

REGULAR COUNCIL MEETING
NOVEMBER 24, 2015

Council Chamber, Municipal Building
Irvington, N.J. – Tuesday Evening
November 24, 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)

Cathy Southerland, 50 Adams Street
Elouise McDaniel, 214 Nesbit Terrace

5. Hearing of Council Members

Council Members Lyons, Cox and 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 – November 10, 2015
2. Minutes – Joint Meeting – September 17, 2015
3. Minutes – Board of Adjustment – November 4, 2015
4. Construction Code Official – Permits Issued in October

7. Reports of Committees

None

8. Ordinances, Bills & Claims

B. Ordinances on 2nd Reading

None

C. Bills & Claims

Jones –Burgess 1. Bill Lists

RESOLVED THAT THE BILLS AND CLAIMS AGAINST THE TOWNSHIP OF IRVINGTON FOR A PERIOD NOVEMBER 24, 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	\$590,687.02
TOTAL	\$590,687.02

Adopted

Jones – Burgess 2. Payrolls

October 31, 2015 through November 14, 2015

REGULAR	OVERTIME	OTHER EARNED	TOTAL
\$1,452,361.78	\$76,819.94	\$99,203.14	\$1,628,384.86

Adopted

9. Resolutions & Motions

A. Resolutions

Cox – Hudley 1. Authorize Amendment to Contract for IDIS Consulting Services - Ron Allen Consulting - Increase Contract Price by \$12,000.00 to Total Not To Exceed \$32,000.00.

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, resolution number OCDP 15-1014-15 was approved by the Municipal Council on October 14, 2015 to increase this service contract by \$5000.00; and

WHEREAS, the Director of Community Development and Planning has advised that based on additional support is need by vendor for reconciliation and project activities; and

WHEREAS, it was determined that an additional \$12,000.00 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 \$32,000.00 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 \$32,000.00.

BE IT RESOLVED, that Certification of Funds number C5-00253 has been obtained from the Chief Financial Officers for the total sum of \$32,000.00, charged to account number T-21-41-850-15B-802.

Adopted

Jones – Burgess 2. Authorize Purchase of Forty Yard Container Over the Pay to Play Threshold From Ruduco Products Based Upon Low Quote of \$18,847.00

AUTHORIZING PURCHASES OVER THE PAY TO PLAY THRESHOLD OF \$17,500.00 BUT UNDER THE BID THRESHOLD OF \$40,000.00 FOR THE PURCHASE OF THREE 40 YDS CONTAINERS FOR DEMOLITION

WHEREAS, the Township wishes to purchase three forty (40) YDS containers for Demolition debris and the total purchase will exceed the pay to play threshold; and

WHEREAS, the Township has obtained three quotes for this service from Ruduco Products Inc, Waste Equipment herein attached; and

WHEREAS, Ruduco Products of 114 East Oak Road, Vineland NJ 08360 has provided the lowest quote of \$19,418.00; and

WHEREAS, in compliance with 19:44a-20.13 et., seq., Ruduco Products will exceed the Pay-to-Play threshold of \$17,500.00 for calendar year 2015; and,

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

WHEREAS, all purchases to the above vendor will not exceed the bid threshold of \$40,000.00; and

NOW, THEREFORE, BE IT RESLOVED, that the Municipal Council of the Township of Irvington hereby authorizes the Qualified Purchasing Agent to purchase three forty (40 yd) containers from the above vendor in excess of pay to play threshold \$17,500.00 but under the bid threshold of \$40,000.00; and

BE IT RESOLVED, that the total sum of \$19,418.00 was charged to account number T-21-41-850-16b-803 on purchase order number 15-05091; and

BE IT FURTHER RESOLVED that the duration of this authorization shall be until December 31, 2015; and

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

Adopted

Cox – Hudley 3. Amend Resolution to Authorize the Purchase of a Reconditioned Bucket Truck From I-80 Equipment for \$29,500.00 to Provide for Pay to Play Requirements

AUTHORIZING PURCHASE OVER THE PAY TO PLAY THRESHOLD OF \$17,500.00 BUT UNDER THE BID THRESHOLD OF \$40,000.00 FOR A RE-CONDITIONED BUCKET TRUCK

WHEREAS, the Township is in need of a bucket truck to replace traffic lights; and,

WHEREAS, the Township has review the process of TEQ reconditioning vehicles; and,

WHEREAS, the process of TEQ reconditioning has been determined proprietary service and letter is herein attached; and,

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

WHEREAS, in compliance with 19:44a-20.13 et., seq., I-80 Equipment Co., LLC of 20490 E. 550th Street, Colona, IL 61241 will exceed the Pay-to-Play threshold of \$17,500.00 for the purchase of re-conditioning buck truck; and,

WHEREAS, vendor 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 authorizes the Qualified Purchasing Agent to purchase a TEQ reconditioning truck from I-80 Equipment Co., LLC, 20490 E. 550th street, Colona, IL

61241 in excess of pay to play threshold \$17,500.00 but under the bid threshold of \$40,000.00; and

BE IT RESOLVED, that Certification of Funds number C5-00304 has been obtained from the Chief Financial Officers for the total sum of \$29,500.00 charged to account number 5-01-26-290-292-299.

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

BE IT FURTHER RESOLVED, that resolution number DPW 15-1110-49 is hereby rescinded.

Adopted

Jones –Burgess 4. Authorize Tax Payment Plan for 56 Osborne Place - Net Amount to Redeem of \$3,576.31 Payable Within 12 Months

Municipal Payment Plan

WHEREAS, the Township of Irvington is scheduled to have an Accelerated Tax Sale on or before December 31, 2015 on lands known on the Tax Map of the Township of Irvington aforesaid as Block 251, Lot 14 owned by Davis, Claude & Mary Louise, and that said Tax Sale advertised amount and subsequent municipal liens on said premises remain unpaid; and

WHEREAS, said Taxpayer Davis, Claude & Mary Louise, has applied to the Municipal Council of the Township of Irvington for a leave to redeem the aforesaid property from the said Accelerated Tax Sale and subsequent municipal liens by equal monthly installment payments in accordance with and pursuant to the provisions of N.J.S.A. 54:5-19:

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that the Irvington Tax Collector be and she is hereby authorized to enter into the following agreement mentioned for the payment of tax arrears and current taxes on the premises 56 Osborne Place, Block 251, Lot 14 on the Irvington Tax Map:

2015 1Q Taxes	\$ 173.50
2015 2Q Taxes	\$ 1,616.34
2015 3Q Taxes	\$ 1,636.49
2015 4Q Taxes	\$ 1,557.09
Total Interest Due to 11.24.2015	\$ 168.67
Less 4 th quarter deposit	\$ (1,575.78)

NET AMOUNT TO REDEEM:

\$ 3,576.31

2. That beginning January 1, 2016 and on or before the 1st day of each succeeding month thereafter, the Taxpayer Davis, Claude & Mary Louise shall pay to the Irvington Tax Collector the sum of \$327.88 each month to be applied by said Tax Collector on account of said municipal liens in the manner most convenient to her as provided by N.J.S.A. 54:5-74. In addition, the Taxpayer shall pay to the Tax Collector the current taxes as they become due on February 1st, May 1st, August 1st and November 1st of each year. The foregoing payments shall continue until all taxes and interest on tax arrears and current taxes as provided herein shall have been paid in full; all tax arrears and interest thereon must be paid within 12 months.

The Tax Collector shall provide a form of receipt or statement showing the dates of payments and the application thereof as to interest, expenses, charges, etc.

3. Upon the full satisfaction of the amount required to redeem said lands from said Tax Sale Certificate, including the subsequent municipal liens as aforesaid, together with Sewer user charges and current taxes, the Collector of Taxes shall deliver to said Taxpayer said Tax Sale Certificate properly endorsed for cancellation.

4. That should said Taxpayer Davis, Claude & Mary Louise default in the payment of any one said monthly installment payments, or in the payment of any current municipal taxes which may fall due against the aforementioned property, and should said default in any case continue for thirty (30) days from the time that such payment is due and payable then said agreement between said Taxpayer and the Township shall be terminated and void and all said municipal liens and taxes shall become immediately due and payable subject to enforcement by the Tax Collector of the Township of Irvington and sale according to law or by employment of any remedy available to the Township of Irvington according to law.

Adopted

Jones – Hudley 5. Authorize Professional Services Contract for Legal Services in the Matter of Destiny Dickens to Joseph M. Wenzel - Not to Exceed \$15,000.00

RESOLUTION AUTHORIZING PROFESSIONAL SERVICES FOR LITIGATION/DEFENSE COUNSEL SERVICES

WHEREAS, resolution number TA 15-1027-36 qualified fifteen firms to provide litigation/defense counsel services for the Township of Irvington from November 1, 2015 until October 31, 2016; and

WHEREAS, the resolution requires that all cases assigned to counsel for this purpose must be approved by the Municipal Council; and

WHEREAS, the Township Attorney has determined that Joseph M. Wenzel has the most experience to defend the Township of Irvington in the case of Destiny Dickens, et als. v. Township of Irvington, et als, Docket No. ESX-L-6221-15; and

WHEREAS, the Township Attorney has recommended that a contract be awarded Joseph M. Wenzel, 1000 Clifton Avenue, Suite 101, Clifton, NJ 07013; and

NOW THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that a contract for Litigation/Defense counsel services be awarded to Joseph M. Wenzel, 1000 Clifton Avenue, Suite 101, Clifton, NJ 07013 for a contract amount not to exceed \$15,000.00. The billing rate for this contract is \$115.00 per hour; and

BE IT FURTHER RESOLVED that the Township Attorney is hereby authorized and directed to prepare the necessary contracts for this case and the Mayor and Township Clerk are authorized and directed to sign the same; and

BE IT FURTHER RESOLVED, that funds for this service will be paid from the Insurance fund for a contract amount not to exceed \$15,000.00. The billing rate for this contract is \$115.00 per hour.

Adopted

Burgess – Cox 6. Authorize Purchases Over the Pay to Play Threshold of \$17,500.00 But Under the Bid Threshold of \$40,000.00 for the Purchase of Recycling Cans from TMF Corporation

AUTHORIZING PURCHASES OVER THE PAY TO PLAY THRESHOLD OF \$17,500.00 BUT UNDER THE BID THRESHOLD OF \$40,000.00 FOR THE PURCHASE OF RECYCLING CANS

WHEREAS, the Township wishes to purchase recycling cans and the total purchase will exceed the pay to play threshold; and

WHEREAS, the Township has obtained three quotes for this service from Otto Environment Systems, LLC, Busch Systems International and TMF Corporation herein attached; and

WHEREAS, TMF Corporation of 850 West Chester Pike, Suite 200, Havertown, PA 19083 has provided the lowest quote of \$27,793.25; and

WHEREAS, in compliance with 19:44a-20.13 et., seq., TMF Corporation will exceed the Pay-to-Play threshold of \$17,500.00 for calendar year 2015; and,

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

WHEREAS, all purchases to the above vendor will not exceed the bid threshold of \$40,000.00; and

NOW, THEREFORE, BE IT RESLOVED, that the Municipal Council of the Township of Irvington hereby authorizes the Qualified Purchasing Agent to purchase certain recycling cans from the above TMF Corporation in excess of pay to play threshold \$17,500.00 but under the bid threshold of \$40,000.00; and

BE IT RESOLVED, that the total sum of \$27,793.25 was charged to account number T-21-41-850-16b-803 on purchase order number 15-05162; and

BE IT FURTHER RESOLVED that the duration of this authorization shall be until December 31, 2015

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

Adopted

Jones – Jones – Burgess 7. Commemoration – 35th Anniversary of Solid Rock Baptist Church

Resolution of Commemoration
Solid Rock Baptist Church
35th Church Anniversary

WHEREAS, the Solid Rock Baptist Church, the church of South Ward Council Member Sandra R. Jones, will be celebrating its 35th Church Anniversary; and

WHEREAS, on December 3, 1979, Deacon Joseph Watts and a group of concerned Christians and former members of the original Hopewell Baptist Church who shared a common love for God and desired to practice Christianity in a Christian like manner, met on serval occasions and organized the church according to the Word of God. Sis. Blonnie Watson arranged the meeting location at High Park Gardens in Newark, NJ where they held their first meeting. After having several meetings at High Park Gardens, Sis. Lucy Ragin was influential in finding a location for the members to have “church” at the St. Charles Auditorium at 77 Custer Avenue in Newark; and

WHEREAS, on Sunday, December 16, 1979, the members held their first 11:00 AM worship service in the St. Charles Auditorium, with Rev. John McGugan preaching the first sermon and had in attendance approximately 100 to 150 members; and

WHEREAS, at the first church meeting on February 8, 1980, a strong Christian board of officers were elected and during that meeting the members also voted to name the church “Solid Rock Baptist Church”. At another church meeting held on March 21, 1980, Sis. Jessie Porter became the spiritual mother and Rev. John McGugan became the Pastor of Solid Rock Baptist Church; and

WHEREAS, the Pastor, Officers and Members were ever mindful for the need of a church edifice and all joined in the search for such a place. With the help of God, Deacon

Calvin Venable along with the Official Board, were instrumental in beginning negotiations to purchase 644 Chancellor Avenue; and

WHEREAS, in April 1982, a motorcade was led to the new church home by Pastor Rev. John McGugan and other dignitaries. Solid Rock continued to grow and changes began to take place. During a church meeting on October 29, 1988, Rev. McGugan resigned as pastor of Solid Rock Baptist Church; and

WHEREAS, after months of searching for a new pastor, a church meeting was called on August 18, 1989 and during this meeting Rev. Rudy V. Carlton was voted the new Pastor of Solid Rock Baptist Church. Rev. Carlton was installed as Pastor on October 29, 1989; and

WHEREAS, all founders and members committed to paying \$16 each month for 8 years and in doing so, as well as tithing and fundraising, they raised over \$240,000.00. In December 1989, the church not only celebrated their 10th Church Anniversary but they also celebrated the burning of their mortgage. On July 15, 1990, the laying of the cornerstone was held; and

WHEREAS, Pastor Carlton served as the Pastor of Solid Rock Baptist Church for twelve years until his departure from the church in 2001. After an extensive search and interviewing process in search of a new pastor, on May 10, 2003, Pastor Leonard T. King was accepted by the congregation and the Executive Board as the Pastor of Solid Rock Baptist Church. They believed Pastor King; would lead us in the direction that God would have us to go Pastor King was installed July 23, 2003; and

WHEREAS, in 2008 Solid Rock Baptist Church opened a food pantry and named it in memory of Deacon Venable; and

WHEREAS, in March, 2010, after serving as pastor of Solid Rock for seven years, Rev. Leonard T. King resigned. In December 2010, a new Pulpit Committee was formed and the search began for a new pastor; and

WHEREAS, on December 10, 2011, Solid Rock held its election for a pastor. The church chose Rev. Reginald T. Pitts, from Fountain Baptist Church in Summit. Rev. Pitts accepted the call to become the Pastor of Solid Rock Baptist Church and continues to serve in this capacity; and

WHEREAS, in 2012, through sacrificial giving Solid Rock installed a new heating and air conditioning system. In 2013, Solid Rock endured a renovation both spiritual and physical and their services were relocated to the fellowship hall and the sanctuary was completely renovated:

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that the Municipal Council hereby commemorates the 35th Church Anniversary of Solid Rock Baptist Church and commends Rev. Pitts, the Deacons, Officers and Members for their continued dedication in providing spiritual guidance to the residents of Irvington.

BE IT FURTHER RESOLVED that a copy of this resolution be spread upon the minutes of this governing body in lasting tribute to the 35th Church Anniversary of Solid Rock Baptist Church.

Adopted

Cox – Frederic 8. Confirm Mayor's Nomination of Rihul Etienne as a Member of the Irvington Library Board of Trustees Replacing Patricia Wilson

WHEREAS, N.J.S.A. 40:54-9 requires that the exercise of advice and consent to actions by the Mayor to appoint Trustees to the Irvington Public Library be by resolution of the Municipal Council; and

WHEREAS, the Mayor has submitted the nomination of Rihul Etienne, 66 Harrison Place, Irvington, N.J., replacing Patricia Wilson, as a member of the Irvington Library Board of Trustees for the unexpired term which is set to expire on December 31, 2018, for the advice and consent of the Municipal Council;

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that the nomination of Rihul Etienne, 66 Harrison Place, Irvington, N.J., replacing Patricia Wilson, as a member of the Irvington Library Board of Trustees, for a term to expire on December 31, 2018 be confirmed by the Municipal Council.

Adopted

A. Communications

None

B. Petitions

None

11. Pending Business

None

12. Miscellaneous

A. Bingos and Raffles

None

NON-CONSENT AGENDA ITEMS

8. Ordinances, Bills & Claims

A. Ordinances on 1st Reading

Cox – Hudley 1. Amend Ordinance Providing for Residential Permit Parking on Argyle Terrace – Correct Hours from 8:00 A.M. to 8:00 P.M. to 8:00 P.M. to 8:00 A.M.

AN ORDINANCE AMENDING A PORTION OF ORDINANCE NUMBER MC 3555 TO CORRECT THE HOURS FOR RESIDENTIAL PARKING PERMITS ON ARGYLE TERRACE

Adopted

Frederic – Jones 2. Regulate the Sale of Toy Guns

AN ORDINANCE REGULATING THE SALE OF TOY OR IMITATION FIREARMS

Adopted

Hudley – Burgess 3. Authorize Amendment to Security Camera Ordinance

ORDINANCE AMENDING TITLE VIII, BUSINESS AND OCCUPATIONS, OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF IRVINGTON, NEW JERSEY, 2000, AS AMENDED AND SUPPLEMENTED, BY ADDING CHAPTER 30, REGULATION OF COMMERCIAL PROPERTIES.

Adopted

9. Resolutions & Motions

A. Resolutions

Cox – Hudley 9. Confirm Mayor's Nomination of Tracy Bowers as Director of the Department of Public Safety

RESOLUTION APPOINTING PUBLIC SAFETY DIRECTOR

WHEREAS, the Township adopted Municipal Ordinance MC 3553, on October 14, 2015 establishing the position of Public Safety Director; and

WHEREAS, the Mayor wishes to appoint an employee to the Position of Public Safety Director; and

WHEREAS, Tracy Bowers possesses the required experience and education for the position and is deemed qualified to fill the position of Public Safety Director in accordance with the ordinance; and

WHEREAS, the Public Safety Director will be paid in accordance with Municipal ordinance number MC3554; and

WHEREAS, N.J.S.A. 40:69A-36 (b) requires that the exercise of advice and consent to actions by the Mayor be by resolution of the Municipal Council; and

WHEREAS, the Mayor has nominated Tracy Bowers as the Director of the Department of Public Safety, to be effective November 24, 2015, and to expire on June 30, 2018 for the advice and consent of the Municipal Council:

NOW, THEREFORE, BE IT RESOLVED, that the governing body of Township of Irvington in the County of Essex, in the State of New Jersey hereby consents to the appointment of Tracy Bowers to the Position of Public Safety Director; and

BE IT FURTHER RESOLVED, that the governing body hereby consents to the appointment of Tracy Bowers to exercise the duties, authority and responsibility of the position of Public Safety Director in accordance with Municipal ordinance number MC 3553 and all applicable laws; and

BE IT FURTHER RESOLVED, the Public Safety Director will be paid in accordance with Municipal Ordinance MC3554; and

BE IT FURTHER RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that the nomination by the Mayor of Tracy Bowers as the Director of the Department of Public Safety, to be effective November 24, 2015, and to expire on June 30, 2018 is hereby confirmed.

Adopted

12. Miscellaneous

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

Cathy Southerland, 50 Adams Street
Harry Perryman, 21 Nesbit Terrace
Elouise McDaniel, 214 Nesbit Terrace
Kim Williams, 42 Oakland Street
Richard Williams, 197 Linden Avenue

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

13. Adjournment

There being no further business, the meeting was adjourned at 8:48 P.M.

Charnette Frederic, Council President Harold E. Wiener, Municipal Clerk