

LAR COUNCIL MEETING
MAY 12, 2015

Council Chamber, Municipal Building
Irvington, N.J. – Tuesday Evening
May 12, 2015 - 8:00 P.M.

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

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

Absent: None

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 – 4-28-15
2. MONOC – 2014 Annual Ambulance Report
3. Constable Reports Filed in April

7. Reports of Committees

- A. Bid Results – 2015 Road Re-Surfacing Program – 4-22-15
- B. Bid Results – 2015 Summer Food Service Program – 5-6-15
- C. Bid Results – Lease of Street Sweepers - 5-6-15

8. Ordinances, Bills & Claims

A. Ordinances on 1st Reading

None

B. Ordinances on 2nd Reading

None

C. Bills & Claims

Jones – Lyons 1. Bill Lists

RESOLVED THAT THE BILLS AND CLAIMS AGAINST THE TOWNSHIP OF IRVINGTON FOR A PERIOD MAY 12, 2015, 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	\$ 885,695.64
SUPPLEMENTAL	\$ 68,400.00
TOTAL	\$ 954,095.64

Adopted

Jones – Burgess 2. Payrolls

April 18, 2015 through May 1, 2015

REGULAR	OVERTIME	OTHER EARNED	TOTAL
\$1,418,049.66	\$117,010.99	\$171,433.66	\$1,706,494.31

Adopted

9. Resolutions & Motions

A. Resolutions

Frederic – Burgess 1. Commemorate June as Adopt a Cat Month

WHEREAS, every year Animal Services Agencies receives thousands of litters of kittens, in addition to all the adult cats who find their way into those shelters

WHEREAS, these agencies simply do not have the space or the resources to take care of that many animals; and

WHEREAS, out of the thousands of cats that enter these shelters each year only about twenty-five percent are adopted into loving homes resulting in most of them, in fact more than 70%, must be euthanized; and

WHEREAS, the Township of Irvington would like to take this time to bring community awareness to the numerous benefits associated with owning a cat, and to shine the light on all of the beautiful kittens and cats that are eagerly awaiting loving homes; and

WHEREAS, celebrated each year in June, Adopt-A-Cat Month is a nationwide campaign that encourages people to adopt a cat from a shelter; and

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that the Township of Irvington hereby commemorates June as Adopt-A-Cat Month and urges its citizenry to visit a local animal shelter to adopt a cat and enjoy the loving presence of these lovely and loving felines.

Adopted

Frederic – Inman 2. Commemoration - Haitian Flag Day, 2015

**RESOLUTION OF COMMEMORATION
HAITIAN FLAG DAY**

WHEREAS, HAITI's history dates back to thousands of years. The western half of the island of Hispaniola, it was first inhabited by the Taino natives. Christopher Columbus was the first European to visit the island, doing so in 1492, founding the settlement of La Navidad. France and Spain divided Hispaniola between them in 1697, France receiving the western half, importing African slaves and imposing racial codes; and

WHEREAS, HAITIAN natives fought for their independence, under former slave Toussaint L'Ouverture, in the late 1700s and early 1800s. On January 1, 1804, **HAITI** proclaimed its independence from France, and withstood French and other nations' attempts to conquer them. **HAITI** is the second-oldest independent nation in the Americas; and

WHEREAS, For a country's citizens, the national flag is indisputably a symbol of general pride. They would consider any offense to their flag to be an offense to their country. Beyond being an icon though, a flag's origin can often say a lot about a nation's social makeup or history. Haitians feel no different and even reserve a special day to honor it, that day is May 18, 2015; and

WHEREAS, In Haiti, Flag Day is a major national holiday celebrated with great fanfare on the grounds of the national palace. Flag Day is also observed by Haitians in the Diaspora. In the United States Haitians give homage to the blue and red by carrying it around. Haiti's flag's origin is tightly linked to a history of struggle for freedom; and

WHEREAS, Toussaint Louverture and the army of revolted slaves fought successively for the Spanish against the French (1793-1794), for the French against Spain and England (1794-1802) and ultimately against France; and

WHEREAS, The leaders of the free slaves and the men of color had decided to fight for the creation of an independent nation. On May 18, 1803, in the city of Arcahaie, not far from Port-au-Prince, the newly appointed revolutionary leader Jean-Jacques Dessalines created the flag by taking a French tricolor and ripping out the white center. He then asked Catherine Flon to sew the remaining bands together; and

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that it hereby recognizes May 18, 2015 as Haitian Flag Day and honors this country's citizens and their ancestors who so bravely fought for their freedom from slavery.

BE IT FURTHER RESOLVED that a copy of this resolution be spread upon the minutes of this governing body in lasting tribute to Haitian Flag Day.

Adopted

Frederic – Jones 3. Appointment Citizens Advisory Commission - Imelda Figaro

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

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

NAME & ADDRESS	WARD & DISTRICT	APPOINTED BY	TERM TO EXPIRE
Imelda.Figaro 50 Elmwood Avenue, Apt. 308	N-2	Council President Frederic	9-10-15

Adopted

Cox – Inman 4. Award An Emergency Contract for Webmaster Service for Two Months - Precise Virtual Development - \$6,000.00

**RESOLUTION TO AWARD AN EMERGENCY CONTRACT TO
PRECISE VIRTUAL DEVELOPMENT**

WHEREAS, the Township requires to release critical publications and notices to the public on the Municipal website; and

WHEREAS, a webmaster adds, removes and updates the Municipal website; and

WHEREAS, the webmaster service expired and the Business Administrator needed additional time to review and approve bid specifications; and

WHEREAS, the Business Administrator has declared an emergency in writing to use this vendor, suspending the quote requirements; and

WHEREAS, the Township will use this vendor on an emergency basis for two months starting on April 27, 2015 until June 27, 2015 for an amount not to exceed \$6000.00; and

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that it ratifies the decision of the Business Administrator to authorize an emergency contract to Precise Virtual Development , 1075 Easton Ave, Suite 271, Somerset, NJ 08873 an amount not to exceed \$6000.00; and

BE IT FURTHER RESOLVED, the appropriation to be charged for this expenditure is Account Number 5-01-20-100-100-183.

Adopted

Jones Cox 5. Authorize Contract for Grant Consulting Services - CGP&H Community Grants – One Year - \$30,150.00

**RESOLUTION AUTHORIZING COMPETITIVE CONTRACT
FOR GRANT CONSULTING SERVICES**

WHEREAS, sealed proposals were received on April 08, 2015 for competitive grants consulting contract services in response to a published advertisement for Request for Proposals publicly advertised in the New Jersey Star Ledger on March 26, 2015; and

WHEREAS, three vendors picked up proposal packages for this services; and

WHEREAS, three proposals were received and publicly opened by the Purchasing Agent and the Municipal Clerk; and

WHEREAS, said qualifications were referred to the Business Administrator, Chief Financial Officer and Purchasing Agent; and

WHEREAS, the Administration has recommended that the award should be made to CGP&H Community Grants, Planning & Housing, 101 Interchange Plaza, Suite 301, Cranbury NJ 08512-3716 on the basis of their response to the request for proposal that meets the selection criteria and qualifications, for an amount not to exceed \$30,150.00; and

WHEREAS, the evaluation report for this service is on file with the Office of the Municipal Clerk.

NOW THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that a contract for Grant Consulting service be awarded to CGP&H Community Grants, Planning & Housing, 101 Interchange Plaza, Suite 301, Cranbury NJ 08512-3716 on the basis of their response to the request for proposal that

meets the selection criteria and qualifications, for an amount not to exceed \$30,150.00 for one year starting on May 13, 2015 until May 14, 2016; and

BE IT FURTHER RESOLVED that the Township Attorney is hereby authorized and directed to prepare the necessary contract 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 \$30,150.00 for Grant Consulting Service will be obtained from the Chief Financial Officer contingent on the adoption of the Calendar year 2015 and 2016 budget.

Adopted

Inman – Cox 6. Authorize Adoption of the 2015 Essex County All Hazard Mitigation Plan Update

A RESOLUTION OF THE TOWNSHIP OF IRVINGTON
AUTHORIZING THE ADOPTION OF THE
2015 ESSEX COUNTY
ALL HAZARD MITIGATION PLAN UPDATE

WHEREAS, all of Essex County has exposure to natural hazards that increase the risk to life, property, environment and the County's economy; and

WHEREAS; pro-active mitigation of known hazards before a disaster event can reduce or eliminate long-term risk to life and property; and

WHEREAS, The Disaster Mitigation Act of 2000 (Public Law 106-390) established new requirements for pre and post disaster hazard mitigation programs; and

WHEREAS; a coalition of Essex County jurisdictions with like planning objectives has been formed to pool resources and create consistent mitigation strategies within Essex County; and

WHEREAS, the coalition has completed a planning process that engages the public, assesses the risk and vulnerability to the impacts of natural hazards, develops a mitigation strategy consistent with a set of uniform goals and objectives, and creates a plan for implementing, evaluating and revising this strategy;

NOW, THEREFORE, BE IT RESOLVED that the Township of Irvington

- 1) Adopts in its entirety, the 2015 Essex County All Hazard Mitigation Plan Update (the "Plan") as the jurisdiction's Natural Hazard Mitigation Plan, and resolves to execute the actions identified in the Plan that pertain to this jurisdiction.
- 2) Will use the adopted and approved portions of the Plan to guide pre- and post-disaster mitigation of the hazards identified.

- 3) Will coordinate the strategies identified in the Plan with other planning programs and mechanisms under its jurisdictional authority.
- 4) Will continue its support of the Mitigation Planning Committee as described within the Plan.
- 5) Will help to promote and support the mitigation successes of all participants in this Plan.
- 6) Will incorporate mitigation planning as an integral component of government and partner operations.
- 7) Will provide an update of the Plan in conjunction with the County no less than every five years.

Adopted

Jones – Lyons 7. Designate Irvington as a Stigma Free Town

RESOLUTION FOR IRVINGTON TO BE A STIGMA FREE TOWNSHIP

WHEREAS, the Town Council of Irvington in the State of New Jersey and the County of Essex recognizes that one in five Americans have experienced some sort of mental illness according to the Substance Abuse and Mental Health Services Administration (SAMHSA); and

WHEREAS, despite major accomplishments and the progress achieved, New Jersey must still overcome significant challenges before it can reach the goal of making quality mental health care available to all those who need it; and

WHEREAS, mental health problems are more common than cancer and heart disease combined and more than half of all Iraq and Afghanistan veterans hospitalized at VA hospitals are treated for mental illness according to the Veteran's Administration, and the stigma associated with mental illness is the biggest roadblock to recovery; and

WHEREAS, The Codey Fund for Mental Health has initiated a statewide campaign requesting towns throughout New Jersey designate their municipality a Stigma Free Town; and

WHEREAS, by declaring Irvington, a Stigma Free Town, Irvington supports the elimination of stigma associated with mental health illness and will promote public awareness of mental health issues and work to overcome stigma, stereotyping, discrimination and removing any barriers to recovery; and

NOW THEREFORE, BE IT RESOLVED, by the Irvington Municipal Council in the state of New Jersey in the County of Essex, that the Town of Irvington is a Stigma Free Town.

BE IT FURTHER RESOLVED, that on major thoroughfares in and out of the municipality, road signs be erected showing the establishment of a Stigma Free Town.

Adopted

Cox – Lyons 8. Reject Late Applications for Community Development Block Grant Funds

RESOLUTION REJECTING PROPOSALS TO RECEIVE FUNDING UNDER THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG)

WHEREAS, on January 5, 2015 the Township of Irvington published a legal notice soliciting proposals from organizations seeking to receive funds through the Community Development Block Grant (CDBG);

WHEREAS, the legal notice provided for all proposals had to be received no later than February 5, 2015;

WHEREAS, the following applicants submitted proposal after February 5, 2015;

Offender's Aid and Restoration of Essex County, received February 11, 2015

Crosswalk Community Services, received February 9, 2015

Partnership for Maternal and Child Health of NJ, received February 19, 2015

WHEREAS, the Local Public Contract Law, 40A:11-13.2 provides that a municipality may reject any proposals/bids received after the designated due date.

BE IT RESOLVED by the Council of Township of Irvington, in the County of Essex that the applications received after the due date of February 5, 2015 hereby rejected in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-13.2.

Adopted

Lyons – Burgess 9. Reject Bids for Summer Food Service Program - Need to Revise the Specifications

REJECTING INVITATION FOR BIDS FOR 2015 SUMMER FOODS PROGRAMS

WHEREAS, on May06, 2015, the Township of Irvington accepted and opened Bids for the 2015 Summer Foods Programs; and

WHEREAS, the Township received two bids for this service; and

WHEREAS, the Summer Foods Coordinator wishes to rejected all bids on the basis of specification must be revised; and

WHEREAS, the Local Public Contract Law, 40A:11-13.2.(a) and (d) provides that a municipality may reject all bids when specification must be revised; and

NOW THEREFORE BE IT RESOVED by the Council of Township of Irvington, in the County of Essex, that all bids received for the 2015 Summer Foods Program is hereby

rejected in accordance with the Local Public Contracts Law, NJSA40A:11-13.2.(a) and (d)

BE IT FUTEHR RESOLVED that the Qualified Purchasing Agent is hereby authorized and directed to negotiate a contract for this service in accordance with the Local Public Contract Law.

Adopted

Jones – Lyons 10. Award Bid - Renovations to the Chris Gatling Recreation Center - Pharos Corporation - Not To Exceed \$262,000.00

AWARD OF CONTRACT FOR RENOVATIONS OF CHRIS GATLING CENTER

WHEREAS, invitation for bids for Chris Gatling Center was publicly advertised in the New Jersey Star Ledger on February 23, 2015 with a deadline for bids to be submitted on March 19, 2015; and

WHEREAS, four 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 Pharos Corporation, 879 Upper Main Street, South Amboy, NJ 08879 on the basis of their lowest, responsible, responsive bid, in an amount not to exceed \$262,000.00; and

NOW THEREFORE BE, IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that a contract for the renovation of Chris Gatling Center., 879 Upper Main Street, South Amboy, NJ 08879; and

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.

BE IT FURTHER RESOLVED, the Township Clerk is hereby directed to return the bid security to the unsuccessful bidders; and

BE IT RESOLVED, that the required certification of availability of funds C5-00258 in the amount of \$262,000.00 from account numbers C-04-56-848-014-902 and G-02-xx-869-14A-299 has been obtained from the Chief Financial Officer.

Adopted

Cox – Burgess 11. Reject Bids for 2015 Road Resurfacing Program - Need to Revise the Specifications

REJECTING INVITATION FOR BIDS FOR 2015 ROAD RESURFACING PROGRAM

WHEREAS, on April 22, 2015, the Township of Irvington accepted and opened Bids for the 2015 Road Resurfacing Program; and

WHEREAS, the Township received one bid for this service; and

WHEREAS, the Township Engineer wishes to rejected all bids on the basis of specification must be revised; and

WHEREAS, the Local Public Contract Law, 40A:11-13.2.(a) and (d) provides that a municipality may reject all bids when specification must be revised; and

NOW THEREFORE BE IT RESOLVED by the Council of Township of Irvington, in the County of Essex, that all bids received for the 2015 Road Resurfacing Program is hereby rejected in accordance with the Local Public Contracts Law, NJSA40A:11-13.2.(a) and (d)

BE IT FURTHER RESOLVED the Municipal Clerk is hereby authorized to return all bid bonds for this program

BE IT FURTHER RESOLVED that the Qualified Purchasing Agent is hereby authorized and directed to negotiate a contract for this service in accordance with the Local Public Contract Law.

Adopted

Frederic - Inman 12. Urge Dominican Republic to Comply with International Norms and Regulations

RESOLUTION URGING THE DOMINICAN REPUBLIC TO COMPLY WITH INTERNATIONAL NORMS AND REGULATIONS

WHEREAS, the Township of Irvington has a long history of addressing and advocating the rights of their residents to enjoy justice, freedom and equal access to opportunities for all; and

WHEREAS, in September 2013, the Constitutional Tribunal of the Dominican Republic issued decision TC 168-13 stripping retroactively the Dominican citizenship and nationality of many including nearly 220,000 born in Dominican Republic after 1929 of Haitian parents. This decision violates the ruling of the Inter-American Court of Human Rights holding that a parent's immigration status could not affect a child's citizenship. It also violates the Dominican Republic's own previous Constitution which provided that those born on Dominican soil, such as in this case, are vested with the rights, privileges and duties of Dominican citizenship; and

WHEREAS, in May 2014, in response to domestic and international outcry against the retroactive denationalization of so many, the Dominican Republic government enacted Naturalization Law 169-14 providing a path to regain citizenship for those affected by the TC 168-13 Court decision. Under the law, Group A, those affected Dominicans whose birth was already registered with the government, could apply to have their citizenship re-recognized at any time. However, Group B, those affected Dominicans with no birth registry, had 180 days, or until Feb. 1, 2015, to obtain a residency permit with the possibility of applying for naturalization in 2 years; and

WHEREAS, this Naturalization Law 169-14 has been poorly drafted, promoted and implemented from its inception. Many of the people in Group A have yet to receive their citizenship papers because their documents are routinely refused under pretext of irregularities. As for people in Group B, the Dominican Republic government failed to carry out an effective information campaign about the law, delayed the establishment of offices to process re-recognition citizenship applications, and government officials would routinely demand applicants to submit oppressive proof such as producing seven (7) pure Dominican witnesses and additional documents often not requested by the law. The majority of people in Group B belongs to the most disadvantaged sector of Dominican society and live in remote areas in abject conditions. As a result, according to the Dominican Minister of Interior, out of the eligible 110,000 of Group B only 8,755 had registered by the deadline. Those 100,000 plus who failed to re-establish their citizenship are now stateless and facing deportation by June 17, 2015; and

WHEREAS, in October 2014, the Inter-American Court of Human Rights found that the Constitutional Tribunal decision and part of Naturalization Law 169-14 relating to Group B violated the American Convention on Human Rights. The Dominican authorities rejected said ruling and refused to comply with its mandates; and

WHEREAS, these unjust laws have created a xenophobic attitude toward Haitians and affected Dominicans that of time translate into acts of violence and even death by torture, mob attacks and lynching; and

WHEREAS, civil rights, human rights, academic, legal, political, and dozens of other groups across New York State, New Jersey State including the United States National Bar Association, Robert F. Kennedy Center for Justice and Human Rights, 1199 Service Employees International Union (1199 SEIU), Amnesty International (AL), Haitian American Lawyers Association of New York (HALANY), Coalition of Dominicans Against Racism (CDAR), We Are All Dominicans (WAAD), Haitian American Caucus (HAC), Haitian American Association for Political Action-PAC (HAAPA-PAC), National Haitian American Elected Officials Network (NHAEON), Haitian Round Table (HRT), HABNET Chamber of Commerce, Haitian American Nurses Association of Greater New York (HANA-NY), Friends of Haiti 2010, Make the Road, Border of Lights, Northern Manhattan Coalition for Immigrant Rights, and Ahora/NOW are calling for immediate action by the Dominican government to amend the effects of the Constitutional Tribunal rulings and amend the requirements of Law 169-14; and

NOW, THEREFORE BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that this Legislative Body pause in its deliberations to

express its concern and outrage over the 168-13 and 169-14 rulings of the Constitutional Court of the Dominican Republic, and the increasing xenophobia and violence against those Haitian descent in Dominican Republic. The body stands in opposition to the decision of the Dominican Republic Constitutional Court rendering hundreds of thousands Dominicans stateless without freedom, justice, equality and the pursuit of happiness afforded to a citizen of the democratic country; and

BE IT FURTHER RESOLVED, that the Irvington Township encourages all the judicial and executive branches of the Dominican Republic government to comply with international norms and regulations, and that all procedural barriers to the implementation of Law 169-14 be removed, the deadlines extended, and re-instate the citizenship of the affected Dominicans; and

BE IT FURTHER RESOLVED that a copy of this resolution be sent to the Dominican Consulate and spread upon the minutes of this governing body in lasting tribute to make a difference for the betterment of Dominicans in our municipality and Dominican Republic.

Adopted

Jones – Inman 13. Authorize Change Order #1 for Wagner Place Emergency Operations Center - Increase Contract Price by \$8,390.04

**RESOLUTION FOR CHANGE ORDER NO. 16 FOR WAGNER PLACE
EMERGENCY OPERATIONS CENTER**

WHEREAS, the Township of Irvington received a grant for the rehabilitation of the Wagner Place Firehouse to convert this structure to the Township's Emergency Operations Center; and

WHEREAS, the Township awarded contracts to The Musial Group (as Architect) and Salazar & Associates (as contractor) for the design and construction of this facility pursuant to the New Jersey Local Public Contracts Law; and,

WHEREAS, after publicly receiving bids, a contract for the construction of this project was awarded to Salazar & Associates in the amount of \$ 867,000.00; and

WHEREAS, during the construction of this project, it was discovered that the gas service to support this structure and the new facilities, including a gas powered emergency generator, was insufficient to support these new facilities, and;

WHEREAS, new plumbing is required to connect the new gas supply to the building and the Architect prepared a revised plan to accommodate this new work and Salazar & Associates has prepared a change order proposal in the amount of \$ 8,390.04 to accomplish this work, and;

WHEREAS, the Architect has reviewed and approved this proposal and the Township Engineer concurs with this recommendation.

NOW, THEREFORE, BE IT RESOLVED BY MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that a change order in the amount of \$ 8,390.04 be awarded to Salazar & Associates, Union NJ 07083 for the installation of plumbing for the gas service at the Wagner Place Firehouse Emergency Operations Center.

BE IT FURTHER RESOLVED that pursuant to N.J.A.C. 5:34-5.2, the required Certificate of Availability of Funds No. C4-00234 for the above has been obtained from the Chief Financial Officer of the Township of Irvington and the appropriation to be charged for this expenditure is C-04-55-839-901 in the amount of \$8,390.04.

Adopted

Cox – Burgess 14. Award Bid – Lease of Street Sweepers – Northeast Sweepers, LLC – Not to Exceed \$135,750.72

AWARDING A CONTRACT TO LEASE TWO STREET SWEEPERS AND PURCHASE THE EQUIPMENT AT THE END OF THE LEASE AGREEMENT

WHEREAS, invitation for bids to lease two street sweepers was publicly advertised in the New Jersey Star Ledger on April 17, 2015 with a deadline for bids to be submitted on May 06, 2015; and

WHEREAS, one bid was received and opened by the Township Clerk and Purchasing Agent; and

WHEREAS, bid received was reviewed according to the New Jersey Local Public Contract law, and referred to the Public Works Director for review and recommendation; and

WHEREAS, the Public Works Director has recommended that the award be made to Northeast Sweepers LLC of 143 Valley Street, Belleville, NJ 07109 on the basis of their lowest, responsible, responsive bid, in an amount not to exceed \$87,750.72 for the yearly lease payment and \$48,000.00 for full service and maintenance contract for a total yearly payment of \$135,750.72 for five years; and

NOW THEREFORE BE, IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that a contract for the lease of two street sweepers be awarded to Northeast Sweepers LLC of 143 Valley Street, Belleville, NJ 07109 for an annual payment of \$135,750.72; and

BE IT FURTHER RESOLVED, that the Township will trade in two 2008 Alliance MX 450 Street Sweepers to the vendor, VIN numbers 1J9VM3H668C172103 and VIN Number 1JVM3H6x8C172104 for \$2000.00 per street sweeper, for a total amount of \$4000.00; and

BE IT FURTHER RESOLVED, the Township will purchase the street sweepers from the vendor at the end of the lease period for an amount not to exceed \$1.00; and

BE IT FURTHER RESOLVED, Northeast Sweeper LLC will provide training to Municipal Employees to operate two 2015 Single Engine hydrostatic pure vacuum at no additional cost to the Township; and

BE IT FURTHER RESOLVED, this lease agreement contract will start on May 13, 2015 until May 14, 2020; and

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.

BE IT FURTHER RESOLVED, the Township Clerk is hereby directed to return the bid security to the unsuccessful bidders; and

BE IT RESOLVED, that the required certification of availability of funds C5-00259 in the amount of \$21, 801.43 from account number 5-01-21-165-165-118 has been obtained from the Chief Financial Officer for the payment of the first quarterly lease payment, the remaining quarterly lease payments will be certified by the Chief Financial Officer contingent on the adoption of the yearly Municipal budgets.

Adopted

B. Motions

None

10. Communications & Petitions

A. Communications

1. League of Municipalities – Legislative Bulletin #2

B. Petitions

None

11. Pending Business

None

12. Miscellaneous

A. Bingos and Raffles

Jones – Lyons 1. Sacred Heart of Jesus Church

Adopted

NON-CONSENT AGENDA ITEMS

Cox – Burgess 15. Re-Adoption of Resolution Authorize Special Emergency
Appropriation - \$1,238,000 – Payment of Contractually Required Severance Liabilities

**RESOLUTION AUTHORIZING SPECIAL
EMERGENCY NOTES IN THE AMOUNT OF
\$1,238,000 FOR THE PAYMENT OF
CONTRACTUALLY REQUIRED SEVERANCE
LIABILITIES, IN AND BY THE TOWNSHIP OF
IRVINGTON, IN THE COUNTY OF ESSEX, NEW
JERSEY**

**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 ordinance authorizing a special emergency appropriation of \$1,238,000 for the payment by the Township of Irvington, in the County of Essex, New Jersey (the “Township”) of contractually required severance liabilities resulting from the layoff or retirement of Township employees has been finally adopted by the Township Council of the Township, and a copy thereof has been filed with the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey (the “Director”).

Section 2. (a) In order to finance the special emergency appropriation described in Section 1 of this resolution, the Township is hereby authorized to borrow the sum of not to exceed \$1,238,000 and to issue its special emergency notes (the “Notes”) therefor in accordance with the Local Budget Law of New Jersey (N.J.S.A. 40A:4-55).

(b) The Notes authorized by this resolution may be issued in amounts and denominations not exceeding in the aggregate the amount of Notes authorized herein, as determined by the chief financial officer of the Township pursuant to this resolution.

(c) The Township may finance the special emergency appropriation from surplus funds available or may borrow money in a manner prescribed herein. Where an appropriation is financed from surplus funds available, at least one-fifth of the amount thereof shall be included in each annual budget until the appropriation has been fully provided for.

Section 3. The following matters in connection with the Notes are hereby determined:

(a) All Notes issued hereunder and any renewals thereof shall mature at such time as may be determined by the chief financial officer within the limitations of the Local Budget Law, provided however, that at least one-fifth of all such Notes and the renewals thereof shall mature and be paid in each year so that all Notes and renewals shall have matured and have been paid not later than the last day of the fifth year following the date of this resolution;

(b) All Notes issued hereunder shall bear interest at such rate or rates as may be determined by the chief financial officer;

(c) The Notes shall be in the form determined by the chief financial officer and the chief financial officer's signature upon the Notes shall be conclusive as to such determination;

Section 4. The chief financial officer is hereby authorized and directed to determine all matters in connection with the Notes not determined by this or a subsequent

resolution and the chief financial officer's signature upon the Notes shall be conclusive as to such determination.

Section 5. The chief financial officer is hereby authorized to sell the Notes from time to time at public or private sale in such amounts as such officer may determine at not less than par and to deliver the same from time to time to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof and payment therefor.

Section 6. Any instrument issued pursuant to this resolution shall be a general obligation of the Township. The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and the interest on the Notes and, unless otherwise paid or payment provided for, an amount sufficient for such payment shall be inserted in the budget and a tax sufficient to provide for the payment thereof shall be levied and collected.

Section 7. The chief financial officer is authorized and directed to report in writing to this governing body at the meeting next succeeding the date when any sale or delivery of the Notes pursuant to this resolution is made, such report to include the amount, description, interest rate and maturity of the Notes sold, the price obtained and the name of the purchaser.

Section 8. The chief financial officer, in connection with other professionals of the Township acting under his direction, is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document for the Township, as it may be so updated from time to time, to be distributed in connection with the sale of tax anticipation notes of the Township. The chief financial officer is hereby authorized to execute such disclosure document on behalf of the Township.

Section 9. (a) Solely for purposes of complying with Rule 15c2-12 of the Securities and Exchange Commission (the "Rule"), and provided that an issue of tax anticipation notes authorized by this resolution is not exempt from the Rule, for so long as an issue of tax anticipation notes of the Township remains outstanding (other than an issue of tax anticipation notes which has been wholly defeased), the Township shall provide, in a timely manner not in excess of ten business days after the occurrence of the event, to the Municipal Securities Rulemaking Board, notice of any of the following events with respect to the tax anticipation notes (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;
- (14) Appointment of a successor or additional trustee or the change of name of a trustee, if material.

(b) The covenants and undertakings contained in this Section 9 are made for the benefit of the holders or beneficial owners of the tax anticipation notes issued under this resolution.

(c) 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 tax anticipation notes prior to their offering. Such officer is hereby authorized to enter into written contracts or undertaking to implement this resolution and is further authorized to amend such contracts or undertakings as needed to comply with the Rule or upon the advice of Bond Counsel.

(d) In the event that the Township fails to comply with this resolution or the written contract or undertaking, the Township shall not be liable for monetary damages, remedy of the holders or beneficial owners of the tax anticipation notes being hereby specifically limited to specific performance of the covenants contained in this resolution or the written contract or undertaking.

Section 10. A copy of this resolution as adopted shall be filed with the Director.

Section 11. This resolution shall take effect immediately.

Adopted

Jones - Inman 16. Authorize Camptown Business Improvement District Budget to be Read By Title

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 Camptown Business Improvement District Budget shall be read by title only.

Adopted

16A. President Frederic: The Camptown Business Improvement District Budget Improvement District's budget for 2015 was introduced on April 14, 2015, published in the Irvington Herald on April 23, 2015 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 2015 Camptown Business Improvement District Budget:

Total General Revenues	\$241,132.00
Total General Appropriations	\$241,132.00

The public hearing on the Camptown Business Improvement District's Budget for 2015 is now open.

There were no requests to be heard.

Jones – Inman Motion to close public hearing

Adopted

Jones – Inman Motion to adopt Springfield Avenue Center Business Improvement District's Budget for 2015

Adopted

Burgess – Frederic 17. Introduction of Calendar Year 2015 Municipal Budget

BE IT RESOLVED, that the following statements of revenues and appropriations shall constitute the CY 2015 Municipal Budget of the Township of Irvington:

Total General Revenues	\$99,431,002.71
Total General Appropriations	\$99,431,002.71

BE IT FURTHER RESOLVED that a summary of the CY 2015 Municipal Budget be published in the May 21, 2015 edition of the Irvington Herald setting the public hearing for June 9, 2015 at 8:00 P.M. in the Council Chambers.

Adopted

Inman – Burgess 18. Authorize Emergency Temporary Appropriation to Fund Street Sweeper Services

APPROPRIATIONS WITHIN "CAPS"	
	<u>CY-15</u>
<u>OFFICE OF THE MAYOR</u>	<u>Emerg Temp #4</u>
Mayor's Office:	
Salaries and Wages	-
Other Expenses	-
Irvington Mental Health Center:	-
Other Expenses	-
Planning Board:	-
Salaries and Wages	-
Other Expenses	-
Office of Emergency Management:	-
Salaries and Wages	-
Other Expenses	-
Mayor's Committees:	-
Salaries and Wages	-
Other Expenses	-
Total Office of the Mayor	-
<u>OFFICE OF THE TOWNSHIP CLERK</u>	
Township Clerk's Office:	
Salaries and Wages	-
Other Expenses	-
Elections:	-
Salaries and Wages	-
Other Expenses	-
Council's Office:	-
Salaries and Wages	-
Other Expenses	-
	-
Board of Adjustment:	-
Salaries and Wages	-
Other Expenses	-
Rent Leveling Board:	-

Salaries and Wages	-
Other Expenses	-
Total Office of the Township Clerk	-
<u>OFFICE OF THE TAX ASSESSOR</u>	
Municipal Tax Assessor:	
Salaries and Wages	-
Other Expenses	-
Total Office of the Tax Assessor	-
<u>ATTORNEY TO TOWNSHIP COUNCIL</u>	
Legislative Research Officer:	
Salaries and Wages	-
Other Expenses	-
Total Attorney to Township Council	-
<u>OFFICE OF THE TOWNSHIP ATTORNEY</u>	
Township Attorney:	
Salaries and Wages	-
Other Expenses	-
Total Office of the Township Attorney	-
<u>DEPARTMENT OF ADMINISTRATION</u>	
Office of the Business Administrator:	
Salaries and Wages	-
Other Expenses	-
Other Expenses - Postage	-
Total Department of Administration	-
<u>DEPARTMENT OF POLICE</u>	
Police:	
Salaries and Wages	-
Other Expenses	-
<u>APPROPRIATIONS WITHIN "CAPS"(continue)</u>	-
School Guards:	-
Salaries and Wages	-
Other Expenses	-
Chaplains and Surgeons:	-
Salaries and Wages	-
Parking Division:	-
Other Expenses	-
Total Department of Police	-

DEPARTMENT OF FIRE	
Fire:	
Salaries and Wages	-
Other Expenses	-
Uniform Fire Safety	-
Salaries and Wages	-
Other Expenses	-
Total Department of Fire	-
DEPARTMENT OF REVENUE AND FINANCE	
Division of Finance:	
Salaries and Wages	-
Other Expenses:	-
Administration of Finance	-
Auditing	-
Insurance:	-
General Liability	-
Workers Comp	-
Employers Group Health	-
Division of Revenue-Tax Collection:	
Salaries and Wages	-
Other Expenses	-
Division of Licenses:	-
Salaries and Wages	-
Other Expenses	-
Division of Central Purchasing:	-
Salaries and Wages	-
Other Expenses	-
Total Department of Revenue and Finance	-
DEPARTMENT OF PUBLIC WORKS	
Division of Engineering:	
Salaries and Wages	-
Other Expenses	50,000.00
	-
Land Rental, Refuse Dumping:	-
Other Expenses	-
Division of Streets and Sewers:	-
Salaries and Wages	-
Other Expenses	-
Snow Removal:	-
Salaries and Wages	-
Other Expenses	-

Division of Motorized Equipment:	-
Salaries and Wages	-
Other Expenses	-
Division of Public Property:	-
Salaries and Wages:	-
Public Buildings	-
Shade Tree	-
Other Expenses:	-
Public Buildings	-
Shade Tree	-
Total Department of Public Works	50,000.00

<u>DEPARTMENT OF HEALTH AND WELFARE</u>	-
Division of Health:	
Salaries and Wages:	
Health Administration	-
Environmental Health	-
Nursing	-
Other Expenses:	-
Health Administration	-
Environmental Health	-
Nursing	-
Senior Citizen Center:	-
Salaries and Wages	-
Other Expenses	-
Total Department of Health and Welfare	-
<u>Department of Community Development & Planning</u>	-
Salaries and Wages	-
Other Expenses	-
Total Department of Comm. Dev & Planning	-
<u>DEPARTMENT OF PARKS AND RECREATION</u>	-
Division of Park Maintenance:	
Salaries and Wages	-
Other Expenses	-
Division of Recreation:	-
Salaries and Wages	-
Other Expenses	-
Public Events and Celebration:	-
Other Expenses	-
Irvington Municipal Pool:	-
Salaries and Wages	-

Other Expenses	-
Total Department of Parks and Recreation	-
<u>DEPARTMENT OF HOUSING</u>	-
Housing Services:	
Salaries and Wages	-
Other Expenses	-
Total Department of Housing Services	-
<u>MUNICIPAL COURT</u>	-
Municipal Court	
Salaries and Wages	-
Other Expenses	-
Total Municipal Court	-
<u>PUBLIC DEFENDER</u>	-
Public Defender	
Salaries and Wages	-
Other Expenses	-
Total Public Defender	-
<u>UNIFORM CONSTRUCTION CODE</u>	-
Construction Code Official:	
Salaries and Wages	-
Other Expenses	-
Total Construction Services	-
<u>UNCLASSIFIED</u>	-
Utilities:	
Electricity, Gas	-
Telephone and Telegraph	-
Telephone Lease System	-
Fire Hydrants	-
Water	-
Gasoline	-
Street Lighting	-
Prior Year Salary Adjustments	-
Emergency Dispatch Services (Transportation)	-
Tax Appeals'	-
Total Unclassified	-
Total Operations Within "CAPS"	50,000.00
<u>Deferred Charges & Statutory Expenditures</u>	-

Social Security System (OASI)	-
State Unemployment Insurance Fund	-
Fund Administrative Cost	-
Public Employees Retirement System	-
Police & Firemen's Retirement System	-
Judgments	-
Deferred Charges Grants Over	-
Expenditures W/O Approp.	-
Grant Expenditures W/O Approp.	-
Deferred Charges - WC & GL	-
Cash Deficit Preceding Year	-
Total Deferred Charges & Statutory Exp	-
Total Appropriations Within "CAPS"	50,000.00
APPROPRIATIONS EXCLUDED FROM "CAPS"	
OTHER OPERATIONS	
Joint Sewer Maintenance	-
Maintenance of Free Public Library	-
911 Dispatch Services	-
	-
Total Other Operations	-
APPROPRIATIONS EXCLUDED from "CAPS"(continue)	
FEDERAL AND STATE GRANTS	
Health IPCHIP - Grant	-
Total Grants	-
Total Operations Excluded from "CAPS"	-
MUNICIPAL DEBT SERVICE	
Down Payment on Capital Improvements	-
Capital Improvement Fund	-
Payment of Bond Principal	-
Interest on Bonds	-
Payment of Note Principal	-
Interest on Notes	-
Green Trust Loan Program:	-
Payment of Principal and Interest	-
Payment of Principal and Interest-2003	-
Payment of Principal & Interest 727 GTP	-
Demolition Loan Repayment	-

NJ Environmental Infrastructure Trust Loan Principal & Interest	-
Deferred Charges - Emergency Auth 5 Yr	-
Emergency Storm	-
Total Municipal Debt Service	-
Total Appropriations Excluded from "CAPS"	
for Municipal Purposes	-
TYPE ONE SCHOOL DEBT	
Payment of Bond Principal	-
Interest on Bonds	-
Total Type One School Debt	-
Total Appropriations Excluded from "CAPS"	-
Reserve for Uncollected Taxes	-
Total General Appropriations	50,000.00

Adopted

Inman – Burgess 19. Authorize Emergency Contract for Street Sweeper Services – Northeast Sweepers, LLC – Not to Exceed \$50,000.00

RESOLUTION TO AWARD AN EMERGENCY CONTRACT FOR STREET SWEEPER SERVICES

WHEREAS, resolution number DPW 15-0414-11 approved a contract for street sweepers service for an amount of \$36,000.00, and;

WHEREAS, the Township advertised and awarded a contract for street sweeper services starting on May 14, 2015, and;

WHEREAS, the vendor is unable to deliver the street sweeper immediately and as such this constitutes a threat to public health, safety and welfare and the Director of Public has declared an emergency, and;

WHEREAS, the Township wishes to use the existing vendor Northeast Sweepers LLC of 143 Valley Street, Belleville, NJ 07109 on an emergency basis until the new sweepers is delivered for an amount not to exceed \$50,000.00 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 an emergency contract in the amount of \$50,000.00 and;

BE IT FURTHER RESOLVED that the required certification of funds for this expenditure will be obtained from the Chief Financial officer contingent on the adoption of temporary emergency appropriation resolution.

Adopted

Inman – Burgess 20 Authorize Settlement of Past Due Salary and Wages Dispute – Former Municipal Court Judge Cosby

A RESOLUTION AUTHORIZING THE SETTLEMENT AGREEMENT BETWEEN THE TOWNSHIP OF IRVINGTON AND TRACEY S. COSBY

WHEREAS, the Township of Irvington deems it to be in the best interest of both parties: The Township of Irvington and Tracey S. Cosby to dispose of these various matters through a settlement agreement;

WHEREAS, the Township has made an agreement to Tracey S. Cosby to pay her for back-pay in the amount of \$50,000.00 covering the years 2009 through 2013 and;

WHEREAS, any and all outstanding issues between the Township of Irvington and Tracey S. Cosby with respect to monies due from back pay will be resolved through an executed settlement agreement signed by both parties;

NOW THEREFORE, in consideration of the promises and the mutual covenants herein, The Township of Irvington and Tracey S. Cosby will agree as follows:

- a. The Township of Irvington agrees to pay Tracey S. Cosby a settlement award of \$50,000 representing monies due from back pay 2009-2013;
- b. Tracey S. Cosby agrees to waive any and all back pay related issues or claims against the Township of Irvington not limited to all compensation and attorney fees;
- c. Tracey S. Cosby is hereby voluntarily agreeing to the terms of the said Settlement agreement.

Adopted

12. Miscellaneous

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

Elouise McDaniel, 214 Nesbit Terrace

Council Members Lyons, Cox, Jones and Council President Frederic addressed the issues raised by the above referenced citizens.

13. Adjournment

There being no further business, the meeting was adjourned at 8:13 P.M.

Charnette Frederic, Council President

Harold E. Wiener, Municipal Clerk