

REGULAR COUNCIL MEETING
JULY 11, 2017

Council Chamber, Municipal Building
Irvington, N.J. – Tuesday Evening
July 11, 2017 - 8:00 P.M.

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

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

Absent: Frederic (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 – June 27, 2017
2. Joint Meeting – 2016 Annual Audit Report
3. Municipal Court Electronic Collections Report Through June, 2017

7. Reports of Committees

A. Requests for Proposals and Qualification Amended Results – Various Professional Services –
May 31, 2017

8. Ordinances, Bills & Claims

B. Ordinances on 2nd Reading

None

C. Bills & Claims

Jones – Cox 1. Bill Lists

RESOLVED THAT THE BILLS AND CLAIMS AGAINST THE TOWNSHIP OF IRVINGTON FOR A PERIOD JULY 11, 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	\$2,690,945.26
TOTAL	\$2,690,945.26

Adopted
Absent: Frederic

Jones – Cox 2. Payrolls

June 10, 2017 through June 23, 2017

REGULAR	OVERTIME	OTHER EARNED	TOTAL
\$932,926.38	\$87,218.81	\$110,303.03	\$1,130,448.22

Adopted
Absent: Frederic

9. Resolutions & Motions

A. Resolutions

Hudley – Jones 1. Authorize Settlement of Tax Appeals Through July 11, 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 JULY 11, 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 July 11, 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: Frederic

Jones – Cox 2. Authorize Contract with Irvington Board of Education for School Resource Officers for the 2016-2017 School Year

APPROVE THE SERVICE PURCHASE CONTRACT AGREEMENT BETWEEN THE TOWNSHIP OF IRVINGTON AND THE IRVINGTON BOARD OF EDUCATION

WHEREAS, the Township of Irvington and the Board of Education desire to join together to provide School Resource officer(s) (SRO), additional security services as well as other police services which shall be on an "as needed" basis for the Irvington Township School District; and

WHEREAS, the Municipal Council approves said Service Purchase Contract between the Township and the Board of Education; and

WHEREAS, the proposed contract between the Township of Irvington and the Board of Education for the (2016 - 2017) school year, a copy of which is attached and made a part hereof, be and it hereby is approved, and the Township Clerk, Harold Weiner, Mayor, Tony Vauss, or other Officer, is hereby authorized to execute the same in duplicate and to deliver a duplicate original to the Irvington Board of Education;

NOW THEREFORE BE IT RESOLVED that the governing body of the Township of Irvington, in the County of Essex, in the State of New Jersey, hereby authorizes the

Township and the Board to enter into a Service Purchase Contract for the (2016 - 2017 school year Further, The Township and the Board are hereby authorized to do and perform any and all acts, including execution of any and all documents as shall be deemed necessary or advisable to carry out the purposes and intent of the Service Purchase Contract.

Adopted
Absent: Frederic

Cox – Jones 3. Authorize Contract with Irvington Board of Education for School Resource Officers for the 2017-2018 School Year

APPROVE THE SERVICE PURCHASE CONTRACT AGREEMENT BETWEEN THE TOWNSHIP OF IRVINGTON AND THE IRVINGTON BOARD OF EDUCATION

WHEREAS, the Township of Irvington and the Board of Education desire to join together to provide School Resource officer(s) (SRO), additional security services as well as other police services which shall be on an "as needed" basis for the Irvington Township School District; and

WHEREAS, the Municipal Council approves said Service Purchase Contract between the Township and the Board of Education; and

WHEREAS, the proposed contract between the Township of Irvington and the Board of Education for the (2017 - 2018) school year, a copy of which is attached and made a part hereof, be and it hereby is approved, and the Township Clerk, Harold Weiner, Mayor, Tony Vauss, or other Officer, is hereby authorized to execute the same in duplicate and to deliver a duplicate original to the Irvington Board of Education;

NOW THEREFORE BE IT RESOLVED that the governing body of the Township of Irvington, in the County of Essex, in the State of New Jersey, hereby authorizes the Township and the Board to enter into a Service Purchase Contract for the (2017 - 2018 school year Further, The Township and the Board are hereby authorized to do and perform any and all acts, including execution of any and all documents as shall be deemed necessary or advisable to carry out the purposes and intent of the Service Purchase Contract.

Adopted
Absent: Frederic

Jones – Hudley 4. Establish Handicapped Parking Space in Front of 940 Chancellor Avenue

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 940 Chancellor Avenue:

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 940 Chancellor Avenue; and

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

Adopted
Absent: Frederic

Cox – Hudley 5. Authorize Fair and Open Professional Services Contract for IDIS Consultant Services to Ron Allen Consulting – Not to Exceed \$20,000.00 – July 12, 2017 to July 11, 2018

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

WHEREAS, the Request for Proposals for IDIS Consultant service was publicly advertised in the New Jersey Star Ledger and on website on June 07, 2017 with a deadline for qualifications to be submitted on June 21, 2017; and

WHEREAS, one qualification was received and publicly opened; and

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

WHEREAS, the qualification satisfied the RFP requirement and;

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

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

NOW THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that a contract for IDIS Consultant service be awarded to

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Ron Allen Consulting, 15439 Reprise Ter. Rockville, MD 20850 on the basis of their response to the request for proposal meeting the selection criteria and qualifications.

BE IT FURTHER RESOLVED, that the total cost for this service will be \$20,000.000 for one year, starting on July 12, 2017 until July 11, 2017; and

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

BE IT RESOLVED, that the required certification of availability of funds C7-00218 in the amount of \$20,000.00 from account number T-21-41-850-17F-801 has been obtained from the Chief Financial Officer.

Adopted

Absent: Frederic

Cox – Hudley 6. Authorize Fair and Open Professional Services Contract for Substitute Prosecutor Services - Law Office of Drew J. Bauman, Esq. - \$300.00 Per Court Session

**RESOLUTION AUTHORIZING THE TOWNSHIP ATTORNEY TO USE
SUBSTITUTE PROSECUTORS ON AN ON-CALL BASIS THROUGH FAIR AND
OPEN PROFESSIONAL SERVICE CONTRACT**

WHEREAS, the Township of Irvington has a need for substitute prosecutors to be available on an on-call basis in the event of conflict cases or due to a shortage of available staff and;

WHEREAS, the Request for Qualifications for substitute prosecutors services was publicly advertised in the New Jersey Star Ledger on June 07, 2017 with a deadline for qualifications to be submitted on June 21, 2017; and

WHEREAS, one qualification was received and publicly opened; and

WHEREAS, said qualification was referred to the Township Attorney; and

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

Law Office Drew J. Bauman
Drew J. Bauman
658 Ridgewood Road
Maplewood, N.J. 07040

WHEREAS, the Township Attorney will contact the above firm when service is needed.

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

1. The Township Attorney will contact the above firm on an on-call basis/as needed for substitute prosecuting services.
2. The Township Attorney will prepare the appropriate contract for this service.
3. The above vendor is hereby appointed for one year from September 13, 2017 through September 12, 2018.
4. The vendors will be paid an amount not to exceed \$300.00 per session.

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.

Adopted
Absent: Frederic

Cox – Hudley 7. Authorize Contract for Natural Gas Services Based Upon Lowest On-Line Auction Bid of \$.04975 Cents/Therm - Aggressive Energy - 24 Months - November 01, 2017 to November 01, 2019

RESOLUTION AWARDING A CONTRACT FOR NATURAL GAS SERVICE

WHEREAS, resolution number DA 17-0627-3 authorized the Qualified Purchasing Agent to host an online auction for natural gas supply contract and;

WHEREAS, on June 28, 2017, the Qualified Purchasing Agent and Energy Consultant hosted an online auction for natural gas supply contract and;

WHEREAS, nine energy suppliers submitted bids for the Township's natural gas supply and;

WHEREAS, Aggressive Energy of 78 Rapelye Street, Brooklyn, NY 11231 has submitted the lowest bid of \$.04975 cents/therm for 24 months contract.

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

1. The Township will entered into a contact with Aggressive Energy of 78 Rapelye Street, Brooklyn, NY 11231 for 24 months.
2. The Township shall pay the vendor \$.04975 cents/therm for 24 months contract.
3. The Contract shall start on November 01, 2017 and end on November 01, 2019.

BE IT FURTHER RESOLVED that the Chief Financial Officer is authorized to pay Aggressive Energy the sum of \$.04975 cents/therm for service, pursuant to said purchase order and without further action of the Council.

Adopted
Absent: Frederic

Jones – Cox 8. Authorize Emergency Contract for Animal Control Services - Associated Humane Society - \$33,973.36 Through December 31, 2017

RESOLUTION TO AWARD AN EMERGENCY CONTRACT FOR ANIMAL CONTROL SERVICE

WHEREAS, the Township is need of animal control service, to pick up, hold and, if necessary euthanize stray animals and provide other similar services, and;

WHEREAS, Associated Humane Society has provided this service to the Township and said contract expired on August 28, 2017, and;

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

WHEREAS, the Director of Health has declared an emergency in writing for service for the Associated Humane Society to continue to provide animal control service until December 31, 2017, and;

WHEREAS, Associated Humane Society, 124 Evergreen Ave, Newark, NJ 07114, has provided a quote of \$33,973.36 for animal control service until December 31, 2017;

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that it ratifies the decision of the Director of Health to authorize an emergency contract in the amount of \$33,973.36 to provide animal control service to the Township until December 31, 2017

BE IT FURTHER RESOLVED, that the required certification of availability of funds in the amount of \$17,000.00 for two months of service was obtained from the Chief Financial Officer from account number 7-01-27-335-335-176 and the remaining balance of \$16,973.36 will be certified upon the adoption of the 2017 budget.

Adopted
Absent: Frederic

Jones – Cox 9. Amend Resolution EDGO 17-0110-10 – Use of \$120,000.00 in HUD/HOME Funds for 100 - 108 Grace Street, LLC – Reduce From Six to Three Properties - 106 Grace Street, Block 219 and Lot 6.04, 108 A Grace Street, Block 219 and Lot 6.05; and 108 B Grace Street, Block 219 Lot 6.06

AMENDMENT TO RESOLUTION EDGO 17-0110-10

WHEREAS, per HUD rules and regulations, all HUD/HOME and HOME CHDO Funds must be obligated within a 2 year period and expended within a 5 year period; and

WHEREAS, 100 - 108 Grace Street, LLC is currently developing housing projects in the Township's East Ward, Irvington; specifically six (6) (one) 1 family houses for sale to very low and low income eligible persons or families; and

WHEREAS, 100 - 108 Grace Street, LLC has demonstrated its commitment of redevelopment and revitalization in the East Ward of the Township of Irvington by increasing the supply of affordable housing in the Township of Irvington; and

WHEREAS, the Township of Irvington wishes to support redevelopment and revitalization initiatives throughout the Township of Irvington and has access to abandoned properties located in the targeted area of redevelopment where 100 - 108 Grace Street, LLC; and

WHEREAS, the Township of Irvington Department of Economic Development and Grants Oversight has collected all necessary applications and documentation as well as have taken the steps to access the capacity and ability of 100 - 108 Grace Street, LLC to complete the planned redevelopment; and

WHEREAS, the Township of Irvington, Department of Economic Development and Grants Oversight fully supports and has HOME funds to assist in the financing of affordable housing for low- and moderate-income Irvington families; and

WHEREAS, the Township of Irvington via Resolution No. EDGO17-0110-10 awarded \$120,000.00 in HUD/HOME 100 - 108 Grace Street, LLC for the purposes of GAP funding to complete the project pursuant to the terms of the Redeveloper's Agreement with a total the total project cost is \$1,100,000.00.

WHEREAS, as a result of increased and unanticipated redevelopment costs, the \$120,000.00 will only be applied to three of the six properties at \$40,000.00 each making those units affordable housing. The address and block and lots for these three units are as follows: (1) 106 Grace Street, Block 219 and Lot 6.04; (2) 108 A Grace Street, Block 219 and Lot 6.05; and (3) 108 B Grace Street, Block 219 Lot 6.06.

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that the Township does hereby ratify and approve the provision of HUD/HOME Program funds to

100 - 108 Grace Street, LLC in the amount set forth on the request for Approval/Director Authorization Form, in amount of \$120,000.00 to put on file in the Township Clerk's Office; and.

BE IT FURTHER RESOLVED that the aforesaid funds for 100 - 108 Grace Street, LLC are to be used for the new construction and/or rehabilitation of homes for low- and moderate-income Irvington families in the targeted area of redevelopment; and

BE IT FURTHER RESOLVED that pursuant to N.J.A.C. 5:34-5.2, the required Certification of Availability of Funds has been obtained from the Chief Financial Officer of the Township of Irvington, and the appropriation to be charged for this expenditure is: 100 - 108 Grace Street, LLC, Cert. No. R7-00005 in the amount of \$120,000.00.

Adopted
Absent: Frederic

Hudley – Lyons 10. Amend Resolution OCDP 17-0509-4 Authorizing the Submission of the Fiscal Year 2017-2108 CPMP Third Annual Action Plan

AMENDMENT OCDP17-0509-4 AUTHORIZING THE SUBMISSION OF FISCAL YEAR 2017-2018 CPMP THIRD 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, the Township of Irvington anticipate that the United State Department of Housing and Urban Development will make available to the Township of Irvington the minimum sum of \$955,920.00 under the Fiscal Year 2017-2018 Community Development Block Grant Program and \$313,619.00 under the HOME Investment Partnerships Program; and

WHEREAS, the Township understands that the stated amount may decrease or increase when HUD officially makes its allocations of the subject funds for Fiscal Year 2017-2018; and

WHEREAS, the Township received final notice of the allotted amount and said notice changed the originally anticipated amount by awarding \$981.416.00 under the Fiscal

Year 2017-2018 Community Development Block Grant Program (CDBG) and \$254.349.00 under the HOME Investment Partnerships Program;

WHEREAS, the Township of Irvington desires to receive said funds to conduct housing rehabilitation, economic development, physical improvements, slum clearance, and public service activities in the Township of Irvington; and

WHEREAS, federal regulations at 24 CF Part 91 and Part 92 require that the Township of Irvington prepare and submit a CPMP Third Program Year Action Plan as a prerequisite to receipt of entitlement Community Development Block Grant funds and formula HOME Investment Partnerships Program funds; and

WHEREAS, the Township of Irvington, pursuant to the requirements of federal regulation 24 CFR Part 91 and Part 92, has given citizens an opportunity to express their opinions regarding the Township of Irvington, and has held public meetings hearings, which were open to the public; and

WHEREAS, said public meetings and hearings were for the purpose of considering and obtaining the views of the citizens of the Township of Irvington on community development and housing needs, and for the purpose of providing the citizens with an opportunity to participate in the development of the CPMP Third Program Year Action Plan; and

WHEREAS, said CPMP Third Program Year Action Plan for federal assistance requires certain certifications to be submitted along with and as part of said plans:

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

SECTION 1

That the Mayor be and he is authorized and directed to submit the Township of Irvington CPMP Third Program Year Action Plan with the updated award of \$981.416.00 under the Fiscal Year 2017-2018 Community Development Block Grant Program (CDBG) and \$254.349.00 under the HOME Investment Partnerships Program to the U.S. Department of Housing and Urban Development as required by federal regulation 24 CFR Part 91 and Part 92, including all understandings and certifications contained therein, to act as the authorized representative of the Township of Irvington and to provide such additional information as may be required.

SECTION 2

That the Township of Irvington CPMP Third Program Year Action Plan shall request funding to the fullest extent of funding allowed and determined by the United States Department of Housing and Urban Development Act of 1974, as amended and Title II of the Cranston-Gonzales National Affordable Housing Act, as amended.

SECTION 3

That the Mayor and other authorized, appropriate and responsible officials be and they are hereby authorized and directed to duly consider the comments and recommendations

received as part of the citizen participation process and to incorporate those comments and recommendations in the plan to the extent feasible and to provide a full and written response to all comments and recommendations as part of the final CPMP Third Program Year Action Plan submission.

SECTION 4

That the Mayor and other authorized, appropriate and responsible officials be and they are hereby authorized and directed to execute on behalf of the Township of Irvington such certifications and other documentation as may be required by the U.S. Department of Housing and Urban Development.

Adopted

Absent: Frederic

Jones – Cox 11. Authorizer Application for the Shelter Support Grant Administered by the New Jersey Department of Community Affairs

**RESOLUTION TO APPLY FOR THE SHELTER SUPPORT GRANT
ADMINISTERED BY THE NEW JERSEY DEPARTMENT OF COMMUNITY
AFFAIRS**

WHEREAS, the NJ Department of Community Affairs offers the Shelter Support Grant to:
1) address life and safety issues in emergency shelters and transitional housing facilities;
2) purchase equipment and furnishings that will provide direct benefits to the shelter's residents; and 3) create new emergency shelter beds when needed; and

WHEREAS, the Township of Irvington is in need of and is interested in creating transitional housing facilities to assist homeless individuals and families transition out of homelessness and into permanent housing with an emphasis on veterans; individuals returning from jail or prison; persons with alcohol/substance abuse issues, victims of domestic violence; persons living with HIV/AIDS; and youth between the ages of 18-21; and

WHEREAS, the Township of Irvington intends to apply for a grant award in the amount of \$400,000.00 to convert one or more township owned properties into transitional housing; and

WHEREAS, the Township of Irvington understands that the amount that may be awarded by the NJ Department of Community Affairs may be less than the \$400,000.00 grant requested and therefore, by adoption of this resolution, the Township also agrees to accept such lesser award amount without the need to amend this herein resolution; and

WHEREAS, the governing body of Irvington Township desires to apply for the Shelter Support Grants administered by the NJ Department of Community;

NOW THEREFORE BE IT RESOLVED by the governing body of Irvington Township in the county of Essex, State of New Jersey, that Irvington Township requests to be considered by the NJ Department of Community Affairs for funding; and

BE IT FURTHER RESOLVED that the governing body of Irvington Township is committed to ensuring that those experiencing periods of homelessness are effectively transitioned out of homelessness into permanent housing; and

BE IT FURTHER RESOLVED that the governing body of Irvington Township hereby commits to the implementation a comprehensive transitional housing program inclusive of necessary supportive services.

Adopted
Absent: Frederic

Lyons – Cox 12. Authorize Rescission of Grant Funds Award to Famicare Due to Non-Conformance Issues

RESOLUTION RESCINDING 2016-17 CDBG FUNDS AWARDED TO FAMICARE, INC.

WHEREAS, the Township of Irvington is a recipient of 2016-2017 Community Development Block Grant (CDBG) Program funds administered by the U.S. Department of Housing and Urban Development; and

WHEREAS, by resolution number EDGO 17-0110-5 adopted on January 10, 2017, the Township of Irvington awarded CDBG grant funds in the amount \$19,000.00 for the 2016-2017 program year to FAMICARE, INC. a private Non-Profit corporation of the State of New Jersey with principal offices at 883 SANFORD AVENUE, IRVINGTON NEW JERSEY 07111 for the provision of public services, which constitute an eligible CDBG activity; and,

WHEREAS, the Township of Irvington has allocated sufficient CDBG funds to fund a proposed grant agreement in the amount of \$19,000.00 with the FAMICARE, INC., a private Non-Profit Corporation of the State of New Jersey to provide educational services; and

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

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

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

WHEREAS, the governing body of the Township of Irvington is required under state law (N.J.S.A. 40A:11-1 et seq.) to authorize the execution of formal grant agreements and procurement contracts (in excess of \$8,500.00) with private contractors such as Famicare, Inc.;

WHEREAS, in addition to the above referenced requirements, as a condition to receipt of grant funds, and pursuant to the above adopted resolution, the sub-grantee was required to execute a grant agreement agreeing to program requirements and grant terms; to submit quarterly reports; and, payment request vouchers with all supporting documentation documenting provision of services and expenditures;

WHEREAS, the sub-grantee Famicare, Inc., has failed to meet one or more of the requirements as a condition to receipt of grant funds and as a result, the Department of Economic Development and Grants Oversight has requested the recession of the grant award to Famicare, Inc., for non-compliance with program rules, policies and requirements;

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

1. The 2016-17 grant award in the amount of \$19,000.00 to FAMICARE, INC., whose address is 883 SANFORD AVENUE, IRVINGTON, NEW JERSEY 07111, is rescinded to ensure that the Township of Irvington is compliant with HUD's rules, regulations and policies and to enable the Department of Economic Development and Grants Oversight to re-allocate such funds for other eligible CDBG activities.

Adopted

Absent: Frederic

Lyons – Cox 13. Authorize Rescission of Grant Funds Award to Liberalis Due to Non-Performance Issues

RESOLUTION RESCINDING 2016-17 CDBG FUNDS AWARDED TO LIBERALIS, INC.

WHEREAS, the Township of Irvington is a recipient of 2016-2017 Community Development Block Grant (CDBG) Program funds administered by the U.S. Department of Housing and Urban Development; and

WHEREAS, by resolution number EDGO 17-0110-5 adopted on January 10, 2017, the Township of Irvington awarded CDBG grant funds in the amount \$7,388.00 for the 2016-2017 program year to LIBERALIS, INC. a private Non-Profit corporation of the State of New Jersey with principal offices at 590 BLOOMFIELD AVENUE # 106, BLOOMFIELD, NEW JERSEY 07003 for the provision of public services, which constitute an eligible CDBG activity; and,

WHEREAS, the Township of Irvington has allocated sufficient CDBG funds to fund a proposed grant agreement in the amount of \$7,388.00 with LIBERALIS, INC., a private

Non-Profit Corporation of the State of New Jersey to provide mold remediation and employment skills training; and

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

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

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

WHEREAS, the governing body of the Township of Irvington is required under state law (N.J.S.A. 40A:11-1 et seq.) to authorize the execution of formal grant agreements and procurement contracts (in excess of \$8,500.00) with private contractors such as Liberalis, Inc.;

WHEREAS, in addition to the above referenced requirements, as a condition to receipt of grant funds, and pursuant to the above adopted resolution, the sub-grantee was required to execute a grant agreement agreeing to program requirements and grant terms; to submit quarterly reports; and, payment request vouchers with all supporting documentation documenting provision of services and expenditures;

WHEREAS, the sub-grantee Liberalis, Inc., has failed to meet one or more of the requirements as a condition to receipt of grant funds and as a result, the Department of Economic Development and Grants Oversight has requested the recession of the grant award to Liberalis, Inc., for non-compliance with program rules, policies and requirements;

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

1. The 2016-17 grant award in the amount of \$7,388.00 to Liberalis, Inc., whose address is 590 BLOOMFIELD AVENUE # 106, BLOOMFIELD, NEW JERSEY 07003, is rescinded to ensure that the Township of Irvington is compliant with HUD's rules, regulations and policies and to enable the Department of Economic Development and Grants Oversight to re-allocate such funds for other eligible CDBG activities.

Adopted
Absent: Frederic

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

Jones – Hudley 1. Prohibit Parking of Vehicles on Residential Lawns

AN ORDINANCE AMENDING AND SUPPLEMENTING SECTIONS 134-27
(HOUSING) AND 192-12 (VEHICLES AND TRAFFIC) OF THE REVISED CODE OF
THE TOWNSHIP OF IRVINGTON

Adopted
Absent: Frederic

Cox – Lyons 2. Repeal Residential Permit Parking on Argyle Terrace

AN ORDINANCE TO REPEAL ORDINANCES MC 3555 AND MC 3556 WHICH
PROVIDED RESIDENTIAL PERMIT PARKING ON ARGYLE TERRACE

Adopted
Abstain: Inman
Absent: Frederic

9. Resolutions & Motions

A. Resolutions

Lyons – Cox 14. Authorize Use of \$5,000.00 in HUD/HOME Homebuyer's Assistance Funds
for 9 Standard Place

HOME OWNERSHIP PROGRAM GRANT AWARD

WHEREAS, the Township of Irvington has obligated funds for the purpose of financing
its HUD/HOME Irvington Homebuyer Assistance Program; and

WHEREAS, the Township of Irvington has committed funds for its HUD/HOME Irvington Homebuyer Assistance Program in accordance with its “Policy and Procedural Manual for the Homebuyer Program” per application to the Township’s HUD/HOME Program; and

WHEREAS, the Township of Irvington’s Department of Economic Development and Grants Oversight Director has certified that the applicant(s) identified herein are eligible for the HUD/HOME Irvington Homebuyer Assistance Program benefits in accordance with HUDs and the Township’s adopted policies and procedures; and

WHEREAS, the Mayor has previously authorized the provision of the requested HUD/HOME Irvington Homebuyer Assistance Program benefits in accordance with the provisions of said policy.

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that the Township of Irvington does ratify and approve the provision of the HUD/HOME Irvington Homebuyer Assistance Program funds to the applicant(s) below in the amount set forth in the Irvington Homebuyers Assistance Program Agreement – Case No. HB-2017-0001, in the amount of \$5,000; and

BE IT FURTHER RESOLVED that the aforesaid funds are to be used toward Closing Cost for the process of purchasing the premises known as, 9 Standard Place, IRVINGTON, NEW JERSEY, Sales Contract, Exhibit A; and

BE IT FURTHER RESOLVED that the aforesaid funds are to use Irvington Homebuyer Assistance Program funds and are to be paid to Miguel Mejia subject to having provided the Department of Community Development and Planning with a true copy of their contract of sale, mortgage commitment and appraisal, and whose attorney and title company is properly licensed to practice law and transfer title by the State of New Jersey and the Homebuyer Assistance Program Agreement between the applicant(s); and

BE IT FURTHER RESOLVED that any such funds not expended in the Purchase of the subject property in accordance with adopted policy and procedures shall be recaptured by the TOWNSHIP of IRVINGTON for use in assisting other HUD/HOME Irvington Homebuyer Assistance Program applicant(s); and

BE IT FURTHER RESOLVED that pursuant to N.J.A.C. 5:34-5.2, the required Certification of Funds Req. No. C7-00251 for the above have been obtained from the Chief Financial Officer of the Township and the appropriation to be charged for the expenditure is Account No. T-21-41-850-17A-805 in the amount of \$5,000.00.

Adopted
Abstain: Burgess
Absent: Frederic

13. Adjournment

ALCOHOLIC BEVERAGE CONTROL BOARD

JULY 11, 2017

1. Chairman Cox calls the Meeting to Order

Roll Call

Present: Commissioners Burgess, Hudley, Inman, Jones, Lyons, Cox, Chair

Absent: Commissioner Frederic

2. New Business

Lyons – Burgess A. Renewal of ABC Plenary Retail Consumption Pocket License With Special Ruling for 2016- 2017 Licensing Year – KB Montana, Trading As Casey's Tavern

WHEREAS, the following named corporation, being an applicant for a Plenary Retail Distribution License for the years 2016-2017, with State Division of Alcoholic Beverage Control Special Ruling 12.18, required 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 applicants in all things have met the requirements of the law and are suitable and proper individuals, partnerships or corporations to whom Plenary Retail Distribution Licenses for the sale of alcoholic beverages should be issued:

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL ACTING AS THE ALCOHOLIC BEVERAGE CONTROL BOARD OF THE TOWNSHIP OF IRVINGTON that a permanent Plenary Retail Distribution License be issued to the following named corporation for the sale of alcoholic beverages by the glass or other open receptacles to be consumed on the licensed premises and also for the sale of alcoholic beverages in original containers for distribution off the licensed premises for the years 2016-2017 with Special State Division of Alcoholic Beverage Control Ruling 12.18 required at the address set opposite their respective name, viz:

0709-33-041-003 KB Montana
t/a Casey's Tavern

POCKET LICENSE

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 a representative of the License Bureau to the licensee.

Adopted

Absent: Frederic

Burgess – Jones B. Renewal of ABC Plenary Retail Distribution Pocket License With Special Ruling for 2016- 2017 and 2017-2018 Licensing Years – Ricron, c/o Ronald A. Wermuth, 3 Huntington Lane, Roseland, N.J.

WHEREAS, the following named corporation, being an applicant for a Plenary Retail Distribution License for the years 2016-2017 and 2017-2018, with State Division of Alcoholic Beverage Control Special Ruling 12.39, required 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 applicants in all things have met the requirements of the law and are suitable and proper individuals, partnerships or corporations to whom Plenary Retail Distribution Licenses for the sale of alcoholic beverages should be issued:

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL ACTING AS THE ALCOHOLIC BEVERAGE CONTROL BOARD OF THE TOWNSHIP OF IRVINGTON that a permanent Plenary Retail Distribution License be issued to the following named corporation for the sale of alcoholic beverages by the glass or other open receptacles to be consumed on the licensed premises and also for the sale of alcoholic beverages in original containers for distribution off the licensed premises for the years 2016-2017 and 2017-2018 with Special State Division of Alcoholic Beverage Control Ruling 12.39 required at the address set opposite their respective name, viz:

0709-44-032-002	Ricron, Inc.	POCKET LICENSE
	c/o Ronald A. Wermuth	
	3 Huntington Lane	
	Roseland, N.J. 07068	

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 a representative of the License Bureau to the licensee.

Adopted
Absent: Frederic

Hudley - Burgess C. Renewal of ABC Plenary Retail Distribution License for 2017-2018 Licensing Year - JRC Liquors, Inc., trading as JRC Liquors, 728 Springfield Avenue

WHEREAS, the following named corporation, being an applicant for a Plenary Retail Distribution License for the year 2017 - 2018, to sell alcoholic beverages under the provisions of N.J.S.A. Title 33 having been investigated as required by said Law, and the Alcoholic Beverage Control Board being satisfied that said applicant in all things has met the requirements of the law and is a suitable and proper corporation to whom a Plenary Retail Distribution License for the sale of alcoholic beverages should be issued:

NOW THEREFORE BE IT RESOLVED BY THE MUNICIPAL COUNCIL ACTING AS THE ALCOHOLIC BEVERAGE CONTROL BOARD OF THE TOWNSHIP OF

IRVINGTON that a permanent Plenary Retail Distribution License be issued to the following named corporation for the sale of alcoholic beverages in original containers for Distribution off the licensed premises for the year 2017-2018 at the address set opposite their respective name, viz:

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

D. Disciplinary Proceedings Against:

Point Tavern Inc.
712 Grove Street
Irvington, New Jersey 07111

NOTICE TO LICENSEE OF CHARGES AND HEARING
Township of Irvington Township

TO: Point Tavern Inc.
712 Grove Street
Irvington, New Jersey 07111

License Name: Point Tavern Inc.
License Number 0709-33-030-003
Trade Name: Point Tavern

TAKE NOTICE, that the following charges are preferred against you:

1. On December 20, 2015 you failed to produce the Tax Stamp in violation of N.J.S.A. 33:1-31(e). The penalty for this violation is one (1) day suspension; and
2. On the same day, you failed to have your license conspicuously displayed in violation of N.J.A.C. 13:2-23.13(a)1. The penalty for this violation is one (1) day suspension; and
3. In addition, on the same day, you failed to provide a copy of the most recent full application in violation of N.J.A.C. 13:2-23.13(a)2. The penalty for this violation is one (1) day suspension.

TAKE FURTHER NOTICE, that a hearing will be held pursuant to N.J.S.A. 33:1-31 at the Irvington Municipal Building, Civic Square, Irvington, New Jersey 07111 on July 11,

2017 at 8:00 P.M., or as soon thereafter as the matter may be reached, at which time and place you will be afforded full opportunity to be heard on the foregoing charge(s) and to show cause why Point Tavern Inc License Number 0709-33-030-003 issued to you by the Township of Irvington should not be suspended or revoked.

You must enter a plea of guilty or non vult or not guilty not later than July 5, 2017 at 9:30 A.M., or at any time before that date. The plea may be submitted by letter, provided that it reaches us not later than that date.

Township of Irvington

By: Harold Wiener
ABC Secretary

Evelyn Onyeani, Esq., Assistant Township Attorney, represented the Township of Irvington and indicated that she was requesting that the matter be adjourned until August 15, 2017 due to the fact that proper service of the charges had not been made.

Commissioner Inman moved that this matter be adjourned until August 15, 2017, seconded by Commissioner Hudley and adopted by the following vote:

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

E. Disciplinary Proceedings Against:

Vic's Place, Inc.
395 Stuyvesant Avenue
Irvington, N.J. 07111

NOTICE TO LICENSEE OF CHARGES AND HEARING
Township of Irvington Township

TO: VIC'S PLACE INC.
395 Stuyvesant Avenue
Irvington, New Jersey 07111

License Name: VIC'S PLACE INC.
License Number 0709-33-034-002
Trade Name: None

TAKE NOTICE, that the following charges are preferred against you:

1. On or about January 29, 2014, you failed to produce a complete employee list in violation of N.J.A.C. 13:2-23-13 (a) 3. The penalty for this charge is one (1) day license suspension; and

TAKE FURTHER NOTICE, that a hearing will be held pursuant to N.J.S.A. 33:1-31 at the Irvington Municipal Building, Civic Square, Irvington, New Jersey 07111 on July 11, 2017, at 8:00 P.M., or as soon thereafter as the matter may be reached, at which time and place you will be afforded full opportunity to be heard on the foregoing charge(s) and to show cause why VIC'S PLACE INC. Retail License Number 0709-33-034-002 issued to you by the Township of Irvington should not be suspended or revoked.

You must enter a plea of guilty or non vult or not guilty no later than July 5, 2017, 9:30 A.M., or at any time before that date. The plea may be submitted by letter, provided that it reaches us not later than that date.

Township of Irvington

By: Harold Wiener
ABC Secretary

The license holder appeared pro se and entered a plea of guilty to the said charge.

Evelyn Onyeani, Esq., Assistant Township Attorney, represented the Township of Irvington and recommended that the guilty plea be accepted by the ABC Board and that the recommended one day suspension be imposed.

Commissioner Hudley made the following motion, seconded by Commissioner Inman:

I move that the guilty plea be accepted and that Plenary Retail Consumption License # 0709-33-034-002, heretofore issued to Vic's Place, Inc., trading as Vic's Place, 395 Stuyvesant Avenue, Irvington, New Jersey be suspended for a period of 1 day, effective 2:00 A.M. on a Saturday to be determined by the Office of the Township Attorney.

Adopted
Absent: Frederic

F. Disciplinary Proceedings Against:
Mariela Inc/Paradizio
1053 Clinton Avenue
Irvington, N.J. 07111

ABC Board Commissioner Lyons stated for the record that he was recusing himself from this matter and left the meeting at this point.

NOTICE TO LICENSEE OF CHARGES AND HEARING
Township of Irvington Township

TO: Mariela Inc/Paradizio
1053 Clinton Avenue
Irvington, New Jersey 07111

License Name: Mariela Inc.
License Number 0709-33-055-006
Trade Name: Paradizio

TAKE NOTICE, that the following charges are preferred against you:

1. On September 25, 2015 you caused or allowed narcotics activity to take place on the licensed premises in violation of N.J.A.C. 13-23-5(b). The penalty for this violation is ninety (90) days suspension; and
2. On September 25, 2015 you caused or allowed narcotics activity to take place on the licensed premises allowed narcotic paraphernalia on the licensed premises failed to have your license conspicuously displayed failed to produce a complete employee list in violation of N.J.A.C. 13-2-23.5(b). The penalty for this violation is ninety (90) days suspension; and
3. On December 19, 2015 you failed to have your license conspicuously displayed in violation of N.J.A.C. 13:2-23.13(a)1. The penalty for this violation is one (1) day suspension; and
4. On December 19, 2015 you failed to produce a complete employee list in violation of N.J.A.C. 13:2-23-13 (a) 3. The penalty for this charge is one (1) day license suspension; and

TAKE FURTHER NOTICE, that a hearing will be held pursuant to N.J.S.A. 33:1-31 at the Irvington Municipal Building, Civic Square, Irvington, New Jersey 07111 on July 11, 2017 at 8:00 P.M., or as soon thereafter as the matter may be reached, at which time and place you will be afforded full opportunity to be heard on the foregoing charge(s) and to show cause why Mariela Inc. /Paradizio License Number 0709-33-055-006 issued to you by the Township of Irvington should not be suspended or revoked.

You must enter a plea of guilty or non vult or not guilty not later than July 5, 2017, 9:30 A.M., or at any time before that date. The plea may be submitted by letter, provided that it reaches us not later than that date.

Township of Irvington

By: Harold Wiener
ABC Secretary

The license holder appeared pro se and entered a plea of not guilty to charges 1 and 2 and guilty to charges 3 and 4.

Evelyn Onyeani, Esq., Assistant Township Attorney, represented the Township of Irvington and recommended that charges 1 and 2 be dismissed, that the one day recommended penalty for charge 3 be imposed and that the one day recommended penalty for charge 4 be imposed.

MINUTES – REGULAR COUNCIL MEETING – JULY 11, 2017 – PAGE 24

At 8:23 P.M., Chairman Cox made a motion to adopt the below resolution, seconded by Commissioner Jones, and the ABC Board went into Executive Session in the Township Clerk's Office with Mr. Wiener and Attorney Hasan.

WHEREAS, Section 8 of the Open Public Meetings Act, Chapter 231, P.L. 1975, permits the exclusion of the public from a meeting in certain circumstances;

WHEREAS, this public body is of the opinion that such circumstances presently exist:

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL ACTING AS THE ALCOHOLIC BEVERAGE CONTROL BOARD OF THE TOWNSHIP OF IRVINGTON, COUNTY OF ESSEX, STATE OF NEW JERSEY as follows:

1. The public shall be excluded from discussion of and action upon the hereinafter specified subject matter.
2. The general nature of the subject matter to be discussed is as follows quasi-judicial deliberations.
3. It is anticipated at this time that the above stated subject matter will be made public upon the adoption of a resolution and order of the local Alcoholic Beverage Control Board.
4. This resolution shall take effect immediately.

Adopted
Absent: Frederic

At 8:30 P.M. the ABC Board meeting resumed and following a brief discussion Chairman Cox made the following motion, seconded by Commissioner Jones:

I move that the ABC Board not accept the recommendation of the Prosecuting Attorney to dismiss charges 1 and 2 and to adjourn this entire matter for a full hearing, if necessary, to August 15, 2017 at this same time and place.

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

3. Adjournment

REGULAR COUNCIL MEETING NON-CONSENT AGENDA (CONTINUED)

NOTE: Council President Lyons returned to the regular meeting of the Municipal Council upon the adjournment of the ABC Board meeting.

12. Miscellaneous

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

Elouise McDaniel, 214 Nesbit Terrace
Tammy Bly-Garrett, 50 Argyle Terrace
Dr. Melrose Bethea, 38 Rutgers Street

Council Members Inman, Hudley and Council President Lyons addressed the issues raised by the above referenced citizens.

13. Adjournment

There being no further business, the meeting was adjourned at 9:07 P.M.

David Lyons, Council President

Harold E. Wiener, Municipal Clerk