

REGULAR COUNCIL MEETING
JANUARY 28, 2014

Council Chamber, Municipal Building
Irvington, N.J. – Tuesday Evening
January 28, 2014 - 8:00 P.M.

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

Present: Charnette Frederic, Lebby C. Jones, Sandra R. Jones, David Lyons, Andrea C. McElroy,
D. Bilal Beasley

Absent: Paul Inman

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)

There were no requests to be heard.

5. Hearing of Council Members

There were no requests to be heard.

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

A. Reports

1. Minutes – Directors’ Meeting – 1-14-14
2. Joint Meeting – Settlement of Pending Litigation – NJDEP vs. Occidental Chemical Corporation
3. Municipal Court – Monthly – December, 2013
4. Construction Official – Permits Issued in December
- 5 Minutes – Board of Adjustment – 1-7-14
6. Minutes – Joint Meeting – 11-14-13

7. Reports of Committees

A. Bid Results - 1-16-14 Greene Terrace Park Shelter House Re-Construction

8. Ordinances, Bills & Claims

A. Ordinances on 1st Reading

None

C. Bills & Claims

L.C. Jones – S. Jones 2. Payrolls

December 28, 2013 through January 10, 2014

REGULAR	OVERTIME	OTHER EARNED	TOTAL
\$1,376,718.25	\$189,684.75	\$49,476.77	\$1,615,879.77

Adopted
Absent: Inman

9. Resolutions & Motions

A. Resolutions

S. Jones – Beasley 1. Resolution of Sorrow – Amiri Baraka

WHEREAS, Amiri Baraka was a poet, music critic, essayist, playwright, and political activist and was one of the most celebrated controversial figures in 20th century American literature; and

WHEREAS, Amiri Baraka was born in 1934 as Everett LeRoi Jones in Newark, New Jersey, attended Rutgers University, Howard University, and New York's New School; and

WHEREAS, Amiri Baraka later moved to Greenwich Village where he met several Beat Generation and New York School poets and cultivated his interest in jazz music; and

WHEREAS, in 1958, Baraka founded Totem Press and the literary magazine Yugen and later worked as an editor and critic for Kulchur magazine from 1960 to 1965 and published a literary newsletter called The Floating Bear; and

WHEREAS, Amiri Baraka's political activism began to appear in 1961 following a 1960 visit to Cuba with the Fair Play for Cuba Committee, where he channeled his experiences into the essay "Cuba Libre" and co- wrote a Declaration Of Conscience paper in support of Fidel Castro; and

WHEREAS, following the 1965 assassination of Malcolm X, Amiri Baraka moved from Manhattan's Lower West Side to Harlem, founded the Black Arts Movement, which was considered to be the artistic counterpart to the Black Power Movement; and

WHEREAS, for the next several decades, Amiri Baraka distinguished himself as a man of letters and political thinker by creating three more plays, writing more than two dozen volumes of poetry and non-fiction, editing a series of anthologies, and appearing in close to 30 films, and collaborated with The Roots on the track "Something In The Way Of Things (In Town)," which appears on the band's 2002 album Phrenology; and

WHEREAS, Amiri Baraka has been hailed simultaneously as a pioneer, an outspoken critic of injustice, a proponent of revolution, and a trailblazer for young artists and other movements; :

WHEREAS, Amiri left us in death on January 9, 2014, after lighting up our lives for nearly eight decades:

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that the Township of Irvington mourns the death of Amiri Baraka and officers to his family and many friends their sincerest condolences on his passing; and

BE IT FURTHER RESOLVED that a copy of this resolution be spread upon the minutes of the Irvington Municipal Council in lasting tribute to Amiri Baraka.

Adopted
Absent: Inman

McElroy – Frederic 2. Constable Appointment – Douglas Worthen

BE AND IT IS HEREBY RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON, NEW JERSEY that Douglas G. Worthen, 1084 Sanford Avenue in the Township of Irvington be and he is hereby appointed to the Office of Constable for a term of three years from the date of January 28, 2014; and

BE IT FURTHER RESOLVED that the above named person shall be notified of his appointment for the term aforesaid by the Township Clerk and directed to present himself to him and take and subscribe to the oath as provided by law, and to file with the Township Clerk at the same time a surety bond in the sum of \$1,000.00 to remain in force for the full term above set forth, the surety on said bond being a surety company duly authorized to do business in the State of New Jersey, said bond to be conditioned as provided by law, and that said bond be approved as to form by the Township Attorney.

Adopted

Absent: Inman

Beasley – Frederic 3. Award Bid – Reconstruction of Shelter House at Greene Terrace Park - M. J. Hoag Contracting, Inc. - \$72,687.00

AWARD OF CONTRACT FOR THE RECONSTRUCTION OF GREENE TERRACE PARK

WHEREAS, invitation for bids for the reconstruction of Greene Terrace Park was publicly advertised in the New Jersey Star Ledger on December 13, 2013 and on the Township website on the same date with a deadline for bids to be submitted on January 16, 2014; and

WHEREAS, fifteen bidders paid and picked up bid specifications and plans; and

WHEREAS, ten bids were received and opened by the Township Clerk and Purchasing Agent; and

WHEREAS, bids received were reviewed according to the New Jersey Local Public Contract law, and referred to the Township Engineer for review and recommendation; and

WHEREAS, the Township Engineer has recommended that the award be made to MJ Hoag Contracting Inc., 16 Hillside Ave, Hillside, NJ 07205 on the basis of their lowest, responsible, responsive bid, in an amount not to exceed \$72,687.00

NOW THEREFORE BE, IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that a contract for the reconstruction of Greene Terrace Park be awarded to MJ Hoag Contracting Inc., 16 Hillside Ave, Hillside, NJ 07205.

BE IT FURTHER RESOLVED that the Township Attorney is hereby authorized and directed to prepare the necessary contract and the Mayor and the Township Clerk are authorized and directed to sign the same. In addition, the Township Clerk is hereby directed to return the bid security to the unsuccessful bidders; and

BE IT FURTHER RESOLVED that the required Certificate of Availability of Funds, will be obtained from the Chief Financial Officer for an amount not to exceed \$72,687.00.

Adopted
Absent: Inman

Frederic – S. Jones 4. Constable Appointment – Tourean Robinson

BE AND IT IS HEREBY RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON, NEW JERSEY that Tourean S. Robinson, 87 Durand Place in the Township of Irvington be and he is hereby appointed to the Office of Constable for a term of three years from the date of January 28, 2014; and

BE IT FURTHER RESOLVED that the above named person shall be notified of his appointment for the term aforesaid by the Township Clerk and directed to present himself to him and take and subscribe to the oath as provided by law, and to file with the Township Clerk at the same time a surety bond in the sum of \$1,000.00 to remain in force for the full term above set forth, the surety on said bond being a surety company duly authorized to do business in the State of New Jersey, said bond to be conditioned as provided by law, and that said bond be approved as to form by the Township Attorney.

Adopted
Absent: Inman

Beasley – Lyons 5. Waive Interest of \$8,443.80 on 148 Ball Street Contingent Upon Payment of Back Taxes of \$25,975.69 by February 10, 2014.

WHEREAS, a municipal lien was placed on 148 Ball Street at the Accelerated Tax Sale held on July 12, 2010 for delinquent/unpaid 2010 taxes in the amount of \$4,510.64; and

WHEREAS, the total amount due on 148 Ball Street, also known as Block 276 Lot 3, Tax Sale Cert# 101629, with interest and cost to February 10, 2014 is \$34,419.49 which includes the 2014 1st qtr taxes due February 1, 2014; and

WHEREAS, a payment plan agreement was approved by the Irvington Municipal Council on December 28, 2010, with Resolution No. DRF 10-1228-59; and

WHEREAS, taxpayers Fenin & Sixta Zambrano have defaulted on said payment plan agreement; and

WHEREAS, the daughter of taxpayers Fenin & Sixta Zambrano, Luz Zambrano, has written a letter requesting an abatement of the interest owed on said certificate; and

WHEREAS, Luz Zambrano is currently in the US Army and is in the process of applying for loans to bring the taxes current on her parent’s property; and

WHEREAS, the interest and cost on Tax Sale Cert#101629 to February 10, 2014 is \$8,443.80; 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 \$8,443.80 imposed on 148 Ball Street, Block 276 Lot 3 and that taxpayers Fenin & Sixta Zambrano, or Luz Zambrano be allowed to pay the principal amount of \$25,975.69 via certified check, money order, or wire transfer, on or before February 10, 2014.

Adopted
Absent: Inman

S. Jones – Beasley 6. Authorize to Cancel Improvement Authorizations Balances From the Period of 1998 – 2008

BE IT RESOLVE, that the Chief Financial Officer be and is hereby authorized to cancel the following improvement authorizations balances from the periods of 1998 to 2008, effective 12/31/2013.

Furthermore all of the listed improvement authorization are complete and the remaining balances will not be needed for the original appropriated purpose, and is thereby cancelled.

<u>Ordinance Number:</u>	<u>Amount</u>
3105	\$ 583.27
3124	62.05
3142I	5.30
3142K	498,274.00
3196	130,807.00
3207	.21
3217	59,020.00
3222	37,496.07
3256	5,958.00
3266	119,268.04
3289	3,050.64
3297	49,894.00
3307	203,809.00
3315	33,845.20
3331	1,862,909.60
3357	3,625.71
3383	<u>3,184.47</u>
Total Cancellation	\$3,011,792.56

The above cancellation will be applied as follows:

Deferred Charges to Future Taxation – Unfunded	\$2,197,592.95
Capital Surplus	<u>814,199.61</u>
	\$3,011,792.56

Adopted

Absent: Inman

S. Jones – Frederic 7. Authorize the Springfield Avenue Center Business Improvement District Budget for 2013-2014 be Read by Title Only

WHEREAS, N.J.S.A. 40:56-84(f) provides that a Special Improvement District budget as advertised shall be read in full at the public hearing, or that it may be read by its title only if:

1. At least one week prior to the date of the hearing a complete copy of the approved Special Improvement District budget, as advertised,

(b) shall be posted in a public place where public notices are customarily posted in the principal public building; and

(b) copies are made available to each person requesting same during said week and during the public hearing:

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that it is hereby declares that the conditions of N.J.S.A. 40:56-84(f), 1 (a) and 1 (b), have been met and therefore the Springfield Avenue Center Special Improvement District Budget shall be read by title only.

Adopted
Absent: Inman

B. Motions

None

10. Communications & Petitions

A. Communications

None

B. Petitions

None

11. Pending Business

A. Provide Resident Parking Permits on Orange Avenue From Madison Avenue to Clinton Avenue from 8:00 A.M. to 8:00 P.M.

12. Miscellaneous

A. Bingos and Raffles

1. Irvington Chamber of Commerce Foundation

Adopted
Absent: Inman

NON-CONSENT AGENDA ITEMS

8. Ordinances, Bills & Claims

B. Ordinances on 2nd Reading

1 President Beasley: An ordinance establishing a stop intersection at Wagner Place and 40th Street 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 AND SUPPLEMENT CHAPTER 192 ENTITLED "TRAFFIC" OF THE REVISED CODE OF THE TOWNSHIP OF IRVINGTON.

SECTION 1. Chapter 192, Section 101, entitled "Schedule X: Stop Intersections" of the Revised Code of the Township of Irvington is hereby amended and supplemented by adding:

STOP INTERSECTION

INTERSECTION

STOP SIGNS ON

Fortieth Street and Wagner Place

Wagner Place

SECTION 2. All ordinances or parts of ordinances inconsistent or in conflict with the provisions of the within ordinance are hereby repealed.

SECTION 3. This ordinance shall take effect upon final passage and publication according to law.

The public hearing on this ordinance is now open

There were no requests to be heard.

Frederic – Beasley

Motion to close public hearing,

Adopted
Absent: Inman

Frederic – Beasley

Motion to adopt this ordinance on second reading after public earing.

Adopted
Absent: Inman

C Bills & Claims

S. Jones – Frederic 1. Bill Lists

RESOLVED THAT THE BILLS AND CLAIMS AGAINST THE TOWNSHIP OF IRVINGTON FOR A PERIOD ENDING JANUARY 28, 2014, 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	\$3,521,969.75
SUPPLEMENTAL #1	\$3,797,511.73
TOTAL	\$7,319,481.48

Adopted
No: Lyons
Absent: Inman

9. Resolutions & Motions

A. Resolutions

7A. President Beasley: The Springfield Avenue Center Business Improvement District Budget for 2013-2014 was introduced on December 26, 2013, published in the Irvington Herald on January 9, 2014, 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

BE IT RESOLVED that the following total revenues and appropriations shall constitute the 2013-2014 Springfield Avenue Center Business Improvement District Budget:

Total General Revenues	\$344,024.00
Total General Appropriations	\$344,024.00

The Public Hearing on the Springfield Avenue Center Business Improvement District Budget for 2013-2014 will be heard at this time.

There were no requests to be heard.

S. Jones - Frederic Motion to close public hearing

Adopted
Absent: Inman

S. Jones - Frederic Motion to adopt Springfield Avenue Center Business Improvement District Budget for 2013-2014

Adopted
Absent: Inman

Council President Beasley was excused at this point at 8:28 P.M.

12. Miscellaneous

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

Patricia Poston 101 Union Avenue
Richard Williams, 197 Linen Avenue
Frank McBee, 46 Durand Place
Howard Esser, 31 Bamford Place

Council Members L.C. Jones and McElroy addressed the issues raised by the above referenced citizens.

13. Adjournment

There being no further business, the meeting was adjourned at 8:32 P.M.

D. Bilal Beasley, Council President

Harold E. Wiener, Municipal Clerk