

REGULAR COUNCIL MEETING
FEBRUARY 26, 2013

Council Chamber, Municipal Building
Irvington, N.J. – Tuesday Evening
February 26, 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,
D. Bilal Beasley

Absent: Andrea C. McElroy

President Beasley 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)

Cathey Southerland, 50 Adams Street
Howard Esser, 31 Bamford Place
Harry Paden, 31 Civic Square West

5. Hearing of Council Members

Council Members Lyons, L.C. Jones and Council President Beasley addressed the issues raised by the above referenced citizens.

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

A. Reports

1. Minutes – Directors’ Meeting – 1-29-13
2. Municipal Court – Monthly – January, 2013
3. Minutes - Joint Meeting – 12-20-12
4. Joint Meeting – Annual Report of Sewer Contribution for the Purpose of 2013 Assessment

7. Reports of Committees

None

8. Ordinances, Bills & Claims

A. Ordinances on 1st Reading

None

C. Bills & Claims

S. Jones – L.C. Jones 2. Payrolls

January 26, 2013 through February 8, 2013

REGULAR	OVERTIME	OTHER EARNED	TOTAL
\$1,350,207.41	\$102,576.04	\$232,895.13	\$1,658,678.58

Adopted
Absent: McElroy

9. Resolutions & Motions

A. Resolutions

L.C. Jones - S. Jones 1. Authorize Handicapped Parking Spaces in Front of 1133 Clinton Avenue and 21 Paine Avenue

WHEREAS, N.J.S.A. 39:4-197.5 provides that a Municipality may by resolution provide for restricted parking spaces in front of residences for use by any person who has been issued a special vehicle identification card pursuant to the provisions of N.J.S.A. 39:4-205, when using a motor vehicle on which is displayed a certificate, for which a special vehicle identification card has been issued pursuant to N.J.S.A. 39:4-206; and

WHEREAS, a request has been made for a restricted parking spaces in front of:

1133 Clinton Avenue
21 Paine Avenue

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that a parking space restricted for use by any person who has been issued a special vehicle identification card pursuant to the provisions of N.J.S.A. 39:4-205, when using a motor vehicle on which is displayed a certificate, for which a special vehicle identification card has been issued pursuant to N.J.S.A. 39:4-206, be established in front of 1133 Clinton Avenue and 21 Paine Avenue.

BE IT FURTHER RESOLVED that the Department of Neighborhood Services is directed to place a sign designating said handicapped parking space.

Adopted
Absent: McElroy

S. Jones – Beasley 2. Re-Appointment – Citizens Advisory Commission - Charnette Reid

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 re-appointed as a member of the Citizens Advisory Commission for a term as indicated below:

NAME & ADDRESS	WARD & DISTRICT	APPOINTED BY	TERM TO EXPIRE
Chanette Reid 86 Laventhal Avenue	S-8	Council Member S. Jones	9-10-14

Adopted
Absent: McElroy

L.C. Jones – Inman 3. Waive Interest and Penalties on Past Due Taxes - 82 Union Avenue, Block 273, Lots 1 and 2

WHEREAS, a municipal lien was placed on 82 Union Avenue, also known as Block 273 Lot 1, at an Accelerated Tax Sale held on December 27, 2012 for delinquent/unpaid taxes and sewer charges in the amount of \$24,098.96; and

WHEREAS, a municipal lien was placed on 70-78 Union Avenue, also known as Block 273 Lot 2, at an Accelerated Tax Sale held on December 27, 2012 for delinquent/unpaid taxes and sewer charges in the amount of \$66,844.86; and

WHEREAS, an outside lien was placed on 62-68 Union Avenue, also known as Block 273 Lot 3, at an Accelerated Tax Sale held on December 27, 2012 for delinquent/unpaid taxes and sewer charges in the amount of \$67,305.70; and

WHEREAS, Municipal Council cannot abate interest charges on outside liens; and

WHEREAS, the total amount due on Block 273 Lot 1, Tax Sale Cert# 12-02691, with interest and cost to February 15, 2013 is \$34,691.24 which includes the 2013 1st qtr taxes due February 1, 2013; and

WHEREAS, the total amount due on Block 273 Lot 2, Tax Sale Cert# 12-02692, with interest and cost to February 15, 2013 is \$95,125.15 which includes the 2013 1st qtr taxes due February 1, 2013; and

WHEREAS, the owner of Union Estates, LLC, Abraham Brach, has written a letter requesting an abatement of the interest he paid on said certificates; and

WHEREAS, the interest and cost on Tax Sale Cert# 12-02691, Block 273 Lot 1 to February 5, 2013 is \$3,583.78; and

WHEREAS, the interest and cost on Tax Sale Cert# 12-02692, Block 273 Lot 1 to February 5, 2013 is \$9,927.94; and

WHEREAS, the taxpayer of Union Estates has satisfied the above tax liens including interest in the amounts of \$34,691.24 (Lot 1) and \$95,125.15 (Lot 2); 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 total current interest charges of \$13,511.72 imposed on Block 273 Lot 1 and Lot 2, and the taxpayer be refunded said interest he paid on February 5, 2013.

Adopted
Absent: McElroy

Inman – L.C. Jones 4. Waive Interest and Penalties on Past Due Taxes - 79 Delmar Place, Block 73, Lot 24

WHEREAS, a municipal lien was placed on 79 Delmar Place, also known as Block 73 Lot 24, at an Accelerated Tax Sale held on June 28, 2011 for delinquent/unpaid taxes and sewer charges in the amount of \$8,722.80; and

WHEREAS, the total amount due on Block 73 Lot 24, Tax Sale Cert# 110539, with interest and cost to March 1, 2013 is \$27,885.07 which includes the 2013 1st qtr taxes due February 1, 2013; and

WHEREAS, the owner Rantik N. Parikh, has written a letter requesting an abatement of the interest owed on said certificate; and

WHEREAS, the interest and cost on Tax Sale Cert# 110539 to March 1, 2013 is \$5,099.08; 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 \$5,099.08 imposed on Block 73 Lot 24, and the taxpayer be allowed to pay the principal amount of \$22,785.99 on or before March 1, 2013, which is the amount of said certificate of sale #110539.

Adopted
Absent: McElroy

S. Jones – Frederic 5. Resolution of Sorrow – James Franklin Paden, Sr.

WHEREAS, James Franklin Paden Sr. was born on November 25, 1928 in Greenville, South Carolina to the late Lucille Paden. He was raised by his aunts; the late Beulah and Annie Paden; and

WHEREAS, James was educated in the Greenville County School System; after two years of high school, he decided to relocate to New York in 1944 where he soon joined the Army to serve his country; and

WHEREAS, upon serving for two and a half years in the service, he received an Honorable Discharge in 1947 and returned to Greenville, South Carolina. In 1948, he left South Carolina and returned to New York; and

WHEREAS, in 1950 he met and married Naomi Fludd who was raising Eleanor and Laura as a single parent and James soon adopted them. From this union ten children were born; and

WHEREAS, James occupation was a truck driver having gained this experience while in the Armed Service driving the “Cannon Ball Express” in World War II. He also worked various jobs to provide for his family; and

WHEREAS, James was an avid football and boxing fan; he was also an amateur boxer and enjoyed watching westerns and sharing knowledge with his grandchildren; and

WHEREAS, he leaves to mourn five sons James Jr., Harry, Richard (Wanda), Robert (Mary), Glen, six daughters; Eleanor Johnson, Sarah Cage, Ethel Paden, Michelle Paden-Closs (Gary), Glynis Paden, and Joycelin Himmel (Drew); 29 grand-children, 8 great grand-children, a sister Betty Ann Greene; a niece, Anita Green Gavin, his wife Martha Ann Paden and a host of other relatives and friends; and

WHEREAS, James was preceded in death by his wife Naomi Fludd Paden; 3 daughters, Laura, Regina and Myra Paden and his sister Sarah P. Coleman.

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that it hereby mourns the death of James Franklin Paden Sr. and sends its sincerest condolences to the members of his family and dear friends.

BE IT FURTHER RESOLVED that a copy of this resolution be spread upon the minutes of this governing body as a lasting tribute to James Franklin Paden Sr.

Adopted
Absent: McElroy

S. Jones – Inman 6. Resolution of Sorrow – Lonzy C. McCarey, Jr.

WHEREAS, Lonzy C. McCarey Jr. was born on March 8, 1958, in Newark, NJ to the Rev. Lonzy C. McCarey Sr. and the late Garnet Clark McCarey; and

WHEREAS, Lonzy was educated in the Newark School system, graduated from Clinton Place Jr. High School and Malcolm X Shabazz High School. After he graduated high school he enrolled in and graduated from Morgan State University in May, 1981 with a Bachelor of Science degree in Accounting; and

WHEREAS, as a young person Lonzy maintained employment with several companies throughout Northern New Jersey and New York City, including Blue Cross Blue Shield, Essex County, New Jersey Casino Control Commission and the Urban League of New York. However, he found his niche as an entrepreneur and tax consultant when he founded MTN Financial Group, Inc.; and

WHEREAS, he was a member of the Omega Psi Phi Fraternity, Inc., Omicron Chi chapter. He also participated in Leadership Newark and various programs that were geared toward encouraging young men and women to achieve their goals; and

WHEREAS, Lonzy was a friendly and easy going person, who gave unselfishly of himself to help people with their needs and problems regardless of the time or hour. Proverbs 18:24 says, *"Same friends play at friendship but a true friend sticks closer than ones nearest kin"*. Lonzy lived his life in that manner because once he made friends with someone they were friends for life; and

WHEREAS, Lonzy loved music and actually could sing; he loved to put on a show for people. Although, jazz was his music of choice, he especially liked artists like John Coltrane, Miles Davis, Wynton Marsalis and Terrance Blanchard; and

WHEREAS, Lonzy had a very special bond with each of his children and was present for every big or small event in their lives. He also adored his little granddaughter, who he thought was so pretty and funny. In addition to being an active father in his own children's lives he was a father figure to many others; and

WHEREAS, Lonzy departed this life on January 22, 2013 at the University of Medicine and Dentistry of New Jersey. He was preceded in death by his mother Garnet McCarey; brother, Ramar McCarey and nephew Keith McCarey. He leaves to cherish his precious memories his father, Rev. Lonzy C. McCarey, Sr. (Lillie); his daughters Nakiya McCarey; Jarae McCarey; Sierra McCarey, Naja Mays, Gabrielle McCarey and son Lonzy C. McCarey, III.; his sisters Rev. Betty Horne (Cameron), Tina Gardner and Kathy McCarey; brothers Eric Cross (June) and Arthur Lewis (Vera.); his granddaughter Kennedy Alston; his godson Michael Ferguson and goddaughter Ayanna Barnes. In addition, he leaves to cherish his memory his devoted companion Traci Adams, and a host of aunts, uncles, nieces, nephews, cousins and friends.

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that it hereby mourns the death of Lonzy C. McCarey Jr. and sends its sincerest condolences to the members of his family and dear friends.

BE IT FURTHER RESOLVED that a copy of this resolution be spread upon the minutes of this governing body as a lasting tribute to Lonzy C. McCarey Jr.

Adopted
Absent: McElroy

S. Jones – L.C. Jones 7. Award Emergency Contract for Hurricane Sandy Relief Shelter – First Congregational Christian UCC - \$32,834.00

AWARD AN EMERGENCY CONTRACT FOR HURRICANE SANDY RELIEF SHELTER TO A NON-PROFIT ORGANIZATION

WHEREAS, on November 02, 2012, residents were displaced from their homes due to hurricane Sandy; and

WHEREAS, the Township needed to find usable temporary space for residents to stay until their homes were habitable; and

WHEREAS, First Congregational Christian UCC, located at 1240 Clinton Avenue, Irvington, NJ 07111 had the space, personnel and facilities to accommodate residents; and

WHEREAS, this situation constitutes a threat to public welfare, and the Acting Director of Neighborhood Services/Mayor of the Township of Irvington and the Governor of the State of New Jersey declared a State of Emergency; and

WHEREAS, the total cost to manage and maintain the shelter from November 02, 2012 thru November 11, 2012 was \$32,834.00; and

WHEREAS, the First Congregational Christian UCC is a non-profit organization and is exempt

from submitting pay to play document pursuant to NJSA19:44A-20.12

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that it ratifies the decision of the Acting Director of Neighborhood Service/Mayor of the Township of Irvington and the Governor of the state of New Jersey to authorize an emergency contract in the amount of \$32,834.00 with First Congregational Christian UCC, located at 1240 Clinton Avenue, Irvington, NJ 07111 for shelter relief services.

BE IT FURTHER RESOLVED, the Chief Financial Officer has paid First Congregational Christian UCC, the complete amount of \$32,834.00 on purchase order number 13-0060 from number 2-01-46-870-184-299.

Adopted
Absent: McElroy

Beasley – Frederic 8. Award Emergency Contract for Rental of Heavy Equipment and Snow Removal – Your Way Construction - \$20,890.00

AWARD AN EMERGENCY CONTRACT FOR SNOW REMOVAL TO YOUR WAY CONSTRUCTION, GENERAL CONSTRUCTION AND SITE WORK

WHEREAS, on February 08, 2013, the total accumulated snow fall created a hazardous blizzard condition; and

WHEREAS, the Department of Public Work's employees were unable to remove all the accumulated snow from streets and other public properties in a timely manner; and

WHEREAS, additional heavy duty equipment and personnel were needed to remove the accumulated snow to avoid a public safety emergency; and

WHEREAS, Your Way Construction, General Construction and Site Work, located at 404 Coit street, Irvington, NJ 07111 had additional heavy duty equipments and personnel to assist the Department of Public Works; and

WHEREAS, this situation constitutes a threat to public health, safety, welfare, and the Acting Director of Neighborhood Services/Mayor of the Township of Irvington declared an Emergency and Your Way Construction, General Construction and Site Work, located at 404 Coit street, 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 \$20,890.00; and

WHEREAS, the Pay to Play documents are on file in the Municipal Clerk's Office and the Division of Purchasing.

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that it ratifies the decision of the Acting Director of Neighborhood Service/Mayor of the Township of Irvington to authorize an emergency contract in the amount of \$20,890.00, with Your Way Construction, General Construction and Site Work, located at 404 Coit street, Irvington, NJ 07111 to rent and operate heavy duty equipment for snow removal.

BE IT FURTHER RESOLVED, the Chief Financial Officer will pay, to Your Way Construction, General Construction and Site Work, the complete amount of \$20,890.00 from Account Number 3-01-21-165-165-100.

Adopted
Absent: McElroy

10. Communications & Petitions

A. Communications

1. Mayor Smith – Re-Appointment – Planning Board – Municipal Engineer Wiggins

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 – Beasley 1. Irvington Chamber of Commerce Foundation
(Retroactive to 1-29-13)

Adopted
Absent: McElroy

NON-CONSENT AGENDA ITEMS

8. Ordinances, Bills & Claims

B. Ordinances on 2nd Reading

1. President Beasley: An ordinance amending and supplementing Chapter 183 of the Revised regarding taxicabs by establishing a fee for a taxicab driver’s license will be heard at this time. The Clerk will read the notice of hearing.

The Clerk read the notice of hearing.

The Clerk will read the ordinance by title

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

WHEREAS, the Township of Irvington and its Municipal Council has focused on the restructuring of its Taxicab ordinance in an effort to better serve the general public along with cab owners and drivers; and

WHEREAS, the Township through its Municipal Council Taxicab Committee has examined legislation from neighboring municipalities and engaged in robust discussions with the public and cab company owners; and

WHEREAS, it has been determined that the fee for a Taxicab driver’s license should be amended.

NOWHEREFORE be it resolved by the Municipal Council of the Township of Irvington that Chapter 183 (Taxicabs) of the Code of the Township of Irvington shall be amended as follows:

1. The fee for a taxi driver’s license shall be \$55 per year.
2. All ordinances inconsistent with this ordinance are hereby repealed to the extent of such inconsistencies.

3. This ordinance shall take effect upon final passage in accordance with law.

The public hearing on this ordinance is now open

There were no requests to be heard.

L.C. Jones – Frederic Motion to close public hearing

Adopted
Absent: McElroy

LC. Jones – Frederic Motion to adopt this ordinance on second reading after public hearing

Adopted
Absent: McElroy

C. Bills & Claims

Inman – S. Jones 1. Bill Lists

RESOLVED THAT THE BILLS AND CLAIMS AGAINST THE TOWNSHIP OF IRVINGTON FOR A PERIOD ENDING FEBRUARY 26, 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	\$1,823,209.26
SUPPLEMENTAL	\$1,204,508.85
TOTAL	\$3,027,718.11

Adopted
No: Lyons
Absent: McElroy

9. Resolutions & Motions

A. Resolutions

S. Jones – Inman 9. Determine Form and Details of \$5,100,000.00 Refunding Bond Issue

RESOLUTION DETERMINING THE FORM AND OTHER DETAILS OF NOT TO EXCEED \$8,655,000 OF GENERAL OBLIGATION REFUNDING BONDS, SERIES 2013 (FEDERALLY TAXABLE) (QUALIFIED PURSUANT TO THE PROVISIONS OF THE MUNICIPAL QUALIFIED BOND ACT, P.L. 1976, C.38, AS AMENDED) OF THE TOWNSHIP OF IRVINGTON, IN THE COUNTY OF ESSEX, NEW JERSEY OR SUCH OTHER AMOUNT AS DETERMINED BY THE CHIEF FINANCIAL OFFICER AND PROVIDING FOR THE SALE AND THE DELIVERY OF SUCH REFUNDING BONDS TO POWELL CAPITAL MARKETS INC.

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

Section 1. An amount not to exceed \$5,100,000 of General Obligation Refunding Bonds, Series 2013A (Qualified Pursuant to the Provisions of the Municipal Qualified Bond Act, P.L. 1976, c.38, as amended) of the Township of Irvington, in the County of Essex, New Jersey (the "Township"), in specific amounts to be determined as provided herein and as more fully described in a bond ordinance finally adopted by the Township pursuant to the Local Bond Law and the Municipal Qualified Bond Act on January 29, 2013, and entitled, "Refunding Bond Ordinance of the Township of Irvington, in the County of Essex, New Jersey, Providing for the Refunding of All or a Portion of Certain Taxable Refunding Bonds, Series 2003 (Qualified Pursuant to the Municipal Qualified Bond Act) of the Township, Appropriating \$5,100,000 Therefor and Authorizing the Issuance by the Township of Taxable Refunding Bonds, Series 2013 (Qualified Pursuant to the Provisions of the Municipal Qualified Bond Act) in the Aggregate Principal Amount of Not Exceeding \$5,100,000 for Financing the Cost Thereof" shall be issued as "General Obligation Refunding Bonds, Series 2013A" (the "Series 2013A Bonds").

Section 2. The Series 2013A Bonds are hereby authorized to be sold to Powell Capital Markets Inc. (the "Underwriter") at a purchase price determined by the parameters set forth below and otherwise consistent with the parameters set by the Local Finance Board in the Department of Community Affairs, State of New Jersey (the "Local Finance Board") pursuant to NJAC 5:30-2.5 (the "LFB Refunding Parameters"):

- (a) the principal amount of the Series 2013A Bonds does not exceed \$5,100,000;
- (b) the net present value savings is at least three percent;
- (c) the debt service on the Series 2013A Bonds shall be structured such that no annual debt service payment is more than the annual debt service payment on the 2003 Refunded Bonds (as defined herein) in the same year;
- (d) the final year of maturity of the Series 2013A Bonds does not exceed the final year of maturity of the 2003 Refunded Bonds;
- (e) the debt service savings are substantially level in each year across the life of the refunding;

- (f) the True Interest Cost of the Series 2013A Bonds does not exceed an interest rate that would enable the Township to complete the refunding within the LFB Refunding Parameters; and
- (g) the Underwriter's discount does not exceed \$5.95 per \$1,000 of Series 2013A Bonds issued.

Section 3. An amount not to exceed \$3,555,000 of Tax Appeal Refunding Bonds, Series 2013B (Qualified Pursuant to the Provisions of the Municipal Qualified Bond Act, P.L. 1976, c.38, as amended) of the Township, in specific amounts to be determined as provided herein and as more fully described in a bond ordinance finally adopted by the Township pursuant to the Local Bond Law and the Municipal Qualified Bond Act on November 20, 2012, and entitled, "Refunding Bond Ordinance Providing for Payment of Amounts Owing to Others for Taxes Levied in and by the Township of Irvington, in the County of Essex, New Jersey, Appropriating \$3,555,000 Therefor and Authorizing the Issuance of \$3,555,000 Bonds or Notes of the Township for Financing the Cost Thereof" shall be issued as "Tax Appeal Refunding Bonds, Series 2013B" (the "Series 2013B Bonds" and, together with the Series 2013A Bonds, the "Bonds").

Section 4. The Series 2013B Bonds are hereby authorized to be sold to the Underwriter at a purchase price determined by the parameters set forth below and otherwise consistent with the terms included in the approval by the Local Finance Board in the Department of Community Affairs, State of New Jersey (the "Local Finance Board"):

- (a) the principal amount of the Series 2013B Bonds does not exceed \$3,555,000;
- (b) the Underwriter's discount does not exceed the amount referenced in the approved Local Finance Board application;
- (c) the maturity structure or weighted average maturity for the Series 2013B Bonds is substantially similar to the structure submitted to and approved by the Local Finance Board together with any adjustments recommended by the Underwriter on the sale date designed to reduce the total costs of the borrowing to the Township;
- (d) all conditions required by the Local Finance Board for the sale of the Series 2013B Bonds are satisfied.

Section 5. The Chief Financial Officer is hereby authorized and directed, without further authorization, to enter into and execute a purchase contract (the "Purchase Contract") on behalf of the Township with the Underwriter in the form satisfactory to bond counsel to the

Township and upon terms consistent with the above parameters. Upon execution of the Purchase Contract, the signature of the Mayor and/or the Chief Financial Officer shall be conclusively presumed to evidence any necessary approvals for the sale of the Bonds. If the Chief Financial Officer, after consultation with the Underwriter, determines that the above parameters cannot be satisfied in the present market, the Bonds shall not be sold until such time as said parameters may be amended, in whole or in part, or a sale on different terms is otherwise approved by resolution of this Township Council.

Section 6. (a) The Bonds shall be issued in the par amounts consistent with the parameters set forth in Sections 2 and 4 hereof and determined by the Chief Financial Officer to be necessary to pay costs of issuance and, with respect to the Series 2013A Bonds, to provide an escrow fund that, when invested, will be sufficient to provide for the timely payment of the principal and redemption premium, if any, of and interest on all or a portion of the \$4,615,000 outstanding principal amount of its Taxable Refunding Bonds, Series 2003 (Qualified Pursuant to the Municipal Qualified Bond Act) (Federally Taxable), dated April 1, 2003, originally issued in the aggregate principal amount of \$8,230,000, which outstanding principal amount matures on April 1 in each of the years 2014 through 2017, inclusive, and 2021 (collectively, the "2003 Refunded Bonds").

(b) The Bonds shall be dated and shall bear interest at the rates per annum as the Chief Financial Officer shall determine.

(c) The Bonds shall be numbered and have such prefix or prefixes as determined necessary by the Chief Financial Officer and be sold and issued with such serial maturities or with such term bond maturities payable from mandatory sinking fund payments made by the Township as determined in the Purchase Contract.

(d) The Series 2013A Bonds shall mature in each of the years 2013 to 2021, inclusive, or such other dates deemed consistent with the LFB Refunding Parameters and in the principal amounts as may be determined by the Chief Financial Officer and shall bear interest on the dates as may be determined by the Chief Financial Officer.

(e) The Series 2013B Bonds shall mature in the principal amount of \$508,000 in each of the years 2014 through 2019, inclusive, and in the principal amount of \$507,000 in the year 2020.

(f) The Bonds shall have redemption provisions as are set forth in the Purchase Contract.(g) The Bonds will be issued in fully registered form. One certificate shall be issued for the aggregate principal amount of Bonds of each series maturing in each year. Both principal of and interest on the Bonds will be payable in lawful money of the United States of America. Each certificate will be registered in the name of CEDE & Co., as nominee of The Depository Trust Company, New York, New York, which will act as securities depository (the "Securities Depository"). The certificates will be on deposit with the Securities Depository. The Securities Depository will be responsible for maintaining a book-entry system for recording the interests of its participants or the transfers of the interests among its participants. The participants will be responsible for maintaining records recording the beneficial ownership interests in the Bonds on behalf of individual purchasers. Individual purchases may be made in the principal amount of \$5,000 or any integral multiple thereof through book-entries made on the books and the records of the Securities Depository and its participants except that an amount maturing in any one year in excess of the largest principal amount thereof equaling a multiple of \$5,000 will be in the denominations of \$1,000 or any integral multiple thereof.

(h) The principal of and the interest due on the Bonds will be paid to the Securities Depository by the Township's designated paying agent on the respective maturity dates and due dates and will be credited on the respective maturity dates and due dates to the participants of the Securities Depository as listed on the records of the Securities Depository as of the 15th day next preceding each maturity date (assuming a calendar consisting of 12 thirty-day months) (the "Record Dates" for the Bonds). The Bonds shall be executed by the manual or facsimile signatures of the Mayor and the Chief Financial Officer under the official seal of the Township (or facsimile thereof) affixed, printed, engraved or reproduced thereon and attested by the manual signature of the Clerk.

Section 7. The Bonds shall be substantially in the following forms with such additions, deletions and omissions as may be necessary for the Township to market the Bonds:

REGISTERED
NUMBER A. ____ - ____

REGISTERED
\$ _____

UNITED STATES OF AMERICA
STATE OF NEW JERSEY
COUNTY OF ESSEX

TOWNSHIP OF IRVINGTON

B. _____

(QUALIFIED PURSUANT TO THE PROVISIONS OF THE MUNICIPAL QUALIFIED BOND ACT, P.L. 1976, C.38, AS AMENDED)

PRINCIPAL AMOUNT:

DATED DATE:

MATURITY DATE:

INTEREST PAYMENT DATES:

INITIAL INTEREST PAYMENT
DATE:

RATE OF INTEREST PER ANNUM:

CUSIP NUMBER:

TOWNSHIP OF IRVINGTON, in the County of Essex, New Jersey (the "Township") hereby acknowledges itself indebted and for value received promises to pay to CEDE & CO., as nominee of The Depository Trust Company, which will act as Securities Depository, on the MATURITY DATE, the PRINCIPAL AMOUNT, and to pay interest on such sum from the DATED DATE of this bond until the MATURITY DATE at the RATE OF INTEREST PER ANNUM semiannually on the INTEREST PAYMENT DATES in each year until maturity, commencing on the INITIAL INTEREST PAYMENT DATE. Interest on this bond will be paid to the Securities Depository by the Township and will be credited to the participants of The Depository Trust Company as listed on the records of The Depository Trust Company as of the 15th day prior to each INTEREST PAYMENT DATE next preceding the date of such payments (the "Record Dates" for such payments). Principal of this bond, upon presentation and surrender to the Township will be paid to the Securities Depository by the Township and will be credited to the participants of The Depository Trust Company.

This bond is not transferable as to principal or interest. The participants are responsible for maintaining the records regarding the beneficial ownership interest in the bonds on behalf of the individual purchasers except to an authorized nominee of The Depository Trust Company. The Depository Trust Company shall be responsible for maintaining the book-entry system for recording the interests of its participants or the transfers of the interests among its participants.

[The bonds of this issue maturing prior to _____, 20__, are not subject to redemption prior to their stated maturities. The bonds of this issue maturing on or after _____, 20__ are redeemable at the option of the Township in whole or in part on any date on or after _____, 20__ at 100% of the principal amount outstanding (the "Redemption Price") plus interest accrued to the date of redemption upon notice as required herein.

Notice of Redemption shall be given by mailing by first class mail in a sealed envelope with postage prepaid to the registered owners of the bonds not less than thirty (30) days, nor more than sixty (60) days prior to the date fixed for redemption. Such mailing shall be to the owners of such bonds at their respective addresses as they last appear on the registration books kept for that purpose by the Township or a duly appointed Bond Registrar. Any failure of the depository to advise any of its participants or any failure of any participant to notify any beneficial owner of any Notice of Redemption shall not affect the validity of the redemption proceedings. If the Township determines to redeem a portion of the bonds prior to maturity, the bonds to be redeemed shall be selected by the Township; the bonds to be redeemed having the same maturity shall be selected by the Securities Depository in accordance with its regulations.

If Notice of Redemption has been given as provided herein, the bonds or the portion thereof called for redemption shall be due and payable on the date fixed for redemption at the Redemption Price, together with accrued interest to the date fixed for redemption. Interest shall cease to accrue on the bonds after the date fixed for redemption and no further interest shall accrue beyond the redemption date. Payment shall be made upon surrender of the bonds redeemed.]

[This bond is not subject to redemption prior to its stated maturity.]

C. _____

As long as The Depository Trust Company is the depository for the Bonds as provided herein, the procedures of The Depository Trust Company will determine the method of selection for redemption within a maturity. Otherwise, it will be by lot or by a similar method.

The full faith and credit of the Township are hereby irrevocably pledged for the punctual payment of the principal of and the interest on this bond according to its terms.

It is hereby certified and recited that all conditions, acts and things required by the constitution or the statutes of the State of New Jersey to exist, to have happened or to have been performed precedent to or in the issuance of this bond exist, have happened and have been performed and that the issue of bonds of which this is one, together with all other indebtedness of the Township, is within every debt and other limit prescribed by such constitution or statutes.

IN WITNESS WHEREOF, the Township has caused this bond to be executed in its name by the manual or facsimile signatures of its Mayor and its Chief Financial Officer, its corporate seal to be hereunto imprinted or affixed, this bond and the seal to be attested by the manual or facsimile signature of its Clerk and this bond to be dated the DATED DATE as specified above.

TOWNSHIP OF IRVINGTON

By _____
Mayor

ATTEST:

By: _____
Clerk

By: _____
Chief Financial Officer

Section 8. In each of the Series 2013A Bonds the following language shall be inserted in the places indicated by the corresponding letter in form of the Series 2013A Bonds.

A. GORB-__.

**B. GENERAL OBLIGATION REFUNDING BOND, SERIES 2013A
(FEDERALLY TAXABLE)**

C. This bond is one of an authorized issue of bonds issued pursuant to the Local Bond Law of the State of New Jersey and the Municipal Qualified Bond Act of the State of New Jersey, and a bond ordinance of the Township duly adopted on January 29, 2013, and entitled, "Refunding Bond Ordinance of the Township of Irvington, in the County of Essex, New Jersey, Providing for the Refunding of All or a Portion of Certain Taxable Refunding Bonds, Series 2003 (Qualified Pursuant to the Municipal Qualified Bond Act) of the Township, Appropriating \$5,100,000 Therefor and Authorizing the Issuance by the Township of Taxable Refunding Bonds, Series 2013 (Qualified Pursuant to the Provisions of the Municipal Qualified Bond Act) in

the Aggregate Principal Amount of Not Exceeding \$5,100,000 for Financing the Cost Thereof," in all respects duly approved and published as required by law, and a resolution of the Township duly adopted on February 12, 2013.

Section 1. Section 9. In each of the Series 2013B Bonds the following language shall be inserted in the places indicated by the corresponding letter in form of the Series 2013B Bonds.

- A. TARB-___.**
- B. TAX APPEAL REFUNDING BOND, SERIES 2013B (FEDERALLY TAXABLE)**
- C. This bond is one of an authorized issue of bonds issued pursuant to the Local Bond Law of the State of New Jersey and the Municipal Qualified Bond Act of the State of New Jersey, and a bond ordinance of the Township duly adopted on November 20, 2012, and entitled, "Refunding Bond Ordinance Providing for Payment of Amounts Owing to Others for Taxes Levied in and by the Township of Irvington, in the County of Essex, New Jersey, Appropriating \$3,555,000 Therefor and Authorizing the Issuance of \$3,555,000 Bonds or Notes of the Township for Financing the Cost Thereof," in all respects duly approved and published as required by law, and a resolution of the Township duly adopted on February 12, 2013.

Section 10. The law firm of McManimon, Scotland & Baumann, LLC is authorized to arrange for the printing of the Bonds. The proper officials of the Township are hereby authorized and directed to execute the Bonds and to deliver them to the purchaser upon receipt of payment therefor.

Section 11. The Bonds shall have printed thereon a copy of the written opinion with respect to the Bonds that is to be rendered by the law firm of McManimon, Scotland & Baumann, LLC, complete except for omission of its date. The Clerk is hereby authorized and directed to certify the truth and the correctness of the copy of such opinion by executing on each of the Bonds by facsimile signature a certificate in form satisfactory to that law firm and to file a signed duplicate of such written opinion in the Clerk's office. Alternatively, each Bond may be accompanied by the signed legal opinion or copy thereof.

Section 12. The Series 2013A Bonds are being issued to refund the 2003 Refunded Bonds. The Chief Financial Officer shall take all steps necessary to call the 2003 Refunded Bonds

on the first available call date at the applicable redemption price, deposit the proceeds of the Series 2013A Bonds with a bank for the purpose of defeasing the 2003 Refunded Bonds, invest the proceeds of the Series 2013A Bonds for this purpose and assist with the redemption of the 2003 Refunded Bonds. The Chief Financial Officer is hereby authorized to enter into an agreement with a bank (the "Escrow Deposit Agreement") to effectuate the purpose of this Section 12.

Section 13. The Township hereby covenants that it will comply with any conditions subsequent imposed by the Internal Revenue Code of 1986, as amended (the "Code") in order to preserve the exemption from taxation of interest on any of the Bonds determined by Bond Counsel to the Township to be issued as tax-exempt obligations (the "Tax-Exempt Bonds"), including the requirement to rebate all net investment earnings on the gross proceeds above the yield on any such Tax-Exempt Bonds, and that it will refrain from taking any action that would adversely affect the tax exemption of any such Tax-Exempt Bonds under the Code.

Section 14. The Township hereby approves the preparation and the distribution of the Preliminary Official Statement on behalf of the Township in the form approved or to be approved by the Chief Financial Officer. Such Official Statement may be distributed in preliminary form and deemed final for purposes of Rule 15c2-12 of the Securities and Exchange Commission on behalf of the Township by the Mayor or the Chief Financial Officer. The Preliminary Official Statement shall be prepared in final form in connection with the issuance of the Bonds and the Mayor and/or the Chief Financial Officer of the Township are authorized to execute any certificates necessary in connection with the distribution of the Official Statement. Final Official Statements shall be delivered to the Underwriter of the Bonds within the earlier of seven business days following the sale of the Bonds or to accompany the Underwriter's confirmations that request payment for the Bonds.

Section 15. The Chief Financial Officer is hereby authorized to make representations and warranties, to enter into agreements and to make all arrangements with the Securities Depository, as may be necessary in order to provide that the Bonds will be eligible for deposit with the Securities Depository and to satisfy any obligation undertaken in connection therewith.

Section 16. In the event that the Securities Depository may determine to discontinue providing its service with respect to the Bonds or is removed by the Township and if no successor Securities Depository is appointed, the Bonds which were previously issued in book-entry form shall be converted to Registered Bonds (the "Registered Bonds") in denominations of \$5,000, or

any integral multiple thereof, except that an amount maturing in any one year in excess of the largest principal amount thereof equaling a multiple of \$5,000 will be in denominations of \$1,000, or any integral multiple thereof. The beneficial owner under the book-entry system, upon registration of the Bonds held in the beneficial owner's name, will become the registered owner of such Registered Bonds. The Township shall be obligated to provide for the execution and delivery of the Registered Bonds in certificate form.

Section 17. Solely for purposes of complying with Rule 15c2-12 of the Securities and Exchange Commission, as amended and interpreted from time to time (the "Rule"), and provided that the Bonds are not exempt from the Rule and provided that the Bonds are not exempt from the following requirements in accordance with paragraph (d) of the Rule, for so long as the Bonds remain outstanding (unless the Bonds have been wholly defeased), the Township shall provide for the benefit of the holders of the Bonds and the beneficial owners thereof:

(a) On or prior to 270 days from the end of each fiscal year, beginning with the fiscal year ending December 31, 2013, to the Municipal Securities Rulemaking Board through the Electronic Municipal Market Access Dataport (the "MSRB"), or any other designated nationally recognized municipal securities information repository ("State Repository"), if any, annual financial information with respect to the Township consisting of the audited financial statements (or unaudited financial statements if audited financial statements are not then available, which audited financial statements will be delivered when and if available) of the Township and certain financial information and operating data consisting of (i) Township and overlapping indebtedness including a schedule of outstanding debt issued by the Township, (ii) the Township's most current adopted budget, (iii) property valuation information, and (iv) tax rate, levy and collection data. The audited financial information will be prepared in accordance with modified cash accounting as mandated by State of New Jersey statutory principles in effect from time to time or with generally accepted accounting principles as modified by governmental accounting standards as may be required by New Jersey law and shall be filed electronically and accompanied by identifying information with the National Repository;

(b) in a timely manner not in excess of ten business days after the occurrence of the event, to the MSRB, and to the State Repository, if any, notice of any of the following events with respect to the Bonds (herein "Material Events"):

- (1) Principal and interest payment delinquencies;
- (2) Non-payment related defaults, if material;

- (3) Unscheduled draws on debt service reserves reflecting financial difficulties;
- (4) Unscheduled draws on credit enhancements reflecting financial difficulties;
- (5) Substitution of credit or liquidity providers, or their failure to perform;
- (6) Adverse tax opinions, the issuance by the Internal Revenue Service of proposed or final determinations of taxability, Notices of Proposed Issue (IRS Form 5701-TEB) or other material notices or determinations with respect to the tax status of the security, or other material events affecting the tax status of the security;
- (7) Modifications to rights of security holders, if material;
- (8) Bond calls, if material, and tender offers;
- (9) Defeasances;
- (10) Release, substitution, or sale of property securing repayment of the securities, if material;
- (11) Rating changes;
- (12) Bankruptcy, insolvency, receivership or similar event of the obligated person;
- (13) The consummation of a merger, consolidation, or acquisition involving an obligated person or the sale of all or substantially all of the assets of the obligated person, other than in the ordinary course of business, the entry into a definitive agreement to undertake such an action or the termination of a definitive agreement relating to any such actions, other than pursuant to its terms, if material; and
- (14) Appointment of a successor or additional trustee or the change of name of a trustee, if material.

For the purposes of the event identified in subparagraph (12) above, the event is considered to occur when any of the following occur: the appointment of a receiver, fiscal agent or similar officer for an obligated person in a proceeding under the U.S. Bankruptcy Code or in any other proceeding under state or federal law in which a court or governmental authority has assumed jurisdiction over substantially all of the assets or business of the obligated person, or if such jurisdiction has been assumed by leaving the existing governing body and officials or officers in possession but subject to the supervision and orders of a court or governmental authority, or the entry of an order confirming a plan of reorganization, arrangement or liquidation by a court or governmental authority having supervision or jurisdiction over substantially all of the assets or business of the obligated person.

(c) in a timely manner to the MSRB, and to the State Repository if any, notice of failure of the Township to provide required annual financial information on or before the date specified in this resolution.

(d) If all or any part of the Rule ceases to be in effect for any reason, then the information required to be provided under this resolution, insofar as the provisions of the Rule no longer in effect required the provision of such information, shall no longer be required to be provided.

(e) The Chief Financial Officer shall determine, in consultation with Bond Counsel, the application of the Rule or the exemption from the Rule for each issue of obligations of the Township prior to their offering. Such officer is hereby authorized to enter into additional written contracts or undertakings to implement the Rule and is further authorized to amend such contracts or undertakings or the undertakings set forth in this resolution, provided such amendment is, in the opinion of nationally recognized bond counsel, in compliance with the Rule.

(f) In the event that the Township fails to comply with the Rule requirements or the written contracts or undertakings specified in this certificate, the Township shall not be liable for monetary damages. The sole remedy is hereby specifically limited to specific performance of the Rule requirements or the written contracts or undertakings therefor.

Section 18. If all or any part of the Rule ceases to be in effect for any reason, then the information required to be provided under this resolution, insofar as the provision of the Rule no longer in effect required the provision of such information, shall no longer be required to be provided.

Section 19. The Chief Financial Officer shall determine, in consultation with bond counsel, the application of the Rule or the exemption from the Rule for each issue of obligations of the Township prior to their offering. Such officer is hereby authorized to enter into additional written contracts or undertakings to implement the Rule and is further authorized to amend such contracts or undertakings or the undertakings set forth in this resolution, provided such amendment is, in the opinion of nationally recognized bond counsel, in compliance with the Rule.

Section 20. In the event that the Township fails to comply with the Rule requirements or the written contracts or undertakings specified in this resolution, the Township shall not be liable for any monetary damages, remedy of the beneficial owners of the Bonds being hereby specifically limited to specific performance of the Rule requirements or the written contracts or undertakings therefor.

Section 21. The undertaking may be amended by the Township from time to time, without the consent of the Bondholders or the beneficial owners of the Bonds, in order to make modifications required in connection with a change in legal requirements or change in law, which in the opinion of nationally recognized bond counsel complies with the Rule.

Section 22. There can be no assurance that there will be a secondary market for the sale or purchase of the Bonds. Such factors as prevailing market conditions, financial condition or

market position of firms who may make the secondary market and the financial condition of the Township may affect the future liquidity of the Bonds.

Section 23. The Mayor, the Chief Financial Officer, the Clerk and other appropriate representatives of the Township are hereby authorized to take all steps necessary to provide for the issuance of the Bonds and the refunding of the 2003 Refunded Bonds, including preparing and executing such agreements and documents on behalf of the Township, satisfying in full the requirements of notice of redemption of the 2003 Refunded Bonds and taking all steps necessary or desirable to implement this resolution, such agreements and documents as may be necessary and appropriate and the transactions contemplated thereby.

Section 24. The Mayor and/or Chief Financial Officer are each hereby authorized and directed to pay all costs of issuance in connection with the sale of the Bonds pursuant to a certificate of the Mayor and/or Chief Financial Officer to be executed upon delivery of the Bonds, each such cost in an amount not to exceed the amount set forth in Exhibit A attached hereto or, if in any greater amount, only upon the prior approval of the Township in accordance with the customary procedure for approval and payment of bills.

Section 25. This resolution shall take effect immediately.

Adopted
Absent: McElroy

L.C. Jones – S. Jones 10. Authorize Contract For Foreclosure Attorney Services Based Upon Proposal – Eric J. Goodman – Not To Exceed \$15,000.00 for One Year Period

**AUTHORIZING FAIR AND OPEN PROFESSIONAL SERVICE CONTRACT FOR
FORECLOSURE ATTORNEY FOR CALENDAR YEAR 2013**

WHEREAS, the Request for Proposals for Foreclosure Attorney was publicly advertised in the New Jersey Star Ledger on December 26, 2012 with a deadline for qualification to be submitted on January 09, 2013; and

WHEREAS, sealed proposals were submitted on or before January 09, 2013 in response to the Township's publicly advertised Request for Qualifications; and

WHEREAS, two qualifications were received and publicly opened; and

WHEREAS, said qualifications were referred to the Purchasing Agent, Planning Board, Township Administrator and the Township Attorney; and

WHEREAS, the qualification satisfied the bid requirement; and

WHEREAS, the Township Attorney and Township Administrator has recommended award should be made to the following firm:

Eric J. Goodman, Esq.,
Eric J. Goodman, Esq.,

973 Stuyvesant Ave, Irvington, NJ 07111

NOW THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that a contract for the Foreclosure Attorney be awarded to Eric J. Goodman, ESQ., 973 Stuyvesant Ave, Irvington, NJ 07111 on the basis of their response to the request for proposal meeting the selection criteria and qualifications, for an amount not to exceed \$15,000.00. The provider will be paid \$95.00 per hour for attorneys and \$60.00 per hour for paralegals for one year; and

BE IT FURTHER RESOLVED that the Township Attorney is hereby authorized and directed to prepare the necessary contract with an effective date of March 1, 2013, and expiring on February 28, 2014, and the Mayor and Township Clerk are authorized and directed to sign the same; and

BE IT RESOLVED that the required Certification of Availability of Funds in the amount not to exceed \$15,000.00 for the Foreclosure Attorney will be obtained from the Chief Financial Officer contingent on the adoption of the Calendar year 2013 budget.

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

S. Jones – Lyons

Motion to table

Adopted

Absent: McElroy

Beasley – Inman 11. Authorize Contract For Zoning Board Attorney Services Based Upon Proposal – Eric M. Bernstein - Not To Exceed \$12,000.00 for One Year Period

AUTHORIZING FAIR AND OPEN PROFESSIONAL SERVICE CONTRACT FOR ZONING BOARD ATTORNEY FOR CALENDAR YEAR 2013

WHEREAS, the Request for Proposals for Zoning Board Attorney was publicly advertised in the New Jersey Star Ledger on December 26, 2012 with a deadline for qualification to be submitted on January 09, 2013; and

WHEREAS, sealed proposals were submitted on or before January 09, 2013 in response to the Township's publicly advertised Request for Qualifications; and

WHEREAS, three qualifications were received and publicly opened; and

WHEREAS, said qualifications were referred to the Purchasing Agent, Zoning Board, Township Administrator and the Township Attorney; and

WHEREAS, the qualification satisfied the bid requirement; and

WHEREAS, the Township Attorney and Township Administrator has recommended award should be made to the following firm:

ERIC M. BERNSTEIN & ASSOCIATES, LLC

ERIC M. BERNSTEIN

34 Mountain Blvd. Building A Warren, NJ 07059

NOW THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that a contract for the Zoning Board Attorney be awarded to Eric M. Bernstein & Associates, LLC, 34 Mountain Blvd. Building A, Warren NJ 07059 on the basis of their response to the request for proposal meeting the selection criteria and qualifications, for an amount not to exceed \$12,000.00. The

provider will be paid \$115.00 per hour for attorneys, \$60.00 per hour for paralegals and \$500.00 per meeting for one year; and

BE IT FURTHER RESOLVED that the Township Attorney is hereby authorized and directed to prepare the necessary contract an effective date of March 1, 2013, and expiring on February 28, 2014, and the Mayor and Township Clerk are authorized and directed to sign the same; and

BE IT RESOLVED that the required Certification of Availability of Funds in the amount not to exceed \$12,000.00 for the Zoning Board legal services will be obtained from the Chief Financial Officer contingent on the adoption of the Calendar year 2013 budget.

Adopted
Absent: McElroy

Inman – Beasley 12. Authorize Contract For Planning Board Attorney Services Based Upon Proposal – Eric M. Bernstein - Not To Exceed \$6,500.00 for One Year Period

AUTHORIZING FAIR AND OPEN PROFESSIONAL SERVICE CONTRACT FOR PLANNING BOARD ATTORNEY FOR CALENDAR YEAR 2013

WHEREAS, the Request for Proposals for Planning Board Attorney was publicly advertised in the New Jersey Star Ledger on December 26, 2012 with a deadline for qualification to be submitted on January 09, 2013; and

WHEREAS, sealed proposals were submitted on or before January 09, 2013 in response to the Township's publicly advertised Request for Qualifications; and

WHEREAS, three qualifications were received and publicly opened; and

WHEREAS, said qualifications were referred to the Purchasing Agent, Planning Board, Township Administrator and the Township Attorney; and

WHEREAS, the qualification satisfied the bid requirement; and

WHEREAS, the Township Attorney and Township Administrator has recommended award should be made to the following firm:

ERIC M. BERNSTEIN & ASSOCIATES, LLC
ERIC M. BERNSTEIN
34 Mountain Blvd. Building A Warren, NJ 07059

NOW THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that a contract for the Planning Board Attorney be awarded to Eric M. Bernstein & Associates, LLC, 34 Mountain Blvd. Building A, Warren NJ 07059 on the basis of their response to the request for proposal meeting the selection criteria and qualifications, for an amount not to exceed \$6,500.00. The provider will be paid \$115.00 per hour for attorneys, \$60.00 per hour for paralegals and \$500.00 per meeting for one year; and

BE IT FURTHER RESOLVED that the Township Attorney is hereby authorized and directed to prepare the necessary contract an effective date of March 1, 2013, and expiring on February 28, 2014, and the Mayor and Township Clerk are authorized and directed to sign the same; and

BE IT RESOLVED that the required Certification of Availability of Funds in the amount not to exceed \$6,500.00 for the Planning Board legal services will be obtained from the Chief Financial Officer contingent on the adoption of the Calendar year 2013 budget.

Adopted
Absent: McElroy

14 . President Beasley: The Springfield Avenue Center Business Improvement District Budget for 2012-2013 was introduced on January 29, 2013, published in the Irvington Herald on February 7, 2013, and public hearing set for this date, time and place. The Clerk will read the notice of hearing.

The Clerk read the notice of hearing.

The Clerk will read the Budget by Title

The following statements of revenues and appropriations shall constitute the Springfield Avenue Business Improvement District's Budget for 2012-2013

Total General Revenues	\$251,502.00
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Total General Appropriations	\$251,502.00
324,000.00	

The public hearing on the Springfield Avenue Center Business Improvement District Budget for 2012-2013 will be heard at this time.

Cathy Southerland, 50 Adams Street
Luz Carde, Representing CBID, 119 Coit Street

Lyons – S. Jones Motion to close public hearing

Adopted
Absent: McElroy

Lyons - S. Jones Motion to adopt Springfield Avenue Center Business Improvement District Budget for 2012-2013

Council President Beasley and Council Member Lyons addressed the issues raised by Cathy Southerland.

Adopted
Absent: McElroy

15 . President Beasley: The Camptown Business Center Improvement District Budget for 2012-2013 was introduced on January 29, 2013, published in the Irvington Herald on February 7, 2013, and public hearing set for this date, time and place. The Clerk will read the notice of hearing.

The Clerk stated for the record that this notice of hearing was identical to the previous notice that was read with the exception of the reference to the Camptown Business Center Improvement District rather than the Springfield Avenue Center Business Improvement District.

The Clerk will read the Budget by Title

The following statements of revenues and appropriations shall constitute the Springfield Avenue Business Improvement District's Budget for 2012-2013

Total General Revenues	\$231,132.00
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Total General Appropriations	\$231,132.00
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The Public Hearing on the Camptown Business Improvement District Budget for 2012-2013 will be heard at this time.

There were no requests to be heard.

Inman – Frederic Motion to close public hearing

Adopted

Inman - Frederic
2013

Motion to adopt Camptown Business Improvement District Budget for 2012-

Adopted

12. Miscellaneous

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

Eugene Otto, 35 Ellery Avenue
Cathery Southerland, 50 Adams Street

Council Member Lyons addressed the issues raised by the above referenced citizens.

13. Adjournment

There being no further business the meeting adjourned at 8:55 P.M.

D. Bilal Beasley, Council President

Harold E. Wiener, Municipal Clerk