karen J. Carnevale, Municipal Clerk

159-20
August 11, 2020

RESOLUTION TO FURNISH AND INSTALL A FIRE ALARM SYSTEM

WHEREAS, the West Orange Municipal Building is in an immediate need to upgrade its current fire alarm system; and

WHEREAS, pursuant to the New Jersey Local Public Contract Law (N.J.S. 40A:11-1) a bid was advertised and received on February 25, 2020 and all were rejected because all recipients did not receive addenda. Subsequently this bid was re-advertised to be received on March 23, 2020. Due to the pandemic and subsequent closing of the Municipal Building, the bid opening was postponed until July 7, 2020. At that time, four bids were received (see Exhibit A). After review of said bids, the low bidder was considered non-responsive to the specifications and rejected; and

WHEREAS, the second lowest bidder has been accepted as being responsive and responsible to the specification and is recommended to be awarded this contract.

NOW, THEREFORE BE IT RESOLVED by the Municipal Council of the Township of West Orange that the Furnishing and Installation of a Fire Alarm System to be awarded to:

**Absolute Protective Services
51 Suttons Lane
Piscataway, NJ 08854**

**Amount \$42,662.00
Annual Maintenance fee: \$816.00**

BE IT FURTHER RESOLVED that the Purchasing Agent is hereby authorized to issue a purchase order for said services with funds certified available by the Chief Financial Officer.

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

**Michelle Casalino
Council President**

I hereby certify funds are available from Account No. 03-2507-17-0100-020

John Gross, Chief Financial Officer

Adopted: August 11, 2020

EXHIBIT A

July 7, 2020 bid results for the Furnishing and Installation of a Fire Alarm System

Power With Prestige	\$34,000.00
Annual Maintenance	\$1,250.00
Absolute Protective Systems	\$42,662.00
Annual Maintenance	\$816.00
Haig Service Corp.	\$48,900.00
Annual Maintenance	\$2,200.00
Spark Electric	\$52,268.00
Annual Maintenance	\$1,100.00

160-20
August 11, 2020

RESOLUTION TO INCREASE PUBLIC BIDDING THRESHOLD

WHEREAS, the public bidding threshold for Municipal Contracting Units is adjusted every five years by the State Governor in conjunction with the Department of Treasury; and

WHEREAS, the Township of West Orange “Township” desires to take advantage of the increased bid threshold to expeditiously purchase goods and services which ultimately saves the Township time and money; and

WHEREAS, through resolution, Anne DeSantis is the Township’s designated Qualified Purchasing Agent as issued by the Director of the Division of Local Government Services in accordance with N.J.A.C. 5:34-5 et seq. and N.J.S.A. 40A:11-3; and

WHEREAS, by having a Qualified Purchasing Agent and pursuant to the provisions of the Local Public Contracts Laws N.J.S.A. 40A:11-3, as authorized by the New Jersey State Treasurer, effective July 1, 2020 the Township can increase its Public Bidding threshold from \$40,000.00 to \$44,000.00; and

NOW, THEREFORE BE IT RESOLVED, by the Council of the Township of West Orange, in the County of Essex, in the State of New Jersey hereby increases its public bidding threshold to \$44,000.00.

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

Michelle Casalino
Council President

Adopted: August 11, 2020

R E S O L U T I O N

WHEREAS, the Township Council obtained the services of CME Associates of Monmouth Junction, New Jersey and Manal Baba, Licensed Site Remediation Professional (LSRP) to provide professional services to remediate contaminated soil and groundwater at the Public Works Building, 25 Lakeside Avenue, associated with former leaking underground storage tanks; and

WHEREAS, the services outlined in their proposal of November 6, 2018, included Soil Sampling, Groundwater Sampling and Monitoring Well Gauging were authorized by Resolution No. 256-18 dated November 13, 2018, to comply with New Jersey's Site Remediation Reform Act for Natural Attenuation of Contaminants; and

WHEREAS, in November 2019 the NJDEP provided additional guidance for vertical delineation of groundwater contamination for natural attenuation proposals; and

WHEREAS, CME Associates submitted a proposal in the amount of \$7,200.00 dated February 18, 2020 to provide vertical delineation of groundwater contamination; and

WHEREAS, CME Associates responded to the Township's Request for Professional Qualifications; and

WHEREAS, the Municipal Engineer finds the proposal acceptable; and

WHEREAS, sufficient funds exist for this work; and

WHEREAS, the Township Council concurs in the foregoing

NOW THEREFORE BE IT RESOLVED by the Township Council of the Township of West Orange that a Professional Services contract be awarded to CME Associates, 3759 Highway 1 South, Suite 100, Monmouth Junction, New Jersey 08852, Manal Baba, LSRP, to provide professional services associated with the vertical delineation of groundwater contaminants at the Public Works Building, 25 Lakeside Avenue from a former leaking underground storage tank in accordance with their proposal dated February 18, 2020 for a fee not to exceed \$7,200.00

BE IT FURTHER RESOLVED that a copy of this Resolution be published in the West Orange Chronicle within ten (10) days of its approval as required by State Statute.

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

Adopted: August 11, 2020

**I certify funds are available
From the following account**

John O. Gross, Chief Financial Officer

**Michelle Casalino
Council President**

**Account Number
03 2584 19 0500 110
Underground Storage Tank
\$7200.00**

RESOLUTION

WHEREAS, by Resolution No. 122-18 dated May 8, 2018, the Township Council awarded a Professional Services contract to Manal Baba, Licensed Site Remediation Professional (LSRP) and CME Associates, 3759 Highway 1 South, Suite 100, Monmouth Junction, NJ 08852 for LSRP and environmental services for underground storage tank removal and environmental site remediation at Fire House No. 4 280 Pleasant Valley Way, associated with the leaking underground storage tanks that were removed and replaced in 1994; and

WHEREAS, the Township now requires additional environmental services of Manal Baba, LSRP, for environmental site remediation associated with three leaking underground storage tanks that were removed in 1994; and

WHEREAS, CME Associates submitted a proposal dated September 19, 2019 to provide environmental services for the removal of the existing tanks and remediate contamination associated with the prior underground storage tanks removed in 1994; and

WHEREAS, the proposal of CME Associates includes four (4) tasks:

1.	Monitoring Well Gauging & Sampling	\$30,700.00
2.	Classification Exception Area Application Contaminant Fate & Transport Modeling	\$5,500.00
3.	Reporting and Management	\$16,500.00
4.	Response Action Outcome	\$4,400.00
	Total	\$57,100.00

WHEREAS, CME Associates responded to the Township's Request for Qualifications; and

WHEREAS, the proposed is acceptable to the Municipal Engineer; and

WHEREAS, sufficient funds exist for this work; and

WHEREAS, the Township Council concurs in the foregoing.

NOW, THEREFORE BE IT RESOLVED by the Township of West Orange that a Professional Service contract be awarded to CME Associates, 3759 Highway 1 South, Suite 100, Monmouth Junction, NJ 08852 to provide LSRP and professional environmental services for Fire House No. 4, 280 Pleasant Valley Way in accordance with their proposal dated September 19, 2019 for a fee not to exceed 57,100.00

BE IT FURTHER RESOLVED that a copy of this resolution be published in the West Orange Chronicle within ten (10) days of its approval as required by State Statute.

Karen J. Carnevale, RMC
Municipal Clerk

Michelle Casalino
Council President

Adopted: August 11, 2020

I certify funds are available
From the following account

Account Number
03 2584 19 0500 110
Underground Storage Tank
\$57,100.00

John O. Gross, Chief Financial Officer

RESOLUTION

WHEREAS, an application has been submitted by the Life Christian Church of West Orange, which wishes to hold a fireworks display at its grounds at 747 Northfield Avenue on August 9, 2020 from 9:00 P.M. to 9:15 P.M.; 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 Fire Official, and confirms that a Certificate of Insurance naming the Township as an additional insured has been provided; and

WHEREAS, the State of New Jersey is still under a state of emergency and public health emergency related to the COVID-19 virus and the Governor of the State of New Jersey has issued a series of Executive Orders establishing social gathering and social distancing policies for all residents, businesses and gatherings in the State of New Jersey.

NOW THEREFORE BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST ORANGE that the Life Christian Church be and is hereby granted permission to conduct a fireworks display on August 9, 2020; subject to the directives of the Fire Official, or his designees; and be it further

RESOLVED, that the permission to conduct the proposed fireworks display will be subject to all requirements of social distancing and all requirements consistent with the Executive Orders issued by the Governor of the State of New Jersey issued related to the COVID-19 virus.

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

Michelle Casalino
Council President

Approved: August 4, 2020

Ratified: August 11, 2020

RESOLUTION

WHEREAS, on May 22, 2018, the Township Council for the Township of West Orange (the "Township") adopted Resolution 141-18 which authorized the retention of Matrix New World ("Matrix") at 26 Columbia Turnpike in Florham Park, New Jersey to prepare a preliminary assessment report for projects in Degnan Park and Lafayette Park as part of a Green Acres matching grant program and loan program through the New Jersey Department of Environmental Protection (the "NJDEP"), see Exhibit "A" annexed hereto; and

WHEREAS, as a result of the Preliminary Assessment prepared by Matrix, it was uncovered that in 1994 a case file was open with the NJDEP related to a suspicious discharge into Vincent Lake located in Degnan Park; and

WHEREAS, the Township seeks to resolve and close out the open case file with the NJDEP; and

WHEREAS, Matrix has provided the Township with a proposal to take the necessary measures to close out the open case file with the NJDEP, annexed hereto as Exhibit "B" (the "Proposal"); and

WHEREAS, the Proposal provides that work to be performed shall not exceed \$4,950 which falls below the bid threshold exempting this proposal from public bidding.

NOW, BE IT HEREBY RESOLVED, by the Township Council of the Township of West Orange that the Township be and is hereby authorized to retain Matrix to perform the work necessary to close out the open NJDEP file related to Vincent Lake in Degnan Park consistent with the proposal annexed hereto as Exhibit "B;" and it is further;

RESOLVED that the Mayor be and is hereby authorized to executed any agreement, if any, consistent with the Proposal, annexed hereto as Exhibit "B;" and be it further

RESOLVED that the Municipal Clerk be and is hereby authorized to attest to the Mayor's signature on any agreement, if any, consistent with the Proposal, annexed hereto as Exhibit "B."

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

Michelle Casalino
Council President

Adopted: August 11, 2020

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

JOHN O. GROSS, CFO

Exhibit “A”

RESOLUTION

WHEREAS, the Township of West Orange (the "Township") received approval for a Green Acres matching grant of \$45,525 and a Green Acres loan of \$136,575 for the Township's Multi Park Development Project through the State of New Jersey Department of Environmental Protection's Green Acres program; and

WHEREAS, on September 5, 2017, the Township adopted Resolution No. 198-17 authorizing the retention of Matrix New World at 26 Columbia Turnpike in Florham Park, New Jersey ("Matrix") to prepare the Preliminary Assessment Reports for the projects for Degnan Park and Lafayette Park; and

WHEREAS, on March 13, 2018, the Township adopted Resolution No. 87-18 authorizing Matrix to conduct Site Investigations at Degnan Park and Lafayette Park; and

WHEREAS, on Matrix identified three metals from samplings which require additional laboratory testing in order to calculate possible impact on groundwater; and

WHEREAS, Matrix has advised the Township that an expedited sampling and testing would cost a total of \$690 as set forth in the proposal annexed hereto as Exhibit "A;" and

WHEREAS, the additional costs are agreeable to obtain the required additional laboratory testing.

NOW THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST ORANGE, that the Township be and hereby is authorized an additional expenditure of \$690 to complete the additional laboratory testing related to the metals identified during the Site Investigation at Degnan Park and Lafayette Park; and

RESOLVED, that Mayor is authorized to execute all necessary agreements or documents, including the proposal annexed hereto as Exhibit "A," authorizing Matrix to perform the additional laboratory testing and be it further

RESOLVED, that the Municipal Clerk be and is hereby authorized to attest to the Mayor's signature; 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.
Municipal Clerk

Susan McCartney
Council President

Adopted: May 22, 2018

I hereby certify funds available from: _____

John O. Gross, Chief Financial Officer

Exhibit “B”

Via Email (LLepore@westorange.org)

January 25, 2019

Mr. Leonard R. Lepore, P.E., Municipal Engineer
Township of West Orange - Director of Public Works
25 Lakeside Avenue
West Orange, NJ 07052

**Re: PROPOSAL FOR ENVIRONMENTAL SERVICES – LSRP RETENTION/
DEGNAN PARK
ALISA DRIVE
BLOCK 154.19, LOT 6
WEST ORANGE, NEW JERSEY
NJDEP's PROJECT NO. 0722-17-035
MATRIX NO. P17-707**

Dear Mr. Lepore:

As requested, Matrix New World Engineering, Land Surveying and Landscape Architecture, P.C. (Matrix) is pleased to provide this proposal to perform environmental services for the above-referenced Site. The proposed work encompasses the retention of a Licensed Site Remediation Professional (LSRP) for the project, the submittal of all necessary forms and reports, and the issuance of a final remediation document in the form of a Response Action Outcome (RAO) for the Site in support of the Township of West Orange's Green Acres Program requirements administered by the New Jersey Department of Environmental Protection (NJDEP). The proposed work will be completed in accordance with the Site Remediation Reform Act (SRRA), N.J.S.A 58:10C-1 et seq., the Administrative Requirements for the Remediation of Contaminated Sites (ARRCS), N.J.A.C. 7:26C, and the Technical Requirements for Site Remediation (TRSR), N.J.A.C. 7:26E.

SCOPE OF WORK

The scope of services and associated fee is described in detail below:

Task 1: LSRP Retention and Form Submittals

In accordance with SRRA, the, and the NJDEP's *Technical Requirements for Site Remediation* (TRSR), Matrix's LSRP will prepare and submit all required SRP forms. The forms will be submitted at the appropriate stage of SRP compliance and may accompany the various reports that will be prepared as part of this effort. Listed below are the forms that will be submitted by the LSRP; however, the client is responsible for any and all of the associated NJDEP fees:

- LSRP Retention Form
- Annual Remediation Fee Form
- Case Inventory Document (CID)
- Receptor Evaluation Form
- Site Investigation (SI) Report Form

The LSRP will also review and certify all required reports. In accordance with NJAC 7:26C-2.5 (record retention), the person responsible for conducting the remediation shall maintain and preserve all data, documents and information concerning remediation of a contaminated site. This proposal assumes the Township is responsible for the payment of all NJDEP fees for the site.

Task 2: Report Submittal

Based upon the NJDEP’s letter dated November 30th, 2018 and subsequent discussions with the NJDEP, submittal of the SI Reports to the Green Acres Program to request a final closure document is unacceptable due to two open cases associated with the subject property (NJDEP Case 94-4-25-1405-06 and NJDEP Case 94-7-28-1400-22). As such, the SI Reports must be submitted to the NJDEP’s Bureau of Case Assignment and Initial Notice. This task includes all labor necessary to communicate with, and submit the report to, this Bureau in order to close out these cases.

Task 3: Response Action Outcome

With the enactment of the SRRA, and related amendments to the Brownfield and Contaminated Site Remediation Act (Brownfield Act; N.J.S.A. 58:10B-1 et seq.), the determination that a remediation of a contaminated site or area of concern (AOC) is protective of public health and safety and the environment, will rest with an LSRP. In accordance with SRRA, an LSRP is authorized to memorialize the completion of remediation by issuing an RAO to the person(s) responsible for conducting the remediation. This task includes the issuance of an RAO for the property documenting that, in the opinion of the LSRP, no further environmental investigation is required.

COSTS

The following are our estimated costs for the tasks described herein to complete the remediation of the property. All work will be conducted in accordance with the attached standard terms and conditions and LSRP Special Provisions.

Task 1: LSRP Retention, Form Submittals, and Oversight

Labor.....	\$ 1,500.00
Subtotal Task 1	\$ 1,500.00

Task 2: Site Investigation Report Submittal

Labor.....	\$ 1,650.00
Subtotal Task 2	\$ 1,650.00

Task 3: Response Action Outcome

Labor.....	\$ 1,800.00
Subtotal Task 3.....	\$ 1,800.00

Total Costs Not to Exceed **\$4,950.00**

ASSUMPTIONS AND EXCLUSIONS

This proposal is based on the following assumptions:

- No additional assessment, investigation or remediation activities are included;
- Costs do not include future investigations or remediation;
- Costs do not include any additional NJDEP notification or reporting fees, if applicable; and
- All external costs will be charged at cost plus 15%.

CLOSING

Any item listed above which is not ordered will not be billed. Separate authorization from the client will be requested prior to commencing services outside the scope of this proposal.

All out-of-pocket expenses including, but not limited to, application fees, laboratory testing costs, mylar copies, certified mailings, photographs, blueprints, and special deliveries are considered additional to the proposal items unless specifically noted within the scope of this proposal.

The terms and conditions of this proposal are subject to the attached Matrix Terms and Conditions for Professional Services.

This proposal is submitted solely and exclusively for the use of Township of West Orange for consideration of the professional services of Matrix. Disclosure of this proposal’s content to any third party without prior written authorization from Matrix is expressly prohibited.

In addition to the specific items as listed herein, the client may be required to demonstrate compliance with certain permit and approval conditions as may be imposed by one or more of the regulatory agencies. These conditions may require revisions to the plans and/or preparation of additional supporting documentation. This proposal does not include these additional items unless specifically outlined within the scope of this proposal.

PAYMENT SCHEDULE

Payment shall be in accordance with the Charges, Billing, and Payment schedule outlined in the Terms and Conditions attached to this proposal unless prior written arrangements have been made with Matrix.

Please indicate your acceptance of this proposal by signing in the space provided below and returning one copy to this office. Acceptance of this proposal signifies the clients’ understanding that Matrix will not be retained or asked to perform any services unless funding is secured and is available to pay all invoices within 30 days. Receipt of the signed proposal shall be considered authorization to proceed with all items described within this agreement. Any items not intended to be authorized shall be clearly and specifically noted as such within the client's signed and returned proposal.

We thank you for the opportunity to be of service to you on this project. Matrix is prepared to implement the described Scope of Work upon receiving a signed copy of this letter. If you have any questions or require any additional information, do not hesitate to contact us at (973) 240-1800.

Sincerely,



Craig McCarrick, LSRP
Project Manager

Authorization to Proceed: _____
Name/Title

Date: _____

**ATTACHMENT 1
TERMS AND CONDITIONS**

Matrix New World Engineering, Land Surveying and Landscape Architecture, PC

TERMS AND CONDITIONS FOR PROFESSIONAL SERVICES

Section 1: SERVICES

Matrix New World Engineering, Land Surveying and Landscape Architecture, PC (Matrix) agrees to perform the professional services (the "Services") as described in the Proposal incorporated herein by reference for the CLIENT on a best efforts, time and materials basis under the terms and conditions set forth below. Matrix reserves the right to amend the contents of the Proposal, if written authorization is not received within 90 days. These Terms and Conditions together with the Proposal constitute the agreement between Matrix and the CLIENT for the Services (the "Agreement").

Section 2: COMPENSATION

The CLIENT shall be responsible for all costs specifically enumerated in the proposal. For any costs set forth in the proposal as a range, Matrix shall provide CLIENT with an exact cost as soon as it can be estimated.

CLIENT shall also be responsible for any REIMBURSABLE COSTS not specifically set forth in the proposal. REIMBURSABLE COSTS include: out-of-pocket expenses, the cost of which shall be charged at actual cost plus an administrative charge of fifteen percent (15%) and shall be itemized and included in the invoice. Typical out-of-pocket expenses shall include, but not be limited to, travel expenses (lodging, meals, etc.), job-related mileage at the prevailing IRS mileage rate, long distance telephone calls, printing and reproduction costs, and survey supplies and materials.

Section 3: CLIENT'S OBLIGATIONS

To assist Matrix in performance of the Services, CLIENT shall provide Matrix with appropriate material, data and information in its possession pertaining to the specific project or activity.

The CLIENT will advise Matrix of the nature and extent of the hazardous waste at the site. If Matrix discovers after it undertakes the Services that the site is of a different nature of hazard as defined by the client, or if unanticipated hazards are presented, the CLIENT and Matrix agree that the scope of services, schedule and estimated budget fee shall be adjusted as needed to complete the work without injury or damage.

Section 4: INVOICE PROCEDURE AND PAYMENT

Matrix will submit a final bill upon completion of the Services. Payment is due thirty (30) days from invoice date or upon closing, whichever is last to occur. CLIENT will be liable for all court costs, disbursements, and attorney's fees incurred in the collection of any outstanding invoices.

Section 5: OWNERSHIP OF DOCUMENTS

All survey notes, drawings, bills of materials, specifications, blueprints, reports, calculations and all other material prepared in connection with the specific project shall be property of the CLIENT and shall be transferred to the CLIENT upon completion of the project and upon receipt of complete payment for the scope of work outlined in the proposal. Matrix may retain a single copy of such information and documents.

Section 6: CONFIDENTIALITY

Matrix agrees to keep confidential and not to disclose to any person or entity, other than Matrix's employees and subcontractors, without the prior consent of the CLIENT, all data and information not previously known to and generated by Matrix, or furnished to Matrix and marked CONFIDENTIAL by the CLIENT in the course of Matrix's performance hereunder; provided, however, that this provision shall not apply to data which are in the public domain, or were previously known to Matrix, or were acquired by Matrix independently from third parties not under obligation to CLIENT to keep said data and information confidential. CLIENT shall not restrict Matrix from complying with an order to provide information or data when such order is issued by a court, administrative agency or other authority with proper jurisdiction.

The technical and pricing information contained in any proposal submitted by Matrix as to this project, or in the Agreement or any addendum thereto, is to be considered confidential and proprietary, and shall not be released or otherwise made available to any third party without express written consent of Matrix.

Section 7: BURIED UTILITIES

Matrix will conduct the research that in our professional opinion is necessary to locate utility lines and other man-made objects that may exist beneath the sites surface. The CLIENT recognizes that Matrix's research may not identify all subsurface utility lines and man-made objects. Matrix will take reasonable precautions to avoid damage or injury to any subsurface utilities or structures. The CLIENT agrees to hold Matrix harmless and the CLIENT agrees to pay for damages to underground utilities or structures which are not called to Matrix's attention or correctly shown on plans furnished by the CLIENT or third parties.

Section 8: DISCOVERY OF UNANTICIPATED HAZARDOUS MATERIALS

Hazardous materials or certain types of hazardous materials may exist at a site where there is no reason to believe they could or should be present. Matrix and the CLIENT agree that the discovery of unanticipated hazardous materials constitutes a changed condition mandating a renegotiation of the scope of work and compensation for the Services or termination of the Agreement. Matrix agrees to notify the CLIENT as soon as practically possible should unanticipated hazardous materials or suspected hazardous materials be encountered. The CLIENT encourages Matrix to take measures that in Matrix's professional opinion are justified or legally required to preserve and protect the health and safety of Matrix's personnel and the public, and/or the environment, and the CLIENT agrees to compensate Matrix for the additional cost of such work.

In addition, the CLIENT waives any claim against Matrix, and agrees to indemnify, defend and hold Matrix harmless from any claim or liability for injury or loss arising from Matrix's encountering of unanticipated hazardous materials or suspected hazardous materials. The CLIENT also agrees to compensate Matrix for time spent and expenses incurred by Matrix in defense of any such claim, with such compensation to be based upon Matrix's prevailing fee schedule and expense reimbursement policy.

Section 9: STANDARD OF CARE

The Services provided by Matrix under the Agreement will be conducted in a manner consistent with that level of care and skill ordinarily exercised by members of the profession currently practicing in the same locality under similar conditions. No other representation, express or implied, and no warranty or guarantee, in fact or by law, whether of merchantability or fitness for a particular purpose or otherwise, is included or intended in the Agreement, or in any report, opinion, document or otherwise.

The CLIENT recognizes that subsurface conditions may vary from those encountered at the location where, and at the time when, borings, sampling, or testing are performed by Matrix and that the data provided by Matrix are based solely on the information available to Matrix. The CLIENT agrees to indemnify and hold Matrix harmless from and against all claims, damages, losses and expenses arising from the interpretation by others of data provided by Matrix.

Section 10: INDEPENDENT CONTRACTOR

Matrix shall be an independent contractor in performing the Services and shall not act as an agent or employee of the CLIENT. As such, and subject to the terms and conditions hereof, Matrix shall be responsible for its employees, subcontractors, and agents and for their compensation, benefits, contributions, and taxes, if any.

Section 11: JOBSITE HEALTH AND SAFETY

Insofar as jobsite safety is concerned, Matrix is responsible solely for its own employees' and subcontractor's activities on the jobsite, but this shall not be construed to relieve the CLIENT or his contractors from their responsibility for methods of work performance, superintendence, sequencing of construction, or safety in, on or about the jobsite.

Section 12: INSURANCE

Matrix is protected by: 1) Worker's Compensation Insurance as required by applicable law, 2) General Liability and Automobile Liability Insurance (in the amount of \$1,000,000 combined single limit) for bodily injury and property damage, and 3) Professional Liability (Errors & Omissions) with policy limits equal to at least \$1,000,000. Matrix shall provide insurance certificates illustrating the coverage herein defined to the Board prior to commencing work at the site.

Within the limits of said insurance, Matrix agrees to save the CLIENT harmless from and against loss, damage, injury or liability arising from negligent acts or omissions of Matrix, its subcontractors, and their respective employees and agents acting in the course and scope of this project. Matrix shall not be responsible for any loss, damage, or liability arising from any acts by the CLIENT, its agents, staff, and other consultants and subcontractors employed by the Client.

Section 13: INDEMNITY

A. Matrix

Matrix agrees to indemnify and hold harmless CLIENT from and against any and all losses, damages, liabilities, and expenses (including, but not limited to, legal fees and costs of investigation) to the extent resulting or arising out of negligence or willful misconduct of Matrix or performance of the Services hereunder, provided that such loss, damage, liability or expense is attributable to bodily injury, sickness, disease or death, or to injury to or destruction of tangible property, and not caused in whole or in part by any acts or omissions of the CLIENT, a third party, or anyone directly or indirectly employed by the CLIENT.

B. CLIENT

The CLIENT, agrees to indemnify and hold harmless Matrix from and against any and all losses, damages, liabilities, and expenses (including, but not limited to, legal fees and costs of investigation) to the extent resulting or arising out of negligence or willful misconduct of the CLIENT, or anyone directly or indirectly employed by the CLIENT, or the performance of the CLIENT's obligations under the Agreement, any non-conforming wastes waste(s) or discrepancies in the pertinent manifest(s) as defined by applicable regulations, or an condition existing at the work site(s) prior to the date of the Agreement or caused by anyone directly or indirectly employed by the CLIENT.

Section 14: LIMIT OF LIABILITY

Notwithstanding any other provision contained in the Agreement

- A. In no event shall Matrix, its employees, agents, or sub-contractors be responsible for any incidental, indirect, impact, or consequential damages (including loss of profits), liabilities or expenses incurred by the CLIENT or any third party as a result of Matrix's performance or nonperformance of the Services contracted for herein, and the CLIENT waives all such incidental, indirect, impact, or consequential damages.
- B. The obligations of Matrix under the Agreement are not intended to and shall not be personally binding on, nor shall any resort be had to the private properties of, any of parent or affiliate of Matrix, or any of their respective officers, directors, shareholders, partners, principals, members, managers, beneficiaries, employees or agents.
- C. Matrix's total liability to CLIENT for any and all injuries, claims, losses, expenses or damages whatsoever arising out of, or in any way related to the Agreement from any cause or causes, including but not limited to Matrix's errors, negligence, omissions, strict liability, breach of contract or breach of warranty, shall not exceed the total contract amount for the Services provided by Matrix or the limit of liability available at the time of the claim, whichever is lesser.
- D. To the maximum extent permitted by law, the limitations on damages, the releases from liability, the limitations of liability, and the exclusive remedies provisions expressly provided in the Agreement shall apply even in the event of the fault, negligence (in whole or in part), strict liability or breach of contract of Matrix. The remedies provided in the Agreement are exclusive, except that the CLIENT shall in addition have the right to obtain specific performance and all other injunctive relief that may be available. Matrix disclaims, and the CLIENT waives, any implied warranties of merchantability or fitness for a particular purpose with respect to any equipment or other personal property procured by Matrix and provided to the CLIENT as part of any Services.

Section 15: PROJECT DELAYS

If Matrix is delayed at any time in performing the Services for any specific project or activity by an act, failure to act, or neglect of the CLIENT or the CLIENT'S employees or any third parties; by changes in the scope of work; by unforeseen circumstances including delays authorized by the CLIENT and agreed to by Matrix; by acts of force majeure including, without limitation, fires, floods, riots, and strikes; by delays caused by foreign or domestic governmental acts or regulations; or by any cause beyond the reasonable control of Matrix, then the time for completion of the Services shall be extended based upon the impact of the delay. Matrix shall receive an adequate compensation adjustment if the delays caused by any of the above result in changes, require additional services, or result in additional costs to Matrix.

Section 16: ASSIGNMENT

Matrix shall not assign the Agreement in whole or part except that Matrix may use the services of persons and entities not in its employ, when it is appropriate to do so. Such persons and entities include, but are not limited to, surveyors, specialized consultants, drilling contractors, and testing laboratories. Matrix's use of others for additional services shall not be unreasonably restricted by the CLIENT provided Matrix notifies the CLIENT in advance.

Section 17: THIRD PARTY EXCLUSION

The Agreement shall not create any rights or benefits to parties other than the CLIENT and Matrix, except such other rights as may be specifically called herein.

Section 18: SEVERABILITY

If any clause or section of the Agreement shall be deemed void or invalid, such a decision shall only apply to that particular section(s) and shall not render the rest of the Agreement invalid. The balance of the Agreement shall remain in force.

Section 19: TERMINATION

Matrix may terminate the Agreement upon five (5) days notice if the CLIENT defaults in the payment for the Services or for any other material default by the CLIENT under the Agreement. The CLIENT or Matrix may terminate the Agreement upon fourteen (14) days notice for any reason which may arise or for no reason. In the event of such termination of the Agreement for any reason which may arise or for no reason, the termination will become effective fourteen (14) calendar days after receipt of the termination notice. Irrespective of which party shall effect termination of the cause therefore, the CLIENT shall within thirty (30) calendar days of termination remunerate Matrix for the Services rendered and costs incurred (including all reimbursable costs hereunder), in accordance with Matrix's prevailing rate schedule

Section 20: GOVERNING LAW

Unless otherwise provided in an addendum, the law of the State of New Jersey will govern the validity of the Agreement, its interpretation and performance, and remedies for contract breach or contract breach or any other claims related to the Agreement.

Special Provisions- Licensed Site Remediation Professional Services

1. Licensed Site Remediation Professionals. In accordance with the Site Remediation Reform Act, NJSA 58:10C-1 et seq ("SRRA") and Executive order #140, the performance of Services contained in this Agreement may require the engagement of a Licensed Site Remediation Professional ("LSRP") registered with the State of New Jersey under NJSA 58:10C-1 et seq, and the regulations effective November 5, 2009 known as Administrative requirements for the Remediation of Contaminated Sites ("ARRCS") as prepared by the New Jersey Department of Environmental Protection ("NJDEP") thereunder (collectively, the "LSRP Program").

The client recognizes and agrees in consideration of this section to the following terms and conditions:

- 1.1 The laws and regulations relating to the LSRP Program imposes upon LSRPs certain professional obligations owed to the public including, in some instances, a duty to disclose the existence of certain environmental contaminants to the NJDEP and/or other regulatory agencies.

If the LSRP's obligations under the LSRP Program conflict in any way the terms and conditions of this Agreement or the wishes or intentions of the Client, the client acknowledges that the LSRP is bound by law to comply with the requirements of the LSRP Program.

- 1.2 The Client recognizes that the LSRP shall be immune from all civil liability resulting from any alleged and/or actual conflict between the Client's interests and the investigatory, reporting and disclosure obligations under the LSRP Program. The Client also agrees to defend, indemnify and hold harmless Matrix New World Engineering, Inc. (Matrix) and its LSRP from and against any claims losses, damages, fines, or administrative, civil, or criminal penalties that arise as a direct or indirect result of the fulfillment of obligations to the LSRP program.
- 1.3 Client acknowledges and agrees to provide Matrix and its LSRP all relevant project information including but not limited to: (a) the date(s) and time(s), to the extent known, on which the Client obtained knowledge of any prior release(s); (b) details about the release(s) and Site-specific conditions; (c) any prior environmental site assessment reports, laboratory analytical reports, and/or other pertinent data, facility surveys, etc. known to the Client; and (d) prior measures taken to address the release(s), all to ensure that professional services, rendered on the Client's behalf by Matrix and its LSRP, to comply with the LSRP Program.
- 1.4 Under the LSRP Program, the LSRP is required to provide professional opinions at various stages if environmental assessment (remediation) permitting remedial action or closure activities. The LSRP shall be entitled to request the performance of such additional tests or other services as are necessary, in their professional judgment, to permit them to provide such opinions.

1.5 The Client shall permit Matrix and its LSRP to rely upon work product prepared by any prior environmental consultant in order to allow Matrix and its LSRP to meet their obligations under this Agreement and the LSRP Program.

1.6 As part of the LSRP Program, the NJDEP may audit with or without cause, work product developed under the LSRP Program, respectively. If the NJDEP conducts such an audit, the LSRP responses to such requests for information and additional services not included in the current Scope of Services and that Matrix New World shall be compensated therefore on substantially the same basis as it is compensated for Services provided under this Agreement.

**Acceptance of Proposal; (please return this page only):
I accept all terms and conditions set forth and grant Matrix New World Engineering, Inc. authorization to proceed.**

Name

Date

Signature

Purchase Order No. (if required)

2018 FEE SCHEDULE WEST ORANGE

PERSONNEL RATES	
TITLE	HOURLY RATE
Principal	\$165.00
Senior Technical Director	\$155.00
Senior Project Manager	\$150.00
Technical Director	\$150.00
Senior Technical Manager	\$140.00
Project Manager	\$140.00
Senior Project Professional	\$135.00
Technical Manager	\$135.00
Project Professional	\$130.00
Senior Project Specialist	\$130.00
Project Specialist	\$125.00
Senior Technical Professional	\$120.00
Technical Professional	\$110.00
Senior Technical Specialist	\$100.00
Technical Specialist	\$95.00
Senior Data/Field Specialist	\$85.00
Data/Field Specialist	\$80.00
Senior Technical Assistant	\$75.00
Technical Assistant	\$70.00
Junior Technical Assistant	\$65.00
Junior Data/Field Technician	\$55.00
REIMBURSABLE EXPENSES	
ITEM	FEE
Black & White Copy 8½x 11	\$ 0.20/sheet
Black & White Copy 8½x 14	\$ 0.30/sheet
Black & White Copy 11 x 17	\$ 0.40/sheet
Black & White Copy 18 x 24	\$ 1.45/sheet
Black & White Copy 24 x 36	\$ 2.85/sheet
Black & White Copy 30 x 42	\$ 4.25/sheet
Color Copy 8½x 11	\$ 0.40/sheet
Color Copy 11 x 17	\$ 0.80/sheet
Color Copy 24 x 36	\$27.00/sheet
Color Copy 30 x 42	\$40.00/sheet
Mylar 24 x 36	\$27.00/sheet
Mylar 30 x 42	\$40.00/sheet
CD	\$50.00/disc
Robotic per diem	\$249.00
Scanner per diem	\$400.00
Subconsultants	115% of cost
Out-of-pocket expenses	115% of cost

Additional reimbursables include, but are not limited to, delivery expenses and mileage charged at Federal prevailing rates.

RESOLUTION

WHEREAS, on May 29, 2019, the Township Council for the Township of West Orange adopted Ordinance 2572-19 authorizing the Township to sell the undersized lot known as Block 175.08, Lot 7 on the Township of West Orange Tax Map (the “Property”) pursuant to N.J.S.A. 40A:12-13.2; and

WHEREAS, on May 31, 2019, pursuant to N.J.S.A. 40A:12-13.2, the Township issued letters to the owners of the properties contiguous to the Property (the “Contiguous Owners”) providing notice that the Township intended to sell the Property and that the Township was providing the Contiguous Owners, the right to prior refusal to purchase the Property; and

WHEREAS, on June 12, 2019, Dov and Miriam Gardin (the “Buyers”), the owners of 60 Mellon Avenue, submitted a formal offer for purchase of the Property; and

WHEREAS, on May 12, 2020, the Township adopted Resolution 114-20 authoring the Township to execute an agreement with the Buyers authorizing to sale of the Property to the Buyers for the amount of \$5,000; and

WHEREAS, the Buyers have prepared and submitted closing documents including a proposed Deed, a Seller’s Residency Certification/Exemption, and Affidavit of Title (collectively the “Closing Documents”), annexed hereto as Exhibit “**A;**” to be executed by the Township and recorded with the Essex County Register of Deed and Mortgages.

THEREFORE, IT IS HEREBY RESOLVED, that the Township Council authorizes the Township to execute the Closing Documents, annexed hereto as Exhibit “**A;**” and

BE IT FURTHER RESOLVED, that the Mayor is hereby authorized to execute the Closing Documents, annexed hereto as Exhibit “**A;**” and the Township Clerk is authorized to attest to the Mayor’s signature; and

BE IT FURTHER RESOLVED that a copy of this Resolution and exhibit hereto shall remain on file with the Township Clerk.

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

Michelle Casalino
Council President

Adopted: August 11, 2020

Exhibit “A”

DEED

This Deed is made on _____, 2020

BETWEEN

THE TOWN OF WEST ORANGE

whose post office address is 66 Main Street, Room 101, West Orange, New Jersey.
referred to as the Grantor,

AND

DOV GARDIN and MIRIAM GARDIN, h/w

whose post office address is about to be Block 175.08, Lot 7, West Orange, New Jersey
referred to as the Grantee.

The words "Grantor" and "Grantee" shall mean all Grantors and all Grantees listed above.

1. Transfer of Ownership. The Grantor grants and conveys (transfers ownership of) the property (called the "Property") described below to the Grantee. This transfer is made for the sum of Five Thousand and 00/100 (\$5,000.00) Dollars.

The Grantor acknowledges receipt of this money.

2. Tax Map Reference. (N.J.S.A. 46:15-2.1) Municipality of West Orange
Block No. 175.08 Lot No. 7 Account No.

No property tax identification number is available on the date of this Deed. (Check this box if applicable).

3. Property. The Property consists of the land and all the buildings and structures on the land in the Township of West Orange, County of Essex and State of New Jersey. The legal description is:

Please see attached Legal Description annexed hereto and made a part hereof. (Check box if applicable).

BEING the same premises conveyed to the Grantor herein from Ridge Holding, Co. dated November 17, 1941 and recorded on December 17, 1941 in Deed Book H99, Page 187 in the Office of the Clerk/Register of Essex County.

Prepared by:

David J. Gruber, Esq.

The street address of the Property is: Block 175.08, lot 7, West Orange, New Jersey

4. Promises by Grantor. The Grantor promises that the Grantor has done no act to encumber the Property. This promise is called a "covenant as to grantor's acts" (N.J.S.A. 46:4-6). This promise means that the Grantor has not allowed anyone else to obtain any legal rights which affect the Property (such as by making a mortgage or allowing a judgment to be entered against the Grantor).

5. Signatures. The Grantor signs this Deed as of the date at the top of the first page. (Print name below each signature.)

Witnessed By:

The Town of West Orange

_____(Seal)
By: Mayor Robert D. Parisi

STATE OF NEW JERSEY, COUNTY OF ESSEX
I CERTIFY that on _____, 2020

SS.:

ROBERT D. PARISI, MAYOR of the TOWN of WEST ORANGE

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

- (a) was the maker of this Deed;
- (b) executed this Deed as his or her own act as Mayor of the Town of West Orange; and,
- (c) made this Deed for \$5,000.00 as the full and actual consideration paid or to be paid for the transfer of title. (Such consideration is defined in N.J.S.A. 46:15-5.)

A Notary Public of New Jersey

RECORD AND RETURN TO:

Heritage Abstract Company
350 Mt. Kemble Avenue, Suite A1003
Morristown, New Jersey 07960

LEGAL DESCRIPTION

All that certain tract or parcel of land, situated, lying and being in the Township of West Orange, County of Essex, State of New Jersey, more particularly described as follows:

Beginning at a point on the southwesterly R.O.W. line of Mellon Avenue (50' R.O.W.), said point being a distance of 250.00 feet northwestwardly from its intersection with the northwesterly R.O.W. line of Cleveland Terrace (50' R.O.W.), and from said Beginning Point running; thence

- 1) S26°16'00"W, a distance of 100.00 feet to a point; thence
- 2) N63°44'00"W, a distance of 50.00 feet to a point on the southeasterly R.O.W. line of Kitchener Avenue (Unimproved Paper Road)(50' R.O.W.); thence
- 3) Along said southeasterly R.O.W. line of Kitchener Avenue N26°16'00"E, a distance of 100.00 feet to a point on said southwesterly R.O.W. line of Mellon Avenue; thence
- 4) Along same S63°44'00"E, a distance of 50.00 feet to a point on said southwesterly R.O.W. line of Mellon Avenue, said point being the Point and Place of Beginning.

Being known and designated as Lot 7 in Block 175G as shown on a certain map entitled "Map of Mountain Ridge Estates, West Orange, New Jersey, Max Goldberger, Owner" said map was filed in the Essex County Clerk's Office on June 9, 1927 as Filed Map 1041.

Being in accordance with a survey of said premises prepared by Morgan Engineering, LLC, dated July 16, 2019, marked project #19-07241.

FOR INFORMATIONAL PURPOSES ONLY: BEING known as Tax Lot 7, Tax Block 175.08 on the official tax map of the Township of West Orange.

State of New Jersey Seller's Residency Certification/Exemption

Seller's Information

Name(s) _____

Current Street Address _____

City, Town, Post Office _____ State _____ ZIP Code _____

Property Information

Block(s) _____ Lot(s) _____ Qualifier _____

Street Address _____

City, Town, Post Office _____ State _____ ZIP Code _____

Seller's Percentage of Ownership _____ Total Consideration _____ Owner's Share of Consideration _____ Closing Date _____

Seller's Assurances (Check the Appropriate Box) (Boxes 2 through 16 apply to Residents and Nonresidents)

1. Seller is a resident taxpayer (individual, estate, or trust) of the State of New Jersey pursuant to the New Jersey Gross Income Tax Act, will file a resident Gross Income Tax return, and will pay any applicable taxes on any gain or income from the disposition of this property.
2. The real property sold or transferred is used exclusively as a principal residence as defined in 26 U.S. Code section 121.
3. Seller is a mortgagor conveying the mortgaged property to a mortgagee in foreclosure or in a transfer in lieu of foreclosure with no additional consideration.
4. Seller, transferor, or transferee is an agency or authority of the United States of America, an agency or authority of the State of New Jersey, the Federal National Mortgage Association, the Federal Home Loan Mortgage Corporation, the Government National Mortgage Association, or a private mortgage insurance company.
5. Seller is not an individual, estate, or trust and is not required to make an estimated Gross Income Tax payment.
6. The total consideration for the property is \$1,000 or less so the seller is not required to make an estimated Income Tax payment.
7. The gain from the sale is not recognized for federal income tax purposes under 26 U.S. Code section 721, 1031, or 1033 (CIRCLE THE APPLICABLE SECTION). If the indicated section does not ultimately apply to this transaction, the seller acknowledges the obligation to file a New Jersey Income Tax return for the year of the sale and report the recognized gain.
 Seller did not receive non-like kind property.
8. The real property is being transferred by an executor or administrator of a decedent to a devisee or heir to effect distribution of the decedent's estate in accordance with the provisions of the decedent's will or the intestate laws of this State.
9. The real property being sold is subject to a short sale instituted by the mortgagee, whereby the seller agreed not to receive any proceeds from the sale and the mortgagee will receive all proceeds paying off an agreed amount of the mortgage.
10. The deed is dated prior to August 1, 2004, and was not previously recorded.
11. The real property is being transferred under a relocation company transaction where a trustee of the relocation company buys the property from the seller and then sells the house to a third party buyer for the same price.
12. The real property is being transferred between spouses or incident to a divorce decree or property settlement agreement under 26 U.S. Code section 1041.
13. The property transferred is a cemetery plot.
14. The seller is not receiving net proceeds from the sale. Net proceeds from the sale means the net amount due to the seller on the settlement sheet.
15. The seller is a retirement trust that received an acknowledgment letter from the Internal Revenue Service that the seller is a retirement trust, and is therefore not required to make the estimated Gross Income Tax payment.
16. The seller (and/or spouse/civil union partner) originally purchased the property while a resident of New Jersey as a member of the U.S. Armed Forces and is now selling the property as a result of being deployed on active duty outside of New Jersey. (Only check this box if applicable and neither boxes 1 nor 2 apply.)

Seller's Declaration

The undersigned understands that this declaration and its contents may be disclosed or provided to the New Jersey Division of Taxation and that any false statement contained herein may be punished by fine, imprisonment, or both. I furthermore declare that I have examined this declaration and, to the best of my knowledge and belief, it is true, correct and complete. By checking this box I certify that a Power of Attorney to represent the seller(s) has been previously recorded or is being recorded simultaneously with the deed to which this form is attached.

Date Signature (Seller) Indicate if Power of Attorney or Attorney in Fact

Date Signature (Seller) Indicate if Power of Attorney or Attorney in Fact

Seller's Residency Certification/Exemption Instructions

Individuals, estates, trusts, or any other entity selling or transferring property in New Jersey must complete this form if they are not subject to the Gross Income Tax estimated payment requirements under N.J.S.A. 54A:8-9. A nonresident seller is required to make an estimated Income Tax payment if none of the Seller's Assurances apply.

Name(s). Enter the name of the seller. If there is more than one seller, each must complete a separate form unless they are a married/civil union couple that files their Income Tax returns jointly.

Address. Enter the seller's primary residence or place of business. Do not use the address of the property being sold. The seller is considered to be a nonresident unless a new residence (permanent place of abode, domicile) has been established in New Jersey and the new residence is listed here. Part-year residents are considered nonresidents.

Property Information. Enter the information listed on the deed of the property being sold. Enter the seller's percentage of ownership, the total consideration for the transaction, the seller's share of that consideration, and the closing date.

Consideration. "Consideration" means, in the case of any deed, the actual amount of money and the monetary value of any other thing of value constituting the entire compensation paid or to be paid for the transfer of title to the lands, tenements, or other realty, including the remaining amount of any prior mortgage to which the transfer is subject or which is assumed and agreed to be paid by the grantee and any other lien or encumbrance not paid, satisfied, or removed in connection with the transfer of title. If there is more than one owner, indicate the seller's portion of the total consideration received. If the total consideration for the property is \$1,000 or less, the seller must check box 6 under Seller's Assurances.

Seller's Assurances. Check the appropriate box(es). If one or more of the Seller's Assurances applies, the seller is not required to make an estimated Income Tax payment at this time.

Any seller claiming the principal residence exemption (box 2) must also be claiming an income/gain exclusion for the property being sold on their federal income tax return (26 U.S. Code section 121).

1031 like-kind exchange. A nonresident who completes the GIT/REP-3 and claims exemption for a 1031 transaction (box 7) must show the value of the like-kind property received. If the transaction includes non-like kind property (i.e., money, stocks, etc.), the seller must also complete the GIT/REP-1, Nonresident Seller's Tax Declaration, show the greater of the consideration or the fair market value of the non-like kind property received, and remit an estimated tax payment of 2% of that amount. If the transaction is a deferred like-kind exchange and the seller receives non-like kind property, the qualified intermediary (QI) must remit an estimated tax payment of 2% of the greater of the consideration or the fair market value of any non-like kind property when the 1031 transaction is completed. If the deferred exchange is voided, the QI must complete a GIT/REP-1, Nonresident Seller's Tax Declaration, and remit an estimated tax payment of 2% of the total consideration with an NJ-1040-ES Voucher.

Example: Mr. Smith is a nonresident of New Jersey who exchanges rental property A with a fair market value of \$1.2 million for rental property B with a fair market value of \$1.0 million and receives \$200,000 in cash (non-like kind property). An estimated tax payment is required on the \$200,000 non-like kind property for nonresidents.

PROPERTY A	\$1,200,000
PROPERTY B	\$1,000,000
CASH \$	\$ 200,000
Estimated tax payment for GIT/REP-1	\$ 4,000

Box 16 is only for sellers and their spouses/civil union partners if the sellers and/or their spouses/civil union partners are members of the U.S. Armed Forces. **Note:** Stolen Valor is a crime in New Jersey pursuant to N.J.S.A. 38A:14-5.

Signature. The seller must sign and date the Seller's Declaration. If the seller has appointed a representative who is signing the Seller's Declaration on their behalf, either the Power of Attorney executed by the seller must have been previously recorded or recorded with the deed to which this form is attached, or a letter signed by the seller granting authority to the representative to sign this form must be attached.

The seller must give the completed GIT/REP-3 to the settlement agent at closing. The county clerk will attach this form to the deed when recording it. If the form is not completed in its entirety, or if the settlement agent does not submit the original form with the deed, the county clerk will not record the deed.

AFFIDAVIT OF TITLE

STATE OF NEW JERSEY ,
COUNTY OF ESSEX , SS:

APPLICATION NO.

THE TOWN OF WEST ORANGE, by Mayor Robert D. Parisi say(s) under oath upon affirmation:

1. Representations. If only one person signs this affidavit, the words "we", "us" and "our" shall mean "I", "me," and "my". The statements in this affidavit are true to the best of our knowledge, information and belief.

2. Name, Age and Residence. We have never changed our names or used any other names. We are citizens of the United States and at least 18 years old. After today, we will live at 66 Main Street, Room 101, West Orange, New Jersey.

3. Ownership and Possession. We are the only owners of property located at Block 175.08, Lot 7, West Orange, New Jersey called "this property". We now sell this property to DOV GARDIN and MIRIAM GARDIN called "the Buyers". We are in sole possession of this property. There are no tenants or other occupants of this property. We have owned this property since November 17, 1941. Since then no one has questioned our ownership or right to possession. We have never owned any property which is next to this property. Except for our agreement with the Buyers, we have not signed any contracts to sell this property. We have not given anyone else any rights concerning the purchase or lease of this property.

4. Improvements. No additions, alterations or improvements are now being made or have been made to this property since October 1, 2019. We have always obtained all necessary permits and certificates of occupancy. All charges for municipal improvements such as sewers, sidewalks, curbs or similar improvements benefitting this property have been paid in full. No building, addition, extension or alteration on this property has been made or worked on within the past four months. We are not aware that anyone has filed or intends to file a mechanic's lien or building contract relating to this property. No one has notified us that money is due and owing for construction, alteration or repair work on this property.

5. Liens or Encumbrances. We have not allowed any interests (legal rights) to be created which affect our ownership or use of this property. No other persons have legal rights in this property, except the rights of utility companies to use this property along the road or for the purpose of serving this property. There are no pending lawsuits or judgments against us or other legal obligations which may be enforced against this property. No bankruptcy or insolvency proceedings have been started by or against us. We have never declared bankrupt. No one has any security interest in any personal property or fixtures included in this sale. We have not received any notices no do we have any knowledge of any added assessments regarding the Property. All liens (legal claims, such as judgments) listed on the attached judgment or lien search are not against us, but against others with same or similar names. There are no open mortgages that affect the subject premises.

6. Marital History. (Check where appropriate)

- checkbox We are not married.
checkbox We are married to each other. We were married on , . The maiden name of was .
checkbox This property has never been occupied as the principal matrimonial residence of any of us. (If it has, or if it was acquired before May 28, 1980, each spouse must sign deed and affidavit N.J.S.A. 3B:28-2,3.)
checkbox Our complete marital history is listed above.
checkbox Our complete marital history is listed below under paragraph 7. This includes all marriages not listed above, and any pending matrimonial actions. We include how each marriage ended. We have attached copies of any death certificates and judgments for divorce or annulment including any provisions in these judgments which relate to this property.

7. Recognizances. The undersigned hereby certify that there are no recognizances filed against the undersigned as either principal or surety or against the property which is the subject of this transaction.

8. Child Support. (Check where appropriate)

- checkbox There are no outstanding child support orders or judgments against this deponent.
checkbox There is a child support order outstanding (Docket #) against deponents(s). All payments however, are current as of this date.

9. Division of Motor Vehicles. There are no unpaid liens or surcharges levied against this deponent by the Division of Motor Vehicles.

10. Exceptions and Additions.

- checkbox We are a civil union couple, said civil union having been solemnized on . If applicable - The prior name of was .

11. Reliance. We make this affidavit in order to induce the Buyer(s) to accept our deed. We are aware that the Buyer(s), their lender, and (Title Company) will rely upon our truthfulness and the statements made in this affidavit.

Signed and affirmed to before me on
, 2020

THE TOWN OF WEST ORANGE

A Notary Public of New Jersey

By: Mayor, Robert. D. Parisi

RESOLUTION

WHEREAS, by Resolution No. 168-19 dated June 25, 2019, the Township Council awarded the Reconstruction of Lessing Road to Cifelli & Son Contractors, 81 Franklin Street, Nutley, New Jersey 07110 in the amount of \$430,753.00; and

WHEREAS, the contract amount through Engineer's Certificate No.4 is \$478,514.41; and

WHEREAS, the increase in the contract amount by \$47,761.41 is due to the final As-Built quantities with most of the increase attributable to additional Police Traffic Director man hours whose allowance was underestimated in the Bid Proposal, and additional drainage facilities and additional milling and paving at St. Cloud Avenue and Edgewood Avenue to restore new water main trenches; and

WHEREAS, New Jersey American Water Company will reimburse the Township approximately \$8,000.00 for restoring their trenches; and

WHEREAS, the Municipal Engineer and Contractor agree to Change Order No. 1 in the amount of \$47,761.41 for this additional work; and

WHEREAS, this Change Order represents an increase of 11.09% over the original contract amount; and

WHEREAS, the Township Council concurs in the foregoing; and

WHEREAS, sufficient funds exist for this work.

NOW THEREFORE BE IT RESOLVED by the Township Council of the Township of West Orange that Change Order No. 1 for the project Reconstruction of Lessing Road with Cifelli & Son Contractors, 81 Franklin Street, Nutley, New Jersey 07110 in the amount of \$47,761.41 is hereby approved.

BE IT FURTHER RESOLVED that the Municipal Engineer is authorized to execute the Change Order on behalf of the Township of West Orange.

Karen J. Carnevale, RMC, Municipal Clerk

Michelle Casalino, Council President

Adopted: August 11, 2020

I hereby certify funds are available from Account No.

032584 19 0600 110
2019 Capital Budget
\$47,761.41

John O. Gross, Chief Financial Officer



TOWNSHIP OF WEST ORANGE

25 LAKESIDE AVENUE, WEST ORANGE, N.J. 07052

DEPARTMENT OF PUBLIC WORKS

ROBERT D. PARISI

Mayor

LEONARD R. LEPORE

Director, Municipal Engineer

Tel: (973) 325-4160

Fax: (973) 669-9588

Email: Engineering@westorange.org

August 4, 2020

CHANGE ORDER NO. 1
PROJECT: RECONSTRUCTION OF LESSING ROAD
CONTRACTOR: CIFELLI & SON CONTRACTORS
81 FRANKLIN STREET
NUTLEY, NJ 07110

Contract Amount through Engineer's Certificate No.4	\$478,514.41
Original Contract Award Amount	<u>\$430,753.00</u>
Difference	\$47,761.41
Amount of Change Order	\$47,767.41
Reason for Change Order	As built Quantities
Percentage Increase over Original Contract Award Amount	11.09%

Approved by:

Municipal Engineer

Date

Contractor, Cifelli & Son Contractors

Date

Township of West Orange

Date

This Change Order approval by Resolution No. 166-20 dated August 11, 2020 of the West Orange Township Council

RESOLUTION

WHEREAS, the Township of West Orange has advertised for bids, pursuant to the New Jersey Local Public Contracts Law (N.J.S.A. 40A:11-1) for the Installation of an Emergency Generator at the Municipal Building; and

WHEREAS, at the date time and place advertised for the opening of said bids, the Township received six bids; and

WHEREAS, the Township Engineer reported that the successful bidder has strictly complied with the bid specifications and is the lowest responsible bidder; and

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

NOW, THEREFORE BE IT RESOLVED by the Township Council of the Township of West Orange that the contract for the Installation of Emergency Electrical Generator, Base Bid, Municipal Building is hereby awarded to:

**Manor II Electric, Inc.
3 Ardsley Court
Holmdel, N.J. 07733**

in the amount of \$90,000.00.

BE IT FURTHER RESOLVED that Certified Checks and/or Bid Bonds of all except the lowest responsible bidder be forthwith returned, and the Mayor and Township Clerk be and they hereby are respectively authorized to execute and attest a contract for the foregoing.

KAREN CARNEVALE, MUNICIPAL CLERK

Adopted: August 11, 2020

I hereby certify funds are available from:

JOHN GROSS, CHIEF FINANCIAL OFFICER

MICHELLE CASALINO, COUNCIL PRESIDENT

**ACCOUNT NO.
03 2407 14 0010 040
2014 Capital Budget
DPW, other Equipment
\$90,000.00**

MUNICIPAL BUILDING EMERGENCY GENERATOR INSTALLATION

Re-Bid to Public: Wed July 22, 2020

Bid Due Date: Tuesday, August 4, 2020

Prospective Bidders List

Updated on 07/30/2020

Consultant: PS&S

Contractor Name	Bid Documents Pickup Method	Date	Count	Bid
Rapid Pump & Meter Service Co., Inc. Representative: Mary Novak Bid & Trade Show Coordinator PO Box AY 285 Straight Street Paterson, NJ 07509 P (973) 345-5600 F (973) 345-0301 mnovak@rapidservice.com www.rapidservice.com	Email	07/22/2020	1	No Bid
Faigon Electrical Contractors <i>FAIGON ELECTRIC, INC.?</i> Representative: Thomas Fair 140 Eleventh St. Piscataway, NJ 08854 732-968-9400 (Phone) 732-968-8880 (Fax) tfair@fai-gon.com info@fai-gon.com	Email	07/22/2020	2	No Bid
D & M Electrical LLC Representative: Mitko Bozinov 12 Maple Avenue, Bldg. F Pine Brook, NJ 07058 (862) 262-8487 admin@dmelectricalllc.com mitko.bozinov@dmelectricalllc.com	Email	07/22/2020	3	\$105,000.00
Astro Electrical Contractor LLC Representative: Josue Martinez Estimator Assistant 1415 E. Elizabeth Ave Linden NJ 07036 www.astro-electrical.com Tel: 908-925-2113 Fax: 908-925-2115	Email	07/23/2020	4	\$97,000.00

Cell: 732-522-2586 Josue Martinez, dpastro20@gmail.com Walter H. Paz, walterhpaz@yahoo.com				
KLK Electric Inc Representative: Dhruv Shah Project Engineer 4366 B Victory Blvd Staten Island, NY 10314 Main: 718-412-8166 Fax: 866-221-2589 dhruv@klkelectric.com rishi@klkelectric.com	Email	07/23/2020	5	\$290,000.00
ConstructConnect Rep: Eric Greene Content Specialist Tel: 513.458.8636 Eric.Greene@constructconnect.com 30 Technology Parkway South, Ste. 100 Norcross, GA 30092	Email	07/23/2020	6	No Bid
Manor II Electric Inc Representative: Jose C. Roque 3 Ardsley Court Holmdel, NJ 07733 112 Johnson St Newark, NJ 07105 Tel: 973-465-5070 Fax: 973-465-5570 Cell: 973-725-1148 manorii@optimum.net www.manorIlelectric.com	Hard copy	07/27/2020	7	\$90,000.00
Advanced Control Systems Representative: John Baldassarre Advanced Control Systems 12 Champions Way Manalapan, New Jersey 07726 USA Ph: 1.732.234.3232 Email: johnb@ACScompany.net website: www.ACScompany.net	Email	07/28/2020	8	\$103,812.00
Taj Mahal Electrical Contractor Representative: Muhammad Shamil Project Manager Taj Mahal Electrical Contractor 1897-13 Woodbridge Ave, Edison, NJ 08859 Telephone: 908-342-0524 M.shameel@tajmahalelectrical.com	Email	07/29/2020	9	\$149,900.00
Dodge Data & Analytics	Hard copy	07/30/2020	10	No Bid

Representative: Elaine Wilson 4300 Beltway Pl., Suite 150 Arlington, TX 76018 Tel: 413-507-0211 Fax: 609-336-2767 Email: dodge.docs@construction.com				
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RESOLUTION

WHEREAS, on July 10, 2020, the Superior Court of New Jersey approved the Affordable Housing Settlement with Fair Share Housing Center (“Settlement Agreement”); and

WHEREAS, pursuant to the settlement, various overlay ordinances need to be drafted in accordance with planning specifications and the Settlement Agreement; and

WHEREAS, the Planning Board has completed its Master Plan Update and is in the midst of presenting its report to the Township Council for consideration; and

WHEREAS, implementation of the Master Plan Update will require consideration of various ordinances to bring the Township zoning regulations into conformance with the Master Plan Update; and

WHEREAS, Paul Grygiel, AICP, PP of Phillips Preiss Grygiel Leheny Hughes LLC (“PPGLH”) serves as Planner for the Township; and

WHEREAS, in order to ensure that the West Orange land use regulations are consistent with the Master Plan Update and the Settlement Agreement, the Planner must review those proposed ordinances; and

WHEREAS, PPGLH has provided a proposal not to exceed \$7,500 for this work; and

WHEREAS, the Township desires to present these ordinances and related matters to the Township Council at its September 8, 2020 meeting or as soon thereafter as practicable;

NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST ORANGE that the Township is authorized to retain Phillips Preiss Grygiel Leheny Hughes LLC to prepare and present the applicable ordinances set forth above at a cost not to exceed \$7,500; and be it further

RESOLVED, that this Resolution is subject to certification of funds by the Chief Financial Officer and shall be published and made available in accordance with applicable law.

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

Michelle Casalino

Adopted: August 11, 2020

I hereby certify funds available Account No. _____

John O. Gross, Chief Financial Officer

**AN ORDINANCE AMENDING CHAPTER 4 TO INCLUDE SECTION 39 OF THE
REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF WEST ORANGE
(Use of Force, Reporting and Accreditation)**

BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF WEST ORANGE, NEW JERSEY that Chapter 4 of the Revised General Ordinances of the Township of West Orange be and are hereby supplemented to include Subsection 39 entitled Use of Force, Reporting and Accreditation as follows:

I. PURPOSE

The purpose of this Ordinance is to ban the use of certain use of force techniques within the Township of West Orange (“Township”) and to require certain directives regarding use of force within the Township’s Police Department. Over the past several decades, numerous important and impactful policies which reduce the potential harm caused by law enforcement have become a significant discussion throughout the nation. This Ordinance shall require the Township’s Police Department to maintain written directives consistent with the New Jersey Attorney General Guidelines which address the use of force and related techniques by its officers to prevent positional asphyxiation, a form of asphyxia that prevents suspects from breathing adequately. Additionally, this Ordinance shall require comprehensive reporting and use of force reports. Lastly, this Ordinance shall require the Township’s Police Department to maintain CALEA accreditation.

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.

- A. “CALEA” shall mean the Commission on Accreditation for Law Enforcement Agencies, Inc., a credentialing authority for law enforcement.
- B. “Chokeholds” shall mean a deliberate tight grip around a person’s neck and/or back for a sustained period of time with the purpose to restrict their breathing and/or blood supply. This definition shall include strangleholds and/or carotid artery neck restraints.
- C. “Directive” shall mean written policies and procedures consistent with the Attorney General Guidelines and Essex County Prosecutor.
- D. “De-escalation” shall mean the use of verbal skills, communication, command presence and body positioning to influence a situation to create an outcome that is safe for

officers, subjects and the public in general. This definition shall include verbal de-escalation techniques and physical de-escalation techniques.

- E. “Positional Asphyxiation” shall mean a form of asphyxia that prevents suspects from breathing adequately, including by kneeling or otherwise placing weight on a subject’s neck as set forth by the Attorney General Guidelines.
- F. “Use of Force Continuum” shall mean guidelines as to how much force may be used against a resisting subject in a given situation.

III. USE OF FORCE AND DE-ESCALATION TECHNIQUES

The Township’s Police Department shall maintain one or more Directives outlining the following: (i) a Use of Force Continuum defining constructive authority, physical contact, physical force, mechanical force and deadly force; (ii) Chokeholds, as defined above, shall not be permitted, except in the very limited situations when deadly force is necessary to address an imminent threat to life as set forth by the Attorney General Guidelines, dated June 5, 2020; (iii) De-escalation techniques; (iv) an officer’s duty to intervene in order to minimize the use of force whenever practicable; (v) an officer’s requirement to utilize the least amount of force reasonably necessary to prevent the dangers associated with Positional Asphyxiation; (vi) an officer’s requirement to identify themselves prior to shooting whenever reasonable, and (vii) a ban on discharging a firearm at or from a moving vehicle in any instance where deadly force is not otherwise justified. All Directives shall be consistent with New Jersey Attorney General guidelines and any guidelines promulgated by the Essex County Prosecutor.

IV. REQUIREMENT OF REPORTING AND ACCREDITATION

The Township’s Police Department shall maintain a Directive outlining the mandatory practice of use of force reports and comprehensive reporting consistent with New Jersey Attorney General guidelines.

The Township’s Police Department shall maintain national accreditation and periodic certifications by CALEA and the Township shall provide funding for full compliance. Additionally, the Township’s Police Department shall maintain training which meets or exceeds New Jersey Attorney General guidelines.

V. VIOLATIONS AND PENALTIES

The terms of this Chapter shall be implemented by the Appropriate Authority as defined in West Orange Municipal Ordinance 2-14.4 and consistent with N.J.S.A. 40A:14-118 and all other applicable New Jersey State Laws.

VI. 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.

VII. REPEAL OF CONFLICTING ORDINANCES

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.

VIII. EFFECTIVE DATE

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

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

Michelle Casalino, Council President

Introduced: July 14, 2020

Robert D. Parisi, Mayor

Adopted: August 11, 2020

Legislative History

The purpose of this Ordinance is to require the Township's Police Department to maintain written directives consistent with the New Jersey Attorney General Guidelines which address the use of force and related techniques by its officers to prevent positional asphyxia and/or sustained pressure on an individual. Additionally, this Ordinance shall require comprehensive reporting and use of force reports. Lastly, this Ordinance shall require the Township's Police Department to maintain CALEA accreditation.

**Thank you AN ORDINANCE AMENDING CHAPTER 4 TO INCLUDE SECTION 39 OF
THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF WEST ORANGE
(Use of Force, Reporting and Accreditation)**

BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF WEST ORANGE, NEW JERSEY that Chapter 4 of the Revised General Ordinances of the Township of West Orange be and are hereby supplemented to include Subsection 39 entitled Use of Force, Reporting and Accreditation as follows:

I. PURPOSE

The purpose of this Ordinance is to ban the use of certain use of force techniques within the Township of West Orange (“Township”) and to require certain directives regarding use of force within the Township’s Police Department. Over the past several decades, numerous important and impactful policies which reduce the potential harm caused by law enforcement have become a significant discussion throughout the nation. This Ordinance shall require the Township’s Police Department to maintain written directives consistent with the New Jersey Attorney General Guidelines which address the use of force and related techniques by its officers to prevent positional asphyxiation, a form of asphyxia that prevents suspects from breathing adequately. Additionally, this Ordinance shall require comprehensive reporting and use of force reports. Lastly, this Ordinance shall require the Township’s Police Department to maintain CALEA accreditation.

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.

- A. “CALEA” shall mean the Commission on Accreditation for Law Enforcement Agencies, Inc., a credentialing authority for law enforcement.
- B. “Chokeholds” shall mean a deliberate tight grip around a person’s neck and/or back for a sustained period of time with the purpose to restrict their breathing and/or blood supply. This definition shall include strangleholds and/or carotid artery neck restraints.
- C. “Directive” shall mean written policies and procedures consistent with the Attorney General Guidelines and Essex County Prosecutor.
- D. “De-escalation” shall mean the use of verbal skills, communication, command presence and body positioning to influence a situation to create an outcome that is safe for officers, subjects and the public in general. This definition shall include verbal de-escalation techniques and physical de-escalation techniques.

- E. "Positional Asphyxiation" shall mean a form of asphyxia that prevents suspects from breathing adequately, including by kneeling or otherwise placing weight on a subject's neck as set forth by the Attorney General Guidelines.
- F. "Use of Force Continuum" shall mean guidelines as to how much force may be used against a resisting subject in a given situation.

III. USE OF FORCE AND DE-ESCALATION TECHNIQUES

The Township's Police Department shall maintain one or more Directives outlining the following: (i) a Use of Force Continuum defining constructive authority, physical contact, physical force, mechanical force and deadly force; (ii) Chokeholds, as defined above, shall not be permitted, except in the very limited situations when deadly force is necessary to address an imminent threat to life as set forth by the Attorney General Guidelines, dated June 5, 2020; (iii) De-escalation techniques; (iv) an officer's duty to intervene in order to minimize the use of force whenever practicable; (v) an officer's requirement to utilize the least amount of force reasonably necessary to prevent the dangers associated with Positional Asphyxiation; (vi) an officer's requirement to identify themselves prior to shooting whenever reasonable, and (vii) a ban on discharging a firearm at or from a moving vehicle in any instance where deadly force is not otherwise justified. All Directives shall be consistent with New Jersey Attorney General guidelines and any guidelines promulgated by the Essex County Prosecutor.

IV. REQUIREMENT OF REPORTING AND ACCREDITATION

The Township's Police Department shall maintain a Directive outlining the mandatory practice of use of force reports and comprehensive reporting consistent with New Jersey Attorney General guidelines.

_____The Township's Police Department shall maintain national accreditation and periodic certifications by CALEA and the Township shall provide funding for full compliance. Additionally, the Township's Police Department shall maintain training which meets or exceeds New Jersey Attorney General guidelines.

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V. VIOLATIONS AND PENALTIES

The terms of this Chapter shall be implemented by the Appropriate Authority as defined in West Orange Municipal Ordinance 2-14.4 and consistent with N.J.S.A. 40A:14-118 and all other applicable New Jersey State Laws.

VI. 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

4845-0394-9249, v. 2

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.

VII. REPEAL OF CONFLICTING ORDINANCES

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.

VIII. EFFECTIVE DATE

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

Michelle Casalino
Council President

Honorable Robert D. Parisi
Mayor

Introduced:

Adopted:

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

Richard D. Trenk
Township Attorney

Legislative History

The purpose of this Ordinance is to require the Township's Police Department to maintain written directives consistent with the New Jersey Attorney General Guidelines which address the use of force and related techniques by its officers to prevent positional asphyxia and/or sustained pressure on an individual. Additionally, this Ordinance shall require comprehensive reporting and use of force reports. Lastly, this Ordinance shall require the Township's Police Department to maintain CALEA accreditation.

BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS IN AND BY THE TOWNSHIP OF WEST ORANGE, IN THE COUNTY OF ESSEX, NEW JERSEY, APPROPRIATING \$13,463,500 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$12,822,345 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF

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

Section 1. The several improvements described in Section 3 of this bond ordinance are hereby respectively authorized to be undertaken by the Township of West Orange, in the County of Essex, New Jersey (the "Township") as general improvements. For the several improvements or purposes described in Section 3, there are hereby appropriated the respective sums of money therein stated as the appropriation made for each improvement or purpose, such sums amounting in the aggregate to \$13,463,500, and further including the aggregate sum of \$641,155 as the several down payments for the improvements or purposes required by the Local Bond Law. The down payments have been made available by virtue of provision for down payment or for capital improvement purposes in one or more previously adopted budgets.

Section 2. In order to finance the cost of the several improvements or purposes not covered by application of the several down payments, negotiable bonds are hereby authorized to be issued in the principal amount of \$12,822,345 pursuant to the Local Bond Law. In

anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. The several improvements hereby authorized and the several purposes for which the bonds are to be issued, the estimated cost of each improvement and the appropriation therefor, the estimated maximum amount of bonds or notes to be issued for each improvement and the period of usefulness of each improvement are as follows:

<u>Purpose</u>	<u>Appropriation & Estimated Cost</u>	<u>Estimated Maximum Amount of Bonds & Notes</u>	<u>Period of Usefulness</u>
a) Acquisition of capital equipment including but not limited to gear washer/extractor and dryer, thermal imaging cameras, hoses, life safety and maintenance tools/detection equipment, reusable Personal Protective Equipment(PPE), new power cots/stretchers, truck/trailer mounted sewer camera, pond aerators, and electronic roadway signs and major repair of capital equipment	\$490,000	\$466,650	10 years
b) Indoor facility capital improvements including but not limited to improvement of the snack bar and locker room roof, fire safety improvements at the municipal building, general facility improvements and fireflies improvements	\$1,160,000	\$1,104,750	15 years
c) Information technology improvements including but	\$1,667,000	\$1,587,615	5 years

<u>Purpose</u>	<u>Appropriation & Estimated Cost</u>	<u>Estimated Maximum Amount of Bonds & Notes</u>	<u>Period of Usefulness</u>
not limited to software, upgrades, station apparatus monitors, PC replacement program, IT infrastructure upgrade and IT improvements, body and mobile video technology and trunked radio system digital upgrade			
d) Outdoor facility capital improvements including but not limited to high school field fencing, pool showers, OSPAC improvements, kiddie park and athletic multi-use field improvements	\$1,659,000	\$1,580,000	15 years
e) Vehicle acquisition including but not limited to ambulance, Health Department vehicle, fire department 4-wheel drive vehicles, police marked and unmarked vehicles, senior and jitney busses and major repairs of existing vehicles	\$814,000	\$775,235	5 years
f) Road resurfacing and reconstruction including but not limited to 2020 Phase I, Phase II and Phase III Road Resurfacing Program including curbs, aprons, milling, paving, drainage, speed tables and sanitary sewer work as necessary for streets and roads named for each phase in the list therefor on file in the office of the municipal clerk and	\$7,673,500	\$7,308,095	15 years

<u>Purpose</u>	<u>Appropriation & Estimated Cost</u>	<u>Estimated Maximum Amount of Bonds & Notes</u>	<u>Period of Usefulness</u>
incorporated herein by this reference			
Totals:	<u>\$13,463,500</u>	<u>\$12,822,345</u>	

Included in the forgoing descriptions are acquisition and installation, equipment, costs and work necessary or incidental thereto and other work and items similarly in need within each appropriation category to the extent of available funds in the appropriation.

The excess of the appropriation made for each of the improvements or purposes aforesaid over the estimated maximum amount of bonds or notes to be issued therefor, as above stated, is the amount of the down payment for each purpose.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no bond anticipation note shall mature later than one year from its date, unless such bond anticipation notes are permitted to mature at such later date in accordance with applicable law. The bond anticipation notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with bond anticipation notes issued pursuant to this bond ordinance, and the chief financial officer's signature upon the bond anticipation notes shall be conclusive evidence as to all such determinations. All bond anticipation notes issued hereunder may be renewed from time to time subject to the provisions of the Local Bond Law or other applicable law. The chief financial officer is hereby authorized to sell part or all of the bond anticipation notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of

the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the bond anticipation notes pursuant to this bond ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the bond anticipation notes sold, the price obtained and the name of the purchaser.

Section 5. The Township hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Township is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

Section 6. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvements or purposes described in Section 3 of this bond ordinance are not current expenses. They are all improvements or purposes that the Township may lawfully undertake as general improvements, and no part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The average period of usefulness, computed on the basis of the respective amounts of obligations authorized for each purpose and the reasonable life thereof within the limitations of the Local Bond Law, is 12.97 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been

filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Township as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$12,822,345, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$2,692,700 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purposes or improvements.

Section 7. The Township hereby makes the following covenants and declarations with respect to obligations determined to be issued by the Chief Financial Officer on a tax-exempt basis. The Township hereby covenants that it will comply with any conditions subsequent imposed by the Internal Revenue Code of 1986, as amended (the "Code"), in order to preserve the exemption from taxation of interest on the obligations, including, if necessary, the requirement to rebate all net investment earnings on the gross proceeds above the yield on the obligations. The Chief Financial Officer is hereby authorized to act on behalf of the Township to deem the obligations authorized herein as bank qualified for the purposes of Section 265 of the Code, when appropriate. The Township hereby declares the intent of the Township to issue bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use the proceeds to pay or reimburse expenditures for the costs of the purposes described in Section 3 of this bond ordinance. This Section 7 is a declaration of intent within the meaning and for purposes of Treasury Regulations §1.150-2 or any successor provisions of federal income tax law.

Section 8. Any grant moneys received for the purposes or improvements described in Section 3 hereof shall be applied either to direct payment of the cost of the improvements or to payment of the obligations issued pursuant to this bond ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

Section 9. The chief financial officer of the Township is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Township and to execute such disclosure document on behalf of the Township. The chief financial officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Township pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Township and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Township fails to comply with its undertaking, the Township shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

Section 10. The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Township, and the Township shall be obligated to levy *ad valorem* taxes upon all the taxable real property within the Township for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 11. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

DEBT STATEMENT CERTIFICATE

I, Karen J. Carnevale, Clerk of the Township of West Orange, in the County of Essex, New Jersey (herein called the "Township"), HEREBY CERTIFY that annexed hereto is a true and complete copy of the Supplemental Debt Statement of the Township that was prepared as of _____, 2020 by John Gross, who was then chief financial officer of the Township, and filed in my office on _____, 2020, and that a complete, executed copy of such statement was filed in the office of the Director of the Division of Local Government Services of the State of New Jersey on _____, 2020.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Township this _____ day of _____, 2020.

Karen J. Carnevale, Clerk

(SEAL)

CERTIFICATE OF DOWN PAYMENT

I, John Gross, Chief Financial Officer of the Township of West Orange, in the County of Essex, New Jersey (the "Township") HEREBY CERTIFY that prior to the final adoption on _____, 2020 of a bond ordinance entitled:

BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS IN AND BY THE TOWNSHIP OF WEST ORANGE, IN THE COUNTY OF ESSEX, NEW JERSEY, APPROPRIATING \$13,463,500 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$12,822,345 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF,

there was available as a down payment for the purposes authorized by the bond ordinance the sum of \$641,155, which amount was appropriated as a down payment by the bond ordinance and was made available by provision in a previously adopted budget or budgets of the Township for down payment or for capital improvement purposes.

IN WITNESS WHEREOF, I have hereunto set my hand this _____ day of _____, 2020.

John Gross, Chief Financial Officer

EXTRACT from the minutes of a _____ meeting of the Township Council of the Township of West Orange, in the County of Essex, New Jersey held at the _____ in the Township on _____, 2020 at _____ o'clock ____m.

PRESENT:

ABSENT:

[Attach appropriate minutes hereto]

CERTIFICATE

I, Karen J. Carnevale, Clerk of the Township of West Orange, in the County of Essex, State of New Jersey, HEREBY CERTIFY that the foregoing annexed extract from the minutes of a meeting of the governing body of the Township duly called and held on _____, 2020 has been compared by me with the original minutes as officially recorded in my office in the Minute Book of the governing body and is a true, complete and correct copy thereof and of the whole of the original minutes so far as they relate to the subject matters referred to in the extract.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the Township this _____ day of _____, 2020.

Karen J. Carnevale, Clerk

(SEAL)

EXTRACT from the minutes of a _____ meeting of the Township Council of the Township of West Orange, in the County of Essex, New Jersey held at the _____ in the Township on _____, 2020 at _____ o'clock ____m.

PRESENT:

ABSENT:

[Attach appropriate minutes hereto]

CERTIFICATE

I, Karen J. Carnevale, Clerk of the Township of West Orange, in the County of Essex, State of New Jersey, HEREBY CERTIFY that the foregoing annexed extract from the minutes of a meeting of the governing body of the Township duly called and held on _____, 2020 has been compared by me with the original minutes as officially recorded in my office in the Minute Book of the governing body and is a true, complete and correct copy thereof and of the whole of the original minutes so far as they relate to the subject matters referred to in the extract.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the Township this _____ day of _____, 2020.

Karen J. Carnevale, Clerk

(SEAL)

CLERK'S CERTIFICATE

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

1. I am the duly appointed Clerk of the Township of West Orange, in the County of Essex, State of New Jersey (herein called the "Township"). In this capacity, I have the responsibility to maintain the minutes of the meetings of the governing body of the Township and the records relative to all ordinances and resolutions of the Township. The representations made herein are based upon the records of the Township.

2. Attached hereto is a true and complete copy of a bond ordinance passed by the governing body of the Township on first reading on _____, 2020 and finally adopted by the governing body on _____, 2020 and, where necessary, approved by the Mayor on _____, 2020.

3. On _____, 2020, a copy of the bond ordinance and a notice that copies of the bond ordinance would be made available to the members of the general public of the Township who requested copies, up to and including the time of further consideration of the bond ordinance by the governing body, was posted in the principal municipal building of the Township at the place where public notices are customarily posted. Copies of the bond ordinance were made available to all who requested them.

4. Upon passage on first reading, the bond ordinance, or a summary thereof, was duly published on _____, 2020.

5. A certified copy of the bond ordinance and a copy of the amended capital budget form has been filed with the Director of the Division of Local Government Services.

6. After final passage, the bond ordinance, a copy of which is attached hereto, was duly published on _____, 2020. No protest signed by any person against making the improvement or incurring the indebtedness authorized therein, nor any petition requesting that a referendum vote be taken on the action proposed in the bond ordinance has been presented to the governing body or to me or filed in my office within 20 days after the publication or at any other time after the final passage thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the Township this _____ day of _____, 2020.

Karen J. Carnevale, Clerk

[SEAL]

NOTICE OF PENDING BOND ORDINANCE AND SUMMARY

The bond ordinance, the summary terms of which are included herein, was introduced and passed upon first reading at a meeting of the governing body of the Township of West Orange, in the County of Essex, State of New Jersey, on _____, 2020. It will be further considered for final passage, after public hearing thereon, at a meeting of the governing body to be held at the _____, in the Township on _____, 2020 at ____ o'clock __.m. During the week prior to and up to and including the date of such meeting, copies of the full bond ordinance will be available at no cost and during regular business hours at the Clerk's office for the members of the general public who shall request the same. The summary of the terms of such bond ordinance follows:

Title: BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS IN AND BY THE TOWNSHIP OF WEST ORANGE, IN THE COUNTY OF ESSEX, NEW JERSEY, APPROPRIATING \$13,463,500 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$12,822,345 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF

Purposes:

<u>Purpose</u>	<u>Appropriation & Estimated Cost</u>	<u>Estimated Maximum Amount of Bonds & Notes</u>	<u>Period of Usefulness</u>
a) Acquisition of capital equipment including but not limited to gear washer/extractor and dryer, thermal imaging cameras, hoses, life safety and maintenance tools/detection equipment, reusable Personal Protective Equipment(PPE), new power cots/stretchers, truck/trailer mounted sewer camera, pond aerators, and electronic roadway signs and major repair of capital equipment	\$490,000	\$466,650	10 years
b) Indoor facility capital improvements including but not limited to improvement of the snack bar and locker room roof, fire safety	\$1,160,000	\$1,104,750	15 years

<u>Purpose</u>	<u>Appropriation & Estimated Cost</u>	<u>Estimated Maximum Amount of Bonds & Notes</u>	<u>Period of Usefulness</u>
improvements at the municipal building, general facility improvements and fireflies improvements			
c) Information technology improvements including but not limited to software, upgrades, station apparatus monitors, PC replacement program, IT infrastructure upgrade and IT improvements, body and mobile video technology and trunked radio system digital upgrade	\$1,667,000	\$1,587,615	5 years
d) Outdoor facility capital improvements including but not limited to high school field fencing, pool showers, OSPAC improvements, kiddie park and athletic multi-use field improvements	\$1,659,000	\$1,580,000	15 years
e) Vehicle acquisition including but not limited to ambulance, Health Department vehicle, fire department 4-wheel drive vehicles, police marked and unmarked vehicles, senior and jitney busses and major repairs of existing vehicles	\$814,000	\$775,235	5 years
f) Road resurfacing and reconstruction including but not limited to 2020 Phase I, Phase II and Phase III Road Resurfacing Program including curbs, aprons,	\$7,673,500	\$7,308,095	15 years

<u>Purpose</u>	<u>Appropriation & Estimated Cost</u>	<u>Estimated Maximum Amount of Bonds & Notes</u>	<u>Period of Usefulness</u>
milling, paving, drainage, speed tables and sanitary sewer work as necessary for streets and roads named for each phase in the list therefor on file in the office of the municipal clerk and incorporated herein by this reference			
Totals:	<u>\$13,463,500</u>	<u>\$12,822,345</u>	

Appropriation: \$13,463,500

Bonds/Notes Authorized: \$12,822,345

Grants (if any) Appropriated: 0

Section 20 Costs: \$2,692,700

Useful Life: 12.97 years

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

Karen J. Carnevale, Clerk

BOND ORDINANCE STATEMENT AND SUMMARY

The bond ordinance, the summary terms of which are included herein, has been finally adopted by the Township of West Orange, in the County of Essex, State of New Jersey on _____, 2020 and the 20 day period of limitation within which a suit, action or proceeding questioning the validity of such bond ordinance can be commenced, as provided in the Local Bond Law, has begun to run from the date of the first publication of this statement. Copies of the full bond ordinance are available at no cost and during regular business hours, at the Clerk’s office for members of the general public who request the same. The summary of the terms of such bond ordinance follows:

Title: BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS IN AND BY THE TOWNSHIP OF WEST ORANGE, IN THE COUNTY OF ESSEX, NEW JERSEY, APPROPRIATING \$13,463,500 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$12,822,345 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF

Purposes:

<u>Purpose</u>	<u>Appropriation & Estimated Cost</u>	<u>Estimated Maximum Amount of Bonds & Notes</u>	<u>Period of Usefulness</u>
a) Acquisition of capital equipment including but not limited to gear washer/extractor and dryer, thermal imaging cameras, hoses, life safety and maintenance tools/detection equipment, reusable Personal Protective Equipment(PPE), new power cots/stretchers, truck/trailer mounted sewer camera, pond aerators, and electronic roadway signs and major repair of capital equipment	\$490,000	\$466,650	10 years
b) Indoor facility capital improvements including but not limited to improvement of the snack bar and locker room roof, fire safety improvements at the	\$1,160,000	\$1,104,750	15 years

<u>Purpose</u>	<u>Appropriation & Estimated Cost</u>	<u>Estimated Maximum Amount of Bonds & Notes</u>	<u>Period of Usefulness</u>
municipal building, general facility improvements and fireflies improvements			
c) Information technology improvements including but not limited to software, upgrades, station apparatus monitors, PC replacement program, IT infrastructure upgrade and IT improvements, body and mobile video technology and trunked radio system digital upgrade	\$1,667,000	\$1,587,615	5 years
d) Outdoor facility capital improvements including but not limited to high school field fencing, pool showers, OSPAC improvements, kiddie park and athletic multi-use field improvements	\$1,659,000	\$1,580,000	15 years
e) Vehicle acquisition including but not limited to ambulance, Health Department vehicle, fire department 4-wheel drive vehicles, police marked and unmarked vehicles, senior and jitney busses and major repairs of existing vehicles	\$814,000	\$775,235	5 years
f) Road resurfacing and reconstruction including but not limited to 2020 Phase I, Phase II and Phase III Road Resurfacing Program including curbs, aprons, milling, paving, drainage,	\$7,673,500	\$7,308,095	15 years

<u>Purpose</u>	<u>Appropriation & Estimated Cost</u>	<u>Estimated Maximum Amount of Bonds & Notes</u>	<u>Period of Usefulness</u>
speed tables and sanitary sewer work as necessary for streets and roads named for each phase in the list therefor on file in the office of the municipal clerk and incorporated herein by this reference			
Totals:	<u>\$13,463,500</u>	<u>\$12,822,345</u>	

Appropriation: \$13,463,500
 Bonds/Notes Authorized: \$12,822,345
 Grants (if any) Appropriated: 0
 Section 20 Costs: \$2,692,700
 Useful Life: 12.97 years

Karen J. Carnevale, Clerk

**AN ORDINANCE AMENDING CHAPTER 15, SECTION 15-7
TO UPDATE THE TOWNSHIP'S RENT CONTROL ORDINANCE**

I. PURPOSE

WHEREAS, the Township of West Orange has a rent control ordinance which has been amended from time to time due to an ongoing and emergent need for regulation with respect to the leasing of premises and charging of rents to tenants; and

WHEREAS, from time to time the Township must consider whether the need for rent control in the Township persists; and

WHEREAS, a housing shortage has existed in the Township since 1972 and has not abated;

NOW, THEREFORE, BE IT ORDAINED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST ORANGE, in the County of Essex and State of New Jersey, that Chapter 15 of the Township Code shall be and hereby is re-affirmed and re-adopted, and is hereby amended as follows:

II. AMENDMENTS

15-7 EFFECTIVE DATE; TERMINATION; RENEWAL.

15-7.1 Effective Date.

This chapter is to take effect immediately on October 17, 1972 and shall remain in full force and effect for a period not to exceed two (2) years from the effective date and shall automatically terminate, cease and be of no force and effect unless specifically extended by the Township Council by ordinance extending the term for no more than two (2) years at a time.

Any extension action shall be taken by the Township Council prior to the second anniversary date of this chapter and any subsequent extensions shall be taken prior to the respective second anniversary dates of this chapter thereafter, or any Ordinance re-adopting this chapter. (1972 Code § 17-6.1; Ord. No. 364-75 § 1)

15-7.2 Renewal.

The Township Council has determined that the housing shortage which has existed in the Township since 1972 has not abated. This chapter, therefore, is hereby extended for two (2) years from the date of re-adoption of this Ordinance.

15-7.3 Retroactive Application.

This chapter shall apply retroactively, in its entirety, for the time period from October 2010 through the date of adoption.

III. REPEAL OF CONFLICTING ORDINANCES

Any Ordinances of the Township in conflict with this Ordinance are hereby repealed to the extent of such conflict.

IV. 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.

V. EFFECTIVE DATE

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

Michelle Casalino
Council President

Robert D. Parisi
Mayor

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

Introduced: August 11, 2020

Adopted: September 8, 2020

LEGISLATIVE HISTORY

There is no specific state legislation permitting rent control, but rather rent control is a permissible local economic regulation which must be tailored to address vital, emergent needs in a local housing market. Rent control ordinances are valid under the “necessary and proper” authority given to local governing bodies, as set forth in N.J.S.A. 40:48-2. See also Inganamort v. Borough of Fort Lee, 62 N.J. 521 (1973).

The Township adopted a rent control ordinance (the “Ordinance”) in 1972 in order to regulate rents with respect to landlord-tenant relationships throughout the Township. The purpose of this particular legislation is to renew and re-adopt all applicable Code provisions of the Ordinance, with certain amendments.

Because rent control legislation is intended to be emergent, such ordinances should be reviewed approximately every two (2) years to ensure their applicability and that they address any emerging issues. Accordingly, this legislation requires review of the Ordinance every two (2) years, rather than each and every year. Such action is valid under, among other things, N.J.S.A. 40:48-2.

Furthermore, due to an unknown administrative oversight, the Township last adopted the Ordinance in October 2009, which remained valid through October 2010. This legislation will make the Ordinance retroactive for the time period when it was not formally effective. This action is valid under the law as set forth in South Hamilton Associates v. Mayor and Council of the Town of Morristown, 99 N.J. 437 (1985) (“legislation that has as its rational public purpose the necessary protection of the health, safety, and welfare of the public, and is within the police power of the state or its subdivisions, may be applied retroactively”).

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 7, TRAFFIC, SUBSECTION 7-32.1, HANDICAPPED PARKING ON STREETS AND SUBSECTION 7-32.2, RESTRICTED PARKING ZONES, OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF WEST ORANGE

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

Section 1. Subsection 7-32.1, Handicapped Parking on Streets, of the Revised General Ordinances of the Township of West Orange is hereby supplemented and amended as follows (*italic type denotes deletion, bold type denotes addition*):

Name of Street	Side	No. of Spaces	Location
Watson Avenue	East	1	Beginning 67 feet north of the northerly curbline of Washington Street and extending 18 feet northerly.

Section 2. Subsection 7-32.2, Restricted Parking Zones, of the Revised General Ordinances of the Township of West Orange is hereby supplemented and amended as follows (*italic type denotes deletion, bold type denotes addition*):

7-32.2 Restricted Parking Zones. Pursuant to N.J.S.A 39:4-197.6, Restricted Parking Zones, as defined in N.J.S.A. 39:4-207.6e, are established in front of the following residences as indicated on the Tax Maps of the Township of West Orange, at the specified locations. Parking within a specific zone is restricted to the motor vehicle issued a permit pursuant to N.J.S.A. 39:4-197.7. In accordance with N.J.S.A., 39:4-197.6 parking is permitted in the Restricted Parking Zone except when prohibited in front of the residence by other sections of this Chapter.

Residence Address	No. of Spaces	Location
64 Llewellyn Avenue	1	Beginning 61 feet east of the dead end of Llewellyn Avenue and extending 22 feet easterly.

Section 3. If any provision of this Ordinance or application thereof, under any circumstances, is held invalid, the invalidity shall not affect any other provisions or applications of this Ordinance that can be given effect without the invalid provision(s) or application(s) and to this end the provisions of this Ordinance are severable.

Section 4. All other Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed.

Section 5. This Ordinance shall take effect upon final passage and publication in accordance with law and upon the approval of the New Jersey Department of Transportation if required.

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

Michelle Casalino
Council President

Robert D. Parisi, Mayor

Introduced: August 11, 2020

Adopted: September 8, 2020

LEGISLATIVE HISTORY

This Ordinance is in response to requests from handicapped residents who reside at 64 Llewellyn Avenue and 61 Washington Street.

By adopting this Ordinance, the Township will establish a handicapped parking stall on Watson Avenue opposite 61 Washington Street for the non-exclusive use of the resident who cannot have a dedicated stall in front of their home. Such parking stalls are permissible under the laws of New Jersey, and they are designated Handicapped Parking Spaces.

Also established by this Ordinance is a handicapped parking stall adjacent to 64 Llewellyn Avenue. Such parking stalls are permissible under the laws of New Jersey, and they are designated as Restricted Parking Zones.

**AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER XXV LAND USE REGULATIONS
OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF WEST ORANGE**

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

Section 1. Chapter XXV Land Use Regulations is hereby amended and supplemented to include the following:

25-19 IH-1 (INCLUSIONARY HOUSING) DISTRICT

a. Purpose

The purpose of the IH-1 District is to provide for inclusionary development that contributes to the region's fair share of affordable housing, in accordance with a court settlement agreement which outlines provisions for same.

b. Description of Zone Boundary

The zone boundary of the IH-1 District shall encompass the entirety of the property identified as Block 179 Lot 32, which shall hereafter be referred to as the "Tract." The zone boundary shall be coincident with the lot lines of Block 179, Lot 32. The municipal zone map is hereby amended to reflect same.

c. General Provisions

1. The development regulations set forth herein shall apply to the Tract as a whole, not to individual lots which may be created within the Tract.
2. The Tract shall be permitted to be subdivided into one or more lots, and one or more buildings or uses shall be permitted on a single lot.
3. The Tract shall be permitted to be constructed in one or more phases consistent with N.J.A.C 5:97-6.4 (d).
4. Any street within the Tract shall be permitted to be public or private.
5. Development of the Tract shall be exempt from all bulk, design, and environmental regulations of the West Orange Land Use Regulations Ordinance, unless otherwise indicated herein, and further provided that nothing herein shall circumvent or contravene the procedural requirements of the Municipal Land Use Law (N.J.S.A. 40:55D-1 et seq.) nor the regulatory requirements of outside agencies including but not limited to New Jersey Department of Environmental Protection and Hudson-Essex-Passaic Soil Conservation District.

d. Use Regulations

1. Permitted Principal Uses.

- (a) Multifamily residential
- (b) Open space

2. Permitted Accessory Uses

- (a) Residential amenities including but not limited to the following, by way of example: clubhouse buildings, swimming pools, fitness centers, lounges, common or private terraces and balconies, courts or open lawn areas for multipurpose use such as lawn games i.e. corn hole, bocce, badminton, croquet, and the like; work space or meeting space for tenants, tenant storage, dog parks and/or dog playgrounds. Rooftop amenities shall be permitted including observation areas or rooms, multipurpose or recreation rooms, vestibules, outdoor terraces, pergolas, shade structures, or the like.
- (b) Pet-friendly amenities. As part of the amenity package, in addition to dog parks and/or playgrounds above, a development shall be permitted to include an onsite pet service that shall be permitted to offer walking services, pet-sitting services, a pet spa or grooming service, overnight boarding, or related services, which shall be permitted to operate indoors as part of a building and/or as a stand-alone building.
- (c) Residential accessory uses such as leasing and management offices, maintenance buildings, dwelling units for onsite building superintendents, and model units
- (d) Parking, which shall be permitted to be structured or surface, and further provided that tandem parking shall be permitted where such spaces are assigned to the same unit
- (e) Fences and walls
- (f) Signs
- (g) Any use that is customarily incidental to a permitted principal use

e. Bulk Regulations

- 1. The total number of dwelling units shall be 496, and the total number of units shall be permitted to be lowered without variance at the sole discretion of the developer and/or based on outside agency requirements. Model apartments and onsite housing for the building superintendent and maintenance/management staff shall not be included as part of the unit count.
- 2. The affordable housing set-aside shall be twenty percent (20%) of the total units actually constructed in the development (excluding model apartments and onsite housing for the building superintendent and maintenance/management staff).
- 3. There shall be no minimum lot size requirement.

4. The maximum area of disturbance for the entire Tract shall be 30 acres. Trails, deer fencing, and buffer planting shall not be counted as part of the area of disturbance.
5. Unrestricted site access (ingress and egress) shall be permitted from Warner Drive and Kuzik Drive.
6. Emergency access (ingress and egress) shall be permitted to Block 179.17, Lots 8 and 9 to the north and Bayowski Road to the south.
7. The affordable units shall consist of moderate-income, low-income, and very low-income units in accordance with the requirements of the settlement agreement. The minimum unit sizes for the affordable units shall be as follows:
 - (a) One-bedroom 650 square feet
 - (b) Two-bedroom 875 square feet
 - (c) Three-bedroom 1,150 square feet
8. The maximum building height shall be 75 feet, and further subject to the standards set forth below, which shall supersede any regulation to the contrary in the West Orange Land Use Regulations Ordinance:
 - (a) The building height shall be a vertical dimension measured in a straight line from first story finished floor elevation to the roof line elevation of a flat roof, or the midpoint elevation of a pitched roof.
 - (b) The first story shall mean the lowest story that has its finished floor entirely above grade. Cellars and basements shall not be considered a first story.
 - (c) The building height shall not be measured based on the grading around the building.
9. The maximum number of stories per building shall be 4 stories, and further subject to the standards set forth below which shall supersede any regulation to the contrary in the West Orange Land Use Regulations:
 - (a) Story shall mean the space of a building between the surface of a floor and any floor next above it, or if there be no floor above it, then the space between the floor and the ceiling above it, and as further refined below.
 - (b) Any level with a finished floor entirely below grade or partially below grade shall not be considered a story, such as cellars and basements, including walk-out basements and "garage-under" levels.
 - (c) Any level that contains 10 or more parking spaces shall not be considered a story.
 - (d) Mezzanines shall not be considered a story, provided the floor area of the mezzanine is no greater than 33 percent of the floor area below it.

- (e) Lofts serving individual dwelling units as permitted by building code shall not be considered a story.
 - (f) Rooftop amenities and rooftop features shall not be considered a story or fractional portion thereof.
 - (g) Architectural roof design features such as attics, mansards, parapets, cupolas, and other similar architectural design features and/or appurtenances shall not be considered a story or fractional portion thereof.
10. The grading around buildings shall be subject to the following:
 - (a) The maximum exposure of perimeter walls for basements, cellars, or building foundations shall not exceed 50% of the total surface area of such walls, which shall be based on the aggregate area of all perimeter walls, not each wall individually.
 - (b) Walkout basements and “garage under designs shall be permitted and shall be permitted to have one or more perimeter walls entirely exposed, and further provided that the 50% exposure threshold set forth above for all perimeter walls shall still apply.
 11. The minimum buffer width around the entire Tract boundary shall be 100 feet. The buffer shall remain undisturbed except for roads and accessways, utilities and stormwater management improvements, signs, fences, walls, and associated grading.
 12. The east face of the Watchung Mountain shall remain undisturbed from the peak of the ridgeline, except that utility construction shall be permitted east of the ridgeline
 13. Any deviation from the above requirements shall be considered a “c” variance.

f. Parking Regulations

1. Principal uses. The quantity and dimensions of off-street parking spaces shall be in accordance with the Residential Site Improvement Standards (RSIS). Any deviation shall be considered a de minimis exception from RSIS, not a variance. Tandem parking arrangements shall be permitted in accordance with the use regulations of this Chapter as set forth above. Automated or mechanical parking shall be permitted to meet the RSIS parking count requirement, and shall be exempt from RSIS parking stall size requirements, subject to review and approval of manufacturer’s specifications.
2. Accessory uses. Accessory uses such as clubhouses or recreation areas shall be exempt from parking requirements.

g. Tree Removal and Replacement

The removal of trees shall be permitted, and the replacement of trees shall be in accordance with formula below. Any other regulation pertaining to tree removal and replacement in the

Township of West Orange Code shall not apply to the Tract, and shall be superseded by the regulations set forth below, except where otherwise indicated herein.

1. Tree Baseline. The existing tree count on the Tract shall be established at 212 trees per acre.
2. Tree Baseline Loss.
 - (a) Tree Baseline Loss shall be established by multiplying the proposed number of acres disturbed by the existing 212 trees per acre on the Tract; by way of example, a proposed disturbance area of 25 acres shall calculated to a Tree Baseline Loss of 5,300 trees, which figure would increase or decrease based upon the final acreage disturbed).
 - (b) Tree Baseline Loss shall be reduced for each healthy major tree (greater than 6 inches) within the proposed area of disturbance that is not removed in connection with a proposed development
 - (c) Tree Baseline Loss shall be reduced for each non-invasive major tree or minor tree (as defined in the Township of West Orange Code) proposed as part of a landscape plan. The tree replacement calculation shall apply one credit for each such tree which is a native species and $\frac{1}{4}$ credit for each such tree which is not a native species.
 - (d) The Tree Baseline Loss shall be reduced by 212 trees for each acre of forest outside the area of disturbance enclosed by a controlled, gated access deer fence that is eight (8) feet in height, the purpose of which is to regenerate the growth of the native forest, and which deer fencing shall be maintained in perpetuity;
3. Adjusted Tree Baseline Loss.
 - (a) Adjusted Tree Baseline Loss shall be calculated as the Tree Baseline Loss after crediting.
 - (b) If the Adjusted Tree Baseline Loss calculates to zero (0), or less than zero, the developer shall have no further obligation regarding tree removal or replacement in connection with a proposed development.
 - (c) If the Adjusted Tree Baseline Loss calculates to a number greater than zero, then the development shall satisfy the requirements of the West Orange Tree Ordinance only with respect to the Adjusted Tree Baseline Loss.
- h. Landscape Regulations
 1. Street Trees. Street trees shall be provided in accordance with the West Orange Land Development Code.
 2. Additional Trees. The developer shall plant new trees and landscaping along or near the southern border of the Tract for the purpose of supplementing the buffering of the nearest residential units to the south.

3. Any deviation from the regulations of this section shall be considered design exceptions, not variances, subject to the statutory criteria of N.J.S.A. 40:55D- 51 for relief.

i. Signage Regulations

1. Development Entrance Sign. One freestanding sign shall be permitted at the entrance to the development. The sign dimensions shall have a maximum width of 10 feet and a maximum height of 8 feet. The sign may be incorporated as part of a decorative element such as a wall or fence feature, and further provided that the decorative element shall not be included in the calculation of the sign area. The top of the sign, including any decorative element framing it, shall not exceed 10 feet above grade.
2. Identification Signage. Freestanding identification signs shall be permitted to demarcate individual buildings or sections within the development, not to exceed one such sign per building or section. The sign dimensions shall have a maximum width of 8 feet and a maximum height of 6 height, and the top of any such sign shall not exceed 8 feet above grade. This shall apply to accessory recreation or amenity uses as well, such as a clubhouse or pet service, which shall be permitted to have identification signage in accordance with the above.
3. Building Signage. One building sign shall be permitted at each building lobby and/or building entrance. The sign dimensions for each building sign shall have a maximum width of 8 feet and a maximum height of 6 feet.

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

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

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

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

Michelle Casalino
Council President

Robert D. Parisi, Mayor

Introduced: August 11, 2020

Adopted: September 8, 2020

LEGISLATIVE HISTORY

This Ordinance is presented pursuant to the Affordable Housing Settlement Agreement approved by the Township Council on April 14, 2020. The Superior Court of New Jersey confirmed the Settlement Agreement on July 10, 2020.

RESOLUTION

WHEREAS, unless otherwise noted herein, the holders of alcoholic beverage licenses from the Township of West Orange set forth on Exhibit A attached hereto and made part hereof, have made applications to this Township of West Orange ABC Board to renew said licenses for the **2020-2021** license term; and

WHEREAS, said licenses have paid all license renewal fees and submitted the appropriate application to renew; and

WHEREAS, the license was granted 12.39 relief pursuant to N.J.S.A. 33:1-12.39; and

WHEREAS, a public hearing was held before the Township of West Orange ABC Board on **August 11, 2020** and no one appeared in opposition to any license renewal; and

NOW, THEREFORE, BE IT RESOLVED that the Township of West Orange ABC Board wishes to renew the following alcoholic beverage licenses set forth for the **2020-2021** license term:

0722-33-012-002 Eagle Rock Lounge Corp. t/a Eagle Rock Lounge

0722-33-015-001 Essex County Country Club t/a Essex County Country Club

0722-33-017-005 S.V. Holdings t/a Fortissimo

0722-33-032-008 Dominick Enterprises, Inc. (Pocket)

0722-33-041-001 Montclair Golf Club

0722-33-043-008 Los Tapatios, Inc. t/a Los Tapatios

0722-33-048-012 Wilshire Caterers, LLC t/a Grill 350 Restaurant

0722-33-049-009 Frederic N. Kruvant (Pocket License)

0722-33-057-010 Dominick Enterprises, Inc. t/a La Primavera Trattoria

0722-33-059-008 Jenny's LLC t/a Rustica Restaurant and Lounge

0722-44-011-008 Central Liquors, LLC

0722-44-023-006 Brink Liquors, Inc. t/a Brink Wines & Liquor

0722-44-033-006 Valley Warehouse, Inc. t/a Lucky 7 Wine & Liquor

0722-44-047-003 Unique USA, Inc. t/a Party Wines & Liquors

0722-44-054-009 Y & R Enterprises, LLC t/a St. Cloud Wine & Liquor

KAREN J. CARNEVALE, RMC
ABC Board Secretary

MICHELLE CASALINO
Council President/ABC Board member

Adopted: August 11, 2020