

1. Resolution(S)

1.I. 252-22

Documents:

[252-22 EXECUTIVE SESSION 10.11.22.PDF](#)

1.II. 253-22

Documents:

[253-22 RESOLUTION \(3 PERCENT\) FOR PHASE IA OF FLOOD MITIGATION PROJECT - JMEUC 2022.PDF](#)

1.III. 254-22

Documents:

[254-22 AUTHORIZING THE TOWNSHIP ATTORNEY TO PROSECUTE IN MUNICIPAL COURT FOR PROPERTY MAINTENANCE AND ZONING VIOLATIONS.PDF](#)

1.IV. 255-22

Documents:

[255-22 TAX COURT JUDGMENT - 2022-09-08 - 34 OAK BEND.PDF](#)

1.V. 256-22

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[256-22 REFUND EXEMPT VET VARIOUS.PDF](#)

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[257-22 AUTHORIZING ALLOCATION OF ADDITIONAL FEES TO GRAZIANO AND CAMPI 4870-7200-4917 V.1.PDF](#)

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[261-22 RESOLUTION MAYORS WALK-RUN ALS.PDF](#)
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2. Ordinance(S) On Second And Final Reading

2.I. 2697-22

Documents:

[2697-22 PARKING ZONE ORDINANCE PARKING LIMITED TIME TORY
CORNER 9-15-2022.PDF](#)

RESOLUTION TO HOLD A CLOSED SESSION

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

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

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

BE IT RESOLVED, that the Township Council of the Township of West Orange, now assembled in public session at its regular meeting of **October 11, 2022** enter into a closed session to consider the following matter(s).

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

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

Downtown Redevelopment Area

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

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

The foregoing resolution was duly adopted by the Township Council of the Township of West Orange at a public meeting held on **October 11, 2022**

Motion:

Second:

Vote

Aye:

Opposed:

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

Susan McCartney
Council President

Adopted: October 11, 2022

253-22
September 20, 2022

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST ORANGE, IN THE COUNTY OF ESSEX, STATE OF NEW JERSEY (THE "LOCAL UNIT") AUTHORIZING AN EMERGENCY APPROPRIATION PURSUANT TO N.J.S.A. 40A:4-46 AND 40A:4-48 TO APPROPRIATE THE LOCAL UNIT'S ALLOCABLE SHARE OF THE UNFUNDED PORTION OF PHASE I OF THE FLOOD MITIGATION FACILITIES PROJECT OF THE JOINT MEETING OF ESSEX AND UNION COUNTIES IN AN AMOUNT NOT TO EXCEED \$2,520,361

WHEREAS, the Township Council of the Township of West Orange, in the County of Essex, State of New Jersey (the "Local Unit"), desires to adopt a resolution providing for an emergency appropriation pursuant to N.J.S.A. 40A:4-46 and 40A:4-48 to appropriate the Local Unit's allocable share of the unfunded portion of Phase 1 of the Project (as hereinafter defined) in an amount not to exceed \$2,520,361; and

WHEREAS, the Joint Meeting of Essex and Union Counties (the "Joint Meeting") is organized and exists pursuant to the provisions of N.J.S.A. 40:63-68 et seq., and constitutes a public body corporate and politic of the State of New Jersey authorized to exercise essential public and governmental functions, and having all powers necessary or convenient to carry out and effectuate its corporate purposes; and

WHEREAS, on October 29, 2012, the Joint Meeting experienced floodwaters generated by Superstorm Sandy and high tide of over twelve feet; and

WHEREAS, because of the extraordinary tidal surge during the storm, floodwaters entered and inundated a number of locations within the Joint Meeting's treatment plant; and

WHEREAS, following Superstorm Sandy, the Joint Meeting's consulting general engineers, CME Associates, were retained to conduct a Facilities Flood Control Report to assess the damage caused by the flooding, to review possible modifications to be made to structures to prevent damage from future flooding, and to review alternative flood measures; and

WHEREAS, CME Associates also performed a Benefit Cost Analysis to determine the benefits of restoration and appropriate mitigation measures; and

WHEREAS, after both studies, CME Associates determined that it would be most beneficial to the Joint Meeting to protect the entire site from future flooding so as to prevent any future damage and to ensure the treatment of wastewater flows during any storm events; and

WHEREAS, the Executive Director, in conjunction with the Joint Meeting's General Consulting Engineer, developed a Flood Mitigation Facilities Project (as hereinafter defined)

for the Joint Meeting, that involves among other work, the construction of a reinforced concrete levee wall, installation of automatic vehicle flood gates, isolation of on-site stormwater collection systems and pumps, installation of an effluent pumping station, Cogeneration Upgrades, installation of a stormwater pumping station for the Biosolids Facility site, and the use of an existing Army Corps of Engineers Flood Control Pump Station at the treatment plant (collectively, the “Flood Mitigation Facilities Project”); and

WHEREAS, the Federal Emergency Management Agency, an agency of the United States of America, has indicated that it will reimburse approximately 90% of the costs associated with the Project and that only the remaining 10% of the costs will be financed by the member municipalities and the City of Elizabeth (collectively, the “Members”); and

WHEREAS, the funding commitment from the Federal Emergency Management Agency may be provided in multiple phases; and

WHEREAS, the Joint Meeting covenanted to the Members that the Flood Mitigation Facilities Project will be financed in phases as each phase is approved by FEMA; and

WHEREAS, in September of 2020, FEMA approved Phase I of the Flood Mitigation Facilities Project consisting of the construction of an Effluent Pumping Station, which will be connected to the existing twin outfall channels to the Arthur Kill (“Phase I of the Project”); and

WHEREAS, in October, 2020, the Local Unit issued and sold Construction Loan Financing Program Notes to the New Jersey Infrastructure Bank (the “I-Bank”) in the amount of \$2,405,000 to finance its allocable share of Phase I of the Project (the “2020 I-Bank Note”); and

WHEREAS, Phase I of the Project has experienced delays due to many factors, including but, not limited to, delays in receiving approval of the New Jersey Department of Environmental Protection, the financing process, and, primarily, as a result of the COVID-19 pandemic; and

WHEREAS, due to these delays, the Joint Meeting did not solicit and receive bids on Phase I of the Project until July of 2022; and

WHEREAS, the bids received for Phase I of the Project were substantially more than originally projected and more than the \$21,392,365 amount that was financed through the I-Bank by the Members through their respective 2020 I-Bank Notes; and

WHEREAS, in order to execute a contract with the lowest responsible bidder and lock in construction costs for Phase I of the Project, the Joint Meeting will need to have access to an additional \$31,361,958; and

WHEREAS, N.J.S.A. 40A:4-46 permits local governments to make emergency appropriations, after adoption of the annual budget, for purposes unforeseen at the time of adoption thereof; and

WHEREAS, the emergency appropriation shall be provided in full as a deferred charge in the succeeding year's budget of the Local Unit, except to the extent that provision for paying, funding or refunding the emergency appropriation or the financing of the expenditures pursuant thereto shall previously have been made by the authorization of bonds pursuant to N.J.S.A. 40A:2-3; and

WHEREAS, the Local Unit will finance the emergency appropriation via the adoption of a bond ordinance prior to the adoption of the Local Unit's 2023 municipal budget; and

WHEREAS, the emergency appropriation is being made to meet a pressing need for public expenditure to protect or promote the public health, safety, morals or welfare of the residents of the Local Unit and is necessary for the protection and efficient operation of the Joint Meeting's wastewater system; and

WHEREAS, the total amount of the Local Unit's emergency appropriations created in calendar year 2022, including the appropriation to be created by this resolution, is \$2,520,361 and three percent (3%) of the total current and utility operating appropriations in the budget of the Local Unit for the year ending December 31, 2022 is \$2,657,391.52; and

WHEREAS, the foregoing emergency appropriation together with prior emergency appropriations of the Local Unit does not exceed three percent (3%) of the total current and utility operating appropriations in the budget adopted of the Local Unit for the year ending December 31, 2022.

NOW, THEREFORE, BE IT RESOLVED by the governing body of the Local Unit (by not less than 2/3 of all governing body members affirmatively concurring) in accordance with N.J.S.A. 40A:4-48, AS FOLLOWS:

Section 1. The above recitals are incorporated herein as though fully set forth at length.

Section 2. The Local Unit hereby declares that an emergency exists requiring a supplementary appropriation

Section 3. An emergency appropriation in the amount of \$2,520,361 is hereby authorized and made for the purpose of appropriating the Local Unit's allocable share of the unfunded portion of Phase 1 of the Project, which was not a known or foreseen amount at the time of the adoption of the calendar year 2022 fiscal budget and, thus, an adequate provision for such cost was not made in said budget. The emergency appropriation is being made to meet a pressing need for public expenditure to protect or promote the public health, safety, morals or welfare of residents of the Local Unit and is necessary for the protection and efficient operation of the Joint Meeting's wastewater system. Due to the fact that no adequate provision was made in the budget for the year ended December 31, 2022 for the aforesaid purpose, N.J.S.A. 40A:4-46 provides for the creation of an emergency appropriation for the above referenced purpose.

Section 4. The emergency appropriation shall be paid or funded by the Local Unit as a deferred charge in the budget for the fiscal year ending December 31, 2023 except, to the extent, if any, said emergency appropriation is paid or funded through the authorization of bonds or notes as an appropriation authorized by law pursuant to N.J.S.A. 40A:2-3. The Local Unit shall finance the emergency appropriation via the adoption of a bond ordinance prior to the adoption of the Local Unit's 2023 budget. The Local Unit hereby requests, if necessary, the emergency appropriation to be excluded from CAPS, pursuant to N.J.S.A. 40A:4-45.4(c)(1).

Section 5. Two (2) certified copies of this resolution shall be filed with the Director of the Division of Local Government Services and a certified copy of this resolution shall be filed with the Clerk of the Local Unit and with Everett M. Johnson, Esq., Wilentz, Goldman & Spitzer, P.A., bond counsel to the Joint Meeting.

Section 6. This resolution shall take effect immediately.

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

Susan McCartney
Council President

Adopted: October 11, 2022

CERTIFICATION

I, KAREN J. CARNEVALE, Clerk of the Township of West Orange, in the County of Essex, State of New Jersey (the "Local Unit"), DO HEREBY CERTIFY that the annexed resolution entitled, "RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST ORANGE, IN THE COUNTY OF ESSEX, STATE OF NEW JERSEY ("THE LOCAL UNIT") AUTHORIZING AN EMERGENCY APPROPRIATION PURSUANT TO N.J.S.A. 40A:4-46 AND 40A:4-48 TO APPROPRIATE THE LOCAL UNIT'S ALLOCABLE SHARE OF THE UNFUNDED PORTION OF PHASE I OF THE FLOOD MITIGATION FACILITIES PROJECT OF THE JOINT MEETING OF ESSEX AND UNION COUNTIES IN AN AMOUNT NOT TO EXCEED \$2,520,361", is a copy of a resolution which was duly adopted by the Local Unit at a meeting duly called and held on October 11, 2022 in full compliance with the Open Public Meetings Act, N.J.S.A. 10:4-6 et seq., at which meeting a quorum was present and acting throughout, and which resolution has been compared by me with the original thereof as contained in the minutes as officially recorded in my office in the Minute Book of the governing body of the Local Unit, 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 within, and aforesaid resolution has not been repealed, amended or rescinded but remains in full force and effect on and as of the date hereof.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the Local Unit as of this ____ day of October, 2022

(SEAL)

KAREN J. CARNEVALE, R.M.C.
Clerk

**AFFIDAVIT OF THE
CHIEF FINANCIAL OFFICER OF THE LOCAL UNIT
PURSUANT TO N.J.S.A. 40A:4-52**

I, JOHN GROSS, Chief Financial Officer of the Township of West Orange, in the County of Essex, State of New Jersey (the "Local Unit"), hereby make the following certification pursuant to the provisions of N.J.S.A. 40A:4-52. Accordingly, I DO HEREBY CERTIFY to the following:

1. Purpose of Emergency Appropriation - An emergency appropriation in the amount of \$2,520,361 is hereby authorized and made to appropriate the Local Unit's allocable share of the unfunded portion of Phase 1 of the Flood Mitigation Facilities Project of the Joint Meeting of Essex and Union Counties (the "Joint Meeting") consisting of the construction of an Effluent Pumping Station, which will be connected to the existing twin outfall channels to the Arthur Kill ("Phase I of the Project"). Phase I of the Project has experienced delays due to many factors, including but, not limited to, delays in receiving approval of the New Jersey Department of Environmental Protection, the financing process, and, primarily, as a result of the COVID-19 pandemic. Due to these delays, the Joint Meeting did not solicit and receive bids on Phase I of the Project until July of 2022. The bids received for Phase I of the Project were substantially more than originally projected and more than the \$21,392,365 amount that was financed through the New Jersey Infrastructure Bank (the "I-Bank") by the Members and the Township of Elizabeth through their respective construction financing program notes issued in 2020. In order to execute a contract with the lowest responsible bidder and lock in construction costs for Phase I of the Project, the Joint Meeting will need to have access to an additional \$31,361,958 of which the Local Unit's allocable share is \$2,520,361. The total cost to the Local Unit of the emergency appropriation was not a known or foreseen amount at the time of the adoption of the current year's fiscal budget and an adequate provision for such cost was not made in said budget. The emergency appropriation is being made to meet a pressing need for public expenditure to protect or promote the public health, safety, morals or welfare of residents of the Local Unit and is necessary for the protection and efficient operation of the Joint Meeting's wastewater system. Due to the fact that no adequate provision was made in the Local Unit's budget for the year ended December 31, 2022 for the aforesaid purpose, N.J.S.A. 40A:4-46 provides for the creation of an emergency appropriation for aforesaid purpose.

2. Total Appropriations - The total amount of the emergency appropriations created in calendar year 2022, including the emergency appropriation to be created by this resolution, is \$2,520,361 and three percent (3%) of the total current and utility operating appropriations in the budget for the calendar year ending December 31, 2022 is \$2,657,391.52. The total current operating and utility appropriations of the Local Unit for calendar year 2022 are \$88,579,717.31.

3. Contracts - No contracts have been awarded or purchase orders placed in connection with this emergency appropriation.

IN WITNESS WHEREOF, I have hereunto set my hand as of this __ day of October, 2022.

JOHN GROSS,
Chief Financial Officer

RESOLUTION

WHEREAS, N.J.S.A. 2B:25-4(e) provides that a municipality can utilize multiple municipal prosecutors as necessary to administer justice in a timely and effective manner; and

WHEREAS, N.J.S.A. 2B:25-4(g) authorizes a municipal attorney to prosecute county or municipal ordinance violations; and

WHEREAS, the Township of West Orange (the “Township”) has utilized attorneys from the Township Attorney’s office to prosecute property maintenance violations, zoning, health and other violations under the Township’s municipal code; and

WHEREAS, the Township seeks to reaffirm the authorization for the Township Attorney and his colleagues to continue to prosecute such property maintenance violations, zoning, health and other violations under the Township’s municipal code.

NOW, BE IT HEREBY RESOLVED, by the Township Council of the Township of West Orange that the Township hereby reaffirms its authorization of the Township Attorney and attorneys from the Township Attorney’s office, including, but not limited to: (i) Richard D. Trenk, Esq.; (ii) Mark Y. Moon, Esq.; (iii) Shefali Kotta, Esq.; (iv) Stephen Genaro, Esq.; and (v) Suzanne Tullo, Esq. to continue prosecuting property maintenance violations, zoning, health and other alleged violations of the Township’s Municipal Code; and it is further

RESOLVED the Township Attorney’s prosecution of property maintenance violations, zoning, health and other violations under the Township’s municipal code shall be included as the services within the Township Attorney’s appointment and contract with the Township.

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

Susan McCartney
Council President

Adopted: October 11, 2022

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.

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 to the said taxpayers the sums in full and final satisfaction to tax rebates due:

ADDRESS	34 Oak Bend		DATE:	8/24/2022	
BLOCK	96				
LOT	3				
QUAL					
	ASSESSMENT				
<u>YEAR</u>	<u>ORIGINAL</u>	<u>JUDGMENT</u>	<u>DIFFERENCE</u>	<u>TAX RATE</u>	<u>AMOUNT DUE</u>
2022	\$1,400,000.00	\$1,300,000.00	\$100,000.00	4.437	\$ 4,437.00
TOTAL					\$ 4,437.00
<u>PAYABLE TO:</u>					
<u>VALERIE HOFER, ESQ. TRUST ACCOUNT</u>					
THE LAW OFFICE OF VALERIE HOFER					
PO BOX 787					
MONTVILLE, NJ 07045					

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

Susan McCartney
Council President

Adopted: October 11, 2022

I hereby certify funds are available from Account No. _____

John Gross, Chief Financial Officer

**RESOLUTION AUTHORIZING THE COLLECTOR OF TAXES TO REFUND PAYMENT
TO THE LISTED TAXPAYER DUE TO VETERAN EXEMPTION**

WHEREAS the Assessor has granted a 100% Veteran Disabled exemption to parcels listed below and a letter of eligibility from the Veteran's Administration is on file in the Assessor's office showing the effective date of exemption.

WHEREAS, the owner or its mortgage servicer made payments after the date of exemption and tax refunds are due in the amounts listed below.

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 to the homeowners the tax refunds due:

Block	Lot	Qual	Owner's Name & Address	Refund	Amount
164	18	C0010	Francisco Amarante 10 Paris Circle West Orange, NJ 07052	Wells Fargo Real Estate Tax Services Attn: Refunds/Financial Support PO Box 14506 Des Moines, IA 50306	\$2,685.26
171	33		Albert Addai 9 Skyline Drive West Orange, NJ 07052	Corelogic Centralized Refunds PO Box 9202 Coppell, TX 75019	\$7,377.00
TOTAL AMOUNT: \$10,062.26					

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

Susan McCartney
Council President

Adopted: October 11, 2022

I hereby certify funds are available from Account No. _____

John Gross, Chief Financial Officer

RESOLUTION

WHEREAS, on January 18, 2022, the Council adopted Resolution No. 15-22 which authorized the West Orange Rent Leveling Board to retain Alexander J. Graziano, Esq. of Graziano & Campi LLC to review, analyze and assist with regard to a pending application before the Rent Leveling Board at a rate of \$150 per hour up to a maximum expense of \$2,500; and

WHEREAS, Mr. Graziano served the Rent Leveling Board with regard to these matters; and

WHEREAS, the Rent Leveling Board hearing took several hearings which caused the invoice to exceed \$2,500 by an additional \$425; and

WHEREAS, the Law Department recommends allocation of an additional \$425 to satisfy the additional fees incurred;

NOW, BE IT HEREBY RESOLVED, by the Township Council of the Township of West Orange hereby authorizes the allocation of an additional \$425 to satisfy the outstanding invoice due to Graziano & Campi LLC for certain legal services provided to the Rent Leveling Board which will increase the previously approved cap of \$2,500 to \$2,925;

BE IT HEREBY RESOLVED that the Business Administrator is hereby authorized to allocate payment with regard to the above matter.

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

Susan McCartney
Council President

Adopted: October 11, 2022

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

John O. Gross, BA/CFO

RESOLUTION

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

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

<u>Organization</u>	<u>Type of Event/Date</u>	<u>Place</u>	<u>RL No.</u>
Lacodaire Academy	November 12, 2022 On Premise Merchandise	25 Prospect Avenue	7788
Jewish Federation of Greater MetroWest NJ	December 1, 2022 Tricky Tray	750 Eagle Rock Ave.	7789

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

Susan McCartney
Council President

Adopted: October 11, 2022

**RESOLUTION AUTHORIZING THE COLLECTOR OF TAXES
TO REFUND PAYMENT TO THE LISTED TAXPAYER DUE TO A
OVERPAYMENT OF TAXES DUE TO A DUPLICATE PAYMENT**

WHEREAS, certain West Orange property owners or their mortgage company have made a duplicate payment for the third quarter 2022 taxes;

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 2022 taxes.

Block	Lot	Name & Address	Amount
80.01	39	Arnon Deshe 19 Highwood Road West Orange, NJ 07052	\$6,111.00

TOTAL: \$6,111.00

Karen J. Carnevale
Municipal Clerk

Susan McCartney
Council President

I hereby certify funds are available from: _____

Account No./Amount

John Gross
Township Chief Financial Officer

RESOLUTION

WHEREAS, the Township of West Orange (“Township”), through the Downtown West Orange Alliance (DWOA) annually sponsors the Mayor’s 5K Run/Walk along Main Street in the Township for charitable purposes; and

WHEREAS, the Mayor’s 5K Run/Walk is scheduled to take place on **Sunday, October 9, 2022** from approximately 8:30 am until 1:00 pm; and

WHEREAS, the Township desires to enter into an agreement that would allow the PSZ Believe Foundation to participate in and benefit from this year’s Mayor’s 5K Run/Walk; and

WHEREAS, pursuant to the terms of the proposed agreement, the DWOA would share profits with the PSZ Believe Foundation, specifically by first subtracting direct expenses incurred by the Township or the Downtown West Orange Alliance, and then sharing seventy percent (70%) of the net profits generated from the Mayor’s 5K Run/Walk with the PSZ Believe Foundation with the remaining thirty percent (30%) of net profits to be retained by the Township; and the Downtown West Orange Alliance and

WHEREAS, the PSZ Believe Foundation has agreed to provide its own publicity and fundraising efforts for the event in coordination with the Downtown West Orange Alliance; and

WHEREAS, annexed hereto as Attachment “A” is a copy of the Memorandum of Agreement to be executed by the Township and the PSZ Believe Foundation;

NOW, THEREFORE BE IT RESOLVED, by the Township Council of the Township of West Orange that the Mayor be and hereby is authorized to execute the annexed Memorandum of Agreement; and the Municipal Clerk shall attest to the Mayor's signature on the Agreement.

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

Susan McCartney
Council President

Adopted: October 11, 2022

MEMORANDUM OF AGREEMENT

THIS MEMORANDUM OF AGREEMENT (hereinafter this "Agreement") is made and entered into as of this day of July 1, 2022 by and between TOWNSHIP OF WEST ORANGE (the "Township"), having an address of 66 Main Street, West Orange, New Jersey 07052 and the PSZ Believe Foundation, having offices in Caldwell, NJ 07006

WITNESSETH

WHEREAS, the Township, through the Downtown West Orange Alliance has sponsored the Mayor's 5K run along Main Street and the downtown area in West Orange; and

WHEREAS, the Township has sponsored this run for several years and each year several hundred people have attended; and

WHEREAS, the Township now desires to enter into an agreement that would allow the PSZ Believe Foundation to participate in this year's Mayor's 5K run, which is scheduled to be held on Sunday, October 9 (the "Event");

NOW, THEREFORE, in consideration of the covenants and agreements hereinafter contained, the parties hereto agree as follows:

1. The Event shall be held on Sunday, October 9, 2022 from approximately 8:30 a.m. to 1:00 p.m.
2. The Township shall and hereby does agree to share with the PSZ Believe Foundation, after subtracting any direct expenses incurred by either the Township and/or the Downtown West Orange Alliance, seventy percent (70%) of the net profits generated from the Event. The remaining thirty percent (30%) of the net profits shall be retained by the Downtown West Orange Alliance. It is anticipated that profits will be generated from the registration fee paid by participants of the Event and any donations received by either the Downtown West Orange Alliance or the PSZ Believe Foundation, its members or agents. The PSZ Believe Foundation shall be entitled to receive an accounting of the money raised from the Event prior to the disbursement of any funds.
3. The PSZ Believe Foundation will provide its own publicity and fundraising efforts for the Event in coordination with the Downtown West Orange Alliance. The Downtown West Orange Alliance reserves the right to approve any and all publicity/fundraising material that is distributed in connection with the Event. Any use of the PSZ Believe Foundation name, logo, or stationery in mailings, advertising, or for the media shall be pre-approved by the PSZ Believe Foundation.
4. The PSZ Believe Foundation shall provide a representative who will be available and present at the Event for purposes of assisting the Downtown West Orange Alliance with any fundraising, public relations and/or marketing issues.

5. The PSZ Believe Foundation agrees to defend, indemnify, hold and save harmless the Township and the Downtown West Orange Alliance, its respective members, officers, representatives, employees from and against any and all claims, suits, damages, judgments and expenses (including reasonable attorney's fees) resulting wholly or in part from any acts or omissions by the PSZ Believe Foundation's agents, employees, guests, licensees, invitees, assignees or successors during the Event.

6. It is understood and agreed that all understandings and agreements heretofore had between the Township and the PSZ Believe Foundation regarding the Event are merged in this Agreement, which alone fully and completely expresses their agreement, and that the same is entered into after full investigation, neither party relying upon any statement or representation not embodied in this Agreement, made by the other.

8. This Agreement may not be changed or terminated orally. It shall only be modified by written agreement.

9. The Parties hereby acknowledge that the Agreement shall be construed, interpreted and enforced in accordance with the laws (excluding conflicts of law principles) of the State of New Jersey, and before the courts of the State of New Jersey.

10. This Agreement may be executed in several counterparts, which shall constitute one and the same instrument.

IN WITNESS WHEREOF, the parties have executed this Agreement the day and year first above written.

Dated: _____

TOWNSHIP OF WEST ORANGE

Dated: _____

Signed _____
Robert D Parisi, Mayor

Attest:
Karen J. Carnevale, Municipal Clerk

Dated:

PSZ Believe Foundation

Signed: _____
Stephen Zirpoli

**AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 7, TRAFFIC,
SUBSECTION 7-14.3 PARKING TIME LIMITED ON CERTAIN STREETS DURING
CERTAIN HOURS OF CERTAIN DAYS, 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 7-14.3, Parking Time Limited on Certain Streets During Certain Hours of Certain Days 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*):

<u>Name of Street</u>	<u>Side</u>	<u>Time Limit</u>	<u>Hours</u>	<u>Days</u>	<u>Locations</u>
Main Street	East	2 Hours	8AM-8PM	Mon-Sat	From Babcock Place northerly to a point 100 feet south of the southerly curbline of Washington Street extended.
Main Street	East	15 Minutes	8AM-8PM	Mon-Sat	Starting 50 feet south of the southerly curbline of Washington Street extended and extending 50 feet south.
Main Street	West	2 Hours	8AM-8PM	Mon-Sat	From Erwin Place northerly to a point 65 feet south of the southerly curbline of Llewellyn Avenue extended.
Main Street	West	15 Minutes	8AM-8PM	Mon-Sat	Starting 30 feet south of the southerly curbline of Llewellyn Avenue extended and extending 35 feet south.
Washington Street	East	15 Minutes	8AM-8PM	Mon-Sat	From Main Street to a point 85 feet east of the easterly curbline of Main Street extended.

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

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

Section 4. This Ordinance will take effect upon final passage, publication in accordance with law and the approval of the Essex County Board of Commissioners since Main Street and Washington Street are County Roads.

ROBERT D. PARISI, MAYOR

SUSAN MCCARTNEY, COUNCIL PRESIDENT

KAREN J. CARNEVALE, R.M.C., MUNICIPAL CLERK

DATED: _____

ADOPTED: _____

LEGISLATIVE HISTORY

The Ordinance, which amends the Traffic Regulations of the Township, creates both two hour and fifteen-minute time limited parking zones on both sides of Main Street for the convenience of business patrons in the Tory Corner Shopping District. This action is in response to requests to the Downtown West Orange Alliance for more turnover in the available spaces, which tend to be taken by nearby residents or business owners who park all day. The time limited parking will be in effect from 8:00 am to 8:00 pm, Monday through Saturday.