

REGULAR COUNCIL MEETING
MARCH 15, 2017

[RE-SCHEDULED FROM MARCH 14, 2017 DUE TO INCLEMENT WEATHER]

Council Chamber, Municipal Building
Irvington, N.J. – Wednesday Evening
March 15, 2017 - 8:00 P.M.

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

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

Absent: None

President Lyons 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 – February 28, 2017

7. Reports of Committees

A. Requests for Proposals Results – Dental Insurance Brokerage Services - March 1, 2017

B. Bid Results – Towing and Impounding of Motor Vehicles – March 1, 2017

8. Ordinances, Bills & Claims

C. Bills & Claims

Jones – Frederic 1. Bill Lists

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RESOLVED THAT THE BILLS AND CLAIMS AGAINST THE TOWNSHIP OF IRVINGTON FOR A PERIOD MARCH 14, 2017, 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	\$1,102,780.21
TOTAL	\$1,102,780.21

Adopted

2. Payrolls

NOTE: No payrolls were submitted to the Municipal Council by the Administration.

9. Resolutions & Motions

A. Resolutions

Jones – Frederic 1. Authorize Use of Public Buildings as Polling Places for the 2017 Election Cycle

BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON, NEW JERSEY that the following public buildings are hereby authorized for election purposes for the Local School Board, Primary and General Elections during the year 2017:

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

Adopted

Jones – Frederic 2. Approve Chamber of Commerce 2017 Sidewalk Sale Dates

WHEREAS, the Springfield Avenue Center Business Improvement District proposes its annual Summer 2017 Sidewalk Sale and Activities to commence and include:

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Thursday, Friday, Saturday	May 4, 5, and 6	Rain date: Saturday May 7
Thursday, Friday, Saturday	June 1, 2, and 3	Rain date: Saturday June 10
Thursday, Friday, Saturday	July 6, 7, and 8	Rain date: Saturday July 15
Thursday, Friday, Saturday	August 3, 4, and 5	Rain date: Saturday August 12
Thursday, Friday, Saturday	September 7, 8, and 9	Rain date: Saturday September 16

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 2017 Sidewalk Sale and Activity are hereby approved as set forth herein:

Thursday, Friday, Saturday	May 4, 5, and 6	Rain date: Saturday May 7
Thursday, Friday, Saturday	June 1, 2, and 3	Rain date: Saturday June 10
Thursday, Friday, Saturday	July 6, 7, and 8	Rain date: Saturday July 15
Thursday, Friday, Saturday	August 3, 4, and 5	Rain date: Saturday August 12
Thursday, Friday, Saturday	September 7, 8, and 9	Rain date: Saturday September 16

Adopted

Jones – Cox 3. Authorize Purchase of E-Ticketing System by State Contract from Gold Type Business Machines for 2017 Calendar Year – Not To Exceed \$187,198.40

**RESOLUTION AUTHORIZING A CONTRACT WITH STATE CONTRACT
VENDOR GOLD TYPE BUSINESS MACHINES FOR E-TICKETING FOR THE
POLICE DEPARTMENT**

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 Police Department wishes to renew the e-ticketing program with Gold Type Business Machines of PO Box 305, East Rutherford, NJ 07073; and

WHEREAS, in compliance with NJSA 19:44A-20.13 ET Seq., this contract will exceed the Pay to Play threshold of \$17,500.00; and

WHEREAS, under New Jersey state contract number 81342, the total cost for this service for calendar year 2017 will not exceed \$187,198.40; and

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NOW, THEREFORE, BE IT RESOLVED, that the Municipal Council of the Township of Irvington hereby authorizes the Qualified Purchasing Agent to enter into a contract with Gold Type Business Machines of PO Box 305, East Rutherford, NJ 07073 for calendar year 2017 for an amount not to exceed \$187,198.40 under the New Jersey State Contract number 81342; and

BE IT FURTHER RESOLVED, that the required certification of availability of funds C7-00187 for the first quarter payment of \$46,799.30 has been obtained from the Chief Financial Officer, charged to account number 7-01-25-240-240-118 and the remaining balance of \$140,399.10 will be certified when the 2017 budget is approved by the Municipal Council; and

BE IT FURTHER RESOLVED, that the Township Attorney is hereby authorized and directed to prepare the necessary contract and the Mayor and the Township Clerk are authorized and directed to sign the same.

Adopted

Frederic – Lyons 4. Authorize Contract With Florio, Perrucci, Steinhardt & Fader for Labor Counsel Services in an Amount Not To Exceed \$50,000.00 from March 15, 2017 until March 14, 2018

**RESOLUTION AUTHORIZING FAIR AND OPEN PROFESSIONAL SERVICE
CONTRACT FOR LABOR COUNSEL**

WHEREAS, the Request for Proposals for professional Labor counsel services was publicly advertised in the New Jersey Star Ledger on January 25, 2017 with a deadline for proposals to be submitted on February 01, 2017; and

WHEREAS, three qualifications were received and publicly opened; and

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

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

Florio, Perrucci, Steinhardt & Fader
218 Rt. 17N, Suite 410
Rochelle Park, NJ 07662

NOW THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that a contract for Labor Attorney be awarded to Florio, Perrucci, Steinhardt & Fader, 218 RT. 17N, Suite 410, Rochelle Park, NJ 07662, on the basis of their response to the request for proposal selection criteria and qualifications, for an amount not to exceed \$50,000.00. The provider will be paid \$115.00 per hour for attorneys, \$75.00 per hour for paralegals for one year March 15, 2017 until March 14, 2018; and

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

BE IT RESOLVED that the required Certification of Availability of Funds, certification number C7-00193 for the first month of services was obtained from the Chief Financial Officer and the appropriation to be charged for this expenditure is 7-01-20-155-155-299 in the amount of \$4,166.66 and the remaining balance of \$45,833.34 will be certified on the adoption of the Calendar 2017 budget.

Adopted

Frederic – Hudley 5. Authorize Contract Through the Essex County Co-Op of the New Jersey Cooperative Purchasing Program With Waste Management Over the Bid Threshold of 40,000.00 For Disposal of Type 13 Solid Waste For An Amount Not To Exceed \$325,000.00

AUTHORIZING PURCHASES UNDER THE ESSEX COUNTY CO-OP OF NEW JERSEY COOPERATIVE PURCHASING PROGRAM OVER THE BID THRESHOLD OF \$40,000.00

WHEREAS, the Township of Irvington, pursuant to N.J.S.A. 40A: 11-12(a) and N.J.A.C. 5:34-7.29(c) may by resolution and without advertising for bids, purchase any goods or services under the Essex County Cooperative Purchasing Program on behalf of their members; and,

WHEREAS, Essex County Co-op has awarded solid waste transfer fee for type 13 solid waste to Waste Management; and,

WHEREAS, Waste Management- Julia Street Transfer Station located at 864 Julia Street will exceed the bid threshold of \$40,000.00 for calendar year 2017; and

WHEREAS, based on the estimated tonnage, the total amount that will be paid to this vendor is an amount not to exceed \$325,000.00 for the year; and

WHEREAS, the Township of Irvington intends to enter into this contract with Waste Management over the bid threshold of 40,000.00 through this resolution and properly executed purchase orders for disposal of type 13 solid waste for an amount not to exceed \$325,000.00.

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of Irvington authorizes the purchasing agent to pay this vendor over the bid threshold of \$40,000.00 pursuant to all the conditions of Essex County Co-op contract; and

BE IT FURTHER RESOLVED, that the total payments to this vendor for calendar year 2017 shall not exceed \$325,000.00

BE IT FURTHER RESOLVED that the duration of this authorization shall be until December 31, 2017

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BE IT FURTHER RESOLVED a separate resolution will be submitted to the Municipal Council for all addition vendors exceeding the bid threshold of \$40,000.00.

Adopted

Frederic – Hudley 6. Authorize Shared Services Agreement Between The Township of Irvington and the Irvington Public Library For Security Guard Services For Two Years - May 01, 2017 to May 01, 2019

**A SHARED SERVICES AGREEMENT BETWEEN THE TOWNSHIP OF
IRVINGTON AND THE IRVINGTON PUBLIC LIBRARY FOR THE PROVISION OF
SECURITY GUARD SERVICES**

WHEREAS, the Township of Irvington, has been in discussions to share services with the Irvington Public Library so as to mutually and respectively reduce the cost of providing such services between the Township and Irvington Public Library; and

WHEREAS, the Irvington Public Library is in need of unarmed Community Service Officers to provide security and protection of residents when the Library is open; and

WHEREAS; the Irvington Police Department has unarmed Community Service Officers that would be able to provide this service to the Irvington Public Library; and

WHEREAS, the Irvington Municipal Council finds that it is the public interest to enter into a shared service agreement, pursuant to the provisions of NJSA 40A:65-1 et seq., the Uniformed Shared Services and Consolidation Act, to enter such an agreement for security services to be provided by the Township; and

NOW THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that a shared-service agreement between the Township and Irvington Public Library is hereby authorized for security services for two years from May 01, 2017 to May 01, 2019; and.

BE IT RESOLVED that the Township Attorney is hereby authorized and directed to review and approve this shared-service agreement and the Mayor and Township Clerk are authorized and directed to sign the same; and

BE IT RESOLVED that the Township of Irvington will invoice the Library on a monthly basis for this contract and the Library shall remit payment to the Township on a monthly basis.

Adopted

Jones – Cox 7. Provide for \$2,250.00 Quarterly Payments to the Irvington Counseling Center to Provide A Variety Of Mental Health Services To Irvington Residents

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RESOLUTION APPROVING ANNUAL PAYMENT TO THE IRVINGTON
COUNSELING CENTER**

WHEREAS, Irvington Counseling Center, a New Jersey Non-Profit Corporation with its office located at 21-29 Wagner Place, Irvington, NJ 07111 provides a variety of mental health services to Irvington residents; and

WHEREAS, the Township provides a subsidy payment to the organization in its annual budget to promote the health, safety, morals and general welfare of the community; and

WHEREAS, the Township provides this organization with a quarterly subsidy payment of \$2,250.00; and

NOW THEREFORE BE, IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON, that the Township of Irvington will remit quarterly payments in the amounts of \$2,250.00 to the Irvington Counseling Center, a New Jersey Non-Profit Corporation located at 21-29 Wagner place, Irvington, NJ 07111 for counseling services for calendar year 2017.

BE IT FURTHER RESOLVED, the appropriation to be charged for this expenditure is Account Number 7-01-27-330-111-299.

Adopted

Hudley – Cox 8. Authorize Purchase of Proprietary Document Management Software for Police Department - Power DMS, INC - \$6,470.00.

**RESOLUTION TO PURCHASE PROPRIETARY SOFTWARE TECHNOLOGY FOR
THE PUBLIC SAFETY DEPARTMENT**

WHEREAS, the Public Safety Department is required to use a document management program to distribute administration polices, general orders, memos and other vital documents to all members; and

WHEREAS, the technology and maintenance are proprietary software for Power DMS Incorporated; and

WHEREAS, the total cost of this software will exceed the quote threshold; and

WHEREAS, under New Jersey Local Public Contract (NJSA 40A:11-5dd), the Township may award a contract for proprietary software in lieu of bidding; and

WHEREAS, the Township would like to take advantage of provisions of NJSA 40:11-5 (dd) and award a service contract to Power DMS, INC for the total sum of \$10,271.00

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON hereby authorizes a service contract to for Power DMS

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Incorporated, 101 South Garland Ave, Suite 300, Orlando, FL 32801 under provisions of NJSA 40:11-5dd to purchase proprietary software for the total sum of \$10,271.00; 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 that the required availability of funds in the amount of \$6,470.00 has been obtained from the Chief Financial Officer, charged to budget account number 7-01-25-240-240-262 and the remaining balance of \$3,801.00 will be obtained from the Chief Financial Officer upon the adoption of the 2017 budget.

Adopted

Jones – Frederic 9. Authorize Purchase of Printed Materials Over the \$17,500.00 Pay to Play Threshold – Stuyvesant Press

AUTHORIZING PURCHASE OVER THE PAY TO PLAY THRESHOLD OF \$17,500.00

WHEREAS, the Township of Irvington intends to enter into contracts with vendors over the pay-to-play threshold of \$17,500.00 through this resolution and properly executed purchase orders as needed, which shall be subject to all the conditions applicable law of N.J.A.C. 5:34- et seq; and,

WHEREAS, in compliance with 19:44a-20.13 et., seq., Stuyvesant Press Inc will exceed the Pay-to-Play threshold of \$17,500.00 for calendar year 2017; and,

WHEREAS, Stuyvesant Press Inc of 119 Coit Street, Irvington, NJ 07111 will exceed the Pay-to-Play threshold; and

WHEREAS, Stuyvesant Press has completed 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 RESOLVED, that the Municipal Council of the Township of Irvington hereby authorizes the Qualified Purchasing Agent to pay the above vendor in excess of pay to play threshold \$17,500.00 but under the bid threshold of \$40,000.00; and

BE IT 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 \$17,500.00, and a certification of availability of funds is made by the Chief Financial Officer via an authorized purchase order; and

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BE IT FURTHER RESOLVED that the duration of this authorization shall be until December 31, 2017

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 – Lyons 10. Authorize Settlement Various Tax Appeals – March 7, 2017

RESOLUTION OF THE MAYOR AND TOWNSHIP COUNCIL OF THE TOWNSHIP OF IRVINGTON IN THE COUNTY OF ESSEX AUTHORIZING SETTLEMENT OF TAX APPEALS ON THE ATTACHED LIST DATED MARCH 7, 2017 WHICH WERE TAKEN FROM ASSESSMENTS OF PROPERTIES LOCATED WITHIN THE TOWNSHIP OF IRVINGTON, ESSEX COUNTY, NEW JERSEY

WHEREAS, appeals of the real property tax assessments on the attached list dated March 7, 2017, have been challenged by the respective taxpayers; and

WHEREAS, each Block and Lot listed therein was assessed at the amount stated therein for the noted tax year(s); and

WHEREAS, the proposed Stipulations of Settlement, copies of which are incorporated herein as if set forth at length, have been reviewed and recommended by the Township Tax Assessor and Township Tax Expert; and

WHEREAS, the settlement of these matters on the attached list are in the best interest of the Township of Irvington.

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

1. The Township's Tax Appeal Attorney, Matthew J. O'Donnell, Esq. is authorized to execute Stipulations of Settlement on behalf of the Township of Irvington with respect to the tax appeals on the attached list which are currently pending in the Tax Court of New Jersey for the tax year(s) listed therein and at the assessments stated therein.
2. All municipal officials are hereby authorized to take whatever action may be necessary to implement the terms of this Resolution and authorizes the Special Tax Counsel to enter into the Stipulation of Settlement as provided by Taxpayer.

Adopted

Frederic – Jones 11. Commendation – Reverend Rodger J. Harris 9th Pastoral Anniversary - Mt. Hermon Baptist Church

RESOLUTION OF COMMEMORATION
REVEREND RODGER J. HARRIS
9TH PASTORAL ANNIVERSARY

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MT. HERMON BAPTIST CHURCH**

WHEREAS, the Irvington Municipal Council wishes to acknowledge and commend Reverend Rodger J. Harris on his 9th Pastoral Anniversary at Mt. Hermon Baptist Church, Irvington NJ; and

WHEREAS, Reverend Rodger J. Harris is the fifth pastor of Mt. Hermon Baptist Church. Pastor Harris assignment began 10 years ago at the request of then pastor the Rev. Dr. Jeremiah Ford. Rev. Harris began his assignment assisting Dr. Ford with various task which included preaching and working with youth ministry. In August 2007 Rev. Harris was called as the fifth pastor upon the retirement of Pastor Ford in October 2007; and

WHEREAS, Rev. Harris was officially installed as Pastor on March 1, 2008 and since becoming Senior Pastor of Mt. Hermon Baptist Church the emphasis was to maintain the level of pastoral excellence that Dr. Ford had laid and “to live love everyday”; and

WHEREAS, Pastor Harris has a vision of empowering the church so that it would meet spiritual and physical needs the congregation and the community of Irvington. Pastor Harris has introduced new outreach ministries that includes partnership with local social service agencies such as Interfaith Hospitality Network that assists families who are temporarily homeless and in need of shelter. Hour of Power midweek Bible study and prayer was established that also provides a bag lunch; and the “Mountain Dew” early morning prayer line conference call. Vacation Bible School was started that ministers to local youth and a Children’s Sunday school class is available which is taught by First Lady Michelle; and

WHEREAS, Pastor Harris is lifelong resident of Newark, NJ. He was educated in East Orange, NJ and graduate of former Clifford J. Scott High School. He received his BSW in Social Work from Kean University. He attended the New York Theological Seminary and received a Master’s Degree in Theological Studies. Pastor Harris has completed the Nehemiah Leadership conclave, a four year training for young pastors in American Baptist Churches; was a Black Theology Leadership Institute Fellow at Princeton Theological Seminary, July 2015. He is currently pursuing doctoral studies at New Brunswick Theological Seminary; and

WHEREAS, Pastor Harris’ entire career has been focused on the homeless, youth and the mentally ill. He has worked at several institutions and is currently a Social Worker at the Essex County Juvenile Detention Center:

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that it hereby congratulates Reverend Rodger J. Harris and joins his congregation in celebration of his dedication in serving as Reverend of Mt. Hermon Baptist Church.

BE IT FURTHER RESOLVED that a copy of this resolution be spread upon the minutes of the Municipal Council in lasting tribute to Reverend Rodger J. Harris for his devotion to the Church and to God.

Adopted

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Cox – Frederic 12. Confirm Mayor's Nomination of Alexander S. Bandras as Member of the Irvington Library Board of Trustees

WHEREAS, N.J.S.A. 40:54-9 requires that nominations by the Mayor to the Library Board of Trustees be confirmed by the Municipal Council; and

WHEREAS, vacancies currently exist in the Irvington Library Board of Trustees due to the expiration of the term of Robert Ross:

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that the following nomination by the Mayor to the Irvington Library Board of Trustees is hereby confirmed:

NAME AND ADDRESS

TERM TO EXPIRE

Alexander Bandras
1280 Clinton Avenue, Apt. # 5C

12-31-21

Adopted

Jones – Frederic 13. Authorize Use of the National Intergovernmental Purchasing Alliance Cooperative Contract For the Purchase of Playground Equipment From BCI Burke Company – Not To Exceed \$59,233.66

**RESOLUTION AUTHORIZING PARTICIPATION IN THE NATIONAL IPA
COOPERATIVE CONTRACT R5199 WITH BCI BURKE COMPANY, LLC FOR
PLAY GROUND EQUIPMENT FOR THE RECREATION DEPARTMENT**

WHEREAS, P.L. 2011, c. 139 was enacted into law permitting agencies to use national purchasing cooperatives; and

WHEREAS, the Intergovernmental Purchasing Alliance has contracted with BCI Burke Company, LLC for playground equipment; and

WHEREAS, Intergovernmental Purchasing Alliance advertised for bids for playground equipment in USA Today Newspaper on Thursday May 17, 2012; and

WHEREAS, eight sealed bids were opened by the Intergovernmental Purchasing Alliance for playground equipment on June 14, 2012; and

WHEREAS, on June 25, 2012, the Intergovernmental Purchasing Alliance awarded a Contract to BCI Burke Company, LLC for Playground equipment; and

WHEREAS, it is the desire of the Township of Irvington to participate in the National Cooperative Contract with BCI Burke Company LLC for Playground equipment only in order to effect substantial economies in the purchase of materials, supplies and services.

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WHEREAS, in compliance with NJSA 19:44A-20.13 ET Seq., BCI Burke Company has completed the Township of Irvington C-271 Forms and the same are on file in the Purchasing Department and Municipal Clerk; and

NOW, THEREFORE, BE IT RESOLVED, THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON as follows: That this Board hereby authorizes and approves the use of the National IAP Cooperative Contract for the purchase of playground equipment only from BCI Burke Company, LLC of 660 Van Dyne Road, Fond Du LAC, WI, 54937 for an amount not to exceed \$59,233.66; and

BE IT FURTHER RESOLVED, that the Township Clerk shall advertised this resolution in the Township official newspapers; 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 that the required availability of funds in the amount of \$59,233.66 has been obtained from the Chief Financial Officer, charged to budget account number C-04-56-849-016-916.

Adopted

Frederic – Jones 14. Authorize Change Order For Contract With P.S.E.&G. to Provide Energy Efficient Project for Various Township Buildings – Increase Amount by \$11,240.00 To Cover Additional Lighting Replacements

CHANGE ORDER ONE FOR THE ENERGY EFFICIENCY PROJECT WITH PSEG

WHEREAS, the Township of Irvington awarded a contract to PSEG to improve the energy efficiency in various Township's buildings on December 13, 2016 as per Resolution number DPW 16-1213-38; and

WHEREAS, during the course of the project, it was determined that additional lighting was needed in various locations which increase the total cost of the project by \$11,240.00;and

WHEREAS, a summary of these changes is as follows:

Grove Street Fire House-additional lighting replacements - increased by \$1,231.13
16th Ave Garage - additional lighting replacements-increased by \$6,214.74
406 Coit Street- additional lighting replacement-increased by \$3,057.92
113 Montgomery - additional lighting replacement -increased by \$735.26

NOW, THEREFORE, BE IT RESOLVED BY MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that change order one in the amount of \$11,240.00 for the project known as Improving Energy Efficiency in various Township's buildings is hereby amended to include the additional lighting replacement; and

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BE IT FURTHER RESOLVED, the Township Attorney will review and approve the change order contracts for this project; and

BE IT FURTHER RESOLVED, that the Mayor and Municipal Clerk is hereby authorized and directed to sign the amended contract.

Adopted

Frederic – Jones 15. Amend Resolution Designating Toro Redevelopers, LLC as Redeveloper of 81 Berkshire Place, Block 228, Lot 3 to Provide for Designation as Redeveloper of 178 Union Avenue, Block 264, Lot 9

**RESOLUTION OF THE TOWNSHIP OF IRVINGTON, IN THE COUNTY OF ESSEX
AUTHORIZING AN AMENDMENT TO THE DESIGNATION OF TORO
REDEVELOPERS, LLC AS REDEVELOPER OF CERTAIN PROPERTIES
LOCATED WITHIN THE TOWNSHIP OF IRVINGTON**

WHEREAS, pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. (the "LRHL"), the Mayor and Municipal Council of the Township of Irvington (the "Township Council"), by resolution dated November 9, 2016 designated as an "area in need of rehabilitation" the entire area of the Township of Irvington, in the County of Essex (collectively, the "Property") and including without limitation, real property within the Township known as;

WHEREAS, on November 10, 2016 the Township of Irvington Municipal Council designated Toro Redevelopers, LLC as redeveloper of 81 Berkshire Place by Resolution No. UEZ16-1110-22

WHEREAS, Toro Redevelopers, LLC is seeking to be designated as redeveloper of 178 Union Avenue.

(the "Properties") as an area in need of rehabilitation pursuant to the LRHL (the "Rehabilitation Area"); and

WHEREAS, pursuant to N.J.S.A. 40A:12A-4(a)(3) and N.J.S.A. 40A:12A-7 the Township Council is empowered to adopt a redevelopment plan pursuant to which redevelopment projects are to be undertaken or carried out within an "area in need of redevelopment," and

WHEREAS, pursuant to that authority the Township Council caused a redevelopment plan for the Property to be prepared, entitled the *Redevelopment Plan Township-Wide Area in need of Rehabilitation* (the "Redevelopment Plan"); and

WHEREAS, the Township Council duly adopted a redevelopment plan governing the Rehabilitation Area, including, but not limited to, the Property above; and;

WHEREAS, the Township Council has determined to exercise the powers of redevelopment and serve as the "Redevelopment Entity" responsible for carrying out the

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redevelopment projects in the Rehabilitation Area in accordance with the Redevelopment Plan and pursuant to N.J.S.A. 40A: 12A-4(c); and

WHEREAS, Toro Redevelopers, LLC whose address is 90 40th Street, Irvington, New Jersey, 07111 (the “Redeveloper”) submitted to the Township a Redeveloper’s Application outlining the concept for the rehabilitation of the Property into mixed use commercial and residential units (the “Project”) for review and consideration as to that portion of the Rehabilitation Area identified as the Property; and

WHEREAS, the Redeveloper submitted information in its Redeveloper’s Application outlining its financial capabilities, experience, expertise and project concept descriptions for the Project and requested designation by the Township as the redeveloper for the Project; and

WHEREAS, the Township evaluated the Redeveloper’s proposal according to criteria which included project concept descriptions and made the determination that the redevelopment of the Property thereof is in accordance with applicable provisions of the Redevelopment Plan will contribute to the rehabilitation of the Township in accordance with the legislative intent, goals and objectives of LRHL; and;

WHEREAS, the Township owns municipal tax liens attached to the Property and intends to initiate In Rem Foreclosure proceedings to acquire title to the Property and will subsequently transfer title to the Redeveloper pursuant to the attached Escrow Agreement affixed as Exhibit A.

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

1 Generally. The aforementioned recitals are incorporated herein as though fully set forth at length.

2 Designation of the Developer. Toro Redevelopers, LLC is hereby designated as redeveloper, pursuant to N.J.S.A. 40A:12A-1 et seq., of the Project, subject to transfer of title of the Properties to the Redeveloper and the subsequent execution of a Redevelopment Agreement once transfer has taken place.

3 Execution of the Escrow Agreement to cover the Township’s cost of Foreclosing on the Property.

4 Effective Date. This resolution shall take effect immediately.

Exhibit A - Escrow Agreement

**TOWNSHIP OF IRVINGTON
AMENDED FORECLOSURE ESCROW AGREEMENT**

THIS AMENDED ESCROW AGREEMENT ("Escrow Agreement") is made as of the ____ day of _____, 2017 by and between Toro Redevelopers, LLC., by

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and through its agent, Samuel Cherilus (the "Proposed Redeveloper"), with an address at 90 40th Street, Irvington, New Jersey, 07111 and THE TOWNSHIP OF IRVINGTON, a body corporate and politic of the State of New Jersey, (the "Township"), with an address at Irvington Township Municipal Building, 1 Civic Square, Irvington, New Jersey 07111.

WITNESSETH:

WHEREAS, the Proposed Redeveloper and the Township, in its capacity as redevelopment entity, intend to negotiate and enter into a Redevelopment Agreement (the "Agreement"), with the Proposed Redeveloper, Toro Redevelopers, LLC., to provide for (i) the redevelopment of a portion of certain real property within that area that has been designated by the Township Council as an area in need of [redevelopment/rehabilitation] pursuant to the *Local Redevelopment and Housing Law, N.J.S.A. 40A: 12A-1 et seq.* (the "LRHL"), comprising the following two (2) properties: 81 Berkshire Place, Block 228 Lot 3 and 178 Union Avenue, Block 264 Lot 9 on the Official Tax Maps of the Township (the "Project Area");

WHEREAS, the Township intends to initiate foreclosure proceedings on the above referenced properties and upon acquisition of title, enter into an agreement transferring title of said properties for a price to be determined pursuant to the terms of the Township's "Escrow Foreclosure Property Sale Policy" that was in effect as of the date of the signing of this agreement"; and,

WHEREAS, to facilitate foreclosure of the herein referenced properties, and as a precondition thereto, the Proposed Redeveloper has deposited with the Township the initial amount of FIVE THOUSAND DOLLARS and 00/100 (\$5,000.00) DOLLARS (the "Escrow Deposit"), to be deposited in an escrow account and disbursed in accordance with the provisions of this Escrow Agreement to defray certain costs incurred for one (1) uncontested in rem foreclosure actions at FIVE THOUSAND DOLLARS and 00/100 (\$5,000.00) DOLLARS for each action initiated by or on behalf of the Township arising out of or in connection with initiating and completing said action on the above referenced properties.

NOW THEREFORE, in consideration of the foregoing, and for other good and valuable consideration, and intending to be legally bound hereby, the parties hereto agree as follows:

1. Escrow Deposit. The initial Escrow Deposit is separate from and in addition to all other application fees and escrow deposits that may be required by the Township pursuant to the terms of the Agreement and/or the redevelopment application and implementation process, including any applications for land use approvals that may be needed to implement the eventual Redevelopment Plan. Additions to the Escrow Deposit may subsequently become necessary to cover all reimbursable expenses incurred by the Township pursuant to the terms of this Escrow Agreement.
2. Scope of Reimbursable Services. (a) The Township shall be entitled to be reimbursed for all litigation expenses, administrative and professional charges incurred with the in rem foreclosure proceeding and transfer of the property to the Proposed Redeveloper this can include, but will not be limited to, selection and designation of

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the Proposed Redeveloper as Redeveloper, the negotiation and preparation of this Agreement; the preparation and review of all related documents and materials, including but not limited to correspondence, meetings and all communications (including by telephone and e-mail) with the Proposed Redeveloper, its professionals, Township staff or retained professional(s) in the negotiation and preparation of such Agreement and related documents or materials (collectively, the "Reimbursable Activities"). Reimbursement may include charges incurred in connection with Reimbursable Activities prior to the date of this Escrow Agreement, and is not contingent upon the outcome of the underlying foreclosure action.

(b) Properly reimbursable professional charges shall be reasonable and necessary and shall relate to Reimbursable Activities performed by Township staff, outside consultants and professionals.

(c) In addition to professional and consultant fees and expenses, properly reimbursable charges shall include a charge for each special meeting of a municipal council committee held at the request of or with the consent of the Proposed Redeveloper, at an additional cost of up to \$1,000.00.

3. Deposit and Administration of Escrow Funds. The Escrow Deposit and all additions thereto shall be held by the Township in a banking institution or savings and loan association in the State of New Jersey insured by an agency of the federal government, or in any other fund or depository approved for such deposits by the State of New Jersey, in a segregated, non-interest bearing account referenced to this Escrow Agreement.
4. Payments from the Escrow Funds. (a) The Township shall use such funds to pay for the cost associated with preparing, filing, serving and litigation a foreclosure complaint and all administrative and professional costs associated or incurred there to.

(b) Administrative and Professional charges paid out of the escrow account shall include administrative professional charges in connection with the Reimbursable Activities. The Proposed Redeveloper shall not be charged for any costs and expenses not associated with the Reimbursable Activities. The only costs that shall be added shall be actual out-of-pocket expenses associated with the in rem litigation proceeding as well as the cost of Township staff and outside professionals or consultants, including normal and typical expenses incurred in connection with such Reimbursable Activities.

(c) Each payment for outside professional services charged to the escrow account shall be pursuant to a voucher from the professional, identifying the personnel performing the Reimbursable Activities, each date the services were performed, the hours spent in not greater than one-quarter (1/4) hour increments, the hourly rate, and specifying properly reimbursable expenses. All professionals shall submit the required vouchers or statements to the Township on a periodic basis in accordance with the schedule and procedures established by the Township. If so requested by the Proposed Redeveloper the professional shall simultaneously send an

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informational copy of each voucher or statement submitted to the Township to the Proposed Redeveloper; *provided*, that each such informational voucher or statement may be redacted if and as necessary to prevent disclosure of privileged or otherwise confidential matters.

5. Accounting and Additional Deposits. Upon the execution of an Agreement, termination of negotiations, or as reasonably requested by the Proposed Redeveloper, the Township shall prepare and send to the Proposed Redeveloper a statement which shall include an accounting of funds listing all deposits, disbursements and the cumulative balance of the escrow account. If at any time the underlying in rem foreclosure action(s) is contested the Township will immediately notify the Proposed Redeveloper to facilitate the Proposed Redeveloper add additional funds up to FIVE THOUSAND and 00/100 (\$5,000.00) DOLLARS per action to cover the cost increase anticipated from the contested action. The Proposed Redeveloper shall deposit to the escrow account said additional funds within ten (10) business days of the Township's notice, failing which the Township may unilaterally cease work without liability to the Proposed Redeveloper.
6. Contested Foreclosure. In the case of a contested foreclosure, the Proposed Redeveloper has the right to terminate this agreement. The Township may choose to continue with the foreclosure proceeding and, if so, will attempt to recover costs incurred if the lien is redeemed or the matter is settled. Notwithstanding, if the Proposed Redeveloper exercises his/her/its rights with respect to this section, this Agreement is null and void except the return of Redeveloper's un-expensed escrow funds.
7. Close Out Procedures. Upon termination of the Agreement pursuant to section 6 above, the Proposed Redeveloper shall send written notice by certified mail to the Township of Irvington, Department of Economic Development and Grants Oversight, 1 Civic Square, Room 102, Irvington, New Jersey 0711, requesting that the remaining balance of the Escrow Deposit be refunded or otherwise applied as agreed to pursuant to the terms of the executed Agreement. After receipt of such notice, the professional(s) shall render a final bill to the Township within thirty (30) days, and if so requested shall send an informational copy simultaneously to the Proposed Redeveloper. Within thirty (30) days of receipt of the final bill the Township shall pay all outstanding bills and render a written final accounting to the Proposed Redeveloper detailing the uses to which the escrow funds were put. The Proposed Redeveloper will not be responsible for any additional charges once the final accounting has been rendered by the Township in accordance with this section. If an Agreement is executed and the Proposed Redeveloper so requests, the Township agrees to apply any balance remaining in the Escrow Deposit towards the funding of any escrow deposits that may be required to be posted pursuant to the terms of the executed Agreement.
7. Completion of Foreclosure. Upon completion of the foreclosure proceeding by the granting of a Final Judgment of Foreclosure by a Court of Competent Jurisdiction, the Township will immediately notify the Proposed Redeveloper. At such time, the Proposed Redeveloper and the Township will meet to complete a Redevelopment

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Agreement and any applicable plans, which will include the transfer or title of the above referenced properties to the Proposed Redeveloper, as outlined in this Agreement. The transfer of the property will be subject to the terms the Redevelopment Agreement and said Agreement will include a reversion of the subject property if same is not developed by the timelines set therein.

8. Disputed Charges. (a) The Proposed Redeveloper may dispute the propriety or reasonableness of professional charges paid out of the Escrow Deposit by written notice to the Township. A copy of such notice shall be sent simultaneously to the professional(s) whose charges or estimated costs are the subject of the dispute. Such written notice of a disputed charge shall be given within fifteen (15) days from the Proposed Redeveloper's receipt of the informational copy of the professional's voucher, except that if the professional has not supplied the Proposed Redeveloper with an informational copy of the voucher, then the Proposed Redeveloper shall send notice within thirty (30) days from receipt of the first statement of activity against the escrow account containing the disputed charge. Failure to dispute a charge in writing within the prescribed time shall constitute the Proposed Redeveloper's acceptance of the charge and a waiver by the Proposed Redeveloper of all objections to the charge and to payment thereof out of the escrow account.

(b) During the pendency of a dispute the Township may continue to pay undisputed charges out of the escrow account. If a dispute over a charge is resolved in the Proposed Redeveloper's favor after having been paid, the Township shall reimburse the escrow account in the amount determined to be properly disputed.

8. Governing Law. This Escrow Agreement shall be governed, construed and enforced according to the laws of the State of New Jersey, without regard to its conflicts of laws principles. Any action hereunder shall be brought exclusively in a court of the State of New Jersey or in a United States Court having jurisdiction in the District of New Jersey, in either case sitting in Essex County, New Jersey, and the Proposed Redeveloper hereby waives all objections to such venue.

9. Successors and Assigns. This Escrow Agreement is not assignable or valid if transferred to any successor(s) of interest or heirs.

10. Entire Agreement; No Modification Unless in Writing. This Escrow Agreement contains the entire agreement of the parties relative to the subject matter hereof. Any amendment hereto or modification or variation hereof shall be ineffective unless in writing signed by each of the parties hereto.

11. Effective Date. This Escrow Agreement shall not become effective unless and until the initial Escrow Deposit is made.

The balance of this page intentionally left blank; signatures appear on next page.

IN WITNESS WHEREOF, the parties have executed this Agreement the date and year first above written.

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Witness or Attest:

TOWNSHIP OF IRVINGTON

By _____
Genia C. Philip, Esq., Director
Department of Economic
Development and Grants Oversight

Witness or Attest:

Toro Redevelopers, LLC.

By: _____
Samuel Cherilus, Sole Member

A. Communications

1. Board of Adjustment Secretary - Vacancies on the Zoning Board of Adjustment

11. Pending Business

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

B. Establish Parking for Senior Bus Only At 1073 to 1081 Springfield Avenue [REQUIRES COUNTY APPROVAL]

12. Miscellaneous

A. Bingos and Raffles

None

NON-CONSENT AGENDA ITEMS

8. Ordinances, Bills & Claims

A. Ordinances on 1st Reading

Frederic – Inman 1. Authorize Acceptance of a Quit Claim Deed for 36 Orange Avenue

AN ORDINANCE ACCEPTING A QUIT CLAIM DEED FOR 36 ORANGE AVENUE
IN THE TOWNSHIP OF IRVINGTON FROM NEAL RASMUSSEN

Adopted

Frederic – Inman 2. Authorize Acceptance of a Quit Claim Deed for 30 – 22nd Street

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(RE-SCHEDULED FROM MARCH 14, 2017 DUE TO INCLEMENT WEATHER)
AN ORDINANCE ACCEPTING A QUIT CLAIM DEED FOR 30 22ND STREET IN
THE TOWNSHIP OF IRVINGTON FROM NEWARK-NORTH JERSEY
COMMITTEE OF BLACK CHURCHMEN, INC**

Adopted

B. Ordinances on 2nd Reading

1. President Lyons: A \$2,065,000.00 Refunding Bond Ordinance for Tax Appeal Settlements will be heard at this time.

REFUNDING BOND ORDINANCE PROVIDING FOR PAYMENT OF AMOUNTS OWING TO OTHERS FOR TAXES LEVIED IN AND BY THE TOWNSHIP OF IRVINGTON, IN THE COUNTY OF ESSEX, NEW JERSEY, APPROPRIATING \$2,065,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$2,065,000 REFUNDING BONDS OR NOTES OF THE TOWNSHIP FOR FINANCING THE COST THEREOF.

President Lyons: I move the public hearing on this ordinance be adjourned to the regular Council Meeting scheduled for April 11, 2017, motion seconded by Council Member Frederic.

Adopted

President Lyons: I move to adjourn final adoption of this ordinance until the regular Council Meeting scheduled for April 26, 2017, motion seconded by Council Member Frederic.

Adopted

12. Miscellaneous

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

There were no requests to be heard.

13. Adjournment

ALCOHOLIC BEVERAGE CONTROL BOARD

MARCH 15, 2017

1. Chairman Cox calls the Meeting to Order

Roll Call

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

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Absent: None

2. New Business

Cox – Frederic A. Renewal of ABC Consumption License for 2016- 2017 Licensing Year – Point Tavern, Inc., t/a Point Tavern, 712 Grove Street

WHEREAS, the following named corporation, being an applicant for a Plenary Retail Consumption License for the year 2016-2017, 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 Consumption 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 Consumption Licenses be issued to the following named corporation for the sale of alcoholic beverages in original containers for consumption off the licensed premises for the year 2016-2017 at the address set opposite their respective name, viz:

0709-33-030-003 Point Tavern, Inc.
t/a Point Tavern

712 Grove Street

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

There being no further business, the meeting was adjourned at 8:06 P.M.

David Lyons, Council President

Harold E. Wiener, Municipal Clerk