

REGULAR COUNCIL MEETING
JANUARY 12, 2016

Council Chamber, Municipal Building
Irvington, N.J. – Tuesday Evening
January 12, 2016 - 8:00 P.M.

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

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

Absent: None

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

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

There were no requests to be heard.

5. Hearing of Council Members

There were no requests to be heard.

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

1. Minutes – Directors' Meeting – December 29, 2015

7. Reports of Committees

None

8. Ordinances, Bills & Claims

C. Bills & Claims

Jones – Inman 1. Bill Lists

RESOLVED THAT THE BILLS AND CLAIMS AGAINST THE TOWNSHIP OF IRVINGTON FOR A PERIOD JANUARY 12, 2016, 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	\$566,099.42
TOTAL	\$566,099.42

Adopted

Cox – Burgess 2. Payrolls

December 26, 2015 through December 31, 2015

REGULAR	OVERTIME	OTHER EARNED	TOTAL
\$167,546.58	\$ -0-	\$(-99,786.24)	\$67,760.34

Adopted

9. Resolutions & Motions

A. Resolutions

Cox – Burgess 1. Authorize Purchases Under the State of New Jersey Cooperative Purchasing Program Over the Bid Threshold of \$40,000.00

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, the attached list of vendors will exceed the bid threshold of \$40,000.00 for calendar year 2016; and

WHEREAS, the Township of Irvington intends to enter into contracts with State contract vendors over the bid threshold of \$40,000.00 through this resolution and properly executed purchase orders, which shall be subject to all the conditions applicable to current State contracts.

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of Irvington authorizes the purchase of certain goods and services from those approved New Jersey State contract vendors over the bid threshold of \$40,000.00, pursuant to all the conditions of the individual State contracts; and

BE IT FURTHER RESOLVED by the Township Council that, pursuant to the N.J.A.C. 5:30-5.5(b), the certification of available funds and resolutions shall be certified at such time as the goods or services are called for prior to placing the order for good or service in excess of \$40,000.00, and a certification of availability of funds is made by the Chief Financial Officer via an authorized purchase order; and

BE IT FURTHER RESOLVED that the duration of this authorization shall be until December 31, 2016

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

Hudley – Inman 2. Authorize Purchases Under the Morris County Cooperative Purchasing Program Over the Bid Threshold of \$40,000.00

AUTHORIZING PURCHASES UNDER THE MORRIS COUNTY COOPERATIVE PURCHASING PROGRAM AND ESSEX COUNTY COOPERATIVE PROGRAM OVER THE BID THRESHOLD OF \$40,000.00

WHEREAS, the Township of Irvington, pursuant to N.J.S.A. 40A: 11-11(5) and N.J.A.C. 5:34- et seq. may by resolution and without advertising for bids, purchase any goods or services under a County Cooperative Pricing System of which the Township is a member; and,

WHEREAS, the Township of Irvington is a member of the Morris County Cooperative Pricing System and Essex County Co-op, and has the need on a timely basis to purchase goods or services using these contracts; and

WHEREAS the attached list of vendors will exceed the bid threshold of \$40,000.00 for calendar year 2016; and

WHEREAS, the Township of Irvington intends to enter into contracts with Morris County Co-op and Essex County Co-op vendors on the attached list, over the bid threshold of \$40,000.00 through this resolution and properly executed purchase orders as needed, which shall be subject to all the conditions applicable to current Co-op contracts.

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of Irvington authorizes the purchase of certain goods and services from these approved Morris County Cooperative Pricing System and Essex County vendors over the bid threshold of \$40,000.00 pursuant to all the conditions of the individual Co-ops contracts; and

BE IT FURTHER RESOLVED by the Township Council that, pursuant to the N.J.A.C. 5:30-5.5(b), the certification of available funds and resolutions shall be certified at such time as the goods or services are called for prior to placing the order for good or service in excess of \$40,000.00 and a certification of availability of funds is made by the Chief Financial Officer via an authorized purchase order; and

BE IT FURTHER RESOLVED that the duration of this authorization shall be until December 31, 2016

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

Hudley – Jones 3. Resolution of Sorrow – Barry Jackson

RESOLUTION OF SORROW – BARRY JACKSON

WHEREAS, Barry Jackson, entrepreneur, businessman, fashion designer, stylist to the stars, photographer, political consultant, and all around renaissance man has died, passing away peacefully in his sleep on Monday, December 28, 2015; and

WHEREAS, Barry Jackson was born on August 8, 1954 in the City of Newark, New Jersey to his parents Georgia Grubbs and Lindberg Jackson; and

WHEREAS, Barry Jackson was one of six siblings to that union, Charles, Cynthia, Gail, Lyndale and Tyrone; and

WHEREAS, Barry received his formal education from Weequahic High School and also attended Devry University in Chicago, Illinois; and

WHEREAS, Barry Jackson was wise far beyond his formal schooling; and

WHEREAS, Barry Jackson married his high school sweetheart, Rosemary Carraway in July of 1973 and together they had five children: Fatima, Rasheedah, Karima, Aneesah and Alim; AND

WHEREAS, despite, their being apart for many years the two of them never divorced; and

WHEREAS, Barry worked in a variety of fields including, but not limited to the fields of business management, fashion, entertainment, music, photography, and politics; and

WHEREAS, his most notable occupations included working closely with the late, great Ms. Whitney Houston as a fashion consultant for nearly twelve years; and

WHEREAS, he also worked for a decade as a political consultant for the late longtime prominent Essex freeholder, Irvington Councilman D. Bilal Beasley; and

WHEREAS, Barry also had a great love for photography; and

WHEREAS, in addition, to his many varied professional accomplishments, he also had an enormous personality, always knowing just how make others smile; and

WHEREAS, he was charismatic and kind; dedicating a great deal of his time to help the less fortunate, and Barry was also a savvy businessman and a proud father who loved his children; and

WHEREAS, Barry was preceded in death by his father Lindberg Jackson, his brother Charles Jackson and his sister Lyndale Jackson. He leaves behind his mother Georgia Jackson, his sisters Gail and Cynthia Jackson, his brother Tyrone Jackson, his children: Fatima, Rasheedah, Karima, Aneesah and Alim, his grandchildren: Zaniyyah, Tyjahne, Arianna and Joseph; along with a whole host of nieces, nephews, aunts, uncles, cousins, and friends, and he will be greatly missed by all who had the pleasure of having had contact with him:

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that the Township of Irvington joins in the mourning of the late Barry Jackson; 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 Barry Jackson.

Adopted

Burgess – Jones 4. Authorize Amendment to Contract for Professional Tax Counsel Services - O'Donnell McCord, P.C. – Additional \$76,058.98

RESOLUTION APPROVING ADDITIONAL FUNDS FOR TAX COUNSEL SERVICES

WHEREAS, on September 23, 2014 the firm of O'Donnell McCord, P.C. was awarded a contract for the period of October 1, 2014 through October 31, 2015 for Tax Appeals Counsel Services for an amount not to exceed \$84,000.00 by resolution number TA 14-0923-15; and

WHEREAS, O'Donnell McCord, P.C. provided the Township with Tax Appeals Counsel Services during the aforementioned time period with an additional expenditure totaling \$76,058.98 due to a large backlog of tax appeals matters; and

WHEREAS, \$30,000.00 is available in the 2015 Legal Department OE Budget and is available to pay this over expenditure; and

WHEREAS, the balance of \$46,058.98 will be added to the 2016 budget as a "Prior Year Bill" and when funds are available, the remaining balance will be paid to the vendor; and

WHEREAS, the Township would seeks to pay O'Donnell McCord, P.C. for services provided in excess of the contract amount totaling \$76,058.98 for matters within the scope of the contract;

WHEREAS, the total contract amount for Tax Appeals service for October 01, 2014 through October 31, 2015 is hereby increased to an amount not to exceed \$160,058.98.

NOW THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that the services performed by the firm of O'Donnell McCord, P.C. in excess of the contract amount, totaling \$76,058.98 is hereby ratified and confirmed; and

BE IT FURTHER RESOLVED, that total contract amount for Tax Appeals service is hereby increase to \$160,058.98; and

BE IT FURTHER RESOLVED, that the Mayor and Municipal Clerk is hereby authorized to sign and execute an amended contract for Tax Appeals service; and

BE IT FURTHER RESOLVED, that the required certification of availability of funds C5- 00308 in the amount of \$30,000.00 from account number 5-01-20-155-155-256 has been obtained from the Chief Financial Officer and the remaining balance of \$46,058.98 will be paid to vendor when funds are available in the 2016 budget.

Adopted

Jones – Frederic 5. Commemoration – Dr. Martin Luther King, Jr. Day

DR. MARTIN LUTHER KING JR.
31st ANNUAL COMMEMORATIVE TRIBUTE

WHEREAS, the President and Congress of the United States have designated the third Monday in January of each year as Dr. Martin Luther King, Jr. Day and to commemorate the January 15th birthday of this important leader of the Civil Rights Movement in our Country; and

WHEREAS, there is national recognition and respect for Dr. King's teachings and preachings of the principles of freedom, responsibilities of liberty, ideals of brotherhood, respect for human rights, promotion of social and economic cooperation and the need for international peace and security; and

WHEREAS, New Jersey has also adopted Dr. Martin Luther King, Jr. Day as a State Holiday and created a Commemorative Commission to honor Dr. King to enlighten the population of our State to the teachings and principals of Dr. King to relieve the burdens of illiteracy and poverty while offering the beacon of hope to the needy; and

WHEREAS, the Dr. Martin Luther King, Jr. Commemorative Committee of Irvington works diligently to preserve the name and promote the teachings of Dr. King, and this year will celebrate King its annual tribute:

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that the Township of Irvington joins with all residents of this Country of ours in commemorating Dr. Martin Luther King, Jr. Day and proclaiming support for his teachings of freedom; brotherhood; love, not hate; ending poverty; working for peace, not war; and education to increase understanding; and

BE IT FURTHER RESOLVED that certified copies of this resolution be forwarded to the Irvington Public Library for public display and to the Martin Luther King Jr. Commemorative Committee of Irvington to recognize their continuing efforts and programs in commemoration of Dr. King and in keeping the dream alive by acknowledging the thirty first annual tribute to Dr. Martin Luther King, Jr.

Adopted

A. Communications

1. Mayor Vauss – Re-Appointment – Planning Board – Municipal Engineer John Wiggins
2. Mayor Vauss – Appointment – Mayor’s Alternate to the Library Board of Trustees – Anthony Amir Vauss

B. Petitions

None

11. Pending Business

None

12. Miscellaneous

A. Bingos and Raffles

None

8. Ordinances, Bills & Claims

A. Ordinances on 1st Reading

Burgess – Hudley 1. Establish Schedule of Fines for Violations of Certain Sections of the Revised Code of the Township of Irvington

AN ORDINANCE ESTABLISHING A SCHEDULE OF FINES FOR VIOLATIONS
OF THE REVISED CODE OF THE TOWNSHIP OF IRVINGTON

Adopted

B. Ordinances on 2nd Reading

1. President Frederic: An ordinance amending ordinances MC 2001 and MC 2005 regarding the Department of Public Safety will be heard at this time. The Clerk will read the notice of hearing.

The Clerk read the notice of hearing.

The Clerk will read the ordinance by title.

AN ORDINANCE 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.

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BE IT ORDAINED by the Municipal Council of the Township of Irvington as follows:

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- (1) That the Table of Contents contained in the introductory portion of the aforesaid Administrative Code known as Ordinance #MC 2001, as amended by Ordinance #MC 2005 and Ordinance #3553, is hereby amended and supplemented to read as follows:

BE IT ORDAINED by the Municipal Council of the Township of Irvington that the Organization and Administration of the Government of the Township of Irvington, under Mayor-Council Plan D of the Optional Municipal Charter Law (P.L.1950, Chapter 210 as amended and supplemented shall be as follows:

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Article I -Short Title, Definitions and Construction

Article II -Council Salaries and Rules of Procedure

Article III -Organization of Government of the Township of Irvington

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Article IV -Department of Administration

Article IV-A -Department of Public Safety

Article IV-B -Division of Police

Article IV-C -Division of Fire

- Article IV-D -Division of Parking
- Article V -Office of Township Clerk
- Article VI -Office of Township Attorney
- Article VII -Department of Revenue and Finance
- Article VIII -Department of Public Works
- Article IX -Department of Health and Welfare
- Article X -Repealed
- Article XI -Statutory and Non-Departmental Agencies
- Article II -Transitional Provisions

- (2) That the Administrative Code known as Ordinance #MC2005 is hereby supplemented in accordance with Ordinance #MC3553 in the following respects:

ARTICLE IV-A

DEPARTMENT OF PUBLIC SAFETY

Section 4A.1: There shall be a Department of Public Safety, the Head of which shall be the Director of Public Safety. The Department of Public Safety shall consist of the Division of Police, the Division of Fire, and the Division of Parking. The Director of Public Safety shall be subordinate to the Business Administrator and the Mayor and execute the powers and duties described in Ordinance MC3553, Sections 1 to Section 32. The Director of Public Safety shall set forth the organizational structure, staffing levels, budget, Rules and Regulations and the policies of all of the Divisions, which comprise the Department of Public Safety. The Department of Public Safety shall consist of the functions, duties, responsibilities, authority and personnel enumerated in Ordinance MC 3553.

ARTICLE IV-B

DIVISION OF POLICE

Section 4B.1: There shall be a Division of Police, the Head of which shall be the Director of Public Safety. The position of Chief of Police is abolished. The Director of Public Safety shall direct the routine day-to-day operations of the Division of Police.

POWERS AND DUTIES OF DIRECTOR

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Section 4B.2: The Director of Public Safety shall administer the Division and shall perform such duties as may be required for the efficient operation of the Division, and the Director shall:

- (a) Supervise the operations of the Division, delegate law enforcement duties and be responsible for all the personnel and functions therein;
- (b) Formulate such rules, regulations and policies as are necessary for the efficient and effective operation of the Division;
- (c) Provide monthly reports to the Business Administrator, the Mayor and Township Council concerning the operations of the Department of Public Safety and Division of Police; and
- (d) Perform the duties prescribed in Ordinance MC3553 and all other duties placed upon the Director of Public Safety by the Township Council.

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Section 4B.3: ORGANIZATION AND FUNCTIONS

Within the organization of the Division of Police there shall be appointed, as determined, the following sworn officer positions:

- (a) Deputy Chief (s) of Police
- (b) Police Captain (s)
- (c) Police Lieutenant(s)
- (d) Police Sergeant (s)
- (e) Detective(s)
- (f) Police Officer(s)

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The organization shall also consist of the civilian, non-sworn, positions as determined by the Mayor.

The organization of the Division and duties of the sub-divisions therein shall be prescribed by the Director of Public Safety.

The Division of Police shall be responsible for the functions and duties prescribed in Section 3 of Ordinance MC 3553, sections A to L.

Section 4B.4: PERSONNEL

The Division shall consist of such superior officer, officers, civilians and support services authorized by Ordinance or the annual budget(s).

- (a) All members of the Division of Police shall adhere requirements enumerated for personal and professional conduct in Ordinance 3553.

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- (b) The Chaplain(s) and Surgeon(s) for the Police/Fire services shall be appointed by the Mayor with the advice and consent of the Township Council. The terms and compensation of Chaplains and Surgeons shall be set by Ordinance.
- (c) The policies for promotion, transfer, assignment and the disposition of resources shall be established and authorized by the Director of Public Safety.

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ARTICLE IV-C

DIVISION OF FIRE

Section 4C.1: There shall be a Division of Fire, the Head of which shall be the Director of Fire. The Mayor, as authorized by Ordinance, may appoint the positions of Chief of Fire and/or Chief Engineer and those positions, if appointed by the Mayor, shall be subordinate to the Fire Director and the Director of Public Safety.

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ORGANIZATION AND FUNCTIONS

Section 4C.2: The Director of Fire shall administer the Division and shall perform such duties as may be required by the Director of Public Safety for the efficient and effective operation of the Division of Fire. The Director shall:

- (a) Supervise the Office of the Director, the Chief of Fire and be responsible for all the personnel of the Division of Fire.
- (b) Enforce the Rules, Regulations and policies set forth by the Department of Public Safety;
- (c) Provide monthly performance reports, as required, to the Director of Public Safety;
- (d) Perform all duties prescribed by the Director of Public Safety or placed upon the position by the Township Council.

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Section 4C.3: The Division of Fire shall have jurisdiction over the control, fighting, suppression and extinguishment of any conflagration, which occurs and requires the attention of the Division and its personnel in a manner described and prescribed in Ordinance MC3553.

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Section 4C.4: The Bureaus, sections and offices previously under the authority of the Department of Fire shall remain as sub-sections within the Division of Fire.

Section 4C.5: PERSONNEL

The Division of Fire shall consist of such superior officers, fire fighters and civilian support staff as designated by the Director of Public Safety and authorized by the Mayor or Municipal Ordinance.

The positions, titles and functions of the Division of Fire shall be established and proscribed by the Director of Public Safety in accordance with requirements set forth by the Mayor and [Township](#) Council.

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The Chaplain(s) and Surgeon(s) for the Police/Fire services shall be appointed by the Mayor with the advise and consent of the [Township](#) Council. The terms and compensation of the Chaplains/Surgeons shall be set by Ordinance.

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The policies for promotion, transfer, assignment and disposition of resources shall be established and authorized by the Director of Public Safety.

ARTICLE IV-D

DIVISION OF PARKING

Section 4D.1: There shall be a Division of Parking, the Head of which shall be the Director of Public Safety. The Director shall appoint a Parking Superintendent who shall be responsible for the day-to-day operations. The Director of Public Safety shall furnish a monthly report on income, expenses, personnel and performance to the [Township](#) Council, the Mayor and Business Administrator as defined in Ordinance MC 3553.

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Section 4D.2: The duties of the Division and the personnel assigned thereto, shall be established by the Director of Public Safety as authorized by the Mayor and the [Township](#) Council.

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- (3) All previously enacted Ordinances (MC 2001, MC 2005), or parts of other Ordinances, which are inconsistent and/or conflict with this Ordinance are hereby repealed.
- (4) This Ordinance shall take effect upon final passage and publication in accordance with the law.

The public hearing on this ordinance is now open.

Elouise McDaniel, 214 Nesbit Terrace
Cathy Southerland, 50 Adams Street
Michael Chase, 64 Myrtle Avenue

Frederic - Cox Motion to close public hearing

Adopted

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

Council Members Lyons and Cox and Council President Frederic spoke.

Adopted

9. Resolutions & Motions

A. Resolutions

Frederic – Cox 6. Waive 20 Day Waiting Period for Effective Date of Ordinance Amending Ordinances MC 2001 and MC 2005 Regarding the Department of Public Safety

WHEREAS, an ordinance entitled " 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" was duly passed on first reading by the Municipal Council on December 29, 2015 and duly adopted by the Municipal Council on second reading after public hearing on January 12, 2016; and

WHEREAS, pursuant to N.J.S.A. 40:69A-181 (a) and Section 5-30 (d) of the Revised Code of the Township of Irvington, an ordinance shall take effect twenty (20) days after final passage by the Municipal Council and approval by the Mayor; and

WHEREAS, pursuant to N.J.S.A. 40:69A-181 (b) and Section 5-30 (d) of the Revised Code of the Township of Irvington, two- thirds (2/3) of the full membership of the Municipal Council may declare an emergency, by written resolution, to reduce this twenty (20) day period:

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON (not less than 2/3 of the full membership thereof affirmatively concurring) that pursuant to the provisions of N.J.S.A. 40:69A-181 (b) and Section 5-30 (d) of the Revised Code of the Township of Irvington, it does hereby declare that an emergency exists that an ordinance entitled " 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" shall become effective immediately upon its approval by the Mayor.

Adopted

12. Miscellaneous

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

There were no requests to be heard.

13. Adjournment

There being no further business, the meeting was adjourned at 8:17 P.M.

Charnette Frederic, Council President

Harold E. Wiener, Municipal Clerk