

**CITY COUNCIL****The City of Orange Township, New Jersey**DATE February 21, 2023NUMBER 110-2023

**TITLE: A RESOLUTION AUTHORIZING AWARD OF A NON-FAIR AND NON-OPEN PROFESSIONAL SERVICES CONTRACT TO NISHUANE GROUP LLC TO PROVIDE PROFESSIONAL PLANNING CONSULTANT SERVICES TO THE CITY OF ORANGE TOWNSHIP AND ITS LAND USE BOARDS FROM JANUARY 1, 2023, THROUGH DECEMBER 31, 2023, IN AN AMOUNT NOT TO EXCEED \$250,000.00, EXCLUDING FEES FOR DEVELOPMENT APPLICATION REVIEW SERVICES PAID THROUGH APPLICANT-FUNDED ESCROWS.**

**WHEREAS**, the Local Public Contracts Law, *N.J.S.A. 40A:11-1 et seq.*, requires a resolution authorizing the award of contracts for professional services without competitive bidding, and that the contract itself be available for public inspection as set forth herein; and,

**WHEREAS**, the City of Orange Township ("City"), as well as its Planning Board and Zoning Board of Adjustment (together, "Land Use Boards"), have a need for professional planning consultant services to be provided by nationally-certified professional planners or planning consultants licensed by the State of New Jersey, Board of Professional Planners; and,

**WHEREAS**, the planning consultant services include all work necessary to complete the requested redevelopment area studies and redevelopment plans, economic development, project management in regards to opportunity zones and other technical assistance, as needed, as well as all planning services for the Land Use Boards and their respective Technical Review Committees; and,

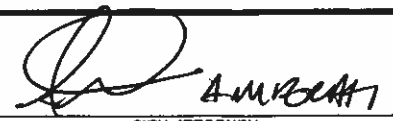
**WHEREAS**, Nishuane Group LLC, 105 Grove Street, Montclair, New Jersey, 07042, ("Nishuane") has demonstrated it has the necessary certifications, expertise and experience to provide the City and the Land Use Boards with high quality professional planning consultant services, having served in this capacity since at least 2016; and,

**WHEREAS**, Nishuane has proposed to provide professional planning services to the City and its Land Use Boards for a period of 12 months, beginning January 1, 2023, and continuing through December 31, 2023, in an amount not to exceed \$250,000.00, excluding fees for services rendered to the Land Use Boards in connection with development applications, which would be paid entirely from escrow deposits collected from applicants; and,

**WHEREAS**, the City wishes to enter into a professional services agreement ("Agreement") with Nishuane to provide planning consulting services to the City and its Land Use Boards under the aforementioned terms, and in the form appended hereto; and,

**WHEREAS**, Nishuane previously certified that it has not made any reportable contributions to a political or candidate committee in the City in the 1-year immediately prior to the term of the Agreement, and that it acknowledges it is prohibited from making any such reportable contributions during any period of providing services to the City and/or its Land Use Boards; and,

**WHEREAS**, the City's Chief Financial Officer has prepared the necessary Certificate of Availability of Funds certifying that, contingent upon Council approval and inclusion of said item

  
CITY ATTORNEY



in the Temporary Budget and adopted 2023 Budget, there will be sufficient funds to contract with Nishuane for this purpose in the applicable budget account.

**NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE CITY OF ORANGE TOWNSHIP** that the Agreement is hereby approved in accordance with its terms and the Mayor and all other required City officials are hereby authorized to execute same on behalf of the City; and,

**BE IT FURTHER RESOLVED** that notice of this action shall be published as required by law within 10 days of its passage.

Adopted:

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Joyce Lanier  
City Clerk

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Tency A. Eason  
Council President



CITY OF ORANGE TOWNSHIP  
FINANCE DEPARTMENT

CERTIFICATION OF FUNDS  
NEXT BUDGET

I, Nile Clements, Chief Financial Officer for the City of Orange Township, do hereby confirm that based on the Quote or RFP, RFQ, bid results or "extraordinary unspecifiable services" without competitive bids for 2023 service contract, and the resolution to be presented to the Council for approval, and contingent upon Council approval and inclusion of said item in the Temporary Budget and adopted 2023 Budget, there will be sufficient funds to contract with:

Vendor Name: Nishuane Group, LLC.  
Address: 105 Grove St.  
Suite 3

City: Montclair  
State: New Jersey  
Zip Code: 07042

Purpose: Professional Planning Consultant  
Vendor ID: NISHU010

Temporary Budget: \$ 62,500.00  
Fund: Current Fund  
Line Description PLD - Planning - Contractual Services  
Account Numbers(s): CY'23 3-01-20-170-000-528

The remainder of: \$ 187,500.00  
will be provided in  
Fund: Current Fund  
Line Description PLD - Planning - Contractual Services  
Account Numbers(s): CY'23 3-01-20-170-000-528

Purchase Order #: 23-00520

Amount not to exceed: \$ 250,000.00

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Division Head

Date

*Nile Clements*

2/16/2023

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Chief Financial Officer

Date



## **AGREEMENT FOR PROFESSIONAL PLANNING CONSULTANT SERVICES**

**This Agreement for Professional Planning Consultant Services ("Agreement") is made as of January 1, 2023, by and between:**

**City of Orange Township,  
a New Jersey Municipal Corporation,  
with offices at 29 North Day Street, Orange, New Jersey, 07050,  
("City"); and,**

**Nishuane Group LLC,  
a New Jersey Limited Liability Company,  
with offices at 105 Grove Street, Suite 3-4, Montclair, New Jersey, 07042,  
("Planning Consultant", together with the City, "Parties").**

### **Recitals**

**Whereas**, the City requires the services of a professionally-licensed, nationally-certified urban planner to provide professional planning services to the City, generally, as well as to the City's Planning Board, Zoning Board of Adjustment (together, "Land Use Boards") and relevant Technical Review/Advisory Committees, including without limitation: attending and providing professional planning guidance at pre-development and technical review meetings; preparing statutorily-required annual Zoning Board of Adjustment reports; preparing and presenting of blight studies, area investigations and redevelopment plans; performing planning work related to economic development; performing project management; preparation of updated zoning ordinances and zoning maps; attendance at monthly meetings, as needed, to discuss and report on planning related matters; and, other technical assistance, as needed; and,

**Whereas**, the Planning Consultant is a qualified firm of licensed professional planners and related practitioners with demonstrated qualifications to provide the City and its Land Use Boards with professional planning consultant services for a period of 12 months, beginning January 1, 2023, and continuing through December 31, 2023 ("Agreement Term"); and,

**Whereas**, the Planning Consultant certified that it has not made any reportable contributions to a political or candidate committee in the City within the previous 12 months, and acknowledged that appointment as the Planning Consultant prohibits it from making any reportable contributions throughout the Agreement Term; and,

**Whereas**, the Planning Consultant agreed to provide comprehensive, on-call professional planning consultant services to the City and the Land Use Boards on matters currently being handled and any additional matters that arise during the Agreement Term, in an amount not to exceed \$250,000.00 for services rendered to the City and non-application-related services rendered to the Land Use Boards, with fees for planning consultant services provided to the Land Use Boards in connection with any development application paid entirely by applicants through applicant-funded escrows; and,

**Whereas**, on \_\_\_\_\_, the City Council voted unanimously to adopt Resolution No. \_\_\_\_\_ appointing the Planning Consultant for the Agreement Term and authorizing the Mayor to execute this Agreement with the Planning Consultant.

**Now, Therefore**, the Parties hereby agree to the terms and conditions as set forth in further detail herein.

**Terms**

1. **Recitals.** All Recitals set forth above are hereby incorporated herein by reference.

2. **Scope of Services.** The Planning Consultant agrees to provide comprehensive, on-call professional planning consultant services to the City and the Land Use Boards on matters currently being handled and any additional matters that arise during the Agreement Term.

3. **Fees/Rates.** The Planning Consultant shall be compensated in accordance with the fees/rates set forth under *Schedule A*, in an amount not to exceed \$250,000.00 for services provided to the City and non-application-related services provided to the Land Use Boards, and with all application-related planning consultant services provided to the Land Use Boards paid entirely through applicant escrow funds.

**In Witness Whereof**, the Parties hereby execute this Agreement as of this date first written above.

For CITY OF ORANGE TOWNSHIP

Witness:

By: \_\_\_\_\_  
Honorable Dwayne D. Warren, Esq.  
Mayor

\_\_\_\_\_  
Joyce Lanier, RMC  
City Clerk

For NISHUANE GROUP LLC

Approved as to form and legality:

By: \_\_\_\_\_  
Michèle S. Delisfort, PP, AICP  
Managing Principal

By: \_\_\_\_\_  
Aaron Mizrahi, Esq.  
Deputy City Attorney

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[SCHEDULES FOLLOW ON NEXT PAGE]**



# **SCHEDULE A**

**2023 FEE SCHEDULE**

<b>Founding Principal</b> .....	<b>\$250.00/hour</b>
<b>Principal &amp; Managing Partner</b> .....	<b>\$200.00/hour</b>
<b>Senior Associate</b> .....	<b>\$175.00/hour</b>
<b>Associate</b> .....	<b>\$150.00/hour</b>
<b>Junior Associate</b> .....	<b>\$100.00/hour</b>
<b>Intern</b> .....	<b>\$35.00/hour</b>

# PLANNING BOARD

The City of Orange Township  
New Jersey



Date 01/25/2023

Resolution No. 03-2023

**TITLE: A RESOLUTION APPROVING GERARD M. HAIZEL, PP, AICP, OF NISHUANE GROUP LLC, TO PROVIDE PROFESSIONAL PLANNING CONSULTANT SERVICES TO THE PLANNING BOARD OF THE CITY OF ORANGE TOWNSHIP FOR A TERM COMMENCING JANUARY 1, 2023, AND CONTINUING THROUGH DECEMBER 31, 2023, TO BE COMPENSATED ENTIRELY THROUGH APPLICANT FEES AND ESCROW FUNDS.**

**WHEREAS**, the Local Public Contracts Law, *N.J.S.A. 40A:11-1 et seq.*, requires a resolution authorizing the award of contracts for professional services without competitive bids and that the contract itself be available for public inspection as set forth herein; and,

**WHEREAS**, the Municipal Land Use Law, *N.J.S.A. 40:55D-1 et seq.*, permits the Planning Board ("Board") of the City of Orange Township ("City") to contract for and fix the compensation of a professional planning consultant to provide advice on matters relating to planning and land use ("Board Planner"); and,

**WHEREAS**, the Board has concluded that Gerard M. Haizel, PP, AICP, of Nishuane Group LLC, has the qualifications and experience necessary to serve as the Board Planner; and,

**WHEREAS**, the Board Planner's fees for services rendered to the Board shall be paid entirely through applicant fees and escrow funds.

**NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING BOARD OF THE CITY OF ORANGE TOWNSHIP** that Gerard M. Haizel, PP, AICP, of Nishuane Group LLC, is hereby appointed as Board Planner for a term beginning as of January 1, 2023, and continuing through December 31, 2023, to be paid entirely through applicant fees and escrow funds; and,

**BE IT FURTHER RESOLVED** that the Board Chair is hereby authorized to execute an agreement with the Board Planner on the Board's behalf, reflecting these terms; and,

**BE IT FURTHER RESOLVED** that notice of this action shall be published as required by law within 10 days of its adoption.

**[REMAINDER OF PAGE INTENTIONALLY BLANK]**

**Motion to Approve Resolution**

Motion Date: January 26, 2022

M	2d	Member		AYE	NAY	N/V	N/P	
<input type="checkbox"/>	<input type="checkbox"/>	HOLMES, Dwight	Board Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	JONES, Antoinette	Board Vice Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	<input type="checkbox"/>	WARREN, Hon. Dwayne D	Mayor	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	<input type="checkbox"/>	EASON, Hon. Tency A.	Councilmember	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	MOBLEY, Christopher		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	M: Motion
<input type="checkbox"/>	<input type="checkbox"/>	ONYIUKE, Callistus		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	2d: Second
<input type="checkbox"/>	<input type="checkbox"/>	FAUSTIN, Enock		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	N/V: No Vote (Abstain/Excused)
<input type="checkbox"/>	<input type="checkbox"/>			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	N/P: Not Present

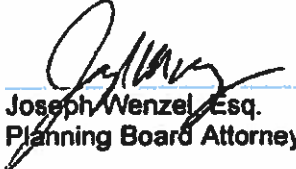
Vote Totals:      Approved  Rejected

I hereby certify the foregoing Resolution was adopted by the Planning Board of the City of Orange Township at its meeting on January 25, 2023.

  
 Dwight Holmes  
 Planning Board Chair

  
 Alexandra Reyes  
 Planning Board Secretary

Approved as to form and legality:

  
 Joseph Wenzel, Esq.  
 Planning Board Attorney

## Request for Taxpayer Identification Number and Certification

**Give Form to the  
requester. Do not  
send to the IRS.**

▶ Go to [www.irs.gov/FormW9](http://www.irs.gov/FormW9) for instructions and the latest information.

Print or type. See Specific Instructions on page 3.	<p><b>1</b> Name (as shown on your income tax return). Name is required on this line; do not leave this line blank. <b>Nishuane Group, LLC</b></p> <p><b>2</b> Business name/disregarded entity name, if different from above</p> <p><b>3</b> Check appropriate box for federal tax classification of the person whose name is entered on line 1. Check only one of the following seven boxes.</p> <p> <input type="checkbox"/> Individual/sole proprietor or single-member LLC                 <input type="checkbox"/> C Corporation                 <input checked="" type="checkbox"/> S Corporation                 <input type="checkbox"/> Partnership                 <input type="checkbox"/> Trust/estate         </p> <p> <input type="checkbox"/> Limited liability company. Enter the tax classification (C=C corporation, S=S corporation, P=Partnership) ▶ _____  <small>Note: Check the appropriate box in the line above for the tax classification of the single-member owner. Do not check LLC if the LLC is classified as a single-member LLC that is disregarded from the owner unless the owner of the LLC is another LLC that is not disregarded from the owner for U.S. federal tax purposes. Otherwise, a single-member LLC that is disregarded from the owner should check the appropriate box for the tax classification of its owner.</small> </p> <p> <input type="checkbox"/> Other (see instructions) ▶ _____         </p>	<p><b>4</b> Exemptions (codes apply only to certain entities, not individuals; see instructions on page 3):</p> <p>Exempt payee code (if any) _____</p> <p>Exemption from FATCA reporting code (if any) _____</p> <p><small>(Applies to accounts maintained outside the U.S.)</small></p>
	<p><b>5</b> Address (number, street, and apt. or suite no.) See instructions. <b>105 Grove Street</b></p> <p><b>6</b> City, state, and ZIP code <b>Montclair, NJ 07042</b></p> <p><b>7</b> List account number(s) here (optional)</p>	<p>Requester's name and address (optional)</p>

**Part I Taxpayer Identification Number (TIN)**

Enter your TIN in the appropriate box. The TIN provided must match the name given on line 1 to avoid backup withholding. For individuals, this is generally your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the instructions for Part I, later. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN*, later.

**Note:** If the account is in more than one name, see the instructions for line 1. Also see *What Name and Number To Give the Requester* for guidelines on whose number to enter.

Social security number									
OR									
Employer identification number									
7	4	-	3	2	3	4	1	7	2

**Part II Certification**

Under penalties of perjury, I certify that:

- The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me); and
- I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding; and
- I am a U.S. citizen or other U.S. person (defined below); and
- The FATCA code(s) entered on this form (if any) indicating that I am exempt from FATCA reporting is correct.

**Certification instructions.** You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the certification, but you must provide your correct TIN. See the instructions for Part II, later.

<b>Sign Here</b>	Signature of U.S. person ▶	Date ▶ 1/9/23
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**General Instructions**

Section references are to the Internal Revenue Code unless otherwise noted.

**Future developments.** For the latest information about developments related to Form W-9 and its instructions, such as legislation enacted after they were published, go to [www.irs.gov/FormW9](http://www.irs.gov/FormW9).

**Purpose of Form**

An individual or entity (Form W-9 requester) who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) which may be your social security number (SSN), individual taxpayer identification number (ITIN), adoption taxpayer identification number (ATIN), or employer identification number (EIN), to report on an information return the amount paid to you, or other amount reportable on an information return. Examples of information returns include, but are not limited to, the following.

- Form 1099-DIV (dividends, including those from stocks or mutual funds)
- Form 1099-MISC (various types of income, prizes, awards, or gross proceeds)
- Form 1099-B (stock or mutual fund sales and certain other transactions by brokers)
- Form 1099-S (proceeds from real estate transactions)
- Form 1099-K (merchant card and third party network transactions)
- Form 1098 (home mortgage interest), 1098-E (student loan interest), 1098-T (tuition)
- Form 1099-C (canceled debt)
- Form 1099-A (acquisition or abandonment of secured property)

Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN.

*If you do not return Form W-9 to the requester with a TIN, you might be subject to backup withholding. See What is backup withholding, later.*





# STATE OF NEW JERSEY BUSINESS REGISTRATION CERTIFICATE

**Taxpayer Name:** NISHUANE GROUP, LLC

**Trade Name:**

**Address:** 105 GROVE STREET  
MONTCLAIR, NJ 07042-2461

**Certificate Number:** 1340466

**Effective Date:** July 17, 2007

**Date of Issuance:** April 06, 2015

**For Office Use Only:**  
20150406175107109

