

REGULAR COUNCIL MEETING
APRIL 26, 2017

Council Chamber, Municipal Building
Irvington, N.J. – Wednesday Evening
April 26, 2017 - 8:00 P.M.

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

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

Absent: October Hudley (excused),

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 – April 11, 2017
2. Calendar Year 2015 Annual Audit Report
3. Joint Meeting Minutes – February 16, 2017

7. Reports of Committees

- A. Bid Results - Installation of New Park Shelter at Grove Street Park - April 6, 2017
- B. Request for Proposals Results - Consulting Services for IDIS and Community Development Programs - April 6, 2017
- C. Request for Proposals Results - Reverse Energy Auction – April 6, 2017
- D. Bid Results - Marketing of Recyclables - March 29, 2017
- E. Bid Results - Resurfacing of Madison Avenue From Stuyvesant Avenue to Washington Avenue – April 13, 2017
- F. Bid Results – Emergency Generators – April 13, 2017
- G. Bid Results – Upgrades to 40th Street Playground – April 13, 2017

8. Ordinances, Bills & Claims

C. Bills & Claims

Jones – Burgess 1. Bill Lists

RESOLVED THAT THE BILLS AND CLAIMS AGAINST THE TOWNSHIP OF IRVINGTON FOR A PERIOD APRIL 26, 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	\$1,406,828.77
TOTAL	\$1,406,828.77

Adopted
Absent: Hudley

9. Resolutions & Motions

A. Resolutions

Burgess – Cox 1. Authorize Settlements of Tax Appeals Dated April 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 APRIL 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 April 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
Absent: Hudley

Jones – Frederic 2. Establish Handicapped Parking Spaces in Front of 65 Rutgers Street, 74 Fuller Place, 36 Wilson Place, 20 Feiner Place and 99 Rosehill Place

WHEREAS, N.J.S.A. 39:4-197.5 provides that the 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 provision 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 restricted parking spaces in front of 65 Rutgers Street, 74 Fuller Place, 36 Wilson Place, 20 Feiner Place and 99 Rosehill 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. 36:4-206, be established in front of 65 Rutgers Street, 74 Fuller Place, 36 Wilson Place, 20 Feiner Place and 99 Rosehill Place; and

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

Adopted
Absent: Hudley

Burgess – Frederic 3. Request Permission from Division of Local Government Services for Dedication by Rider for Community Garden Donations

A RESOLUTION REQUESTING PERMISSION FOR THE DEDICATION BY RIDER FOR GARDEN DONATIONS

WHEREAS, permission is required of the Director of the Division of Local Government Services for approval as a dedication by rider of revenues received by a county or municipality when the revenue is not subject to reasonably accurate estimates in advance; and

WHEREAS, (NJS 40A:5-29) provides for receipt of acceptance of bequests and gifts for the operating costs of administer the Community Garden in various locations around the Township; and

WHEREAS, N.J.S.A.40A:4-39 provides that the Director of the Division of Local Government Services may approve expenditures or moneys by dedication by rider; and

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

1. The Municipal Council does hereby request permission of the Director or the Division of Local Government Services to pay expenditures under the provisions of N.J.S.A.40A:5-29, as amended by NJS 40A:5-29 for the exclusive purpose of depositing and expending funds paid by individuals to offset the costs of operating of the Community Garden Program.

2. The Municipal Clerk is hereby directed to forward two certified copies of this Resolution to the Director of the Division of Local Government Services.

Adopted
Absent: Hudley

Frederic – Cox 4. Award Contract for Reverse Energy Audit Based Upon requests for Proposals - Transparent Energy - April 17, 2017 - April 16, 2018 - Vendor to be Paid Directly From the Energy Companies

AWARDING A CONTRACT FOR REVERSE ENERGY AUCTION SERVICE

WHEREAS, sealed proposals were received on April 06, 2017 for reverse energy auction service in response to public advertisement in the New Jersey Star Ledger on March 21, 2017; and

WHEREAS, one proposal was received and opened by the Township Clerk and Purchasing Agent; and

WHEREAS, said qualifications were referred to the Township Green Team Committee; and

WHEREAS, the qualifications satisfied the proposal requirements; and

WHEREAS, it is recommended that the award be made to Transparent Energy, 695 Route 46 W, Suite 408, Fairfield, NJ 07004 on the basis of their responsible response to the request for proposal that meets the criteria and qualifications.

NOW THEREFORE BE, IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that a contract for Reverse Energy Auction service of the Township of Irvington be awarded to Transparent Energy 695 Route 46 W, Suite 408, Fairfield, NJ 07004 for one year starting on April 17, 2017 - April 16, 2018.

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.

BE IT FURTHER RESOLVED, the vendor will be paid directly from the Energy companies and the vendor will disclose total compensation received to the Township. The Township will not be responsible for paying any fees to the vendor.

Adopted
Absent: Hudley

Burgess – Cox 5. Reject Bids – Marketing of Recyclable Materials – Failure to Submit the Proper Bid Guarantee

REJECTING INVITATION FOR BIDS FOR MARKETING OF RECYCLABLE PRODUCTS

WHEREAS, on March 29, 2017, the Township of Irvington accepted and opened bids for Marketing of Recyclable products; and

WHEREAS, the Township received one bid for this service; and

WHEREAS, the Purchasing Agent and the Township Attorney reviewed the Proposal Guarantee and it was determined that the check submitted was not certified; and

WHEREAS, failure to submit a proposal guarantee is deemed a fatal defect and the bid is determined to be non responsive; and

WHEREAS, Public Director concurred with the Purchasing Agent and Township Attorney; and

WHEREAS, the Local Public Contract Law, 40A:11-21 requires the Township to reject all bids; and

NOW THEREFORE BE IT RESOLVED by the Council of Township of Irvington, in the County of Essex, that all bids received for the Marketing of Recyclable products is hereby rejected in accordance with the Local Public Contracts Law 40A:11-21; and

BE IT FURTHER RESOLVED the Municipal Clerk is hereby authorized to return all bid bonds for this bid; and

BE IT FURTHER RESOLVED that the Qualified Purchasing Agent is hereby authorized and directed to re-advertise for bid in accordance with the Local Public Contract Law.

Adopted
Absent: Hudley

Inman – Jones 6. Award Bid – Park Shelter at Grove Street Park - Corby Associates
Based Upon the Lowest Responsive, Responsible Bid of \$22,680.00

**RESOLUTION AWARDING A CONTRACT FOR THE INSTALLATION OF
NEW PARK SHELTER AT GROVE STREET PARK**

WHEREAS, sealed bids were received on April 06, 2017 for the installation of new park shelter at Grove Street Park in response to published advertisement for bids in the New Jersey Star Ledger on March 21, 2017; and

WHEREAS, two bids were received and opened by the Municipal Clerk and the Purchasing Agent; and

WHEREAS, bids received were reviewed according to the New Jersey Local Public Contract law and referred to the Recreation Director and the Township Engineer for review and recommendation; and

WHEREAS, the Recreation Director and the Township Engineer has recommended that the award should be made to Corby Associates, Inc., PO Box 496, 590 Grand Avenue, Ridgefield, NJ 07657, on the basis of their lowest responsible, responsive bid of \$22,680.00; and

BE IT FURTHER RESOLVED, the Municipal Clerk is hereby authorized the return the bid bonds to the unsuccessfully bidders; 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; and

BE IT FURTHER RESOLVED, that the required certification of availability of funds C7-00216 in the amount of \$22,680.00 from account number C-04-56-849-016-616 has been obtained from the Chief Financial Officer.

Adopted
Absent: Hudley

Cox – Burgess 7. Award Bid for Emergency Generators at the Public Safety Complex and the Chris Gatling Recreation Center Based Upon Lowest Responsive, Responsible Bid - Manor II Electric, Inc. - \$149,362.00

**RESOLUTION TO AWARD A CONTRACT FOR THE INSTALLATION OF
EMERGENCY GENERATORS AT THE PUBLIC SAFETY COMPLEX**

AND THE GATLING CENTER

WHEREAS, the Township of Irvington received a grant from the Federal Emergency Management Administration (FEMA) in the amount of \$ 255,500.00 of the installation of Emergency Generators at the past Public Safety Complex as well as the Gatling Center; and

WHEREAS, the Township engaged, in resolution DPW 16-01712-22, the professional services of CME Associates to prepare plans the plans and specifications to be publicly bid for this project; and

WHEREAS, bid for this project were publicly advertised and six bids for this project were received and publicly read on April 13, 2017; and,

WHEREAS, these bids were reviewed and it was determined that the bid of Manor II Electric of Holmdel of \$ 149,362.00 was the lowest responsible bid for this project and it is recommended that a contract for this work be awarded to that firm; and

NOW, THEREFORE, BE IT RESOLVED BY MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that a construction contract for the Installation of Emergency Generators at the Public Safety Complex and the Gatling Center be awarded to Manor II Electric of Holmdel, NJ at their bid price of \$ 149,362.00.

BE IT FURTHER RESOLVED that pursuant to N.J.A.C. 5:34-5.2, the required Certificate of Availability of Funds No. C7-00219 for the above has been obtained from the Chief Financial Officer of the Township of Irvington and the appropriation to be charged for this expenditure is in the amount of \$149,362.00 is Account No. G-02-XX-805-16A-299.

Adopted
Absent: Hudley

Cox – Hudley 8. Resolution of Sorrow - Pastor Emeritus John B. Alston

**RESOLUTION OF SORROW
PASTOR EMERITUS JOHN B. ALSTON**

WHEREAS, the Irvington Municipal Council wishes to express their deep sorrow on the passing of Pastor Emeritus John B. Alston on April 12, 2017, who leaves a legacy that will be remembered by many; and

WHEREAS, on April 24, 1928 in the small town of Ridgeway, North Carolina, God blessed John Mike and Ella Alston with the birth of their son John B. Alston; and

WHEREAS, accepting Jesus Christ as his personal Savior, John Alston united with the Oak Grove Christian Church in 1943, under the Pastoral Leadership of the Rev. Jim Mike Hargrove. Blessed by God with a remarkable voice, Elder Alston used his musical gift to uplift God's name in song. In 1943, Elder Alston along with his brother Henry, and cousins Raymond and June Jives, formed the St. Andrews Jubilee Singers. This gospel

group became a well- known local favorite. They later became the Gospel Brothers with the addition of Roy Williams; and

WHEREAS, shortly thereafter in 1946, John Alston joined the United States Army. His favorite tour of duty in the military was his assignment to Japan. Upon being honorably discharged from the military, John Alston returned to Henderson, N.C. and continued to sing with the Gospel Brothers. In 1952, he married Geraldine Boyd and to this union he was blessed with his first son Gerald Alston. He later returned to school to complete his education and to study the carpentry trade; and

WHEREAS, Elder Alston received his calling to the ministry on April 24, 1956. Being obedient to God's calling, Elder Alston made a vow to God, promising him that he would preach his unadulterated Gospel. On the third Sunday in May 1957, under the Pastoral leadership of the Rev. Jim Mike Hargrove, Pastor Alston preached his initial sermon "The Prodigal Son". In the same year of 1957, Pastor Alston relocated to New Jersey and united with the St. John Baptist Church in New York City. He later transferred his membership to the Salem Baptist church, under the leadership of the Rev. Johnson; and

WHEREAS, in 1962, he married Geneva D. London, and was blessed with five sons, David, Edward, Michael, Vincent, and the late Danny Ray; and

WHEREAS, in July of 1980, Elder Alston began worshipping with the Mt. Zion Primitive Baptist Church. After the resignation of Pastor Thomas, the Mt. Zion Primitive Baptist Church members inquired upon Elder Alston to bring forth The Word of God. In October 1982, at the church's monthly conference meeting, Elder Alston was elected to an Internship as Pastor of the Mt. Zion Primitive Baptist; and

WHEREAS, Pastor Alston served as Pastor of Mt. Zion Primitive Baptist faithfully for 37 years. Under his Pastoral ship two Elders and one Deacon have been ordained. Many people have been baptized and have accepted Christ through his ministry; and

WHEREAS, in addition to the Pastor's spiritual accomplishments, many organizations have been added to the church. In 1996, God blessed the church through Elder Hagins, an associated Elder of the church to form the Mt. Zion Primitive Baptist Church Help Center. This organization has been a blessing to the church and the community by providing counseling, referrals, financial support, food pantry, homeless prevention center, computer lab and afterschool tutoring; and

NOW, THEREFORE BE IT RESOLVED by the Township of Irvington that the Township of Irvington hereby mourns the loss of Pastor Emeritus John B. Alston and offers its sincerest condolences to his family, friends and congregation during this period of bereavement; 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 Pastor Emeritus John B. Alston.

Adopted

Absent: Hudley

Cox- Burgess 9. Award Bid – Upgrades to 40th Street Park - Base Bid A - Zenith Construction Services - \$375,000.00; Base Bid B – V & K Construction - \$233,000.00; Alternate Bid – Shauger Group - \$23,480.00

RESOLUTION TO AWARD A CONTRACT FOR THE 40TH STREET PARK UPGRADES

WHEREAS, the Township of Irvington received a matching grant from the New Jersey Department of Environmental Protection Green Acres program the amount of \$ 650,500,500.00 for Upgrades at 40th Street Park ; and

WHEREAS, the Township engaged, in resolution DPW 16-01614-17, the professional services of James R. Guerra, Architects, to prepare plans to be publicly bid for this project; and

WHEREAS, bid for this project were publicly advertised and four bids for this project were received and publicly read on April 13, 2017; and,

WHEREAS, these bids were reviewed and it was determined that contract for this project should be awarded as follows:

Base Bid A- Zenith Construction Services, Orange, NJ, \$ 375,000.00
Base Bid B – V & K Construction, Inc., Edison, NJ, \$ 233,000.00
Alternate Bid – Shauger Group, \$ 23,480.00

For a total contract award of \$ 633,000.00 and it is recommended that contracts for this work be awarded to the above firms.

NOW, THEREFORE, BE IT RESOLVED BY MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that construction contracts the 40th Street Park Upgrades be awarded as follows:

Base Bid A- Zenith Construction Services, \$ 375,000.00
Base Bid B – V & K Construction, \$ 233,000.00
Alternate Bid - Zenith Construction Services, \$ 23,480.00

For a total contract award of \$ 631,480.00.

BE IT FURTHER RESOLVED that pursuant to N.J.A.C. 5:34-5.2, the required Certificate of Availability of Funds No C7-00222, C7-00223 and C7-00225 for the above has been obtained from the Chief Financial Officer of the Township of Irvington and the appropriation to be charged for this expenditure is in the amount of \$633,000.00 is Account No. C-04-56-848-016-901 and 7-01-28-370-370-299.

Adopted
Absent: Hudley

Burgess – Jones 10. Authorize Contract Amendment for Leaf Removal – Increase Contract Amount by \$45,000.00 to Cover Additional Tonnage Amount

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

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

WHEREAS, resolution number DPW 16-0421-11 amended the original to increase the not to exceed amount to \$40,000.00 on April 12, 2016 ; and

WHEREAS, resolution number DPW 16-0913-25 amended this contract to an amount not to exceed \$70,000.00 on September 13, 2016; and

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

WHEREAS, it was determined that additional \$45,000.00 is needed for leaves, brush and mixed vegetative waste removal; and

THEREFORE, BE IT RESOLVED, that the contract for leaves, brush and mixed vegetative waste is hereby amended to an amount not to exceed \$115,000.00 to RER Supply LLC of 20 Cotluss Road, Suite 10, Riverdale, NJ 07457; and,

BE IT RESOLVED, that the Mayor be and is hereby authorized to execute amended contract for this service with RER Supply LLC of 20 Cotluss road, Suite 10, Riverdale, NJ 07457, increasing the total contract amount to \$115,000.00; and,

BE IT RESOLVED, that this increase is greater than twenty percent of the original contract and this resolution must be forward to the Division of Local Government Service; and,

BE IT RESOLVED, that Certification of Funds number C7-00215 has been obtained from the Chief Financial Officers for the total sum of \$45,000.00 charged to account number 7-01-32-465-465-180.

Adopted
Absent: Hudley

Cox – Lyons 11. Authorize Assignment of Tax Sale Certificate – 86 Chestnut Avenue

WHEREAS, N.J.S.A. 54:5-112 and 54:5-113, provide the Mayor and Council with the authority to sell real estate tax liens held by the municipality at a private sale for sums not less than the amount of municipal liens charged against same, and,

WHEREAS, the Tax Collector has notified the owner of record as appearing on the most recent Tax Duplicate at least five days prior to the affirmation of this resolution and a public notice of the pending sale was posted in three (3) public places within the Township of Irvington, and advertised once in the Irvington Herald.

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that the Mayor and Council hereby assign municipal held liens recorded as:

Block/Lot	Owner Property Address	Cert No.	Sale Date	Amount of Sale	Amount As of March 30, 2017
191 - 3	Andrews, Alex & Murchison, Shukriyyah 86 Chestnut Avenue	14-00782	12.22.2014	\$4,704.38	\$ 23,767.92

together with subsequent liens thereon, at private sale to:

Joel Blackman
107 Chestnut Avenue
Irvington, NJ 07111

Adopted
Absent: Hudley

Burgess – Cox 12. Authorize Not To Exceed \$10,500,00.00 Tax Anticipation Notes

**RESOLUTION AUTHORIZING THE ISSUANCE OF NOT EXCEEDING
\$10,500,000 TAX ANTICIPATION NOTES OF CY 2017
OF THE TOWNSHIP OF IRVINGTON, IN THE COUNTY OF ESSEX, NEW
JERSEY.**

BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF IRVINGTON, IN THE COUNTY OF ESSEX, NEW JERSEY (not less than the majority of the full membership of the governing body) AS FOLLOWS:

Section 1. In anticipation of the collection of taxes during the current fiscal year, we are hereby authorized to be issued tax anticipation notes of the Township, each to be known as "Tax Anticipation Note of CY-2017," in amounts not exceeding \$10,500,000.00. The proceeds of such notes shall be applied only to purposes provided for in the budget or for which taxes are levied for the current year.

Section 2. The following certificate has been prepared by the Director of Revenue and Finance and is filed in the office of the Township Clerk:

CERTIFICATE WITH RESPECT TO TAX ANTICIPATION NOTES

I, Faheem J. Ra'Oof, Director of Revenue and Finance of the Township of Irvington, in the County of Essex, New Jersey HEREBY CERTIFY as follows:

1. The gross borrowing power in respect to tax anticipation notes for the calendar fiscal year of 2017, being 30 percent of the tax levy for all purposes of the calendar fiscal year of 2016, plus 30 percent of the amount of miscellaneous revenues realized in cash during the calendar fiscal year of 2016, is \$30,479,961.30.

2. The amount of notes outstanding in anticipation of the collection of taxes of the calendar fiscal year of 2016, except such notes as will be renewed by or paid from the proceeds of the notes to be issued, is \$ -0-.

3. The net borrowing power, being the excess of the first over the second of the two above amounts, is \$30,479,961.30.

4. This certificate is made with respect to \$10,500,000.00 Tax Anticipation Notes of CY-2017 about to be authorized by the Township Council of the Township of Irvington.

IN WITNESS WHEREOF, I have hereunto set my hand this 25th day of April, 2017.

Faheem J. Ra'Oof, Director of Revenue and Finance

Section 3. The following matters in connection with the notes are hereby determined:

(a) All notes issued hereunder shall mature at such times as may be determined by the Director of Revenue and Finance, provided that no note shall mature later than 120 days following the end of the calendar fiscal year.

(b) All notes issued hereunder shall bear interest at such rate or rates as may be determined by the Director of Revenue and Finance.

(c) All notes shall be in the form prescribed by the Local Budget Law and otherwise as determined by the Director of Revenue and Finance and such officer's signature upon the notes shall be conclusive as to such determination;

(d) Notes issued hereunder may be renewed from time to time, provided, however, that no renewal note shall be issued later than the last day of the fiscal year.

(e) All notes shall be executed by the Mayor and the Director of Revenue and Finance and attested by the Township Clerk.

Section 4. The Director of Revenue and Finance is authorized and directed to determine all matters in connection with the notes not determined by this or by a subsequent resolution and such officer's signature upon the notes shall be conclusive as to such determination.

Section 5. The Director of Revenue and Finance is hereby authorized to sell the notes from time to time at public or private sale in such amounts as such officer may determine at not less than par and to deliver them from time to time to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof and payment therefore.

Section 6. Any instrument issued pursuant to this resolution shall be a general obligation of the Township, and the full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and the interest on the obligations.

Section 7. The Director of Revenue and Finance is authorized and is directed to report in writing to the Township Council at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this resolution is made, such report to include the amount, the description, the interest rate and the maturity of the notes sold, the price obtained and the name of the purchaser.

Section 8. The Director of Revenue and Finance, in connection with other professionals of the Township acting under his direction, is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document for the Township, as it may be so updated from time to time, to be distributed in connection with the sale of obligations of the Township. The Director of Revenue and Finance is hereby authorized to execute such disclosure document on behalf of the Township.

Section 9. (a) Solely for purposes of complying with Rule 15c2-12 of the Securities and Exchange Commission (the "Rule"), and provided that an issue of notes authorized by this resolution is not exempt from the Rule and provided that an issue of notes is not exempt from the following requirements in accordance with paragraph (d) of the Rule, for so long as an issue of notes of the Issuer remains outstanding (other than an issue of notes which has been wholly defeased), the Township shall provide in a timely manner to each nationally recognized municipal securities information repository ("National Repositories") or to the Municipal Securities Rulemaking Board, and to the appropriate State information depository, if any, ("State Depository," and together with the National Repositories, the "Repositories") notice of the following events with respect to an issue of notes, if material (herein "Material Events"):

- (1) Principal and interest payment delinquencies;
- (2) Non-payment related defaults;
- (3) Unscheduled draws on debt service reserves reflecting financial difficulties;
- (4) Unscheduled draws on credit enhancements reflecting financial difficulties;
- (5) Substitution of credit or liquidity providers, or their failure to perform;
- (6) Adverse tax opinions or events affecting the tax-exempt status of the security;
- (7) Modifications to rights of security holders;
- (8) Bond calls;
- (9) Defeasances;

(10) Release, substitution, or sale of property securing repayment of the securities; and

(11) Rating changes.

(b) The covenants and undertakings contained in this Section are made for the benefit of the holders or beneficial owners of the notes issued under this resolution.

(c) The Director of Revenue and Finance shall determine, in consultation with Bond Counsel, the application of the Rule or the exemption from the Rule for each issue of notes prior to their offering. Such officer is hereby authorized to enter into written contracts or undertaking to implement this resolution and is further authorized to amend such contracts or undertakings as needed to comply with the Rule or upon the advice of Bond Counsel.

(d) In the event that the Township fails to comply with this resolution or the written contract or undertaking, the Township shall not be liable for monetary damages, remedy of the holders or beneficial owners of the notes being hereby specifically limited to specific performance of the covenants contained in this resolution or the written contract or undertaking.

Section 10. This resolution shall take effect immediately.

CERTIFICATE

I, Harold E. Wiener, Clerk of the Township of Irvington, in the County of Essex, State of New Jersey, HEREBY CERTIFY that the foregoing annexed extract from the minutes of a meeting of the governing body of the Township duly called and held on April 26, 2017 has been compared by me with the original minutes as officially recorded in my office in the Minute Book of the governing body and is a true, complete and correct copy thereof and of the whole of the original minutes so far as they relate to the subject matters referred to in the extract.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the Township this 26th day of April, 2017.

Harold E. Wiener, Clerk

(SEAL)

Adopted
Absent: Hudley

Burgess – Cox 13. Authorize Amendment to Community Development Fifth Year Action Plan for 2014-2015

A RESOLUTION TO AMEND THE FISCAL YEAR 2014-2015 FIFTH ANNUAL ACTION PLAN AND THE FISCAL YEAR 2015-2016 FIRST ANNUAL ACTION PLAN OF THE TOWNSHIP OF IRVINGTON PURSUANT TO THE REQUIREMENTS OF FEDERAL REGULATION 24 CFR PART 91 AND PART 92.

WHEREAS, Title I of the Housing and Community Development Act of 1974 as amended provides for a program of Community Development Block Grants AND title II of the Cranston-Gonzalez National Affordable Housing Act, as amended provides for a program of HOME Investment Partnerships; and,

WHEREAS, the Township of Irvington is an entitlement and formula city as defined under said Acts, and is entitled to financial assistance; and,

WHEREAS, pursuant to the entitlement, the Municipal Council through the adoption of Resolution No. OCDP 14-0424-2 on April 24, 2014 authorized the Mayor to accept financial assistance by adopting the Fiscal Year 2014-2015 Fifth Annual Action Plan of the Township of Irvington's Consolidate Plan 2010-2014 and pursuant to the requirements of federal regulation 24 CFR Part 91 and Part 92 and awarding ; and,

WHEREAS, pursuant to the entitlement, the Municipal Council through the adoption of Resolution No. OCDP 15-0609-4 on June 9, 2015 authorized the Mayor to accept financial assistance by adopting the Fiscal Year 2015-2016 First Action Plan of the Township of Irvington's Consolidate Plan 2015-2019 and pursuant to the requirements of federal regulation 24 CFR Part 91 and Part 92; and,

WHEREAS, the Municipal Council through the adoption of Resolution No. OCDP 14-0424-2 on April 24, 2014 adopted a budget including the fifteen percent (15%) required CDBG Administration allotment in the amount of \$178,910.00 with an eventual award of \$186,257.20; and,

WHEREAS, as of the time of the adoption of this resolution, there is remaining \$143,852.19 in CDBG Administration funds and the Mayor and his Administration would like to amend the 2014-2015 action plan to re-allocate those funds to be allocated and expensed during the current 2016-2017 program year as follows: Public Works Street Improvements in the amount of \$100,000.00 and Public Facilities in the amount of \$43,852.19; and,

WHEREAS, the Municipal Council through the adoption of Resolution No. OCDP 15-0609-4 on June 9, 2015 adopted a budget including the fifteen percent (15%) required CDBG Administration allotment in the amount of \$183,592. and,

WHEREAS, as of the time of the adoption of this resolution, there is remaining \$179,438.78 in CDBG Administration funds and the Mayor would like to amend the 2014-2015 action plan to allocate those funds to be allocated during the current 2016-2017 program year Public Works Street Improvements in the amount of \$100,000.00 and Public Facilities in the amount of \$79,438.78; and,

WHEREAS, the Township of Irvington, pursuant to the requirements of federal regulation 24 CFR Part 91 and Part 92 advertised in the local newspaper on the Township's website the proposed amendment to given citizens an opportunity to express opinions at a public meeting and hearing regarding the amended proposed budget of the Township's Annual Action Plans for the 2014-2015 Program Year and the 2015-2016 Program Year; and

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON AS FOLLOWS:

1. That the Mayor and his Administration is authorized to Amend Resolution No. OCDP 14-0424-2 adopted on April 24, 2014 adopting the Fiscal Year 2014-2015 Fifth Annual Action Plan to re-allocate \$143,852.19 in CDBG Administration funds to the 2016-2017 Program Second Annual Action Plan for Public Works Street Improvements and Public Facilities.
2. That the Mayor and his Administration is authorized to Amend Resolution No. OCDP 15-0609-4 adopted on June 9, 2015 and which authorized the Mayor to accept financial assistance by adopting the Fiscal Year 2015-2016 First Action Plan in CDBG Administration funds to the 2016-2017 Program Second Annual Action Plan for Public Works Street Improvements and Public Facilities.
3. All conditions and terms identified in the original Township of Irvington Fiscal Year 2014-2015 Fifth Annual Action Plan and Resolution No. 14-0424-2 remain as stated.
4. All conditions and terms identified in the original Township of Irvington Fiscal Year 2015-2016 First Action Plan and Resolution No. OCDP 15-0609-4 remain as stated.

Adopted
Absent: Hudley

A. Communications

None

11. Pending Business

None

12. Miscellaneous

A. Bingos and Raffles

None

NON-CONSENT AGENDA ITEMS

8. Ordinances, Bills & Claims

A. Ordinances on 1st Reading

Cox – Jones 1. Establish One Way Westbound on Glorieux Street Between Nesbit Terrace and Stuyvesant Avenue

AN ORDINANCE AMENDING SECTION 192-98 OF THE GENERAL ORDINANCES OF THE TOWNSHIP OF IRVINGTON

Adopted
No: Inman
Abstain: Frederic
Absent: Hudley

Frederic – Jones 2. Establish Parking for Senior Bus Only At 1073 to 1081 Springfield Avenue

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 192 OF THE REVISED CODE OF THE TOWNSHIP OF IRVINGTON TO ESTABLISH IRVINGTON SENIOR BUS PARKING ONLY IN FRONT OF 1073 – 1081 SPRINGFIELD AVENUE.

Adopted
Absent: Hudley

Jones - B. Establish Rules and Regulations Regarding Constables

AN ORDINANCE REGULATING CONSTABLES

Adopted
No: Frederic
Abstain: Inman
Absent: Hudley

B. Ordinances on 2nd Reading

1. President Lyons: A \$2,065,000.00 Refunding Bond Ordinance for Tax Appeal Settlements was heard on April 11, 2017 with the final adoption scheduled for this date, place and time.

Lyons – Frederic Motion to adjourn final adoption of this ordinance until the regular Council Meeting scheduled for May 23, 2017.

Adopted
Absent: Hudley

C. Bills & Claims

Jones – Cox 2. Payrolls

March 25, 2017 through April 7, 2017

REGULAR	OVERTIME	OTHER EARNED	TOTAL
\$1,537,299.50	\$66,497.28	\$91,213.11	\$1,695,009.89

April 8, 2017 through April 21, 2017

REGULAR	OVERTIME	OTHER EARNED	TOTAL
(\$-107.48)	\$9,210.42	\$302.56	\$9,405.50

Adopted
Abstain: Inman
Absent: Hudley

9. Resolutions & Motions

A. Resolutions

Frederic – Inman 14. Constable Re-Appointment - Valentin Contreras

BE AND IT IS HEREBY RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON, NEW JERSEY that Valentin Contreras, 53 Montrose Terrace in the Township of Irvington be and he is hereby appointed to the Office of Constable for a term of three years from the date of April 26, 2017; and

BE IT FURTHER RESOLVED that the above named person shall be notified of his appointment for the term aforesaid by the Township Clerk and directed to present himself to him and take and subscribe to the oath as provided by law, and to file with the Township Clerk at the same time a surety bond in the sum of \$1,000.00 to remain in force for the full term above set forth, the surety on said bond being a surety company duly authorized to do business in the State of New Jersey, said bond to be conditioned as provided by law, and that said bond be approved as to form by the Township Attorney.

DEFEATED
YES: Burgess, Frederic, Inman
NO: None
ABSTAIN: Cox, Jones, Lyons
ABSENT: Hudley

Cox – Burgess 15. Ratify Calendar Year 2015 Annual Audit Report

WHEREAS, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions; and

WHEREAS, the Annual Report of Audit for the Calendar Year 2015 has been filed by a Registered Municipal Accountant with the Municipal Clerk as per the requirement of N.J.S. 40A:5-6, and a copy has been received by each member of the governing body; and

WHEREAS, the Local Finance Board of the State of New Jersey is authorized to prescribe reports pertaining to the local fiscal affairs, as per R.S. 52:27BB-34; and

WHEREAS, the Local Finance Board has promulgated a regulation requiring that the governing body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the Annual Audit entitled: GENERAL COMMENTS AND RECOMMENDATIONS

WHEREAS, such resolution of certification shall be adopted by the governing body no later than forty-five days after the receipt of the annual audit, as per the regulations of the Local Finance Board; and

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

WHEREAS, failure to comply with the promulgations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52 - to wit:

R.S. 52:27BB-52 - "A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,0000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office."

NOW, THEREFORE, BE IT RESOLVED THAT THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON hereby states that it has complied with the promulgation of the Local Finance Board of the State of New Jersey dated July 30, 1968 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

I HEREBY CERTIFY THAT THIS IS A TRUE COPY OF THE RESOLUTION PASSED AT THE MEETING HELD ON APRIL 26, 2017.

Harold E. Wiener, R.M.C. #C-0327, M.M.C., Municipal Clerk

Adopted
No: Inman

Absent: Hudley

Frederic – Jones 16. Introduction of Camptown Business Improvement District’s 2017 Budget

INTRODUCTION OF THE CAMPTOWN BUSINESS IMPROVEMENT DISTRICT
FY 2017 ANNUAL BUDGET

WHEREAS, N.J.S.A. 40:56-84 requires that the budget for Special Improvement Districts be introduced in writing at a meeting of the Municipal Council for approval; and

WHEREAS, the Camptown Business Improvement District introduced its FY 2017 budget with a report that explains how the budget contributes to goals and objectives for the special improvement district:

NOW, BE IT THEREFORE RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON the Municipal Council of the Township of Irvington, New Jersey does hereby approve the detailed annual budget for the Camptown Business Improvement District for 2017 and that this approval is subject to all requirements of N.J.S.A. 40:56-84, which includes public notice and hearing.

Budget Overview:

This year's budget further reduces the CBID tax assessment rate, from 5% (2000-12), 3% (2013-16) and now to 2.5% to provide relief to CBID taxpayers by increasing our carryover fund balance to \$130,961. The 2017 CBID budget continues funding three major program areas: cleaning/maintenance, security cameras, and marketing. The budget continues the higher level of funding of our security camera & property grant programs on private properties in the CBID. The floodlight and cleaning programs maintain their expanded roles over the past two years. Marketing includes possible CBID investment in district property to attract new commercial investment. The CBID's funding for its website and advertisement campaign and its management and administrative operations increases slightly by 2.4%.

PROPOSED		
<u>REVENUES</u>	<u>2017</u>	<u>NARRATIVE</u>
2017 Carryover	130,961	use partial fund balance for expanded security camera/property improvement grants & marketing initiatives
2017 BID Tax	100,110	assessment remains reduced from 3% to 2.5%; assumes 94% collection rate (6% in Reserve funds)
Misc: Interest, Web	1,000	website: \$200 in ads, money market account interest \$800
TOTAL REVENUES	232,071	
<u>EXPENSES</u>		
Cleaning/Maintenance	80,000	5 days/week service by professional firm, same expanded service as 2015

Security Cameras	29,000	CBID subsidy per grant and/or gross amount of grants
Property Improvement Grants	29,064	CBID subsidy per grant and/or gross amount of grants
Professional Fees	59,500	Management firm-\$52,500; Audit-\$6,800
Marketing	5,000	possible investment in property to attract new property/business owners; advertising; website
Floodlights electricity	17,000	anticipates limited change to current program
Operations/Insurance	6,500	general & directors/officers liability insurance, office supplies
Misc/Reserve	6,007	non-allocated expenses, savings, possible 6% shortfall in tax collections
TOTAL EXPENSES	232,071	

Adopted

Absent: Hudley

Lyons – Jones 17. Confirmation of Mayor’s Nomination of Municipal Court Judge – William H. Williams, Jr. [WALK ON BY SPONSOR]

WHEREAS, a vacancy occurred in the Office of Municipal Court Judge by virtue of the fact that Jorge A. Batista, Esq. declined the nomination by the Mayor as a Municipal Court Judge:

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

The Mayor’s nomination of William H. Williams, Jr., Esq. as Municipal Court Judge, effective April 26, 2017 and expiring on June 30, 2017 is hereby confirmed by the Municipal Council.

Adopted

Abstain: Inman

Absent: Hudley

Cox – Frederic 18. Housing Authority Replacement Appointment – Anna Scott Replacing Carolyn Jenkins [WALK ON BY SPONSOR]

WHEREAS, a vacancy exists in the membership of the Irvington Housing Authority due to the resignation of Carolyn Jenkins:

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that the following named person is hereby appointed as a Commissioner of the Irvington Housing Authority to fill the unexpired term of Carolyn Jenkins, said term to expire as indicated below:

NAME & ADDRESS

TERM TO EXPIRE

Anna Scott
53 Orchard Terrace

11-22-18

Adopted
Abstain: Burgess, Inman
Absent: Hudley

12. Miscellaneous

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

Elouise McDaniel, 214 Nesbit Terrace
Richard Williams, 197 Linden Avenue
James Eaddy, 85 Sheridan Street

Council Members Burgess, Inman, Frederic, Jones and Council President Lyons responded to the issues raised by the above referenced citizens.

13. Adjournment

There being no further business, the meeting was adjourned at 8:42 P.M.

David Lyons, Council President

Harold E. Wiener, Municipal Clerk