

REGULAR COUNCIL MEETING
SEPTEMBER 26, 2017

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

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

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

Absent: None

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

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

There were no requests to be heard.

5. Hearing of Council Members

There were no requests to be heard.

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

A. Reports

1. Minutes – Directors' Meeting – September 12, 2017
2. Irvington Environmental Commission – 2016 Annual Report
3. Tax Collector – Monthly Report for July, 2017
4. Tax Collector – Monthly Report for August, 2017
5. Municipal Court Electronic Collections Report Through August, 2017

7. Reports of Committees

None

ALL ITEMS LISTED ON THE CONSENT AGENDA ARE CONSIDERED ROUTINE BY THE MUNICIPAL COUNCIL AND HAVE BEEN LISTED FOR ONE ROLL CALL VOTE FOR ADOPTION OF ALL ITEMS

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 SEPTEMBER 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	\$1,978,391.29
TOTAL	\$1,978,391.29

Adopted

Jones – Hudley 2. Payrolls

August 25, 2017 through September 9, 2017

REGULAR	OVERTIME	OTHER EARNED	TOTAL
\$1,559,383.84	\$135,111.27	\$34,556.20	\$1,729,051.31

Adopted

9. Resolutions & Motions

A. Resolutions

1. Jones – Hudley 1. Ratify Emergency Contract for Repair of Overhead Door at 16th Avenue Garage - New Jersey Door Works, Inc, - \$8,533.00

RESOLUTION RATIFYING PROFESSIONAL SERVICES CONTRACT FOR LITIGATION/DEFENSE COUNSEL SERVICES

WHEREAS, resolution number TA 16-1110-45 qualified fifteen firms to provide litigation/defense counsel services for the Township of Irvington from November 01, 2016 until October 31, 2017; and

WHEREAS, the resolution requires that all cases assigned to counsel for this purpose must be approved by the Municipal Council; and

WHEREAS, the Township Attorney has determined that Clarence Barry-Austin, P.C. has the most experience to defend the Township of Irvington in the matter of Vera Gunn v. Andre Williams, Docket No. ESX-L-5152-17 and

WHEREAS, the Township Attorney has recommended that a contract be awarded to Clarence Barry-Austin, P.C., 76 South Orange Avenue, Suite 207, South Orange, New Jersey 07079; and

NOW THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that a contract for Litigation/Defense counsel services be awarded to Clarence Barry-Austin, P.C., 76 South Orange Avenue, Suite 207, South Orange, New Jersey, 07079 for a contract amount not to exceed \$2,500.00. The billing rate for this contract is \$150.00 per hour; and

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

BE IT FURTHER RESOLVED, that funds for this service will be paid from the Insurance fund for a contract amount not to exceed \$2,500.00. The billing rate for this contract is \$150.00 per hour.

Adopted

Burgess – Hudley 2. Authorize Contract for Proprietary Upgrade to Digital Recording System in Council Chambers – Office Business Systems – Not To Exceed \$6,557.00

RESOLUTION TO PURCHASE PROPRIETARY SOUND SYSTEM FOR THE MUNICIPAL COUNCIL CHAMBERS

WHEREAS, the Municipal Clerk would like to upgrade the recording, microphone and sound reinforcement equipment in the Municipal Council Chambers; and

WHEREAS, the technology and maintenance are proprietary software for Office Business System (OBS); and

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

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

WHEREAS, the Township would like to take advantage of provisions of NJSA 40:11-5 (dd) and award a service contract to Office Business Systems, 600 M Ryerson Road, Lincoln Park, NJ 07035 for the total sum of \$6,557.00.

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON hereby authorizes a service contract to Office Business Systems, 600 M Ryerson Road, Lincoln Park, NJ 07035 to upgrade the sound system in

the Municipal Council Chambers under provisions of NJSA 40:11-5dd to purchase proprietary software for the total sum of \$6,557.00; and

BE IT FURTHER RESOLVED that the Township Attorney is directed to prepare the appropriate contract for such goods and services and the Mayor and Municipal Clerk is authorized to sign the same; and

BE IT FURTHER RESOLVED that the required certification of availability of funds C7-00267 in the amount of \$6,557.00 from account number 7-01-20-120-121-299 has been obtained from the Chief Financial Officer.

Adopted

Burgess – Cox 3. Authorize Purchases Through the Morris County Cooperative Purchasing Program Over the \$40,000.00 Bid Threshold

AUTHORIZING PURCHASES UNDER THE MORRIS COUNTY COOPERATIVE PURCHASING PROGRAM OVER THE BID THRESHOLD OF \$40,000.00

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

WHEREAS, the Township of Irvington has the need on a timely basis to purchase goods or services utilizing Morris Cooperative Purchasing Program contracts; and

WHEREAS, the list of vendors below will exceed the bid threshold of \$40,000.00 for calendar year 2017:-

Name of Vendor	Contract Number	Commodity	Amount
Continental Trading	10	DPW Hardware	\$160,000.00
Jen Electric	37	Traffic Light	\$ 75,000.00
Morton Salt Inc.	3	Salt	\$100,000.00
Office Concept	16	Office Supplies	\$125,000.00
Tilcon	6	Asphalt	\$ 65,000.00

WHEREAS, the Township of Irvington intends to enter into contracts with Morris County Co-op contract vendors over the bid threshold of \$40,000.00 through this resolution and properly executed purchase orders, which shall be subject to all the conditions applicable to current Co-op contracts.

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of Irvington authorizes the purchase of certain goods and services from those approved Morris County Co-op vendors over the bid threshold of \$40,000.00, pursuant to all the conditions of the individual contracts; and

BE IT FURTHER RESOLVED by the Township Council that, pursuant to the N.J.A.C. 5:30-

5.5(b), the certification of available funds and resolutions shall be certified at such time as the goods or services are called for prior to placing the order for good or service in excess of \$40,000.00, and a certification of availability of funds is made by the Chief Financial Officer via an authorized purchase order; and

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

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

Adopted

Burgess – Cox 4. Authorize Purchases Through the New Jersey Cooperative Purchasing Program Over the \$40,000.00 Bid Threshold

COOPERATIVE PURCHASING PROGRAM OVER THE BID THRESHOLD OF \$40,000.00

WHEREAS, the Township of Irvington, pursuant to N.J.S.A. 40A:11-12(a) and N.J.A.C. 5:34-

7.29(c) may by resolution and without advertising for bids, purchase any goods or services under the State of New Jersey Cooperative Purchasing Program for any State contracts entered into on behalf of the State by the Division of Purchase and Property in the Department of Treasury; and,

WHEREAS, the Township of Irvington has the need on a timely basis to purchase goods or services utilizing State contracts; and

WHEREAS, the list of vendors below will exceed the bid threshold of \$40,000.00 for calendar year 2017:-

Name of Vendor	State Contract Number	Commodity	Amount
Linden BC INC	85997	Motor Vehicle Parts	\$ 55,000.00
Samuel INC DBA Buy Wise	85992	Motor Vehicle Parts	\$ 88,000.00
Pitney Bowes	75237	Postage	\$150,000.00
Rachles/Michele's Oil Co.	80913	Gasoline/Gas	\$210,000.00
Absolute Fire Protection	81340	Fire Repairs	\$ 85,000.00
Global Industries	81713	Furniture	\$ 54,808.49
Broadview	85017	Telecommunications	\$134,370.18

WHEREAS, the Township of Irvington intends to enter into contracts with State contract vendors over the bid threshold of \$40,000.00 through this resolution and properly executed purchase orders, which shall be subject to all the conditions applicable to current State contracts.

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of Irvington authorizes the purchase of certain goods and services from those approved New Jersey State contract vendors over the bid threshold of \$40,000.00, pursuant to all the conditions of the individual State contracts; and

BE IT FURTHER RESOLVED by the Township Council that, pursuant to the N.J.A.C. 5:30-5.5(b), the certification of available funds and resolutions shall be certified at such time as the goods or services are called for prior to placing the order for good or service in excess of \$40,000.00, and a certification of availability of funds is made by the Chief Financial Officer via an authorized purchase order; and

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

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

Adopted

Frederic - Cox 5. Ratify Emergency Contract for Repair of Sewer Collapse on 18th Avenue and 21st Street Based upon Low Quotation - Diamond Mason Contractors, LLC - Not To Exceed \$21,700.00

RESOLUTION TO AWARD AN EMERGENCY CONTRACT TO REPAIR SEWER COLLAPSED LOCATED AT 18TH AVE AND 21ST STREET

WHEREAS, a portion of the sanitary sewer located on 18th Ave and 21st collapsed and:

WHEREAS, the work needed to repair this sewer is beyond the current capabilities of the Department of Public Works and it is not practical for the Department of Public Works, and

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

WHEREAS, two quotes were obtained from Diamond Mason Contractors LLC for \$21,700.00 and Your Way Constructions Inc., for \$22,998.25, and;

WHEREAS, Diamond Mason Contractors LLC provided the lowest quote and was called and the required repairs were done for the total sum of \$21,700.00 and;

WHEREAS, the Director of Public Works has concurred with the amount and recommends that an emergency contract be awarded to Diamond Mason Contractors LLC, 38 N. 18th Street, Kenilworth, NJ 07033, and;

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that it ratifies the decision of the Director of Public Works to authorize an emergency contract in the amount of \$21,700.00 to Diamond

Mason Contractors LLC of 38 N. 18th Street, Kenilworth, NJ 07033 to repair the sanitary sewer located at 18th Ave and 21st, and;

BE IT FURTHER RESOLVED, that the required certification of availability of funds C7-00268 in the amount of \$21,700.00 from account number 7-01-21-165-165-299 has been obtained from the Chief Financial Officer to repair the sewer emergency.

Adopted

Burgess – Lyons 6. Commendation – Irvington Chamber of Commerce's 2017 Valor Award Recipients

Resolution of Commendation
The Irvington Chamber of Commerce
32nd Annual
Louis James Maynard Police Awards
and
Sturd Alston Fire Awards
October 5, 2017

WHEREAS, the Municipal Council of the Township of Irvington wishes to acknowledge the 2017 Louis James Maynard Police Awards and Sturd Alston Fire Awards Recipients for their professional achievements and honor the men and women in public safety who have given the most of themselves to protect and serve the community; and

WHEREAS, the Irvington Fire Division's Lieutenant Thomas Dzuna, Firefighter Theodore Mack, Firefighter Collis Martin and Firefighter James Hamilton-Williams are to be admired for their bravery and perseverance in risking their own lives in a honorable way to save the lives of others; and

WHEREAS, the Irvington Police Division's Threat Assessment Criminal Intelligence Team (TACIT) Members: Detective Christopher Jenkins, Detective Mitchell Molina, Detective Jamar Neal, Detective Brechner Jeannot and Detective Shanara Cannon. Irvington Police Officer Rodney Remy and Homeland Security Investigations Special Agent Ricky Miller are to be admired for their courageousness and diligence in risking their lives in a noble way to protect our community; and

WHEREAS, the Essex County Sheriff's Bureau of Narcotics (BON) Members: Captain Vito D'Alessio, Detective Sergeant Barry Zepeda (Irvington Police Dept.), Detective Ozie Ryals, Detective Ricardo Rickards, Detective Yusef Ellis, Detective Jimmy Rodriguez, Detective Christopher Bozios, Sheriff Officer Dennis Kihberg, Sheriff Officer Kevin Gregorowicz, Detective Anthony Piccinno (Bloomfield Police Dept.), Detective Noel Mendez, Sergeant Zipporah Thomas-Jenkins, Sergeant Dominic Mancini and Detective Edgar Silverio are to be commended in risking their lives in a selfless way; and

WHEREAS, the New Jersey State Police TEAMS Unit Members: SFC Raymond Amato, Sergeant Antony DiRubba, Trooper I Joseph Trogani, Trooper I Joseph Villalta-Moran, Trooper I Thomas Ferrigno, Trooper I Lance Visone, Trooper I Robert Rohel, Trooper

I Rodrigo Coelho, Trooper I Craig Kempinski, Trooper I Marc Nietubyc and Trooper II Brian Santos are to be acclaimed in risking their lives to protect the lives of others; and

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that each one of these heroic officers are being honored for the good they have done and for their heroic actions, in the name of everyone they have saved, of their families and friends, for putting their lives at risk for someone else and for placing others before themselves.

BE IT FURTHER RESOLVED that a copy of this resolution be spread upon the minutes of the Irvington Municipal Council as a lasting tribute to the outstanding achievements of these men and women in public safety for their Actions, Bravery, Valor and Dedication in the highest esteem of the Irvington Public Safety Department, Essex County Sheriff's Office and New Jersey State Police.

Adopted

Cox – Hudley 7. Authorize Professional Services Contract for Professional Engineering Construction Administrative Services on Connection With the 2016 Road Resurfacing Program – Keller and Kirkpatrick – Not to Exceed \$22,250.00

RESOLUTION TO AWARD A PROFESSIONAL SERVICES CONTRACT FOR CONSTRUCTION ADMINISTRATION OF THE 2016 RESURFACING PROGRAM

WHEREAS, the Township of Irvington has undertaken a project known as the 2016 Resurfacing Program; and

WHEREAS, due to the scope of the project and in order to properly administer this contract, the Township Engineer has solicited proposals for the professional services to provide construction administration services from the engineering firms that have an annual contract with the Township to provide these services; and

WHEREAS, four firms replied to this request with the firm of Keller & Kirkpatrick of Morris Knolls, NJ providing the most cost efficient proposal for these services at their price of \$ 22,250 ; and

WHEREAS, the Township Engineer reviewed these proposals and recommends that a contract for this work be awarded to the firm of Keller & Kirkpatrick of Morris Knolls, NJ; and

NOW, THEREFORE, BE IT RESOLVED BY MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that a contract for professional services be awarded to the firm of Keller & Kirkpatrick of Morris Knolls, NJ at their quotes price of \$ 22,250.00.

BE IT FURTHER RESOLVED that pursuant to N.J.A.C. 5:34-5.2, the required Certificate of Availability of Funds No. C7-00269 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 \$ 22,250.00 is Account No. C-04-56-849-016-902.

Adopted

Hudley – Cox 8. Authorize Change Order for Emergency Generators at the Chris Gatling Recreation Center – 3% Increase in Contract Price - \$4,520.00 to Cover and Extended Warrantee and Switching Gear for a Total Contract Price of \$153,882.00

RESOLUTION TO AWARD A CHANGE ORDER 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 Public Safety complex as well as the Gatling Center; and

WHEREAS, the Township engaged the professional Services of CME Associates to prepare plans to be publicly bid for this project and administer the construction of the 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 Manor II Electric of Holmdel of \$ 149,362.00 was the lowest responsible bid for this project and a contract for this work be awarded to that firm as Resolution DPW 17-042622; and

WHEREAS, during the course of construction of this project, the manufacturer of the generators has offered an extended 5 year warranty on both generators and switching gear at a one-time cost of \$ 4,520.00; and

WHEREAS, the Township's consultant for this project, CME Associates, has recommended that this change order be approved and the Township Engineer has concurred in that recommendation.

NOW, THEREFORE, BE IT RESOLVED BY MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that a change order, Change Order No. 1, in the amount of \$ 4,520.00 for an extended warranty for the Installation of Emergency Generators at the Public Safety Complex and the Gatling Center be awarded to Manor II Electric of Holmdel, NJ so that the total contract price will be amended to \$ 153,882.00 for a net change in the contract of + 3.0%.

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 G-02-XX-805-16A-299 in the amount of \$4,520.00.

Adopted

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 – Hudley 1. Establish Resident Permit Parking on Denman Place From 6:00 P.M. to 6:00 A.M.

AN ORDINANCE AMENDING PART II GENERAL LEGISLATION/CHAPTER 192, VEHICLES AND TRAFFIC/ARTICLE II, PARKING/SECTION 192-16.2 PARKING RESTRICTED FOR RESIDENTS; PARKING PERMIT REQUIRED; AND AMENDING 192-96.1

Adopted

Abstain: Inman

Lyons – Burgess 2. Establish Resident Permit Parking on Liberty Street From 7:00 P.M. to 7:00 A.M.

AN ORDINANCE AMENDING PART II GENERAL LEGISLATION/CHAPTER 192, VEHICLES AND TRAFFIC/ARTICLE II, PARKING/SECTION 192-16.2 PARKING RESTRICTED FOR RESIDENTS; PARKING PERMIT REQUIRED; AND AMENDING 192-96.1

Adopted

Abstain: Inman

Jones – Burgess 3. Accept Quit Claim Deed for 125 Ellis Avenue from Deliverance Jesus is Coming Association

AN ORDINANCE ACCEPTING A QUIT CLAIM DEED FOR 121 ELLIS AVENUE IN THE TOWNSHIP OF IRVINGTON FROM DELIVERANCE-JESUS IS COMING ASSOCIATION

Adopted

Burgess – Lyons 4. Accept Quit Claim Deed for 125 – 127 – 21st Street from Paula Biggs

AN ORDINANCE ACCEPTING A QUIT CLAIM DEED FOR 125-127 21st STREET IN THE TOWNSHIP OF IRVINGTON FROM PAULA BIGGS

Adopted

Cox – Jones 5. Accept Quit Claim Deed for 127-129 Ellis Avenue from James Everett, Jr. and Vanessa Everett

AN ORDINANCE ACCEPTING A QUIT CLAIM DEED FOR 127-129 ELLIS AVENUE IN THE TOWNSHIP OF IRVINGTON FROM JAMES EVERETT JR. AND VANESSA EVERETT

Adopted

Burgess – Hudley 6. Accept Quit Claim Deed for 161 – 19th Avenue from Newark-North Jersey Committee of Black Churchmen

AN ORDINANCE ACCEPTING A QUIT CLAIM DEED FOR 161 19TH AVENUE IN THE TOWNSHIP OF IRVINGTON FROM NEWARK-NORTH JERSEY COMMITTEE OF BLACK CHURCHMEN

Adopted

Jones – Cox 7. Accept Deed in Lieu of Foreclosure for 67 – 73 Hopkins Place from Syester and Rita Jackson

AN ORDINANCE ACCEPTING A DEED IN LIEU OF FORECLOSURE FOR 67-73 HOPKINS PLACE IN THE TOWNSHIP OF IRVINGTON FROM SYLVESTER JACKSON AND RITA JACKSON

Adopted

Burgess – Frederic 8. Authorize Trap, Neuter and Release Program for Feral Cats

AN ORDINANCE OF THE TOWNSHIP OF IRVINGTON, COUNTY OF ESSEX, STATE OF NEW JERSEY AMENDING THE TOWNSHIP CODE AT CHAPTER 65 "ANIMALS", PART 2 "WILDLIFE" TO INCLUDE A NEW SECTION, ENTITLED "FERAL CAT TRAP, NEUTER, RETURN PROGRAM".

Adopted

B. Ordinances on 2nd Reading

1. President Lyons: An ordinance authorizing a range of internet user fees will be heard at this time. The Clerk will read the notice of hearing.

The Clerk will read the ordinance by title.

AN ORDINANCE AUTHORIZING INTERNET USER FEES

BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON AS FOLLOWS:

SECTION 1.

1. There shall be a “User Fee” that will vary from one dollar (\$1.00) up to fifty dollars (\$50.00) payable by any individual, entity, firm, corporation, company, organization etc. that desires to use an online/internet based system for the purchase of, applying for, obtaining, registering, or receiving any of the various municipal documents, records, permits, forms, certifications, applications, licenses etc. from the Township of Irvington.
2. The “User Fee” will be in addition to and a separate charge from the township fees already required to obtain what is being sought.
3. The “User Fee” may be required by a third party or multiple parties that are distinct and not affiliated with the Township of Irvington.
4. The “User Fee” will only apply to transactions conducted over the internet, the fee is mandatory to process the request. The fee(s) cannot be waved, altered or amended in any way.
5. The “User Fee” is non-refundable under any circumstances.

SECTION 2. All ordinances or parts of ordinances inconsistent or in conflict with the provisions of this ordinance are hereby repealed.

SECTION 3. This ordinance shall take effect upon final passage and publication according to law.

The public hearing on this ordinance is now open.

There were no requests to be heard.

Burgess – Jones Motion to close public hearing

Adopted

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

Adopted

2. President Lyons: An ordinance repealing the provision for the issuance of a special permit for alcohol consumption in public parks will be heard at this time. For the record, this notice of hearing is identical to the first notice of hearing that was read. The Clerk will read the ordinance by title

AN ORDINANCE TO AMEND SECTION 139-19 OF THE REVISED CODE
ENTITLED: DRINKING ALCOHOLIC BEVERAGES OF PUBLIC GROUNDS
PROHIBITED; EXCEPTIONS.

(Amended 2-13-1973 by Ord. No. MC 2345)

WHEREAS, the Township of Irvington is committed to providing a uniform set of regulations for the consumption of alcoholic beverages in the Township of Irvington;

WHEREAS, the Purpose of this Ordinance is to promote the general health, safety , and welfare of our citizens and to protect the citizens from the extremes that may be associated with alcoholic beverage consumption:

NOW, THEREFORE BE IT ORDAINED THAT the Municipal Council of the Township of Irvington hereby amends Section 139-19 of the Code of the Township as follows:

A. (REMAINS THE SAME)

B. At certain specific designated recreational areas, the Director of Parks and Recreation may issue a special permit for the consumption of alcoholic beverages for consumption at a picnic or other activity sponsored by a nonprofit corporation or organization.

DELETED

The public hearing on this ordinance is now open.

There were no requests to be heard.

Cox – Burgess

Motion to close public hearing

Adopted

Abstain: Inman

Cox – Burgess

Motion to adopt this ordinance on second reading after public hearing.

Adopted

Abstain: Inman

3. President Lyons: An ordinance amending section 111-17 of the revised code pertaining to hours of operation for retail food establishments will be heard at this time. For the record, this notice of hearing is identical to the first notice of hearing that was read. The Clerk will read the ordinance by title

AN ORDINANCE AMENDING AND SUPPLEMENTING SECTION 111-17 OF THE REVISED CODE REGARDING HOURS OF OPERATION FOR RETAIL FOOD ESTABLISHMENTS.

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

SECTION 1.

§ 111-17 Establishments to be closed between certain hours.

(A) All stores, establishments or places of business for the sale of meats, groceries or provisions for consumption off the premises, located within the Township, shall be closed to the public, and the business therein shall be and is hereby prohibited before the hour of 6:00 a.m. and after the hour of 11:00 p.m. on all days.

(B) Exclusions. The following stores shall be excluded from the application of paragraph 111-17 (A), all being either otherwise regulated by law, deemed to involve minimal nuisance characteristics, necessary to the public health, safety, welfare or convenience, or some combination of the foregoing, as follows:

1. Convenience stores that are a minimum of 2,400 total square feet and are designed with the following characteristics:
 - a. The convenience store must contain a retail security camera system as follows:
 - i. That is approved by the Irvington Police Department.
 - ii. A security camera system that operates 24 hours a day 7 days a week;
 - iii. At least one of the security cameras within the convenience store must be completely dedicated to monitoring the public entrance door;
 - iv. There must be a camera or cameras that monitor the entire area of the convenience store that is accessible by the public; and
 - v. The video footage obtained by the security camera system must be maintained by the convenience store for no less than 30 days.
 - b. The convenience store's register must meet the following conditions:
 - i. Must be visible from the adjacent street
 - ii. Must maintain no more than \$25 to \$50 in cash after the hours of 11:00 pm
 - c. The convenience store must also post the following:
 - i. Store policy that no more than some pre-determined amount (often \$25 to \$50) is kept in the register at one time and that the store will accept no larger than \$20 denominations.

- ii. Signs inside and outside the store to emphasize your security policy on limited cash on hand and employee inaccessibility to the safe.
- iii. Fifteen (15) minutes parking signs in parking area of convenience store.
- d. The convenience store must install the following:
 - i. a door signaling system like a buzzer/bell
 - ii. Silent “hold-up” alarms should be considered.
- e. The convenience store must have a minimum of 2.0 foot candle around the perimeter of the premises and a minimum of 2.5 foot candle in the parking lot and the entrance of the premises.

SECTION 2. All ordinances or parts of ordinances inconsistent or in conflict with the provisions of the within ordinances are hereby repealed.

SECTION 3. This ordinance shall become effective twenty (20) days after the final passage by the Municipal Council and approval by the Mayor in the time and manner prescribed by law.

The public hearing on this ordinance is now open.

There were no requests to be heard.

Cox – Burgess Motion to close public hearing

Adopted
Abstain: Inman

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

Adopted
Abstain: Inman

4. 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.

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

OR NOTES OF THE TOWNSHIP FOR FINANCING THE COST
THEREOF.

BE IT ORDAINED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF
IRVINGTON, IN THE COUNTY OF ESSEX, NEW JERSEY (not less than two-thirds
of all members thereof affirmatively concurring) AS FOLLOWS:

The Township of Irvington, in the County of Essex, New Jersey (the "Township"), is hereby authorized to pay an aggregate amount not exceeding \$1,913,068 for amounts owed by the Township to the owners of various properties for taxes levied in the Township (plus certain costs associated therewith), as more particularly described on the List of Settled Appeals and available for inspection in the office of the Township Clerk, which list is hereby incorporated by reference as if set forth at length herein. Such amount shall be paid to taxpayers in the form of a refund, or used by the Township to reimburse tax appeal amounts applied as credits to taxpayers' future taxes payable, as applicable.

An aggregate amount not exceeding \$150,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-51(b) has been included in the aggregate principal amount of refunding bonds authorized herein.

In order to finance the cost of the project described in Section 1 hereof, negotiable refunding bonds are hereby authorized to be issued in the principal amount of \$2,065,000 pursuant to the Local Bond Law and the Municipal Qualified Bond Act. In anticipation of the issuance of the refunding bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law. All refunding bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer, provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with notes issued pursuant to this refunding bond ordinance, and the chief financial officer's signature upon the notes shall be conclusive evidence as to all such determinations.

All notes issued hereunder may be renewed from time to time, but all such notes including renewals shall mature and be paid no later than the seventh anniversary of the date of the original notes; provided, however, that no notes shall be renewed beyond the first or any succeeding anniversary date of the original notes unless an amount of such notes, at least equal to the first legally payable installment of the bonds in anticipation of which the notes are issued, determined in accordance with the maturity schedule for the

bonds approved by the Local Finance Board, is paid and retired on or before such anniversary date; and provided, further, that the period during which the bond anticipation notes and any renewals thereof and any permanent bonds are outstanding, shall not exceed the period set for the maturity of the bonds by the Local Finance Board.

The chief financial officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this refunding bond ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the notes sold, the price obtained and the name of the purchaser.

The chief financial officer of the Township is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Township and to execute such disclosure document on behalf of the Township. The chief financial officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Township pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Township and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Township fails to comply with its undertaking, the Township shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

Section 6. The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Township as defined in the Local

Bond Law is increased by the authorization of the bonds and notes provided in this refunding bond ordinance by \$2,065,000, but that the net debt of the Township determined as provided in the Local Bond Law is not increased by this refunding bond ordinance. The obligations authorized herein will be within all debt limitations prescribed by that Law.

Section 7. 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 authorized by this refunding bond ordinance. The obligations shall be direct, unlimited obligations of the Township, and the Township shall be obligated to levy *ad valorem* taxes upon all the taxable real property within the Township for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 8. A certified copy of this refunding bond ordinance as adopted on first reading has been filed with the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey prior to final adoption, together with a complete statement in the form prescribed by the Director and signed by the chief financial officer of the Township as to the indebtedness to be financed by the issuance of the refunding bonds authorized herein.

Section 9. This refunding bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law, provided that the consent of the Local Finance Board has been endorsed upon a certified copy of this refunding bond ordinance as finally adopted.

Lyons – Frederic

Motion to adjourn final adoption to October 11, 2017

Adopted

Abstain: Inman

9. Resolutions & Motions

A. Resolutions

Hudley – Cox 9. Authorize Professional Services Contract for Legal Services in the Matter of Leola Bearfied v. Township of Irvington - Lamb Kretzer, LLC - Not To Exceed \$10,000.00

RESOLUTION RATIFYING PROFESSIONAL SERVICES CONTRACT FOR
LITIGATION/DEFENSE COUNSEL SERVICES

WHEREAS, resolution number TA 16-1110-45 qualified fifteen firms to provide litigation/defense counsel services for the Township of Irvington from November 01, 2016 until October 31, 2017; and

WHEREAS, the resolution requires that all cases assigned to counsel for this purpose must be approved by the Municipal Council; and

WHEREAS, the Township Attorney has determined that Lamb Kretzer, LLC has the most experience to defend the Township of Irvington in the matter of Leola Bearfied v. Township of Irvington, Docket No. ESX-L-3435-17 and

WHEREAS, the Township Attorney has recommended that a contract be awarded to Lamb Kretzer, LLC, 110B Meadowlands Parkway, Suite 201, Secaucus, New Jersey, 07094; and

NOW THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that a contract for Litigation/Defense counsel services be awarded to Lamb Kretzer, LLC, 110B Meadowlands Parkway, Suite 201, Secaucus, New Jersey, 07094 for a contract amount not to exceed \$10,000.00. The billing rate for this contract is \$150.00 per hour; and

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

BE IT FURTHER RESOLVED, that funds for this service will paid from the Insurance fund for a contract amount not to exceed \$10,000.00. The billing rate for this contract is \$150.00 per hour.

Adopted
No: Inman

Lyons – Cox 10. Authorize Professional Services Contract for Legal Services in the Matter of Centers for Medicare & Medicaid Services' Demand for Debt to the Medicare Program v. Township of Irvington - Lamb Kretzer, LLC - Not To Exceed \$3,500.00

RESOLUTION RATIFYING PROFESSIONAL SERVICES CONTRACT FOR
LITIGATION/DEFENSE COUNSEL SERVICES

WHEREAS, resolution number TA 16-1110-45 qualified fifteen firms to provide litigation/defense counsel services for the Township of Irvington from November 01, 2016 until October 31, 2017; and

WHEREAS, the resolution requires that all cases assigned to counsel for this purpose must be approved by the Municipal Council; and

WHEREAS, the Township Attorney has determined that Lamb Kretzer, LLC has the most experience to defend the Township of Irvington in the matter of Centers for Medicare & Medicaid Services' Demand for debt to the Medicare Program; and

WHEREAS, the Township Attorney has recommended that a contract be awarded to Lamb Kretzer, LLC, 110B Meadowlands Parkway, Suite 201, Secaucus, New Jersey, 07094; and

NOW THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that a contract for Litigation/Defense counsel services be awarded to Lamb Kretzer, LLC, 110B Meadowlands Parkway, Suite 201, Secaucus, New Jersey, 07094 for a contract amount not to exceed \$3,500.00. The billing rate for this contract is \$150.00 per hour; and

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

BE IT FURTHER RESOLVED, that funds for this service will paid from the Insurance fund for a contract amount not to exceed \$3,500.00. The billing rate for this contract is \$150.00 per hour.

Adopted

Cox – Burgess 11. Authorize Professional Services Contract for Special Conflict Counsel Legal Services in Connection With 49 Disciplinary Matters –DeCotiis, FitzPatrick & Cole, LLP – Not To Exceed \$35,000.00

RESOLUTION AWARDING PROFESSIONAL SERVICES CONTRACT FOR SPECIAL CONFLICT ATTORNEY

WHEREAS, resolution number TA 16-1110-46 qualified eight firms to represent the Township as Special Conflict Attorneys from November 01, 2016 until October 31, 2017; and

WHEREAS, the resolution requires that all cases assigned to counsel for this purpose must be approved by the Municipal Council; and

WHEREAS, the Township Attorney has determined that DeCotiis, FitzPatrick & Cole, LLP has the most experience in handling 49 disciplinary matters on behalf of the Township;

WHEREAS, the Township Attorney has recommended that a contract be awarded to DeCotiis, FitzPatrick & Cole, LLP, 500 Frank W. Burr Blvd., Suite 31, Teaneck, NJ, 07666; and

NOW THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that a contract for Special Conflict Counsel services be awarded to DeCotiis, FitzPatrick & Cole, LLP, 500 Frank W. Burr Blvd., Suite 31, Teaneck, NJ, 07666 for a contract amount not to exceed \$35,000.00. The billing rate for this contract is \$200.00 per hour for partners and \$150.00 per hour for associates; and;

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

BE IT FURTHER RESOLVED that the required Certification of Availability of Funds, certification number C7-00257 was obtained from the Chief Financial Officer in the amount of \$35,000.00 and the appropriation to be charged for this expenditure is 7-01-20-155-155-299.

Adopted
No: Inman

Cox – Jones 12. Authorize Professional Services Contract for Legal Services to Defend Police Sergeant Gerald Malek in the Matter of Wally Jean-Simon v. Township of Irvington – Roth D'Aquanni, LLC – Not To Exceed \$10,000.00

**RESOLUTION RATIFYING PROFESSIONAL SERVICES CONTRACT FOR
LITIGATION/DEFENSE COUNSEL SERVICES**

WHEREAS, resolution number TA 16-1110-45 qualified fifteen firms to provide litigation/defense counsel services for the Township of Irvington from November 01, 2016 until October 31, 2017; and

WHEREAS, the resolution requires that all cases assigned to counsel for this purpose must be approved by the Municipal Council; and

WHEREAS, the Township Attorney has determined that Roth D'Aquanni, LLC has the most experience to defend Gerald Malek in the matter of Wally Jean-Simon v. Township of Irvington et als, Docket No. ESX-L-3737-17 and

WHEREAS, the Township Attorney has recommended that a contract be awarded to Roth D'Aquanni, LLC, 150 Morris Avenue, Suite 303, Springfield, New Jersey, 07081; and

NOW THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that a contract for Litigation/Defense counsel services be awarded to Roth D'Aquanni, LLC, 150 Morris Avenue, Suite 303, Springfield, New Jersey, 07081 for a contract amount not to exceed \$10,000.00. The billing rate for this contract is \$150.00 per hour; and

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

BE IT FURTHER RESOLVED, that funds for this service will paid from the Insurance fund for a contract amount not to exceed \$10,000.00. The billing rate for this contract is \$150.00 per hour.

Adopted
No: Inman

Cox – Burgess 13. Authorize Professional Services Contract for Legal Services to Defend Public Safety Director Tracey Bowers in the Matter of Wally Jean-Simon v. Township of Irvington – R Lebowitz, Oleske, Connahan & Kassar, P.C. – Not To Exceed \$10,000.00

RESOLUTION RATIFYING PROFESSIONAL SERVICES CONTRACT FOR LITIGATION/DEFENSE COUNSEL SERVICES

WHEREAS, resolution number TA 16-1110-45 qualified fifteen firms to provide litigation/defense counsel services for the Township of Irvington from November 01, 2016 until October 31, 2017; and

WHEREAS, the resolution requires that all cases assigned to counsel for this purpose must be approved by the Municipal Council; and

WHEREAS, the Township Attorney has determined that Lebowitz, Oleske, Connahan & Kassar, P.C. has the most experience to defend Director Tracy Bowers in the matter of Wally Jean-Simon v. Township of Irvington et als, Docket No. ESX-L-3737-17 and

WHEREAS, the Township Attorney has recommended that a contract be awarded to Lebowitz, Oleske, Connahan & Kassar, P.C., 26 Columbia Turnpike, Suite 105, Florham Park , New Jersey 07932; and

NOW THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that a contract for Litigation/Defense counsel services be awarded to Lebowitz, Oleske, Connahan & Kassar, P.C., 26 Columbia Turnpike Suite 105, Florham Park, New Jersey 079323 for a contract amount not to exceed \$10,000.00. The billing rate for this contract is \$150.00 per hour; and

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

BE IT FURTHER RESOLVED, that funds for this service will paid from the Insurance fund for a contract amount not to exceed \$10,000.00. The billing rate for this contract is \$150.00 per hour.

Adopted
No: Inman

Burgess – Jones 14. Authorize Professional Services Contract for Legal Services in the Matter of Shaunte P. Warren V. KFC et als.– Lamb Kretzer, LLC – Not To Exceed \$2,500.00

RESOLUTION RATIFYING PROFESSIONAL SERVICES CONTRACT FOR LITIGATION/DEFENSE COUNSEL SERVICES

WHEREAS, resolution number TA 16-1110-45 qualified fifteen firms to provide litigation/defense counsel services for the Township of Irvington from November 01, 2016 until October 31, 2017; and

WHEREAS, the resolution requires that all cases assigned to counsel for this purpose must be approved by the Municipal Council; and

WHEREAS, the Township Attorney has determined that Lamb Kretzer, LLC has the most experience to defend the Township of Irvington in the matter of Shaunte P. Warren v. KFC, et als., Docket No. ESX-L-3732-17 and

WHEREAS, the Township Attorney has recommended that a contract be awarded to Lamb Kretzer, LLC, 110B Meadowlands Parkway, Suite 201, Secaucus, New Jersey, 07094; and

NOW THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that a contract for Litigation/Defense counsel services be awarded to Lamb Kretzer, LLC, 110B Meadowlands Parkway, Suite 201, Secaucus, New Jersey, 07094 for a contract amount not to exceed \$2,500.00. The billing rate for this contract is \$150.00 per hour; and

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

BE IT FURTHER RESOLVED, that funds for this service will paid from the Insurance fund for a contract amount not to exceed \$2,500.00. The billing rate for this contract is \$150.00 per hour.

Adopted
No: Inman

Hudley – Cox 15. Authorize Professional Services Contract for Legal Services in the Matter of Anthony Jones v. Pierre Marc Pyrrhus et als. – Childress & Jackson, LLC - Not To Exceed \$2,500.00

RESOLUTION RATIFYING PROFESSIONAL SERVICES CONTRACT FOR LITIGATION/DEFENSE COUNSEL SERVICES

WHEREAS, resolution number TA 16-1110-45 qualified fifteen firms to provide litigation/defense counsel services for the Township of Irvington from November 01, 2016 until October 31, 2017; and

WHEREAS, the resolution requires that all cases assigned to counsel for this purpose must be approved by the Municipal Council; and

WHEREAS, the Township Attorney has determined that Childress & Jackson, LLC has the most experience to defend the Township of Irvington in the matter of Anthony Jones v. Pierre Marc Pyrrhus, et als, Docket No. ESX-L-4820-16 and

WHEREAS, the Township Attorney has recommended that a contract be awarded to Childress & Jackson, LLC, 280 South Harrison Street, Suite 303, East Orange, NJ, 07018; and

NOW THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that a contract for Litigation/Defense counsel services be awarded to Childress & Jackson, LLC, 280 South Harrison Street, Suite 303, East Orange, NJ, 07018 for a contract amount not to exceed \$2,500.00. The billing rate for this contract is \$150.00 per hour; and

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

BE IT FURTHER RESOLVED, that funds for this service will be paid from the Insurance fund for a contract amount not to exceed \$2,500.00. The billing rate for this contract is \$150.00 per hour.

Adopted
No: Inman

Burgess – Hudley 16. Authorize Professional Services Contract for Legal Services in the Matter of Vera Gunn v. Andre Williams – Clarence Barry-Austin, P.C. - Not To Exceed \$2,500.00

RESOLUTION RATIFYING PROFESSIONAL SERVICES CONTRACT FOR LITIGATION/DEFENSE COUNSEL SERVICES

WHEREAS, resolution number TA 16-1110-45 qualified fifteen firms to provide litigation/defense counsel services for the Township of Irvington from November 01, 2016 until October 31, 2017; and

WHEREAS, the resolution requires that all cases assigned to counsel for this purpose must be approved by the Municipal Council; and

WHEREAS, the Township Attorney has determined that Clarence Barry-Austin, P.C. has the most experience to defend the Township of Irvington in the matter of Vera Gunn v. Andre Williams, Docket No. ESX-L-5152-17 and

WHEREAS, the Township Attorney has recommended that a contract be awarded to Clarence Barry-Austin, P.C., 76 South Orange Avenue, Suite 207, South Orange, New Jersey 07079; and

NOW THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that a contract for Litigation/Defense counsel services be awarded to Clarence Barry-Austin, P.C., 76 South Orange Avenue, Suite 207, South Orange, New Jersey, 07079 for a contract amount not to exceed \$2,500.00. The billing rate for this contract is \$150.00 per hour; and

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

BE IT FURTHER RESOLVED, that funds for this service will be paid from the Insurance fund for a contract amount not to exceed \$2,500.00. The billing rate for this contract is \$150.00 per hour.

Adopted
No: Inman

Lyons - Cox 17. Authorize Professional Services Contract for Special Conflict Counsel Legal Services to Investigate Acts and/or Omissions by Township Employees or Representatives That Violate Township Policies, Rule and State and Federal Law – DeCotiis, FitzPatrick & Cole, LLP – Not To Exceed \$30,000.00

RESOLUTION AWARDED PROFESSIONAL SERVICES CONTRACT FOR SPECIAL CONFLICT ATTORNEY

WHEREAS, resolution number TA 16-1110-46 qualified eight firms to represent the Township as Special Conflict Attorneys from November 01, 2016 until October 31, 2017; and

WHEREAS, the resolution requires that all cases assigned to counsel for this purpose must be approved by the Municipal Council; and

WHEREAS, the Township is in need of outside Counsel to review matters where the Township Attorney's Office may have a conflict in representing the Township; and

WHEREAS, the Township Attorney has determined that a conflict may exist and recommends that a Special Conflict Attorney be assigned to investigate acts and/or omissions by Township employees or representatives that violate Township Policies, Rule and State and Federal law; and

WHEREAS, the Township Attorney has determined that DeCotiis, FitzPatrick & Cole, LLP has the requisite experience in handling matters involving legal, ethical and policy violations in the Township of Irvington;

WHEREAS, the Township Attorney has recommended that a contract be awarded to DeCotiis, FitzPatrick & Cole, LLP, 500 Frank W. Burr Blvd., Suite 31, Teaneck, NJ, 07666; and

NOW THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that a contract for Special Conflict Counsel services be awarded to DeCotiis, FitzPatrick & Cole, LLP, 500 Frank W. Burr Blvd., Suite 31, Teaneck, NJ, 07666 for a contract amount not to exceed \$30,000. The billing rate for this contract is \$200.00 per hour for partners and \$150.00 per hour for associates; and;

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

BE IT FURTHER RESOLVED that the required Certification of Availability of Funds, certification number C7-0271 was obtained from the Chief Financial Officer in the amount of \$30,000 and the appropriation to be charged for this expenditure is 7-01-20-155-155-299.

Adopted
No: Inman

12. Miscellaneous

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

Charlotte Galla, 567 Stuyvesant Avenue
Elouise McDaniel, 214 Nesbit Terrace
Gora Nduna, 12 Beaumont Place
Robert Shaw, 57 Coit Street
Rodney White 41 Durand Place

Council Members Hudley, Inman, Burgess 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 8:58 P.M.

David Lyons, Council President

Harold E. Wiener, Municipal Clerk