

REGULAR COUNCIL MEETING
FEBRUARY 13, 2013

Council Chamber, Municipal Building
Irvington, N.J. – Wednesday Evening
February 13, 2013 - 8:00 P.M.

- 1. Pledge of Allegiance
- 2. Moment of Silence
- 3. Roll Call

Present: Charnette Frederic, Paul Inman, Lebby C. Jones, Sandra R. Jones, David Lyons
Andrea C. McElroy, D. Bilal Beasley (arrived 8:23 P.M.)

Absent: None

Acting Council President McElroy read the Statement of Proper Notice pursuant to the Sunshine Law.

- 4. Hearing of Citizens on Agenda Items Only (limited to three minutes per person and thirty minutes total)

Cathy Southerland, 50 Adams Street

- 5. Hearing of Council Members

Council Member McElroy addressed the concerns raised by the above referenced citizen.

- 6. Reports & Recommendations of Township Officers, Boards & Commissions

A. Reports

- 1. Minutes – Directors’ Meeting – 1-29-13
- 2. Minutes - Planning Board Meeting – 1-24-13

- 7. Reports of Committees

None

- 8. Ordinances, Bills & Claims

B. Ordinances on 2nd Reading

None

C. Bills & Claims

McElroy – Lyons 2. Payrolls

January 12, 2013 through January 25, 2013

REGULAR	OVERTIME	OTHER EARNED	TOTAL
\$1,354,120.15	\$121,096.39	\$35,477.76	\$1,510,694.30

January 26, 2013 through February 8, 2013

REGULAR	OVERTIME	OTHER EARNED	TOTAL
\$8,746.15	\$	\$299,003.81	\$307,749.96

Adopted

Absent: Beasley

9. Resolutions & Motions

A. Resolutions

L.C. Jones – McElroy 1. Commemoration – African American History Month, 2013

**COMMEMORATION - 2013
AFRICAN AMERICAN HISTORY MONTH
87th ANNUAL OBSERVANCE**

WHEREAS, February is AFRICAN AMERICAN HISTORY MONTH and marks the 87th annual observance since inaugurated as Negro History Week in February 1926 by Dr. Carter G. Woodson, Jr., a Ph.D. from Harvard University, born to parents who were former slaves; and

WHEREAS, history is filled with the far reaching accomplishments of African Americans such as W.E.B. DuBois, Frederick Douglas, Paul Robeson, Harriet Tubman, Booker T. Washington, Hank Aaron, Ralph Bunch, Benjamin Banneker and more recently Colin Powell, Clarence Thomas, Condoleeza Rice and President Barack H. Obama and many others whose efforts continue to contribute to the growth of this nation; and

WHEREAS, America and the world continues to benefit from the achievements of African Americans, such as Dr. Martin Luther King, Jr., Coretta Scott King, Fannie Lou Hamer, Stokeley Carmichael and Gloria Richardson and Angela Davis who strove to make America a better place for all Americans no matter what their race, color, creed or economic status; and

WHEREAS, America continues to benefit from the struggle of African Americans for equality, and progress is made manifest through the presence of persons of African American heritage in all branches of government and public life including the Congress of the United States, the New Jersey State Legislature, as Mayors of various cities, the Irvington Municipal Council, the Irvington Chamber of Commerce, and the Irvington Board of Education, as well as other numerous commissions, committees and local agencies;

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that February, 2013 is hereby proclaimed as African American History Month in the Township of Irvington in recognition of the many contributions to the struggle for dignity and equality made by African American people; and

BE IT FURTHER RESOLVED that certified copies of this resolution be forwarded to the Irvington Public Library, the African American Heritage Committee and to the local branch of the N.A.A.C.P.

Adopted
Absent: Beasley

s. Jones – McElroy 2. Authorize Contracts with Certain Approved State Contract Vendors Exceeding the Pay to Play Threshold

**RESOLUTION AUTHORIZING CONTRACTS WITH CERTAIN APPROVED STATE
CONTRACT VENDORS EXCEEDING THE PAY TO PLAY THRESHOLD**

WHEREAS, the Township of Irvington, pursuant to N.J.S.A. 40A:11-12a and N.J.A.C. 5:34-7.29(c), may by resolution and without advertising for bids, purchase any goods or services under the State of New Jersey Cooperative Purchasing Program and Morris Co-op for any State contracts entered into on behalf of the State by the Division of Purchase and Property in the Department of the Treasury; and

WHEREAS, in compliance with NJSA 19:44A-20.13 ET Seq., the attached list of vendors will exceed the Pay to Play threshold of \$17,500.00

WHEREAS, the attached list of vendors "Pay to Play" disclosure requirements is on file in the Division of Purchasing and Municipal Clerk.

WHEREAS, the Township of Irvington intends to enter into contracts with the attached referenced State contract vendors and Morris Co-op vendors through this resolution and properly executed purchase orders or contracts when applicable this shall be subject to all the conditions applicable to the current State contracts;

Now, Therefore, Be It Resolved, that the Municipal Council of the Township of Irvington hereby authorizes the Purchasing Agent to purchase certain goods or services from those approved New Jersey State Contract Vendors on the attached list in excess of \$17,5000, pursuant to all conditions of the individual State contracts; and

Be It Further Resolved, that the governing body of the Township of Irvington, pursuant to N.J.A.C. 5:30-5.5(b), the certification of available funds, shall either certify the full maximum amount against the budget at the time the contract is awarded, or no contract amount shall be chargeable or certified until such time as the goods or services are ordered or otherwise called for prior to placing the order with a valid Purchase Order, and a certification of availability of funds is made by the Chief Finance Officer; and

Be It Further Resolved, that the duration of the contracts between the Township of Irvington and the referenced state contract vendors and Morris Co-op vendors shall be from January 01, 2013 until December 31, 2013.

Adopted
Absent: Beasley

L.C. Jones – Inman 3. Authorize Purchasing Agent to Sell Abandoned and Unclaimed Motor Vehicles at a Public Auction Authorizing the Public Auction of Unclaimed and Abandoned Motor Vehicles

WHEREAS, the Irvington Police Department has taken possession of motor vehicles found abandoned and unclaimed; and

WHEREAS, pursuant to N.J.S.A. 39:10A-1 provides for the public sale in a public place of such vehicles provided certain notice requirements are met; and

WHEREAS, the Police Department has complied with the provisions of N.J.S.A. 39:10A-1 as such relates to the disposition of such vehicles as identified on the attached list; and

WHEREAS, a request has been made by the department to sell the listed vehicles in accordance with the State statute cited herein.

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that:

(1) The Purchasing Agent is hereby authorized to sell the unclaimed motor vehicles as described in the attached list in a manner consistent with the requirements of N.J.S.A. 39:10A-1 and pursuant to the satisfaction of any properly documented credited storage and towing lien.

(2) The Purchasing Agent is hereby authorized to execute Motor Vehicle Title Certificates pursuant to the attached list on behalf of the Township for said vehicles.

(3) Any and all vehicles purchased at said auction shall be removed from the Tower's lot within thirty (30) days of sale.

Adopted
Absent: Beasley

McElroy – L.C. Jones 4. Authorize Use of Public Buildings as Polling Places for the 2013 Election Cycle

BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON, NEW JERSEY that the following public buildings are hereby authorized for election purposes for the Local School Board, Primary and General Elections during the year 2013:

WARD	DISTRICT	LOCATION
East	2 & 3	Shelter House, Parkway Playground
East	4	Grove Street Firehouse
West	8	Shelter House, 40th Street Playground
North	6, 7 & 8	Shelter House, Orange Park

Adopted
Absent: Beasley

L.C. Jones – Lyons 5. Award an Emergency Contract for Heavy Duty Equipments to Remove Fallen Trees-Debris – DRS Construction, LLC – \$19,000.00

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AWARD AN EMERGENCY CONTRACT FOR HEAVY DUTY EQUIPMENTS TO REMOVE FALLEN TREES/DEBRIS AFTER HURRICANE SANDY

WHEREAS, trees and other fallen debris related to Hurricane Sandy were in the municipality right of way, and,;

WHEREAS, the Department of Public Works and Shade Tree Commission were able to remove small trees, limbs and other debris from some residents' right of way to avoid a public safety emergency, and;

WHEREAS, additional heavy duty equipments beyond the current equipment available in the Department of Public Works and the Shade Tree Commission were required to remove large trees and other fallen debris, and

WHEREAS, this situation constitutes a threat to public health, safety, welfare, and the Governor of the State of New Jersey and the Mayor of the Township of Irvington declared a State of Emergency and DRS Construction, LLC, 348 Isabella Ave, Irvington, NJ 07111 had the necessary equipments available immediately to perform the work on an emergency basis, and;

WHEREAS, the total cost to rent the required equipments to complete the work was \$19,000.00.

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that it ratifies the decision of the Mayor of the Township of Irvington to authorize an emergency contract in the amount of \$19,000.00, DRS Construction, LLC, 348 Isabella Ave, Irvington, NJ 07111 to rent and operate heavy duty equipment for Hurricane Sandy related damages.

BE IT FURTHER RESOLVED, the Chief Financial Officer has paid to DRS Construction, LLC, the complete amount of \$19,000.00 on purchase order number 13-00265 from Account Number 2-01-46-870-184-299.

Adopted
Absent: Beasley

Inman – S. Jones 6. Authorize Tax Payment Plan – 9 - 20th Avenue - Total Amount to Redeem - \$14,531.78 – Payable Within 24 Months

WHEREAS, the Township of Irvington had an Accelerated Tax Sale on December 27, 2012 on lands known on the Tax Map of the Township of Irvington aforesaid as Block 137, Lot 19 owned by JAMES & MICHELLE ELIASSAINT, and that said Tax Sale advertised amount and subsequent municipal liens on said premises remain unpaid; and

WHEREAS, said Taxpayer JAMES & MICHELLE ELIASSAINT, has applied to the Municipal Council of the Township of Irvington for a leave to redeem the aforesaid property from the said Tax Sale and subsequent municipal liens by equal monthly installment payments in accordance with and pursuant to the provisions of N.J.S.A. 54:5-65 to 76, inclusive:

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that the Irvington Tax Collector be and she is hereby authorized to enter into the following agreement mentioned for the payment of tax arrears and current taxes on the premises 9 20TH AVENUE, BLOCK 137 LOT 19 on the Irvington Tax Map, TSC# 12-01898:

TSC# 12-01898	\$10,169.00
2013 1ST QTR TAXES	\$ 2,865.36

Total Interest & Cost Due to 02/13/2013	\$ 1,497.42
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Total Amount to Redeem	\$ 14,531.78
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NET AMOUNT TO REDEEM:	\$ 14,531.78
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2. That beginning MARCH 13, 2013 and on or before the 13TH day of each succeeding month thereafter, the Taxpayer JAMES & MICHELLE ELIASSAINT, shall pay to the Irvington Tax Collector the sum of \$725.49 each month to be applied by said Tax Collector on account of said municipal liens in the manner most convenient to her as provided by N.J.S.A. 54:5-74. In addition, the Taxpayer shall pay to the Tax Collector the current taxes as they become due on February 1st, May 1st, August 1st and November 1st of each year. The foregoing payments shall continue until all taxes and interest on tax arrears and current taxes as provided herein shall have been paid in full; all tax arrears and interest thereon must be paid within 24 months.

The Tax Collector shall provide a form of receipt or statement showing the dates of payments and the application thereof as to interest, expenses, charges, etc.

3. Upon the full satisfaction of the amount required to redeem said lands from said Tax Sale Certificate, including the subsequent municipal liens as aforesaid, together with Sewer user charges and current taxes, the Collector of Taxes shall deliver to said Taxpayer said Tax Sale Certificate properly endorsed for cancellation.

4. That should said Taxpayer JAMES & MICHELLE ELIASSAINT, default in the payment of any one said monthly installment payments, or in the payment of any current municipal taxes which may fall due against the aforementioned property, and should said default in any case continue for thirty (30) days from the time that such payment is due and payable then said agreement between said Taxpayer and the Township shall be terminated and void and all said municipal liens and taxes shall become immediately due and payable subject to enforcement by the Tax Collector of the Township of Irvington and sale according to law or by employment of any remedy available to the Township of Irvington according to law.

Adopted
Absent: Beasley

S. Jones – Inman 7. Waive Interest and Penalties on Past Due Taxes – 235 – 241 Munn Avenue - \$3,226.50

WHEREAS, a municipal lien was placed on 235-241 Munn Avenue at the Accelerated Tax Sale held on December 27, 2012 for delinquent/unpaid 2012 taxes in the amount of \$22,263.85; and

WHEREAS, the total amount due on 235-241 Munn Avenue, also known as Block 64 Lot 3, Tax Sale Cert# 12-01438, with interest and cost to February 13, 2013 is \$35,835.73 which includes the 2013 1st qtr taxes due February 1, 2013; and

WHEREAS, the owner of Essex Community Outreach Corp., Joseph Yeadon , has written a letter requesting an abatement of the interest owed on said certificate; and

WHEREAS, the interest and cost on Tax Sale Cert#12-01438 to February 13, 2013 is \$3,288.20; and

WHEREAS, the interest abatement applies to the certificate only and does not apply to the 2013 1st qtr taxes due February 1st in the amount of \$10,283.68; and

WHEREAS, the Governing Body may forgive interest, penalties and costs pursuant to the provisions of N.J.S.A. 54:4-99:

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that the Tax Collector is authorized and directed to abate the current interest charges of \$3,226.50 imposed on 235-241 Munn Avenue, Block 64 Lot 3 and the taxpayer be allowed to pay the principal amount of \$22,263.85 which is the amount of said certificate of sale #12-01438.

Adopted
Absent: Beasley

Lyons – Inman 8. Authorize Tax Payment Plan – 73 – 75 – 22nd Street - Total Amount to Redeem - \$21,829.87 – Payable Within 24 Months

WHEREAS, the Township of Irvington had an Accelerated Tax Sale on July 12, 2010 on lands known on the Tax Map of the Township of Irvington aforesaid as Block 148, Lot 29 owned by HUMBERTO VASQUEZ, and that said Tax Sale advertised amount and subsequent municipal liens on said premises remain unpaid; and

WHEREAS, said Taxpayer HUMBERTO VASQUEZ, has applied to the Municipal Council of the Township of Irvington for a leave to redeem the aforesaid property from the said Tax Sale and subsequent municipal liens by equal monthly installment payments in accordance with and pursuant to the provisions of N.J.S.A. 54:5-65 to 76, inclusive:

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that the Irvington Tax Collector be and she is hereby authorized to enter into the following agreement mentioned for the payment of tax arrears and current taxes on the premises 73-75 22ND STREET, BLOCK 148 LOT 29 on the Irvington Tax Map, TSC# 100943:

TSC# 100943	\$ 5,374.01
2010 3 RD /4 TH QTR TAXES	\$ 3,134.12
2011 TAXES	\$ 6,454.50
2012 TAXES	\$ 6,628.05
2013 1ST QTR TAXES	\$ 1,657.02
2011 SEWER	\$ 360.00
2012 SEWER	\$ 360.00

Total Interest & Cost Due to 02/13/2013	\$ 5,862.17
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Total Amount to Redeem	\$ 29,829.87
Less Initial Deposit	(\$ 8,000.00)

NET AMOUNT TO REDEEM:	\$21,829.87
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2. That beginning MARCH 13, 2013 and on or before the 13TH day of each succeeding month thereafter, the Taxpayer HUMBERTO VASQUEZ, shall pay to the Irvington Tax Collector the sum of 1,089.84 each month to be applied by said Tax Collector on account of said municipal liens in the manner most convenient to her as provided by N.J.S.A. 54:5-74. In addition, the Taxpayer shall pay to the Tax Collector the current taxes as they become due on February 1st, May 1st,

August 1st and November 1st of each year. The foregoing payments shall continue until all taxes and interest on tax arrears and current taxes as provided herein shall have been paid in full; all tax arrears and interest thereon must be paid within 24 months.

The Tax Collector shall provide a form of receipt or statement showing the dates of payments and the application thereof as to interest, expenses, charges, etc.

3. Upon the full satisfaction of the amount required to redeem said lands from said Tax Sale Certificate, including the subsequent municipal liens as aforesaid, together with Sewer user charges and current taxes, the Collector of Taxes shall deliver to said Taxpayer said Tax Sale Certificate properly endorsed for cancellation.

4. That should said Taxpayer HUMBERTO VASQUEZ, default in the payment of any one said monthly installment payments, or in the payment of any current municipal taxes which may fall due against the aforementioned property, and should said default in any case continue for thirty (30) days from the time that such payment is due and payable then said agreement between said Taxpayer and the Township shall be terminated and void and all said municipal liens and taxes shall become immediately due and payable subject to enforcement by the Tax Collector of the Township of Irvington and sale according to law or by employment of any remedy available to the Township of Irvington according to law.

Adopted
Absent: Beasley

McElroy – S. Jones 9. Authorize Tax Payment Plan – 32 Rosehill Place - Total Amount to Redeem - \$11,445.39 - Payable Within 24 Months

WHEREAS, the Township of Irvington had an Accelerated Tax Sale on December 27, 2012 on lands known on the Tax Map of the Township of Irvington aforesaid as Block 224, Lot 25 owned by RAYMOND E. GATLING, and that said Tax Sale advertised amount and subsequent municipal liens on said premises remain unpaid; and

WHEREAS, said Taxpayer RAYMOND E. GATLING, has applied to the Municipal Council of the Township of Irvington for a leave to redeem the aforesaid property from the said Tax Sale and subsequent municipal liens by equal monthly installment payments in accordance with and pursuant to the provisions of N.J.S.A. 54:5-65 to 76, inclusive:

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that the Irvington Tax Collector be and she is hereby authorized to enter into the following agreement mentioned for the payment of tax arrears and current taxes on the premises 32 ROSEHILL PLACE, BLOCK 224 LOT 25 on the Irvington Tax Map, TSC# 12-02362:

TSC# 12-02362	\$ 7,388.64
2013 1ST QTR TAXES	\$ 3,557.91

Total Interest & Cost Due to 02/13/2013	\$ 498.84
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Total Amount to Redeem	\$ 11,445.39
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NET AMOUNT TO REDEEM:	\$ 11,445.39
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2. That beginning MARCH 13, 2013 and on or before the 13TH day of each succeeding month thereafter, the Taxpayer RAYMOND E. GATLING, shall pay to the Irvington Tax Collector the sum of \$571.40 each month to be applied by said Tax Collector on account of said municipal liens in the manner most convenient to her as provided by N.J.S.A. 54:5-74. In addition, the Taxpayer shall pay to the Tax Collector the current taxes as they become due on February 1st, May 1st, August 1st and November 1st of each year. The foregoing payments shall continue until all taxes

and interest on tax arrears and current taxes as provided herein shall have been paid in full; all tax arrears and interest thereon must be paid within 24 months.

The Tax Collector shall provide a form of receipt or statement showing the dates of payments and the application thereof as to interest, expenses, charges, etc.

3. Upon the full satisfaction of the amount required to redeem said lands from said Tax Sale Certificate, including the subsequent municipal liens as aforesaid, together with Sewer user charges and current taxes, the Collector of Taxes shall deliver to said Taxpayer said Tax Sale Certificate properly endorsed for cancellation.

4. That should said Taxpayer RAYMOND E. GATLING, default in the payment of any one said monthly installment payments, or in the payment of any current municipal taxes which may fall due against the aforementioned property, and should said default in any case continue for thirty (30) days from the time that such payment is due and payable then said agreement between said Taxpayer and the Township shall be terminated and void and all said municipal liens and taxes shall become immediately due and payable subject to enforcement by the Tax Collector of the Township of Irvington and sale according to law or by employment of any remedy available to the Township of Irvington according to law.

Adopted

Absent: Beasley

S. Jones – Inman 10. Authorize Tax Payment Plan -- Total - \$6,342.88 Amount to Redeem - \$6,342.88 – Payable Within 12 Months

WHEREAS, the Township of Irvington had an Accelerated Tax Sale on December 27, 2012 on lands known on the Tax Map of the Township of Irvington aforesaid as Block 98, Lot 8 owned by WINSLOW GORDON, and that said Tax Sale advertised amount and subsequent municipal liens on said premises remain unpaid; and

WHEREAS, said Taxpayer WINSLOW GORDON, has applied to the Municipal Council of the Township of Irvington for a leave to redeem the aforesaid property from the said Tax Sale and subsequent municipal liens by equal monthly installment payments in accordance with and pursuant to the provisions of N.J.S.A. 54:5-65 to 76, inclusive:

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that the Irvington Tax Collector be and she is hereby authorized to enter into the following agreement mentioned for the payment of tax arrears and current taxes on the premises 126 BROOKSIDE AVENUE, BLOCK 98 LOT 8 on the Irvington Tax Map, TSC# 12-01709:

TSC# 12-01709	\$ 4,243.78
2013 1ST QTR TAXES	\$ 1,893.25

Total Interest & Cost Due to 02/13/2013	\$ 205.85
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Total Amount to Redeem	\$ 6,342.88
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NET AMOUNT TO REDEEM:	\$ 6,342.88
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2. That beginning MARCH 13, 2013 and on or before the 13TH day of each succeeding month thereafter, the Taxpayer WINSLOW GORDON, shall pay to the Irvington Tax Collector the sum of \$581.52 each month to be applied by said Tax Collector on account of said municipal liens in the manner most convenient to her as provided by N.J.S.A. 54:5-74. In addition, the Taxpayer shall pay to the Tax Collector the current taxes as they become due on February 1st, May 1st, August 1st and November 1st of each year. The foregoing payments shall continue until all taxes and interest on tax arrears and current taxes as provided herein shall have been paid in full; all tax arrears and interest thereon must be paid within 12 months.

The Tax Collector shall provide a form of receipt or statement showing the dates of payments and the application thereof as to interest, expenses, charges, etc.

3. Upon the full satisfaction of the amount required to redeem said lands from said Tax Sale Certificate, including the subsequent municipal liens as aforesaid, together with Sewer user charges and current taxes, the Collector of Taxes shall deliver to said Taxpayer said Tax Sale Certificate properly endorsed for cancellation.

4. That should said Taxpayer WINSLOW GORDON, default in the payment of any one said monthly installment payments, or in the payment of any current municipal taxes which may fall due against the aforementioned property, and should said default in any case continue for thirty (30) days from the time that such payment is due and payable then said agreement between said Taxpayer and the Township shall be terminated and void and all said municipal liens and taxes shall become immediately due and payable subject to enforcement by the Tax Collector of the Township of Irvington and sale according to law or by employment of any remedy available to the Township of Irvington according to law.

Adopted
Absent: Beasley

McElroy – S. Jones 11. Replacement Appointment – Irvington Housing Authority Commissioner – Vernal Cox Replacing Charles Motley

WHEREAS, a vacancy exists in the membership of the Irvington Housing Authority due to the resignation of Charles Motley:

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that the following named person is hereby appointed as a Commissioner of the Irvington Housing Authority to fill the unexpired term of Charles Motley, said term to expire as indicated below:

NAME & ADDRESS	TERM TO EXPIRE
Vernal C. Cox Sr. 52 Glorieux Street	11-22-15

Adopted
Absent: Beasley

S. Jones –Lyons 12. Authorize Tax Payment Plan – 19 Victor Place - Total Amount to Redeem - \$6,601.15 – Payable Within 12 Months

WHEREAS, the Township of Irvington had an Accelerated Tax Sale on December 27, 2012 on lands known on the Tax Map of the Township of Irvington aforesaid as Block 193, Lot 15 owned by ROY M. FINE & ANNIE MC CORMICK, and that said Tax Sale advertised amount and subsequent municipal liens on said premises remain unpaid; and

WHEREAS, said Taxpayer ROY M. FINE & ANNIE MC CORMICK, has applied to the Municipal Council of the Township of Irvington for a leave to redeem the aforesaid property from the said Tax Sale and subsequent municipal liens by equal monthly installment payments in accordance with and pursuant to the provisions of N.J.S.A. 54:5-65 to 76, inclusive:

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that the Irvington Tax Collector be and she is hereby authorized to enter into the following agreement mentioned for the payment of tax arrears and current taxes on the premises 19 VICTOR PLACE, BLOCK 193 LOT 15 on the Irvington Tax Map, TSC# 12-02127:

TSC# 12-02127	\$ 4,661.89
2013 1ST QTR TAXES	\$ 1,716.50

Total Interest & Cost Due to 02/13/2013	\$ 222.76
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Total Amount to Redeem \$ 6,601.15

NET AMOUNT TO REDEEM: \$ 6,601.15

2. That beginning MARCH 13, 2013 and on or before the 13TH day of each succeeding month thereafter, the Taxpayer ROY M. FINE & ANNIE MC CORMICK, shall pay to the Irvington Tax Collector the sum of \$605.19 each month to be applied by said Tax Collector on account of said municipal liens in the manner most convenient to her as provided by N.J.S.A. 54:5-74. In addition, the Taxpayer shall pay to the Tax Collector the current taxes as they become due on February 1st, May 1st, August 1st and November 1st of each year. The foregoing payments shall continue until all taxes and interest on tax arrears and current taxes as provided herein shall have been paid in full; all tax arrears and interest thereon must be paid within 12 months.

The Tax Collector shall provide a form of receipt or statement showing the dates of payments and the application thereof as to interest, expenses, charges, etc.

3. Upon the full satisfaction of the amount required to redeem said lands from said Tax Sale Certificate, including the subsequent municipal liens as aforesaid, together with Sewer user charges and current taxes, the Collector of Taxes shall deliver to said Taxpayer said Tax Sale Certificate properly endorsed for cancellation.

4. That should said Taxpayer ROY M. FINE & ANNIE MC CORMICK, default in the payment of any one said monthly installment payments, or in the payment of any current municipal taxes which may fall due against the aforementioned property, and should said default in any case continue for thirty (30) days from the time that such payment is due and payable then said agreement between said Taxpayer and the Township shall be terminated and void and all said municipal liens and taxes shall become immediately due and payable subject to enforcement by the Tax Collector of the Township of Irvington and sale according to law or by employment of any remedy available to the Township of Irvington according to law.

Adopted
Absent: Beasley

McElroy – Lyons 13. Authorize Tax Payment Plan – 167 Orange Ave – Total Amount to Redeem - \$5,369.42 – Payable Within 24 Months

WHEREAS, the Township of Irvington had an Accelerated Tax Sale on December 27, 2012 on lands known on the Tax Map of the Township of Irvington aforesaid as Block 46, Lot 20 owned by DAISY FUQUA, and that said Tax Sale advertised amount and subsequent municipal liens on said premises remain unpaid; and

WHEREAS, said Taxpayer DAISY FUQUA, has applied to the Municipal Council of the Township of Irvington for a leave to redeem the aforesaid property from the said Tax Sale and subsequent municipal liens by equal monthly installment payments in accordance with and pursuant to the provisions of N.J.S.A. 54:5-65 to 76, inclusive:

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that the Irvington Tax Collector be and she is hereby authorized to enter into the following agreement mentioned for the payment of tax arrears and current taxes on the premises 167 ORANGE AVENUE, BLOCK 46 LOT 20 on the Irvington Tax Map, TSC# 12-01326:

TSC# 12-01326 \$ 3,643.41
2013 1ST QTR TAXES \$ 1,552.03

Total Interest & Cost Due to 02/13/2013 \$ 173.98

Total Amount to Redeem \$ 5,369.42

NET AMOUNT TO REDEEM: \$ 5,369.42

2. That beginning MARCH 13, 2013 and on or before the 13TH day of each succeeding month thereafter, the Taxpayer DAISY FUQUA, shall pay to the Irvington Tax Collector the sum of \$268.06 each month to be applied by said Tax Collector on account of said municipal liens in the manner most convenient to her as provided by N.J.S.A. 54:5-74. In addition, the Taxpayer shall pay to the Tax Collector the current taxes as they become due on February 1st, May 1st, August 1st and November 1st of each year. The foregoing payments shall continue until all taxes and interest on tax arrears and current taxes as provided herein shall have been paid in full; all tax arrears and interest thereon must be paid within 24 months.

The Tax Collector shall provide a form of receipt or statement showing the dates of payments and the application thereof as to interest, expenses, charges, etc.

3. Upon the full satisfaction of the amount required to redeem said lands from said Tax Sale Certificate, including the subsequent municipal liens as aforesaid, together with Sewer user charges and current taxes, the Collector of Taxes shall deliver to said Taxpayer said Tax Sale Certificate properly endorsed for cancellation.

4. That should said Taxpayer DAISY FUQUA, default in the payment of any one said monthly installment payments, or in the payment of any current municipal taxes which may fall due against the aforementioned property, and should said default in any case continue for thirty (30) days from the time that such payment is due and payable then said agreement between said Taxpayer and the Township shall be terminated and void and all said municipal liens and taxes shall become immediately due and payable subject to enforcement by the Tax Collector of the Township of Irvington and sale according to law or by employment of any remedy available to the Township of Irvington according to law.

Adopted
Absent: Beasley

S. Jones – Lyons 14. Award an Emergency Contract for Heavy Duty Equipment to Remove Fallen Trees-Debris – Capital Investment Net., LLC. – \$90,528.57

AWARD AN EMERGENCY CONTRACT FOR HEAVY DUTY EQUIPMENTS TO REMOVE FALLEN TREES/DEBRIS AFTER HURRICANE SANDY

WHEREAS, trees and other fallen debris related to Hurricane Sandy were in the municipality right of way; and

WHEREAS, the Department of Public Works and Shade Tree Commission were able to remove small trees, limbs and other debris from some residents' right of way to avoid a public safety emergency; and

WHEREAS, additional heavy duty equipments beyond the current equipment available in the Department of Public Works and the Shade Tree Commission were required to remove large trees and other fallen debris; and

WHEREAS, this situation constitutes a threat to public health, safety, welfare, and the Governor of the State of New Jersey and the Mayor of the Township of Irvington declared a State of Emergency and Capital Investment Net., LLC had the necessary equipments available immediately to perform the work on an emergency basis; and

WHEREAS, the total cost to rent the required equipments to complete the work was \$90,528.57.

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that it ratifies the decision of the Mayor of the Township of Irvington to authorize an emergency contract in the amount of \$90, 5828.57 to Capital Investment Net., LLC of Jackson NJ to rent and operate heavy duty equipment for Hurricane Sandy related damages.

BE IT FURTHER RESOLVED, the Chief Financial Officer has paid Capital Investment Net., LLC, the complete amount of \$90,528.57 on purchase orders, 12-07377, 12-07537, 12-07913 and 12-07987, Account Number 2-01-21-165-165-299.

Adopted
Absent: Beasley

Lyons – S. Jones 15. Award an Emergency Contract for Gasoline and Diesel - National - \$396,502.10

**AWARD AN EMERGENCY CONTRACT AND PAYMENT TO NATIONAL
FUEL FOR GASOLINE AND DIESEL**

WHEREAS, the total gasoline and diesel fuel purchased for the calendar year 2012 exceeded the bid threshold, and;

WHEREAS, the Township of Irvington needed gasoline and diesel fuel to operate and maintain the safety and welfare of the public, and;

WHEREAS, former State of New Jersey gasoline and diesel vendor, National Fuel of 175 Orange Street, Newark, NJ 07103, supplied the Township with fuel when requested by the Department of Public Works, and;

WHEREAS, the total amount procured for this commodity for calendar year 2012 was \$396,502.10.

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON, that an emergency contract and payment in the amount of \$396,502.10 to National Fuel of Newark NJ 07103 for gasoline and diesel fuel for calendar year 2012; and

BE IT FURTHER RESOLVED, the Chief Financial Officer has paid National Fuel of Newark, NJ, the complete amount \$396,502.10 on purchase orders, 12-02924, 12-03163, 12-03203, 12-03834, 12-03836, 12-04166, 12-04646, 12-05174, 12-05175, 12-05244, 12-06162, 12-06163, 12-06164, 12-07136, 12-07139, 12-07144, 12-07146, 12-07296, 12-07386, 12-07560, 13-00352 and 13-00353 from Account number 2-01-31-460-298.

Adopted
Absent: Beasley

Lyons – L.C. Jones 16. Award an Emergency Contract for Heavy Duty Equipments to Remove Fallen Trees-Debris – LVJ Planning LLC – \$30,329.00

**RESOLUTION TO AWARD AN EMERGENCY CONTRACT FOR HEAVY DUTY
EQUIPMENTS TO REMOVE FALLEN TREES/DEBRIS AFTER HURRICANE SANDY**

WHEREAS, trees and other fallen debris related to Hurricane Sandy were in the municipality right of way, and,;

WHEREAS, the Department of Public Works and Shade Tree Commission were able to remove small trees, limbs and other debris from some residents' right of way to avoid a public safety emergency, and;

WHEREAS, additional heavy duty equipments beyond the current equipment available in the Department of Public Works and the Shade Tree Commission were required to remove large trees and other fallen debris, and

WHEREAS, this situation constitutes a threat to public health, safety, welfare, and the Governor of the State of New Jersey and the Mayor of the Township of Irvington declared a State of Emergency and LVJ Planning, LLC, 1 Sager place, Irvington, NJ 07111 had the necessary equipments available immediately to perform the work on an

emergency basis, and;

WHEREAS, the total cost to rent the required equipments to complete the work was \$30,329.00.

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that it ratifies the decision of the Mayor of the Township of Irvington to authorize an emergency contract in the amount of \$30,329.00 to LVJ Planning, LLC, 1 Sager place, Irvington, NJ to rent and operate heavy duty equipment for Hurricane Sandy related damages.

BE IT FURTHER RESOLVED, the Chief Financial Officer has paid to LVJ Planning, LLC, the complete amount of \$30,329.00, Account Number 2-01-21-165-165-118.

Adopted
Absent: Beasley

S. Jones – McElroy 17. Resolution of Sorrow – Bishop Francis

WHEREAS, Bishop Dr. Walter G. Francis, Jr. peacefully entered into eternal rest on Monday, February 4th, 2013. He served as the Bishop and Pastor of Faith Gospel Tabernacle in New Jersey for over 38 years. The ministry has grown and expanded to include branches in Mount Vernon, NY as well as Bridgeport and Hartford, Connecticut; and

WHEREAS, Bishop Francis was born to Walter George Francis and Dalseda Mitchell in Manchester, Jamaica W.I. on April 16th, 1938. With the zeal and desire to pursue a better life, he migrated to England. There, he began to pray and fast for his life's-partner. God revealed to him in a dream that his wife would be Naomi, the woman he met and fell in love with when he was a teenager. Walter wrote a letter to Naomi. He only needed one page to express the love and affection he had for her. To this day, Naomi recalls the words written within that letter: "If you are free, single, and disengaged, will you marry me?" Without hesitation, Naomi followed her heart, picked up her plane ticket, and moved to England. Soon after, the couple gave birth to their son, Leroy, and then their daughter, Heather. According to Naomi, Walter was *'the donor of her rib'*, always going above and beyond for his *'queen'*. Their love was one with no end and she was happy to have married *'the man of her dreams'*; and.

WHEREAS, Bishop Francis was not only a devoted husband, but an honorable father as well. His children looked up to him as a man with great morals, strong work ethics and a willingness to sacrifice. He was a man who nursed his grandchildren when his daughter was injured and unable to do so herself. He was a man who drove miles away in the middle of the night after receiving a phone call that his son had been involved in a car accident due to a drunk driver. Walter loved his children like any great father would. When they were hurt, he was hurt. He interceded on their behalf and believed that they would overcome any obstacle that came their way. Walter had great faith in his children; and

WHEREAS, Bishop Francis accomplished every goal he set for himself with class and humility. After overseeing Calvary Evangelistic Church in Yonkers, NY and Newark, NJ under the leadership of Dr. Barnes, he was obedient to the Holy Spirit, which led to the birth of Faith Gospel Tabernacle. The ministry was established within the Francis' home, holding services with their children in their living room. Soon after, their congregation expanded and resulted in the need for a larger facility. Bishop Francis along with the members acquired a building at 35 Augusta Street in Irvington, NJ. This was only the beginning of an extraordinary journey. The process was long and he faced numerous disappointments, but he continued to exercise his faith in God and after diligently seeking, praying and fasting with his congregation, they were able to obtain and purchase 70 Mill Road in Irvington, NJ on June 29, 1998; and

Bishop Francis earned a degree in religious studies from Calvary Bible Institute in New York, and later attended Regional Seminary in New Jersey in New Jersey. He obtained a Bachelor's degree in Religious Education and a Masters degree in Theology from Lighthouse Christian College, Arkansas. In addition, he received his honorary Doctorate degree from

Christ Theological Seminary. In recent years, Bishop Francis became a member of the International College of Bishops. The legacy of his ministry is to win souls for the Kingdom through salvation in Christ, and to be a beacon of hope and restoration in the community:

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that it hereby mourns the death of Bishop Dr. Walter G. Francis, Jr. and sends its sincerest condolences to the members of his family and congregation; and

BE IT FURTHER RESOLVED that a copy of this resolution be spread upon the minutes of this governing body as a lasting tribute to Bishop Dr. Walter G. Francis, Jr.

Adopted
Absent: Beasley

Inman – S. Jones 18. Appointment – Citizens Advisory Commission – Alvin Mullins

WHEREAS, vacancies currently exist on the Citizens Advisory Commission due to the expiration of the terms of its members:

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that the following named person is hereby appointed as a member of the Citizens Advisory Commission for a term as indicated below:

NAME & ADDRESS	WARD & DISTRICT	APPOINTED BY	TERM TO EXPIRE
Alvin B. Mullins 32 Argyle Terrace	E-4	Council Member Inman	9-10-14

Adopted
Absent: Beasley

10. Communications & Petitions

A. Communications

None

11. Pending Business

A. Amend Section 5-11 of Revised Code – Change Hour of Caucus Meeting to 6:00 P.M., Directors' Meeting to 6:00 P.M. and Regular Council Meeting to 7:00 P.M. [REFERRED TO COUNCIL'S AD HOC COMMITTEE]

B. Amend and Supplement Chapter 98 of Revised Code – Fee for the Costs of Providing Reproducing Public Solicitation Documents

12. Miscellaneous

A. Bingos and Raffles

S. Jones – McElroy 1. Irvington Chamber of Commerce Foundation

NON-CONSENT AGENDA ITEMS

8. Ordinances, Bills & Claims

A. Ordinances on 1st Reading

L.C. Jones – McElroy 1. Amend and Supplement Chapters 98, 139, 165 and 171 of Revised Code – Map Fees, Ratify Drug Free School Zone Map, and Sanitary Sewer and Sidewalk Maintenance

ORDINANCE TO AMEND SECTIONS 98, 139, 165 AND 171 OF THE GENERAL ORDINANCES OF THE TOWNSHIP OF IRVINGTON

Council Members Inman, L.C. Jones and Frederic spoke.

Defeated
Yes: L.C. Jones, S. Jones, McElroy
No: Inman, Frederic. Lyons
Absent: Beasley

S. Jones - Frederic 2. Amend and Supplement Chapter 183 (Taxicabs) of Revised Code
Establishing the Fee for a Taxicab Drivers License

AN ORDINANCE TO AMEND CHAPTER 183 (TAXICABS) OF THE CODE OF THE TOWNSHIP OF IRVINGTON AND ESTABLISHING THE FEE FOR A TAXICAB DRIVERS LICENSE

Adopted
Absent: Beasley

C. Bills & Claims

S. Jones – McElroy 1. Bill Lists

RESOLVED THAT THE BILLS AND CLAIMS AGAINST THE TOWNSHIP OF IRVINGTON FOR A PERIOD ENDING FEBRUARY 13, 2013, AS ENUMERATED ON THIS LIST FOR MATERIALS, SUPPLIES AND SERVICES FURNISHED, DELIVERED AND/OR PERFORMED HAVE BEEN CERTIFIED BY THE DEPARTMENTS AS CORRECT, EACH CLAIM AND PURCHASE ORDER HAVE BEEN VERIFIED AND REVIEWED FOR THE AVAILABILITY OF FUNDS, ACCURACY OF ACCOUNT CODING AND COMPLETENESS BY THE ADMINISTRATION, THEREFORE:

BE IT RESOLVED, BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON THAT THE FOLLOWING BE PAID BY THE CHIEF FINANCIAL OFFICER:

BILL LIST	\$3,523,915.97
SUPPLEMENTAL	\$2,488,791.91
TOTAL	\$6,012,707.67

Adopted
No: Lyons
Absent: Beasley

9. Resolutions & Motions

A. Resolutions

McElroy – S. Jones 19. Authorize Execution of First Amendment to the Redevelopment and Purchase and Sale Agreement for the Former Irvington General Hospital Site

AUTHORIZE EXECUTION OF THE FIRST AMENDMENT TO THE REDEVELOPMENT AND PURCHASE AND SALE AGREEMENT FOR THE IRVINGTON GENERAL HOSPITAL SITE

WHEREAS, the Municipal Council of the Township of Irvington (the “Township Council”) designated parcels located in the Township’s Urban Enterprise Zone as an area in need of rehabilitation (the “UEZ Rehabilitation Area”) by Resolution UEZ 07-0227-5; and

WHEREAS, the *Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq.* (the “Act”) authorizes municipalities to adopt a redevelopment plan for an area designated as an “area in need of rehabilitation” pursuant to which redevelopment projects are to be undertaken; and

WHEREAS, in accordance with the provisions of *N.J.S.A.* 40A:12A-7 the Township Council adopted a Redevelopment Plan for the UEZ Rehabilitation Area by Ordinance No. 3351 in accordance with the requirements of *N.J.S.A.* 40A:12A-7; and

WHEREAS, to realize the redevelopment of the UEZ Rehabilitation Area, the Township Council determined to exercise the powers of redevelopment and serve as the “Redevelopment Entity” responsible for carrying out redevelopment projects in the UEZ Rehabilitation Area in accordance with the Redevelopment Plan pursuant to *N.J.S.A.* 40A: 12A-4(c); and

WHEREAS, Kapwood, LLC (the “Redeveloper”) submitted a concept for mixed-use redevelopment (the “Project”) to the Township of Irvington (the “Township”) for its review and consideration for a portion of the UEZ Rehabilitation Area identified as Block 324 Lot 1 on the official tax maps of the Township (the “Property”) and commonly referred to as the Irvington General Hospital Site; and

WHEREAS, in accordance with Resolution No. UEZ 12-0925-10, the Township entered into a Redevelopment and Purchase and Sale Agreement with Redeveloper dated October 12, 2012 (the “Redevelopment Agreement”), which Redevelopment Agreement sets forth the rights and responsibilities of the Township and the Redeveloper with respect to the Project and the Property; and

WHEREAS, capitalized terms used but not specifically defined herein shall have the meanings ascribed to them in the Redevelopment Agreement; and

WHEREAS, the Redevelopment Agreement specifies the respective rights and responsibilities of the Township and the Redeveloper with respect to the Project, including but not limited to, timeframes to complete certain due diligence and the submission of site plan and building permit applications; and

WHEREAS, since Effective Date of the Redevelopment Agreement, and in accordance with the terms thereof, the Township Administration and Redeveloper have been working together to refine the proposed Project, with the ultimate objective of increasing its ultimate potential for successful completion and implementation, all in the best interests of the Township and its residents; and

WHEREAS, the Township and the Redeveloper have agreed on certain changes related to the implementation of the Project, including timeframes to complete certain due diligence and the submission of site plan and building permit applications, and such changes require amendments to certain provisions of the Redevelopment Agreement; and

WHEREAS, a draft of the proposed “*First Amendment to Redevelopment and Purchase and Sale Agreement*” (the “RDA First Amendment”), setting forth the proposed modifications to the Redevelopment Agreement, is attached hereto as Exhibit A;

NOW, THEREFORE BE IT RESOLVED by the Municipal Council of the Township of Irvington, in the County of Essex, New Jersey, as follows:

The aforementioned recitals and the Exhibit hereto are incorporated herein as though fully set forth at length.

The Township hereby authorizes the execution of the RDA First Amendment in substantially the form attached hereto as Exhibit A. The Mayor is hereby authorized to execute the RDA First Amendment in substantially the form attached hereto, with such additions, deletions and modifications as may be necessary in consultation with the Township Attorney and Special Redevelopment Counsel.

If any part of this Resolution shall be deemed invalid, such parts shall be severed and the invalidity thereby shall not affect the remaining parts of this Resolution.

A copy of this Resolution shall be available for public inspection at the offices of the Township.

This Resolution shall take effect upon final passage.

Adopted

Absent: Beasley

McElroy – S. Jones 20. Authorize Consent to Kapwood, LLC’s Assignment of its Interest in a Redevelopment and Purchase and Sale Agreement to a Related Project Entity Regarding the Former Irvington General Hospital Site

RESOLUTION OF THE TOWNSHIP OF IRVINGTON, COUNTY OF ESSEX CONSENTING TO KAPWOOD, LLC’S ASSIGNMENT OF ITS INTEREST IN A REDEVELOPMENT AND PURCHASE AND SALE AGREEMENT TO A RELATED PROJECT ENTITY

WHEREAS, the Municipal Council of the Township (the “Township Council”) designated parcels located in the Township’s Urban Enterprise Zone as an area in need of rehabilitation (the “UEZ Rehabilitation Area”) by Resolution UEZ 07-0227-5; and

WHEREAS, the *Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq.* (the “Act”) authorizes municipalities to adopt a redevelopment plan for an area designated as an “area in need of rehabilitation” pursuant to which redevelopment projects are to be undertaken; and

WHEREAS, in accordance with the provisions of *N.J.S.A. 40A:12A-7* the Township Council adopted a Redevelopment Plan for the UEZ Rehabilitation Area by Ordinance No. 3351 in accordance with the requirements of *N.J.S.A. 40A:12A-7*; and

WHEREAS, to realize the redevelopment of the UEZ Rehabilitation Area, the Township Council determined to exercise the powers of redevelopment and serve as the “Redevelopment Entity” responsible for carrying out redevelopment projects in the UEZ Rehabilitation Area in accordance with the Redevelopment Plan pursuant to *N.J.S.A. 40A: 12A-4(c)*; and

WHEREAS, Kapwood, LLC (the “Redeveloper”) submitted a concept for mixed-use redevelopment (the “Project”) to the Township for its review and consideration for a portion of the UEZ Rehabilitation Area identified as Block 324 Lot 1 on the official tax maps of the Township (the “Property”) and commonly referred to at the Irvington General Hospital Site; and

WHEREAS, in accordance with Resolution No. UEZ 12-0925-10, the Township entered into a Redevelopment and Purchase and Sale Agreement with Redeveloper dated October 12, 2012 (the “Redevelopment Agreement”), which Redevelopment Agreement sets forth the rights and responsibilities of the Township and the Redeveloper with respect to the Project and the Property; and

WHEREAS, the Redeveloper has partnered with Urban Builders Collaborative NJ, LLC (“UBC”) to effectuate the development of the Project and in furtherance of the partnership, created Hilltop Partners MM, LLC, a new limited liability corporation pursuant to the *New Jersey Limited Liability Company Act, N.J.S.A. 42:2B-1 et seq.* (“Hilltop”), which Hilltop entity is owned 50% by Redeveloper and 50% by UBC; and

WHEREAS, it is contemplated that the Project may be financed, in part, by one or more of the following sources, among others: (1) an award of low income housing tax credits from the New Jersey Housing and Mortgage Finance Agency (“HMFA”) (2) Federal Home Loan Bank, (3) conventional financing from private commercial lenders and (4) construction and/or permanent financing through HMFA (collectively, the “Financing”); and

WHEREAS, upon the request of the Township Administration, UBC submitted a response to a due diligence request (the “Response”), which Response indicated that UBC’s affiliates and principals have significant experience developing projects of similar size and scope to the Project and utilizing sources similar to the Financing to develop the same; and

WHEREAS, Redeveloper desires to assign its rights and interest in the Redevelopment Agreement to Hilltop, the joint venture entity owned by both UBC and Redeveloper; and

WHEREAS, Section 7.1 the Redevelopment Agreement requires written consent of the Township prior to an assignment of the Redevelopment Agreement to Hilltop,

NOW THEREFORE, BE IT RESOLVED by the Irvington Township Council as follows:

Section 1. The above recitals are incorporated herein by reference.

Section 2. Consent to Assignment. The Township hereby consents to the assignment of the Redevelopment Agreement, including the right to purchase the Property, in accordance with the terms of the Redevelopment Agreement, to (a) Hilltop and/or (b) a special purpose entity formed by Hilltop to acquire, finance, construct, own and operate the Project, which shall be (i) wholly-owned by Hilltop (ii) an “Affiliate” that controls, is controlled by or is under common control with Hilltop, which Hilltop serves as a general partner or managing member with a controlling interest and such Affiliate was created to syndicate tax credits; or (iii) an Affiliate to be formed, inclusive of Hilltop or the managing members of Hilltop as co-managing members and which ownership shall be disclosed to the Township Administration upon creation thereof.

This consent to assignment is expressly subject to the following terms and conditions: (i) both Hilltop and the Redeveloper shall remain liable for the performance of the obligations set forth in the Redevelopment Agreement, notwithstanding the assignment of the Redevelopment Agreement to Hilltop; and (ii) Township’s periodic evaluation of Hilltop’s financial capacity to (a) pay Township Costs (as such term is defined in the Redevelopment Agreement), and (b) perform its obligations under the proposed Redevelopment Agreement and the Redevelopment Plan, which information shall be supplied at such times and in such form and content as reasonably required by the Township Administration.

Section 3. Effective Date. This resolution shall take effect immediately.

Adopted
Absent: Beasley

12. Miscellaneous

B. General Hearing of Citizens and Council Members (limited to five minutes per person)

Richard Williams, 197 Linden Avenue
Cathy Southerland, 50 Adams Street
Eugene Otto, 35 Ellery Avenue
Michael Pruill, 97 Lenox Avenue
Frank McBee, 46 Durand Place
Conrad McPherson, 10 Leslie Place

Council Members Lyons and Frederic addressed the issues raised by the above referenced citizens.

13. Adjournment

There being no further business the meeting adjourned at 8:45 P.M.

D. Bilal Beasley, Council President

Harold E. Wiener, Municipal Clerk