

REGULAR COUNCIL MEETING
OCTOBER 24, 2017

Council Chamber, Municipal Building
Irvington, N.J. – Tuesday Evening
October 24, 2017 - 8:00 P.M.

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

Present: Renee C. Burgess, Charnette Frederic (arrived 8:12 P.M.), October Hudley, Paul Inman, Sandra R. Jones, David Lyons

Absent: Verna Cox

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 – October 11, 2017
2. Minutes - Joint Meeting – June 15, 2017
3. Joint Meeting – Annual Financial Report – 2015 – 2016
4. Minutes - Joint Meeting – July 20, 2017
5. Minutes - Joint Meeting – Special Telecom - August 10, 2017
6. Minutes - Joint Meeting – August 20, 2017

7. Reports of Committees

A. Bid Results – Replacement of Salt Storage Facility – October 18, 2017

8. Ordinances, Bills & Claims

B. Ordinances on 2nd Reading

None

C. Bills & Claims

Jones – Burgess 1. Bill Lists

RESOLVED THAT THE BILLS AND CLAIMS AGAINST THE TOWNSHIP OF IRVINGTON FOR A PERIOD OCTOBER 24, 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	\$3,837,001.45
SUPPLEMENTAL	\$ 15,367.64
TOTAL	\$3,852,369.09

Adopted
Absent: Cox

Jones – Burgess 2. Payrolls

September 16, 2017 through November 3, 2017

REGULAR	OVERTIME	OTHER EARNED	TOTAL
\$946,843.72	\$80,081.19	\$2,761.06	\$1,029,685.98

Adopted
Absent: Cox

9. Resolutions & Motions

A. Resolutions

Lyons – Burgess 1. Authorize Application Before Local Finance Board – Request Approval of Refunding Bond Ordinance

**RESOLUTION OF THE TOWNSHIP OF IRVINGTON, IN THE
COUNTY OF ESSEX, NEW JERSEY, MAKING APPLICATION
TO THE LOCAL FINANCE BOARD PURSUANT TO N.J.S.A.
40A:2-51 AND N.J.S.A. 40A:3-1 ET SEQ.**

WHEREAS, the Township of Irvington, in the County of Essex, New Jersey (the “Township”), desires to make application to the Local Finance Board pursuant to N.J.S.A. 40A:2-51 and N.J.S.A. 40A:3-1 et seq. for its review and approval of a refunding bond ordinance authorizing payments of amounts owed to others for taxes levied;

WHEREAS, the Township believes that:

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

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

Section 1. The application to the Local Finance Board is hereby approved, and the Township’s Bond Counsel, Financial Advisor and Auditor, along with other representatives of the Township, are hereby authorized to prepare such application and to represent the Township in matters pertaining thereto.

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

Section 3. The Local Finance Board is hereby respectfully requested to consider such application and to record its approval as provided by the applicable New Jersey Statute.

Adopted
Absent: Cox

Jones – Hudley 2. Authorize Removal of Handicapped Parking Space in Front of 67 Stockman Place
– Handicapped Resident Moved

WHEREAS, N.J.S.A. 39:4-197.5 provides that a Municipality may by resolution provide for restricted parking spaces in front of residences for use by any person who has been

issued a special vehicle identification card pursuant to the provisions of N.J.S.A. 39:4-205, when using a motor vehicle on which is displayed a certificate, for which a special vehicle identification card has been issued pursuant to N.J.S.A. 39:4-206; and

WHEREAS, a restricted handicapped parking space has been previously established at 67 Stockman Place; and

WHEREAS, the residents at 67 Stockman Place have indicated to the Police Department that they has moved from 67 Stockman Place; and

WHEREAS, as a result, the Police Department has recommended that the handicapped parking space in front of 67 Stockman Place be removed:

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that the restricted handicapped parking space heretofore established in front of 67 Stockman Place be and the same is hereby rescinded; and

BE IT FURTHER RESOLVED that the Department of Public Works is directed to remove the restricted handicapped parking sign located in front of 67 Stockman Place,

Adopted
Absent: Cox

Burgess – Hudley 3. Authorize Tax Collector's Office to Hold Electronic Tax Sale for 2017

REQUESTING APPROVAL OF THE DIRECTOR OF THE DIVISION OF LOCAL GOVERNMENT SERVICES TO ALLOW THE ASSISTANT TAX COLLECTOR OF THE TOWNSHIP OF IRVINGTON TO HOLD THE 2017 ELECTRONIC TAX SALE.

WHEREAS, NJSA 54:5-19.1 authorizes electronic tax sales pursuant to rules and regulations to be promulgated by the Director of the Division of Government Services, and

WHEREAS, the Director of the Division of Local Government Services has promulgated rules and regulations for pilot programs, and

WHEREAS, the Director of the Division of Local Government Services has approved NJ Tax Lien Investors/RealAuction.com to conduct pilot programs, and

WHEREAS, the rules and regulations authorize a municipality to submit an application for participation in the pilot program for an electronic tax sale, and

WHEREAS, an electronic tax sale is innovative and provides a greater pool of potential lien buyers, thus creating the environment for a more complete tax sale process, and

WHEREAS, the municipality of the Township of Irvington wishes to participate in the pilot program for an electronic tax sale.

NOW, THEREFORE, BE IT RESOLVED, by the governing body of the municipality of the Township of Irvington, New Jersey, that the Assistant Tax Collector is hereby authorized to complete an application to participate in the electronic tax sale program and submit same to the Director of the Division of Local Government Services.

Adopted
Absent: Cox

Lyons – Burgess 4. Commemoration - Latino/Hispanic Heritage Month

LATINO/HISPANIC HERITAGE MONTH-2016

WHEREAS, during the month of September and October, Latino residents of Irvington celebrate in honor of Latinos/Hispanic Heritage Month; and

WHEREAS, the Latino population of Irvington is growing and is rich in culture and heritage and the Township of Irvington is pleased to be able to honor those who play a large part in enhancing our community for the benefit of all; and

WHEREAS, the Latino people have made great contributions in the areas of architecture, sciences and in many other spheres of human enlightenment which are sources of advancements that make up America and the world today; and

WHEREAS, the nation's Latinos/Hispanic Heritage is more than five centuries old, its first official recognition did not occur until 1968. In that year both the House and Senate authorized an annual Proclamation designating the week of September 15th and 16th as Latinos/Hispanic Heritage Week which later was extended for a month by President Reagan; and

WHEREAS, "September 15 was chosen as the starting point for the celebration because it is the anniversary of independence of five Latin American countries: Costa Rica, El Salvador, Guatemala, Honduras and Nicaragua. They all declared independence in 1821. In addition, Mexico, Chile and Belize celebrate their independence days on September 16, September 18 and September 21, respectively"; and

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that it hereby commemorates September 15, 2017 through October 15, 2017 as Latinos/Hispanic Heritage Month in the Township of Irvington and sends its congratulations and warmest regards to Irvington's Latino community; and

BE IT FURTHER RESOLVED that copies of this resolution be spread upon the minutes of the Irvington Municipal Council in recognition of our outstanding Latinos and community leaders.

Adopted
Absent: Cox

Jones – Frederic 5. Establish Handicapped Parking Space in Front of 67 Ellery Avenue and Remove Handicapped Parking Space in Front of 18 Tiffany Place – Handicapped Resident Moved

WHEREAS, N.J.S.A. 39:4-197.5 provides that a Municipality may by resolution provide for restricted parking spaces in front of residences for use by any person who has been issued a special vehicle identification card pursuant to the provisions of N.J.S.A. 39:4-205, when using a motor vehicle on which is displayed a certificate, for which a special vehicle identification card has been issued pursuant to N.J.S.A. 39:4-206; and

WHEREAS, a restricted handicapped parking space has been previously established at 18 Tiffany Place; and

WHEREAS, the resident at 18 Tiffany Place has indicated to the Police Department that she has moved to 67 Ellery Avenue and has requested that a handicapped parking space be established in front of 67 Ellery Avenue; and

WHEREAS, the resident has represented to the Police Department that she has written approval from the landlord of 67 Ellery Avenue allowing for a handicapped parking space to be established in front of 67 Ellery Avenue; and

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that the restricted handicapped parking space heretofore established in front of 18 Tiffany Place be and the same is hereby rescinded; and

BE IT FURTHER RESOLVED that the Department of Public Works is directed to remove the restricted handicapped parking sign located in front of 18 Tiffany Place; and

BE IT FURTHER RESOLVED 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 67 Ellery 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: Cox

Jones – Lyosn 6. Authorize Pool of Fourteen Attorneys to Handle Litigation/Defense Counsel Matters for a One Year Period

AMENDING RESOLUTION QUALIFYING VENDORS IN FAIR AND OPEN MANNER FOR LITIGATION/DEFENSE COUNSEL SERVICE

WHEREAS, the Request for Qualifications for professional Litigation/Defense counsel services was publicly advertised in the New Jersey Star Ledger on September 14, 2017 with a deadline for qualifications to be submitted on September 28, 2017; and

WHEREAS, fourteen qualifications were received and publicly opened; and

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

WHEREAS, the Township Attorney has recommended that all fourteen firms should be added to list of qualified vendors for Litigation/Defense counsel:

Pawar Gilgallon & Rudy, LLC
6 South Street, Suite 201
Morristown, NJ 07960

Eric M. Bernstein & Associates, L.L.C.
34 Mountain Blvd., Bldg. A
P.O. Box 4922
Warren, NJ 07059

Inglesino Webster Wyciskala Taylor, LLC
600 Parsippany Road, Suite 204
Parsippany, NJ 07054

Law Offices, Brenda Coppola Cuba
1164 Springfield Ave.
Mountainside, NJ, 07092

Roth D'Aquanni, LLC
150 Morris Avenue, Suite 303
Springfield, NJ 07081

DeCotiis, FitzPatrick & Cole, LLP
500 Frank W. Burr Boulevard, Suite 31
Teaneck, NJ 07666

Childress & Jackson, LLC
280 South Harrison Street, Suite 303
East Orange, NJ 07050

Lebowitz, Oleske, Connahan & Kassar
26 Columbia Turnpike, Suite 105
Florham Park, NJ 07932

Lamb Kretzer, LLC
110B Meadowlands Parkway, Suite 201
Secaucus, NJ 07094

Durkin & Durkin, LLP
1120 Bloomfield Ave.
West Caldwell, NJ 07006

Florio Perrucci Steinhardt & Fader
235 Broubalow Way
Phillipsburg, NJ 08865

Friend & Wenzel
1000 Clifton Ave.
Clifton, NJ 07013

Law Offices, Clarence Barry-Austin
76 South Orange Ave., Suite 207
South Orange, NJ 07079

Eric Pennington
76 South Orange Ave, Suite 213
South Orange, NJ 07079

NOW THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that the above fourteen vendors are qualified for the services of professional Litigation/Defense Counsel and the Township Attorney will prepare separate resolutions for all cases assigned to each of the above vendors.

BE IT FURTHER RESOLVED The Township Attorney will provided separate resolution with respect to particular matter to the Municipal Council.

BE IT FURTHER RESOLVED, that this qualification is for one year starting on November 01, 2017 and ending on October 31, 2018; 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.

Adopted
Absent: Cox

Frederic – Burgess 7. Authorize Pool of Three Architectural Firms to Handle Architectural Matters for a One Year Period

RESOLUTION QUALIFYING ARCHITECTURAL SERVICE IN A FAIR AND OPEN PROFESSIONAL SERVICE

WHEREAS, the Request for Qualifications (RFQs) for Architectural services was publicly advertised in the New Jersey Star Ledger and on our Municipal website on September 14, 2017
with a deadline for qualifications to be submitted on September 28, 2017; and

WHEREAS, three qualifications were received and publicly opened by the Purchasing Agent and Municipal Clerk; and

WHEREAS, said qualifications were referred to the Township Engineer;

WHEREAS, the Township Engineer has recommended that the vendors below be added to list of qualified vendors for Architectural Service for one year; and

Mott MacDonald
111 Wood Avenue South
Iselin NJ 8830

James R. Guerra, P.A.
55 Jefferson Ave.
Elizabeth, NJ 07201

DMR Architects
777 Terrace Avenue, Suite 607
Hasbrouck Heights, NJ 07604

NOW THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that the Township Engineer will solicit quotes from the above vendors for each municipal project and submit a resolution to the Municipal Council for all projects before retaining their services.

BE IT FURTHER RESOLVED, that appointment is for one year starting on November 01, 2017 and ending on October 31, 2018; 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 FURTHER RESOLVED that the required Certification of Availability of Funds will be obtained from the Chief Financial Officer when quotes are submitted to the Municipal Council for each individual project.

Adopted
Absent: Cox

Lyons – Hudley 8. Authorize Pool of Six Engineering Firms to Handle Engineering Matters for a One Year Period

RESOLUTION QUALIFYING ENGINEERING FIRMS PURSUANT TO A FAIR AND OPEN PROCESS FOR ENGINEERING SERVICES

WHEREAS, the Request for Qualifications for professional Engineering services was publicly advertised in the New Jersey Star Ledger on September 14, 2017 with a deadline for qualifications to be submitted on September 28, 2017; and

WHEREAS, six qualifications were received and publicly opened by the Municipal Clerk and the Purchasing Agent; and

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

WHEREAS, the Township Engineer has recommended that the vendors below be added to list of qualified vendors for Engineering Consulting Service for one year; and

Remington & Vernick Engineers
One Harmon Plaza, Suite 210
Secaucus, NJ 07094

Neglia Engineering Associates
34 Park Ave.
Lyndhurst, NJ 07071

Keller & Kirkpatrick INC.,
301 Gibraltar Dr, 2A
Morris Plains, NJ 077950

Suburban Consulting
96 US Highway 206, Suite 101
Flanders, NJ 07836

Mott MacDonald
412 Mt. Kemble Avenue
Morristown, NJ 07960

CME Associates
3141 Bordentown Avenue
Parlin, NJ 08859

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

1. Township Engineer will solicit sealed quotes from the above vendors for each project and submit a resolution to the Municipal Council for all projects before retaining their services to determined prices.
2. The Township Attorney will prepare the appropriate contract for this service.
3. The above vendors are qualified for one year from November 01, 2017 until October 31, 2018.

Adopted
Absent: Cox

Hudley – Frederic 9. Authorize Pool of Four Licensed Site Remediation Professionals to Site Remediation Matters for a One Year Period

RESOLUTION QUALIFYING LICENSED SITE REMEDIATION PROFESSIONALS (LSRP) SERVICE IN A FAIR AND OPEN PROFESSIONAL SERVICE

WHEREAS, the Request for Qualifications (RFQs) for Licensed Site Remediation Professionals (LSRP) services was publicly advertised in the New Jersey Star Ledger and on our Municipal website on September 14, 2017 with a deadline for qualifications to be submitted on September 28, 2017; and

WHEREAS, four qualifications were received and publicly opened by the Purchasing Agent and Municipal Clerk; and

WHEREAS, said qualifications were referred to the Township Engineer;

WHEREAS, the Township Engineer has recommended that the vendors below be added to list of qualified vendors for Licensed Site Remediation Professionals (LSRP) services for one year; and

Matt MacDonald
412 Mt. Kemble Avenue
Morristown, NJ 07960

Remington & Vernick Engineers
Edward Vernick
One Harmon Plaza, Suite 210
Secaucus, NJ 07094

CME Associates
David Samuel
3141 Bordentown Avenue
Parlin, NJ 08859

E2 Project Management LLC
87 Hibernia Avenue
Rockaway, NJ 07866

NOW THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that the Township Engineer will solicit quotes from the above vendors for each municipal project and submit a resolution to the Municipal Council for all projects before retaining their services.

BE IT FURTHER RESOLVED, that appointment is for one year starting on November 01, 2017 and ending on October 31, 2018; 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 will be obtained from the Chief Financial Officer when quotes are submitted to the Municipal Council for each individual project.

Adopted
Absent: Cox

Frederic – Lyons 10. Amend Prior Resolution to Provide for Alternate Deferred Compensation Plan Provider - AXA Equitable Life Insurance Company Based Upon State Recommendation

**RESOLUTION AUTHORIZE ALTERNATE PROVIDER OF DEFERRED
COMPENSATION PLAN**

Whereas, in order to attract and retain qualified employees there exists a need to adopt and implement a DEFERRED COMPENSATION PLAN for the employees of the Township of Irvington (hereinafter referred to as “Employer”), which will provide employees the opportunity to enhance their financial security at retirement through savings of compensation on a tax deferred basis as provided by Section 457 of the Internal Revenue Code of 1986, as amended (“Code”); and

Whereas, there is no direct financial cost to the Employer to adopt and implement both a DEFERRED COMPENSATION PLAN and Service Agreement; and

Whereas, the Employer advertised in the New Jersey Star Ledger for sealed bids on June 07, 2017 and two vendors submitted written proposals from approved contractors list on June 21, 2017, including AXA Equitable Life Insurance Company (hereinafter referred to as “AXA Equitable), and Lincoln Financial Group for the administration of the investments of funds under a DEFERRED COMPENSATION PLAN including providing Prototypical Plans and Service Agreements that meet the requirements of the Municipal, County and Authority Deferred Compensation Programs Rule N.J.A.C. 5:37;

Whereas, the Plan Administrator Committee [Payroll Supervisor, Chief Financial Officer and Business Administrator] reviewed the proposals and completed the evaluation of all proposals submitted; and

Whereas, the Plan Administrator Committee has determined that AXA Equitable has the ability to: (1) Demonstrate a clear understanding of a 457(b) plan; (2) Substantive experience in administering 457(b) plans (3) overall qualifications of staff and (4) overall cost of Administering a 457 (b) plan;

NOW, THEREFORE BE IT RESOLVED by:

(a) Pursuant to N.J.A.C. 5:37-5.2, the Council of the Township of Irvington, County of Essex, State of New Jersey hereby amend its Deferred Compensation plan to include AXA Equitable Life Insurance Company as an administrator in addition to Nationwide

Insurance Company, MetLife Insurance Company and MassMutual Insurance Company for the Township's Deferred Compensation Plan and Trust. Effective as of the date of this resolution the DEFERRED COMPENSATION PLAN provided by AXA Equitable will be reviewed by the New Jersey Division of Local Government Services and be assigned a plan identifier number.

(b) It is hereby acknowledge that the said DEFERRED COMPENSATION PLAN is substantially similar to one on which a favorable Private Letter Ruling has been previously obtained from the federal Internal Revenue Service except for provisions added by reason of The Small Business Job Protection Act of 1996 (United States Public Law No. 104-188), the Tax payer Relief Act of 2001 (United States Public Law No. 105-34), and the Economic Growth and Tax Relief Reconciliation Act of 2001 (United States Public Law No. 107-16), and all such provisions are stated in the plan in terms substantially similar to the text of those provisions in the Code Section 457 including pertinent applicable Treasury Regulations. The use of the Ruling is for guidance only and acknowledges that for Internal Revenue Service purposes, the Ruling of another employer is not be considered precedent.

(c) The Mayor and Municipal Clerk is authorized to execute the Service Agreement after the same has been reviewed and approved by the New Jersey Division of Local Government with AXA Equitable for the provision of administrative and investment services. The Mayor is authorized to execute the Service Agreement (bearing the identifier:66-SA Equitable-053107 assigned by the New Jersey Division of Local Government) with AXA Equitable for the provision of administrative and investment services. There has been no collusion, or evidence or appearance of collusion, between any local official and a representative of AXA Equitable in the selection of AXA Equitable as contractor for the administration of the Service Agreement pursuant to N.J.A.C. Section 5:37-5.7.

(d) The Director of Finance is hereby designated as Local Plan Administrator for the administration of the DEFERRED COMPENSATION PLAN.

(e) The Municipal Clerk shall forward a true copy to this resolution and all necessary required documents to Director of the Division of Local Government Services within the State Department of Community Affairs for approval.

Adopted
Absent: Cox

Burgess – Jones 11. Authorize Pool of Ten Attorneys to Handle Special Conflict Matters for a One Year Period

AMENDING RESOLUTION QUALIFYING VENDORS IN FAIR AND OPEN MANNER FOR SPECIAL CONFLICT COUNSEL SERVICE

WHEREAS, the Request for Qualifications for professional Special Conflict counsel services was publicly advertised in the New Jersey Star Ledger on September 14, 2017 with a deadline for qualifications to be submitted on September 28, 2017; and

WHEREAS, ten qualifications were received and publicly opened; and

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

WHEREAS, the Township Attorney has recommended that all ten firms should be added to list of qualified vendors for Special Conflict counsel:

Pawar Gilgallon & Rudy, LLC
6 South Street, Suite 201
Morristown, NJ 07960

Eric M. Bernstein & Associates, L.L.C.
34 Mountain Blvd., Bldg. A.
P.O. Box 4922
Warren, NJ 07059

Roth D'Aquanni, LLC
150 Morris Avenue, Suite 303
Springfield, NJ 07081

Florio Perrucci Steinhardt & Fader
235 Broubalow Way
Phillipsburg, NJ 08865

DeCotiis, FitzPatrick & Cole, LLP
500 Frank W. Burr Boulevard, Suite 31
Teaneck, NJ 07666

Durkin & Durkin, LLP
1120 Bloomfield Ave.
West Caldwell, NJ 07006

Friend & Wenzel
1000 Clifton Ave.
Clifton, NJ 07013

Murphy Orlando LLC
30 Montgomery Street, 11th Floor
Jersey City, NJ 07302

Kaufman Borgeest & Ryan LLP
9 Campus Drive
Parsippany, NJ 07054

Eric Pennington
76 South Orange Ave, Suite 213
South Orange, NJ 07079

NOW THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that the above ten vendors are qualified for the services of professional Special Conflict Counsel and the Township Attorney will prepare separate resolutions for all cases assigned to each of the above vendors.

BE IT FURTHER RESOLVED The Township Attorney will provided separate resolution with respect to particular matter to the Municipal Council.

BE IT FURTHER RESOLVED, that this qualification is for one year starting on November 01, 2017 and ending on October 31, 2018; 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.

Adopted
Absent: Cox

A. Communications

1. Assembly Resolution No. 216 – Request Homeowners to Plant Native Plants that Support the Bee Population and Create Habitat for Pollinators
2. Chikezie Onyenso – Offer to the Township to Acquire 569 Nye Avenue, Block 278, Lot 20
3. Division of Local Government Services – Local Finance Notice 2017-22 – Municipal and County Budget and CAP Information for Calendar Year 2018

11. Pending Business

None

12. Miscellaneous

A. Bingos and Raffles

None

NON-CONSENT AGENDA ITEMS

8. Ordinances, Bills & Claims

A. Ordinances on 1st Reading

Lyons – Burgess 1. \$2,700,000 Refunding Bond Ordinance for Tax Appeal Settlements

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 \$2,700,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$2,700,000 REFUNDING BONDS OR NOTES OF THE TOWNSHIP FOR FINANCING THE COST THEREOF.

Adopted
No: Inman
Absent: Cox

Lyons – Burgess 2. Authorize Special Emergency Appropriation - Payment of Contractually Required Severance Liabilities for 2017 – \$1,124,141

ORDINANCE AUTHORIZING A SPECIAL EMERGENCY APPROPRIATION IN THE AMOUNT OF \$1,124,141 FOR THE PAYMENT OF CONTRACTUALLY REQUIRED SEVERANCE LIABILITIES FOR YEAR 2017, IN AND BY THE TOWNSHIP OF IRVINGTON, IN THE COUNTY OF ESSEX, NEW JERSEY

Adopted
Abstain: Inman
Absent: Cox

9. Resolutions and Motions

A. Resolutions

Lyons – Hudley 12. Authorize Emergency Appropriation for Tax Appeal Settlements – \$ 2,647,419

RESOLUTION OF THE TOWNSHIP OF IRVINGTON, IN THE COUNTY OF ESSEX, NEW JERSEY AUTHORIZING AN EMERGENCY APPROPRIATION PURSUANT TO N.J.S.A. 40A:4-48 TO FUND AMOUNTS OWING TO OTHERS FOR TAXES LEVIED AND FURTHER AUTHORIZING THE ISSUANCE OF EMERGENCY NOTES TO FUND SUCH EMERGENCY APPROPRIATION

WHEREAS, an emergency has arisen requiring the appropriation of funds of the Township of Irvington, in the County of Essex, New Jersey (the “Township”), in the amount of \$2,647,419 to provide for amounts owed by the Township to the owners of various properties for taxes levied in the Township (as more particularly described on the List of Settled Appeals available for inspection in the office of the Township Clerk) (the “Tax Appeal Amounts”); and

WHEREAS, the total amount of emergency appropriations created, including the appropriation to be created by this resolution, is \$2,647,419, and 3% of the total current and utility operating appropriations in the budget for CY 2017 is \$3,308,046.15; and

WHEREAS, the foregoing emergency appropriation, together with prior emergency appropriations, does not exceed 3% of the total operating appropriations in the budget for CY 2017.

NOW, THEREFORE, BE IT RESOLVED (by not less than two-thirds of the full membership of the governing body affirmatively concurring) AS FOLLOWS:

1. Pursuant to N.J.S.A. 40A:4-48, an emergency appropriation is hereby made in the amount of \$2,647,419 for amounts owing to others for taxes levied. The \$2,647,419 appropriated herein is sufficient to fund this purpose.
2. The emergency appropriation set forth in Section 1 hereof shall be provided for through the adoption of a bond ordinance entitled, “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 \$2,700,000 Therefor and Authorizing the Issuance of \$2,700,000 Bonds or Notes of the Township for Financing the Cost Thereof,” which bond ordinance is anticipated to be introduced and finally adopted prior to adoption of the CY2018 budget.
3. An emergency note not in excess of \$2,647,419 is hereby authorized to be issued pursuant to N.J.S.A. 40A:4-51.
4. The emergency note authorized herein, if issued, shall be executed by the Mayor and the Chief Financial Officer of the Township and attested by the Township Clerk.
5. The Chief Financial Officer of the Township is hereby delegated the authority to sell and award the note, if any, and such note, if issued, may be renewed from time to time by the Chief Financial Officer provided that any such renewals shall be payable on or before December 31, 2018.
6. Two certified copies of this resolution shall be filed with the Director of the Division of Local Government Services.
7. This resolution shall take effect immediately.

Adopted
Abstain: Inman
Absent: Cox

Frederic – Hudley 13. Ratify Best Practices Checklist for Calendar Year 2017

WHEREAS, Local Finance Notice 2017-14 requires that the governing body of each municipality receiving ETR or CMPTRA state aid discuss the CY 2017 Best Practice Inventory as prepared by the Chief Financial Officer at a public meeting; and

WHEREAS, the Chief Financial Officer has submitted the CY 2017 Best Practices Inventory to the Municipal Council for the review and discussion; and

WHEREAS, the Municipal Council has reviewed and discussed the CY 2017 Best Practice Inventory at their October 11, 2017 public meeting:

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that the Municipal Clerk is hereby authorized and directed to execute the CY 2017 Best Practice Public Meeting Certification Plan and forward same to the Director of the Division of Local Government Services along with a certified copy of this resolution as evidence that the governing body has complied with the provisions of Local Finance Notice 2017-14.

Adopted
Absent: Cox

ALCOHOLIC BEVERAGE CONTROL BOARD

OCTOBER 24, 2017

1. Acting Chairman Lyons called the Meeting to Order

Roll Call

Present: Commissioners Burgess, Frederic, Hudley, Inman, Jones, Lyons, Acting Chair

Absent: Commisoiner Cox

2. New Business

Jones – Burgess A. Authorize Renewal of Pocket ABC Pocket Consumption License With State ABC 12:39 Special Ruling (Inactive for Over Two Years) for the 2017-2018 Licensing Year - JeJosa Enterprises Corp., Trading As Three Roses Bar

WHEREAS, the following named individuals, partnerships or corporations, being applicants for Plenary Retail Consumption Licenses for the years 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 Consumption 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 permanent Plenary Retail Consumption Licenses be issued to the

following named individuals, partnerships and corporations 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 consumption off the licensed premises for the years 2017-2018 with Special State Division of Alcoholic Beverage Control Ruling 12.39 required at the address set opposite their respective name, viz:

0709-33-013-003	JeJosa Enterprises Corp. t/a Three Roses Bar c/o Hector Herrera 279 Clinton Avenue Newark, N.J. 07108	POCKET LICENSE
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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 a representative of the License Bureau to the licensee.

BE IT FURTHER RESOLVED that, pursuant to the Special Ruling issued by State Division of Alcoholic Beverage Control, a special ruling be placed upon the license stating that no further renewals of this license shall be granted unless the license is being actively used at an approved site before June 30, 2018, except if good cause for reconsideration is shown.

Adopted
Abstain: Inman
Absent: Cox

Lyons – Jones B. Authorize Issuance of "New" ABC Consumption Pocket License With State ABC 12:18 Special Ruling (Failure to File Renewal Application by Statutory Filing Deadline) for the 2016-2017 Licensing Year – K.B. Montana, Inc., Trading As Casey's Tavern

WHEREAS, the following named license holder did not file their renewal application for the renewal term of July 1, 2016 - June 30, 2017 as of the last day for filing and the issuing authority can no longer accept their application since the license has lapsed; and

WHEREAS, the license holder filed a petition with the New Jersey State Director of the Division of the Division of Alcoholic Beverage Control to request the issuance of a new license in place of its old license as pursuant to N.J.S.A. 33:1-12.18:

WHEREAS, the New Jersey State Director of the Division of Alcoholic Beverage Control has granted a special ruling authorizing the governing body to consider the issuance of a "new license" in place of its old license pursuant to N.J.S.A. 33:1-12.18:

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL ACTING AS THE ALCOHOLIC BEVERAGE CONTROL BOARD OF THE TOWNSHIP OF IRVINGTON that the local A.B.C. Board hereby authorizes the issuance of a "new

license” pursuant to a special ruling for issued by the Director of the New Jersey State Division of Alcoholic Beverage Control pursuant to N.J.S.A. 33:1-12.18 for the following applicant:

KB Montana, Inc., trading as Casey’s Tavern

Pocket License

New License Number 0709-33-041-004

Adopted
Abstain: Inman
Absent: Cox

Lyons – Jones C. Authorize Renewal of Pocket ABC Pocket Consumption License With State ABC 12:39 Special Ruling (Inactive for Over Two Years) for the 2017-2018, 2018-2019 and 2019-2020 Licensing Years - K.B. Montana, Inc., Trading As Casey’s Tavern

WHEREAS, the following named individuals, partnerships or corporations, being applicants for Plenary Retail Consumption Licenses for the years 2017-2018, 2018-2019, and 2019-2020 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 Consumption 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 permanent Plenary Retail Consumption Licenses be issued to the following named individuals, partnerships and corporations 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 consumption off the licensed premises for the years 2017-2018, 2018-2019 and 2019-2020 with Special State Division of Alcoholic Beverage Control Ruling 12.39 required at the address set opposite their respective name, viz:

0709-33-041-004	K.B. Montana, Inc. t/a Casey’s Tavern c/o Robert C. Williams, Esq. 622 Eagle Rock Avenue, Suite 107 West Orange, N.J. 07052	POCKET LICENSE
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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 a representative of the License Bureau to the licensee.

Adopted
Abstain: Inman
Absent: Cox

3. Adjournment

12. Miscellaneous

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

Whitney Wilcher, 219 Park Place

13. Adjournment

There being no further business, the meeting was adjourned at 8:22 P.M.

David Lyons, Council President

Harold E. Wiener, Municipal Clerk