

REGULAR COUNCIL MEETING  
NOVEMBER 12, 2014

Council Chamber, Municipal Building  
Irvington, N.J. – Wednesday Evening  
November 12, 2014 - 8:00 P.M.

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

Present: Renee C. Burgess, Vernal Cox, October Hudley, Sandra R. Jones, David Lyons, Charnette Frederic

Absent: Paul Inman, (excused)

President Frederic 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 – 10-28-14

7. Reports of Committees

A. Bid Results - Speed Bump Installation – 10-24-14

8. Ordinances, Bills & Claims

C. Bills & Claims

Jones – Lyons 1. Bill Lists

RESOLVED THAT THE BILLS AND CLAIMS AGAINST THE TOWNSHIP OF IRVINGTON FOR A PERIOD NOVEMBER 12, 2014, AS ENUMERATED ON THIS

**MINUTES - REGULAR COUNCIL MEETING – NOVEMBER 12, 2014- PAGE 2**

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	\$2,210,363.36
TOTAL	\$2,210,363.36

Adopted  
Absent: Inman

Jones – Lyons 2. Payrolls

October 18, 2014 through October 31, 2014

REGULAR	OVERTIME	OTHER EARNED	TOTAL
\$1,386,748.16	\$104,698.32	\$40,382.69	\$1,531,829.17

Adopted  
Absent: Inman

9. Resolutions & Motions

A. Resolutions

Burgess – Cox 1. Support The Drive Sober or Get Pulled Over 2014 Year End Holiday Crackdown Grant from December 5, 2014 through January 2, 2015

Proclamation/Resolution

Supporting the Drive Sober or Get Pulled Over 2014 Year End Holiday Crackdown Grant

WHEREAS, impaired drivers on our nation's roads kill someone every 30 minutes, 50 people per day, and almost 18,000 people each year; and

WHEREAS, 19% of motor vehicle fatalities in New Jersey in 2012 were alcohol-related; and

WHEREAS, the State of New Jersey, Division of Highway Traffic Safety, has asked law enforcement agencies throughout the state to participate in the Drive Sober or Get Pulled Over 2014 Year End Holiday Crackdown Grant; and

WHEREAS, the project will involve increased impaired driving enforcement from December 5, 2014 through January 2, 2015; and

WHEREAS, an increase in impaired driving enforcement and a reduction in impaired driving will save lives on our roadways;

THEREFORE, BE IT RESOLVED that the Irvington Township Council declares support for the Drive Sober or Get Pulled Over 2014 Year End Holiday Crackdown Grant from December 5, 2014 through January 2, 2015 and pledges to increase awareness of the dangers of drinking and driving.

Adopted  
Absent: Inman

Jones – Lyons 2. Relax Holiday Parking Restrictions

WHEREAS, N.J.S.A 39:4-8 c (1) provides that a municipality may, by resolution prohibit general parking; and

WHEREAS, the Municipal Council is desirous of relaxing metered parking restrictions during the holiday season in an effort to promote the economic well being of the community and the help offset the current down turn in the nation's economic climate:

NOW, THEREFORE BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that metered parking restrictions shall be relaxed during the holiday season from November 28, 2014 through January 5, 2015; and

BE IT FURTHER RESOLVED that the Clerk is hereby authorized and directed to forward a copy of this resolution to the Police Director and the Police Chief and that the Police Director and the Police Chief are hereby authorized and directed to enforce the provisions of this resolution with the full force and effect of law.

Adopted  
Absent: Inman

Hudley - Jones 3. Resolution of Sorrow – Irvington District Board Worker Jayne Mansfield

WHEREAS, Jayne Mansfield-Pickett was born on March 27, 1960 to Willie Hall and Ernestine Hall in Newark, NJ. Jayne graduated from Frank H. Morrell High School in Irvington, NJ in 1978. After graduating she went on to study cosmetology and later attended Star Academy and became certified as a Medical Billing and Coding Specialist; and

WHEREAS, Jayne had a big personality and an even bigger heart, she loved working with people and had many jobs ranging from Daycare Assistant to Hospitality Provider. Jayne also worked at Jones Transportation for a significant amount of time. Whenever Jayne was around, her presence was definitely felt.....Or rather heard. Jayne with a “Y”; there was nothing plain

**MINUTES - REGULAR COUNCIL MEETING – NOVEMBER 12, 2014- PAGE 4**

about Jayne. She was best known for being active in church, singing, telling it like it is (or how she saw it) and being there for anyone in need; and

WHEREAS, On October 6, 2014 Jayne made her transition from this earthly plane to her heavenly home surrounded by family; and

WHEREAS, Jayne leaves to cherish in her beautiful memory: Husband, Ricardo Pickett; Father Willie Hall; Brother, James Mansfield; Sister, Denise Mansfield and Ky-shah Smith; Daughter, Tiesha Mansfield; Son, James Mansfield; three Grandchildren Zaneyah, Taynasia, and James; Nieces, Angel and Shah'kai; Nephews, Temeil, James, Corey, Jahsim and a host of family and friends.

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that the Township of Irvington hereby mourns the loss of Jayne Mansfield-Pickett and offers its sincerest condolences and offers its sincerest condolences her family and friends during this period of bereavement; and

BE IT FURTHER RESOLVED that a copy of this resolution be spread upon the minutes of this governing body as a lasting tribute to Jayne Mansfield-Pickett.

Adopted  
Absent: Inman

4ones – Hudley 5. Authorize Contract for Holiday Decorations With Design Decorators Above the Pay-t Play Threshold of \$17,500.00 But Under the Bid Threshold of \$36,000.00

**AUTHORIZING THE TOWNSHIP TO ENTER INTO A CONTRACT WITH A VENDOR OVER THE PAY TO PLAY THRESHOLD OF \$17,500.00**

WHEREAS, the Recreation Department is in need of leasing Holiday decorations; and

WHEREAS, said holiday decorations lease agreement, in the aggregate for two years will exceed the pay-to play threshold; and

WHEREAS, the Township has obtained two quotes for this service from Christmas Spectacular Inc., and Design Decorators Inc.; and

WHEREAS, Design Decorators Inc., has provided the lowest quote of \$13,990.00 per year, totaling \$27,980.00 for two years.

WHEREAS, in accordance with NJSA 19:44A-20.26 the vendor has completed the Township C-271 and is on file in the office of the Municipal Clerk and the Qualified Purchasing Agent; and

NOW, THEREFORE, BE IT RESOLVED, that the Municipal Council of the Township of Irvington hereby authorizes the Qualified Purchasing Agent to enter into a lease agreement with Design Decorators for holiday decorations above the pay-to play threshold of \$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, 2015.

Adopted  
Absent: Inman

Jones – Frederic 5. Authorize Grace Period for Payment of Fourth Quarter Tax Bills From November 10 2014 to November 21, 2014

WHEREAS, the Municipal Township Council of the Township of Irvington recognizes that the current economic climate has had a tremendous adverse impact upon Irvington residents and particularly those struggling daily to pay their real property taxes; and

WHEREAS, the inability of the taxpayers to pay his or her taxes ultimately has a direct impact on the viability of the Municipality; and

WHEREAS, both branches of Municipal Government recognize and concur that some specific program must be put into place to lessen the burden taxpayers are carrying and assist them to any extent possible with their current tax dilemma; and

WHEREAS, N.J.S.A. 54:4-99 is a specific State statutory provision, that subject to the provisions of N.J.S.A. 54:4-100, permits the abatement alteration, adjustment and settlement of any past taxes due, and other Municipal charges, both of principal and of any and all interest and penalties thereon, as it shall be equitable and just and be for the best interest of the Municipality; and

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON, IN THE COUNTY OF ESSEX, NEW JERSEY as follows:

SECTION 1. The Municipal Council of the Township of Irvington, hereby, declares that a tax amnesty period shall go into effect between the dates of November 10, 2014 and November 21, 2014.

Adopted  
Absent: Inman

B. Motions

None

10. Communications & Petitions

A. Communications

1. Essex County Assignment Judge Costello – Approval of 4<sup>th</sup> Municipal Court Judge

2. Boswell Engineering – Replacement of Lyons Avenue Bridge

B. Petitions

None

11. Pending Business

A. Authorize Comcast Cable Television Franchise Renewal

12. Miscellaneous

A. Bingos and Raffles

None

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**NON-CONSENT AGENDA ITEMS**

8. Ordinances, Bills & Claims

A. Ordinances on 1st Reading

Jones –Burgess 1. Change Hourly Rate for Outside Counsel to \$250.00 Per Hour

**ORDINANCE APPROVING A RANGE FOR ATTORNEYS FEES**

Adopted  
Absent: Inman

Lyons - Jones 2. Revised Salary Ordinance - Elected Officials

**AN ORDINANCE AMENDING ORDINANCE NUMBER MC 3319 TO PROVIDE FOR CERTAIN SALARIES**

Adopted  
Absent: Inman

Jones – Hudley 3. Revise Fee Payable to Constable to Serve Warrants From \$25.00 to \$75.00

AN ORDINANCE AUTHORIZING CONSTABLES APPOINTED BY THE TOWNSHIP TO  
SERVE WARRANTS IN PROPERTY CODE VIOLATION MATTERS AND  
ESTABLISHING A FEE FOR THE SERVICE OF A WARRANT BY CONSTABLES

Adopted  
Absent: Inman

Lyons – Burgess 4. Repeal Township's Pay to Play Ordinance and Replace With State Pay to Play Law

AN ORDINANCE RESCINDING ORDINANCE NUMBER 3443 PERTAINING TO POLITICAL  
CONTRIBUTIONS MADE TO MUNICIPAL CANDIDATES AND MUNICIPAL AND COUNTY  
POLITICAL PARTIES

Adopted  
Absent: Inman

**B. Ordinances on 2nd Reading**

1. President Frederic – A \$3,305,884.00 Capital Improvement Bond Ordinance 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

BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS IN AND  
BY THE TOWNSHIP OF IRVINGTON, IN THE COUNTY OF ESSEX, NEW JERSEY,  
APPROPRIATING \$3,305,884 THEREFOR AND AUTHORIZING THE ISSUANCE OF  
\$3,140,589 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE  
COST THEREOF.

BE IT ORDAINED 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. The several improvements described in Section 3 of this bond ordinance are hereby  
respectively authorized to be undertaken by the Township of Irvington, in the County of Essex, New Jersey (the  
"Township") as general improvements. For the several improvements or purposes described in Section 3, there  
are hereby appropriated the respective sums of money therein stated as the appropriation made for each  
improvement or purpose, such sums amounting in the aggregate to \$3,305,884, and further including the  
aggregate sum of \$165,295 as the several down payments for the improvements or purposes required by the Local

## MINUTES - REGULAR COUNCIL MEETING – NOVEMBER 12, 2014- PAGE 8

Bond Law. The down payments have been made available by virtue of provision for down payment or for capital improvement purposes in one or more previously adopted budgets.

Section 2. In order to finance the cost of the several improvements or purposes not covered by application of the several down payments, negotiable bonds are hereby authorized to be issued in the principal amount of \$3,140,589 pursuant to the Local Bond Law and the provisions of the Municipal Qualified Bond Act, P.L. 1976, c.38, as amended. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. The several improvements hereby authorized and the several purposes for which the bonds are to be issued, the estimated cost of each improvement and the appropriation therefor, the estimated maximum amount of bonds or notes to be issued for each improvement and the period of usefulness of each improvement are as follows:

<u>Purpose</u>	<u>Appropriation &amp; Estimated Cost</u>	<u>Estimated Maximum Amount of Bonds &amp; Notes</u>	<u>Period of Usefulness</u>
1) The acquisition of information technology equipment, including computers and handheld tablet computers, including all related costs and expenditures incidental thereto.	\$24,100	\$22,895	5 years
2) The acquisition of furnishings for the Town Hall, Senior Building and other Township Departments, including all related costs and expenditures incidental thereto.	\$109,524	\$104,048	5 years
3) Paving of various streets, all on a list on file in the Office of the Clerk, and the installation of speed humps, including all work and materials necessary therefor and incidental thereto.	\$1,058,013	\$1,005,112	10 years
4) The acquisition and installation of parking meters, a telephone equipment system, wireless systems and alarms, portable cameras, time clocks, wireless fire alarms and televisions, including all related costs and expenditures incidental thereto and further including all work and			



# MINUTES - REGULAR COUNCIL MEETING – NOVEMBER 12, 2014- PAGE 9

materials necessary therefor and incidental thereto.

	\$383,284	\$364,120	10 years
5) Interior and exterior painting at various Township facilities, including all work and materials necessary therefor and incidental thereto.			
	\$99,100	\$94,145	15 years
6) Various roof repairs at the Senior Building and Municipal Building, elevator repairs, and repairs to the Nye Avenue parking garage, including all work and materials necessary therefor and incidental thereto.			
	\$596,896	\$567,051	15 years
7) The acquisition of Channel 34 equipment, including all related costs and expenditures incidental thereto.			
	\$29,389	\$27,920	15 years
8) The installation of interior carpeting at various Township facilities, including all work and materials necessary therefor and incidental thereto.			
	\$29,389	\$27,920	15 years
9) The acquisition of foreclosed properties, including all related costs and expenditures incidental thereto.			
	\$352,671	\$335,037	30 years
10) Development and implementation of Securities and Exchange Commission Disclosure Compliance Plan, including all work and materials necessary therefor and incidental thereto.			
	\$17,634	\$16,752	5 years
11) Acquisition of various equipment for the Department of Public Works, including a claw and front loader, a bucket clamp and a clam digger vehicle, including all related costs and expenditures incidental thereto.			
	\$286,000	\$271,700	15 years
12) Acquisition of dump truck and plow, sports utility vehicle and a cargo van for the Department of Public Works, including all related costs and expenditure incidental thereto.			

**MINUTES - REGULAR COUNCIL MEETING – NOVEMBER 12, 2014- PAGE 10**

	<u>\$319,884</u>	<u>\$303,889</u>	5 years
Total:	<u>\$3,305,884</u>	<u>\$3,140,589</u>	

The excess of the appropriation made for each of the improvements or purposes aforesaid over the estimated maximum amount of bonds or notes to be issued therefor, as above stated, is the amount of the down payment for each purpose.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no bond anticipation note shall mature later than one year from its date. The bond anticipation notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with bond anticipation notes issued pursuant to this bond ordinance, and the chief financial officer's signature upon the bond anticipation notes shall be conclusive evidence as to all such determinations. All bond anticipation notes issued hereunder may be renewed from time to time subject to the provisions of the Local Bond Law. The chief financial officer is hereby authorized to sell part or all of the bond anticipation notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the bond anticipation notes pursuant to this bond ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the bond anticipation notes sold, the price obtained and the name of the purchaser.

Section 5. The Township hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Township is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

Section 6. The following additional matters are hereby determined, declared, recited and stated:

## **MINUTES - REGULAR COUNCIL MEETING – NOVEMBER 12, 2014- PAGE 11**

(a) The improvements or purposes described in Section 3 of this bond ordinance are not current expenses. They are all improvements or purposes that the Township may lawfully undertake as general improvements, and no part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The average period of usefulness, computed on the basis of the respective amounts of obligations authorized for each purpose and the reasonable life thereof within the limitations of the Local Bond Law, is 12.99 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Township as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$3,140,589, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$620,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purposes or improvements.

Section 7. The Township hereby declares the intent of the Township to issue bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use the proceeds to pay or reimburse expenditures for the costs of the purposes or improvements described in Section 3 of this bond ordinance. This Section 7 is a declaration of intent within the meaning and for purposes of Treasury Regulations.

Section 8. Any grant moneys received for the purposes or improvements described in Section 3 hereof shall be applied either to direct payment of the cost of the improvements or to payment of the obligations issued pursuant to this bond ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

Section 9. The chief financial officer of the Township is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Township and to execute such disclosure document on behalf of the Township. The chief financial officer is further authorized to enter into the appropriate undertaking to provide secondary market

## MINUTES - REGULAR COUNCIL MEETING – NOVEMBER 12, 2014- PAGE 12

disclosure on behalf of the Township pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the ARule@) for the benefit of holders and beneficial owners of obligations of the Township and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Township fails to comply with its undertaking, the Township shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

Section 10. The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Township, and the Township shall be obligated to levy *ad valorem* taxes upon all the taxable real property within the Township for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 11. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

The public hearing on this ordinance is now open.

Cathy Southerland, 50 Adams Street

Jones - Hudley Motion to close public hearing

Adopted  
Absent: Inman

Jones - Hudley Motion to adjourn adoption of this ordinance until December 9, 2014

Council President Frederic spoke.

Adopted  
Absent: Inman

2. President Frederic: A bond ordinance amending bond ordinance MC 3505 to provide for the purchase of a front loader with a snow plow and an Altec Controlled Chipper, 2015 will be heard at this time. The Clerk will read the notice of hearing.

The Clerk stated for the record that this notice was identical to the prior notice that was read.

The Clerk will read the ordinance by title

BOND ORDINANCE AMENDING SECTION 3(b) OF BOND  
ORDINANCE NUMBERED MC 3505 OF THE TOWNSHIP OF  
IRVINGTON, IN THE COUNTY OF ESSEX, NEW JERSEY FINALLY  
ADOPTED DECEMBER 10, 2013 IN ORDER TO AMEND THE  
DESCRIPTION OF THE PROJECT.

BE IT ORDAINED 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 One. Section 3(b) of Bond Ordinance numbered MC 3505 of the Township of  
Irvington, in the County of Essex, New Jersey (the "Township"), finally adopted December 10,  
2013, is hereby amended to read as follows:

"(b) The acquisition of a front loader with a  
snow plow and an Altec Controlled Chipper,  
including all related costs and expenditures  
incidental thereto."

Section Two. The Township hereby certifies that it has adopted a capital budget or a  
temporary capital budget, as applicable. The capital or temporary capital budget of the Township  
is hereby amended to conform with the provisions of this ordinance to the extent of any  
inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with  
the adopted capital or temporary capital budget, a revised capital or temporary capital budget has  
been filed with the Division of Local Government Services.

Section Three. This bond ordinance shall take effect 20 days after the first publication  
thereof after final adoption, as provided by the Local Bond Law.

Adopted

Absent: Inman

The public hearing on this ordinance is now open.

There were no requests to be heard.

Cox – Frederic                      Motion to close public hearing

Adopted  
Absent: Inman

Cox – Frederic                      Motion to adopt this ordinance on second reading after public hearing

Adopted  
Absent: Inman

3. President Frederic An ordinance to change the meeting time for Pre-Meeting Conferences from 7:30 P.M. to 7:00 P.M., effective January 1, 2015 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 AMENDING SECTION 5-13A OF THE REVISED CODE REGARDING THE STARTING TIME FOR PREMEETING CONFERENCES.**

**BE IT ORDAINED BY THE MUNICIPAL COUNCIL FO THE TOWNSHIP OF IRVINGTON as follows:**

**SECTION 1.** Section 5-13A of the Revised Code of the Township of Irvington is hereby amended as follows:

**§ 5-13.** Premeeting conferences.

A. The Council shall hold premeeting conferences at 7:00 p.m. on the business day preceding the regular meetings of each month, except that only one premeeting conference shall be held each month at 7:00 p.m. in the months of July and August on the day preceding the day on which a regular meeting has been fixed; provided, however, that when the day fixed for any premeeting conference of the Council falls upon a day designated by law as a legal, national or religious holiday or upon a day when three or more members of the Council are attending a municipal, county, state or national conference, convention or meeting, such premeeting conference shall be held on a day to be scheduled by the Clerk of the Council, provided that the Clerk be advised at least one month prior to the Council members' expected absence. All premeeting conferences of the Council shall be held in the Council conference room or such other place as the Council may designate. A majority of the Council may request the Mayor

and/or any department head or officer of the Township to attend any premeeting conference, and the department head or officer, when requested to do so, shall attend the conference.

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 and become effective on January 1, 2015.

The public hearing on this ordinance is now open.

Cathy Southerland, 50 Adams Street

Frederic - Jones                      Motion to close public hearing

Adopted  
Absent: Inman

Frederic - Jones                      Motion to adopt this ordinance on second reading after public hearing

Council Member Lyons spoke.

Adopted  
Absent: Inman

## 9. Resolutions & Motions

### A. Resolutions

Jones – Burgess 6. Authorize Use of \$412,280.00 in Community Development Block Grant Funds to Brand New Day for Four New Single Unit Houses for Low and Moderate Income Families in the East Ward

#### BRAND NEW DAY.INC.

WHEREAS, the Municipal Council through the adoption of Resolution No. OCDP 07-0911-43 (Exhibit A) authorized Brand New Day, Inc. (a designated CHDO of the Township of Irvington) to receive HUD/HOME and HUD/HOME CHDO Loan Program Funds in the amount of \$550,000.00 to be used for new construction of 11 single family homes for low/moderate income Irvington homebuyers at scattered sites in the Townships East Ward targeted areas of redevelopment comprising Blocks 145 through 147, Irvington, New Jersey; and

WHEREAS, Brand New Day experienced financial shortfalls (exhibit C) that limited them to the construction of 6 single family homes using HUD/HOME and HUD/HOME CHDO Community and Housing Development Organization) Loan Program funds instead of the originally planned 11; and

**MINUTES - REGULAR COUNCIL MEETING – NOVEMBER 12, 2014- PAGE 16**

WHEREAS, Brand New Day's project was reduced from 11 houses to 9 houses because: 1 - It was unable to develop one property because of issues with a neighboring privately owned parcel and 2 - One new homeowner loss his eligibility for affordable housing funding

WHEREAS, the Municipal Council through the adoption of Resolution No. OCDP 14-0812-9 (Exhibit B) authorized Brand New Day, Inc. to receive HUD/HOME and HUD/HOME CHDO Loan Program Funds in the amount of \$412,280.00 to be used for the new construction and/or rehabilitation of homes for low-and -moderate income Irvington families in the East Ward targeted area; and

WHEREAS, Brand New Day, Inc. remains committed to completing the four (4) remaining single family homes to provide a total of nine (9) single family homes to low/moderate income Irvington families; and

WHEREAS, Brand New Day, Inc. has requested HUD/HOME and HUD/HOME CHDO Loan Program Funds in the amount of \$412,280.00 to be awarded for the completion of the four (4) new single family houses and;

WHEREAS, the Township of Irvington, Office of Community Development & Planning believes that this proposed expenditure of the \$412,280.00 is a cost efficient use of said funds because the 10 single family project is already under construction and this infusion of additional funds will also allow for the timely expenditure of these funds with no threat of forfeiture.

NOW, THEREFORE BE IT RESOLVED by the Municipal Council of the Township of Irvington that Resolution No. OCDP 07-0911-43 be and hereby is amended to increase the expenditure of the Township of Irvington's HUD/HOME and HUD/HOME CHDO Loan Program Funds from \$550,000.0 to \$962,280.00 which represents an increase of \$412,280.00 to be used exclusively for the completion of the new construction of 4 single family homes already under construction.

BE IT FURTHER RESOLVED that per a mutual agreement between the Office of Community Development & Planning and Brand New Day, Inc., the contracted number of single family homes constructed with Township of Irvington HUD/HOME and HUD/HOME CHDO Loan Program Funds will be reduced from eleven (11) to nine (9) homes.

Be It Further Resolved that Resolution No. OCDP 14-0812-9 and the associated contract between the Township of Irvington, Office of Community Development & Planning and Brand New Day, Inc. be cancelled.

Adopted  
Absent: Inman

Jones – Lyons 7. 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.

DEFEATED

YES: Jones, Lyons

NO: Burgess, Cox, Hudley, Jones, Frederic

ABSENT: Inman

Lyons – Cox 8. Amend Resolution DPW 14-1028-35 - Repair to Loader – Powerco, Inc. - Not To Exceed \$9,200.00

**AMENDED RESOLUTION DPW-14-1028-35  
EMERGENCY CONTRACT TO REPAIR 2004 CASE LOADER**

WHEREAS, the 2004 case loader is out of service and is a vital piece of equipment for the Department of Public Works; and

WHEREAS, Powerco Inc. is over the quote threshold of \$5,400.00; and

WHEREAS, the Public Works Director has declared an emergency in writing to use this vendor, suspending the quote requirements; and

**MINUTES - REGULAR COUNCIL MEETING – NOVEMBER 12, 2014- PAGE 19**

WHEREAS, upon inspection of the case loader, Powerco Inc. has determined that more extensive work must be performed on said loader; and

WHEREAS, the new quote for repair of the case loader is \$9,200.00; and

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON, that it ratifies the decision of the Director of Public Works to authorize this amendment to the original quote of \$3,500.00 making the amount not to exceed \$9,200.00 awarded to Powerco Inc. 12 Route 173, Clinton, NJ 08809.

BE IT FURTHER RESOLVED, the appropriations to be charged for this expenditure are: 4-01-26-290-292-133 and 4-01-21-165-165-118.

Adopted  
Absent: Inman

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**ALCOHOLIC BEVERAGE CONTROL BOARD**

**NOVEMBER 12, 2014**

1. Chair Person Cox calls the Meeting to Order

2. Roll Call

Present: Commissioners Burgess, Frederic, Hudley Jones, Lyons, Chair Person Cox

Absent: Commissioner Inman (excused)

A. New Business

Jones – Frederic A. Authorize Renewal of ABC Consumption License for the Slick's Tavern for the 2013-2014 Licensing Year – Tax Clearance Received from N.J. Division of Taxation

WHEREAS, on June 10, 2014, the Municipal Council, acting as the Alcoholic Beverage Control Board of the Township of Irvington, adopted Resolution No. ABC 14-0610-1 which authorized the renewals of the following Plenary Retail Consumption Licenses:

0709-33-068-005 P.S. Clervoyant, LLC 371 Nye Avenue  
t/a Slick's Tavern

WHEREAS, on October 28, 2014 the Municipal Council, acting as the Alcoholic Beverage Control Board of the Township of Irvington, adopted Resolution No. ABC 14-1028-7 which rescinded the renewal of the following Plenary Retail Consumption Licenses for failure to obtain tax clearance from the New Jersey Division of Taxation:

**MINUTES - REGULAR COUNCIL MEETING – NOVEMBER 12, 2014- PAGE 20**

0709-33-068-005 P.S. Clervoyant, LLC  
t/a Slick's Tavern

371 Nye Avenue

WHEREAS, on November 3, 2014 the New Jersey Division of Taxation of Alcoholic Beverage Control has advised that said license holder received tax clearance:

NOW THEREFORE BE IT RESOLVED BY THE MUNICIPAL COUNCIL ACTING AS THE ALCOHOLIC BEVERAGE CONTROL BOARD OF THE TOWNSHIP OF IRVINGTON that permanent Plenary Retail Consumption Licenses be issued to the following named individuals, partnerships and corporations for the sale of alcoholic beverages by the glass or other open receptacles to be consumed on the licensed premises and also for the sale of alcoholic beverages in original containers for consumption off the licensed premises for the year 2014-2015 at the address set opposite their respective name, viz:

0709-33-068-005 P.S. Clervoyant, LLC  
t/a Slick's Tavern

371 Nye Avenue

BE IT FURTHER RESOLVED that the said licenses be issued in the name of and under the seal of the Township of Irvington and be signed by a representative of the License Bureau, in order to fulfill the provisions of the Irvington Township Code, known as Ordinance MC 2622, which license, after being so signed, shall be released by the License Bureau to the licensee; and

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the New Jersey Director of the Division of Alcoholic Beverage Control.

The licensee was interviewed by the ABC Board.

DEFEATED

Yes: Frederic

No: Burgess, Hudley, Jones, Lyons, Cox

Absent: Inman

3. Adjournment

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12. Miscellaneous

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

Elouise McDaniel, 214 Nesbit Terrace

Mayor Vauss

Richard Williams, 197 Linden Avenue

David Hungerford, 12 Brookdale Gardens, Bloomfield, New Jersey

Frank McBee, 46 Durand Place

Harry Perryman, 21 Nesbit Terrace

Robert Shaw, 53 Coit Street

All of the Council Members present and Mayor Vauss addressed the issues raised by the above referenced citizens.

13. Adjournment

There being no further business, the meeting was adjourned at 9:18 P.M.

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Charnette Frederic, Council President

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Harold E. Wiener, Municipal Clerk