

REGULAR COUNCIL MEETING
NOVEMBER 8, 2018

Council Chamber, Municipal Building
Irvington, N.J. – Thursday Evening
November 8, 2018 - 8:00 P.M.

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

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

Absent: Sandra R. Jones (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 – October 23, 2018
2. Municipal Court Electronic Collections Report Through September, 2018

7. Reports of Committees

None

8. Ordinances, Bills & Claims

A. Ordinances on 1st Reading

None

9. Resolutions & Motions

A. Resolutions

Lyons – Burgess 1. Approve 2019 Schedule of Council Meetings

WHEREAS, N.J.S.A. 40:69A-179 provides that the Municipal Council shall designate the time of holding its regular meetings; and

WHEREAS, the Irvington Municipal Council is desirous of adopting their calendar year 2019 schedule of meetings:

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that the 2019 calendar year annual schedule of Council meetings, attached hereto and made a part hereof, is hereby approved.

Adopted
Absent: Jones

Lyons – Inman 2. Authorize Contract for Defense Counsel Representing Public Safety Director Tracy Bowers in the Matter of Joseph Anthony v. United States Inc., et als - Brenda Coppola Cuba – \$150.00 Per Hour Not To Exceed \$5,000.00

RESOLUTION RATIFYING PROFESSIONAL SERVICES CONTRACT FOR LITIGATION/DEFENSE COUNSEL SERVICES

WHEREAS, resolution number TA 18-1010-33 qualified thirteen firms to provide litigation/defense counsel services for the Township of Irvington from November 01, 2018 until October 31, 2019; 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 Law Offices of Brenda Coppola Cuba has the most experience to defend POLICE DIRECTOR TRACY BOWERS in the matter of Joseph Anthony v. United States Inc., et als, Case No: 2:18-CV-09107-SDW-CLW; and

WHEREAS, the Township Attorney has recommended that a contract be awarded to Law Offices of Brenda Coppola Cuba, 1164 Springfield Avenue, Mountainside, NJ, 07092; 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 Law Offices of Brenda Coppola Cuba, 1164 Springfield Avenue, Mountainside, NJ, 07092 for a contract amount not to exceed \$5,000.00. 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 \$5,000.00. The billing rate for this contract is \$150.00 per hour.

Adopted
Absent: Jones

Lyons – Cox 3. Authorize Contract for Defense Counsel Representing Irvington Police Sergeant Jamie Velez in the Matter of Joseph Anthony v. United States Inc., et als – Catherine B. Liu - \$150.00 Per Hour Not To Exceed \$5,000.00

RESOLUTION RATIFYING PROFESSIONAL SERVICES CONTRACT FOR LITIGATION/DEFENSE COUNSEL SERVICES

WHEREAS, resolution number TA 18-1010-33 qualified thirteen firms to provide litigation/defense counsel services for the Township of Irvington from November 01, 2018 until October 31, 2019; 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 Law Office of Catherine B. Liu has the most experience to defend the SERGEANT JAIMIE VELEZ in the matter of Joseph Anthony v. United States Inc., et als, Case No: 2:18-CV-09107-SDW-CLW; and

WHEREAS, the Township Attorney has recommended that a contract be awarded to Law Office of Catherine B. Liu, 76 South Orange Avenue, Suite LL01, South Orange, NJ, 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 Law Office of Catherine B. Liu, 76 South Orange Avenue, Suite LL01, South Orange, NJ, 07079 for a contract amount not to exceed \$5,000.00. 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 \$5,000.00. The billing rate for this contract is \$150.00 per hour.

Adopted
Absent: Jones

Lyons – Hudley 4. Authorize Contract for Defense Counsel Representing the Township of Irvington in the Matter of Joseph Anthony v. United States Inc., et als – Lamb Kretzer, LLC - \$150.00 Per Hour Not To Exceed \$5,000.00

RESOLUTION RATIFYING PROFESSIONAL SERVICES CONTRACT FOR LITIGATION/DEFENSE COUNSEL SERVICES

WHEREAS, resolution number TA 18-1010-33 qualified thirteen firms to provide litigation/defense counsel services for the Township of Irvington from November 01, 2018 until October 31, 2019; 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 Joseph Anthony v. United States Inc., et als, Case No: 2:18-CV-09107-SDW-CLW; 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 \$5,000.00. 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 \$5,000.00. The billing rate for this contract is \$150.00 per hour.

Adopted
Absent: Jones

Burgess – Cox 5. Authorize Contract for Defense Counsel Representing the Township of Irvington in the Matter of Kevin Williams v. Township of Irvington – Allan C. Roth, Esq. - \$150.00 Per Hour Not To Exceed \$3,000.00

RESOLUTION RATIFYING PROFESSIONAL SERVICES CONTRACT FOR LITIGATION/DEFENSE COUNSEL SERVICES

WHEREAS, resolution number TA 18-1010-33 qualified thirteen firms to provide litigation/defense counsel services for the Township of Irvington from November 01, 2018 until October 31, 2019; 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 Allan C. Roth, Esq. has the most experience to defend the Township of Irvington in the matter of Kevin Williams v. Township of Irvington, et al, Docket No: ESX-L-6029-18; and

WHEREAS, the Township Attorney has recommended that a contract be awarded to Allan C. Roth, Esq., 150 Morris Avenue, Suite 303, Springfield, NJ 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 Allan C. Roth, Esq., 150 Morris Avenue, Suite 303, Springfield, NJ 07081 for a contract amount not to exceed \$3,000.00. 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 be paid from the Insurance fund for a contract amount not to exceed \$3,000.00. The billing rate for this contract is \$150.00 per hour.

Adopted
Absent: Jones

Cox – Hudley 6. Authorize Contract for Defense Counsel Representing Irvington Police Officer Jeanette King-Molina in the Matter of Kevin Williams v. Township of Irvington - Murphy Orlando, LLC - \$150.00 Per Hour Not To Exceed \$3,000.00

RESOLUTION RATIFYING PROFESSIONAL SERVICES CONTRACT FOR LITIGATION/DEFENSE COUNSEL SERVICES

WHEREAS, resolution number TA 18-1010-33 qualified thirteen firms to provide litigation/defense counsel services for the Township of Irvington from November 01, 2018 until October 31, 2019; 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 Murphy Orlando, LLC has the most experience to defend Police Officer Jeanette King-Molina in the matter of Kevin Williams v. Township of Irvington, et al, Docket No: ESX-L-6029-18; and

WHEREAS, the Township Attorney has recommended that a contract be awarded to Murphy Orlando, LLC, 30 Montgomery Street, 11th Floor, Jersey City, NJ 07302; 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 Murphy Orlando, LLC, 30 Montgomery Street, 11th Floor, Jersey City, NJ 07302 for a contract amount not to exceed \$3,000.00. 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 be paid from the Insurance fund for a contract amount not to exceed \$3,000.00. The billing rate for this contract is \$150.00 per hour.

Adopted
Absent: Jones

Inman – Hudley 7. Authorize Change Order for Ambulance Stand-By Service for the Golden Knights Football Program – MONOC – Increase Contract Price by \$3,000.00

A RESOLUTION AUTHORIZING A CHANGE ORDER FOR THE AMBULANCE AND DISPATCH SERVICE CONTRACT

WHEREAS, a contract was awarded to Monoc, by resolution number DF 17-1212-10, in the amount of \$310,800.00 plus additional fees for prisoners transport for ambulance and dispatch service; and,

WHEREAS, the Business Administrator would like the contractor to be on stand-by for Golden Knights football program; and,

WHEREAS, this additional request will increase the service contract by \$3,000.00; and,

NOW THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that an additional \$3,000.00 will be paid to Monoc, 4806 Megill Road, Neptune, NJ 07753 for ambulance stand-by service for Golden Knights football program; and,

THEREFORE, BE IT RESOLVED, that the Mayor be and is hereby authorized to execute Change Order #1 with Monoc for ambulance stand-by service for Golden Knights football program, increasing the total contract to \$313,800.00 plus additional fees for prisoners transport. An overall increase of \$3,000.00; and,

BE IT RESOLVED, that the required certification of availability of funds C8-00388 in the amount of \$3,000.00 from account number 8-01-20-100-100-299 has been obtained from the Chief Financial Officer.

Adopted
Absent: Jones

Cox – Burgess 8. Authorize Emergency Contract for Repair of Sewer Collapse at Wilson Place Between Lyons Avenue and Bross Place Based Upon Lowest Quotation - National Water Main Cleaning – Not To Exceed \$5,000.00

RESOLUTION TO AWARD AN EMERGENCY CONTRACT TO REPAIR SEWER COLLAPSED LOCATED AT WILSON PLACE BETWEEN LYONS AVE AND BROSS PLACE

WHEREAS, the sanitary sewer located at Wilson Place between Lyons Ave and Bross place 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 for this service from National Water Main Cleaning and Oswald Enterprises Inc.,

WHEREAS, National Water Main Cleaning provided the lowest quote for a total of \$5000.00 and;

WHEREAS, the Mayor has concurred with the amount and recommends that an emergency contract be awarded to National water Main Cleaning of 875 Summer Ave, Newark, NJ 07104, 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 and the Mayor to authorize an emergency contract in the amount of \$5,000.00 to National water Main Cleaning of 875 Summer Ave, Newark, NJ 07104and;

BE IT FURTHER RESOLVED, that the required certification of availability of funds C8-00387 in the amount of \$5,000.00 from account number 8-01-21-165-165-299 has been obtained from the Chief Financial Officer to repair the sewer emergency.

Adopted
Absent: Jones

Cox – Lyons 9. Authorize Purchases Over the Pay to Play Threshold of \$17,500.00 and Under the Bid Threshold of \$40,000.00 - A. Lembo Car and Truck Collision, Inc.

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

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

WHEREAS, in compliance with 19:44a-20.13 et., seq., A. Lembo Car and Truck Collison Inc., of 76 Riverside Ave, Newark, NJ 07104 will exceed the Pay-to-Play threshold of \$17,500.00 for calendar year 2018 for vehicle repair for DPW; and,

WHEREAS, A. Lembo Car and Truck Collison Inc has completed the Township C-271, elect reports and political disclosure forms. These forms are on file in the Division of Purchasing Office and the Municipal Clerk; and

WHEREAS, all purchases to the above vendor will not exceed the bid threshold of \$40,000.00; and

NOW, THEREFORE, BE IT RESLOVED, that the Municipal Council of the Township of Irvington hereby authorizes the Qualified Purchasing Agent to pay the above vendor in excess of pay to play threshold \$17,500.00 but under the bid threshold of \$40,000.00; and

BE IT FURTHER RESOLVED by the Township Council that, pursuant to the N.J.A.C. 5:30-5.5(b), the certification of available funds and resolutions shall be certified at such time as the goods or services are called for prior to placing the order for good or service in excess of \$17,500.00, and a certification of availability of funds is made by the Chief Financial Officer via an authorized purchase order; and

BE IT FURTHER RESOLVED that the duration of this authorization shall be until December 31, 2018

BE IT FURTHER RESOLVED a separate resolution will be submitted to the Municipal Council for all addition vendors exceeding the bid threshold of \$17,500.00

Adopted
Absent: Jones

Cox – Lyons 10. Authorize Purchases Over the Pay to Play Threshold of \$17,500.00 and Under the Bid Threshold of \$40,000.00 - AAT Communication Systems Corp.

AUTHORIZING PURCHASE OVER THE PAY TO PLAY THRESHOLD OF \$17,500.00 FOR COMMUNICATION SERVICE FOR THE POLICE DEPARTMENT

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

WHEREAS, the Police Department is in need of communication service; and

WHEREAS, the Police Department has obtained two quotes from Johnston Communications Voice and Data and AAT Communication Systems Corp; and

WHEREAS, AAT Communication Systems Corp of 20 Marble Loop, Unit 1 Staten Island, NY 10309 has provided the lowest quote for this service; and

WHEREAS, in compliance with 19:44a-20.13 et., seq., AAT Communication Systems Corp will exceed the Pay-to-Play threshold of \$17,500.00 for calendar year 2018; and,

WHEREAS, AAT Communication Systems Corp has completed the Township C-271, elect reports and political disclosure forms. These forms are on file in the Division of Purchasing Office and the Municipal Clerk; and

WHEREAS, all purchases to the above vendor will not exceed the bid threshold of \$40,000.00; and

NOW, THEREFORE, BE IT RESLOVED, that the Municipal Council of the Township of Irvington hereby authorizes the Qualified Purchasing Agent to pay the above vendor in excess of pay to play threshold \$17,500.00 but under the bid threshold of \$40,000.00; and

BE IT FURTHER RESOLVED that the required certification of availability of funds C8-00391 in the amount of \$38, 652.00 from account number G-02-xx-746-16A-299 has been obtained from the Chief Financial Officer.

BE IT FURTHER RESOLVED that the duration of this authorization shall be until December 31, 2018

BE IT FURTHER RESOLVED a separate resolution will be submitted to the Municipal Council for all addition vendors exceeding the bid threshold of \$17,500.00.

Adopted
Absent: Jones

Cox – Lyons 11. Authorize Purchases of Various Products Through the State of New Jersey Cooperative Purchasing Program Over the \$40,000.00 Bid Threshold

**AUTHORIZING PURCHASES UNDER THE STATE OF NEW JERSEY
COOPERATIVE PURCHASING PROGRAM OVER THE BID THRESHOLD OF
\$40,000.00**

WHEREAS, the Township of Irvington, pursuant to N.J.S.A. 40A:11-12(a) and N.J.A.C. 5:34-7.29(c) may by resolution and without advertising for bids, purchase any goods or services under the 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 2018:-

Name of Vendor	State Contract Number	Commodity	Amount
Rachles/Michele's Oil Co.	80913	Gasoline/Gas	\$300,000.00
Dell	89850	Computers	\$
75,000.00			
Gold Type Business	81341	E-Ticketing/Software	\$125,000.00
Johnston Communication	88766	Telephone	\$100,000.00
Keer Electricity	85583	Electrical Supplies	\$ 50,000.00
M and D (DBA P and A)	85997	Auto Parts	\$ 50,000.00
SHI International Inc	89851	Computer/Software	
\$100,000.00			
Buy Wise	85992	Auto Parts	\$
85,000.00			

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, 2018

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
Absent: Jones

Hudley – Inman 12. Authorize Purchases of Various Products 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
Jen Electric	37	Traffic Light	\$135,000.00
Office Concept	16	Office Supplies	\$185,000.00
Morton	3	Salt	\$150,000.00

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, 2018

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
Absent: Jones

Cox – Lyons 13. Authorize Professional Services Contract for Phase 6 – 9 Foreclosure Counsel Services - \$1,200.00 Per Property Not To Exceed \$135,600.00 - Goldenberg, Mackler, Sayegh, Mintz, Pfeffer Bonchi & Gill

RESOLUTION RATIFYING PROFESSIONAL SERVICES CONTRACT FOR FORECLOSURE COUNSEL SERVICES

WHEREAS, resolution number TA 18-0530-14 qualified three firms to foreclosure counsel services for the Township of Irvington from July 1, 2018 until June 30, 2019; 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 assigned Goldenberg, Mackler, Sayegh, Mintz, Pfeffer, Bonchi & Gill to represent the Township in One Hundred and Thirteen (113) foreclosure matters listed on the attached sheet; and

WHEREAS, the Township Attorney has recommended that a contract be awarded to Goldenberg, Mackler, Sayegh, Mintz, Pfeffer, Bonchi & Gill, 660 New Road, Suite 1A, Northfield, NJ, 08225; and

NOW THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that a contract for Foreclosure Counsel services be awarded to Goldenberg, Mackler, Sayegh, Mintz, Pfeffer, Bonchi & Gill, 660 New Road, Suite 1A, Northfield, NJ, 08225 for a contract amount not to exceed \$135,600.00. The billing rate shall not exceed \$1,200.00 per foreclosure complaint and \$150.00 per hour for any contested matters; 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 RESOLVED that the required Certification of Availability of Funds, certification number C8-00395 was obtained from the Chief Financial Officer and the appropriation to be charged for this expenditure is T-18-56-860-000-025 in the amount of \$135,000.00.

Adopted
Absent: Jones

10. Communications and Petitions

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 2nd Reading

1. President Lyons: A Bond Ordinance for various Capital Improvements in the amount of \$8,000,000.00 will be heard at this time. The Clerk will read the notice of hearing.

The Clerk read the notice of hearing.

The Clerk will read the ordinance by title.

BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL
IMPROVEMENTS IN AND BY THE TOWNSHIP OF IRVINGTON,
IN THE COUNTY OF ESSEX, NEW JERSEY, APPROPRIATING
\$8,000,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF

**\$7,600,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE
PART OF THE COST THEREOF.**

BE IT ORDAINED BY THE MUNICIPAL 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:

Section 1. The several improvements described in Section 3 of this bond ordinance are hereby respectively authorized to be undertaken by the Township of Irvington, in the County of Essex, New Jersey (the "Township") as general improvements. For the several improvements or purposes described in Section 3, there are hereby appropriated the respective sums of money therein stated as the appropriation made for each improvement or purpose, such sums amounting in the aggregate to \$8,000,000, and further including the aggregate sum of \$400,000 as the several down payments for the improvements or purposes required by the Local Bond Law. The down payments have been made available by virtue of provision for down payment or for capital improvement purposes in one or more previously adopted budgets.

Section 2. In order to finance the cost of the several improvements or purposes not covered by application of the several down payments, negotiable bonds are hereby authorized to be issued in the principal amount of \$7,600,000 pursuant to the Local Bond Law and the provisions of the Municipal Qualified Bond Act, P.L. 1976, c.38, as amended. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. The several improvements hereby authorized and the several purposes for which the bonds are to be issued, the estimated cost of each improvement and the appropriation therefor, the estimated maximum amount of bonds or notes to be issued for each improvement and the period of usefulness of each improvement are as follows:

<u>Purpose</u>	<u>Appropriation & Estimated Cost</u>	<u>Estimated Maximum Amount of Bonds & Notes</u>	<u>Period of Usefulness</u>
a) <u>Engineering</u> : (i) Various improvements, including the 2018 Road Resurfacing Program, as more fully described on a list on file in the Office of the Clerk, which list is hereby incorporated by reference as if set forth at length, renovations to the Municipal Building - Phase I, including upgrades to the electrical system of the Municipal Building and Police and Fire Headquarters, Springfield Avenue Streetscape - Phase 2, including the extension of streepscape on Springfield Avenue (Civic Square to Lyons Avenue), the installation of speed bumps at various locations,			

as more fully described on a list on file in the Office of the Clerk, which list is hereby incorporated by reference as if set forth at length, and the installation of a salt dome, including all work and materials necessary therefor and incidental thereto.	\$2,600,000	\$2,470,000	10 years
(ii) Investigation and preparation of a remediation plan for the underground storage tank behind the Municipal Building, the Lenox Avenue Drainage Project, including the installation of a detention basin and on-line storage, the design and construction of repairs to the storm system and renovations to the Police and Fire Headquarters, including all work and materials necessary therefor and incidental thereto.	\$275,000	\$261,250	15 years
(iii) Colt Street garage - Phase I, including the structural repair of the brick façade of the building and interior upgrades of the facility, including all work and materials necessary therefor and incidental thereto.	\$350,000	\$332,500	20 years
(iv) Rehabilitation of the 16 th Avenue Department of Public Works garage, including the removal of non-compliant underground storage tanks, including all work and materials necessary therefor and incidental thereto.	<u>\$850,000</u>	<u>\$807,500</u>	40 years
TOTAL:	<u>\$4,075,000</u>	<u>\$3,871,250</u>	
b) <u>Public Works:</u>			
(i) Various improvements, including the installation of a new roof and the acquisition and installation of a heating and air conditioning system for the Fire Department and roof repairs and the acquisition and installation of doors, inside lights and security cameras at the 16 th Avenue garage, including all work and materials necessary therefor and incidental and further including all related costs and expenditures incidental thereto.	\$1,130,000	\$1,073,500	10 years
(ii) Acquisition of various equipment for the Public Works fleet, including a heavy duty lift, a catch basin cleaner, a chipper, a street sweeper and supplies and a tandem roll-off system, including all related costs and expenditures incidental thereto.	<u>\$529,500</u>	<u>\$503,025</u>	15 years
TOTAL:	<u>\$1,659,500</u>	<u>\$1,576,525</u>	
c) <u>Police Department:</u>			
(i) Acquisition of sports utility vehicles, including all related costs and expenditures incidental thereto.	\$590,100	\$560,595	5 years

(ii) Acquisition of various equipment, including radios and a 911 communications voice recorder, including all related costs and expenditures incidental thereto	<u>\$165,200</u>	<u>\$156,940</u>	10 years
TOTAL:	<u>\$755,300</u>	<u>\$717,535</u>	
d) <u>Economic Planning and Zoning:</u>			
(i) Preparation of a master plan for the Township, including all related costs and expenditures incidental thereto.	<u>\$125,000</u>	<u>\$118,750</u>	15 years
e) <u>Recreation:</u>			
(i) Various upgrades to the Chancellor Park building, including the heating, ventilation and air conditioning system, security cameras, steel doors, the little league baseball field and a sprinkler and various upgrades to Berkeley Terrace Playground, including security cameras, the little league baseball field, bathrooms and equipment, including all work and materials necessary therefor and incidental thereto and further including all related costs and expenditures incidental thereto.	\$197,000	\$187,150	10 years
(ii) Renovations to the main pool and kiddie pool, including the installation of fencing around the pools, including all work and materials necessary therefor and incidental thereto.	<u>\$330,200</u>	<u>\$313,690</u>	15 years
TOTAL:	<u>\$527,200</u>	<u>\$500,840</u>	
f) <u>Fire Department:</u>			
Acquisition of various equipment, including hoses, personal protective equipment and radios and the acquisition of an fire engine, including all related costs and expenditures incidental thereto.	<u>\$858,000</u>	<u>\$815,100</u>	10 years
GRAND TOTAL:	<u>\$8,000,000</u>	<u>\$7,600,000</u>	

The excess of the appropriation made for each of the improvements or purposes aforesaid over the estimated maximum amount of bonds or notes to be issued therefor, as above stated, is the amount of the down payment for each purpose.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no bond anticipation note shall mature later than one year from its date, unless such bond anticipation notes are permitted to mature at such later date in accordance with applicable law. The bond anticipation 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 bond anticipation notes issued pursuant to this bond ordinance, and the chief financial officer's signature upon the bond anticipation notes shall be conclusive evidence as to all such determinations. All bond anticipation notes issued hereunder may be renewed from time to time subject to the provisions of the Local Bond Law or other applicable law. The chief financial officer is hereby authorized to sell part or all of the bond anticipation 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 bond anticipation notes pursuant to this bond ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the bond anticipation notes sold, the price obtained and the name of the purchaser.

Section 5. The Township hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Township is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

Section 6. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvements or purposes described in Section 3 of this bond ordinance are not current expenses. They are all improvements or purposes that the Township may lawfully undertake as general improvements, and no part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The average period of usefulness, computed on the basis of the respective amounts of obligations authorized for each purpose and the reasonable life thereof within the limitations of the Local Bond Law, is 14.04 years.

(c) 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 bond ordinance by \$7,600,000, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$1,200,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purposes or improvements.

Section 7. The Township hereby declares the intent of the Township to issue bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use the proceeds to pay or reimburse expenditures for the costs of the purposes or improvements described in Section 3 of this bond ordinance. This Section 7 is a declaration of intent within the meaning and for purposes of Treasury Regulations.

Section 8. Any grant moneys received for the purposes or improvements described in Section 3 hereof shall be applied either to direct payment of the cost of the improvements or to payment of the obligations issued pursuant to this bond ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

Section 9. 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 10. 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 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 11. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

The public hearing on this ordinance is now open

There were no requests to be heard.

Cox – Lyons

Motion to close public hearing

Adopted
Absent: Jones

Cox – Lyons

Motion to adjourn adoption of this ordinance on 2nd reading after public hearing until December 18, 2018

Adopted
Absent: Jones

2. President Lyons: A Bond Ordinance providing for Irvington's share of capital improvement projects for the Joint Meeting of Essex and Union Counties in the amount of \$2,230,000.00 will be heard at this time. For the record this notice is identical to the previous notice that was read. The Clerk will read the ordinance by title.

BOND ORDINANCE PROVIDING FOR THE LOCAL UNIT'S ALLOCABLE SHARE OF CAPITAL IMPROVEMENT PROJECTS FOR THE JOINT MEETING OF ESSEX AND UNION COUNTIES, BY AND IN THE TOWNSHIP OF IRVINGTON, IN THE COUNTY OF ESSEX, NEW JERSEY; APPROPRIATING \$2,230,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$2,230,000 BONDS OR NOTES OF THE LOCAL UNIT TO FINANCE THE COST THEREOF

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

Section 1. The improvements described in Section 3(a) of this bond ordinance are hereby authorized to be undertaken by the Joint Meeting of Essex and Union Counties (the "*Joint Meeting*") on behalf of the Township of Irvington, in the County of Essex, New Jersey (the "*Local Unit*"), as general improvements. For the improvements or purposes described in Section 3(a), there is hereby appropriated the aggregate sum of \$2,230,000. Pursuant to the provisions of N.J.S.A. 40A:2-11(c), no down payment is required as this bond ordinance authorizes obligations for environmental infrastructure

projects that are to be funded by a loan from the New Jersey Infrastructure Bank (the "*I-Bank*").

Section 2. For the financing of said improvements or purposes described in Section 3(a) hereof and to meet the \$2,230,000 appropriation, negotiable bonds of the Local Unit are hereby authorized to be issued in the principal amount of \$2,230,000 pursuant to and within all limitations prescribed by the Local Bond Law. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable notes of the Local Unit in a principal amount not exceeding \$2,230,000 are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvements hereby authorized and the purposes for the financing of which said debt obligations are to be issued are for the Local Unit's allocable share of capital improvement projects being undertaken by the Joint Meeting, including, but not limited to: (i) waste gas burner upgrades, consisting of (a) the replacement of waste gas burners at the Digester Building and (b) upgrades to sludge storage tanks with state-of-the-art flares to meet current air emission permitting requirements; (ii) rehabilitation of various structures, including, but not limited to, concrete repairs and/or reconstruction of the Screen House, the Old Chlorine Building, the Chlorination Building, the Aeration Gallery and the Waste Gas Building, replacement of brick veneer panels and supporting walls in the Dewatering Building and replacement of the coping and brick façade on the sludge storage tanks; and (iii) replacement and construction of the Tunnel Building along with the replacement of severely corroded piping within the tunnel, including installation of new sludge pumps.

(b) All improvements shall include, as applicable, all work, materials, equipment, engineering, design, architectural, environmental consulting work, preparation of

plans and specifications, permits, bid documents, conducting and preparation of reports and studies, equipment rental, labor and appurtenances necessary therefor or incidental thereto.

(c) The aggregate estimated maximum amount of bonds or notes to be issued for said improvements or purposes is \$2,230,000.

(d) The aggregate estimated cost of said improvements or purposes is \$2,230,000.

Section 4. In the event the United States of America, the State of New Jersey and/or the County of Essex make a loan, contribution or grant-in-aid to the Local Unit for the improvements authorized hereby and the same shall be received by the Local Unit prior to the issuance of the bonds or notes authorized in Section 2 hereof, then the amount of such bonds or notes to be issued shall be reduced by the amount so received from the United States of America, the State of New Jersey and/or the County of Essex. In the event, however, that any amount so loaned, contributed or granted by the United States of America, the State of New Jersey and/or the County of Essex shall be received by the Local Unit after the issuance of the bonds or notes authorized in Section 2 hereof, then such funds shall be applied to the payment of the bonds or notes so issued and shall be used for no other purpose. This Section 4 shall not apply, however, with respect to any contribution or grant-in-aid received by the Local Unit as a result of using such funds from this bond ordinance as "matching local funds" to receive such contribution or grant-in-aid.

Section 5. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer of the Local Unit; *provided*, that no bond anticipation note shall mature later than one (1) year from its date, unless such bond anticipation notes are permitted to mature at such later date in accordance with the provisions of the New Jersey Environmental Infrastructure Trust Act, N.J.S.A. 58:11B-1 *et seq.* ("*NJEIT Act*"). The bond anticipation 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 the bond anticipation notes issued pursuant to this bond ordinance, and the signature of the Chief Financial Officer upon the bond anticipation notes shall be conclusive evidence as to all such determinations. All bond anticipation notes issued hereunder may be renewed from time to time in accordance with the provisions of the Local Bond Law and, as applicable, the provisions of the NJEIT Act. The Chief Financial Officer is hereby authorized to sell part or all of the bond anticipation notes from time to time at public or private sale and to deliver them to the purchaser thereof upon receipt of payment of the purchase price and accrued interest thereon 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 bond anticipation notes pursuant to this bond ordinance is made. Such report must include the principal amount, the description, the interest rate and the maturity schedule of the bond anticipation notes so sold, the price obtained and the name of the purchaser.

Section 6. The Local Unit hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Local Unit is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

Section 7. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvements or purposes described in Section 3(a) of this bond ordinance are not current expenses and are improvements or purposes that the Local Unit may lawfully undertake as general improvements, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The period of usefulness of said improvements or purposes within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is 30 years.

(c) The supplemental debt statement required by the Local Bond Law has been duly made and filed in the Office of the Clerk of the Local Unit and a complete executed duplicate thereof has been filed in the Office of the Director of the Division of Local Government Services within the Department of Community Affairs of the State of New Jersey, and such statement shows that the gross debt of the Local Unit, as defined in the Local Bond Law, is increased by the authorization of the bonds and notes provided for in this bond ordinance by \$2,230,000 and the obligations authorized by this bond ordinance will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$216,500 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the improvements hereinbefore described.

Section 8. The full faith and credit of the Local Unit are hereby pledged to the punctual payment of the principal of and interest on the debt obligations authorized by this bond ordinance. The debt obligations shall be direct, unlimited obligations of the Local Unit, and the Local Unit shall be obligated to levy *ad valorem* taxes upon all the taxable property within the Local Unit for the payment of the debt obligations and the interest thereon without limitation as to rate or amount.

Section 9. The Local Unit reasonably expects to reimburse any expenditures toward the costs of the improvements or purposes described in Section 3(a) hereof and paid prior to the issuance of any bonds or notes authorized by this bond ordinance with the proceeds of such bonds or notes. This Section 9 is intended to be and hereby is a declaration of the Local Unit's official intent to reimburse any expenditures toward the costs of the improvements or purposes described in Section 3(a) hereof to be incurred and paid prior to the issuance of bonds or notes authorized herein in accordance with Treasury Regulations §150-2.

Section 10. The Local Unit covenants to maintain the exclusion from gross income under Section 103(a) of the Internal Revenue Code of 1986, as amended, of the interest on all bonds and notes issued under this bond ordinance.

Section 11. The bonds authorized herein shall be designated as "Qualified Bonds" pursuant to the Municipal Qualified Bond Act, N.J.S.A. 40A:3-1 *et seq.* (the "*Municipal Qualified Bond Act*"), and shall contain a recital that it is issued pursuant to Title 40A of the New Jersey Statutes and is entitled to the benefits of the provisions of the Municipal Qualified Bond Act. The Local Unit shall certify to the State Treasurer the name and address of the paying agent, the maturity schedule, the interest rate and the dates of payment of debt service on such Qualified Bonds within ten (10) days after the date of issuance of such Qualified Bonds.

Section 12. Upon adoption hereof, the Clerk of the Local Unit shall forward certified copies of this bond ordinance to Everett M. Johnson, Esq., Wilentz, Goldman & Spitzer, P.A., bond counsel to the Joint Meeting, and Richard T. Nolan, Esq., McCarter & English, LLP, bond counsel to the I-Bank.

Section 13. This bond ordinance shall take effect twenty (20) days after the first publication hereof after final adoption, as provided by the Local Bond Law.

The public hearing on this ordinance is now open

There were no requests to be heard.

Burgess – Lyons

Motion to close public hearing

Adopted

Absent: Jones

Burgess – Lyons

Motion to adjourn adoption of this ordinance on 2nd reading after public hearing until December 18, 2018

Adopted

Absent: Jones

3. President Lyons: An ordinance providing for resident permit parking on Madison Avenue from Linden Avenue to Myrtle Avenue between the hours of 4:30 P.M. and 6:30 A.M. seven days a week will be heard at this time. The Clerk will read the notice of hearing.

The Clerk read the notice of hearing.

The Clerk will read the ordinance by title.

AN ORDINANCE AMENDING PART II GENERAL LEGISLATION/CHAPTER 620, VEHICLES AND TRAFFIC/ARTICLE II, PARKING/SECTION 620-17 PARKING RESTRICTED FOR RESIDENTS; PARKING PERMIT REQUIRED; FEES; AND ARTICLE XIX SCHEDULES, AMENDING SECTION 620-99

WHEREAS, the Township of Irvington has received complaints of its residents concerning the availability of resident parking between the hours of 4:00 P.M. and 6:30 A.M. seven days a week on Madison Avenue from Myrtle Avenue to Linden Avenue; and

WHEREAS, the difficulty of the residents in this area to locate parking at or near their homes has caused undue hardship on the residents of this area

NOW, THEREFORE, BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that parking shall be restricted and a parking permit required for residents between the hours of 4:30 P.M. and 6:30 A.M. seven days a week on Madison Avenue from Myrtle Avenue to Linden Avenue; and

Permit parking will be allowed between the hours and days specified in Schedule VA. Section 620-99. This section of the Ordinance is hereby amended to include Madison Avenue from Myrtle Avenue to Linden Avenue between the hours of 4:30 P.M. and 6:30 A.M. seven days a week.

Resident's vehicles must receive and display a valid parking permit provided by the Township of Irvington.

Vehicles parked in violation of this ordinance will be subject to towing and the vehicle owners shall be subject to a fine as set forth in Chapter 1, General Provisions, Article III.

NOW, THEREFORE, BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that parking shall be restricted and a parking permit

required for residents between the hours of 6:00 P.M. and 6:00 A.M. seven days a week on Howard Street from Clinton Avenue to Nye Avenue; and

Permit parking will be allowed between the hours and days specified in Schedule VA. Section 620-99. This section of the Ordinance is hereby amended to include Howard Street from Clinton Avenue to Nye Avenue between the hours of 6:00 P.M. and 6:00 A.M. seven days a week.

Resident's vehicles must receive and display a valid parking permit provided by the Township of Irvington.

Vehicles parked in violation of this ordinance will be subject to towing and the vehicle owners shall be subject to a fine as set forth in Chapter 1, General Provisions, Article III.

All ordinances or parts thereof that are inconsistent herewith are hereby repealed.

This ordinance shall take effect on January 1, 2019 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 – Lyons Motion to close public hearing

Adopted
Absent: Jones

Burgess – Lyons Motion to adopt this ordinance on 2nd reading after public hearing

Adopted
Abstain: Inman
Absent: Jones

6. President Lyons: An ordinance amending Chapter 620, Section J of the revised code regarding overnight parking of certain vehicles will be heard at this time. For the record this notice is identical to the previous notice that was read. The Clerk will read the ordinance by title.

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 620, ENTITLED OVERNIGHT PARKING OF CERTAIN VEHICLES, SECTION J, OF THE REVISED CODE OF THE TOWNSHIP OF IRVINGTON

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

SECTION 1. Chapter 620, Section J is hereby amended and supplemented to provide in its entirety as follows:

J. No person shall park a recreational vehicle, motor home, trailer or camper on any municipal street in the Township of Irvington between the hours of 9:00 P.M. and 6:00

a.m. of any day. Signs shall be posted on all highways and streets at the Township limits to such effect. Enforcement of this section shall be the responsibility of the Irvington Department of Public Safety. After the issuance of a summons, such vehicle may be towed or otherwise removed from the public street, with the owner of such vehicle being responsible for the cost of such removal.

SECTION 2. All ordinances or parts thereof that are inconsistent herewith 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.

Cox – Hudley Motion to close public hearing

Adopted
Absent: Jones

Cox – Hudley Motion to adopt this ordinance on 2nd reading after public hearing

Adopted
Absent: Jones

C. Bills & Claims

Cox – Burgess 1. Bill Lists

RESOLVED THAT THE BILLS AND CLAIMS AGAINST THE TOWNSHIP OF IRVINGTON FOR A PERIOD NOVEMBER 8, 2018, 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	\$4,564,203.54
TOTAL	\$4,564,203.54

Adopted
No: Inman
Absent: Jones

Cox – Burgess 2. Payrolls

September 22, 2018 through October 5, 2018

REGULAR	OVERTIME	OTHER EARNED	TOTAL
\$1,584,404.76	\$97,344.42	\$37,587.93	\$1,719,337.11

Adopted
No: Inman
Absent: Jones

9. Resolutions & Motions

A. Resolutions

Cox – Lyons 14. Authorize Emergency Contract for Repair of Sewer Collapse on June 25, 2018 at the Garden State Parkway Overpass on Chancellor Avenue Based Upon Quotation Received - Your Way Construction, Inc. - Not To Exceed \$28,255.00

RESOLUTION TO AWARD AN EMERGENCY CONTRACT TO REPAIR SEWER COLLAPSED LOCATED AT CHANCELLOR AVE & GARDEN STATE PARWAY OVERPASS

WHEREAS, the sanitary sewer located at Chancellor Ave & Garden State Parkway overpass collapsed on June 25, 2018, 2018; 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, Your Way Constructions Inc has provided a quote and was called and the required repairs were done for the total sum of \$28,255.00 and;

WHEREAS, the Mayor has concurred with the amount and recommends that an emergency contract be awarded to Your Way Construction Inc., 404 Coit Street, Irvington, NJ 07111, 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 and the Mayor to authorize an emergency contract in the amount of \$28,255.00 to Your Way Construction Inc., 404 Coit Street, Irvington, NJ 07111 and;

BE IT FURTHER RESOLVED, that the required certification of availability of funds C8-00344 in the amount of \$28,255.00 from account number 8-01-21-165-165-299 has been obtained from the Chief Financial Officer to repair the sewer emergency.

Adopted
No: Inman

Absent: Jones

Hudley – Lyons 15. Authorize Purchases Over the Pay to Play Threshold of \$17,500.00 and Under the Bid Threshold of \$40,000.00 - DMC Distribution and Services LLC

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

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

WHEREAS, in compliance with 19:44a-20.13 et., seq., DMC Distribution and Services LLC of 579 B Raritan Road, suite 172, Roselle, NJ 07203 will exceed the Pay-to-Play threshold of \$17,500.00 for calendar year 2018 for janitorial supplies; and,

WHEREAS, DMC Distribution and Services LLC has completed the Township C-271, elect reports and political disclosure forms. These forms are on file in the Division of Purchasing Office and the Municipal Clerk; and

WHEREAS, all purchases to the above vendor will not exceed the bid threshold of \$40,000.00; and

NOW, THEREFORE, BE IT RESLOVED, that the Municipal Council of the Township of Irvington hereby authorizes the Qualified Purchasing Agent to pay the above vendor in excess of pay to play threshold \$17,500.00 but under the bid threshold of \$40,000.00; and

BE IT FURTHER RESOLVED by the Township Council that, pursuant to the N.J.A.C. 5:30-5.5(b), the certification of available funds and resolutions shall be certified at such time as the goods or services are called for prior to placing the order for good or service in excess of \$17,500.00, and a certification of availability of funds is made by the Chief Financial Officer via an authorized purchase order; and

BE IT FURTHER RESOLVED that the duration of this authorization shall be until December 31, 2018

BE IT FURTHER RESOLVED a separate resolution will be submitted to the Municipal Council for all addition vendors exceeding the bid threshold of \$17,500.00

Adopted
No: Inman
Absent: Jones

Cox – Lyons 16. Authorize Emergency Contract for Repair of Sewer Collapse on October 8, 2018 at the Garden State Parkway Overpass on Chancellor Avenue Based Upon Lowest Quotation Received - Your Way Construction, Inc. - Not To Exceed \$57,658.00

RESOLUTION TO AWARD AN EMERGENCY CONTRACT TO REPAIR SEWER COLLAPSED LOCATED AT CHANCELLOR AVE & GARDEN STATE PARKWAY OVERPASS

WHEREAS, the sanitary sewer located at Chancellor Ave & Garden State Parkway overpass collapsed on October 8, 2018; 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, Your Way Constructions Inc has provided a quote and was called and the required repairs were done for the total sum of \$57,658.00.00 and;

WHEREAS, the Mayor has concurred with the amount and recommends that an emergency contract be awarded to Your Way Construction Inc., 404 Coit Street, Irvington, NJ 07111, 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 and the Mayor to authorize an emergency contract in the amount of \$57,658.00 to Your Way Construction Inc., 404 Coit Street, Irvington, NJ 07111 and;

BE IT FURTHER RESOLVED, that the required certification of availability of funds C8-00389 in the amount of \$57,658.00 from account number 8-01-21-165-165-299 has been obtained from the Chief Financial Officer to repair the sewer emergency.

Adopted
No: Inman
Absent: Jones

Cox – Lyons 17. Authorize Assignment of Tax Sale Certificate – 151 – 153 Myrtle Avenue to Neil Allicock

RESOLUTION AUTHORIZING ASSIGNMENT

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

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

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

Block/Lot	Owner Property Address	Cert No.	Sale Date	Amount of Sale	Amount As of November 9, 2018
90 / 11	Oliver, Nanchez 151-153 Myrtle Avenue	15-00765	12/21/2015	\$3,982.64	\$25,082.08

together with subsequent liens thereon, at private sale to:

Neil Allicock
16 Sheridan Street
Irvington, NJ 07111

Adopted
No: Inman
Absent: Jones

12. Miscellaneous

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

Richard Williams, 197 Linden Avenue

Council Members Cox, Inman and Frederic responded to the issues raised by the above referenced citizen.

13. Adjournment

ALCOHOLIC BEVERAGE CONTROL BOARD

NOVEMBER 8, 2018

1. Chairman Cox calls the Meeting to Order

Roll Call

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

Absent: Commissioner Jones

2. New Business

Cox – Lyons A. Authorize Renewal of Pocket ABC Pocket Consumption License With State ABC Special Ruling for the 2018-2019 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 2018-2019 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
-----------------	---	----------------

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.

Commissioner Burgess spoke.

Adopted
Absent: Jones

3. Adjournment

There being no further business, the meeting was adjourned at 8:28 P.M.

David Lyons, Council President

Harold E. Wiener, Municipal Clerk