

REGULAR COUNCIL MEETING
OCTOBER 14, 2015

Council Chamber, Municipal Building
Irvington, N.J. – Wednesday Evening
October 14, 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)

Elouise McDaniel, 214 Nesbit Terrace
Michael Spruill, 97 Lenox Avenue

5. Hearing of Council Members

Council President Frederic addressed the issues raised by the above referenced citizens.

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

A. Reports

1. Minutes – Directors’ Meeting – September 29, 2015
2. Joint Meeting – 4th Quarter Assessment
3. Construction Official – Permits Issued in August
4. Minutes - Planning Board - August 27, 2015
5. Minutes – Board of Adjustment September 16, 2015
6. Minutes - Planning Board - September 24, 2015

7. Reports of Committees

A. Results From Requests for Proposals for Various Professional Services Received on September 24, 2015

8. Ordinances, Bills & Claims

A. Ordinances on 1st Reading

None

C. Bills & Claims

Jones – Burgess 1. Bill Lists

RESOLVED THAT THE BILLS AND CLAIMS AGAINST THE TOWNSHIP OF IRVINGTON FOR A PERIOD OCTOBER 14, 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	\$2,000,267.02
SUPPLEMENTAL	\$ 2,500.00
TOTAL	\$2,002,867.02

Adopted

Jones – Burgess 2. Payrolls

September 19, 2015 through October 2, 2015

REGULAR	OVERTIME	OTHER EARNED	TOTAL
\$1,444,284.18	\$74,414.82	\$100,273.09	\$1,618,972.09

Adopted

9. Resolutions & Motions

A. Resolutions

Jones – Inman 1. Amend Previous Resolution to Authorize Investigation to Determine Whether 62-70 Howard Street Should be Designated as Area in Need of Non-Condensation Redevelopment - Change Block Number from 200 to 220

RESOLUTION AUTHORIZING THE PLANNING BOARD OF THE TOWNSHIP OF IRVINGTON TO INVESTIGATE WHETHER CERTAIN PROPERTY 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 “**Redevelopment Law**”), 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* of the Redevelopment Law, the Municipal 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 area and make recommendations to the Township Council; and

WHEREAS, the Township Council desires the Planning Board to conduct an investigation to determine whether the property commonly known as 62-70 Howard Street, Irvington, NJ and identified as Block 220, Lot 15.01 on the tax map of the Township of Irvington, New Jersey (the “**Study Area**”) meets the criteria set forth in the Redevelopment Law, specifically *N.J.S.A. 40A:12A-5*, and should be designated as an area in need of redevelopment; and

WHEREAS, the Township Council has determined that if the Study Area is determined to meet the criteria for designation as an area in need of redevelopment, the Township Council shall be authorized to use all of those powers provided under the Redevelopment Law for use in a redevelopment area, other than the power of eminent domain pursuant to *N.J.S.A. 40A:12A-8(c)* (as designated, a “**Non-Condensation Redevelopment Area**”).

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

1. The aforementioned recitals are incorporated herein as though fully set forth at length.
2. The 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 above referenced property satisfies the criteria set forth in *N.J.S.A. 40A:12A-5* to be designated as an area in need of redevelopment.
3. As part of its investigation, and before proceeding to public hearing on the matter, the Planning Board shall prepare a map showing the boundaries of the proposed Non-Condensation Redevelopment Area and the location of the parcel contained therein, and shall append thereto a statement setting forth the basis for the investigation.
4. The Planning Board shall conduct a public hearing, after giving due notice of the proposed boundaries of the proposed area and the date of the hearing to any persons who are interested in or would be affected by a determination that the area delineated in the notice is a Non-Condensation Redevelopment Area.
5. At the hearing, the Planning Board shall hear from all persons who are interested in or would be affected by a determination that the area delineated in the notice is a Non-Condensation Redevelopment Area. All objections to a determination that an

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.

6. After conducting its investigation, preparing a map of the proposed Non-Condensation Redevelopment 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 the above property as an area in need of redevelopment.

7. This Resolution shall take effect immediately.

Adopted

Burgess – Hudley 2. Commemoration - Reverend Al Sharpton's 61st Birthday.

RESOLUTION COMMEMORATING REVEREND AL SHARPTON'S 61ST BIRTHDAY

WHEREAS, the Reverend Al Sharpton, one of America's foremost civil rights leader, will turn 61 years young on October 3, 2015; and

WHEREAS, the Reverend Al Sharpton, is recognized for his contribution to the ongoing battle against economic injustice, political inequity, and for his continuous service to his church and his community; and

WHEREAS, the Reverend Sharpton began his career in the ministry not long after his birth in 1954 in Brooklyn, New York. Beginning his ministry at the young age of four, he delivered his first sermon to hundreds of listeners in Brooklyn; and

WHEREAS, mentored by Bishop F.D. Washington, Reverend Sharpton was licensed and ordained by Bishop Washington at the age of 9 and appointed Junior Pastor of the 5,000 member Washington Temple congregation; and

WHEREAS, his career in politics started shortly after his interest in the ministry; and

WHEREAS, in his 1996 autobiography, Go and Tell Pharoah, Reverend Sharpton retells how his interest in politics grew as Congressman Adam Clayton Powell, Jr. mesmerized him. In 1971, Al Sharpton entered the public arena with the founding of the National Youth Movement; and

WHEREAS, throughout his 17-year leadership of the National Youth Movement, Al Sharpton registered thousands of young voters and led the fight to put the first black on the New York State Metropolitan Transit Authority Board; and

WHEREAS, he also spearheaded a political campaign which resulted in the first minority School Chancellor of the New York City Board of Education. Reverend Sharpton also led the now famous marches against "crack" houses, exposing them to law enforcement agencies; and

WHEREAS, Reverend Sharpton, as founder and president of the National Action Network, fights for progressive, people-based policies. Al Sharpton has risen as a pivotal spokesman against police brutality in America; and

WHEREAS, together with Martin Luther King, II, Sharpton led the “Redeem the Dream” March to address the issues of racial profiling and police brutality. His most recent political actions include protesting the U.S. bombing on Vieques, Puerto Rico, an action for which he received a 90 day jail sentence; and

WHEREAS, Reverend Al Sharpton has devoted his life to serving his community, his church, and all people, and as such, he is more than worthy of receiving our recognition on this joyous occasion of the anniversary of his birth on earth:

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that we join in the celebration of Reverend Al Sharpton’s birthday on October 6, 2015 and wish him many more years of health, happiness and success; and

BE IT FURTHER RESOLVED that a copy of this resolution be spread upon the minutes of this governing body in lasting tribute to Reverend Al Sharpton.

Adopted

Cox – Frederic 3. Authorize Amendment to Contract for IDIS Consulting Services – Ron Allen Consulting - Increase Contract Price by \$5,000.00 to Total Not To Exceed \$20,000.00.

A RESOLUTION INCREASING THE NOT TO EXCEED AMOUNT FOR THE
SERVICE
CONTRACT FOR IDIS CONSULTANT SERVICES

WHEREAS, resolution number OCDP 15-0414-2 was approved by the Municipal Council on April 14, 2015 for IDIS consulting services; and

WHEREAS, the Director of Community Development and Planning has advised that based on the imputing of the Township Annual Consolidated Plan and reconciliation of HUD flags, additional working hours is required by the contractor; and

WHEREAS, it was determined that an additional \$5,000.00 is needed to complete the required work until the expiration of the contract on April 14, 2016; and

THEREFORE, BE IT RESOLVED, that the contract for contract for IDIS service is hereby amended to an amount not to exceed \$20,000.00 to Ron Allen Consulting, 15439 Reprise Ter, Rockville, MD, 20850; and,

BE IT RESOLVED, that the Mayor be and is hereby authorized to execute amended contract for this service with Ron Allen Consulting, 15439 Reprise Ter, Rockville, MD, 20850, increasing the total contract amount to \$20,000.00.

BE IT RESOLVED, that Certification of Funds number C5-00253 has been obtained from the Chief Financial Officers for the total sum of \$5000.00, charged to account number T-21-41-850-15B-802.

Adopted

Jones – Burgess 4. Award Emergency Sewer Repair Clinton Avenue and Stuyvesant Avenue - Shauger Property Group \$71,132.65

RESOLUTION TO AWARD AN EMERGENCY SEWER REPAIR CONTRACT FOR A SEWER FAILURE AT THE INTERSECTION CLINTON AVE AND STUYVESANT AVE

WHEREAS, resolution number DPW 15-0414-10 approved an emergency contract to Shauger Property Group for an amount not to exceed \$50,215.00 to repair a sewer failure on Stuyvesant Ave, and;

WHEREAS, during the emergency repair work, other emergency issues was found and;

WHEREAS, the work required to effect this repair is beyond the current capabilities of the Department of Public Works, and;

WHEREAS, this situation constitutes a threat to public health, safety and welfare and the Director of Public Works has declared an emergency, and;

WHEREAS, the Director of Public Works declared an emergency to finished the required work for an amount not to exceed Shauger Property Group \$71,132.65.

NOW, THEREFORE, BE IT RESOLVED BY MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that it ratifies the decision of the Director of Public Works to authorize an emergency contract with Shauger Property Group in the amount of \$71,132.65 to repair the sewer collapse at the intersection of Stuyvesant Avenue

BE IT FURTHER RESOLVED that pursuant to N.J.A.C. 5:34-5.2, the required Certificate of Availability of Funds C5-00294 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 in the amount of \$71,132.65 account number 5-01-21-165-165-118.

Adopted

Jones – Hudley 5. Award Emergency Sewer Repair Clinton Avenue and Civic Square - Shauger Property Group - \$29,498.91

RESOLUTION TO AWARD AN EMERGENCY SEWER REPAIR CONTRACT FOR A SEWER FAILURE AT THE INTERSECTION OF CIVIC SQUARE AND SPRINGFIELD AVENUE

WHEREAS, a portion of the sanitary sewer located at the intersection of Civic Square and Springfield Avenue collapsed on July 29, 2015, and;

WHEREAS, the work required to effect this repair is beyond the current capabilities of the Department of Public Works, and;

WHEREAS, this situation constitutes a threat to public health, safety and welfare and the Director of Public Works has declared an emergency, and;

WHEREAS, two quotes were solicited to complete the required work from Your Way Construction and the Shauger Property Group, and;

WHEREAS, the quote of the Shauger Property Group was determined to be the most cost effective proposal at a quoted price of \$29, 498.91, and;

WHEREAS, the Director of Public Works has approved this proposal to complete the required repairs and the repairs were completed on July 30, 2015.

NOW, THEREFORE, BE IT RESOLVED BY MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that it ratifies the decision of the Director of Public Works to authorize an emergency contract with Shauger Property Group in the amount of \$ 29, 498.91 to repair the sewer collapse at the intersection of Civic Square and Springfield Avenue

BE IT FURTHER RESOLVED that pursuant to N.J.A.C. 5:34-5.2, the required Certificate of Availability of Funds C5-00295 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 in the amount of \$ 29, 498.91, Account No. 5-01-21-165-118.

Adopted

Frederic – Cox 6. Resolution of Commendation - Retirement of Pastor Joseph Etienne

RESOLUTION OF COMMEMORATION UPON RETIREMENT
REVEREND DR. JOSEPH ETIENNE
THIRTY-FIVE YEARS OF PASTORAL SERVICE

WHEREAS, Reverend Dr. Joseph Etienne was born in Desdunes, Haiti; and

WHEREAS, at the age of fifteen, he accepted Jesus-Christ as his personal Lord and Savior. Since then, he felt that the Lord had called him to serve and to have an intimate relationship with Him; and

WHEREAS, in 1963, Pastor Etienne attended the Evangelical School of the Bible in Bolosse, Port-au-Prince where he obtained a diploma in Theology. While studying, he met his wife, Yvonne Julie Etienne. They have been married for fifty-one years and have four children and nine grand-children. After his graduation, he and his wife returned to

his home church in Desdunes and stayed for five years. During those years, he served as the Superintendent of Sunday school while his wife taught elementary school; and

WHEREAS, in 1969, they were called to start a church in Arcahaie, Haiti. Subsequently, Reverend Pastor Etienne was ordained Pastor that same year. In 1971, Reverend Etienne migrated to the United States of America with the same desire to continue helping and serving people as he has been serving God in Haiti. He attended the United Christian Church where he served as Superintendent of Sunday school. Thereafter, he and his wife started a home prayer service; and

WHEREAS, in 1979, Pastor Etienne with his wife and four children along with three other families co-founded what is now Eglise Baptiste De La Nouvelle Jerusalem (New Jerusalem Baptist Church); and

WHEREAS, in 1995, Pastor Etienne obtained a Bachelor degree of Theology from the Lighthouse Christian College in Arkansas, two years later he obtained a Masters degree of Theology and in 1998, he obtained a Ph. D. in religious education at the same college; and

WHEREAS, as the founding Pastor of New Jerusalem Baptist Church located in Irvington, New Jersey for the past seventeen years, Reverend Joseph Etienne has served as the Senior Pastor for these 35 plus years, and as a Counselor for the Township of Irvington community at large; and

WHEREAS, Reverend Doctor Joseph Etienne's fervent desire is to continue to be a servant of the Lord Jesus-Christ until he is called to his eternal home.

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that Reverend Dr. Joseph Etienne, of Eglise Baptiste De La Nouvelle Jerusalem (New Jerusalem Baptist Church), is hereby commended upon his retirement from his Thirty-Five years of pastoral service with the wish for good health, prosperity and happiness during his retirement years; 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 Reverend Dr. Joseph Etienne.

Adopted

Jones – Lyons 7. Authorize Submission of Grant Application to N.J.D.O.T. – Bikeway Access Project

Resolution: Approval to submit a grant application and execute a grant contract with the New Jersey Department of Transportation for the Irvington Avenue Bikeway Access project.

NOW, THEREFORE, BE IT RESOLVED that the Township Council of Irvington formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as BIKE-2016-Irvington Township-00031 to the New Jersey Department of Transportation on behalf of Irvington.

BE IT FURTHER RESOLVED that Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of Irvington and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

Certified as a true copy of the Resolution adopted by the Council on this 14th day of October, 2015.

Clerk

My signature and the Clerk's seal serve to acknowledge the above resolution and constitute acceptance of the terms and conditions of the grant agreement and approve the execution of the grant agreement as authorized by the resolution above.

ATTEST and AFFIX SEAL _____
(Clerk) (Presiding Officer)

Adopted

Lyons – Hudley 8. Authorize Submission of Grant Application to N.J.D.O.T. - Madison Avenue Project

Resolution: Approval to submit a grant application and execute a grant contract with the New Jersey Department of Transportation for the Madison Avenue Reconstruction project.

NOW, THEREFORE, BE IT RESOLVED that the Township Council of Irvington formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as LAIF-2016-Irvington Township-00049 to the New Jersey Department of Transportation on behalf of Irvington.

BE IT FURTHER RESOLVED that Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of Irvington and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

Certified as a true copy of the Resolution adopted by the Council on this 14th day of October, 2015.

Clerk

My signature and the Clerk's seal serve to acknowledge the above resolution and constitute acceptance of the terms and conditions of the grant agreement and approve the execution of the grant agreement as authorized by the resolution above.

ATTEST and AFFIX SEAL _____

(Clerk)

(Presiding Officer)

Adopted

Cox – Burgess 9. Authorize Submission of Grant Application to N.J.D.O.T.- Clinton Avenue Transit Station Project

Resolution: Approval to submit a grant application and execute a grant contract with the New Jersey Department of Transportation for the Clinton Avenue Transit Station Access Enhancement project.

NOW, THEREFORE, BE IT RESOLVED that the Township Council of Irvington formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as SST-2016-Irvington Township-00040 to the New Jersey Department of Transportation on behalf of Irvington.

BE IT FURTHER RESOLVED that Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of Irvington and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

Certified as a true copy of the Resolution adopted by the Council on this 14th day of October, 2015.

Clerk

My signature and the Clerk's seal serve to acknowledge the above resolution and constitute acceptance of the terms and conditions of the grant agreement and approve the execution of the grant agreement as authorized by the resolution above.

ATTEST and AFFIX SEAL _____
(Clerk) (Presiding Officer)

Adopted

Jones – Lyons 10. Authorize Submission of Grant Application to N.J.D.O.T. - Nye Avenue Pedestrian Project

Resolution: Approval to submit a grant application and execute a grant contract with the New Jersey Department of Transportation for the Nye Avenue Pedestrian Enhancement project.

NOW, THEREFORE, BE IT RESOLVED that the Township Council of Irvington formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as TV-2016-Irvington Township-00012 to the New Jersey Department of Transportation on behalf of Irvington.

BE IT FURTHER RESOLVED that Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of Irvington and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

Certified as a true copy of the Resolution adopted by the Council on this 14th day of October, 2015.

Clerk

My signature and the Clerk's seal serve to acknowledge the above resolution and constitute acceptance of the terms and conditions of the grant agreement and approve the execution of the grant agreement as authorized by the resolution above.

ATTEST and AFFIX SEAL _____
(Clerk) (Presiding Officer)

Adopted

Jones – Lyons 11. Resolution of Commendation - 2015 Chamber of Commerce Valor Awards

**Resolution of Commendation
The Irvington Chamber of Commerce
30th Annual
Louis James Maynard Police Awards
and
Sturd Alston Fire Awards
October 29, 2015**

WHEREAS, the Municipal Council of the Township of Irvington wishes to acknowledge the **2015 Police & Fire Award Recipients** for their professional achievements and honor the men and women in public safety who have given the most of themselves to protect and serve the community; and

WHEREAS, the Irvington Fire Department: Firefighter Octavio Angelozzi, Firefighter Andy Zwirko, Firefighter Wayne Hodo, Captain Timmy Washuta, Deputy Chief Antonio Gary, Lieutenant Ed Glassen, Firefighter Quinton Ponder, Firefighter Scott Streeter, Firefighter Ken Felton and Firefighter Colis Martin are to be admired for their bravery and perseverance in risking their own lives in a honorable way to save the lives of others; and

WHEREAS, the Irvington Police Department, Police Officer Benjamin Ramos, Police Officer Samuel Addo, Detective Leonard Turley, Detective Andres Lebron, Detective Brechner Jeannot, Detective Al Jerome Burnett-Crawford, Police Officer Gregory Mitchell, Police Officer Jonathan Jenkins, Police Officer Lamar Taylor, Police Officer Jamal Calloway, Police Officer Jason Gonzalez and Police Officer Sheraldine Frazier are to be admired for their courageousness and diligence in risking their lives in a noble way to protect the lives of others; and

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that each one of these heroic officers are being honored for the good they have done and for their heroic actions, in the name of everyone they have saved, of their families and friends, for putting their lives at risk for someone else and for placing others before themselves.

BE IT FURTHER RESOLVED that a copy of this resolution be spread upon the minutes of the Irvington Municipal Council as a lasting tribute to the outstanding achievements of these men and women in public safety for their Actions, Bravery, Valor and Dedication in the highest tradition of the **Irvington Fire Department and Irvington Police Department**.

Adopted

Cox - Burgess 12. Authorize Emergency Contract to Extend Contract for Vehicle Repair Service for One Year - Bel Air Services - Not To Exceed \$45,000.00

RESOLUTION TO EXTEND CONTRACT FOR VEHICLE REPAIR SERVICE

WHEREAS, resolution number DPW 14-1125-42 authorized a vehicle repair service on November 25, 2014; and

WHEREAS, the original specifications included language that allowed for the extension up to one additional one year contract at the existing terms and conditions if mutually accepted to the vendor and Township; and

WHEREAS, the vendor has agreed to extend the existing agreement for one year; and

WHEREAS, it would be in the Township's best interest to extend the existing agreement for one year as recommended by the Public Works Director; and

NOW, BE IT HEREBY RESOLVED by the Township of Irvington, Essex County, New Jersey that the following contract be extended for one year, starting on November 26, 2015 until November 27, 2016 for an amount not to exceed \$45,000.00 for one year to Bel Air Services of 641 Tremont Ave, Orange, NJ 07050.

BE IT FURTHER RESOLVED that the Township Attorney is directed to prepare the appropriate contracts and the Mayor and the Township Clerk be and the same are hereby authorized to execute said contract with the above listed company.

BE IT RESOLVED that the required Certification of Availability of Funds C5-00297 in the amount of \$5000.00 for the first month of service from account number 5-01-26-290-292-133 has been obtained from the Chief Financial Officer and the remaining balance of \$40,000.00 will be obtained from the Chief Financial Officer contingent on the adoption of the Calendar year 2016 budget.

Adopted

Cox – Frederic 13. Ratify Best Practices Checklist for Calendar Year 2015

WHEREAS, Local Finance Notice 2015-17 requires that the governing body of each municipality receiving ETR or CMPTRA state aid discuss the CY 2015 Best Practice Inventory as prepared by the Chief Financial Officer at a public meeting; and

WHEREAS, the Chief Financial Officer has submitted the CY 2015 Best Practices Inventory to the Municipal Council for the review and discussion; and

WHEREAS, the Municipal Council has reviewed and discussed the CY 2015 Best Practice Inventory at their October 14, 2015 public meeting:

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that the Municipal Clerk is hereby authorized and directed to execute the CY 2015 Best Practice Public Meeting Certification Plan and forward same to the Director of the Division of Local Government Services along with a certified copy of this resolution as evidence that the governing body has complied with the provisions of Local Finance Notice 2015-17.

Adopted

Frederic – Burgess 14. Authorize Emergency Purchase Over the \$40,000.00 Pay to Play Bid Threshold for Printed Materials - Stuyvesant Press - \$12,066.12

**AUTHORIZING EMERGENCY CONTRACT OVER THE BID THERSHOLD OF
\$40,000.00 TO STUYVESANT PRESS FOR PRINTING AND POSTAGE
SERVICE**

WHEREAS, the Township was in need of emergency printing and postage service; and,

WHEREAS, the total cost for printing and postage service will exceed the bid threshold of \$40,000.00; and

WHEREAS, the Administration hereby declared an emergency for this service, hereby authorizing an emergency contract for an amount of \$12,066.12; and

WHEREAS, Stuyvesant Press 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

NOW, THEREFORE, BE IT RESLOVED, that the Municipal Council of the Township of Irvington hereby ratifies the Administration decision to authorize an emergency contract with Stuyvesant Press of 119 Coit Street, Irvington, NJ 07111 in the amount of \$12,066.12

BE IT FURTHER RESOLVED that pursuant to N.J.A.C. 5:34-5.2, the required Certificate of Availability of Funds C5-00298 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 in the amount of \$12,066.12 account number 5-01-20-110-110-299

Adopted

Cox – Frederic 15. Authorize an Increase in the Not to Exceed Amount for Redevelopment Counsel Service Contract for McManimon, Scotland and Baumann to \$91,936.57

**A RESOLUTION INCREASING THE NOT TO EXCEED AMOUNT FOR
REDEVELOPMENT COUNSEL SERVICE CONTRACT TO MCMANIMON,
SCOTLAND AND BAUMANN**

WHEREAS, municipal ordinance MC 3501 was approved by the Municipal Council on September 10, 2013 for redevelopment activities with respect to various redevelopment plans; and

WHEREAS, McManimon, Scotland and Baumann completed the required work pursuant to the bond ordinance and submitted an invoice for the required work for an amount of \$91,936.57; and

WHEREAS, McManimon, Scotland and Baumann total contract award for 2015 pursuant to resolution number DA 14-1223-41 is an amount not to exceed \$5,000.00; and

WHEREAS, the total service contract must be amended to include the additional work; and

THEREFORE, BE IT RESOLVED, that the contract for redevelopment counsel is hereby amended to an amount not to exceed \$96,936.57 to McManimon, Scotland and Baumann of 75 Livingston Ave, Roseland, NJ 07068; and

BE IT RESOLVED, that the Mayor be and is hereby authorized to execute amended contract for this service with McManimon, Scotland and Baumann; and

BE IT RESOLVED, Chief Financial Officers will remit payment to the vendor for the total sum of \$91,936.57 charged to account number C-04-844-012-901 on purchase order number 15-04642.

Adopted

B. Motions

None

10. Communications & Petitions

A. Communications

None

B. Petitions

None

11. Pending Business

None

12. Miscellaneous

A. Bingos and Raffles

None

NON-CONSENT AGENDA ITEMS

B. Ordinances on 2nd Reading

1. President Frederic: An ordinance establishing the Department of Public Safety 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 CHAPTERS 13 AND 40 OF THE REVISED CODE OF THE TOWNSHIP OF IRVINGTON BY CREATING THE DEPARTMENT OF PUBLIC SAFETY, AND PROVIDING FOR THE APPOINTING OF A PUBLIC SAFETY DIRECTOR AND SALARY AND THE APPOINTMENT OF A DEPUTY PUBLIC SAFETY DIRECTOR.

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

SECTION 1. There is hereby established a Department of Public Safety, the head of which shall be the Director of Public Safety. The Department of Public Safety shall consist of the Division of Police, the Division of Fire, and the Division Parking.

SECTION 2. Director of Public Safety.

The Director shall, prior to his appointment, have had at least 10 years' experience in public safety administration or such other education, specialized training, experience or qualifications as may be deemed by the Municipal Council to be in the best interests of the Township of Irvington.

SECTION 3. Powers and Duties of the Public Safety Department.

The Division of Police shall:

A. Preserve the public peace; protect life and property; prevent crime; detect and arrest offenders against the provisions of this Code and other penal laws and ordinances effective within the Town; suppress riots, mobs and insurrections; disperse unlawful or dangerous assemblages; and preserve order at all elections and public meetings and assemblages.

B. Administer and enforce the provisions of this Code and other laws and ordinances to regulate, control, direct and restrict the movement of vehicular and pedestrian traffic and the use of the streets by vehicles and persons, to protect the safety and facilitate the convenience of motorists and pedestrians, and to make and enforce rules and regulations, not inconsistent with the state law, the Charter, this Code and other ordinances, for such purposes.

C. Remove or cause to be removed all nuisances in the public streets, parks and other public places, inspect and observe all places of public amusement or assemblages and all places of business requiring any state or Town license or permit and report thereon to the appropriate department.

D. Provide proper law enforcement attendance and protection at fires.

E. Provide for the attendance of its members in court as necessary for the prosecution and trial of persons charged with crimes and offenses, and cooperate fully with the law enforcement and prosecuting authorities of federal, state, county and municipal governments.

F. Operate a training program to maintain and improve the efficiency of the members of the Public Safety Department.

G. Make, administer and enforce rules and regulations for the disposition, conduct and discipline of the Public Safety.

H. Operate a Juvenile Aid Bureau dealing with the problems of juveniles.

SECTION 4. The Division of Fire

The Division of Fire, under the administrative direction and supervision of the Director of Public Safety, shall have jurisdiction over the control and extinguishment of any conflagration which requires its attention and shall:

A. Make, administer and enforce rules and regulations for the control and discipline of its officers and employees, as well as the maintenance, use, care and disposition of its equipment, apparatus and fire stations.

B. Within the limits of available appropriations, provide for the care and maintenance of its own equipment, apparatus and fire stations.

C. Provide fire-fighting service for the extinguishment of fires and the necessary and incidental protection of life and property throughout the township.

D. Designate and fix the location of fire alarm telegraph and signal stations in the township.

E. Investigate the cause, circumstances and origin of fires and report to the Public Safety Department and to the County Prosecutor every case of suspicion of arson.

F. Have power to inspect and test any automatic or other fire alarm system or fire-extinguishing equipment.

G. Be authorized to enter upon, without fee or hindrance, all premises, ground structures, buildings and passages, whenever necessary in the performance of its duties.

H. Operate a training program to maintain and improve the fire-fighting efficiency of the members of the Department of Public Safety.

I. Maintain a Bureau of Fire Prevention and administer the provisions of this chapter and other ordinances of the township relating to fire safety and the New Jersey Uniform Fire Safety Code.

J. The Director of Public Safety shall appoint the persons to serve as fire prevention subcode officials pursuant to the State Uniform Construction Code, N.J.S.A. 52:27D-126.1.

K. The Director of Public Safety shall appoint the person to serve as Fire Official pursuant to the Uniform Fire Safety Act, N.J.S.A. 52:27D-192, et seq.

L. The Bureau of Combustibles, as heretofore constituted, shall be located in the Division of Fire.

M. All requests for searches or photocopies of such certain information contained in official files of the Division of Fire shall be made to the Bureau of Fire Prevention in the Division of Fire of the town during reasonable hours of the weekday when such Bureau is open in accordance with its schedule of working hours.

SECTION 5. Personnel.

The Department of Public Safety shall consist of such officers and men and women as shall be authorized by this Code or by ordinance for the law enforcement force within the Department of Public Safety.

SECTION 6. Division of Parking.

Within the Department of Public Safety there shall be a Division of Parking. Within the Division of Parking there shall be a Bureau of Parking which shall oversee the management of the Township's parking system, including the operation of on-street and off-street parking facilities and the consequent promotion of the free movement of traffic and relief of congestion on the streets and improvement of conditions affecting the public safety and welfare of the Township. The head of the Bureau of Parking shall be the Director of the Department of Public Safety, who shall appoint a Parking Superintendent who shall be responsible for the day-to-day operations. The Director of Public Safety shall furnish a monthly report of income, expenses and personnel to the Municipal Council. All of the functions, powers and duties of the Division of Parking within the Department of Revenue and Finance as heretofore established shall be transferred and assigned to the Bureau of Parking within the Department of Public Safety.

SECTION 7. Solicitation by Public Safety Employees

No member of the Department of Public Safety shall solicit or accept anything of value as consideration for or in connection with the discharge of his official duties; nor shall

any member of the Department of Public Safety solicit the sale of tickets in connection with any fundraising campaign nor request contributions directly or indirectly for same, nor solicit anything of value for the benefit of himself or any other person or any Department of Public Safety member, group or organization, without the written permission of the Public Safety Director.

SECTION 8. Powers and Duties of the Public Safety Director.

A. The Public Safety Director shall be the Administrator and Head of the Public Safety Department subordinate to the Business Administrator and Mayor.

B. The Public Safety Director shall give reports to the Mayor and Irvington Municipal Council twice a month or as requested by the Council. In addition, the Public Safety Director shall provide said reports to the Irvington Municipal Council at the Council caucus meeting and/or Council meetings.

C. The Public Safety Director shall attend the pre-Council Director's meetings twice a month, unless sick or on vacation.

D. The Public Safety Director shall be responsible for drafting and submitting an annual budget for the Public Safety Department.

E. The Public Safety Director shall supervise the Deputy Public Safety Director, Chief of Police and Chief of Fire.

F. The Public Safety Director, or his designee, shall officiate COMSTAT.

G. The Public Safety Director shall conduct and participate in training or instruction of, to or with any Public Safety personnel.

H. Supervise the Public Safety Department and be responsible for all other personnel therein.

I. The Director of Public Safety shall be responsible for the administration, regulation and as the appropriate authority the discipline of the Division of Police and the Division of Fire.

J. The Mayor can appoint a Deputy Director of Public Safety. The Director of Public Safety shall assign such person duties as desired. The person appointed as Deputy Director of Public Safety shall be qualified by training and experience for the duties of the position. The person shall not be appointed unless he or she meets the following minimum qualifications, unless said qualifications are waived by affirmative vote of at least two-thirds of the entire Council: a minimum of ten (10) years experience as a member of a police department, fire department or other public safety agency, five years of which shall have been in a supervisory and administrative capacity.

K. The Director of Public Safety shall report directly to the Business administrator and the Mayor concerning conditions of the Department and its improvements and needs.

L. The Director may employ special law-enforcement officers in accordance with N.J.S.A. 40A: 14-146.8 et. seq., "Special Law Enforcement Act;"

M. The Director of Public Safety may promulgate rules and regulations for the Division of Police and The Division of Fire.

N. The Public Safety Director, or his designee, shall serve as the hearing officer in disciplinary matters and have all of powers prescribed in NJSA 40A:14-118.

O. The Director of Public Safety shall:

- (1) Keep abreast of the public safety requirements of the Township and formulate policies, directives, orders, plans and procedures to determine needs;
- (2) Develop organization, manpower and resource recommendations and, upon effect their implementation;
- (3) Establish performance criteria for the Department as a whole as well as its individual members and conduct periodic evaluations to assure compliance with those criteria;
- (4) Establish and maintain relations with school, civil and private organizations to assure a full understanding of the public safety effort;
- (5) Conduct public relations and public information programs on behalf of the Department in order to maintain the required relationship between the department and the citizens of Irvington;
- (6) Promote a close liaison with the various agencies located in Irvington, and to attend meetings of the Town Council as needed to better coordinate the functioning of the Division of Police and Division of Fire.
- (7) Regularly review the ordinances of the Township of Irvington dealing with public safety.
- (8) Meet with any police and fire personnel he deems appropriate to ascertain information necessary to formulating policy, directives, general orders, or any other matters concerning the effective and efficient operation of the Division of Police and the Division of Fire.
- (9) Be responsible for the deployment of all police and fire personnel as well as all resources and equipment.
- (10) Be responsible for the routine day to day operations of the Police Division and Fire Division when the Chief of Police and Chief of Fire are on vacation, sick leave, family medical leave, military leave or any other approved leave of absence for more 14 consecutive days.
- (11) Be responsible for the routine day to day operations when there is no Chief of Police or Chief of Fire by ordinance.
- (12) In the absence of the Public Safety Director, due to illness, vacation or vacancy, the day to day operations will fall to the Business Administrator.

SECTION 9. Safekeeping of stolen property.

The Public Safety Director shall provide by rules and regulations for the custody and safekeeping of all property alleged to be found abandoned, stolen or embezzled, all property taken from the person of any prisoner and all other property alleged to have

been acquired or possessed unlawfully which shall come into the possession of any member of the Public Safety Department. All such property and money shall be promptly described and registered and be accounted for in detail in such manner as the Public Safety Director shall prescribe with the approval of the Comptroller.

SECTION 10. Release of official Public Safety information.

The Director of the Department of Public Safety of the Township is hereby authorized to prescribe rules and regulations governing the release of certain information contained in the official files of the Public Safety Department of the Township. Unless ordered to do otherwise by a court of competent jurisdiction, he or she may refuse to issue any such information when, in his or her judgment, the interest of public safety requires, and he or she may refuse to issue any such information which he or she has classified as confidential.

SECTION 11. Hours for requesting information.

All requests for information in official files, authorized for release by the rules and regulations established pursuant to Section 10, shall be made to the Bureau of Records and Identification of the Public Safety Department during such hours as are set forth in the working schedule of such Department.

SECTION 12. Fees

A. The following fees shall be charged by the Public Safety Department, Division of Police:

Fees for copies and other services.

- (1) For clearance visas and letters of good conduct, the fee shall be as set forth in Chapter 98, Fees and Licenses.
- (2) For fingerprints, the fee shall be as set forth in Chapter 98, Fees and Licenses.
- (3) For a photograph, the fee shall be as set forth in Chapter 98, Fees and Licenses.
- (4) For each search to verify information authorized for release by the rules and regulations established pursuant to Section 10, the fee shall be as set forth in Chapter 98, Fees and Licenses.
- (5) The fees for copies of motor vehicle accident reports, per page, if obtained in person; for copies of all other reports authorized for release by the rules and regulations established pursuant to Section 10, if obtained in person; and for copies of such reports requested other than in person, per report shall be as set forth in Chapter 98, Fees and Licenses. For each report searched for and not found, the fee shall be as set forth in Chapter 98, Fees and Licenses.
- (6). The fees provided herein are exclusive of fees charged by other authorities.

B. The following fees shall be charged by the Public Safety Department, Division of Fire:

Fees for copies and other services.

The following fees for searching or obtaining photocopies of certain information authorized to be release are hereby established:

- (1) For search or verification of certain information, the fee shall be as set forth in Chapter 98, Fees and Licenses, for each such search or verification.
- (2) The fees for a photocopy of the first page or portion thereof and for each page thereafter, as well as a maximum fee, are set forth in Chapter 98, Fees and Licenses.
- (3) No fee shall be charged for any requested search or photocopy by a federal, state, county or municipal duly constituted agency or department.
- (4) Any person having a lawful interest in the subject matter shall be allowed to hand-copy such released information under the supervision of a Bureau employee without charge.
- (5) A receipt shall be given in triplicate for all moneys received in connection with the making of a search or for such photocopies aforesaid. The original of such receipt shall be given to the person making the payment for such search or photocopies, the duplicate to be attached to the form made out for all such services performed or rendered and the triplicate to remain in chronological order in the Bureau of Fire Prevention for audit. The aforesaid receipt shall be identified by a corresponding number on the original and both copies of such receipt. All such moneys shall be forwarded monthly to the Department of Revenue and Finance.

SECTION 13. Services for which no charge is made.

A. A resident of the Township who is a defendant in a judicial proceeding arising out of a motor vehicle accident shall be allowed to copy the report of such accident without charge therefor.

B. No fee shall be charged for fingerprints for law enforcement, fire fighting personnel, civil defense and special law enforcement officers (formerly special police) applicants. Fees charged by other authorities shall be paid by the applicant.

C. No fee shall be charged for any information requested by the Irvington Board of Education.

SECTION 14. Receipts for fees.

A receipt shall be prepared in triplicate for all money received in connection with the services provided pursuant to Sections 10 to 12, the original to be given to the person making the payment for such services, the duplicate to be attached to the form made out

for all such services performed and the triplicate to remain in chronological order in the Bureau of Records and Identification for audit. The aforesaid receipt shall be identified by corresponding number on the original and both copies. All money so received shall be forwarded monthly to the Department of Revenue and Finance.

SECTION 15. Registration of security individuals and companies.

Any individual or company rendering service as private security, within the Township of Irvington, either armed or unarmed, shall first register with the Irvington Public Safety Department, at least 24 hours prior to the start of such operation. The twenty-four-hour notice clause may be waived by the Public Safety Director, or the appropriate designee for good cause shown but in every event notice must be given before the start of said service. At that time the individual shall be required to provide adequate proof that he, she or it, as the case may be, is the possessor of an appropriate license.

SECTION 16. Article II. Special Detain Assignments of Off-Duty Officers.

Policy Established; conditions.

For the convenience of those persons and entities which utilize the services of off-duty law enforcement officers of the Township of Irvington Public Safety Department, and to authorize the outside employment of the Public Safety Department while off duty, the Township of Irvington hereby establishes a policy regarding the use of said officers in compliance with N.J.S.A. 45:19-9 et seq. as amended by the Security Officers Registration Act, P.L. 2004, c. 134.

A. Members of the Township of Irvington Public Safety Department, at their option, shall be permitted to accept law enforcement-related employment for private employers, who are separate and independent from the Township of Irvington, only during off-duty hours and at such time as will not interfere with the efficient performance of regularly scheduled or emergency duty of the Township.

B. Any person or entity wishing to employ off-duty law enforcement officers of the Township of Irvington Public Safety Department shall first obtain the approval of the Public Safety Director or his or her designee, which approval shall be granted if, in the opinion of the Public Safety Director or his or her designee, such employment is necessary and would not be inconsistent with the efficient functioning and good reputation of the Public Safety Department and would not unreasonably endanger or threaten the safety of the officer or officers who are to perform the work.

C. Trust Account:

A. To assure the timely payment of wages to off-duty law enforcement officers of the Township of Irvington Public Safety Department who perform off-duty services, and to meet the requirements of the Fair Labor Standards Act, the Township of Irvington has established a trust fund known as the "Outside Employment for off-duty law enforcement officers of the Township of Irvington Public Safety Department Trust Account," which trust fund is dedicated for the receipt of fees collected from private persons or entities for

payment to off-duty law enforcement officers of the Township of Irvington Public Safety Department for off-duty or outside employment services. The Outside Employment for off-duty law enforcement officers of the Township of Irvington Public Safety Department Trust Account shall be administered by the Department of Revenue and Finance of the Township of Irvington, which shall make a report to the Township Council every 90 days regarding said account.

B. Any person or entity requesting the services of an off-duty law enforcement officer in the Township of Irvington shall estimate the number of hours such law enforcement services are required, which estimate shall be approved in writing by the Public Safety Director, or his or her designee, and upon public Safety Director approval, a copy of said approval shall be forwarded to the Jobs in Blue Office of the Township of Irvington. The person or entity requesting the services shall then forward payment for services for the total estimated hours of service, the rates of compensation and administrative fees as set forth in Section 20 to the Jobs in Blue Office which, upon review, will forward to the Department of Revenue and Finance for deposit in a trust account within the Outside Employment for off-duty law enforcement officers of the Township of Irvington Public Safety Department officers of the Township of Irvington Public Safety Department Trust Account.

C. In any instance where the number of hours required is unknown and cannot be reasonably estimated, or is anticipated to be in excess of 10 days, the person or entity requesting the services of an off-duty law enforcement officers of the Township of Irvington Public Safety Department shall deposit an amount sufficient to cover the rate of compensation and administrative fees set forth in Section 20 for the equivalent of 10 days prior to the commencement of any work. Any unused portion of the deposit shall be returned or credited against the final amount owed.

D. Prior to posting any request for services of off-duty law enforcement officers, the Public Safety Director or his or her designee shall verify that the balance in the trust account of the person or entity requesting services is sufficient to cover the compensation and fees for the number of hours specified in the request for services. The Public Safety Director or his or her designee shall not post a request for services from any person or entity unless all fees and compensation required in the manner described above have been deposited in the Off-Duty Employment for off-duty law enforcement officers of the Township of Irvington Public Safety Department Trust Account. All payments must be paid directly to the Township for said account. No officer shall be paid directly by any employer for requested services nor provide any such services for more hours than are specified in the request for services.

E. In the event the funds in such a trust account should become depleted, services of off-duty law enforcement officers shall cease, and further requests for further or future services shall not be performed or posted until additional funds have been deposited in the trust account in the manner prescribed above. In the event of an unforeseen emergency situation that would require an officer to remain beyond the time for which funds have been posted, the Public Safety Director or his or her designee may waive the requirement for posting additional funds after the first 10 hours for any person or entity exhibiting a previous satisfactory payment history. However, the person or entity

requiring the extended service within 48 hours shall make payment for the additional hours.

F. The person or entity requesting such services shall be responsible for ensuring that sufficient funds remain in the trust account in order avoid any interruption of services.

G. Exemption. All public utility companies that are under the jurisdiction of, and regulated by, the New Jersey Board of Public Utilities, and state, county and other quasi-government agencies will be exempt from the provisions set forth in this section requiring advance payment to the trust account; provided, however, that there are no amounts previously due that are outstanding for a period in excess of 30 days. Any such delinquent balances shall require advance payment of the amount outstanding prior to any officer engaging in any further off-duty assignments.

SECTION 17. Requests for services.

A. All requests to the Township for services of off-duty law enforcement officers in the Township of Irvington Public Safety Department for a period of one week or longer shall be forwarded to the Public Safety Director or his or her designee for posting at least 10 days before such services are required. Any law enforcement officers, when so employed by private employers, shall be compensated at the rate set forth in Section 19, hereafter.

B. All requests to the Township for services of off-duty law enforcement officers of the Township of Irvington Public Safety Department for a period of less than one week shall be forwarded to the Public Safety Director or his or her designee for posting as soon as practicable, but in no event less than 24 hours before such services are required, except in emergency situations. Any law enforcement officers, when so employed by private employers, shall be compensated at the rates set forth in Section 18, hereafter.

C. In emergency situations, requests to the Township for the services of off-duty law enforcement officers of the Township of Irvington Public Safety Department shall be made as necessary to the Public Safety Director or his or her designee, who shall make every effort to accommodate such request in a reasonable manner in his or her discretion. Any off-duty law enforcement officers of the Township of Irvington Public Safety Department, when so employed by private employers, shall be compensated at the rates set forth in Section 18, hereafter.

SECTION 18. Rate of Compensation.

A. Rates of compensation for contracting the services of off-duty law enforcement officers of the Township of Irvington Public Safety Department are established as set forth in Chapter 98, Fees and Licenses.

B. All off-duty law enforcement officers of the Township of Irvington Public Safety Department shall be guaranteed a minimum of four hours and be compensated for any fraction thereof, or whole hour, in addition thereto.

SECTION 19. Cancellation.

In the event that the person or entity requesting the off-duty law enforcement officers of the Township of Irvington Public Safety Department fails to contact the Township of Irvington at least two hours prior to the scheduled start time to cancel the job, or the officer works fewer than four hours and the job is completed, the officer is entitled to be paid for the minimum of four hours at the rate compensation set forth in Section 18.

SECTION 20. Public Emergencies.

The Public Safety Director or his or her designee shall have the authority to order any law enforcement officer engaged in off-duty assignments within the Township to respond to an emergency situation within the Township of Irvington. The Public Safety Director or his or her designee shall also have the right to order any off-duty assignment of law enforcement officers of the Township of Irvington Public Safety Department to be terminated whenever said assignment creates an unacceptable risk to the health, safety and welfare of the off-duty law enforcement officers of the Township of Irvington Public Safety Department and/or the citizens of the Township of Irvington. In the event that a law enforcement officers of the Township of Irvington Public Safety Department is assigned to an emergency situation, the Public Safety Director or his or her designee shall make note of said off-duty assignment. In any situation where an off-duty law enforcement officer is called to an emergency situation, said person shall not be responsible for the payment of the officer's hourly rate, administrative fee or any other fees to the Township of Irvington until such time as said law enforcement officer and/or equipment returns to the assignment of the off-duty employer.

SECTION 21. Policies and procedures.

The Public Safety Department policy and procedures shall be revised to be in compliance with this article and N.J.S.A. 45:19-9 et seq. as amended by P.L. 2004, c. 134.

SECTION 22. Auxiliary law enforcement officers of the Township of Irvington Public Safety Department

Establishment.

There is hereby established auxiliary law enforcement officers of the Public Safety Department Township of Irvington.

Training and service.

The above unit will be attached to the Township of Irvington Public Safety Department Irvington for training purposes and will serve pursuant to Title 58 (App. a.9) and other directives and orders of the State Director of Emergency Management, the Governor and the State Civil Defense Act.

SECTION 23. Sections 13-8 through 13-13 and Section 13-16 of the Revised Code of the Township of Irvington is hereby repealed.

SECTION 24. Arson Investigation unit.

A. Within the Division of Fire, pursuant to N.J.S.A. 40A:14-7.1, there is hereby established within the Public Safety Department of the Township of Irvington an Arson Investigation Unit consisting of not more than two (2) firefighting personnel in the Department of Public Safety, which shall be responsible for conducting investigations of arson, suspicious fires and explosions within the Township of Irvington.

B. Before any member of the Public Safety Department shall be assigned to the Arson Investigation Unit, he/she shall have successfully completed a course of training approved by the Law Enforcement (formerly Police) Training Commission and an arson investigation training course approved by the Department of Law and Public Safety.

C. Members of the Arson Investigation Unit shall have the same powers and authority as law enforcement officers within the Township of Irvington while engaged in the actual performance of arson investigation duties, specifically including the right to carry firearms pursuant to regulations promulgated by the Director of the Public Safety Department of the Township of Irvington. Firearms shall be carried only while members of the unit are on duty and engaged in the actual performance of their duties.

SECTION 25. All references in the Revised Code referencing the Police Department, Fire Department, Department of Fire, Department of Police are hereinafter referred to as the Department of Public Safety/Public Safety Department.

SECTION 26. All references in the Revised Code referencing fireman, firemen and/or fire fighters are hereinafter referred to as fire fighting personnel in the Department of Public Safety.

SECTION 27. All references to police officers, and/or police personnel are hereinafter referred to as law enforcement personnel in the Department of Public Safety.

SECTION 28. Any and all rules, regulations, policies, procedures, directives, orders and general orders promulgated by and under the Department of Police are hereby ratified, adopted and promulgated as the rules and regulations governing the Department of Public Safety.

SECTION 29. Any and all rules, regulations, policies, procedures, directives, orders and general orders promulgated by and under the Department of Fire are hereby ratified, adopted and promulgated as the rules and regulations governing the Department of Public Safety.

SECTION 30. The position of Deputy Director of Public Safety is hereby created. The Deputy Director of Public safety shall be appointed by the Mayor.

SECTION 31. All ordinances or parts of ordinances inconsistent or in conflict with the provisos of this ordinance are hereby repealed.

SECTION 32. This ordinance shall take effect upon final adoption and publication according to law.

The public hearing on this ordinance is now open.

There were no requests to be heard.

Cox – Burgess Motion to close public hearing

Adopted

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

Adopted

2. President Frederic: An ordinance establishing the salary of the Director of the Department of Public Safety will be heard at this time. The Clerk will read the notice of hearing.

The Clerk sated for the record that this notice was identical to the first notice that was read.

The Clerk will read the ordinance by title.

AN ORDINANCE AMENDING ORDINANCE NUMBER MC 3511
TO PROVIDE FOR CERTAIN SALARIES

BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON:

SECTION 1: That Ordinance MC 3511 is hereby amended to read as follows:

TITLE OF POSITION	SALARY RANGE	
	Minimum	Maximum
Director, Department of Public Safety	\$ 110,000.00	\$145,000.00

SECTION 2. The salary ranges for the officers and employee in the titled position set forth in Section 1 of this Ordinance shall be effective immediately.

SECTION 3. All Ordinances or parts of Ordinances inconsistent or in conflict with the provisions of the within Ordinance are hereby repealed.

SECTION 4. This Ordinance shall take effect upon final passage and publication according to law.

The public hearing on this ordinance is now open.

There were no requests to be heard.

Cox – Hudley Motion to close public hearing

Adopted

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

Adopted

3. President Frederic: An ordinance establishing residential parking permits on a portion of Glorieux Street and on Argyle Terrace will be heard at this time. The Clerk will read the notice of hearing.

The Clerk sated for the record that this notice was identical to the first notice that was read.

The Clerk will read the ordinance by title.

AN ORDINANCE AMENDING PART II GENERAL LEGISLATION/CHAPTER 192, VEHICLES AND TRAFFIC/ARTICLE II, PARKING/SECTION 192-16.2 PARKING RESTRICTED FOR RESIDENTS; PARKING PERMIT REQUIRED; AND AMENDING 192-96.1

WHEREAS, the Township of Irvington in response to the Complaints of its residents concerning the availability of resident parking seven days a week, 24 hours a day on Glorieux Street between Nesbit Terrace and Park Place and between the hours of 8:00 A.M. and 8:00 P.M. on the entire length of Argyle Terrace; and

WHEREAS, the difficulty of the residents in this area to locate parking at or near their homes has caused undue hardship on the residents of this area

NOW, THEREFORE, BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that parking shall be restricted and a parking permit required for residents seven days a week, 24 hours a day on Glorieux Street between Nesbit Terrace and Park Place and between the hours of 8:00 A.M. and 8:00 P.M. on the entire length of Argyle Terrace; and

Permit parking will be allowed between the hours and days specified in Schedule VA. Section 192-96.1) This section of the Ordinance is hereby amended to include Glorieux Street between Nesbit Terrace and Park Place seven days a week, 24 hours a day on the entire length of Argyle Terrace between the hours of 8:00 A.M. and 8:00 P.M.

Resident's vehicles must receive and display a valid parking permit provided by the Township of Irvington.

Vehicles parked in violation of this ordinance will be subject to towing and the vehicle owners shall be subject to a fine as set forth in Chapter 1, General Provisions, Article III.

All ordinances or parts thereof that are inconsistent herewith are hereby repealed.

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

The public hearing on this ordinance is now open.

There were no requests to be heard.

Cox – Hudley Motion to close public hearing

Adopted

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

Adopted
Abstain: Cox

9. Resolutions & Motions

A. Resolutions

Inman – Burgess 16. Authorize Acceptance of \$250,000.00 in Grant Funds From FEMA for Emergency Generators [WALK ON ITEM FROM ADMINISTRATION]

ACCEPT GRANT FUNDS AWARDED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY, THE HAZARD MITIGATION GRANT FOR A GENERATOR PROJECT.

WHEREAS, The Township of Irvington Fire Department has applied for and has been awarded a grant from the Federal Emergency Management Agency Hazard Mitigation Grant Project in the amount of \$250,000.00 dollars to purchase Building Generators.

WHEREAS, The Township of Irvington Municipal Council has reviewed the accompanying award letter from the Federal Emergency Management Agency: Award Number: HMGP-DR -4086-NJ-0282-R.

WHEREAS, The total project cost total \$255,480.00 dollars, the Federal share is \$250,000.00, and the Township of Irvington's cost is \$5,480.00

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that:

1. As a matter of public policy, the Township of Irvington wishes to purchase two building generators, one for the Public Safety Building and one for the Gatling Center to mitigate emergency from power outages at each building.

2. The Township of Irvington wishes to accept the Federal Emergency Management Agency grant for the amount of \$250,000.00 dollars to purchase generators and the Township of Irvington agrees to the terms and conditions specified in the award letter; Grant Number HMGP-DR-4086-NJ-0282-R.

3. The Township of Irvington agrees to match of the project cost, which totals \$5,480.00.

Adopted

ALCOHOLIC BEVERAGE CONTROL BOARD

OCTOBER 14, 2015

Chairman Cox called the Meeting to Order

1. New Business

Jones – Hudley A. Renewal of Consumption License for 2015-2016 – Slick's Tavern, 371 Nye Avenue

WHEREAS, the following named individuals, partnerships or corporations, being applicants for Plenary Retail Consumption Licenses for the year 2015-2016 to sell alcoholic beverages under the provisions of N.J.S.A. Title 33 having been investigated as required by said Law, and the Alcoholic Beverage Control Board being satisfied that said applicants in all things have met the requirements of the law and are suitable and proper individuals, partnerships or corporations to whom Plenary Retail Consumption Licenses for the sale of alcoholic beverages should be issued:

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 2015-2016 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.

Adopted
Abstain: Inman

2. Adjournment

12. Miscellaneous

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

Rodney White, 41 Durand Place, mailing address: 624 Nye Avenue

Dee Fuqua, 167 Orange Avenue

Ms. Gray, Nail Salon Operator, 1091 Springfield Avenue

Frank McBee, 46 Durand Place

All of the Council Members responded to the issues raised by the above referenced citizens.

13. Adjournment

There being no further business, the meeting was adjourned at 8:52 P.M.

Charnette Frederic, Council President

Harold E. Wiener, Municipal Clerk