

REGULAR COUNCIL MEETING  
APRIL 21, 2016

Council Chamber, Municipal Building  
Irvington, N.J. – Thursday Evening  
April 21, 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, Charnette Frederic

Absent: Sandra R. Jones, David Lyons

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

Guest Speaker: Dana Rone, Essex County Register of Deeds and Mortgages

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

Elouise McDaniel, 214 Nesbit Terrace

5. Hearing of Council Members

Council Members Burgess 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 – April 5, 2016

7. Reports of Committees

None

8. Ordinances, Bills & Claims

A. Ordinances on 1st Reading

None

C. Bills & Claims

Burgess – Cox 1. Bill Lists

RESOLVED THAT THE BILLS AND CLAIMS AGAINST THE TOWNSHIP OF IRVINGTON FOR A PERIOD APRIL 19, 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	\$5,358,636.63
SUPPLEMENTAL	\$ 87,478.62
TOTAL	\$5,446,115.25

Adopted  
Absent: Jones, Lyons

2. Payrolls

NOTE: No payrolls were submitted by the Administration.

9. Resolutions & Motions

A. Resolutions

Burgess – Hudley 1. Authorize Submission of Recycling Tonnage Grant Application

#### IRVINGTON TONNAGE GRANT APPLICATION RESOLUTION

WHEREAS, the Mandatory Source Separation and Recycling Act, P.L.1987, c.102, has established a recycling fund from which tonnage grant may be made to municipalities in order to encourage local source separation and recycling programs; and

WHEREAS, it is the intent and the spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and to expand existing programs; and

WHEREAS, the New Jersey Department of Environmental Protection has promulgated recycling regulations to Implement the Mandatory Source Separation and Recycling Act; and

WHEREAS, the recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and

WHEREAS, a resolution authorizing this municipality to apply for the 2015 Recycling Tonnage Grant will memorialize the commitment of this municipality to recycling and to indicate the assent of Irvington Municipal Council to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations; and

WHEREAS, such a resolution should designate the individual authorized to ensure the application is properly completed and timely filed:

NOW THEREFORE BE IT RESOLVED by the Irvington Municipal Council of the Township of Irvington that the Township of Irvington hereby endorses the submission of the recycling tonnage grant application to the New Jersey Department of Environmental Protection and designates the Irvington Recycling Coordinator to ensure that the application is properly filed;  
and

BE IT FURTHER RESOLVED that the monies received from the recycling tonnage grant be deposited in a dedicated recycling trust fund to be used solely for the purposes of recycling.

Adopted

Absent: Jones, Lyons

Hudley – Cox 2. Authorize Professional Services Contract for Legal Services in the Matter of Timothy Boyle versus Township of Irvington - Eric M. Bernstein and Associates, LLC - Not to Exceed \$15,000.00

#### RESOLUTION 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 Eric M. Bernstein & Associates, LLC

has the most experience to defend the Township of Irvington in the case of Timothy Boyle v. Township of Irvington, Docket No: ESX-L- 1471-16; and

WHEREAS, the Township Attorney has recommended that a contract be awarded to Eric M. Bernstein & Associates, LLC, 34 Mountain Blvd., Bldg. A, Warren, NJ, 07059; 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 Eric M. Bernstein & Associates, LLC, 34 Mountain Blvd., Bldg. A, Warren, NJ, 07059 for a contract amount not to exceed \$15,000.00. The billing rate for this contract is \$150.00 per hour; and

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

BE IT FURTHER RESOLVED, that funds for this service will be paid from the Insurance fund for a contract amount not to exceed \$15,000.00. The billing rate for this contract is \$150.00 per hour.

Adopted

Absent: Jones, Lyons

Hudley – Cox 3. Authorize Professional Services Contract for Legal Services in the Matter of United States of America versus Michael A. Thompson, et als - Eric M. Bernstein and Associates, LLC – Not to Exceed \$15,000.00

**RESOLUTION 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 Eric Bernstein & Associates, LLC. has the most experience to defend the Township of Irvington in the case of United States of America v. Michael A. Thompson, et als. Case No. 2;16-CV-00857-KM-JBC; and

WHEREAS, the Township Attorney has recommended that a contract be awarded to Eric Bernstein & Associates, LLC, 34 Mountain Blvd. Building A, Warren, NJ 07059; 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 Eric Bernstein & Associates, LLC, 34 Mountain Blvd. Building A, Warren, NJ 07059 for a contract amount not to exceed \$15,000.00. The billing rate for this contract is \$150.00 per hour; and

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

BE IT FURTHER RESOLVED, that funds for this service will be paid from the Insurance fund for a contract amount not to exceed \$15,000.00. The billing rate for this contract is \$150.00 per hour.

Adopted  
Absent: Jones, Lyons

Cox – Hudley 4. Authorize Contract With RER Supply, LLC for Additional \$20,000.00 for Removal of Leaves, Brush and Mixed Vegetative Waste Due to Increase in the Tonnage Amount

**A RESOLUTION INCREASING THE NOT TO EXCEED AMOUNT FOR THE LEAVES, BRUSH AND MIXED VEGETATIVE WASTE CONTRACT**

WHEREAS, resolution number DPW 15-0915-33 was approved by the Municipal Council on September 15, 2015 for leaves, brush and mixed vegetative waste contract for an amount not to exceed \$20,000.00; and

WHEREAS, the Director of Public Works has advised that based upon the tonnage amount calculated additional monies must be added to this contract; and

WHEREAS, it was determined that additional \$20,000.00 is needed for leaves, brush and mixed vegetative waste removal; and

THEREFORE, BE IT RESOLVED, that the contract for leaves, brush and mixed vegetative waste is hereby amended to an amount not to exceed \$40,000.00 to RER Supply LLC of 20 Cotliss road, Suite 10, Riverdale, NJ 07457; and,

BE IT RESOLVED, that the Mayor be and is hereby authorized to execute amended contract for this service with RER Supply LLC of 20 Cotliss road, Suite 10, Riverdale, NJ 07457, increasing the total contract amount to \$40,000.00

BE IT RESOLVED, that Certification of Funds number C5-00278 has been obtained from the Chief Financial Officers for the total sum of \$20,000.00 charged to account number 6-01-32-465-465-118.

Adopted  
Absent: Jones, Lyons

Burgess – Cox 5. Authorize Contract for Additional \$28,231.68 for Labor Counsel Due to Unanticipated Labor and Employment Issues - Florio, Perrucci, Steinhardt & Fader

**RESOLUTION APPROVING ADDITIONAL FUNDS FOR LABOR COUNSEL SERVICES**

WHEREAS, on September 23, 2014 the firm of Florio, Perrucci, Steinhardt & Fader was awarded a contract for the period of October 1, 2014 through October 31, 2015 for

Labor Counsel Services for an amount not to exceed \$50,000.00 by resolution number TA 14-0923-12; and

WHEREAS Florio, Perrucci, Steinhardt & Fader provided the Township with Labor Counsel Services during the aforementioned time period with an additional expenditure totaling \$28,231.68 due to unanticipated Labor and employment issues; and

WHEREAS, the balance of \$28,231.68 will be added to the 2016 budget as a "Prior Year Bill" and when budget is adopted by the Municipal Council, the vendor will be paid; and

WHEREAS, the Township would seeks to pay Florio, Perrucci, Steinhardt & Fader for services provided in excess of the contract amount totaling \$28,231.68 for matters within the scope of the contract;

WHEREAS, the total contract amount for Labor Counsel service for October 01, 2014 through October 31, 2015 is hereby increased to an amount not to exceed \$78,231.68.

NOW THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that the services performed by the firm of Florio, Perrucci, Steinhardt & Fader in excess of the contract amount, totaling \$28,231.68 is hereby ratified and confirmed; and

BE IT FURTHER RESOLVED, that total contract amount for Labor Counsel service is hereby increase to \$78,231.68; and

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

BE IT RESOLVED that the required Certification of Availability of Funds in the amount not to exceed \$28,231.68 for the Labor Counsel will be obtained from the Chief Financial Officer contingent on the adoption of the Calendar year 2016 budget.

Adopted

Absent: Jones, Lyons

Cox – Burgess 6. Rescind Resolution Authorizing a Contract for Emergency Snow Removal With Your Way Construction, LLC

**RESOLUTION TO RESCIND EMERGENCY CONTRACT FOR SNOW REMOVAL SERVICES**

WHEREAS, the Municipal Council adopted Resolution Number DPW 16-0405-9 on April 05, 2016 approving an emergency snow removal service contract to Your Way Construction; and

WHEREAS, the Township has existing contract with the same vendor for the same service and no emergency resolution is required; and

NOW, THEREFORE BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON, that resolution number DPW16-0405-9 is rescinded.

Adopted

Absent: Jones, Lyons

Cox – Hudley 7. Authorize Purchase of Telecommunication and Data Service From Broadview Network Inc. Under State Contract - April 09, 2016 until September 30, 2018

RESOLUTION AUTHORIZING TELECOMMUNICATION AND DATA SERVICE CONTRACT WITH STATE CONTRACT VENDOR BROADVIEW NETWORKS INC.,

WHEREAS, the Township of Irvington, pursuant to N.J.S.A. 40A:11-12a 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; and

WHEREAS, the Township wishes to purchase telecommunication and data service from Broadview Network Inc, State of New Jersey Contract number 85017; and

WHEREAS, the Township of Irvington intends to enter into contracts with Broadview Communication and Data Services through this resolution and properly executed purchase orders, starting on April 09, 2016 until September 30, 2018 and

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON hereby authorizes a service contract with Broadview Network Inc of 800 Westchester Ave, Rye Brook, NY 10573 starting on April 09, 2016 until September 30, 2018 and;

BE IT FURTHER RESOLVED, that the Township Attorney is directed to prepare the appropriate contract for such goods and services and the Mayor and Municipal Clerk is authorized to sign the same; 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 \$36,000.00, and a certification of availability of funds is made by the Chief Financial Officer via an authorized purchase order.

Adopted

Absent: Jones, Lyons

Burgess - Cox 8. Authorize Acceptance of Donated Clean Fill Soil from Vollers, Inc.

A RESOLUTION ACCEPTING DONATED CERTIFIED CLEAN FILL SOIL

WHEREAS, Vollers, Inc. has graciously offered to donate to the Township certified fill soil to be used as back-fill for residential structures after properties have been demolished; and

WHEREAS, the Township Engineer has reviewed the analytical data of the native soil and confirmed that the soil is cleaned; and

WHEREAS, it is in the Township's best interest to accept the cleaned soil and to use it to back-fill residential structures after properties are demolished:

NOW, THEREFORE, BE IT RESOLVED by the Township of Irvington, County of Essex, New Jersey to accept the cleaned soil for the purposes set forth above and thanks Vollers, Inc., for its generous donation to the Township.

Adopted

Absent: Jones, Lyons

Burgess – Cox 9. Authorize Use of \$8,000.00 in Community Development Block Grant Funds for C.O.M.B.A.T.T.

WHEREAS, the Township of Irvington is a recipient of 205-2016 Community Development Block Grant (CDBG) Program funds administered by the U.S. Department of Housing and Urban Development; and

WHEREAS, the Township of Irvington wishes to award CDBG grant funds in the amount of \$8,000 to C.O.M.B.A.T.T., INC, a private Non-Profit corporation of the State of New Jersey with principal offices at 1570 THIRTEENTH STREET, EWING, NEW JERSEY 08638 for the provision of community services, which constitute an eligible CDBG activity; and

WHEREAS U.S. Department of Housing and Urban Development has allocated sufficient CDBG funds to fund a proposed grant agreement in the amount of \$8,000 with C.O.M.B.A.T.T., INC a private Non-Profit corporation of the State of New Jersey; and

WHEREAS the U.S. Department of Housing and Urban Development has issued federal regulations which revise 24 CFR 570 Sub-Part I , requiring all CDBG recipients to enter into formal legal agreements with private non-profit organization, call "CDBG sub-recipients", in order for these organizations to receive CDBG finding from the Township of Irvington; and

WHEREAS, the Township of Irvington is also subject to the provisions of federal OMB Circular A-102 Attachment 0, "Procurement Standards": which apply the Township's procurement of services, supplies and property with CDBG funds; and

WHEREAS OMB Circular A-102 also requires the Township to conform to all applicable state and local laws relating to formal legal agreements by municipal government procurement of goods and services; and



WHEREAS, the governing body of the Township of Irvington is required under state law (NJ.S.A. 40A:11-I et seq.) to authorize the execution of formal grant agreements and procurement contracts (in excess of \$8,500.00) with private contractors:

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

The Mayor and the Township Clerk are hereby authorized and directed to execute an agreement with C.O.M.B.A.T.T., INC for MENTORING / LIFE'S SKILLS EDUCATION / RECREATION at 1570 THIRTEENTH STREET, EWING, NEW JERSEY 08638.

The required certificate of Availability of Funds No. C5-00289 in the amount of \$8,000 for the above has been obtained from the Chief Financial Officer of the Township of Irvington. The appropriation to be charged for this expenditure is Account No. T-21-41-850-16C-807.

Adopted  
Absent: Jones, Lyons

Burgess – Cox 10. Authorize Use of \$15,000.00 in Community Development Block Grant Funds for FAMICARE

WHEREAS, the Township of Irvington is a recipient of 2005-2016 Community Development Block Grant (CDBG) Program funds administered by the U.S. Department of Housing and Urban Development; and

WHEREAS, the Township of Irvington wishes to award CDBG grant funds in the amount of \$15,000 to FAMICARE, a private Non-Profit corporation of the State of New Jersey with principal offices at 833 SANFORD AVENUE IRVINGTON, NEW JERSEY 07111 for the provision of community services, which constitute an eligible CDBG activity; and

WHEREAS U.S. Department of Housing and Urban Development has allocated sufficient CDBG funds to fund a proposed grant agreement in the amount of \$15,000 with FAMICARE a private Non-Profit corporation of the State of New Jersey; and

WHEREAS the U.S. Department of Housing and Urban Development has issued federal regulations which revise 24 CFR 570 Sub-Part I , requiring all CDBG recipients to enter into formal legal agreements with private non-profit organization, call “CDBG sub-recipients”, in order for these organizations to receive CDBG funding from the Township of Irvington; and

WHEREAS, the Township of Irvington is also subject to the provisions of federal OMB Circular A-102 Attachment 0, “Procurement Standards”: which apply the Township’s procurement of services, supplies and property with CDBG funds; and

WHEREAS OMB Circular A-102 also requires the Township to conform to all applicable state and local laws relating to formal legal agreements by municipal government procurement of goods and services; and

WHEREAS, the governing body of the Township of Irvington is required under state law (NJ.S.A. 40A:11-I et seq.) to authorize the execution of formal grant agreements and procurement contracts (in excess of \$8,500.00) with private contractors:

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

The Mayor and the Township Clerk are hereby authorized and directed to execute an agreement with FAMICARE for a NEIGHBORHOOD-BASED COMMUNITY OUTREACH PROGRAM at 833 SANFORD AVENUE IRVINGTON, NEW JERSEY 07111.

The required certificate of Availability of Funds No. C5-00288 in the amount of \$15,000 for the above has been obtained from the Chief Financial Officer of the Township of Irvington. The appropriation to be charged for this expenditure is Account No. T-21-41-850-16C-806.

Adopted  
Absent: Jones, Lyons

Burgess – Hudley 11. Authorize Use of \$8,000.00 in Community Development Block Grant Funds for Jersey Heat Track Club

WHEREAS, the Township of Irvington is a recipient of 205-2016 Community Development Block Grant (CDBG) Program funds administered by the U.S. Department of Housing and Urban Development; and

WHEREAS, the Township of Irvington wishes to award CDBG grant funds in the amount of \$8,000 to JERSEY HEAT TRACK CLUB, a private Non-Profit corporation of the State of New Jersey with principal offices at 225 PARK STREET, IRVINGTON, NEW JERSEY 07111 for the provision of community services, which constitute an eligible CDBG activity; and

WHEREAS U.S. Department of Housing and Urban Development has allocated sufficient CDBG funds to fund a proposed grant agreement in the amount of \$8,000 with JERSEY HEAT TRACK CLUB a private Non-Profit corporation of the State of New Jersey; and

WHEREAS the U.S. Department of Housing and Urban Development has issued federal regulations which revise 24 CFR 570 Sub-Part I , requiring all CDBG recipients to enter into formal legal agreements with private non-profit organization, call “CDBG sub-recipients”, in order for these organizations to receive CDBG finding from the Township of Irvington; and

WHEREAS, the Township of Irvington is also subject to the provisions of federal OMB Circular A-102 Attachment 0, “Procurement Standards”: which apply the Township’s procurement of services, supplies and property with CDBG funds; and

WHEREAS OMB Circular A-102 also requires the Township to conform to all applicable state and local laws relating to formal legal agreements by municipal government procurement of goods and services; and

WHEREAS, the governing body of the Township of Irvington is required under state law (NJ.S.A. 40A:11-I et seq.) to authorize the execution of formal grant agreements and procurement contracts (in excess of \$8,500.00) with private contractors:

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

The Mayor and the Township Clerk are hereby authorized and directed to execute an agreement with JERSEY HEAT TRACK CLUB for YOUTH TRACK & FIELD CLUB (AGES 6-18) at 225 PARK STREET, IRVINGTON, NEW JERSEY 07111.

The required certificate of Availability of Funds No. C5-00290 in the amount of \$8,000 for the above has been obtained from the Chief Financial Officer of the Township of Irvington. The appropriation to be charged for this expenditure is Account No. T-21-41-850-16C-808.

Adopted

Cox – Hudley 12. Authorize Use of \$15,000.00 in Community Development Block Grant Funds for The Irvington Counseling Center

WHEREAS, the Township of Irvington is a recipient of 2005-2016 Community Development Block Grant (CDBG) Program funds administered by the U.S. Department of Housing and Urban Development; and

WHEREAS, the Township of Irvington wishes to award CDBG grant funds in the amount of \$15,000 to IRVINGTON COUNSELING CENTER, a private Non-Profit corporation of the State of New Jersey with principal offices at 21-27 WAGNER PLACE, IRVINGTON, NEW JERSEY 07111 for the provision of community services, which constitute an eligible CDBG activity; and

WHEREAS U.S. Department of Housing and Urban Development has allocated sufficient CDBG funds to fund a proposed grant agreement in the amount of \$15,000 with IRVINGTON COUNSELING CENTER a private Non-Profit corporation of the State of New Jersey; and

WHEREAS the U.S. Department of Housing and Urban Development has issued federal regulations which revise 24 CFR 570 Sub-Part I , requiring all CDBG recipients to enter into formal legal agreements with private non-profit organization, call “CDBG sub-

recipients”, in order for these organizations to receive CDBG funding from the Township of Irvington; and

WHEREAS, the Township of Irvington is also subject to the provisions of federal OMB Circular A-102 Attachment 0, “Procurement Standards”: which apply the Township’s procurement of services, supplies and property with CDBG funds; and

WHEREAS OMB Circular A-102 also requires the Township to conform to all applicable state and local laws relating to formal legal agreements by municipal government procurement of goods and services; and

WHEREAS, the governing body of the Township of Irvington is required under state law (NJ.S.A. 40A:11-I et seq.) to authorize the execution of formal grant agreements and procurement contracts (in excess of \$8,500.00) with private contractors:

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

The Mayor and the Township Clerk are hereby authorized and directed to execute an agreement with IRVINGTON COUNSELING CENTER for MENTAL HEALTH SERVICES AND COUNSELING at 21-27 WAGNER PLACE, IRVINGTON, NEW JERSEY 07111.

The required certificate of Availability of Funds No. C5-00287 in the amount of \$15,000 for the above has been obtained from the Chief Financial Officer of the Township of Irvington. The appropriation to be charged for this expenditure is Account No. T-21-41-850-16C-801.

Adopted  
Absent: Jones, Lyons

Burgess – Hudley 13. Authorize Use of \$15,000.00 in Community Development Block Grant Funds for The Association for Retarded Citizens (ARC)

WHEREAS, the Township of Irvington is a recipient of 205-2016 Community Development Block Grant (CDBG) Program funds administered by the U.S. Department of Housing and Urban Development; and

WHEREAS, the Township of Irvington wishes to award CDBG grant funds in the amount of \$15,000 to ASSOCIATION OF RETARDED CITIZENS, a private Non-Profit corporation of the State of New Jersey with principal offices at 123 NAYLON AVENUE, LIVINGSTON, NEW JERSEY 07039 for the provision of community services, which constitute an eligible CDBG activity; and

WHEREAS U.S. Department of Housing and Urban Development has allocated sufficient CDBG funds to fund a proposed grant agreement in the amount of \$15,000 with ASSOCIATION OF RETARDED CITIZENS a private Non-Profit corporation of the State of New Jersey; and

WHEREAS the U.S. Department of Housing and Urban Development has issued federal regulations which revise 24 CFR 570 Sub-Part I , requiring all CDBG recipients to enter into formal legal agreements with private non-profit organization, call “CDBG sub-recipients”, in order for these organizations to receive CDBG finding from the Township of Irvington; and

WHEREAS, the Township of Irvington is also subject to the provisions of federal OMB Circular A-102 Attachment 0, “Procurement Standards”: which apply the Township’s procurement of services, supplies and property with CDBG funds; and  
WHEREAS OMB Circular A-102 also requires the Township to conform to all applicable state and local laws relating to formal legal agreements by municipal government procurement of goods and services; and

WHEREAS, the governing body of the Township of Irvington is required under state law (NJ.S.A. 40A:11-I et seq.) to authorize the execution of formal grant agreements and procurement contracts (in excess of \$8,500.00) with private contractors:

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

The Mayor and the Township Clerk are hereby authorized and directed to execute an agreement with ASSOCIATION OF RETARDED CITIZENS for SUMMER CAMP FOR CHILDREN W/DEVELOPMENTAL DISABILITIES at 123 NAYLON AVENUE, LIVINGSTON, NEW JERSEY 07039.

The required certificate of Availability of Funds No. C5-00285 in the amount of \$15,000 for the above has been obtained from the Chief Financial Officer of the Township of Irvington. The appropriation to be charged for this expenditure is Account No. T-21-41-850-16C-802.

Adopted  
Absent: Jones, Lyons

Hudley – Burgess 14. Authorize Use of \$15,000.00 in Community Development Block Grant Funds for Camptown Post #1941 VFW

WHEREAS, the Township of Irvington is a recipient of 205-2016 Community Development Block Grant (CDBG) Program funds administered by the U.S. Department of Housing and Urban Development; and

WHEREAS, the Township of Irvington wishes to award CDBG grant funds in the amount of \$15,000 to CAMPTOWN POST #1941 VFW OF US, a private Non-Profit corporation of the State of New Jersey with principal offices at 56-58 CHESTNUT AVENUE, IRVINGTON, NEW JERSEY 07111 for the provision of community services, which constitute an eligible CDBG activity; and

WHEREAS U.S. Department of Housing and Urban Development has allocated sufficient CDBG funds to fund a proposed grant agreement in the amount of \$15,000 with CAMPTOWN POST #1941 VFW OF US a private Non-Profit corporation of the State of New Jersey; and

WHEREAS the U.S. Department of Housing and Urban Development has issued federal regulations which revise 24 CFR 570 Sub-Part I , requiring all CDBG recipients to enter into formal legal agreements with private non-profit organization, call “CDBG sub-recipients”, in order for these organizations to receive CDBG finding from the Township of Irvington; and

WHEREAS, the Township of Irvington is also subject to the provisions of federal OMB Circular A-102 Attachment 0, “Procurement Standards”: which apply the Township’s procurement of services, supplies and property with CDBG funds; and

WHEREAS OMB Circular A-102 also requires the Township to conform to all applicable state and local laws relating to formal legal agreements by municipal government procurement of goods and services; and

WHEREAS, the governing body of the Township of Irvington is required under state law (NJ.S.A. 40A:11-I et seq.) to authorize the execution of formal grant agreements and procurement contracts (in excess of \$8,500.00) with private contractors:

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

The Mayor and the Township Clerk are hereby authorized and directed to execute an agreement with CAMPTOWN POST #1941 VFW OF US for FACILITY RENOVATIONS (ROOF REPLACE, BATHROOM, KITCHEN) at 56-58 CHESTNUT AVENUE, IRVINGTON, NEW JERSEY 07111.

The required certificate of Availability of Funds No. C5-00291 in the amount of \$15,000 for the above has been obtained from the Chief Financial Officer of the Township of Irvington. The appropriation to be charged for this expenditure is Account No. T-21-41-850-16C-812.

Adopted  
Absent: Jones, Lyons

Cox – Hudley 15. Authorize Use of \$15,000.00 in Community Development Block Grant Funds for The Bridge, Inc.

WHEREAS, the Township of Irvington is a recipient of 205-2016 Community Development Block Grant (CDBG) Program funds administered by the U.S. Department of Housing and Urban Development; and

WHEREAS, the Township of Irvington wishes to award CDBG grant funds in the amount of \$15,000 to THE BRIDGE, INC, a private Non-Profit corporation of the State

of New Jersey with principal offices at 14 PARK AVENUE, CALDWELL, NEW JERSEY 07006 for the provision of community services, which constitute an eligible CDBG activity; and

WHEREAS U.S. Department of Housing and Urban Development has allocated sufficient CDBG funds to fund a proposed grant agreement in the amount of \$15,000 with THE BRIDGE, INC a private Non-Profit corporation of the State of New Jersey; and

WHEREAS the U.S. Department of Housing and Urban Development has issued federal regulations which revise 24 CFR 570 Sub-Part I , requiring all CDBG recipients to enter into formal legal agreements with private non-profit organization, call “CDBG sub-recipients”, in order for these organizations to receive CDBG finding from the Township of Irvington; and

WHEREAS, the Township of Irvington is also subject to the provisions of federal OMB Circular A-102 Attachment 0, “Procurement Standards”: which apply the Township’s procurement of services, supplies and property with CDBG funds; and

WHEREAS OMB Circular A-102 also requires the Township to conform to all applicable state and local laws relating to formal legal agreements by municipal government procurement of goods and services; and

WHEREAS, the governing body of the Township of Irvington is required under state law (NJ.S.A. 40A:11-I et seq.) to authorize the execution of formal grant agreements and procurement contracts (in excess of \$8,500.00) with private contractors:

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

The Mayor and the Township Clerk are hereby authorized and directed to execute an agreement with THE BRIDGE, INC for MENTAL HEALTH COUNSELING & ADDITION SERVICESat 14 PARK AVENUE, CALDWELL, NEW JERSEY 07006.

The required certificate of Availability of Funds No. C5-00286 in the amount of \$15,000 for the above has been obtained from the Chief Financial Officer of the Township of Irvington. The appropriation to be charged for this expenditure is Account No. T-21-41-850-16C-804.

Adopted  
Absent: Jones, Lyons

Cox – Frederic 16. Authorize Tax Payment Agreement for 537 – 21<sup>st</sup> Street – Total Amount to Redeem \$18,408.20 – Payable Within 36 Months

Redeem Municipal Held Lien in Installments

WHEREAS, N.J.S.A. 54:5-65 provides authority for the governing body to authorize redemption of a municipally held lien by installment payments to include principal and interest; and,

WHEREAS, Nnamdi & Vivian Okoro, owner of record of Block 165, Lot 27.01, also known as 537 21<sup>st</sup> Street, Municipality of Irvington, is desirous of satisfying Tax Title Lien # 101078 in the amount of \$18,408.20 by the installment payment plan.

NOW, THEREFORE, BE IT RESOLVED, BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON, COUNTY OF ESSEX, STATE OF NEW JERSEY, hereby authorize an installment payment plan \$665.50, as set forth on the attached schedule and that in addition to said installments being promptly paid on the first of each month, for 36 months, all current year's taxes, subsequent taxes, assessments or other municipal liens imposed shall be promptly paid when due.

BE IT FURTHER RESOLVED, that the final payment shall be sufficient to include all amounts due the municipality and secured by the tax sale lien, except for current year's taxes, and shall include interest properly chargeable on the respective unpaid balances.

BE IT FURTHER RESOLVED, that if installment payments are regularly and promptly made in accordance with the attached schedule, then the municipality will suspend any action to cut off or foreclose the right of redemption, and will agree not to assign, transfer or otherwise alienate the tax title lien it holds.

BE IT FURTHER RESOLVED, if any unpaid installment remains unpaid after 30 days of due date, then the municipality may proceed to enforce or foreclose the tax sale lien, or sell, assign, transfer or alienate it and shall proceed only for the unpaid balance after proper credit of such installment payments as were made.

BE IT FURTHER RESOLVED, that a certified copy of this resolution, along with an attached installment schedule will be forwarded to the Tax Collector and the property owner.

Adopted

Absent: Jones, Lyons

Cox – Burgess 17. Authorize Tax Payment Agreement for 85 Hopkins Place – Total Amount to Redeem \$18,473.80 – Payable Within 36 Months

Redeem Municipal Held Lien in Installments



WHEREAS, N.J.S.A. 54:5-65 provides authority for the governing body to authorize redemption of a municipally held lien by installment payments to include principal and interest; and,

WHEREAS, Nnamdi & Vivian Okoro, owner of record of Block 166, Lot 38.01, also known as 85 Hopkins Place, Municipality of Irvington, is desirous of satisfying Tax Title Lien # 101092 in the amount of \$18,473.80 by the installment payment plan.

NOW, THEREFORE, BE IT RESOLVED, BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON, COUNTY OF ESSEX, STATE OF NEW JERSEY, hereby authorize an installment payment plan \$667.87, as set forth on the attached schedule and that in addition to said installments being promptly paid on the first of each month, for 36 months, all current year's taxes, subsequent taxes, assessments or other municipal liens imposed shall be promptly paid when due.

BE IT FURTHER RESOLVED, that the final payment shall be sufficient to include all amounts due the municipality and secured by the tax sale lien, except for current year's taxes, and shall include interest properly chargeable on the respective unpaid balances.

BE IT FURTHER RESOLVED, that if installment payments are regularly and promptly made in accordance with the attached schedule, then the municipality will suspend any action to cut off or foreclose the right of redemption, and will agree not to assign, transfer or otherwise alienate the tax title lien it holds.

BE IT FURTHER RESOLVED, if any unpaid installment remains unpaid after 30 days of due date, then the municipality may proceed to enforce or foreclose the tax sale lien, or sell, assign, transfer or alienate it and shall proceed only for the unpaid balance after proper credit of such installment payments as were made.

BE IT FURTHER RESOLVED, that a certified copy of this resolution, along with an attached installment schedule will be forwarded to the Tax Collector and the property owner.

Adopted

Hudley – Burgess 18. Authorize Tax Payment Agreement for 89 Hopkins Place – Total Amount to Redeem \$18,317.66 – Payable Within 36 Months

**Redeem Municipal Held Lien in Installments**

WHEREAS, N.J.S.A. 54:5-65 provides authority for the governing body to authorize redemption of a municipally held lien by installment payments to include principal and interest; and,

WHEREAS, Nnamdi & Vivian Okoro, owner of record of Block 166, Lot 39.01, also known as 89 Hopkins Place, Municipality of Irvington, is desirous of satisfying Tax Title Lien # 101092 in the amount of \$18,317.66 by the installment payment plan.

NOW, THEREFORE, BE IT RESOLVED, BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON, COUNTY OF ESSEX, STATE OF NEW JERSEY, hereby authorize an installment payment plan \$662.23, as set forth on the attached schedule and that in addition to said installments being promptly paid on the first of each month, for 36 months, all current year's taxes, subsequent taxes, assessments or other municipal liens imposed shall be promptly paid when due.

BE IT FURTHER RESOLVED, that the final payment shall be sufficient to include all amounts due the municipality and secured by the tax sale lien, except for current year's taxes, and shall include interest properly chargeable on the respective unpaid balances.

BE IT FURTHER RESOLVED, that if installment payments are regularly and promptly made in accordance with the attached schedule, then the municipality will suspend any action to cut off or foreclose the right of redemption, and will agree not to assign, transfer or otherwise alienate the tax title lien it holds.

BE IT FURTHER RESOLVED, if any unpaid installment remains unpaid after 30 days of due date, then the municipality may proceed to enforce or foreclose the tax sale lien, or sell, assign, transfer or alienate it and shall proceed only for the unpaid balance after proper credit of such installment payments as were made.

BE IT FURTHER RESOLVED, that a certified copy of this resolution, along with an attached installment schedule will be forwarded to the Tax Collector and the property owner.

Adopted  
Absent: Jones, Lyons

Cox - Frederic 19. Authorize Tax Payment Agreement for 106 Grove Street – Total Amount to Redeem \$11,054.10 – Payable Within 36 Months

**Redeem Municipal Held Lien in Installments**

WHEREAS, N.J.S.A. 54:5-65 provides authority for the governing body to authorize redemption of a municipally held lien by installment payments to include principal and interest; and,

WHEREAS, Olga Louissaint, owner of record of Block 215, Lot 38 also known as 1065 Grove Street, Municipality of Irvington, is desirous of satisfying Tax Title Lien # 15-01172 in the amount of \$11,054.10 by the installment payment plan.

NOW, THEREFORE, BE IT RESOLVED, BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON, COUNTY OF ESSEX, STATE OF NEW JERSEY, hereby authorize an installment payment plan \$399.63, as set forth on the attached schedule and that in addition to said installments being promptly paid on the first of each month, for 36 months, all current year's taxes, subsequent taxes, assessments or other municipal liens imposed shall be promptly paid when due.

BE IT FURTHER RESOLVED, that the final payment shall be sufficient to include all amounts due the municipality and secured by the tax sale lien, except for current year's taxes, and shall include interest properly chargeable on the respective unpaid balances.

BE IT FURTHER RESOLVED, that if installment payments are regularly and promptly made in accordance with the attached schedule, then the municipality will suspend any action to cut off or foreclose the right of redemption, and will agree not to assign, transfer or otherwise alienate the tax title lien it holds.

BE IT FURTHER RESOLVED, if any unpaid installment remains unpaid after 30 days of due date, then the municipality may proceed to enforce or foreclose the tax sale lien, or sell, assign, transfer or alienate it and shall proceed only for the unpaid balance after proper credit of such installment payments as were made.

BE IT FURTHER RESOLVED, that a certified copy of this resolution, along with an attached installment schedule will be forwarded to the Tax Collector and the property owner.

Adopted  
Absent: Jones, Lyons

#### 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]

B. Provide Resident Permit Parking on Corner Properties Adjacent to Streets Allowing Resident Permit Parking

12. Miscellaneous

A. Bingos and Raffles

None

\*\*\*\*\*

#### NON-CONSENT AGENDA ITEMS

8. Ordinances, Bills & Claims

B. Ordinances on 2nd Reading

1. President Frederic: An ordinance authorizing an amendment to the First Source Linkage Program 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.

AMENDMENT TO AN ORDINANCE ESTABLISHING A FIRST SOURCE  
EMPLOYMENT LINKAGE PROGRAM TO FACILITATE AND ENCOURAGE  
PRIVATE SECTOR EMPLOYMENT OPPORTUNITIES FOR RESIDENTS OF  
IRVINGTON

WHEREAS, the Township of Irvington desires to foster partnerships with new and existing businesses to facilitate employment opportunities for Irvington residents;

WHEREAS, the Township awards many contracts, including public works contracts, to private firms and businesses to provide goods and services to the public and to the Township;

WHEREAS, the Township also provides grant and loan funding to private firms and businesses for the purpose of community, economic development or job growth;

WHEREAS, the Township of Irvington does have the authority to grant economic benefits for businesses to remain in or relocate to Irvington and the Township of Irvington often awards many contracts to private firms or companies to provide services to the public and to the Irvington Government;

WHEREAS, the Township of Irvington finds that requiring the recipients of such benefits Irvington residents will have a great impact on lowering the Township's employment rate, enhancing the economic position and quality of life of Irvington residents; and,

WHEREAS, the Township intends that the policies underlying this ordinance serve to guide the decisions of all Township departments regarding the expenditures of these economic benefits consistent with the requirements of this ordinance.

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

§ 15-1. Purpose and Public Policy.

- A. It is hereby declared to be the public policy of the Township of Irvington (hereafter the "Township") to recognize that it is in the best interests of all citizens and residents of Irvington that there be full employment within the township.
- B. The Township is committed to assisting those citizens and residents who do not now enjoy full employment to achieve full employment status.
- C. The Township is also committed to assisting those citizens and residents who are underemployed or whose employment does not use their full potential to achieve employment which will be consistent with the abilities and talents of each person.
- D. The Township is also committed to assisting extremely low, low income and moderately low income persons and/or other socio-economically challenged persons with securing full employment.
- E. As such, the Township of Irvington does hereby establish a First Source Employment Linkage Program "FSELP" to facilitate and encourage private sector employment opportunities to qualified unemployed, underemployed and/or socio-economically challenged Irvington residents by requiring that the Recipient of any Economic Benefit execute a First Source Agreement and make a good faith effort to hire qualified Irvington residents for 30% of their workforce.

§ 15-2. Designated Administrative Office.

- A. The Irvington newly created Department of Economic Development and Grants Oversight ("DEDGO") will be responsible for the implementation, management and oversight of this First Source Employment Linkage program and shall:
  - 1) Develop all policies, procedures, forms, agreements and operational documents to be used to implement, manage and oversee the FSELP and to ensure compliance on the part of any Recipient.
  - 2) Designing and implement a plan to educate employers about the First Source Employment Job Linkage Program and the system described above.
  - 3) Serve as intermediary between the business community, service providers, and job training agencies, educational institutions and community based organizations (Collectively Network Partners") to best maximize the socio-economic potential of this agreement.
  - 4) Pre-screen applicants to ensure that businesses receiving economic benefits receive only the most qualified candidates to interview.
  - 5) Maintain a First Source Registry of Qualified Irvington Residents who reside in the Township.
  - 6) Maintain a database of vacancies and potential employment opportunities; and,

7) Coordinate with township departments to keep track off and maintain a current list of all Economic Benefits awards that must adhere to the requirements of the FSELP.

B. This ordinance authorize DEDGO to enforce the policy and require all township departments awarding economic benefits to work cooperatively with the DEDGO to implement this ordinance.

C. The DEDGO shall have oversight and facilitate the implementation of any and all First Source Agreements executed prior to this amendment taking effect.

§ 15-3. Qualifying projects for First Source.

A qualifying project is any of the following economic benefits approved by the Municipal Council for a recipient:

A. Approval for any commercial development projects in excess of 250,000.00;

B. Approvals for all multifamily residential development projects with 25 units or more;

C. Township issued public works contracts in excess of \$250,000.00;

D. Township contracts for goods and services in excess of \$100,000.00;

E. Loans issued by Township departments in excess of \$100,000.00;

F. Any federal, state, county or municipal grant or loan of \$100,000.00 or more;

G. Township owned property or In Rem tax lien which is conveyed at a private sale for no or nominal consideration, which has an actual fair market value of \$ 100,000 or more; and/or

H. A tax abatement or exemption for a property which reduces the cumulative amount of taxes otherwise due by \$100,000 or more.

§ 15-4. First Source Agreement Requirements.

A. Binding Agreement.

Any recipient of an economic benefit shall enter into a binding agreement with the Township wherein the recipient agrees to make a good faith effort to hire qualified individuals who reside in the township of Irvington.

Before executing a Contract or receiving an Economic Benefit, the recipient shall provide a list of anticipated employment opportunities that the Recipient, Contractor and its Subcontractors estimate they will need to fill in order to perform the services under the Contract. The list shall include:

(1) The number of anticipated employment opportunities throughout the term of the Contract;

(2) The job title and description of each anticipated employment opportunity; and

(3) The basic qualifications necessary for each anticipated employment opportunity.

B. Pre-Hiring Notification and Exclusivity Period.

At least fifteen (15) days prior to advertising for any employees outside of the First Source Program, the Recipient shall submit to Department of Economic Development and Grants Oversight a written Pre-Hiring Notice of the qualifications of the prospective employees needed for any long term job, as well as a description of the job to be filled. This description shall include work hours, wage scale, benefits, and hiring schedule of the positions. This will enable the DEDGO to refer qualified applicants to the Recipient. During this period, the Recipient shall adhere to the above requirements of the Exclusivity Period. If any of the information submitted to prospective employees of the description of the job to be filled is modified, the Recipient may notify the DEDGO when such positions become available so that the DEDGO can notify the community that such opportunity exist.

The Recipient shall interview any applicants referred to by the DEDGO and provide proof of said interview, the hiring determination after the review and the reason for the final determination.

C. Mandatory Bargaining Agreement.

All contracts entered into by the Recipient or the Recipient's Contractor shall be required to comply with the Ordinance and any Agreement executed thereunder. The recipient will require the contractor or subcontractor to complete and provide the DEDGO with a statement that it will comply with this Ordinance and the Agreement executed thereunder.

D. Collective Bargaining Agreement.

The Recipient will cause contractor to submit to DEDGO copies of any collective bargaining agreements covering workers to be employed and any collective bargaining agreements of any subcontractor.

E. Semi-Annual and other Reports.

Development in the form to be provided by the DEDGO. If the recipient failed to fill any qualified applicant referred by the DEDGO the report will include the reasons why.

The Administration or Municipal Council may request any additional reports from the Recipient through the DEDGO.

E. Records and Work Places Access.

Records and files of the recipient shall be made available to the DEDGO when necessary to check the accuracy of the information. Additionally, the Recipient shall insure that Community Development has reasonable access to the project site to physically visit the work site and to verify the accuracy of the information set forth in the reports.

Is the period of time commencing with the pre-hiring notification of the position(s) to the DEDGO by the recipient during which time the advertising, announcing, recruiting, or interviewing takes place. The length of the exclusivity period shall be determined by DEDGO after consultation with the recipient, but in no event shall be less than 15 days.

F. Continued Requirement to Notify.

During the term of the contract, the Recipient must notify DEDGO of any New Job Opportunities available at the Recipient's place of business. This notification must occur at least fifteen (15) business days prior to making an announcement of a specific employment opportunity outside of the First Source Hiring Program.

The notification should include:

The number of vacancies per Job Classification offered as a result of the economic benefit; and

Qualifications necessary for each New Job Opportunity. This may include, and are not limited to expectations, salary, work schedule, duration of employment, required standard of appearance, and any special requirements (e.g. language skills, driver's license, etc.). Job qualifications shall be limited to skills directly related to performance of job duties.

§ 15-4. Monitoring and Reporting.

Beginning in January 2017, the Irvington DEDGO shall send semiannual reports to the Administration and Municipal Council outlining:

- 1) how many individuals were referred through Irvington DEDGO to be interviewed during that particular semiannual period;
- 2) how many individuals referred by any individual referred by the Irvington DEDGO that was hired and the length of each individual's employment;

- 3) if applicable, from which service provider, job training agency or educational institution the hired individuals were referred to the Irvington DEDGO; which ward the hired individual reside in, and the wages and benefits received by the hired individuals.
- 4) If a lack of Good Faith has been demonstrated on the part of any Recipient, this shall also be included in the reports.
- 5) The Irvington DEDGO shall also include recommendations and suggestions about how this employment linkage program could be improved.

§ 15-5. Enforcement and Penalties.

Because damages will not be capable of determination with any reasonable degree or certainty, the Township will be entitled to liquidated damages from the Recipient in the amount of \$5,000.00 for every worker hired where the Recipient failed to make a Good Faith Effort to hire qualified individuals who reside in the Township of Irvington as outlined above. This Section relating to Damages is subject to the written default notice provisions and expiration of a period to correct any violation, set forth in the First Source Agreement to be entered into by the Recipient.

A. Enforcement.

If the DEDGO determines that a Recipient violated their agreement, the DEDGO may recommend that the Township and Awarding Department take any of the following actions:

- 1) Recommend termination of the Contract or rescind the instrument awarding the Economic Benefit.
- 2) The Recipient be precluded from applying for any future economic benefit for a fixed period of time; or
- 3) That penalties be assessed as detailed below;

B. Penalties.

Township may be entitled to liquidated damages from any recipient in the amount of \$5,000 for every worker hired where the recipient failed to make a good faith effort to hire qualified individuals who reside in the Township of Irvington as outlined above. The Township reserves any other remedies it may have at law or equity, including but not limited to the termination of any economic benefit (such as the recalling of loans, repealing of tax abatements or cancelling of contracts), if appropriate, for a material breach of the recipient's obligation to make a good faith effort to hire qualified individuals who reside in the Township of Irvington as outlined above.

This section relating to damages is subject to the written default notice provisions and expiration of a period to correct any violation, as set forth in the first source agreement to be entered into by the recipient.

§ 15-5. Exemptions.

Businesses who can demonstrate in writing with supporting documentation in a form determined by the DEDGO that; (1) their staff is already made up of 30% Irvington residents; or (2) that the positions available at their business requires a unique set of skills, expertise, education and/or license making it necessary for them to consider candidates outside of the Township or Irvington to identify qualified candidate may be eligible for exemption from complying with this Ordinance.

§ 15-6. Definitions.

A. Economically disadvantaged individual.

An economically disadvantaged individual is anyone who meets the poverty guidelines as determined annually by the United States Department of Health and Human Services or other designated Department.



B. First Source Agreement.

First Source Agreement is a binding agreement between the Township and any Recipient of an Economic Benefits, wherein the Recipient agrees to make a Good Faith Effort to hire qualified individuals who reside in the Township of Irvington to fill 30% of the jobs created as a result of the receipt of the Economic Benefits.

C. Qualified resident.

Qualified resident is an individual who has been a resident of the Township for three month prior to registering with the DEDGO and who meets the minimum bona fide occupational qualifications provided by the prospective employer.

D. Recipient

A recipient is any individual, partnership, association, organization, for-profit or non-profit corporation or other entity whether public or private, which receives an Economic Benefit from the Township of Irvington as defined within this ordinance. This includes any contract or, subcontractor or agent of the Recipient.

E. Township of Irvington

Township of Irvington includes its employees, agents and assignees.

§ 15-7. General Provisions.

A. Inconsistent Provisions.

All ordinances or parts of ordinances inconsistent with the provisions of this ordinance are hereby repealed. Additionally, should any clause, sentence, paragraph or part of this Ordinance, or the application thereof to any person or circumstance, be found by a court of competent jurisdiction to be invalid, the remainder of the Ordinance shall remain in full force and effect.

B. Effective Date.

This ordinance shall become effective ninety (90) days after its final passage and publication in accordance with the Laws of the State of New Jersey.

C. Limit on powers conferred by this Ordinance.

This Ordinance shall not confer upon the Township of Irvington any power not otherwise provided by law to determine the legality of any collective bargaining agreement or to regulate any collective bargaining process.

D. Invalidity of Conflicting Provisions

If this Ordinance conflicts with any federal or state laws or regulations, the laws of regulations shall prevail.

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: Jones, Lyons

Cox – Hudley  
public hearing

Motion to adopt this ordinance on second reading after

Adopted

Absent: Jones, Lyons

2. President Frederic: An ordinance amending the fee ordinance to provide for developer application fees will be heard at this time. For the record this notice of hearing is identical to the first notice of hearing read by the Clerk. The Clerk will read the ordinance by title.

## **AMENDMENT TO Chapter 98. FEES AND LICENSES**

### **Article II. Schedule and Fees**

#### **98-18. Fees under Chapter 127, Land Use Procedure.**

[Adopted 6-14-1977 as portion of Ord. No. MC 2493; reenacted 8-14-1979 by Ord. No. MC 2576; amended 8-11-1987 by Ord. No. MC 2834; 3-8-1988 by Ord. No. MC 2849; 6-14-1988 by Ord. No. MC 2859]

- A. Development application fees. There is hereby established in connection with various applications for development and other matters which are the subjects of Chapter 127, Land Use Procedures, the following schedule of fees:

[Amended 12-12-1995 by Ord. No. MC 3027; 12-14-1999 by Ord. No. MC 3134; 8-14-2001 by Ord. No. MC 3176; 10-12-2005 by Ord. No. MC 3306]

#### **(1) Redeveloper's Application Fee.**

(a) Each Redeveloper's Application shall be accompanied by an application filing fee. The filing fee is a nonrefundable flat fee to cover administrative expenses associate with processing the application.

(b) The Redeveloper Application Fee is \$75.00 for each application submitted to the Department of Economic Development and Grants Oversight for review and consideration.

#### **(2) Subdivisions and site plans.**

(a) Each application for subdivision or site plan approval shall be accompanied by both a filing fee and a technical review fee as provided below. The filing fee is a nonreturnable flat fee to cover administrative expenses. The technical review fee is established to cover the costs, legal, engineering and other professional services connected with the review of the application. Each deposit for technical review fees shall be held by the Township in a trust account separate from the general funds of the Township and separate from any other such account. Sums not utilized in the review process shall be returned to the applicant. If additional sums are deemed necessary, the applicant shall be notified as to the required additional amount and shall add such sum to the trust account.

[Amended 12-29-2009 by Ord. No. MC 3413]

<b>Type</b>	<b>Filing Fee</b>	<b>Technical Review Fee</b>
Concept plan	None	None
Minor subdivision Simple lot line change	\$216	None
Other Major subdivision	\$434	None
Preliminary plat	\$1,081 \$108 per lot with a minimum of \$1,081	
Final plat	\$535 \$55 per lot with a minimum of \$535	
Site plans		

Minor	\$433	None
Major preliminary	\$643	\$22 per 1,000 square feet of lot area or fraction thereof; \$22 per 1,000 square feet of floor area or fraction thereof; minimum review fee: \$643
Final	\$409	\$11 per 1,000 square feet of lot area or fraction thereof; \$9 per 1,000 square feet of floor area or fraction thereof; minimum review fee: \$427
Preliminary ( multifamily)	\$643	\$110 per dwelling unit multifamily)
Final (multifamily)	\$427	\$58 per dwelling unit Minimum review fee: \$444
Site plan Waiver	\$220	

- (b) Requisitions for concurrent approvals shall pay combined fees.
- (2) Conditional and temporary uses: \$217 plus applicable subdivision or site plan fee.  
[Amended 12-29-2009 by Ord. No. MC 3413]
- (3) Variances and appeals.
  - (a) Errors or refusals:
    - [1] Appeals from decision of a Construction or Zoning Official pursuant to errors or refusals: \$318  
[Amended 12-29-2009 by Ord. No. MC 3413]
    - [2] Error or refusal: hear and decide appeals where it is alleged by the appellant that there is error in any order, requirement, decision or refusal made by an administrative officer based on or made in the enforcement of the zoning regulations.  
[1]: Editor's Note: See Ch. 197, Zoning.
  - (b) Exceptions or interpretations.
    - [1] Interpretation of the Zoning Map or the zoning regulations or for decisions on other special questions pursuant to exceptions or interpretations: \$687.  
[Amended 12-29-2009 by Ord. No. MC 3413]
    - [2] Exceptions or interpretations: hear and decide, in accordance with the provisions of Chapter 127, Land Use Procedures, requests for interpretation of the Zoning Map or the zoning regulations[2] or for decisions upon other special questions upon which the Board is authorized to pass by any zoning regulation or Official Map Ordinance.  
[2]: Editor's Note: See Ch. 197, Zoning.
  - (c) Variance of area or yard requirements.
    - [1] Variances pursuant to variance of area or yard requirements from lot area, dimensional, setback and yard requirements: \$108 per variance.  
[Amended 12-29-2009 by Ord. No. MC 3413]
    - [2] Variance of area or yard requirements: where, by reason of exceptional narrowness, shallowness or shape of a specific piece or property or by reason of

exceptional topographic conditions or by reason or other extraordinary and exceptional situation or condition of such piece of property, the strict application of any regulation of Chapter 127, Land Use Procedures, would result in peculiar and exceptional practical difficulties or to exceptional and undue hardship upon the developer of such property, grant, upon an application or an appeal relating to such property, a variance from such strict application of such regulation so as to relieve any difficulties or hardships, including a variance for a conditional use; provided, however, that no variance shall be granted under this subsection to allow a structure or use in a district restricted against such structure or use; and provided further that the proposed development does not require approval by the Planning Board of a subdivision, site plan or conditional use in conjunction with which the Planning Board shall review a request for a variance pursuant to Chapter 127, Land Use Procedures.

(d) Variance of use regulations.

[1] Variances from use regulations pursuant to variance of use regulations: \$763.

[Amended 12-29-2009 by Ord. No. MC 3413]

[2] Variance of use regulations: in particular cases and for special reasons, grant a variance to allow departure from regulations pursuant to Chapter 197, Zoning, including but not limited to allowing a structure or use in a district restricted against such structure or use, but only by affirmative vote of at least five members of the Board of Adjustment.

(e) Building permits.

[1] Buildings in streets or other areas.

[a] Issuance of a permit for a building or structure in the bed of a mapped street or public drainageway, flood control basin or public area reserved on an Official Map: \$535.

[Amended 12-29-2009 by Ord. No. MC 3413]

[b] Building permit for a building in a mapped street or other area: direct issuance of a building permit for the construction of a building or structure within the bed of a mapped street or public drainageway, flood control basin or public area as shown on a duly adopted Official Map Ordinance of the municipality whenever one or more parcels of land within said bed cannot yield a reasonable return to the owner unless a building permit is granted. The Board may grant such relief only by an affirmative vote of a majority of the full authorized membership of the Zoning Board of Adjustment, ensuring that such relief will tend to cause a minimum change of the Official Map and will not significantly add to the cost of opening any proposed street. The Board shall impose reasonable requirements as a condition of granting the building permit so as to promote the health, morals, safety and general welfare of the public.

[2] Buildings not related to a street.

[a] Issuance of a permit for a building or structure not related to a street: \$217.

[Amended 12-29-2009 by Ord. No. MC 3413]

[b] Building permit for a building not related to a street: direct issuance of a building permit for the construction of a building or structure on a lot not abutting a street which is shown on a duly adopted Official Map of the municipality or which is an existing state, county or municipal

street or highway, a street shown upon a plat approved by the Municipal Planning Board or a street on a plat duly filed in the office of the county recording officer. The Board may grant such relief only where the enforcement of the statute requirement, that a building lot abut a street, would entail practical difficulty or necessary hardship, or where the circumstances of the case do not require the building or structure to abut a street. The Board shall impose requirements or conditions that will provide adequate access for fire-fighting equipment, ambulances and other emergency vehicles necessary for the protection of health and safety and will protect any future street layout shown on the Official Map or on the general circulation plan element of the Municipal Master Plan.

- (4) The fees in Subsection A(3) inclusive above shall be in addition to any applicable fee in connection with a subdivision or site plan as provided in Subsection A(1).
  - (5) Appeals to the Township Council: \$535.  
[Amended 12-29-2009 by Ord. No. MC 3413]
  - (6) Copy of decision of governing body to interested party in connection with an appeal: \$59.  
[Amended 12-29-2009 by Ord. No. MC 3413]
  - (7) Publication in newspaper of decision of governing body on an appeal: cost of publication.
- B. Where one application for development includes more than one approval request, the sum of the individual required fees shall be paid.
- C. If an applicant desires a certified court reporter, the cost of taking testimony and transcribing it and providing a copy of the transcript to the Township shall be at the expense of the applicant who shall also arrange for the reporter's attendance.
- D. Carbon monoxide alarms; gas-fired, oil boiler or hot-water heaters.  
[Added 5-28-2003 by Ord. No. MC 3221]
- (1) The fee for inspection of 1-20 carbon monoxide alarms shall be \$50.
  - (2) The fee for inspection of more then 20 carbon monoxide alarms shall be \$100.
  - (3) When a gas-fired or oil boiler or hot-water heater is newly installed or replaced the fee  
should be appropriately charged.
- E. The fee for the approval or denial of a zoning permit application shall be \$50.  
[Added 9-9-2003 by Ord. No. MC 32-33]

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: Jones, Lyons

Cox – Hudley  
hearing

Motion to adopt this ordinance on second reading after public

Adopted

Absent: Jones, Lyons

3. President Frederic: An ordinance establishing an escrow account for developer fees will be heard at this time. For the record this notice of hearing is identical to the first notice of hearing read by the Clerk. The Clerk will read the ordinance by title.

**AN ORDINANCE TO ESTABLISH ESCROW ACCOUNTS FOR FEES TO DEFRAY COSTS FOR REDEVELOPMENT PROJECTS AND IN REM FORECLOSURES.**

WHEREAS, the Administration and the Department of Economic Development and Grants Oversight of the Township of Irvington desires to enhance planning, redevelopment and economic development within the Township of Irvington; and

WHEREAS, the Administration and the Department of Economic Development and Grants Oversight have determined that it would further the interests of sustaining and promoting growth and development in the Township to establish Escrow Fees for Redevelopment and Foreclosure Matters”; and

WHEREAS, N.J.S.A. 40A:12A-8(f) of Local Housing and Redevelopment Law allows for the municipality or designated redevelopment entity to “collect revenue from a redeveloper to defray the costs of the redevelopment entity”; and

WHEREAS, the Township of Irvington is the redevelopment entity; and

WHEREAS, it is the purpose of this ordinance to establish a process and procedure wherein potential redevelopers defray or cover the Township’s administrative expenses, costs of professionals, evaluations, negotiation and approval of agreements, and other costs associated with the implementation and administration of redevelopment projects (collectively “Redevelopment Project Costs and Expenses”) with the Township of Irvington; and

WHEREAS, it is the purpose of this ordinance to establish a process and procedure wherein potential redevelopers and/or professionals defray or cover the Township’s administrative expenses, costs of professionals, cost of title search fees, cost of court filing fees and other related expenses associate with the Township initiating and managing In Rem Foreclosure Proceedings (collectively “Foreclosure Costs and Expenses”); and

WHEREAS, the Department of Economic Development and Grants Oversight proposes to insert in the Township’s General Code a new Chapter entitled “Escrow Fees for Redevelopment and Foreclosure Matters.”

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

Section 1. The New Chapter of the Township of Irvington General Code to be entitled “Escrow Fees for Redevelopment and Foreclosure Matters” shall read in its entirety, as follows:

Section 1.1 Purpose

With the goal of enhancing planning, redevelopment and economic development activities within the Township of Irvington and the intent that such activities further the interests of sustaining and promoting growth and development in the Township, the Administration and the Department of Economic Development and Grants Oversight is establishing Escrow Accounts for fees to defray costs for redevelopment projects and in rem foreclosure proceedings.

Section 1.2 Authority

Pursuant to N.J.S.A. 40A:12A-8(f) of the Local Housing and Redevelopment Law, potential redevelopers with the Township of Irvington (“Township”) shall be required to enter into a Redevelopment Escrow Funding Agreement (“Funding Agreement”) to cover the Township’s administrative expenses, evaluations, negotiation and approval of agreements, and other costs associated with the implementation and administration of redevelopment projects (collectively “Redevelopment Project Costs and Expenses”) with the Township.

Section 2 Escrow Funding Agreement and Procedures – Redevelopment Matters.

This Redevelopment Funding Agreement shall be a prerequisite to all Redevelopment Agreements with the Township where the cost of the Redevelopment Project is as described below.

The Funding Agreement acknowledges and binds the Developer to post an escrow with the Township of Irvington to pay the Township’s Redevelopment Project Costs and Expenses. This includes, but is not limited to, all legal, engineering and planning costs associated with the redevelopment. The Director of the Township’s Revenue and Finance Department will establish an escrow account for the Redevelopment Project. The escrow deposit will be held by the Township’s Revenue and Finance Department, for the Department of Economic Development and Grants Oversight, and disbursed, pursuant to a Redevelopment Funding Agreement. The funding agreement shall be initiated, implemented and managed by the Department of Economic Development and Grant Oversight.

## Section 2.1 Escrow Amounts for Redevelopment Matters

Potential redevelopers shall be required to make payments to an escrow account to cover the Township's Redevelopment Project Costs and Expenses towards the potential redeveloper's project. The initial deposit requirement and, if necessary, the amount to be replenished shall be based on the cost of the potential redeveloper's project as described below:

Cost of Redevelopment Project Deposit	Escrow
\$ 0.00 to \$250,000	\$5,000.00
\$250,000 to \$500,000.00	\$10,000.00
\$500,000 to \$1,000,000.00	\$15,000.00
Above \$1,000,000.00	\$20,000.00

If depending on the scope of the project the balance of the Escrow Deposit has insufficient funds and/or falls below \$2,000.00, the Potential Redeveloper may be required to replenish the escrow account within twenty (20) days from an agreement reached between the Potential Redeveloper and the Township's Department of Economic Development and Grants Oversight on the replenish amount based on the remaining work.

## Section 3 - Escrow Funding Agreement and Procedures – Foreclosure Matters.

This Foreclosure Funding Agreement shall also be a prerequisite for Redevelopers and other professionals or persons seeking to have the Township facilitate in rem foreclosure proceedings to foreclosure on properties with Township owned Tax Liens and to subsequently transfer title to the property acquired by the Township, after a Final Judgment of Foreclosure extinguishes the underlying tax debt.

The Funding Agreement acknowledges and binds the Redeveloper and/or professional to post an escrow with the Township of Irvington to pay the Township's Foreclosure Costs and Expenses. This includes, but is not limited to, Township's administrative expenses, costs of professionals, cost of title search fees, cost of court filing fees and other related expenses associate with the Township initiating and managing In Rem Foreclosure Proceedings. The Director of the Township's Revenue and Finance Department will establish an escrow account for the Redevelopment Project. The escrow deposit will be held by the Township's Revenue and Finance Department, for the Department of Economic Development and Grants Oversight, and disbursed, pursuant to a Foreclosure Funding Agreement. The funding agreement shall be initiated, implemented and



managed by the Department of Economic Development and Grant Oversight.

### Section 3.1 - Escrow Amounts for Foreclosure Expenses and Costs

Potential redevelopers shall be required to make payments to an escrow account to cover the Township's Redevelopment Project Costs and Expenses towards the potential redeveloper's project. The initial deposit requirement and, if necessary, the amount to be replenished shall be based on the cost of the potential redeveloper's project as described below:

Minimum Escrow Deposit	\$2,500.00
Maximum Escrow Deposit	\$5,000.00

The escrow deposit listed above is per property. Additional deposit above \$2,500 and up to \$5,000.00 may be required if the Township has an increase in filing, titles search fees and other related expense and/or if the matter is contested by the property owner which will increase the underlying costs of the proceeding.

### Section 4 – General Provisions

#### 4.1. Inconsistent Provisions.

All ordinances or parts of ordinances inconsistent with the provisions of this ordinance are hereby repealed. Additionally, should any clause, sentence, paragraph or part of this Ordinance, or the application thereof to any person or circumstance, be found by a court of competent jurisdiction to be invalid, the remainder of the Ordinance shall remain in full force and effect.

#### 4.2 Effective Date.

This ordinance shall become effective twenty (20) days after its final passage and publication in accordance with the Laws of the State of New Jersey.

#### 4.3 Limit on powers conferred by this Ordinance.

This Ordinance shall not confer upon the Township of Irvington any power not otherwise provided by law to determine the legality of any collective bargaining agreement or to regulate any collective bargaining process.

#### 4.4 Invalidity of Conflicting Provisions

If this Ordinance conflicts with any federal or state laws or regulations, the laws of regulations shall prevail.

The public hearing on this ordinance is now open.

There were no requests to be heard.

Frederic - Cox                      Motion to close public hearing

Adopted  
Absent: Jones, Lyons

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

Adopted  
Absent: Jones, Lyons

## 9. Resolutions & Motions

### A. Resolutions

#### 20. Introduction of Calendar Year 2016 Municipal Budget

BE IT RESOLVED that the following statements of Revenues and Appropriations shall constitute the Calendar Year 2016 Municipal Budget for the Township of Irvington:

Total General Revenues:	\$101,599,871.02
-------------------------	------------------

Total General Appropriations	\$101,599,871.02
------------------------------	------------------

BE IT FURTHER RESOLVED that a summary of said budget shall be published in the May 12, 2016 edition of the Irvington Herald; and

BE IT FURTHER RESOLVED that the public hearing for said budget shall be held on Tuesday, June 14, 2016 at 8:00 P.M. in the Council Chambers, Municipal Building, Irvington, N. J.

NOTE: Upon advice of Budget Consultant Gibson-Fuller, the Council did not act on this item.

## 12. Miscellaneous

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

Eric Dixon, 17 Ruth Street  
Elouise McDaniel, 214 Nesbit Terrace  
Charlotte L. Galla, 567 Stuyvesant Avenue  
Marietta Josephson, 384 Stuyvesant Avenue, Apt. 12

Council Members Burgess, Hudley, Cox and Council President Frederic addressed the issues raised by the above reference citizens.

There were no requests to be heard.

**13. Adjournment**

There being no further business, the meeting was adjourned at 8:30 P.M.

---

Charnette Frederic, Council President

---

Harold E. Wiener, Municipal Clerk