

REGULAR COUNCIL MEETING
FEBRUARY 23, 2016

Council Chamber, Municipal Building
Irvington, N.J. – Tuesday Evening
February 23, 2016 - 8:00 P.M.

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

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

Absent: October Hudley (excused)

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 Jones and Council president Frederic responded to the issues raised by the above referenced citizens.

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

A. Reports

1. Minutes – Directors’ Meeting – February 9, 2016
2. Minutes – Joint Meeting – 12-17-15
3. Joint Meeting – Annual Report of the Sewage Contribution for the Purpose of Assessment in 2016

7. Reports of Committees

None

8. Ordinances, Bills & Claims

A. Ordinances on 1st Reading

None

B. Ordinances on 2nd Reading

None

C. Bills & Claims

Jones – Lyons 1. Bill Lists

RESOLVED THAT THE BILLS AND CLAIMS AGAINST THE TOWNSHIP OF IRVINGTON FOR A PERIOD FEBRUARY 23, 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	\$3,805,098.48
TOTAL	\$3,805,098.48

Adopted

Jones – Lyons 2. Payrolls

February 1, 2016 through February 19, 2016

REGULAR	OVERTIME	OTHER EARNED	TOTAL
\$189,351.29	\$10,170.27	\$18,551.65	\$218,073.21

Adopted

February 6, 2016 through February 19, 2016

REGULAR	OVERTIME	OTHER EARNED	TOTAL
\$1,310,919.71	\$167,333.64	\$275,266.16	\$1,753,519.51

Adopted

9. Resolutions & Motions

A. Resolutions

Inman – Jones 1. Authorize Use of Public Buildings as Polling Places for the 2016 Election Cycle

BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON, NEW JERSEY that the following public buildings are hereby authorized for election purposes for the Local School Board, Municipal, Primary and General Elections during the year 2016:

WARD	DISTRICT	LOCATION
East	2 & 3	Shelter House, Parkway Playground
East	4	Grove Street Firehouse
West	8	Shelter House, 40th Street Playground
North	6, 7 & 8	Shelter House, Orange Park

Adopted
Absent: Hudley

Inman – Lyons 2. Establish Handicapped Parking Space in Front of 163 Brookside Avenue and 253 Lincoln Place

WHEREAS, N.J.S.A. 39:4-197.5 provides that a Municipality may by resolution provide for restricted parking spaces in front of residences for use by any person who has been issued a special vehicle identification card pursuant to the provisions of N.J.S.A. 39:4-205, when using a motor vehicle on which is displayed a certificate, for which a special vehicle identification card has been issued pursuant to N.J.S.A. 39:4-206; and

WHEREAS, requests have been made for a restricted parking spaces in front of 163 Brookside Avenue and 253 Lincoln Place:

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that a parking space restricted for use by any person who has been issued a special vehicle identification card pursuant to the provisions of N.J.S.A. 39:4-205, when using a motor vehicle on which is displayed a certificate, for which a special vehicle identification card has been issued pursuant to N.J.S.A. 39:4-206, be established in front of 163 Brookside Avenue and 253 Lincoln Place; and

BE IT FURTHER RESOLVED that the Department of Public Works is directed to place a sign designating said handicapped parking space.

Adopted
Absent: Hudley

Lyons – Frederic 3. Authorize Fair and Open Professional Services Contract for Financial Advisory Services - NW Finance Group, LLC - Not to Exceed \$12,000.00 for One Year

**RESOLUTION AUTHORIZING FAIR AND OPEN PROFESSIONAL SERVICE
CONTRACT FOR FINANCIAL ADVISORY SERVICE**

WHEREAS, the Request for Proposals for professional Financial Advisory service was publicly advertised in the New Jersey Star Ledger on December 21, 2015 with a deadline for proposals to be submitted on January 14, 2016; and

WHEREAS, two qualifications were received and publicly opened; and

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

WHEREAS, the Township Attorney has recommended award should be made to the following firm:

NW FINANCIAL GROUP LLC
2 Hudson Place
3rd Floor
Hoboken, NJ 07030

NOW THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that a contract for Financial Advisory service be awarded to NW Financial Group LLC, 2 Hudson Place, Hoboken, NJ 07030, on the basis of their response to the request for proposal selection criteria and qualifications, for an amount not to exceed \$12,000.00. This contract will start on February 23, 2016 until February 24, 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, certification number C6-00182 was obtained from the Chief Financial Officer and the appropriation to be charged for this expenditure is 6-01-21-165-165-118 in the amount of \$12,000.00.

Adopted
Absent: Hudley

Jones – Lyons 4. Authorize Emergency Contract for Board Up Services – Adams Construction & Demo Company - Not to Exceed \$6,900.00

AUTHORIZING EMERGENCY CONTRACT FOR BOARD-UPS

WHEREAS, the Housing Director has declared an emergency to board up two 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:-11 Ellis Ave and 20 Newton Place and;

WHEREAS, this service for calendar year 2016, has exceeded the quote threshold and;

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 \$6,900.00

THEREFORE, BE IT RESOLVED, that this vendor will exceed quote threshold for calendar year 2016.

BE IT FURTHER RESOLVED, the appropriation to be charged for this expenditure is account Number 6-01-22-200-201-151 and the Chief Financial Officer has paid the vendor the total sum of \$6,900.00 on purchase order number 16-00261.

Adopted
Absent: Hudley

Jones – Cox 7. Declare 62-70 Howard Street as Area in Need of Redevelopment - Non-
Condemnation

RESOLUTION OF THE TOWNSHIP OF IRVINGTON, COUNTY OF ESSEX, NEW JERSEY, DESIGNATING THE PROPERTY IDENTIFIED AS BLOCK 220, LOT 15.01 ON THE TAX MAP OF THE TOWNSHIP OF IRVINGTON AS AN ‘AREA IN NEED OF REDEVELOPMENT’ PURSUANT TO THE LOCAL REDEVELOPMENT AND HOUSING LAW, *N.J.S.A. 40A:12A-1 ET SEQ.*

WHEREAS, the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1 et seq.* (the “Redevelopment Law”), authorizes municipalities to determine whether certain parcels of land in the municipality constitute areas in need of redevelopment; and

WHEREAS, to determine whether certain parcels of land constitute an area in need of redevelopment, under the Redevelopment Law the Municipal Council (the “Township Council”) of the Township of Irvington (the “Township”) must authorize the Township Planning Board (the “Planning Board”) to conduct a preliminary investigation of the area and make recommendations to the Township Council; and

WHEREAS, in accordance with the Redevelopment Law and by resolution duly adopted on October 14, 2015 the Township Council authorized the Planning Board to conduct a preliminary investigation of the property commonly known as 60-72 Howard Street, Irvington, NJ and identified as Block 220, Lot 15.01 on the tax map of the Township of Irvington, New Jersey (the “Property”), to determine whether the Property meets the criteria set forth in the Redevelopment Law, and should be designated as an area in need of redevelopment, which designation would authorize the Township and

Township Council to use all those powers permitted by the Redevelopment Law for use in a redevelopment area, other than the power of eminent domain; and

WHEREAS, on January 29, 2016, the Planning Board, after providing due notice, conducted a public hearing in accordance with the Redevelopment Law and determined that the Property qualified as an area in need of redevelopment and recommended that the Township Council designate the Property as an area in need of redevelopment pursuant to the criteria and requirements of the Redevelopment Law; and

WHEREAS, the Township Council has determined that, based upon the recommendations of the Planning Board, Property should be designated an area in need of redevelopment under the Redevelopment Law, such designation authorizing the Township and Township Council to use all those powers provided by the Redevelopment Law for use in a redevelopment area, other than the power of eminent domain.

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

Section 1 The foregoing recitals are incorporated herein as if set forth in full.

Section 2 The recommendations and conclusions of the Planning Board are hereby accepted by the Township Council.

Section 3 Based upon the findings and recommendations of the Planning Board, the Property is hereby designated an area in need of redevelopment without the power of eminent domain pursuant to the provisions of Sections 5 and 6 of the Redevelopment Law (hereinafter referred to as the “Non-Condensation Redevelopment Area”).

Section 4 The Municipal Clerk is hereby directed to transmit a copy of this Resolution to the Commissioner of the New Jersey Department of Community Affairs for review pursuant to *N.J.S.A. 40A:6(b)(5)(c)*.

Section 5 The Secretary to the Planning Board, is hereby directed to serve, within ten (10) days hereof, a copy of this Resolution upon (i) all record owners of property located within the Non-Condensation Redevelopment Area, as reflected on the tax assessor’s records, and (ii) each person who filed a written objection prior to the hearing held by the Planning Board, service to be in the manner provided by *N.J.S.A. 40A:6(b)(5)(d)*.

Section 6 This Resolution shall take effect immediately.

Adopted
Absent: Hudley

Inman – Jones 6. Authorize Settlement of 2012 and 2013 Tax Appeals on 395 – 397 - 16th Avenue, Block 118, Lot 21

RESOLUTION OF THE MAYOR AND TOWNSHIP COUNCIL OF THE TOWNSHIP OF IRVINGTON IN THE COUNTY OF ESSEX AUTHORIZING SETTLEMENT OF THE 2012 AND 2013 TAX APPEALS ENTITLED GROTOSHO, OLATUNJI C/O HUDSON ADVISORS V. TOWNSHIP OF IRVINGTON; LSREF2 CLIPPER III C/O HUDSON ADVISORS V. TOWNSHIP OF IRVINGTON, DOCKET NOS.: 018821-2012; 010468-2013 OF THE TAX ASSESSMENT OF BLOCK 118, LOT 21 KNOWN AS 395-397 16TH AVENUE IN THE TOWNSHIP OF IRVINGTON, ESSEX COUNTY, NEW JERSEY

WHEREAS, appeals of the real property tax assessment for tax years 2012 and 2013 involving Block 118, Lot 21 have been filed by the Taxpayers Grotosho, Olatunji c/o Hudson Advisors and LSREF2 Clipper III LLC/Hudson Advisors; and

WHEREAS, the proposed Stipulation of Settlement, a copy of which is incorporated herein as if set forth at length, has been reviewed and recommended by the Township Tax Assessor and Township Tax Expert; and

WHEREAS, the settlement of said matter as more fully set forth below is in the best interest of the Township of Irvington.

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

1. Settlement of the 2012 tax appeal is hereby authorized as follows:

395-397 16th Avenue
Block 118, Lot 21
Year: 2012

	Original Assessment Amount	County Board Judgment	Settlement
Land:	\$131,800 \$131,800		\$131,800
Imprvts:	\$350,900 \$293,200		\$350,900
Total:	\$482,700 \$425,000		\$482,700

2. Settlement of the 2013 tax appeal is hereby authorized as follows:

395-397 16th Avenue
Block 118, Lot 21

Year: 2013

	Original Assessment Amount	County Board Judgment	Settlement
Land:	\$131,800 \$131,800		\$131,800
Imprvts:	\$350,900 \$243,200		\$350,900
Total:	\$482,700 \$375,000		\$482,700

3. All municipal officials are hereby authorized to take whatever action may be necessary to implement the terms of this Resolution and authorizes the Special Tax Counsel to enter into the Stipulation of Settlement as provided by Taxpayer.

Adopted
Absent: Hudley

Jones – Inman 7. Authorize Settlement of 2013 Tax Appeal on 71 Glorieux Street, Block 322, Lot 19.01

RESOLUTION OF THE MAYOR AND TOWNSHIP COUNCIL OF THE TOWNSHIP OF IRVINGTON IN THE COUNTY OF ESSEX AUTHORIZING SETTLEMENT OF THE 2013 TAX APPEAL ENTITLED LSREF2 CLIPPER HI V. TOWNSHIP OF IRVINGTON, DOCKET NO.: 018510-2013 OF THE TAX ASSESSMENT OF BLOCK 322, LOT 19.01 KNOWN AS 71 GLORIEUX STREET IN THE TOWNSHIP OF IRVINGTON, ESSEX COUNTY, NEW JERSEY

WHEREAS, an appeal of the real property tax assessment for tax year 2013 involving Block 322, Lot 19.01 has been filed by the Taxpayer LSREF2 Clipper III, LLC; and

WHEREAS, the proposed Stipulation of Settlement, a copy of which is incorporated herein as if set forth at length, has been reviewed and recommended by the Township Tax Assessor and Township Tax Expert; and

WHEREAS, the settlement of said matter as more fully set forth below is in the best interest of the Township of Irvington.

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

1. Settlement of the 2013 tax appeal is hereby authorized as follows:

71 Glorieux Street

Block 322, Lot 19.01

Year: 2013

Original Assessment Amount		County Board Judgment	Settlement
Land:	\$156,400	\$156,400	\$156,400
Imprvts:	\$495,700	\$495,700	\$443,600
Total:	\$652,100	\$652,100	\$600,000

2. All municipal officials are hereby authorized to take whatever action may be necessary to implement the terms of this Resolution and authorizes the Special Tax Counsel to enter into the Stipulation of Settlement as provided by Taxpayer.

Adopted

Absent: Hudley

Inman – Cox 8. Authorized Issuance of Duplicate Tax Sale Certificate for 927 – 931 Clinton Avenue, Block 165, Lot 29, Upon Payment of \$100.00

RESOLUTION OF THE TOWNSHIP OF IRVINGTON, COUNTY OF ESSEX, STATE OF NEW JERSEY, AUTHORIZING THE ISSUANCE OF A DUPLICATE TAX SALE CERTIFICATE PURSUANT TO CHAPTER 99 OF THE PUBLIC LAWS OF 1997

WHEREAS, the Tax Collector of this municipality has previously issued a tax sale certificate to the TOWNSHIP OF IRVINGTON, which is dated July 21, 2010, covering premises commonly known and referred to as Block 165, Lot 29 as set out on the municipal tax map then in use which certificate bears number 101080 and;

WHEREAS, the Township of Irvington has assigned Certificate No. 101080 to Community Life Improvement Centers, Inc on June 9, 2015 with Resolution No. DRF 15-0609-50, a copy of which is attached hereto and;

WHEREAS, the purchaser of the aforesaid tax sale certificate has indicated to the tax collector that they have lost or otherwise misplaced the original tax sale certificate and have duly filed the appropriate Affidavit of Loss with the Tax Collector, a copy of which is attached hereto;

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON, COUNTY OF ESSEX, STATE OF NEW JERSEY, that the Tax Collector of the Township of Irvington be and is hereby authorized, upon receipt of the appropriately executed and notarized Loss Affidavit and the payment of a fee of \$100.00 per certificate to issue an appropriate duplicate tax sale certificate to the said purchaser covering the certificate lost as previously described all in accordance with the requirements of Chapter 99 of Public Laws of 1997.

BE IT FURTHER RESOLVED that a copy of this Resolution and the Loss Affidavit be attached to the duplicate certificate to be issued to said purchaser and that said duplicate certificate shall be stamped or otherwise have imprinted upon it the word “Duplicate” as required by law.

Adopted
Absent: Hudley

Cox – Inman 9. Authorize Settlement of 2012 and 2013 Tax Appeals on 659
Chancellor Avenue, Block 260, Lot 8

RESOLUTION OF THE MAYOR AND TOWNSHIP COUNCIL OF THE TOWNSHIP OF IRVINGTON IN THE COUNTY OF ESSEX AUTHORIZING SETTLEMENT OF THE 2014 AND 2015 TAX APPEALS ENTITLED 659 CHANCELLOR AVE LLC V. TOWNSHIP OF IRVINGTON, DOCKET NOS.: 006285-2014; 000437-2015 OF THE TAX ASSESSMENT OF BLOCK 260, LOT 8, KNOWN AS 655 CHANCELLOR AVENUE IN THE TOWNSHIP OF IRVINGTON, ESSEX COUNTY, NEW JERSEY

WHEREAS, appeals of the real property tax assessment for tax years 2014 and 2015 on Block 260, Lot 8 have been filed by the Taxpayer, 659 Chancellor Ave LLC; and

WHEREAS, the proposed Stipulation of Settlement, a copy of which is incorporated herein as if set forth at length, has been reviewed and recommended by the Township Tax Assessor and Township Tax Expert; and

WHEREAS, the settlement of said matter as more fully set forth below is in the best interest of the Township of Irvington.

NOW, THEREFORE, BE IT RESOLVED, by the Township of Irvington, New Jersey, as follows:

1. Settlement of the 2014 tax appeal is hereby authorized as follows:

655 Chancellor Avenue
Block 260, Lot 8
Year: 2014

	<u>Original Assessment</u>	<u>County Board Judgment</u>	<u>Settlement Amount</u>
Land:	\$ 680,000	N/A	WITHDRAWN
Imprvts	\$ 591,300	N/A	WITHDRAWN
Total:	\$1,271,300	N/A	WITHDRAWN

2. Settlement of the 2015 tax appeal is hereby authorized as follows:

655 Chancellor Avenue
Block 260, Lot 8

Year: 2015

<u>Amount</u>	<u>Original Assessment</u>	<u>County Board Judgment</u>	<u>Settlement</u>
Land: \$ 680,000		N/A	\$ 680,000
Imprvts \$ 591,300		N/A	\$ 520,000
Total: \$1,271,300		N/A	\$1,200,000

3. All municipal officials are hereby authorized to take whatever action may be necessary to implement the terms of this Resolution and authorizes the Special Tax Counsel to enter into the Stipulation of Settlement as provided by Taxpayer.

Adopted
Absent: Hudley

Cox – Burgess 10. Authorize Tax Appeal Settlements for 2014 and 2015 - 1200-1218 Clinton Avenue, Block 81, Lot 3

RESOLUTION OF THE MAYOR AND TOWNSHIP COUNCIL OF THE TOWNSHIP OF IRVINGTON IN THE COUNTY OF ESSEX AUTHORIZING SETTLEMENT OF THE 2014 AND 2015 TAX APPEALS ENTITLED ABS 1200, LLC V. TOWNSHIP OF IRVINGTON, DOCKET NOS.: 006296-2014; 002112-2015 OF THE TAX ASSESSMENT OF BLOCK 81, LOT 3, KNOWN AS 1200-1218 CLINTON AVENUE IN THE TOWNSHIP OF IRVINGTON, ESSEX COUNTY, NEW JERSEY

WHEREAS, appeals of the real property tax assessment for tax years 2014 and 2015 on Block 81, Lot 3 have been filed by the Taxpayer, ABS 1200, LLC; and

WHEREAS, the proposed Stipulation of Settlement, a copy of which is incorporated herein as if set forth at length, has been reviewed and recommended by the Township Tax Assessor and Township Tax Expert; and

WHEREAS, the settlement of said matter as more fully set forth below is in the best interest of the Township of Irvington.

NOW, THEREFORE, BE IT RESOLVED, by the Township of Irvington, New Jersey, as follows:

1. Settlement of the 2014 tax appeal is hereby authorized as follows:

1200-1218 Clinton Avenue
Block 81, Lot 3

Year: 2014

<u>Amount</u>	<u>Original Assessment</u>	<u>County Board Judgment</u>	<u>Settlement</u>
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Land:	\$ 682,800	N/A	\$ 682,800
Imprvts:	\$3,078,000	N/A	\$2,317,200
Total:	\$3,760,800	N/A	\$3,000,000

2. Settlement of the 2015 tax appeal is hereby authorized as follows:

1200-1218 Clinton Avenue
Block 81, Lot 3
Year: 2015

<u>Amount</u>	<u>Original Assessment</u>	<u>County Board Judgment</u>	<u>Settlement</u>
Land:	\$ 682,800	N/A	\$ 682,800
Imprvts:	\$3,078,000	N/A	\$1,917,200
Total:	\$3,760,800	N/A	\$2,600,000

3. All municipal officials are hereby authorized to take whatever action may be necessary to implement the terms of this Resolution and authorizes the Special Tax Counsel to enter into the Stipulation of Settlement as provided by Taxpayer.

Adopted
Absent: Hudley

Jones – Burgess 11. Refer Amendment to Zoning Ordinance Regarding Dollar Stores to Planning Board

Resolution for the Planning Board to Consider Amending the Zoning Ordinance to Restrict the Number of Discount Retail Stores

WHEREAS, the Municipal Council of the Township of Irvington has noted that there is an increasing number of discount stores, also known as "Dollar Stores", and;

WHEREAS, the Municipal Council is concerned that the retail business community needs to be diverse in order to encourage economic development with the Townships as well as offer varied forms of retail stores within the Township, and;

WHEREAS, Dollar stores are not currently addressed within the Township's Zoning Ordinance, and;

WHEREAS, the Municipal Council has no desire to ban such retail establishments but wishes to consider limiting their proliferation within the Township within a defined radius such as 1000 feet.

NOW, THEREFORE BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON THAT the Planning Board of the Township of Irvington prepare a report on the imposition of defined limits for the future expansion of Dollar

Stores within the Township in anticipation of the Municipal Council amending the Zoning Ordinance of the Township of Irvington to limit the creation of new "Dollar Stores" within a 1000 foot radius of any existing "Dollar Stores". Further, that the Planning Board of the Township of Irvington submit such a report with 35 days of this resolution.

Adopted
Absent: Hudley

Burgess - Cox 12. Authorize Execution of Memorandum of Understanding With the International Union of Operating Engineers Local 825 for Labor Workers in Connection with the Demolition of Building

RESOLUTION AUTHORIZING THE EXECUTION OF A MEMORDANDUM OF UNDERSTANDING BETWEEN THE TOWNSHIP OF IRVINGTON AND INTERNATIONAL UNION OF OPERATING ENGINEERS LOCAL 825

WHEREAS, the Township of Irvington in need of temporary/part time employees from time to time to perform services in connection with the operations of motor powered equipment; and

WHEREAS, International Union of Operating Engineers Local 825 employ the required employees to operate powered equipment used in demolition, construction and tree removal; and

WHEREAS, the wage structure is included in Memorandum of Understanding; and

WHEREAS, a copy of the Memorandum of Understanding is attached and made part of this resolution; and

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON, that the attached Memorandum of Understanding is hereby approved.

BE IT FURTHER RESOLVED, the Township Attorney will review and approve Memorandum of Understanding; and

BE IT FURTHER RESOLVED, that the Municipal Clerk and Mayor is hereby authorized and directed to signed the same; and

BE IT FURTHER RESOLVED, this MOU will become effective upon the adoption of this resolution on February 24, 2016 until February 25, 2017; and

BE IT FURTHER RESLOVED, that the required certification of availability of funds C6- 00185 in the amount of \$3,000.00 from account number 6-01-22-195-195-118 has been obtained from the Chief Financial Officer.

Adopted

Absent: Hudley

10. Communications and Petitions

A. Communications

None

B. Petitions

None

11. Pending Business

A. Establish One Way Westbound on Glorieux Street Between Nesbit Terrace and Stuyvesant Avenue [PENDING COUNTY AND DOT APPROVALS]

12. Miscellaneous

A. Bingos and Raffles

None

NON-CONSENT AGENDA ITEMS

9. Resolutions & Motions

A. Resolutions

Jones – Lyons 13. Authorize Professional Services Contract with Clarence Barry Austin, P.C. to Provide Legal Services - Sheniqua Dunston v. Irvington Housing Authority, et al. - Not to Exceed \$35,000.00

RATIFYING PROFESSIONAL SERVICES CONTRACT FOR LITIGATION/DEFENSE COUNSEL SERVICES

WHEREAS, resolution number TA 15-1027-36 qualified twelve firms to provide litigation/defense counsel services for the Township of Irvington from November 01, 2015 until October 31, 2016; and

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

WHEREAS, the Township Attorney has determined that Clarence Barry-Austin, P.C. has the most experience to defend the Township of Irvington in the case of Sheniqua Dunston v. Irvington Housing Authority, et al, Docket No: ESX-L-7191-15; and

WHEREAS, the Township Attorney has recommended that a contract be awarded to Clarence Barry-Austin, P.C., 76 South Orange Avenue, Suite 207, South Orange, New Jersey, 07079; and

NOW THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that a contract for Litigation/Defense counsel services be awarded to Clarence Barry-Austin, P.C., 76 South Orange Avenue, Suite 207, South Orange, New Jersey, 07079 for a contract amount not to exceed \$35,000.00. The billing rate for this contract is \$115.00 per hour; and

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

BE IT FURTHER RESOLVED, that funds for this service will be paid from the Insurance fund for a contract amount not to exceed \$35,000.000. The billing rate for this contract is \$115.00 per hour.

Adopted
Absent: Hudley

Inman – Jones 14. Appoint Council Member Frederic to the Springfield Avenue Center Business District Management Corporation

WHEREAS, Ordinance No MC 3084 created the Springfield Avenue Center Business Improvement District; and

WHEREAS, said ordinance provides for the appointment of one Council Member to be appointed to the Springfield Avenue Center Business District Management Corporation:

NOW THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that Council President Charnette Frederic is hereby appointed as a member of the Springfield Avenue Center Business District Management Corporation.

Adopted
Absent: Hudley

Frederic – Cox 15. Constable Re-Appointment - Darryl G. Solomon

WHEREAS, application has been made for the Office of Constable by Darryl G. Solomon who resides at 261 Nesbit Terrace, Irvington, New Jersey:

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON, NEW JERSEY that Darryl G. Solomon, 261 Nesbit Terrace 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 February 23, 2016; and

BE IT FURTHER RESOLVED that the above named person shall be notified of his appointment for the term aforesaid by the Township Clerk and directed to present herself to him 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, said bond to be conditioned as provided by law, and that said bond be approved as to form by the Township Attorney.

Adopted
Absent: Hudley

Frederic – Jones 16. Appoint Council Member Inman to the Campfield Business District Management Corporation

WHEREAS, Ordinance No MC 3159 created the Camptown Business Improvement District; and

WHEREAS, said ordinance provides for the appointment of persons to the District Management Corporation provided under the bylaws of the District Management Corporation; and

WHEREAS, First Team Management, the firm hired by said District Management Corporation to administer the Camptown Business Improvement District, has represented that the by-laws of said District Management Corporation provide for the appointment of one Council Member to the Camptown District Management Corporation:

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL FO THE TOWNSHIP OF IRVINGTON that Council Member Paul Inman is hereby appointed as a member of the Camptown Business District Management Corporation.

Adopted
Absent: Hudley

Inman – Jones 17. Constable Appointment - Jeffrey L. Myers

BE AND IT IS HEREBY RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON, NEW JERSEY that Jeffrey L. Myers, 14 – 22nd Street, 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 February 23, 2016; and

BE IT FURTHER RESOLVED that the above named person shall be notified of his appointment for the term aforesaid by the Township Clerk and directed to present herself to him 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. Said bond to be conditioned as provided by law, and that said bond be approved as to form by the Township Attorney.

Council Member Lyons spoke.

Adopted
Absent: Hudley

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

Hakim Slihih, 952 Washington Street, Newark
Representing the Irvington School Crossing Guards Union
Maggie Powell, 223 Vermont Avenue
Elouise McDaniel, 214 Nesbit Terrace
Delores Grady, 46 – 42nd Street
Dee Fuqua, 167 Orange Avenue
Eugene Otto, 35 Ellery Avenue
Cathy Southerland, 50 Adams Street

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

13. Adjournment

There being no further business, the meeting was adjourned at 8:44 P.M.

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