

REGULAR COUNCIL MEETING
DECEMBER 29, 2015

Council Chamber, Municipal Building
Irvington, N.J. – Tuesday Evening
December 29, 2015 - 8:00 P.M.

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

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

Absent: Paul Inman

President Frederic read the Statement of Proper Notice pursuant to the Sunshine Law.

4. Hearing of Citizens on Agenda Items Only (limited to three minutes per person and thirty minutes total)

There were no requests to be heard.

5. Hearing of Council Members

There were no requests to be heard.

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

A. Reports

1. Minutes - Directors' Meeting - December 15, 2015
2. Minutes - Board of Adjustment - December 1, 2015
3. Minutes - Joint Meeting - October 15, 2015
4. Joint Meeting - First Quarter Assessment - 2016

7. Reports of Committees

None

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 29, 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	\$174,462.10
TOTAL	\$174,462.10

Adopted
Absent: Inman

Jones – Cox 2. Payrolls

November 28, 2015 through December 11, 2015

REGULAR	OVERTIME	OTHER EARNED	TOTAL
\$1,472,551.24	\$82,950.44	\$144,309.48	\$1,699,811.16

December 12, 2015 through December 25, 2015

REGULAR	OVERTIME	OTHER EARNED	TOTAL
(-\$540.00)	\$ -0-	\$ -0-	(-\$540.00)

December 26, 2015 through January 8, 2016

REGULAR	OVERTIME	OTHER EARNED	TOTAL
(-\$750.00)	\$ -0-	\$ -0-	(-\$750.00)

Adopted
Absent: Inman

9. Resolutions & Motions

A. Resolutions

Jones – Cox 1. Authorize Purchase of Recreation Equipment Over the Bid Threshold of \$40,000.00 From Ben Shaffer, Doing Business as Rubbercycle, LLC Under State Contract

AUTHORIZING PURCHASES UNDER THE STATE OF NEW JERSEY COOPERATIVE PURCHASING PROGRAM OVER THE BID THRESHOLD OF \$40, 000.00

WHEREAS, the Township of Irvington, pursuant to N.J.S.A. 40A:11-12(a) and N.J.A.C. 5:34-7.29(c) may by resolution and without advertising for bids, purchase any goods or services under the State of New Jersey Cooperative Purchasing Program for any State contracts entered into on behalf of the State by the Division of Purchase and Property in the Department of Treasury; and

WHEREAS, the Township of Irvington has the need on a timely basis to purchase goods or services utilizing State contracts; and

WHEREAS, Ben Shaffer, DBA Rubberecycle LLC, 1985 Rutgers University Blvd, Lakewood, NJ 08701 will exceed the bid threshold of \$40,000.00 for calendar year 2015; and

WHEREAS, the Township of Irvington intends to enter into contracts with State Contract number A81417 over the bid threshold of \$40,000.00 through this resolution and properly executed purchase orders for the service of recreation equipment; and

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of Irvington authorizes the purchase of recreation equipment over the bid threshold of \$40,000.00, pursuant to all the conditions of state contract number A81417; and

BE IT FURTHER RESOLVED the required certification of availability of funds C5-00305 in the amount of \$77,490.60 from account number C-04-56-848-014-902 has been obtained from the Chief Financial Officer; 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 \$40,000.00.

Adopted
Absent: Inman

Cox – Lyons 2. Authorize Business Administrator to Use Alternate Public Defender Services on an On-Call Basis at \$200.00 Per Court Session - Charles C. Chikezie, Esq. and Jonathan Goodman, Esq.

**A RESOLUTION AUTHORIZING THE BUSINESS ADMINISTRATOR TO USE
ALTERNATE PUBLIC DEFENDERS ON AN ON-CALL BASIS THROUGH A FAIR AND
OPEN PROCESS**

WHEREAS, the Request for Proposals for Public Defender services was publicly advertised in the New Jersey Star Ledger on October 26, 2015 with a deadline for qualification to be submitted on November 24, 2015; and

WHEREAS, two (2) qualifications were received and publicly opened; and

WHEREAS, said qualifications were referred to the Business Administrator; and

WHEREAS, the qualifications satisfied the bid requirement; and

WHEREAS, the Business Administrator has recommended award should be made to the following firms:

Law Officers of Charles C. Chikezie
Charles C. Chikezie
455 Lawn Ridge Road
Orange, N.J. 07050

Law Office of Jonathan Goodman
Jonathan Goodman
69 Washburn Street
P.O. Box 10096
Jersey City, N.J. 07306

WHEREAS, the Business Administrator is only allowed to used the above two vendors for public defender service on an on-call basis in the event of conflict cases or due to shortage of available staff:

NOW THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that a contract for Public Defender Services be awarded to the Law Office of Charles C. Chikezie, 455 Lawn Ridge Road, Orange, NJ 07050 and the Law office of Jonathan Goodman, 69 Washburn Street, PO Box 10096, Jersey City, NJ 07306 on the basis of their response to the request for proposal meeting the selection criteria and qualifications for a total amount not to exceed \$200.00 per session; 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; and

BE IT RESOLVED that the required Certification of Availability of Funds will be obtained from Chief Financial Officer contingent of the adoption of 2016 calendar year budget.

Adopted
Absent: Inman

Jones – Lyons 3. Authorize Professional Services Contract for Zoning Board Legal Services From January 1, 2016 Through December 31, 2016 - \$500.00 Per Meeting Not To Exceed \$12,000.00

RESOLUTION AUTHORIZING PROFESSIONAL SERVICE CONTRACT FOR ZONING BOARD ATTORNEY FOR CALENDAR YEAR 2016

WHEREAS, the Request for Proposals for Zoning Board Attorney was publicly advertised in the New Jersey Star Ledger on October 26, 2015 with a deadline for qualification to be submitted on November 24, 2015; and

WHEREAS, two qualifications were received and publicly opened; and

WHEREAS, said qualification was referred to the Zoning Board; and

WHEREAS, one qualification satisfied the RFP requirement; and

WHEREAS, the Township Attorney and Zoning Board have recommended the award should be made to the following firm:

Eric M. Bernstein & Associates, LLC
Eric M. Bernstein
34 Mountain Blvd., Building A
Warren, N.J. 07059

NOW THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that a contract for the Zoning Board Attorney be awarded to Eric M. Bernstein & Associates, LLC, 34 Mountain Blvd., Building A, Warren NJ 07059 on the basis of their response to the request for proposal meeting the selection criteria and qualifications, for an amount not to exceed \$12,000.00 The provider will be paid \$115.00 per hour for attorneys, \$60.00 per hour for paralegals and \$500.00 per meeting for one year starting on January 01, 2016- 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; and

BE IT RESOLVED that the required Certification of Availability of Funds in the amount not to exceed \$12,000.00 for the Zoning Board legal services will be obtained from the Chief Financial Officer contingent on the adoption of the Calendar year 2016 budget.

Adopted
Absent: Inman

Jones – Cox 4. Authorize Professional Services Contract for Zoning Board Legal Services From January 1, 2016 Through December 31, 2016 - \$500.00 Per Meeting Not To Exceed \$6,500.00

RESOLUTION AUTHORIZING PROFESSIONAL SERVICE CONTRACT FOR PLANNING BOARD ATTORNEY FOR CALENDAR YEAR 2016

WHEREAS, the Request for Proposals for Planning Board Attorney was publicly advertised in the New Jersey Star Ledger on October 26, 2015 with a deadline for qualification to be submitted on November 24, 2015; and

WHEREAS, two qualifications were received and publicly opened; and

WHEREAS, said qualifications were referred to the Planning Board; and

WHEREAS, one qualification satisfied the RFP requirement; and

WHEREAS, the Planning Board has recommended award should be made to the following firm:

Eric M. Bernstein & Associates, LLC
Eric M. Bernstein
34 Mountain Blvd., Building A
Warren, N.J. 07059

NOW THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that a contract for the Planning Board Attorney be awarded to Eric M. Bernstein & Associates, LLC, 34 Mountain Blvd. Building A, Warren NJ 07059 on the basis of their response to the request for proposal meeting the selection criteria and qualifications, for an amount not to exceed \$6,500.00. The provider will be paid \$115.00 per hour for attorneys, \$60.00 per hour for paralegals and \$500.00 per meeting for one year starting on January 01, 2016 - 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; and

BE IT RESOLVED that the required Certification of Availability of Funds in the amount not to exceed \$6,500.00 for the Planning Board legal services will be obtained from the Chief Financial Officer contingent on the adoption of the Calendar year 2016 budget.

Adopted

Cox - Lyons 5. Authorize Professional Services Contract for Auditing Services for Calendar Year 2016 Annual Audit Report - Samuel Klein & Company - Not to Exceed \$105,000.00

RESOLUTION AUTHORIZING FAIR AND OPEN PROFESSIONAL SERVICE CONTRACT FOR AUDITING SERVICES FOR CALENDAR YEAR 2016

WHEREAS, the Request for Proposals for professional auditing service was publicly advertised in the New Jersey Star Ledger on October 26, 2015 with a deadline for qualifications to be submitted on November 24, 2015; and

WHEREAS, one qualification was received and publicly opened; and

WHEREAS, said qualification was referred to the Chief Financial Officer (CFO); and

WHEREAS, the qualification satisfied the bid requirement; and

WHEREAS, the Chief Financial officer has recommended award should be made to the following firm:

Samuel Klein & Co.
550 Broad Street, 11th Floor

Newark, N.J. 07102

NOW THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that a contract for auditing services be awarded to Samuel Klein & Company, 550 Broad Street, Newark, NJ 07102 on the basis of their response to the request for proposal meeting the selection criteria and qualifications, for an amount not to exceed \$105,000.00 starting on January 01, 2016 until 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; and

BE IT RESOLVED that the required Certification of Availability of Funds in the amount not to exceed \$105,000.00 for the Auditing services will be obtained from the Chief Financial Officer contingent on the adoption of the Calendar year 2016 budget.

Adopted

Absent: Inman

Cox – Frederic 6. Award Bid - Municipal Payroll Services - Balance Point - One Year Not to Exceed \$75,000.00

RESOLUTION AWARDING A BID FOR MUNICIPAL PAYROLL SERVICES

WHEREAS, bids for Municipal Payroll services were publicly advertised in the New Jersey Star Ledger on October 26, 2015 with a deadline for bids to be submitted on November 24, 2015; and

WHEREAS, one bid was received and publicly opened; and

WHEREAS, said bid was referred to the Chief Financial Officer (CFO) and Payroll Supervisor; and

WHEREAS, the bid satisfied the bid requirement; and

WHEREAS, the Chief Financial officer has recommended award should be made to the following firm: Balance Point, 65 Harristown Road, 3rd floor, Glenn Rock, NJ 07452.

NOW THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that a contract for Municipal Payroll services be awarded to Balance Point, 65 Harristown Road, 3rd floor, Glenn Rock, NJ 07452 on the basis of their lowest, responsive, responsible bid for an amount not to exceed \$75,000.00 starting on January 01, 2016 until 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; and

BE IT RESOLVED that the required Certification of Availability of Funds in the amount not to exceed \$75,000.00 for the payroll services will be obtained from the Chief Financial Officer contingent on the adoption of the Calendar year 2016 budget.

Adopted

Absent: Inman

Cox – Frederic 7. Authorize Purchasing Agent to Sell Abandoned & Unclaimed Motor Vehicles at Public Auction

AUTHORIZE THE PUBLIC AUCTION OF UNCLAIMED AND ABANDONED MOTOR VEHICLES

WHEREAS, the Irvington Police Department has taken possession of motor vehicles found abandoned and unclaimed; and

WHEREAS, pursuant to N.J.S.A. 39:10A-1 provides for the public sale in a public place of such vehicles provided certain notice requirements are met; and

WHEREAS, the Police Department has complied with the provisions of N.J.S.A. 39:10A-1 as such relates to the disposition of such vehicles as identified on the attached list; and

WHEREAS, a request has been made by the department to sell the listed vehicles in accordance with the State statute cited herein.

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

(1) The Purchasing Agent is hereby authorized to sell unclaimed motor vehicles as described in the attached list in a manner consistent with the requirements of N.J.S.A. 39:10A-1 and pursuant to the satisfaction of any properly documented credited storage and towing lien.

(2) The Purchasing Agent is hereby authorized to execute Motor Vehicle Title Certificates pursuant to the attached list on behalf of the Township of said vehicles.

(3) Any and all vehicles purchased at said auction shall be removed from the Tower's lot within thirty (30) days of sale.

Adopted

Absent: Inman

Jones – Lyons 8. Authorize Professional Services Contract for Redevelopment Counsel Services - McManimon, Scotland and & Bauman, LLC - One Year \$150,000.00

RESOLUTION AUTHORIZING FAIR AND OPEN PROFESSIONAL SERVICE CONTRACT FOR REDEVELOPMENT COUNSEL FOR CALENDAR YEAR 2016

WHEREAS, the Request for Proposals for professional redevelopment service was publicly advertised in the New Jersey Star Ledger on October 26, 2015 with a deadline for qualifications to be submitted on November 24, 2015; and

WHEREAS, one qualifications were received and publicly opened; and

WHEREAS, said qualifications were referred to the Redevelopment Director and the Township Attorney; and

WHEREAS, the qualification satisfied the RFP requirement; and

WHEREAS, the Redevelopment Director has recommended award should be made to the following firm:

McManimon, Scotland & Baumann, LLC
75 Livingston Ave, Second Floor
Roseland, NJ 07068

NOW THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that a contract for redevelopment services be awarded to McManimon, Scotland & Baumann, LLC, 75 Livingston Ave, 2nd Floor, Roseland, NJ 07068

on the basis of their response to the request for proposal meeting the selection criteria and qualifications, for an amount not to exceed \$150,000.00 for the calendar year 2016 (January 01, 2016 - 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; and

BE IT RESOLVED that the required Certification of Availability of Funds in the amount not to exceed \$150,000.00 for the redevelopment services will be obtained from the Chief Financial Officer contingent on the adoption of the Calendar year 2016 budget.

Adopted
Absent: Inman

Lyons – Cox 9. Authorize Non-Fair and Open Contract for Land Survey Services on the Nye Avenue Parking Garage - Casey & Keller - Not To Exceed \$5,650.00

RESOLUTION AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT FOR SURVEY SERVICE FOR NYE AVE GARAGE

WHEREAS, the Township of Irvington has a need to acquire a survey for Nye Ave. garage; and

WHEREAS, land survey service is considered a professional service and subject to the issuance of an RFP; and

WHEREAS, Casey and Keller has prepared the Township tax maps and have access to information required to complete the required survey; and

WHEREAS, the Administration would like to use Casey and Keller to prepare the required survey; and

WHEREAS, the Administration would like to award a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.4 to Casey and Keller for this service; and

WHEREAS, the C-271 Political Contribution Disclosure forms were on file in the Office of the Municipal Clerk and Purchasing Agent on November 24, 2015; and,

NOW THEREFORE, BE IT RESOLVED that the Municipal Council of the Township of Irvington authorizes the award of a non-fair and open contract to Casey and Keller, 258 Main Street, Millburn, NJ 07041; and,

BE IT FURTHER RESOLVED that the Township Attorney is hereby authorized and directed to prepare the necessary contract for the survey of Nye Ave Garage, and the Mayor and Township Clerk are authorized and directed to sign the same; and

BE IT RESOLVED, that Certification of Funds number C5-00306 has been obtained from the Chief Financial Officers for the total sum of \$5,650.00 charged to account number 5-01-21-165-165-118; and

BE IT FURTHER RESOLVED, notice of this action shall be published in newspapers as required by law by the Municipal Clerk.

Adopted

Absent: Inman

Jones – Lyons 10. Authorize Purchase of Equipment for the Chris Gatling Recreation Center Over the Pay to Play Threshold of \$17,5000.00 But Under the Bid Threshold of \$40,000.00 From Sears Roebuck & Company

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 EQUIPMENT FOR THE RECREATION DEPARTMENT

WHEREAS, the Township wishes to purchase equipment for the Chris Gatling Center and the total purchase will exceed the pay to play threshold; and

WHEREAS, the Township has obtained three quotes for this service from Sears Roebuck & Company, Ultimate and Leisure Fitness Equipment LLC herein attached; and

WHEREAS, Sears Roebuck & Company, 3333 Beverly Road, Hoffman Estates, IL 60179 has provided the lowest quote of \$38,356.09; and

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

WHEREAS, Sears Roebuck & Company 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 equipment for the Chris Gatling Center 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 Certification of Funds number C5-00307 has been obtained from the Chief Financial Officers for the total sum of \$38,356.09 charged to account number C-04-56-848-014-902; 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
Absent: Inman

Cox - Jones 11. Authorize Legal Settlement - Melvin Shamberger and Frank Piwowarczyk v. Township of Irvington - Not to Exceed \$215,000.00

RESOLUTION APPROVING THE FINAL DISPOSITION OF Melvin Shamberger and Frank Piwowarczyk v. Township of Irvington, et al.

WHEREAS, the matter of Melvin Shamberger and Frank Piwowarczyk v. Township of Irvington, et als., was filed in the Superior Court of New Jersey, Docket No. ESX-L-5823-14; and

WHEREAS, the Township of Irvington Administration and the Municipal Council deem it in the best interest to bring this matter to a resolution, thus saving the Township further expense in the defense thereof and curtailing any excessive liability that could result from this litigation which would include the awarding of attorneys fees in excess of this proposed settlement; and

WHEREAS, the Office of the Township Attorney has reviewed, monitored and consulted with counsel and all relevant municipal officials and pursuant thereto recommend that this matter be concluded:

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE

TOWNSHIP OF IRVINGTON that it hereby agrees to a settlement of the above matter in the amount not to exceed Two Hundred Fifteen Thousand Dollars (\$215,000.00) Dollars to be disbursed in three checks; (1) check made payable to Melvin Shamberger in the amount of \$100,000 (2) check made payable to Frank Piwowarczyk in the amount of \$75,000 (3) check made payable to The Toscano Law Firm, LLC in the amount of \$40,000, subject to the execution of a Release and Settlement agreement, executed Stipulation of Dismissal with Prejudice; and

BE IT FURTHER RESOLVED that this matter is hereby concluded with absolutely no admission of liability on behalf of the Township of Irvington, its Police Department or any agents, officers or personnel; and

BE IT FURTHER RESOLVED that the settlement funds will be processed through D&H Alternative Risk Solutions, the Township's third party liability administrator.

Adopted

Absent: Inman

Jones - Cox 12. Authorize Township Attorney to Use Substitute Prosecutor Theresa E. Pollard on an Emergency Basis for a November 17, 2015 Court Session - \$300.00

**RESOLUTION AUTHORIZING THE TOWNSHIP ATTORNEY TO USE
SUBSTITUTE PROSECUTORS ON AN EMERGENCY BASIS**

WHEREAS, resolution number TA 15-0811-25 appointed five substitute prosecutors to be used on an on-call basis in the event of conflict cases or due to shortage of available staff and;

WHEREAS, the five appointed substitute prosecutors were unavailable to coverage a court session on November 17, 2015 and;

WHEREAS, the Township would have to cancel court sessions due to shortage of staff which would affect the public safety and welfare of the Township pursuant to NJSA 40A:11-6 and;

WHEREAS, the Township Attorney has declared an emergency in writing to hire Theresa E. Pollard to cover the municipal court session on November 17, 2015.

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

1. The Township Attorney will hire Theresa E. Pollard as a substitute prosecutor on an emergency basis for November 17, 2015 court session.
2. The Township Attorney will prepare the appropriate contract for this service.
3. The vendors will be paid an amount not to exceed \$300.00 per session on purchase order number 15-05452.

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
Absent: Inman

Cox – Lyons 13. Authorize Purchase of Psychiatric Evaluation Services Over the Pay to Play Bid Threshold of \$17,500.00 But Under the Bid Threshold of 40,000.00 From Institute for Forensic Psychology

AUTHORIZING PURCHASES OVER THE PAY TO PLAY THRESHOLD OF \$17,500.00 BUT UNDER THE BID THRESHOLD OF \$40,000.00 FOR PSYCHOLOGICAL EVALUATIONS FOR POLICE OFFICERS

WHEREAS, the Police Department requires to complete psychological evaluations for new police recruits and return to work physicals; and

WHEREAS, the Township has obtained two quotes for this service from Comprehensive Psychological Service, PA and the Institute for Forensic Psychology herein attached; and

WHEREAS, the Institute for Forensic Psychology of 5 Fir Court, Suite 2, Oakland, NJ 07436 has provided the lowest quote for this service; and

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

WHEREAS, Institute for Forensic Psychology 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:

NOW, THEREFORE, BE IT RESOLVED, that the Municipal Council of the Township of Irvington hereby authorizes the Qualified Purchasing Agent pay the Institute for Forensic Psychology in excess of pay to play threshold \$17,500.00 but under the bid threshold of \$40,000.00; 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
Absent: Inman

Cox – Frederic 14. Request to Waive \$763.00 Fee for Zoning Board of Adjustment Application for Miss Pat's Cats, 545 Stuyvesant Avenue

**REQUEST TO WAIVE FEE FOR MAKING APPLICATION
TO THE ZONING BOARD OF ADJUSTMENT**

WHEREAS, Miss Pat's Cats desires to make application to the Township of Irvington Zoning Board of Adjustment to change the use of 545 Stuyvesant Avenue from residential to a use that would allow them to operate a facility that will trap, neuter, vaccinate and release feral cats in the township.

WHEREAS, Miss Pat's Cats is a new Non-Profit Organization with a 501(c) 3 tax status. Since they are a new non-profit their funding is very limited at this time. Their funding is primarily from private contributions and fundraising.

WHEREAS, Miss Pat's Cats has asked the Mayor and Municipal Council to waive the \$763.00 fee required to make application to the Zoning Board of Adjustment for a use variance.

WHEREAS, the Governing Body may waive fees established by the Governing Body:

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that the Zoning Board of Adjustment is authorized and directed to waive the \$763.00 application fee for Miss Pat's Cats to apply for a use variance for 545 Stuyvesant Avenue.

Adopted
Absent: Inman

Lyons – Frederic 15. Authorize Waiving of Interest of \$32.40 on Sewer Charge to be Applied as Credit to 2016 Sewer Charge – 536-538 Grove Street

WHEREAS, the 2015 annual sewer bill was mailed to the taxpayers to remit payment by the March 1st due date; and

WHEREAS, the taxpayer Gertrude Hunt of 536-538 Grove Street did not receive her annual sewer bill because it was returned to the Tax Collector's office by the post office as "attempted not known"; and

WHEREAS, taxpayer Gertrude Hunt received an accelerated tax sale notice for the unpaid 2015 annual sewer charge; and

WHEREAS, the taxpayer was charged interest \$32.40 and tax sale cost \$40.00 and the sewer charge \$540.00 for a total payment of \$612.40 on her property located at 536-538 Grove Street and also known as Block 156 Lot 1; and

WHEREAS, taxpayer Gertrude Hunt has requested the interest charged in the amount of \$32.40 to the above property be waived and apply the credit to her 2016 sewer charge.

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that the Tax Collector is authorized to waive the interest charged in the amount of \$32.40 on the above property and apply the credit to her 2016 annual sewer charge.

Adopted

Absent: Inman

Frederic – Lyons 24. Commendation - Detective Sergeant Ernest Exil in Commemoration of Haitian Independence Day

Commendation - Detective Sergeant Ernest Exil in Commemoration of Haitian Independence Day

WHEREAS, Ernest Exil began his Law Enforcement career in January 1998, as a rookie out of the police academy he was assigned to Community Policing/Walking Patrol; and

WHEREAS, after 3 short months Ernest Exil was assigned to the Patrol Division; and

WHEREAS, after only 2 years and 6 months in patrol Ernest Exil exhibited impressive patrol and community relation skills and he was selected as a School Resource Officer, a program designed to provide a safer environment within our schools as well as develop a stronger and respectable relationship between law enforcement and our youth; and

WHEREAS, after 7 years of working within our schools Ernest Exil was assigned to the N.E.T. Unit (Narcotics Enforcement Team) a unit comprised of skilled, and motivated male & female officers; and

WHEREAS, the NET unit was instrumental in lowering crime each year for 5 consecutive years; and

WHEREAS, with the support of his family Ernest Exil dedicated himself to his studies for 6 months, as he prepared for the upcoming promotional test for the rank of Sergeant; and

WHEREAS, Ernest Exil's dedication, hard work and sacrifice served him well as he was promoted to the rank of Sergeant in 2014; and

WHEREAS, as a rookie Sergeant Exil was assigned to supervise the Patrol Division, however because of his past specialized assignments, his leadership and the knowledge and skills he developed along the way, Sergeant Exil was assigned to supervise the S.A.F.E. Unit (Selective Area Field Enforcement) a unit made up of rookie officers and training officers assigned the task of fighting crime in strategically targeted areas throughout the township; and

WHEREAS, after the initiative ended Sergeant Exil was re-assigned as a Patrol Division supervisor, that assignment was short lived because Sergeant Exil was called upon again, this time he is leading the newly constructed S.E.R.T. Unit (Special Enforcement Response Team) a team made up of 10 highly skilled, highly motivated and highly dedicated male & female Detectives, tasked to aggressively investigate, combat and suppress crime, all while working

with outside agencies and all other investigative Divisions within the Department to work towards the common goal of making all citizens of Irvington and it's visitors safer; and

WHEREAS, Detective Sergeant Ernest Exil continuously serves his community with pride, dignity and professionalism:

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL FO THE TOWNSHIP OF IRVINGTON that the Township of Irvington commends and applauds the many achievements of Haitian American Detective Sergeant Ernest Exil in commemoration of Haitian Independence Day; 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 Detective Sergeant Ernest Exil.

Adopted
Absent: Inman

A. Communications

1. Mayor Vauss – Appointment – Planning Board – Zorana M. Figuero

B. Petitions

None

11. Pending Business

None

12. Miscellaneous

A. Bingos and Raffles

None

9. Resolutions & Motions

A. Resolutions

Frederic – Jones 17. Re-Appointment – Irvington Housing Authority Commissioner - Robin M. Cox

WHEREAS, a vacancy exists in the membership of the Irvington Housing Authority due to the expiration of the term of office of Robin M. Cox:

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that the following named person is hereby re-appointed as a Commissioner of the Irvington Housing Authority for a term to expire as indicated below:

NAME & ADDRESS	TERM TO EXPIRE
Robin M. Cox 52 Glorieux Street	11-22-20

Adopted
Abstain: Burgess, Cox
Absent: Inman

Frederic – Jones 18. Constable Re-Appointment - Robert L Warren

WHEREAS, application has been made for the Office of Constable by Robert L. Warren, who resides at 54(A) Paine Avenue, Apt#4, Irvington, New Jersey ; and

NOW THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that Robert L. Warren, 54(A) Paine Avenue, Apt#4 in the Township of Irvington be and he is hereby appointed to the Office of Constable for a term of three years from the date of December 29, 2015; and

BE IT FURTHER RESOLVED that the above named person shall be notified of his appointment for the tem aforesaid by the Township Clerk and directed to present himself and take and subscribe to the oath as provided by law, and to file with the Township Clerk at the same time a surety bond in the sum of \$1,000.00 to remain in force for the full term above set forth, the surety on said bond being a surety company duly authorized to do business in the State of New Jersey, sand bond to be conditioned as proved by law and that said bond be approved as to from by the Township Attorney.

Adopted
Absent: Inman

Cox – Lyons 19. Authorize Transfers of Funds in Calendar Year 2015 Municipal Budget

TOWNSHIP OF IRVINGTON

APPROPRIATIONS TRANSFER RESOLU #1
CY - 2015

<u>Accounts</u>	<u>From</u>	<u>To</u>
<u>Within "CAP"</u>		
Mayor Office S & W	-	19,482.96
Mayor Office O&E	-	-
Planning S&W	-	625.23
Planning O&E	625.23	
Clerks Office S&W	-	47,360.88

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Clerks Office O&E	10,000.00		
Emergency Mgt S&W	5,000.00	-	
Elections S&W	4,853.95	-	
Elections O&E	12,501.76		
Council Office S&W		-	
Board Of Adjustments S&W	-	2,061.68	
Board Of Adjustments O&E	2,061.68		
Tax Assessor S&W		12,032.20	
Tax Assessor O&E	7,111.94		
Corp Legislative Counsel O&E	685.00		
Township Attorney S&W	-	8,830.42	
Township Attorney O&E	8,830.42	-	
Business Administrator S&W	-	36,269.37	
Business Administrator O&E	18,919.73		
Police Department S&W	318,465.23	-	
Police Department S&W (Overtime)	-	505,904.24	
School Guards S&W	46,071.58	-	
Parking Div. S&W	1,893.98		
Fire S&W	-	99,269.44	
Fire S&W - O&E	-	257,799.94	
Finance Department S&W		43,222.49	
Tax Collector S&W	-	32,522.66	
License Div. S&W	-	1,656.66	
Engineering S&W	-	30,112.53	
Engineering O&E	30,112.53		
Land refuse Disposal O&E	-	260,000.00	
Street & Sewer S&W	-	52,576.64	
Snow Remoal S&W	-	2,186.21	
Snow Remoal O&E	2,186.21		
Motorized Equip. S&W	28,098.67		
Motorized Equip. O&E	5,000.00		
Public Building S&W	-	17,499.95	
Public Building O&E	17,499.95		
Shade Tree S&W	-	7,923.47	
Community Development & Plann O&E	15,000.00		
Parks Maintenance S&W	-	40,656.91	
Recreation S&W	-	18,397.62	
Senior Citizens S&W	9,662.97		
Senior Citizens O&E	6,531.92		
Municipal Pool S& W	9,445.82		
Housing S&W		27,070.31	
Building Construction S&W		31,772.86	

Municipal Court S&W	-	22,604.67
Municipal Court O&E	2,604.67	
Public Defender S&W	8,499.90	
Social Security		88,755.92
Electricity	50,000.00	
Group Insurance Health	1,027,710.12	
Telephone & Communication	-	102,778.00
Fuel Oil	100,000.00	
	<hr/>	<hr/>
SUB-TOTAL INSIDE	1,749,373.26	1,749,373.26
	<hr/>	<hr/>
GRANT TOTAL	<u>1,749,373.26</u>	<u>1,749,373.26</u>

Adopted
Absent: Inman

8. Ordinances, Bills & Claims

A. Ordinances on 1st Reading

Frederic – Cox 1. Amend Ordinances MC 2001 and MC 2005 Regarding Department of Public Safety

AN ORDINANCE TO REPEAL, AMEND AND SUPPLEMENT CERTAIN PORTIONS OF AN ORDINANCE ENTITLED “AN ORDINANCE ADOPTING AN ADMINISTRATIVE CODE FOR THE TOWNSHIP OF IRVINGTON, NEW JERSEY” BEING KNOWN AS ORDINANCE NO. MC2001, AS AMENDED BY ORDINANCE NO. MC2005 AND ORDINANCE 3553, SO AS TO PROVIDE A DEPARTMENT OF PUBLIC SAFETY AND THE DIVISIONS OF POLICE, FIRE AND PARKING WITHIN THAT DEPARTMENT.

Adopted
Absent: Inman

B. Ordinances on 2nd Reading

1. President Frederic: An ordinance providing for resident permit parking on Nesbit Terrace between Chancellor Avenue and Prospect Street between 10:00 P.M. and 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 PROVIDING FOR RESIDENTIAL PARKING PERMITS ON A PORTION OF NESBIT TERRACE.

WHEREAS, the Township of Irvington in response to the Complaints of its residents concerning the availability of resident parking between the hours of 10:00 P.M. and 8:00 A.M. on Nesbit Terrace between Chancellor Avenue and Prospect Street; 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 between the hours of 10:00 P.M. and 8:00 A.M. on Nesbit Terrace between Chancellor Avenue and Prospect Street

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
Absent: Inman

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

Adopted
Absent: Inman

2. President Frederic: An ordinance repealing a parking prohibition on the west side of Florence Avenue at the intersection of Clinton Avenue. 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 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

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

SECTION 1. The following portion of Section 192-92 entitled “Schedule I: No Parking” is hereby repealed:

Name of Street	Side	Location
Florence Avenue	West	From a point 42 feet south of the southerly projected curbline of Clinton Avenue to a point 170 feet south therefrom

SECTION 2. All ordinances inconsistent or in conflict with the provisions of the within ordinance are hereby repealed.

SECTION 3. This ordinance shall take effect upon final passage and publication according to law.

The public hearing on this ordinance is now open.

There were no requests to be heard.

Lyons – Frederic Motion to close public hearing

Adopted
Absent: Inman

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

Adopted
Absent: Inman

3. President Frederic: An ordinance amending Chapter 192 of the revised code regarding residential permit parking on Glorieux Street and Feiner Place 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 TO AMEND AND SUPPLEMENT CHAPTER 192 VEHICLES AND TRAFFIC ARTICLE XX. SCHEDULES

WHEREAS the Township of Irvington is committed to protecting and promoting the integrity of the neighborhood by providing parking regulations for the residents of the Township of Irvington;

WHEREAS the Purpose of this Ordinance is to promote the general health, safety, and welfare of Irvington residents by enacting parking regulations prohibiting parking by nonresidents therein;

while providing the opportunity for residents to park near their homes; and

NOW THEREFORE BE IT RESOLVED THAT the Municipal Council of the Township of Irvington hereby amends and supplements Chapter 192, Article XX of the Code of the Township of Irvington as follows:

§ 192-96.1 SCHEDULE VA: PARKING RESTRICTED FOR RESIDENTS

[Added 9-25-2001 by Ord. No. MC 3178]

In accordance with the provisions of **§192-96.1**, no person, except a resident of the street indicated, displaying a parking permit provided by the Township of Irvington, shall park a vehicle between the hours listed below upon any of the following described streets or parts of streets. (Remains the same).

<u>Name of Street</u>	<u>Side</u>	<u>Hours/Days</u>	<u>Location</u>
(Added) Glorieux Street		24 hours	Between Krotik Pl Stuyvesant Ave
(Added) Feiner Place		Both Sides of Street 7:00 p.m. to 7:00 a.m	Between Hardgrove Terrace & Glorieux

Laurel Avenue (Remains the same).

Maple Avenue (Remains the same).

McAllister Place (Remains the same).

Myrtle Avenue (Remains the same).

Newton Place (Remains the same).

Washington Avenue (Remains the same).

Welland Avenue (Remains the same).

West Rich Street (Remains the Same).

The public hearing on this ordinance is now open.

There were o requests to be heard.

Burgess – Frederic Motion to close public hearing

Adopted

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

Adopted

Abstain: Cox

12. Miscellaneous

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

John Sowell, Confidential Aide to the Mayor

13. Adjournment

Council Member Lyons and Council President Frederic addressed the issue raised by the above employee.

There being no further business, the meeting was adjourned at 8:11 P.M.

Charnette Frederic, Council President

Harold E. Wiener, Municipal Clerk