

REGULAR COUNCIL MEETING
MAY 20, 2014

Council Chamber, Municipal Building
Irvington, N.J. – Tuesday Evening
May 20, 2014 - 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, Andrea C. McElroy,
D. Bilal Beasley

Absent: David Lyons

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)

Merrick Harris, 6 Hennessey Place
Udi Ofer, Executive Director, American Civil Liberties Union of New Jersey
Yves Louis, 194 Isabella Avenue
Kathleen Witcher, 14 Garwood Place
David Hunderford, 12 Brookside Gardens, Bloomfield, N.J.

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 – 5-6-14
2. Municipal Engineer – 2014 NJDEP Annual Stormwater Report
3. Municipal Court – Monthly - April
4. Construction Official – Permits Issued in April

7. Reports of Committees

- A. Bid Results – 4-30-14 – Demolition of Various Properties
- B. Bid Results – 5-7-14 - Summer Food Service Program

8. Ordinances, Bills & Claims

A. Ordinances on 1st Reading

None

B. Ordinances on 2nd Reading

None

C. Bills & Claims

Beasley – Frederic 2. Payrolls

April 19, 2014 through May 2, 2014

REGULAR	OVERTIME	OTHER EARNED	TOTAL
\$1,339,531.74	\$136,893.69	\$32,335.62	\$1,508,761.05

Adopted
Absent: Lyons

9. Resolutions & Motions

A. Resolutions

Beasley - Inman 1. Amend Resolution of Need in Connection with HMFA Approval of a Project to Rehabilitate Irvington Senior Apartments Located at 1 Linden Avenue – Increase Rental Units from 135 to 139

RESOLUTION OF NEED IN CONNECTION WITH HMFA APPROVAL OF A PROJECT TO REHABILITATE IRVINGTON SENIOR APARTMENTS LOCATED AT 1 LINDEN AVENUE.

WHEREAS, Irvington Senior Urban Renewal 2013, LLC (hereinafter referred to as the "Sponsor") proposes to rehabilitate an existing 135 unit, elderly Section 8 building known as Irvington Senior Apartments (hereinafter referred to as the "project") pursuant to the provisions of the New Jersey Housing and Mortgage Finance Agency Law of 1983, as amended (N.J.S.A. 55:14K-1 et seq.), the rules promulgated thereunder at N.J.A.C. 5:80-1.1 et seq., and all applicable guidelines promulgated thereunder (the foregoing hereinafter collectively referred to as the "HMFA Requirements") within the Township of Irvington (hereinafter referred to as the "Municipality") on a site described as Lot 122, Block 79 as shown on the Official Assessment Map of the Township of Irvington, Essex County and commonly known as Irvington Senior Apartments, 1 Linden Avenue, New Jersey; and

WHEREAS, the Project will be subject to the HMFA Requirements and the mortgage and other loan documents executed between the Sponsor and the New Jersey Housing and Mortgage Finance Agency (hereinafter referred to as the "Agency"); and

WHEREAS, pursuant to the HMFA Requirements, the Municipal Council hereby determines that there is a need for this housing project in the Irvington Township.

NOW, THEREFORE, BE IT RESOLVED:

1. The Council finds and determines that the 139 unit, elderly Section 8 building known as Irvington Senior Apartments proposed by the Sponsor meets or will meet an existing housing need;
2. The Council does hereby adopts this Resolution and makes the determination and findings herein contained by virtue of, pursuant to, and in conformity with the provisions of the HMFA Law to enable the Agency to process the Sponsor's application for Agency funding to finance the Project.
3. This Resolution shall be effective immediately upon its adoption.

Adopted
Absent: Lyons

L.C. Jones - Inman 2. Reject Bids – Demolition of Various Properties - Bids Exceed Cost Estimates for the Services

RESOLUTION TO REJECT BIDS FOR THE DEMOLITION OF VARIOUS PROPERTIES WITHIN THE TOWNSHIP OF IRVINGTON

WHEREAS, on April 11, 2014, the Township of Irvington opened and read bids for demolition of various properties within the Township of Irvington; and

WHEREAS, five vendors paid and picked up bid specifications for this service and;

WHEREAS, four bids were received for this service; and

WHEREAS, it was determined that the lowest bid substantially exceeds the cost estimates for the goods or services; and

WHEREAS, the Local Public Contract Law, 40A:11-13.2.(a) provides that a municipality may reject all bids when the contracting unit has determined that the lowest bid substantially exceeds the cost estimates for the goods or services:

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON by the Council of Township of Irvington, in the County of Essex, that all bids received for demolition of various properties be rejected in accordance with the Local Public Contracts Law, NJSA40A:11-13.2.(d).

BE IT FURTHER RESOLVED that the Qualified Purchasing Agent is hereby authorized and directed to re-bid this project and Township Clerk is authorized and directed return all bid bonds for this service.

Adopted
Absent: Lyons

S. Jones – Beasley

3. Resolution of Sorrow – Brenda C. Fisher

RESOLUTION OF SORROW
BRENDA C. FISHER

WHEREAS, Brenda C. Fisher was born in Newark, New Jersey, to the union of Mrs. Ida M. Grice, and the late Edward Grice, on July 27, 1947. She attended and completed elementary School in Newark, as well as graduating from West Side High School in 1965; and

WHEREAS, in 1965 after graduating high school, she met the love of her life, the late Robert Fisher. In June of 1966, her and Robert married and from their union they had a son, Tyrone R. Fisher who Brenda adored and loved her entire life until God called her home; and

WHEREAS, in the years of raising her son, Brenda worked at various Insurance companies until she was hired at Public Service Electric & Gas in 1970 holding various positions there until she became an Administrative Assistant/Purchasing in the Engineering Department until 2006, when she decided to retired after 36 years of service; and

WHEREAS, Brenda was a devoted wife, mother, daughter, sister, aunt and friend. She loved deeply, partied and cared for all. She was very family oriented and made sure- she made it over to her mother's house every Friday night, where most family and friends gathered. Brenda was very protective of those she loved giving great advice to all and was always willing to lend a helping hand. Her family and friends can testify that she was the best cook ever and she and her cooking and loving spirit will surely be missed; and

WHEREAS, Brenda, enjoyed spending time with her family, laughing and telling stories. She loved to spend time with her grandson Tyrese and did anything to make him happy. She enjoyed music and dancing and was always the last to leave a good party especially if she was around good friends and family she loved. She touched so many lives and will greatly be missed by all who loved her.

WHEREAS, Brenda, was preceded by death of her father, Edward Grice, Grandparents, Aunts, Laura Farrington, Pecola Bess, Evelyn Bridgeforth and nephew Thomas A. Dudley and cousins Arthur Bridgeforth and Robert Farrington; and

WHEREAS, she leaves to cherish with fond memories, her loving son Tyrone Fisher, her grandson, Tyrese Fisher, her mother Mrs. Ida M. Grice of Newark, NJ, her sisters Elaine G. Dudley (Newark, NJ) and Beverly G. Boyd (Newark, NJ) and her dear loving partner and caretaker for many years, Mr. Burney O. Freeman along with a host of nieces, nephews, cousins, relatives and friends; and

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

BE IT FURTHER RESOLVED that a copy of this Resolution of Sorrow be spread upon the minutes of the Irvington Township Municipal Council as a lasting tribute to the memory of the beloved and caring Brenda C. Fisher.

Adopted
Absent: Lyons

B. Motions

None

10. Communications & Petitions

A. Communications

1. Union Resolution Opposing A-4147 – Require Public Bid Advertisements to Include Cost Estimate Ranges

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

None

NON-CONSENT AGENDA ITEMS

8. Ordinances, Bills & Claims

C. Bills & Claims

McElroy – L.C. Jones 1. Bill Lists

RESOLVED THAT THE BILLS AND CLAIMS AGAINST THE TOWNSHIP OF IRVINGTON FOR A PERIOD ENDING MAY 20, 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	\$2,537,990.80
SUPPLEMENTAL #1	\$ 74,115.41
TOTAL	\$2,612,106.21

Adopted
Absent: Lyons

9. Resolutions & Motions

A. Resolutions

L.C. Jones – Inman 4. Authorize Contract With Howie General Construction for General Contracting Services Which Exceeds the \$17,500.00 Pay to Play Threshold

AUTHORIZING PURCHASES OVER THE PAY TO PLAY THRESHOLD OF \$17,500.00

WHEREAS, the Township of Irvington intends to enter into contracts with vendors over the pay-to-play threshold of \$17,500.00 through this resolution and properly executed purchase orders as needed, which shall be subject to all the conditions applicable law of N.J.A.C. 5:34- et seq; and

WHEREAS, in compliance with 19:44a-20.13 et., seq., Howie General Construction will exceed the Pay-to-Play threshold of \$17,500.00 for calendar year 2014; and

WHEREAS, Howie General Construction has completed the Township C-271, elect reports and political disclosure forms. These forms are on file in the Division of Purchasing Office and the Municipal Clerk; and

WHEREAS, all purchases to the above vendor will not exceed the bid threshold of \$36,000.00; and

NOW, THEREFORE, BE IT RESOLVED, that the Municipal Council of the Township of Irvington hereby authorizes the Qualified Purchasing Agent to purchase certain goods or services from the above vendor in excess of pay to play threshold \$17,500.00 but under the bid threshold of \$36,000.00; and

BE IT FURTHER RESOLVED by the Township Council that, pursuant to the N.J.A.C. 5:30-5.5(b), the certification of available funds and resolutions shall be certified at such time as the goods or services are called for prior to placing the order for good or service in excess of \$17,500.00, and a certification of availability of funds is made by the Chief Financial Officer via an authorized purchase order; and

BE IT FURTHER RESOLVED that the duration of this authorization shall be until December 31, 2014; and

BE IT FURTHER RESOLVED a separate resolution will be submitted to the Municipal Council for all addition vendors exceeding the bid threshold of \$17,500.00.

Adopted
Absent: Lyons

McElroy – Inman 5. Authorizing Planning Board to Investigate Whether Certain Properties Should be Designated as Areas in Need of Redevelopment

RESOLUTION AUTHORIZING THE PLANNING BOARD OF THE TOWNSHIP OF IRVINGTON TO INVESTIGATE WHETHER CERTAIN PROPERTIES IN THE TOWNSHIP SHOULD BE DESIGNATED AS AN AREA IN NEED OF REDEVELOPMENT

WHEREAS, the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, et seq. (the “LRHL”), authorizes municipalities to determine whether certain parcels of land in the municipality constitute areas in need of redevelopment; and

WHEREAS, pursuant to N.J.S.A. 40:12A-6 the Township Council of the Township of Irvington (the “Township Council”) must authorize the Planning Board of the Township of Irvington (the “Planning Board”) to conduct a preliminary investigation of the proposed area and make recommendations to the Township Council; and

WHEREAS, the Township Council by Resolution MC14-0325-12, dated March 25, 2014 (the “Initial Resolution”), directed the Township Administration to identify various individual or contiguous sites which are subject to loans held in private-label securitization trusts (“PLS Loans”) within the Township that may qualify as an “area in need of redevelopment” in accordance with N.J.S.A. 40A:12A-5 and N.J.S.A. 40A:12A-6; and

WHEREAS, the Township Administration prepared a staff report (the “Staff Report”) identifying one hundred ninety-nine (199) parcels subject to PLS Loans (collectively, the “Property”) located throughout the Township; and

WHEREAS, in connection with completing the Staff Report, the Township Administration conducted an investigation, prepared a map of the Property (the “Proposed Area”), and completed a public hearing on March 31, 2014 at which comments to the designation were received and considered (collectively, the “Due Diligence Investigation”); and

WHEREAS, based on its Due Diligence Investigation, and as set forth in the Staff Report, the Township Administration is recommending the designation of the Proposed Area as an area in need of redevelopment; and

WHEREAS, the Township Council desires to direct the Planning Board to conduct an investigation in accordance with N.J.S.A. 40A:12A-6 to determine whether the Proposed Area as identified in the Staff Report meets the criteria set forth in N.J.S.A. 40A:12A-5 to be designated as an area in need of redevelopment; and

WHEREAS, the if the Planning Board investigation determines that the Proposed Area meets the criteria set forth in N.J.S.A. 40A:12A-5 to be designated as an area in need of redevelopment, such designation shall authorize the Township to use all those powers provided pursuant to the LRHL for use in a redevelopment area, including the power of eminent domain.

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

1. The Irvington Planning Board is hereby authorized to conduct an investigation pursuant to and in accordance with the procedural requirements of N.J.S.A. 40A:12-6, to determine whether the Proposed Area identified in the Staff Report satisfy the criteria set forth in N.J.S.A. 40A:12A-5 to be designated as an area in need of redevelopment.
2. As part of its investigation, and before proceeding to public hearing on the matter, the Planning Board shall prepare a map showing the boundaries and location of the Proposed Area, and shall append thereto a statement setting forth the basis for the investigation.
3. The Planning Board shall conduct a public hearing, after giving due notice of the boundaries and location of the Proposed Area in accordance with the requirements of N.J.S.A. 40A:12-6, which notice (i) shall identify the Proposed Area as a “Condemnation Redevelopment Area”, and (ii) shall specifically state that a redevelopment area determination shall authorize the Township to exercise the power of eminent domain to acquire the property in the Proposed Area.
4. At the hearing, the Planning Board shall hear from all persons who are interested in or would be affected by a determination that the Proposed Area delineated in the notice is a redevelopment area. All objections to a determination that the Proposed Area is an area in need of redevelopment and evidence in support of those objections shall be received and considered by the Planning Board and made part of the public record.
5. After conducting its investigation, preparing a map of the boundaries and location of the Proposed Area, and completing a public hearing at which all objections to the designation are received and considered, the Planning Board shall make a recommendation to the Township Council as to whether the Township Council should designate all or some of the Proposed Area as an area in need of redevelopment.
6. This Resolution shall take effect immediately.

Council Members McElroy, Frederic and Council President Beasley spoke.

Beasley – L.C. Jones

Motion to Remand to Council Ad Hoc Committee
on Eminent Domain

Adopted

YES: Frederic, L.C. Jones, S. Jones, Beasley

NO: Inman, McElroy

ABSENT: Lyons

12. Miscellaneous

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

Merrick Harris, 6 Hennessey Place

Yolanda Anderson, Newark, N.J.

Kathleen Witcher, 14 Garwood Place

Christopher Brown, 314 – 21st Street

Emory Hall, 59 Bross Place

Council Member Inman spoke.

After giving several warnings, Council President Beasley adjourned the meeting during Council Member Inman's comments due to a continuous outburst by the audience members.

13. Adjournment

There being no further business, the meeting was adjourned at 8:50 P.M.

D. Bilal Beasley, Council President

Harold E. Wiener, Municipal Clerk