

REGULAR COUNCIL MEETING
DECEMBER 15, 2015

Council Chamber, Municipal Building
Irvington, N.J. – Tuesday Evening
December 15, 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

5. Hearing of Council Members

Council Member Lyons and Council President Frederic responded to the issues raised by the above referenced citizen.

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

A. Reports

1. Minutes – Directors’ Meeting – November 24, 2015
2. Constable Reports Submitted Through November
3. Irvington Counseling Center – Annual Report #5
4. Board of Adjustment – Annual Report – 2014

7. Reports of Committees

A. Requests for Proposals Results - Various Professional Services – 11-24-15

B. Bid Results for Exterior Renovations to the Chris Gatling Recreation Center – 12-3-15

8. Ordinances, Bills & Claims

C. Bills & Claims

Jones – Cox 1. Bill Lists

RESOLVED THAT THE BILLS AND CLAIMS AGAINST THE TOWNSHIP OF IRVINGTON FOR A PERIOD DECEMBER 15, 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	\$3,652,669.80
TOTAL	\$3,652,669.80

Adopted

Jones – Burgess 2. Payrolls

November 14, 2015 through November 27, 2015

REGULAR	OVERTIME	OTHER EARNED	TOTAL
\$1,477,352.92	\$63,223.24	\$199,645.00	\$1,740,221.16

Adopted

9. Resolutions & Motions

A. Resolutions

Cox – Jones 1. Authorize Contract With Adams Construction for Emergency Board Ups - Not to Exceed \$21,400.00

AUTHORIZING EMERGENCY CONTRACT FOR BOARD-UPS

WHEREAS, the Housing Director has declared an emergency to board up six abandon houses in the Township, and;

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

WHEREAS, Adams Construction & Demo company was called and services were rendered to board-up six abandon houses located at the following addresses:- 392 14th Ave, 860 Lyons Ave, 33 Maple Ave, 177 Maple Ave, 18 Cleremont Ave and 1008 Springfield Ave and;

WHEREAS, this service for calendar year 2015, has exceeded the Pay to Play threshold and;

WHEREAS, the vendor has completed the required C-271 form and is on file in the Office of the Clerk and Purchasing.

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that it ratifies the decision of the Director of Housing to authorize an emergency contract to Adams Construction for board-ups services rendered on for an amount not to exceed \$21,400.00

THEREFORE, BE IT RESOLVED, that this vendor will exceed the Pay to Play threshold for calendar year 2015.

BE IT FURTHER RESOLVED, the appropriation to be charged for this expenditure is account Number G-02-xx-770-10A-299 and the Chief Financial Officer has paid the vendor the total sum of \$21, 400.00 on purchase order numbers 15-01873, 15-02604, 15-03871, 15-05103 and 15-05230.

Adopted

Jones – Lyons 2. Reject Bids for the Exterior Renovations to the Chris Gatling Recreation Center - All Bids Received Were Over the Amount Appropriated for the Project

REJECTING INVITATION FOR BIDS FOR THE EXTERIOR RENOVATIONS OF THE CHRIS GATLING RECREATIONAL FACILITY

WHEREAS, on November 11, 2015, the Township advertised for the receipt of bids; and

WHEREAS, the Township of Irvington accepted and opened Bids for the exterior renovations of the Chris Gatling Recreational Facility on December 03, 2015; and

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

WHEREAS, the Township Engineer wishes to reject all bids on the basis that the lowest bid substantially exceeds the Township's appropriation for the project; and

WHEREAS, the Local Public Contract Law, N.J.S.A. 40A:11-13.2.(b) provides that a municipality may reject all bids when the lowest bid exceeds the Township's appropriation for this service; and

NOW THEREFORE BE IT RESOLVED by the Municipal Council of Township of Irvington, in the County of Essex, that all bids received for the exterior renovations of the Chris Gatling Recreational Facility are hereby rejected in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-13.2.(b); and

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

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

Adopted

Cox – Lyons 3. Authorize Professional Services Contract for Dental Insurance Brokerage Services - Alamo Insurance Group - Fees to be Paid by the Provider

RESOLUTION AUTHORIZING FAIR AND OPEN PROFESSIONAL SERVICE
CONTRACT FOR DENTAL INSURANCE BROKERAGE SERVICES FOR
CALENDAR YEAR 2016

WHEREAS, the Request for Proposals for Insurance Brokerage Services for dental was publicly advertised in the New Jersey Star Ledger on October 20, 2015 with a deadline for qualifications to be submitted on November 24, 2015; and

WHEREAS, two qualifications were received and publicly opened; and

WHEREAS, said qualifications were referred to the Insurance Committee; and

WHEREAS, the qualifications satisfied the RFP requirement and;

WHEREAS, the Insurance Committee has recommended award should be made to the following firm:

Alamo Insurance Group
55 Flanagan Way
Secaucus, N.J. 07094

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that a contract for Dental Insurance Brokerage Services be awarded Alamo Insurance Group, 55 Flanagan Way, Secaucus, NJ 07094 on the basis of their response to the request for proposal meeting the selection criteria and qualifications at no cost to the township, the fees will be paid by brokerage and commission fees will be disclosed to the Township; for one year starting on January 12, 2016 and ending on January 11, 2017; and

BE IT FURTHER RESOLVED that the Township Attorney is hereby authorized and directed to prepare the necessary contract and the Mayor and Township Clerk are authorized and directed to sign the same.

Adopted

Burgess – Hudley 4. Authorize Professional Services Contract for Health Insurance Brokerage Services - Fairview Insurance Agency Associates – Fees to be Paid by the Provider

RESOLUTION AUTHORIZING FAIR AND OPEN PROFESSIONAL SERVICE
CONTRACT FOR HEALTH INSURANCE BROKERAGE SERVICES FOR
CALENDAR YEAR 2016

WHEREAS, the Request for Proposals for Insurance Brokerage Services for health was publicly advertised in the New Jersey Star Ledger on October 20, 2015 with a deadline for qualifications to be submitted on November 24, 2015; and

WHEREAS, two qualifications were received and publicly opened; and

WHEREAS, said qualifications were referred to the Insurance Committee; and

WHEREAS, the qualifications satisfied the bid requirement and;

WHEREAS, the Insurance Committee has recommended award should be made to the following firm:

Fairview Insurance Agency Associates
245 Fairway Avenue
Verona, N.J. 07044

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that a contract for Health Insurance Brokerage Services be awarded to Fairview Insurance Agency Associates, 25 Fairview Ave, Verona, NJ 07044 on the basis of their response to the request for proposals meeting the selection criteria and qualifications at no cost to the township, the fees will be paid by brokerage and total compensation will be disclosed to the Township for an amount not to exceed 3.0%; for one year starting on January 12, 2016 and ending on January 11, 2017; and

BE IT FURTHER RESOLVED that the Township Attorney is hereby authorized and directed to prepare the necessary contract and the Mayor and Township Clerk are authorized and directed to sign the same.

Adopted

Cox – Lyons 5. Authorize Professional Services Contract for General Liability, Workers' Compensation, Property Casualty and Risk Services Insurance Brokerage Services - Conner Strong and Buckelew – Applicable Commission to be Paid by Carriers

RESOLUTION AUTHORIZING FAIR AND OPEN PROFESSIONAL SERVICE
CONTRACT FOR INSURANCE BROKERAGE SERVICES (GENERAL LIABILITY,
WORKER'S COMPENSATION, PROPERTY CASUALTY & RISK SERVICES) FOR
CALENDAR YEAR 2016

WHEREAS, the Request for Proposals for Insurance Brokerage Services (General Liability, Worker's Compensation, Property Casualty & Risk Services) was publicly

advertised in the New Jersey Star Ledger on October 20, 2015 with a deadline for qualifications to be submitted on November 24, 2015; and

WHEREAS, two qualifications were received and publicly opened; and

WHEREAS, said qualifications were referred to the Insurance Committee; and

WHEREAS, the qualifications satisfied the RFP requirement and;

WHEREAS, the Insurance Committee has recommended award should be made to the following firm:

Conner Strong & Buckelew
9 Campus Drive
Parsippany, N.J. 0054

NOW THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that a contract for Insurance Brokerage Services (General Liability, Worker's Compensation, Property Casualty & Risk Services) be awarded to Conner Strong & Buckelew, 9 Campus Drive, Parsippany, NJ 07054 on the basis of their response to the request for proposals. Vendor will be paid by applicable commission to be paid by the carriers, which will be disclosed to the Township on a quarterly basis; for one year starting on January 01, 2016 and ending on December 31, 2016; and

BE IT FURTHER RESOLVED that the Township Attorney is hereby authorized and directed to prepare the necessary contract and the Mayor and Township Clerk are authorized and directed to sign the same.

Adopted

Lyons – Hudley 6. Authorize Professional Services Contract for Insurance Prescription Brokerage Services - RD Parisi Associates – Applicable Commission to be Paid by Carriers

RESOLUTION AUTHORIZING FAIR AND OPEN PROFESSIONAL SERVICE
CONTRACT FOR INSURANCE PRESCRIPTION BROKERAGE SERVICES FOR
CALENDAR YEAR 2016

WHEREAS, the Request for Proposals for Insurance Prescription Brokerage was publicly advertised in the New Jersey Star Ledger on October 20, 2015 with a deadline for qualifications to be submitted on November 24, 2015; and

WHEREAS, two qualifications were received and publicly opened; and

WHEREAS, said qualifications were referred to the Insurance Committee for review and written recommendation; and

WHEREAS, the qualifications satisfied the RFP requirement and;

WHEREAS, the Insurance Committee has recommended award should be made to the following firm:

RD Parisi Associates
100 Executive Drive, Suite 338
West Orange, N.J. 07052

NOW THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that a contract for Insurance Prescription Brokerage Services be awarded to RD Parisi Associates, 100 Executives Drive, Suite 338, West Orange, NJ 07052 on the basis of their response to the request for proposals meeting the selection criteria and qualifications at no cost to the township, the fees will be paid by brokerage and the commission fees will be disclosed to the Township; for one year starting on January 12, 2016 and ending on January 11, 2017; and

BE IT FURTHER RESOLVED that the Township Attorney is hereby authorized and directed to prepare the necessary contract and the Mayor and Township Clerk are authorized and directed to sign the same.

Adopted

Lyons – Cox 7. Authorize Waiving of Interest of \$11,144.22 in Consideration of the Full Payment of Back Taxes of \$32,624.34 by February 15, 2016 - 1213 Clinton Avenue, Block 39, Lot 3

REQUEST TO ABATE INTEREST ON MUNICIPAL LIEN

WHEREAS, a municipal lien was placed on 1213 CLINTON AVENUE, also known as Block 39 Lot 33, at a Tax Sale held on December 27, 2012 for delinquent/unpaid taxes in the amount of \$8,474.73; and

WHEREAS, the total amount due on Block 39 Lot 33, Tax Sale Cert# 12-01294, with interest and cost to December 15, 2015 is \$43,768.56 which includes subsequent municipal charges up to the 2015 4TH qtr taxes and 2015 annual sewer charge; and

WHEREAS, the owner ATWELL, ANTHONY & DIANNE, has written a letter requesting an abatement of the interest owed on said certificate; and

WHEREAS, the interest and cost on Tax Sale Cert# 12-01294 to December 15, 2015 is \$11,144.22; and

WHEREAS, the Governing Body may forgive interest, penalties and costs pursuant to the provisions of N.J.S.A. 54:4-99;

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that the Tax Collector is authorized and directed to abate the current interest charges of \$11,144.22 imposed on Block 39 Lot 33 and the taxpayer

be allowed to pay the principal amount of \$32,624.34 on or before February 15, 2016, which is the principal amount due of said certificate of sale #12-01294.

Adopted

Lyons – Hudley 8. Authorize Waiving of Interest of \$19,300.20 in Consideration of the Full Payment of Back Taxes of \$52,904.34 by February 15, 2016 - 1160 Clinton Avenue, Block 83, Lot 2

REQUEST TO ABATE INTEREST ON MUNICIPAL LIEN

WHEREAS, a municipal lien was placed on 1160 CLINTON AVENUE, also known as Block 83 Lot 2, at a Tax Sale held on June 28, 2011 for delinquent/unpaid taxes in the amount of \$12,297.33; and

WHEREAS, the total amount due on Block 83 Lot 2, Tax Sale Cert# 110657, with interest and cost to December 15, 2015 is \$72,204.54 which includes subsequent municipal charges up to the 2015 4TH qtr taxes and 2015 annual sewer charge; and

WHEREAS, the owner MICHEL, KETTY, has written a letter requesting an abatement of the interest owed on said certificate; and

WHEREAS, the interest and cost on Tax Sale Cert# 110657 to December 15, 2015 is \$19,300.20; and

WHEREAS, the Governing Body may forgive interest, penalties and costs pursuant to the provisions of N.J.S.A. 54:4-99:

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that the Tax Collector is authorized and directed to abate the current interest charges of \$19,300.20 imposed on Block 83 Lot 2 and the taxpayer be allowed to pay the principal amount of \$52,904.34 on or before February 15, 2016, which is the principal amount due of said certificate of sale #110657.

Adopted

Cox – Burgess 9. Authorize Waiving of Interest of \$12,192.40 in Consideration of the Full Payment of Back Taxes of \$30,201.54 by February 15, 2016 - 172 Munn Avenue, Block 105, Lot 2

REQUEST TO ABATE INTEREST ON MUNICIPAL LIEN

WHEREAS, a municipal lien was placed on 172 MUNN AVENUE, also known as Block 105 Lot 2, at a Tax Sale held on June 28, 2011 for delinquent/unpaid taxes in the amount of \$199.68; and

WHEREAS, the total amount due on Block 105 Lot 2, Tax Sale Cert# 110785, with interest and cost to December 15, 2015 is \$42,393.94 which includes subsequent municipal charges up to the 2015 4TH qtr taxes and 2015 annual sewer charge; and

WHEREAS, the owner of ALLIANCE REAL ESTATE, has written a letter requesting an abatement of the interest owed on said certificate; and

WHEREAS, the interest and cost on Tax Sale Cert# 110785 to December 15, 2015 is \$12,192.40; and

WHEREAS, the Governing Body may forgive interest, penalties and costs pursuant to the provisions of N.J.S.A. 54:4-99:

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that the Tax Collector is authorized and directed to abate the current interest charges of \$12,192.40 imposed on Block 105 Lot 2 and the taxpayer be allowed to pay the principal amount of \$30,201.54 on or before February 15, 2016, which is the principal amount due of said certificate of sale #110785.

Adopted

Cox – Burgess 10. Authorize Waiving of Interest of \$20,240.40 in Consideration of the Full Payment of Back Taxes of \$38,664.21 by February 15, 2016 - 307 - 21st Street, Block 142, Lot 21

REQUEST TO ABATE INTEREST ON MUNICIPAL LIEN

WHEREAS, a municipal lien was placed on 307 21ST STREET, also known as Block 142 Lot 21, at a Tax Sale held on June 28, 2011 for delinquent/unpaid taxes in the amount of \$2,205.66; and

WHEREAS, the total amount due on Block 142 Lot 21, Tax Sale Cert# 111104, with interest and cost to December 15, 2015 is \$58,904.61 which includes subsequent municipal charges up to the 2015 4TH qtr taxes and 2015 annual sewer charge; and

WHEREAS, the owner of A4FL CORP, has written a letter requesting an abatement of the interest owed on said certificate; and

WHEREAS, the interest and cost on Tax Sale Cert# 111104 to December 15, 2015 is \$20,240.40; and

WHEREAS, the Governing Body may forgive interest, penalties and costs pursuant to the provisions of N.J.S.A. 54:4-99:

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that the Tax Collector is authorized and directed to abate the current interest charges of \$20,240.40 imposed on Block 142 Lot 21, and the taxpayer

be allowed to pay the principal amount of \$38,664.21 on or before February 15, 2016, which is the principal amount due of said certificate of sale #111104.

Adopted

A. Communications

None

11. Pending Business

None

12. Miscellaneous

A. Bingos and Raffles

Jones – Lyons 1. Irvington Chamber of Commerce Foundation

Adopted

NON-CONSENT AGENDA ITEMS

8. Ordinances, Bills & Claims

A. Ordinances on 1st Reading

Cox – Hudley 1. Allow Residential Permit Parking on Nesbit Terrace Between Chancellor Avenue and Prospect Street Between 10:00 P.M. and 8:00 A.M.

AN ORDINANCE PROVIDING FOR RESIDENTIAL PARKING PERMITS ON A PORTION OF NESBIT TERRACE.

Adopted

Lyons – Frederic 2. Repeal Parking Prohibition on the West Side of Florence Avenue at the Intersection of Clinton Avenue

AN ORDINANCE REPEALING A PORTION OF SECTION 192-92 OF THE REVISED CODE OF THE TOWNSHIP OF IRVINGTON PERTAINING TO PARKING PROHIBITED AT ALL TIMES ON THE WEST SIDE OF FLORENCE AVENUE AT THE INTERSECTION OF CLINTON AVENUE

Adopted

Burgess – Frederic 3. Amending Chapter 192 of the Revised Code Regarding Residential Permit Parking on Glorieux Street and Feiner Place

AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 192 VEHICLES AND TRAFFIC ARTICLE XX. SCHEDULES

Adopted
Abstain: Cox

B. Ordinances on 2nd Reading

1. President Frederic: An ordinance amending a prior ordinance to provide for residential permit parking on Argyle Terrace to correct the hours to 8:00 P.M. to 8:00 A.M. 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 A PORTION OF ORDINANCE NUMBER MC 3555 TO CORRECT THE HOURS FOR RESIDENTIAL PARKING PERMITS ON ARGYLE TERRACE

WHEREAS, the Township of Irvington enacted Ordinance number MC 3555 on October 14, 2015 in response to the complaints of its residents concerning the availability of resident parking between the hours of 8:00 P.M. and 8:00 A.M. on the entire length of Argyle Terrace; and

WHEREAS, said Ordinance number MC 3555 incorrectly contained language to provide for residential parking permits between the hours of 8:00 A.M. and 8:00 P.M. on the entire length of Argyle Terrace; rather than from 8:00 P.M. to 8:00 A.M.;

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 between the hours of 8:00 P.M. and 8:00 A.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 the entire length of Argyle Terrace between the hours of 8:00 P.M. and 8:00 A.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.

Merrick Harris, 6 Hennessey Place

Cox – Hudley Motion to close public hearing

Adopted

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

Council Members Cox and Lyons spoke.

Adopted

2. President Frederic: An ordinance regulating the sale of toy guns will be heard at this time. For the record, the notice of hearing is identical to the first notice of hearing that was read. The Clerk will read the ordinance by title.

AN ORDINANCE REGULATING THE SALE OF TOY OR IMITATION FIREARMS

WHEREAS, the Municipal Council of the Township of Irvington recognizes that there is a continued need to prevent violence due to guns with in the Township; and

WHEREAS, the Municipal council is also aware that certain toy guns, on many occasions, can be mistaken for real guns resulting in the death or dismembership of citizens including children in our community; and

WHEREAS, the Municipal Council recognize that they need to restrict the sale of certain toy guns to minimize the death or dismembership due to the use or prosecute such guns:

NOW, THEREFORE, BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON AS FOLLOWS:

SECTION 1. Sale prohibited; exceptions.

A. Sale of toy pistols. It shall be unlawful for any person to sell or dispose of to a minor any toy pistol or pistol that can be loaded with powder and ball or blank cartridge to be exploded by means of metal caps, but nothing herein contained shall apply to the sale or disposal of what are known as "firecracker pistols," "torpedo pistols" or such pistols as are used for the explosion of paper caps.

B. It shall be unlawful for any person to sell or offer to sell, possess or use or attempt to use or give away any toy or imitation firearm which substantially duplicates or can reasonably be perceived to be an actual firearm unless:

- (1) The entire exterior surface of such toy or imitation firearm is colored white, bright red, bright orange, bright yellow, bright blue, bright pink or bright purple, either singly or as the predominant color in combination with other colors in any pattern; or
- (2) Such toy or imitation firearm is constructed entirely of transparent or translucent materials which permits unmistakable observation of the imitation or toy firearm's complete contents; and
- (3) The barrel of such toy or imitation firearm, other than the barrel of any such toy or imitation firearm that is a water gun, is closed with the same material of which the toy or imitation firearm is made for a distance of not less than 1/2 inch from the front end of said barrel; and
- (4) Such toy or imitation firearm has legibly stamped thereon the name of the manufacturer or some trade name, mark or brand by which the manufacturer can be readily identified; and
- (5) Such toy or imitation firearm does not have attached thereto a laser pointer.

C. Subsection B of this section shall not apply to:

- (1) The possession or display of toy or imitation firearms by a manufacturer or dealer solely for purposes of sales that are accompanied by delivery to a point without the City;
- (2) Any toy or imitation firearm that will be used only for or in the production of television programs or theatrical or motion picture presentations; provided, however, that such use of any toy or imitation firearm complies with all applicable laws, rules or regulations concerning request and receipt of waivers authorizing such use;
- (3) Non-firing collector replica antique firearms, which look authentic and may be a scale model but are not intended as toys, molded on real firearms designed, manufactured and produced prior to 1898.

D. Air pistols and air rifles; selling or possessing:

- (1) It shall be unlawful for any person to sell, offer to sell or have in such person's possession any air pistol or air rifle or similar instrument in which the propelling force is a spring or air, except that the sale of such instruments, if accompanied by delivery to a point without the City, and possession for such purpose, shall not be unlawful if such person shall have secured an annual license from the City authorizing such sale and possession. The sale and delivery of such instruments within the City from one licensee to another licensee, and the use of such instruments in connection with an amusement licensed by the Division of Consumer Affairs or at rifle or pistol ranges duly authorized by law, shall not be considered a violation of this section.
- (2) All persons dealing in such instruments referred to in this section shall keep a record showing the name and address of each person purchasing such instrument or instruments,

together with place of delivery, and said record shall be open to inspection during regular business hours by the officers of the Public Safety Department of the Township.

(3) Every person to whom a license shall be granted to sell, possess and deliver the instruments described in this section shall pay an annual fee of \$10.

SECTION 2. Violations and penalties.

A. Toy guns. Except as otherwise specifically provided in this section, any person who shall willfully violate any provisions of Section 1-1A through B shall, upon conviction, be punished by a fine of not more than \$50 or by imprisonment not exceeding 30 days, or by both such fine and imprisonment.

B. Air pistols and air rifles. Any person who shall violate Section 1-1D shall be guilty of a misdemeanor, punishable by a fine of not more than \$500 or imprisonment not exceeding six months, or both.

SECTION 3. All ordinances or parts thereof that are inconsistent herewith 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.

Frederic - Jones Motion to close public hearing

Adopted

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

Adopted

3. President Frederic: An ordinance amending the security camera ordinance will be heard at this time. For the record, the notice of hearing is identical to the first notice of hearing that was read. The Clerk will read the ordinance by title.

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.

WHEREAS, it is hereby declared to be the purpose of this Section to use the inherent power of a municipality to protect and regulate the health, welfare and safety of its citizens and exercise it's police powers of the Township of Irvington

to keep adequate records of the locations of Commercial Properties operating throughout the township; and

WHEREAS, it is hereby declared to be in the best interests of the health, safety and welfare of the residents of the Township of IRVINGTON, as well as the employees and patrons of Commercial Properties to regulate the hours of operation and closure of Commercial Properties to which the public is invited.

NOW, THEREFORE, BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON, NEW JERSEY THAT:

SECTION 1: Title VIII of the Revised General Ordinances of the Township of IRVINGTON, New Jersey, 2000, shall be amended by including a new Chapter 30, Regulation of Commercial Properties.

8:30-1.DEFINITIONS.

In this Chapter, the following words and phrases shall have the meanings stated in this Section unless the context otherwise requires:

Certificate of Registration means a Certificate of Registration issued by the police official under this Chapter to the owner or operator of a commercial property and or a residential property as defined below. .

Commercial Property- Any business in the Township that is open after 8:00 pm on any day of the week.

Residential Units- A building possessing five family units or more

Deleted: Unit

Employee means any person who performs any service on the premises of a residential or commercial property, on a full-time, part-time, temporary or contract basis (including managers), whether or not the person is defined, an employee, independent contractor, agent, or otherwise. Employee does not include a person exclusively on the premises for repair, maintenance or cleaning of the premises or for the delivery of goods to the premises.

Deleted: and

Deleted: store

Deleted: enominated

Manager means the person designated in the registration application filed under this Chapter as being responsible for the daily operation of a residential or property store.

Deleted: and

Deleted: commercial

Notice means any written notice that the police official is required to give an applicant or registrant under this Chapter.

Person means any individual, corporation, organization, partnership, association, or other legal entity.

Police official means the Director of the Police Department for the Township of Irvington or person he may designate to act as the official primarily responsible for the administration of this ordinance.

Registered Agent means the person identified in the registration application filed under this Chapter who is authorized to receive on behalf of the residential and commercial store any legal process or notice required or provided for in this Chapter.

Registrant means a person issued a certificate of registration for a residential and commercial store under this Chapter and includes all owners, lessees and operators of the residential and commercial store identified in the registration application filed under this Chapter.

8:30-2. REGISTRATION OF ALL NEW AND PRE-EXISTING COMMERCIAL PROPERTIES.

No person shall keep, maintain, or operate a commercial property or residential property as defined in this ordinance in the Township of Irvington without first having registered with the police official.

The residential properties or commercial businesses subject to this ordinance must contain a retail security camera system as follows:

A security camera system that operates 24 hours a day/7 days a week;

At least one of the security cameras within the residential and commercial store must be completely dedicated to monitoring the public entrance door;

There must be a camera or cameras that monitor the entire area of the residential and commercial store that is accessible by the public; and

The video footage obtained by the security camera system must be maintained by the residential and commercial store for no less than 30 days.

8:30-3. AUTHORITY OF THE POLICE OFFICIAL.

The police official shall implement and enforce this Chapter and may establish rules, regulations, or procedures as necessary to carry out the purpose of this ordinance.

8:30-4. REGISTRATION REQUIRED.

a. All new residential or commercial businesses subject to this ordinance within the Township of Irvington must comply with the provisions of this section

Deleted: <#>The residential and commercial store's register must be completely visible from the adjacent street.

not later than thirty (60) calendar days following completion of construction or commencement of business operations, whichever occurs first.

b. All existing residential and commercial businesses subject to this ordinance must comply with the requirements of this ordinance by February 1, 2016.

Deleted: July 1, 2015

c. A registrant must obtain a new certificate of registration within thirty (30) calendar days after any change in the information contained in the application for a certificate of registration for a residential and commercial store, including, but not limited to, any changes in ownership of the residential and commercial store, and any changes in the registered agent, manager, or emergency contact person for the residential and commercial store.

8:30-5. CERTIFICATE OF REGISTRATION.

To obtain a Certificate of Registration for a residential or commercial business, a person must submit to the police official a notarized application on a form provided by the police official. The applicant must be the person who will own, operate, or manage the residential and commercial store.

8:30-6. NATURE OF APPLICATION.

The application for registration shall be made to the Licenses and Permits Unit on a blank form prepared and furnished by the police official. Such application shall give the name and physical post office address of the applicant, the location of the residential and commercial store, the name of the owner of the property and such other information as the Licenses and Permits Unit may require to locate such business and its owners and to show compliance with the provisions of this chapter and any other applicable laws or regulations of the Township of Irvington.

8:30-7. ISSUANCE, DENIAL, AND DISPLAY OF CERTIFICATE OF REGISTRATION.

a. The police official shall issue to the applicant a certificate of registration for a residential and commercial store if the police official determines that the applicant has complied with all requirements for issuance of the certificate of registration.

b. A Certificate of Registration must be displayed in a conspicuous manner and location in the residential and commercial store that is visible to the public inside the store. The certificate of registration must be presented upon request to the police official or any other designated agents having responsibility for enforcement of this Code for examination.

8:30-8. FEES.

The administrative fee for registration shall be one hundred (\$100.00) dollars.

8:30-9. EXPIRATION AND RENEWAL OF CERTIFICATE OF REGISTRATION.

a. A Certificate of Registration for a residential and commercial store expires December 31st of each calendar year.

b. A registrant may apply for renewal within thirty (30) calendar days prior to the expiration of the Certificate of Registration by making application to the police official. However, a Certificate of Registration must be renewed within ten (10) days following expiration.

8:30-10. PROPERTY INSPECTIONS.

An applicant or registrant shall permit, at reasonable times upon request, representatives any designated agent of the Township of Irvington to inspect the interior and exterior of the subject property or business for the purpose of ensuring compliance with this chapter and other Township ordinances and state and federal laws applicable to Commercial Properties.

8:30-11. VIOLATION.

The applicant or registrant commits an offense if either personally or through an agent or employee, the applicant or registrant refuses to permit a lawful inspection of the subject property or business as required by this Section or is found to be operating a residential and commercial store in the Township of Irvington without being registered with the police official.

8:31-1. HOURS OF OPERATION FOR ALL NEW AND EXISTING COMMERCIAL PROPERTIES.

a. No commercial property to which the public is invited, shall be opened to the public or conduct any such business, operations or activities in any manner before 5 a.m. on any day and after midnight on the same day on Mondays through Thursdays, or after 1 a.m. on Fridays through Sundays and legal holidays, subject to other municipal ordinances which otherwise limit hours of operation for commercial properties.

b. Except with respect to security lighting, all exterior and window electrical lighting or illumination, whether temporary or permanent, for each such business or commercial establishment shall be extinguished at the closing time thereof, as established herein.

8:31-3. VIOLATION AND PENALTY.

Deleted: -

... [1]

Any person, firm, corporation, limited liability company, partnership or other business entity or commercial establishment of any type whatsoever violating the provisions of this Section or any other sections in this chapter shall, upon conviction, pay a fine the below imposed fines:

1st offense- \$100-\$500

2nd offense- \$500-\$1000

3rd offense \$1000-imprisonment

Deleted: ... [2]

8:31-5 NOTICE.

All new and unregistered existing businesses operating as a residential and commercial store in the Township of Irvington shall be given notice of this Chapter by way of Business Registration Notices provided through all appropriate modes of communication as determined by the police official.

Deleted: the Division of Tax Abatements/Special Taxes, Tax Collection Notices, Water and Sewer Payment Notices or through any and

Deleted: other

SECTION 2. REPEALER.

All ordinances and provisions thereof inconsistent or conflicting with the provisions of this ordinance shall be repealed to the extent of such conflict or inconsistency, except those ordinances which provide for fewer hours of operation

SECTION 3. SEVERABILITY.

If any paragraph or provision of this ordinance shall be adjudicated invalid or unenforceable, such determination shall not, to the extent severable, affect any other paragraph or provision of this ordinance, which shall otherwise remain in full force and effect.

SECTION 4. EFFECTIVE DATE.

This ordinance shall take effect upon final passage and publication in accordance with the laws of the State of New Jersey. All residential and commercial properties must comply with the ordinance by February 1, 2016. Any new businesses or residential units that opens after February 1, 2016 has sixty (60) days to comply with the ordinance after the issuance of the CO for that business or residential unit.

Deleted: July 1, 2015

Deleted: July 1, 2015

STATEMENT

This Ordinance will require all current and new businesses operating in the Township of Irvington to be registered with the Irvington Police Department and regulate their hours of operation and closure.

The public hearing on this ordinance is now open.

Cox – Jones B. Authorize Place to Place Transfer of Plenary Retail Consumption License from LVJ Planning, LLC, a Pocket License, to LVC Planning, LLC, for Premises Located at 665 Stuyvesant Avenue

WHEREAS, application has been made by LVJ Planning, LLC., a Corporation, trading as LVJ Planning, LLC, for the transfer of Plenary Retail Consumption Licenses #0709-33-075-003 issued to LVJ Planning, LLC., a Corporation, trading as LVJ Planning, LLC, a “Pocket” License, for the premises located at 665 Stuyvesant Avenue, Irvington, New Jersey; and

WHEREAS, the applicant has complied with all applicable State Statutes and Regulations and Chapter 59, Section 21 of the Irvington Revised Code:

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL ACTING AS THE ALCOHOLIC BEVERAGE CONTROL BOARD OF THE TOWNSHIP OF IRVINGTON, NEW JERSEY that the application be and the same is hereby granted; that Plenary Retail Consumption License #0709-33-075-003 heretofore issued to LVJ Planning, LLC., a Corporation, trading as LVJ Planning, LLC, a “Pocket” License, be transferred over and to LVJ Planning, LLC., a Corporation, trading as LVJ Planning, LLC, for the premises located at 665 Stuyvesant Avenue, Irvington, New Jersey; and

BE IT FURTHER RESOLVED that the Chief License Clerk is hereby authorized to endorse the aforesaid license over and to LVJ Planning, LLC., a Corporation, trading as LVJ Planning, LLC, for the premises located at 665 Stuyvesant Avenue in accordance with N.J.A.C. 13:2-7.21.

FEE PAID \$1,583.00

NEW LICENSE NUMBER 0709-33-075-004

Effective Date of Transfer: December 15, 2015

Adopted
Abstain: Lyons

3. Adjournment

12. Miscellaneous

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

Emory Hall, 59 Bross Place
Merrick Harris, 6 Hennessey Place
Jerrell Jeffreys, 254 Nesbit Terrace
Cathy Southerland, 50 Adams Street
Elouise McDaniel, 214 Nesbit Terrace

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

13. Adjournment

There being no further business, the meeting was adjourned at 8:38 P.M.

Charnette Frederic, Council President

Harold E. Wiener, Municipal Clerk

8:31-2. EXCLUSIONS.

Commercial Properties that are a minimum of 2,400 total square feet and are designed with the following characteristics:

8:31-4. RELIEF FROM HOURS OF OPERATION.

Any waiver of or relief from the provisions contained in this Section, in whole or in part, must be sought by way of an application made to the police official and filed by the applicant in the Licenses and Permits Unit, pursuant to this paragraph, and only the police official shall have the authority to provide relief from and/or waive the provisions contained in this Section, in whole or in part.