

REGULAR COUNCIL MEETING
MAY 17, 2016

Council Chamber, Municipal Building
Irvington, N.J. – Tuesday Evening
May 17, 2016 - 8:00 P.M.

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

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

Absent: None

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

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

There were no requests to be heard.

5. Hearing of Council Members

There were no requests to be heard.

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

A. Reports

1. Minutes – Directors’ Meeting – May 3, 2016
2. Construction Official – Permits Issues in April
3. Minutes – Joint Meeting – March 17, 2016
4. Joint Meeting – Annual User Charge Apportionment
Report - 2015

7. Reports of Committees

None

C. Bills & Claims

Jones – Frederic 1. Bill Lists

RESOLVED THAT THE BILLS AND CLAIMS AGAINST THE TOWNSHIP OF IRVINGTON FOR A PERIOD MAY 17, 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	\$819,454.93
TOTAL	\$819,454.93

Adopted

Jones – Frederic Motion to adopt Supplemental Bill List submitted by the Administration as a walk on agenda item.

RESOLVED THAT THE BILLS AND CLAIMS AGAINST THE TOWNSHIP OF IRVINGTON FOR A PERIOD DECEMBER 31, 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:

SUPPLEMENTAL BILL LIST

CALENDAR YEAR 2016	\$38,000.00
TOTAL	\$38,000.00

Adopted
Abstain: Hudley

Jones – Lyons 2. Payrolls

April 9, 2016 through April 22, 2016

REGULAR	OVERTIME	OTHER EARNED	TOTAL
\$1,480,853.74	\$63,777.84	\$74,330.05	\$1,618,961.63

Adopted

9. Resolutions & Motions

A. Resolutions

Frederic – Jones 1. Commemoration Men's Health Week, 2016

RESOLUTION OF COMMEMORATION
MEN'S HEALTH WEEK 2016
JUNE 13 – 19, 2016

WHEREAS, despite advances in medical technology and research, men continue to live an average of five years less than women with Native American and African-American men having the lowest life expectancy; and

WHEREAS, educating the public and health care providers about the importance of a healthy lifestyle and early detection of male health problems will result in reducing rates of mortality from disease; and

WHEREAS, men who are educated about the value of preventative health will be more likely to participate in health screening; and

WHEREAS, fathers who maintain a healthy lifestyle are role models for their children and have happier, healthier children; and

WHEREAS, Men's Health Network worked with Congress to develop Men's Health Week as a special campaign to help educate men, boys, and their families about the importance of positive health attitudes and preventative health practices; and

WHEREAS the Men's Health Week web site has been established at www.menshealthweek.org and features resources, proclamations, and information about awareness events;

WHEREAS, Irvington's Men's Health Week will focus on a broad range of men's health issues, including heart disease, diabetes, mental health, prostate, testicular and colon cancer; and

WHEREAS, the citizens of this state are encouraged to increase awareness of the importance of a healthy lifestyle, regular exercise, and medical check-ups;

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON, do hereby proclaim the week ending on Father's Day as Men's Health Week in this city, and encourage all our citizens to pursue preventative health practices and early detection efforts.

BE IT FURTHER RESOLVED that a copy of this resolution be spread upon the minutes of this Governing Body in lasting tribute to Men's Health Week.

Adopted

Burgess - Frederic 2. Commendation – Irvington Firefighter Michael Scott – Recognized by the Family Assistance Resource Center for his Outstanding Achievements

**RESOLUTION OF COMMENDATION
FIREFIGHTER MICHAEL SCOTT**

WHEREAS, the Irvington Municipal Council wishes to acknowledge and join with the Family Assistance Resource Center in acknowledging his outstanding achievements in the Irvington Fire Department in the Township of Irvington, NJ; and

WHEREAS, Firefighter Michael Scott is married and a father of newborn twins. He is a former school teacher who taught in the Newark school system. He left teaching on September 19, 2005 to pursue his career as a firefighter; and

WHEREAS, Firefighter Scott became the Shop Steward for the Fire Department in 2010. In that same year he started an Annual Breast Cancer Walk for the Township of Irvington, which had 50 participants. Currently over 400 people participate in the Breast Cancer Walk and the number increases each year; and

WHEREAS, In 2012 Firefighter Scott received the Valor Award from the 200 Club of Essex County and Saint Barnabas Burn Foundation for saving a victim by pulling him out of a burning building; and

WHEREAS, in 2014 he received an award from Christian Love Baptist Church for his service and activeness in the community. He became the Firefighter's Union Vice President and was also recognized by the Irvington Rotary Club with an award called Service Above Self. In 2015, he became the Firefighter's Union first African American President; and

WHEREAS, Firefighter Scott works with the Irvington Police Department and Municipal Council Members volunteering at community events such as Unity Day, Chancellor Avenue Picnics, National Night Out, the Annual Halloween Block Party, Irvington Park Cookout and Orange Park Cookout; and

WHEREAS, Firefighter Scott continues to serve the community in the Township of Irvington and Newark. In his spare time he is an active member in his Fraternity Phi Beta Sigma's Grad Chapter (Ki) Chi Sigma. He coached track and field at Weequahic High School in Newark from 2005-2014; helping both boys and girls team to win City, County, Conference, and State Championships; and

NOW, THEREFORE BE IT RESOLVED BY THE TOWNSHIP OF IRVINGTON that the Irvington Municipal Council hereby commends Irvington Firefighter Michael Scott and wishes him continued success; and

BE IT FURTHER RESOLVED that a copy of this resolution be spread upon the minutes of this governing body in lasting tribute to Irvington Firefighter Michael Scott.

Adopted

Lyons - Jones 3. Commendation – Irvington High School 2016 Consumer Bowl Participants

RESOLUTION OF COMMENDATION
IRVINGTON HIGH SCHOOL
2016 CONSUMER BOWL ACHIEVEMENTS

WHEREAS, Irvington High School had another great year of competition finishing as the 2016 Essex County Consumer Bowl Champions and 2nd in the 2016 Northern Regional Consumer Bowl Competition this year; and

WHEREAS, participating in the 2016 Northern Regional Consumer Bowl competition were teams from Irvington High School from Essex County, Leonia High School from Bergen County, Secaucus High School from Hudson County, Randolph High School from Morris County and Passaic County Technical Institute from Passaic County; and WHEREAS, Randolph High School finished first (260 pts), Irvington High School finished second (210), Secaucus High School finished third (95 pts), Passaic County Technical Institute finished fourth (60), Leonia High School finished fifth (40 pts); and

WHEREAS, since 2010, Irvington High School has been state champions 4 times (2010, 2012, 2013, 2014) and still remain the only Essex County School to ever win a state championship in the 18-year history of the competition; and

WHEREAS, for the eighth straight year, the Irvington High School Consumer Bowl team has won the Essex County Championship; and

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that we do hereby recognize and congratulate the following:

Oluchukwu Ibe, Captain
Faith Northern
Zaynah Mohammed
Obadai Annan
Miraj Seepersad

Joseph Romano – Teacher/Advisor

as we honor them for their commitment and intense study; and

BE IT FURTHER RESOLVED that a copy of this resolution be spread upon the minutes of this governing body as a lasting tribute to these Champion Irvington High School Students performing in the 2016 Consumer Bowl as well as teacher/advisory Joseph Romano for a job well done.

Adopted

Jones – Lyons 4. Authorize Purchase of Police Bicycles Over the Pay to Play Threshold of \$17,500.00 but Under the Bid Threshold of \$40,000.00 From Piccoo Enterprises Inc./The Bicycle Store

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

WHEREAS, the Police Department is in need of bicycles for the summer bicycle program; and

WHEREAS, the Township has obtained two quotes for this service from Andy's Cycle Center LLC and Piccoo Enterprises Inc./The Bicycle Store herein attached; and

WHEREAS, Piccoo Enterprises Inc./The Bicycle Store., 182 Ridgedale Ave, Florham Park, NJ 07932 has provided the lowest quote for this service; and

WHEREAS, in compliance with 19:44a-20.13 et., seq., Piccoo Enterprises Inc./The Bicycle Store., 182 Ridgedale Ave, Florham Park, NJ 07932 will exceed the Pay-to-Play threshold of \$17,500.00 for calendar year 2016; and,

WHEREAS, Piccoo Enterprises Inc./The Bicycle Store has completed and submitted the Township C-271, elect reports and political disclosure forms. These forms are on file in the Division of Purchasing Office and the Municipal Clerk; and

WHEREAS, all purchases to the above vendor will not exceed the bid threshold of \$40,000.00; and

NOW, THEREFORE, BE IT RESLOVED, that the Municipal Council of the Township of Irvington hereby authorizes the Qualified Purchasing Agent to pay Piccoo Enterprises Inc./The Bicycle Store in excess of the pay to play threshold \$17,500.00 but under the bid threshold of \$40,000.00; and

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

BE IT FURTHER RESOLVED a separate resolution will be submitted to the Municipal Council for all addition vendors exceeding the bid threshold of \$17,500.00.

Adopted

Cox – Inman 5. Authorize Emergency Contract for Collection of Solid Waste and Recycling Pick Up - Suburban Disposal Inc. - \$50.00 Per Ton For Solid Waste and \$108.00 Per Ton For Recycling

RESOLUTION TO AWARD AN EMERGENCY SOLID WASTE AND RECYCLYNG CONTRACT

WHEREAS, the Township is required to dispose of solid waste and recycling items, and;

WHEREAS, the Township current contract for solid waste removal and recycling expired, and;

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

WHEREAS, Suburban Disposal Inc., of 54 Montesano Road, Fairfield, NJ 07004 has agreed to dispose of all solid waste and recycling items starting on May 01, 2016 until November 01, 2016, and;

WHEREAS, the Township agrees to pay the vendor a price of \$50.00 per ton for all solid waste pick up and \$108.00 per ton for recycling pick up.

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that it ratifies the decision of the Director of Public Works to authorize an emergency contract in the amount of \$50.00 per ton for solid waste removal and \$108.00 for recycling items to Suburban Disposal Inc., of 54 Montesano Road, Fairfield, NJ 07004.

BE IT FURTHER RESOLVED, that the required certification of availability of funds C6-00199 in the amount of \$254,000.00 from account number 6-01-32-465-465-118 has been obtained from the Chief Financial Officer for two months service and the remain balance will be obtained from the CFO upon the adoption of the 2016 budget.

Adopted

Jones – Cox 6. Authorize Handicapped Parking Spaces in Front of 52 Campfield Street, 41 Norwood Avenue and 15 Sherman 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 52 Campfield Street, 41 Norwood Avenue and 15 Sherman 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 52 Campfield Street, 41 Norwood Avenue and 15 Sherman Place; and

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

Adopted

Jones – Hudley 7. Authorize Springfield Avenue Center Business Improvement District's 2016 Sidewalk Sale

WHEREAS, the Springfield Avenue Center Business Improvement District proposes its annual Summer 2016 Sidewalk Sale and Activities to commence and include:

Thursday, Friday, Saturday	June 2, 3, and 4	Rain date: Saturday June 11
Thursday, Friday, Saturday	July 7, 8, and 9	Rain date: Saturday July 16
Thursday, Friday, Saturday	August 4, 5, and 6	Rain date: Saturday Aug. 13

to be done in conjunction with cultural events; and

WHEREAS, Section 171-11 of the Revised Code of the Township of Irvington provides that the provisions shall not prevent the placement of booths or showcases for the display of merchandise, foods and other material along the route of any parade or at the site of any cultural event duly licensed by the Township:

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that it declares that the provisions of Section 171-11 are hereby met and the Springfield Avenue Center Business Improvement District schedule of Summer 2016 Sidewalk Sale and Activity are hereby approved as set forth herein:

Thursday, Friday, Saturday	June 2, 3, and 4	Rain date: Saturday June 11
Thursday, Friday, Saturday	July 7, 8, and 9	Rain date: Saturday July 16
Thursday, Friday, Saturday	August 4, 5, and 6	Rain date: Saturday Aug. 13

Adopted

Frederic - Cox 8. Commemoration - Guyana Heritage Foundation Award Ceremony

RESOLUTION OF COMMEMORATION GUYANA HERITAGE FOUNDATION AWARDS CEREMONY

WHEREAS, the Municipal Council of the Township of Irvington wishes to acknowledge the Guyana Heritage Foundation Awards Ceremony, the celebration of the north 350 celebration and Guyana's 50th Independence Anniversary celebration at the Robert Treat Hotel in Newark on Saturday, May 7, 2016; and

WHEREAS, the Guyana American Heritage Foundation Inc., was founded in the City of East Orange in 2006 by Lady Ira Lewis and Allison Butters-Grant; and

WHEREAS, the people in the American Heritage Foundation Inc. have raised the Guyanese flag in the City of East Orange for over 15 years instead of rate of Guyana's pride and culture; and

WHEREAS, the Guyana American Heritage Foundation Inc., honors Guyanese and other leaders throughout the community for excellence in; community service, government, education and international collaboration; and

WHEREAS, the Guyana Heritage Foundation and World Synergies LLC, and other equipment desperately leaders what the founding members of the East Orange Caribbean economic summit in 2014 and 2015; and

WHEREAS, the Guyana American Heritage Foundation has sought to strengthen economic relationship between cities in New Jersey and the United States and the Nation of Guyana by developing partnerships; and

WHEREAS, the Guyana American Heritage Foundation is the founder and yearly promoter of the Caribbean American Family Fun Day at Branch Brook Park in the City of Newark for the past 14 years; and

WHEREAS, the Guyana American Heritage Foundation was a member of a coalition participating in the American Affordable Health Care Act and registered residence for Obama Care in Newark, East Orange, and Irvington resulting in registering 600 individuals for health insurance in two consecutive years, 2013 and 2014; and

WHEREAS, the people on American Heritage Foundation have built a library in Guyana to exemplify American Caribbean collaboration and partnerships and to serve children in the area of education; and

WHEREAS, Guyanese American Heritage Foundation, World Synergies LLC and other Caribbean Diaspora leaders established the first Newark festival at Branch Brook Park in 2015 in partnership with the Essex County Board of Chosen Freeholders; and

WHEREAS, the Guyanese America Heritage Foundation is working with Irvington Library to promote Caribbean cultural events in 2016; and

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that the Township of Irvington recognizes the many contributions made by the Guyanese American Heritage Foundation Inc.; and
BE IT FURTHER RESOLVED that a copy of this resolution be spread upon the minutes of this governing as a lasting tribute to the Guyanese American Heritage Foundation Inc.

Adopted

Frederic – Cox 9. Authorize Fair and Open Professional Services Contract for IDIS Consulting Services - Ron Allen Consulting - \$18,000.00 – April 15, 2016 until April 16, 2017

**RESOLUTION AUTHORIZING FAIR AND OPEN PROFESSIONAL SERVICE
CONTRACT FOR IDIS CONSULTANT SERVICES**

WHEREAS, the Request for Proposals for IDIS Consultant service was publicly advertised in the New Jersey Star Ledger and on website on March 18, 2016 with a deadline for qualifications to be submitted on April 13, 2016; and

WHEREAS, two qualifications were received and publicly opened; and

WHEREAS, said qualification was referred to the Redevelopment/CDBG Director; and

WHEREAS, the qualifications satisfied the RFP requirement and;

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

**RONALD L. ALLEN
RON ALLEN CONSULTING
15439 REPRISE TER ROCKVILLE, MD 20850**

NOW THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that a contract for IDIS Consultant service be awarded to Ron Allen Consulting, 15439 Reprise Ter. Rockville, MD 20850 on the basis of their response to the request for proposal meeting the selection criteria and qualifications.

BE IT FURTHER RESOLVED, that the total cost for this service will be \$18,000.000 for one year, starting on April 15, 2016 until April 16, 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 C6-00200 in the amount of \$18,000.00 from account number T-21-41-850-16b-802 has been obtained from the Chief Financial Officer.

Adopted

Jones – Cox 10. Authorize Application for \$650,500.00 in Green Acres Funds for Upgrades to 40th Street Park

**STATE OF NEW JERSEY
DEPARTMENT OF ENVIRONMENTAL PROTECTION
GREEN ACRES PROGRAM**

ENABLING RESOLUTION

WHEREAS, the New Jersey Department of Environmental Protections, Green Acres Program (“State”), provides loans and/or grants to municipal and county governments and grants to nonprofit organizations for assistance in the acquisition and development of land for outdoor recreation and conservation purposes; and

WHEREAS, the Township of Irvington desires to further the public interest by obtaining a loan of \$325,250 and/or grant of \$325,250 from the State to fund the following project(s):

GA #0709-14-017

NOW, THEREFORE, the governing body/board resolves that Anthony Vauss or the successor to the office of Mayor, is hereby authorized to:

- (a) Make application for such a loan and/or such a grant,
- (b) Provide additional application information and furnish such documents as may be required,
- (c) Act as the authorized correspondent of the above named applicant; and

WHEREAS, the State shall determine if the application is complete and in conformance with the scope and intent of Green Acres Program, and notify the applicant of the amount of funding award, and

WHEREAS, the applicant is willing to use the State’s funds in accordance with such rules, regulations and applicable statutes, and is willing to enter into an agreement with the State for the above named project:

NOW, THEREFORE, BE IT RESOLVED BY THE Municipal Council of the Township of Irvington, THAT:

1. The Mayor of the above named body or board is hereby authorized to execute and agreement and any amendment thereto with the State known as **40th Street Park Upgrades**;
2. That the applicant has its matching share of the project, if a match is required, in the amount of \$325,250.00;
3. That, in the event the State’s funds are less than the total project cost specified above, the applicant has the balance of funding necessary to complete the project;
4. The application agrees to comply with all applicable federal, state, and local laws, rules, and regulations in its performance of the project; and
5. This resolution shall take effect immediately.

CERTIFICATION

I, Harold Weiner, Township Clerk, do hereby certify that the foregoing is a true copy of resolution adopted by the Municipal Council of the Township of Irvington at a meeting held on the 17th day of May, 2016.

IN WITNESS WHEREOF, I have hereunder set my hand and the official seal of this body this 17th day of May, 2016.

Harold E. Wiener, Municipal Clerk

Adopted

Lyons – Frederic 11. Authorize Application to Local Finance Board – Bond Ordinance for Various Capital Improvements

RESOLUTION OF THE TOWNSHIP OF IRVINGTON, IN THE COUNTY OF ESSEX, NEW JERSEY MAKING APPLICATION TO THE LOCAL FINANCE BOARD PURSUANT N.J.S.A. 40A:3-1 ET SEQ.

WHEREAS, the Township of Irvington, in the County of Essex, New Jersey (the “Township”) desires to make application to the Local Finance Board pursuant to N.J.S.A. 40A:3-1 et seq. in connection with the adoption of a bond ordinance providing for various capital improvements, appropriating \$4,647,600 and authorizing \$4,415,220 bonds or notes.

WHEREAS, the Township believes that:

- (a) it is in the public interest to accomplish such purpose;
- (b) said purpose or improvements are for the health, welfare, convenience or betterment of the inhabitants of the local unit;
- (c) the amounts to be expended for said purpose or improvements are not unreasonable or exorbitant;
- (d) the proposal is an efficient and feasible means of providing services for the needs of the inhabitants of the local unit and will not create an undue financial burden to be placed upon the local unit;

NOW THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF IRVINGTON, IN THE COUNTY OF ESSEX, NEW JERSEY as follows:

Section 1. The application to the Local Finance Board is hereby approved, and the Township’s Bond Counsel, along with other representatives of the Township, are

hereby authorized to prepare such application and to represent the Township in matters pertaining thereto.

Section 2. The Clerk of the Township is hereby directed to prepare and file a copy of the proposed bond ordinance and this resolution with the Local Finance Board as part of such application.

Section 3. The Local Finance Board is hereby respectfully requested to consider such application and to record its findings, recommendations and/or approvals as provided by the applicable New Jersey Statute.

Adopted

10. Communications and Petitions

A. Communications

1. League of Municipalities – Legislative Bulletin Number 2

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

8. Ordinances, Bills & Claims

A. Ordinances on 1st Reading

Cox – Inman 1. Amendments Zoning Ordinance to Amend Zoning Map for Block 285, lot 1; Block 287, lot 22; Block 336 lot 1 to be Included in the B-4 Zone

AN ORDINANCE OF THE TOWNSHIP OF IRVINGTON AUTHORIZING
AMENDMENTS TO THE ZONING MAP FOR BLOCK 285 LOT 1; BLOCK 287 LOT 22;
BLOCK 336 LOT 1 TO BE INCLUDED IN THE B-4 ZONE.

Adopted

Jones – Lyons 2. Amend Redevelopment Plan for Scattered Sites Designated As Areas In Need Of Redevelopment

ORDINANCE OF THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON AMENDING THE REDEVELOPMENT PLAN FOR SCATTERED SITES DESIGNATED AS AREAS IN NEED OF REDEVELOPMENT

Adopted

Cox – Hudley 3. Authorize Amendment to Ordinance MC 3547 Granting Exemptions From Taxes Under the Five Year Exemption and Abatement Law

ORDINANCE OF THE TOWNSHIP OF IRVINGTON, COUNTY OF ESSEX, STATE OF NEW JERSEY AUTHORIZING AN AMENDMENT TO ORDINANCE MC 3547 GRANTING EXEMPTIONS FROM TAXES UNDER THE FIVE YEAR EXEMPTION AND ABATEMENT LAW, N.J.S.A. 40A:21-1 ET SEQ.

Adopted

Abstain: Inman

Jones – Lyons 4. Amend Zoning Ordinance to Prohibit Any New Dollar Stores Within a 1000 Radius of Any Existing Dollar Store

AN ORDINANCE AMENDING THE ZONING ORDINANCE TO RESTRICT THE NUMBER OF DISCOUNT RETAIL STORES

Cox – Frederic 5. Bond Ordinance for Various Capital Improvements - \$4,647,600/\$4,415,220

BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS IN AND BY THE TOWNSHIP OF IRVINGTON, IN THE COUNTY OF ESSEX, NEW JERSEY, APPROPRIATING \$4,647,600 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$4,415,220 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF.

Adopted

Cox – Frederic 6. Bond Ordinance – 40th Street Park Upgrades Project – \$650,000.00/\$325,000.00

BOND ORDINANCE PROVIDING FOR THE 40TH STREET PARK UPGRADES PROJECT IN AND BY THE TOWNSHIP OF IRVINGTON, IN THE COUNTY OF ESSEX, NEW JERSEY, APPROPRIATING \$650,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$325,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF.

Adopted

B. Ordinances on 2nd Reading

1. President Frederic: An ordinance providing for resident permit parking for corner properties adjacent to resident permit parking streets will be heard at this time. The Clerk will read the notice of hearing.

The Clerk read the notice of hearing.

The Clerk will read the ordinance by title.

AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 192 VEHICLES AND TRAFFIC

ARTICLE II. PARKING

§ 192-16.2. Parking restricted for residents; parking permit required

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

A. (Remains the same).

B. (Remains the same).

C. (Remains the same).

D. (Remains the same).

E. (New Section) **Any Owner of a corner property at an intersection of a resident only parking street shall be entitled to receive one parking permit from the Township. The owner must apply for and submit all necessary paperwork and applicable fees in order to receive such parking permit. (ADDED)**

The public hearing on this ordinance is now open

There were no requests to be heard.

Cox –Jones

Motion to close public hearing

Adopted

Cox – Jones

Motion to adopt this ordinance on second reading after public hearing

Adopted

2. President Frederic: An ordinance providing for resident permit parking on Myrtle Avenue from Springfield Avenue to Madison Avenue 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 AMEND AND SUPPLEMENT ORDINANCE MC 3202 PROVIDING FOR RESIDENT PERMIT PARKING ON MYRTLE AVENUE.

BE IT ORDAINED BY THE MUNICIPAL COUNCIL FO THE TOWNSHIP OF IRVINGTON as follows:

SECTION 1. Ordinance MC 3202 providing for resident permit parking on Myrtle Avenue is hereby amended and supplemented as follows:

There shall be no parking on Myrtle Avenue from Springfield Avenue to Madison Avenue by anyone except residents of Myrtle Avenue between the hours of 6:00 P.M. and 6:00 A.M. Residents' vehicles must receive and display a parking permit provided by the Township of Irvington.

SECTION 2. There shall be parking by residents only, at the location set forth in Section 1, between the hours of 9:00 a.m. and 6:00 p.m. All other parking will be limited to two hours. Residents vehicles must receive and display a parking permit provided by the Township of Irvington.

SECTION 4. All ordinances or parts of ordinances inconsistent with the provisions of this ordinance are hereby repealed.

SECTION 5. The effective date of this ordinance shall be twenty (20) days after its final passage by the Municipal Council and approved by the Mayor at the time and in the manner provided by law.

The public hearing on this ordinance is now open

There were no requests to be heard.

Inman - Burgess Motion to close public hearing

Adopted

Inman – Burgess Motion to adopt this ordinance on second reading after public hearing

Adopted

Abstain: Frederic

3. President Frederic: An ordinance repealing ordinance numbers MC 3443 and MC 3519 to provide for state pay to play regulations 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 REPEALING ORDINANCES MC 3443 AND MC 3519,
REGARDING “PAY TO PLAY” REGULATIONS, IN THEIR ENTIRETY.

WHEREAS, Ordinances MC 2443 and MC 35519 established local regulations pertaining to “Pay to Play”; and

WHEREAS, the Township of Irvington is desirous of following the statutory guidelines relative to “Pay to Play:

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

SECTION 1. Ordinance MC 3443 is hereby repealed in its entirety.

SECTION 2. Ordinance MC 3519 is hereby repealed in its entirety.

SECTION 3. All ordinances or parts of Ordinances inconsistent or in conflict with the provisions of this ordinance are hereby repealed.

SECTION 4. This ordinance shall take effect upon final passage and publication according to law.

The public hearing on this ordinance is now open

There were no requests to be heard.

Cox –Jones Motion to close public hearing

Adopted

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

Adopted

9. Resolutions & Motions

A. Resolutions

Cox – Burgess 12. Authorize Execution of Third Amendment to Redevelopment and Purchase and Sale Agreement for the Former Irvington General Hospital Site

RESOLUTION OF THE TOWNSHIP OF IRVINGTON, COUNTY OF ESSEX AUTHORIZING EXECUTION OF THE THIRD AMENDMENT TO THE REDEVELOPMENT AND PURCHASE AND SALE AGREEMENT FOR THE DEVELOPMENT OF THE IRVINGTON GENERAL HOSPITAL SITE

WHEREAS, the Municipal Council of the Township of Irvington (the “**Township Council**”) designated parcels located in the Township’s Urban Enterprise Zone as an area in need of rehabilitation (the “**UEZ Rehabilitation Area**”) by Resolution UEZ 07-0227-5; and

WHEREAS, the *Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq.* (the “**Act**”) authorizes municipalities to adopt a redevelopment plan for an area designated as an “area in need of rehabilitation” pursuant to which redevelopment projects are to be undertaken; and

WHEREAS, in accordance with the provisions of *N.J.S.A. 40A:12A-7* the Township Council adopted a Redevelopment Plan for the UEZ Rehabilitation Area by Ordinance No. 3351 in accordance with the requirements of *N.J.S.A. 40A:12A-7*; and

WHEREAS, to realize the redevelopment of the UEZ Rehabilitation Area, the Township Council determined to exercise the powers of redevelopment and serve as the “Redevelopment Entity” responsible for carrying out redevelopment projects in the UEZ Rehabilitation Area in accordance with the Redevelopment Plan pursuant to *N.J.S.A. 40A: 12A-4(c)*; and

WHEREAS, Kapwood, LLC (the “**Redeveloper**”) submitted a concept for mixed-use redevelopment (the “**Project**”) to the Township of Irvington (the “**Township**”) for its review and consideration for a portion of the UEZ Rehabilitation Area identified as Block 324 Lot 1 on the official tax maps of the Township (the “**Property**”) and commonly referred to as the Irvington General Hospital Site; and

WHEREAS, the Township entered into a Redevelopment and Purchase and Sale Agreement with Redeveloper dated October 12, 2012 (as amended by the First Amendment to Redevelopment and Purchase and Sale Agreement and the Second Amendment to the Redevelopment and Purchase and Sale Agreement, the “**Redevelopment Agreement**”), which Redevelopment Agreement sets forth the rights and responsibilities of the Township and the Redeveloper with respect to the Project and the Property; and

WHEREAS, capitalized terms used but not specifically defined herein shall have the meanings ascribed to them in the Redevelopment Agreement; and

WHEREAS, the Redevelopment Agreement specifies the respective rights and responsibilities of the Township and the Redeveloper with respect to the Project, including but not limited to, timeframes to complete certain due diligence and the submission of site plan and building permit applications; and

WHEREAS, since Effective Date of the Redevelopment Agreement, and in accordance with the terms thereof, the Township Administration and Redeveloper have been working together to refine the proposed Project, with the ultimate objective of increasing its ultimate potential for successful completion and implementation, all in the best interests of the Township and its residents; and

WHEREAS, the Township and the Redeveloper have agreed on certain changes related to the implementation of the Project, and the impact of financing each Phase of the Project; and

WHEREAS, a draft of the proposed “*Third Amendment to Redevelopment and Purchase and Sale Agreement*” (the “**RDA Third Amendment**”), setting forth the proposed modifications to the Redevelopment Agreement, is attached hereto as Exhibit A; and

WHEREAS, the Redeveloper heretofore partnered with Urban Builders Collaborative NJ, LLC (“**UBC**”) to effectuate the development of the Project and in furtherance of the partnership, created Hilltop Partners MM, LLC, a new limited liability corporation pursuant to the *New Jersey Limited Liability Company Act, N.J.S.A. 42:2B-1 et seq.* (“**Hilltop**”), which Hilltop entity is owned 35% by Redeveloper and 65% by UBC; and

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

1. The aforementioned recitals and the Exhibit hereto are incorporated herein as though fully set forth at length.
2. The Township hereby authorizes the execution of the RDA Third Amendment in substantially the form attached hereto as Exhibit A. The Mayor is hereby authorized to execute the RDA Third Amendment in substantially the form attached hereto, with such additions, deletions and modifications as may be necessary in consultation with the Township Attorney and Special Redevelopment Counsel.
3. If any part of this Resolution shall be deemed invalid, such parts shall be severed and the invalidity thereby shall not affect the remaining parts of this Resolution.
4. A copy of this Resolution shall be available for public inspection at the offices of the Township.
5. This Resolution shall take effect upon final passage.

Exhibit A

Draft Amendment

**THIRD AMENDMENT
TO**

REDEVELOPMENT AND PURCHASE AND SALE AGREEMENT

This THIRD AMENDMENT TO REDEVELOPMENT AND PURCHASE AND SALE AGREEMENT (this “**Amendment**”) is entered into as of May ____, 2016 by and between **THE TOWNSHIP OF IRVINGTON**, a public body corporate and politic of the State of New Jersey, in its capacity as redevelopment entity pursuant to N.J.S.A. 40A:12A-4(c) (the “**Township**”), and **HILLTOP PARTNERS MM, LLC**, a New Jersey limited liability company, as a successor in interest to Kapwood, LLC (collectively, the “**Redeveloper**”).

1. **BACKGROUND AND PURPOSE.**

(a) The Municipal Council of the Township (the “**Township Council**”) designated parcels located in the Township’s Urban Enterprise Zone as an area in need of rehabilitation (the “**UEZ Rehabilitation Area**”) by Resolution UEZ 07-0227-5.

(b) The *Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq.* (the “**Act**”) authorizes municipalities to adopt a redevelopment plan for an area designated as an “area in need of rehabilitation” pursuant to which redevelopment projects are to be undertaken.

(c) In accordance with the provisions of *N.J.S.A. 40A:12A-7* the Township Council adopted a Redevelopment Plan for the UEZ Rehabilitation Area by Ordinance No. 3351 in accordance with the requirements of *N.J.S.A. 40A:12A-7*.

(d) To realize the redevelopment of the UEZ Rehabilitation Area, the Township Council determined to exercise the powers of redevelopment and serve as the “Redevelopment Entity” responsible for carrying out redevelopment projects in the UEZ Rehabilitation Area in accordance with the Redevelopment Plan pursuant to *N.J.S.A. 40A: 12A-4(c)*.

(e) The Redeveloper submitted a concept for mixed-use redevelopment to the Township for its review and consideration for a portion of the UEZ Rehabilitation Area identified as Block 324 Lot 1 on the official tax maps of the Township (the “**Property**”) and commonly referred to as the Irvington General Hospital Site.

(f) The Township entered into a Redevelopment and Purchase and Sale Agreement with Redeveloper dated October 12, 2012 (the “**Original RDA**”) setting forth the rights and responsibilities of the Township and the Redeveloper with respect to the Project and the Property.

(g) The Township and Redeveloper entered into a First Amendment to Redevelopment and Purchase and Sale Agreement dated as of May 10, 2013 (the “**1st RDA Amendment**”).

(h) The Township and Redeveloper entered into a Second Amendment to Redevelopment and Purchase and Sale Agreement dated as of May 10, 2013 (the “**2nd RDA Amendment**” together with the Original RDA and the 1st RDA Amendment, the “**Existing RDA**”).

(i) Capitalized terms used and not otherwise defined in this Amendment shall have the meanings given to them in the Existing RDA. The Existing RDA, as amended by this Amendment, will hereinafter be referred to at times as the “**Redevelopment Agreement**”. All references in the Existing RDA to “this Agreement”, “this Redevelopment Agreement” or “the Redevelopment Agreement” shall be deemed references to the Existing RDA, as amended by this Amendment and as may hereafter be further amended from time to time.

(j) The Township and the Redeveloper desire to amend the Existing RDA in accordance with, and for the purposes set forth in, this Amendment.

2. **PHASE 1 DESCRIPTION.** SECTION 2.4 OF THE EXISTING RDA, AS AMENDED BY THE 2ND RDA AMENDMENT, IS HEREBY FURTHER AMENDED TO PROVIDE THAT:

Phase 1, located on Lot 1.04 shall consist of approximately 114 residential units, together with associated parking.

3. **PHASED CERTIFICATED OF COMPLETION.** SECTION 4.6 OF THE EXISTING RDA IS HEREBY DELETED IN ITS ENTIRETY AND SHALL BE REPLACED BY THE FOLLOWING NEW SECTION 4.6:

4.6 Certificate of Occupancy and Certificate of Completion. Upon Completion of Construction for each Phase of the Project and in accordance with the Construction Schedule for such Phase, the Redeveloper shall apply to the appropriate governmental officer or body for a Temporary Certificate of Occupancy or Certificate of Occupancy for such Phase of the Project and as required under Applicable Laws. Following the issuance of all required Certificates of Occupancy a particular Phase of the Project, and the satisfaction of the terms and conditions of this Agreement with respect to such Phase, the Township agrees to issue a Certificate of Completion, in proper form for recording, which shall acknowledge that the Redeveloper has performed all of its duties and obligations under this Redevelopment Agreement and has completed construction of the applicable Phase of the Project in accordance with the requirements of this Redevelopment Agreement. Within thirty (30) Days after receipt of the Notice of Completion from the Redeveloper, the Township shall provide the Redeveloper with the Certificate of Completion or a written statement setting forth in detail the reasons why it believes that the Redeveloper has failed to complete the applicable Phase of the Project for which the Notice of Completion was delivered in accordance with the provisions of this Redevelopment Agreement or is otherwise in Default under this Agreement with respect to such Phase, and what reasonable measures or acts will be necessary in the opinion of the Township in order for the Redeveloper to be entitled to the Certificate of Completion for such Phase. When issued, the Certificate of Completion shall constitute a recordable, conclusive determination of the satisfaction and termination of the agreements and covenants (as limited herein) in this Redevelopment Agreement and the Redevelopment Plan with respect to the obligations of the Redeveloper to construct the applicable Phase of the Project. Unless otherwise required by this Agreement, Governmental Approval or Applicable Laws, upon the issuance of the Certificate of Completion, the provisions of this Agreement shall no longer encumber the Phase of the Project which has received a Certificate of Completion and the respective portion of the Property; provided, however, that any other documents theretofore delivered pursuant to this Agreement that by their terms are intended to survive Completion of Construction (including, without limitation and by of example only, any Deed restrictions, the Declaration of Restrictions, etc.) shall not be affected by delivery of the Certificate of Completion except as otherwise expressly provided therein. If, within thirty (30) Days of its receipt of the Notice of Completion from the Redeveloper, the Township fails to deliver the Certificate of Completion or a written statement setting forth in detail the reasons why it believes that the Redeveloper has failed to complete the Project or Phase thereof in accordance with the provisions of this Redevelopment Agreement, then (a)

Redeveloper shall be deemed to have completed the applicable Phase of the Project in accordance with the provisions of this Agreement and any right of reverter hereunder shall be cancelled without any further action necessary from the Township.

4. **PERMITTED CONSTRUCTION LIENS.** SECTION 7.3 OF THE EXISTING RDA IS HEREBY DELETED IN ITS ENTIRETY AND SHALL BE REPLACED BY THE FOLLOWING NEW SECTION 7.3:

7.3 Consent to Permitted Transfers. The Township hereby consents, without the necessity of further approvals from any entity, to the following Transfers: (a) a Mortgage or related security granted by the Redeveloper or a Project Entity to a Mortgagee for the purpose of obtaining the financing necessary to enable the Redeveloper to perform its obligations under this Redevelopment Agreement, including any Mortgage or Mortgages and other liens and encumbrances granted by the Redeveloper to a Mortgagee for the purpose of financing costs associated with the acquisition, development, construction, or marketing of the Project; provided, however, that: (i) the Redeveloper shall give the Township at least fifteen (15) days prior written notice of such Permitted Transfer, including a description of the nature of such Permitted Transfer, and the name(s) and address(es) of the transferee and any parties, individuals or entities involved in such Permitted Transfer; (ii) the Redeveloper shall simultaneously provide to the Township true and complete copies of all construction schedules and project budgets submitted to such Mortgagee; (iii) the amount of such mortgage, lien or other encumbrance does not exceed the Redevelopers costs associated with the acquisition, development, construction or marketing of the Project as depicted in the Project Budget approved by the Township; and (iv) except with regard to any mortgage related to acquisition or construction costs, that any mortgage, lien or other encumbrance for such costs shall not attach until after that portion of the construction is completed (v) easements necessary for the development of the Project; and (vi) the sale and/or lease of residential units, commercial space, retail space and/or a childcare center consistent with the Concept Plan and (vii) the admission of investors with a non-managing interest to the Project Entity following notice to the Township (each a “Permitted Transfer”).

5. **MORTGAGEE RESPONSIBILITIES.** SECTION 8.2 OF THE EXISTING RDA IS HEREBY DELETED IN ITS ENTIRETY AND SHALL BE REPLACED BY THE FOLLOWING NEW SECTION 8.2:

8.2 Obligations of Mortgagee.

Notwithstanding any of the provision of this Redevelopment Agreement to the contrary, including but not limited to those which are or are intended to be covenants running with the land, the holder of any mortgage authorized by this Redevelopment Agreement or affiliate of such holder utilized in a foreclosure or pre-foreclosure action or a deed in lieu of foreclosure (such holder or affiliate of holder a “Permitted Mortgagee”) who obtains title to the Property or any part thereof as a result of foreclosure proceedings, or action in lieu thereof, but not including (a) any other party who thereafter obtains title to the Property or portion thereof from or through any Permitted Mortgagee or (b) any other purchaser at foreclosure sale, other than the Permitted Mortgagee shall in no way be obligated by the provisions of this Redevelopment Agreement to construct or complete

the Project or to guarantee such construction or completion; provided that nothing in this Article or any other Article or provision of this Redevelopment Agreement shall be deemed or construed to permit or authorize any Permitted Mortgagee to devote the Property or any portion thereof to any uses, or to construct any project thereon, other than those uses provided or permitted under this Agreement, the Redevelopment Plan, Governmental Approvals and Applicable Laws.

6. MORTGAGEE & EQUITY PROVIDER RIGHT TO CURE.

SECTION 8.3 OF THE EXISTING RDA IS HEREBY DELETED IN ITS ENTIRETY AND SHALL BE REPLACED BY THE FOLLOWING NEW SECTION 8.3:

8.3 Notice of Default to Mortgagee and Right to Cure.

Whenever the Township shall deliver any notice or demand to the Redeveloper with respect to any breach or Default by the Redeveloper under this Redevelopment Agreement, the Township shall at the same time deliver to (a) the Permitted Mortgagee and (b) any equity investor used in the syndication of tax credits and owning greater than 50% of the respective Project Entity (the “Equity Provider”), a copy of such notice or demand, provided that the Redeveloper has delivered to the Township a written notice of the name and address of such Permitted Mortgagee and Equity Provider. Township shall provide to such Permitted Mortgagee and Equity Provider an opportunity to cure any such breach or Default and shall not exercise its right to re-enter and reacquire the Property or any improvements thereon or any other rights or remedies of Township under this Redevelopment Agreement if:

(i) In the case of a default that is curable without possession of the Property, the Permitted Mortgagee cured or caused to be cured such default within ninety (90) days after Township’s giving of notice of such default to the Permitted Mortgagee; or

(ii) In the case of a default where possession of the Property is required in order to cure such default, or is a default under the covenants and restrictions of paragraph (c) below, the Permitted Mortgagee shall proceed, within one hundred and twenty (120) days after the Permitted Mortgagee shall have received notice of the default from Township (or such longer period as the Township shall agree to), to institute proceedings relating to an enforcement of the mortgage and/or loan documents held by the Permitted Mortgagee (the “Enforcement Action”), and shall have notified Township that it is instituting such proceedings and shall prosecute such proceedings in good faith and with commercially reasonable diligence to obtain title and possession of the Property and, upon obtaining title to and possession of the Property, shall commence to cure the default within the period hereinafter provided, and prosecute such cure to completion with reasonable diligence. During the period of time that the Permitted Mortgagee is prosecuting any Enforcement Action, the Permitted Mortgagee shall provide to the Township a monthly report as to the status and progress of the Enforcement Action.

It is agreed that if proceedings relating to an Enforcement Action shall be commenced or there shall be a transfer of title to the Property via foreclosure or via a deed in lieu foreclosure (regardless of whether the proceedings relating to a foreclosure shall have been commenced) the time periods for commencement of construction and completion of construction required pursuant to the terms of this Redevelopment Agreement with respect to the applicable phase so acquired shall be as follows:

If the Permitted Mortgagee shall have acquired title to the Property via a foreclosure or a deed in lieu of foreclosure or otherwise, then, regardless of whether any prior owner of the Property shall have previously commenced any construction on the Property, (i) the Permitted Mortgagee shall have a period of nine (9) months after the date of its acquisition of title to the Property to commence the initial construction of the Property, or if construction shall have been previously commenced by a prior owner of such Property, to re-commence construction of such Property, and (ii) the Permitted Mortgagee shall have a period of twenty four (24) months from the date of such commencement or re-commencement of the construction, in which to complete the construction of the applicable Phase of the Project.

It is acknowledged and agreed that each Permitted Mortgagee shall only be permitted to utilize the foregoing provisions with respect to the Phase that such Permitted Mortgagee is financing.

7. **EVENT OF DEFAULT.** SECTION 9.2(D) OF THE EXISTING RDA IS HEREBY AMENDED AND SUPPLEMENTED TO FURTHER PROVIDE THAT:

Notwithstanding anything to the contrary herein, the Parties acknowledge and agree that a Default or Event of Default with respect to any Phase shall not, in and of itself without an independent Default or Event of Default with respect to another Phase of the Project, constitute a Default or Event of Default under any other Phase. Notwithstanding the foregoing however, the parties acknowledge that a single Default or Event of Default can be independently applicable to one or more Phases, in accordance with the terms of this Agreement.

8. **RATIFICATION.** Except as specifically modified by this Amendment, the Redevelopment Agreement remains in full force and effect and is ratified and affirmed by the Township and the Redeveloper. To the extent that there is a conflict between the provisions of this Amendment and the provisions of the Existing RDA, the provisions of this Amendment shall be controlling.

9. **GOVERNING LAW.** This Amendment shall be governed by and construed in accordance with the laws of the State of New Jersey, but without giving effect to any choice of law provisions which might otherwise make the laws of a different jurisdiction govern or apply.

10. **COUNTERPARTS.** This Amendment may be signed in any number of counterparts, with the same effect as if all the signatories had signed the same document, and all of which when taken together shall constitute a single agreement.

Delivery of a signed counterpart by fax or as a .pdf attachment to an email message shall constitute sufficient delivery.

* * * *

IN WITNESS WHEREOF, the undersigned have executed and delivered this Third Amendment to Redevelopment and Purchase and Sale Agreement as of the date first set forth above.

ATTEST:

TOWNSHIP OF IRVINGTON

By: _____
Hon. Tony Vauss, Mayor

WITNESS:

KAPWOOD, LLC

By: _____
Name:
Title:

WITNESS:

HILLTOP PARTNERS MM, LLC

By: _____
Name:
Title:

Adopted
Abstain: Inman

ALCOHOLIC BEVERAGE CONTROL BOARD

MAY 17, 2016

1. Chairman Cox called the meeting to order.

Roll Call: Commissioners Burgess, Frederic, Hudley, Inman, Jones, Lyons, Cox, Chair

2. New Business

Cox – Lyons A. Declare Plenary Retail Consumption Pocket License Previously Issued to Pisces Aquarius Lapsed and Ceased to Exist For Failure to Renew for 2014-2015 Licensing Year

WHEREAS, the following named license holder has not petitioned the Director of the State Division of Alcoholic Beverage Control for authorization to have their license renewed in an inactive state pursuant to N.J.S.A. 33:1-12.39; and

WHEREAS, the following named license holder has not filed an application for renewal of the licenses for the 2014-2015 license term; and

WHEREAS, as a result of the aforesaid circumstances, the State Division of Alcoholic Beverage Control has authorized and directed that the local issuing authority to adopt a resolution indicating that this license has lapsed and ceases to exist for failure of the licensee to file timely renewal applications for the 2014-2015 license term in accordance with N.J.S.A. 33:1-12.13 and N.J.S.A. 33:1-12.18:

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL ACTING AS THE ALCOHOLIC BEVERAGE CONTROL BOARD OF THE TOWNSHIP OF IRVINGTON that the local A.B.C. Board hereby declares that the following license has lapsed and ceased to exist for failure of the licensee to file a timely renewal application for the 2014-2015 license term in accordance with N.J.S.A. 33:1-12.13 and N.J.S.A. 33:1-12.18:

WHEREAS, the following named license holder has not petitioned the Director of the State Division of Alcoholic Beverage Control for authorization to have their license renewed in an inactive state pursuant to N.J.S.A. 33:1-12.39; and

WHEREAS, the following named license holder has not filed an application for renewal of the licenses for the 2014-2015 license term; and

WHEREAS, as a result of the aforesaid circumstances, the State Division of Alcoholic Beverage Control has authorized and directed that the local issuing authority adopt a resolution indicating that this license has lapsed and ceases to exist for failure of the licensee to file timely renewal applications for the 2011-2012 license term in accordance with N.J.S.A. 33:1-12.13 and N.J.S.A. 33:1-12.18:

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL ACTING AS THE ALCOHOLIC BEVERAGE CONTROL BOARD OF THE TOWNSHIP OF IRVINGTON that the local A.B.C. Board hereby declares that the following license has lapsed and ceased to exist for failure of the licensee to file a timely renewal application for the 2014-2015 license term in accordance with N.J.S.A. 33:1-12.13 and N.J.S.A. 33:1-12.18:

0709-33-060-001

Pisces Aquarius, Inc.
Licensee: Kevin Singleton
c/o Ronald Thompson, Esq.

Pocket License

Adopted

Cox – Lyons B. Authorize Renewal of ABC Distribution License for JRC Liquors, 728 Springfield Avenue

WHEREAS, the following named corporation, being an applicant for a Plenary Retail Distribution License for the year 2015-2016, to sell alcoholic beverages under the provisions of N.J.S.A. Title 33 having been investigated as required by said Law, and the Alcoholic Beverage Control Board being satisfied that said applicant in all things has met the requirements of the law and is a suitable and proper corporation to whom a Plenary Retail Distribution License for the sale of alcoholic beverages should be issued:

NOW THEREFORE BE IT RESOLVED BY THE MUNICIPAL COUNCIL ACTING AS THE ALCOHOLIC BEVERAGE CONTROL BOARD OF THE TOWNSHIP OF IRVINGTON that a permanent Plenary Retail Distribution License be issued to the following named corporation for the sale of alcoholic beverages in original containers for Distribution off the licensed premises for the year 2015-2016 at the address set opposite their respective name, viz:

0709-44-046-009	JRC Liquors, Inc	728 Springfield Avenue
	t/a JRC Liquors	

BE IT FURTHER RESOLVED that the said licenses be issued in the name of and under the seal of the Township of Irvington and be signed by a representative of the License Bureau, in order to fulfill the provisions of the Irvington Township Code, known as Ordinance MC 2622, which license, after being so signed, shall be released by the License Bureau to the licensee.

Adopted

3. Adjournment

12. Miscellaneous

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

Twanna Rudolph, 55 Stockman Place

Council Members Lyons, Jones, Cox, Inman and President Frederic responded to the above referenced citizen.

13. Adjournment

There being no further business, the meeting was adjourned at 8:43 P.M.

Charnette Frederic, Council President

Harold E. Wiener, Municipal Clerk