

REGULAR COUNCIL MEETING
MARCH 25, 2019

Council Chamber, Municipal Building
Irvington, N.J. – Monday Evening
March 25, 2019 - 7:30 P.M.

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

Present: Renee C. Burgess, Vernal Cox , Charnette Frederic, October Hudley, David Lyons

Absent: Paul Inman (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)

Kim Williams, 42 Oakland Street

5. Hearing of Council Members

Council President Lyons responded to the inquiry raised by the above referenced citizen.

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

A. Reports

1. Minutes – Directors’ Meeting – March 11, 2019
2. Municipal Court Electronic Collections Report Through February, 2019
3. Minutes – Joint Meeting - January 17, 2019

7. Reports of Committees

A. Results of Animal Control Services Negotiations - February 28, 2019

8. Ordinances, Bills & Claims

C. Bills & Claims

Cox – Lyons 1. Bill Lists

RESOLVED THAT THE BILLS AND CLAIMS AGAINST THE TOWNSHIP OF IRVINGTON FOR A PERIOD MARCH 25, 2019 AS ENUMERATED ON THIS LIST FOR MATERIALS, SUPPLIES AND SERVICES FURNISHED, DELIVERED AND/OR PERFORMED HAVE

BEEN CERTIFIED BY THE DEPARTMENTS AS CORRECT, EACH CLAIM AND PURCHASE ORDER HAVE BEEN VERIFIED AND REVIEWED FOR THE AVAILABILITY OF FUNDS, ACCURACY OF ACCOUNT CODING AND COMPLETENESS BY THE ADMINISTRATION, THEREFORE:

BE IT RESOLVED, BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON THAT THE FOLLOWING BE PAID BY THE CHIEF FINANCIAL OFFICER:

BILL LIST	\$2,905,405.09
TOTAL	\$2,905,405.09

Adopted
Absent: Inman

Cox – Lyons 2. Payrolls

March 15, 2019

REGULAR	OVERTIME	OTHER	TOTAL
\$1,582,992.83	\$187,198.78	\$154,138.09	\$1,924,329.70

Adopted
Absent: Inman

9. Resolutions & Motions

A. Resolutions

Frederic – Hudley 1. Authorize Use of \$29,909.50 in Municipal Alliance Funding for The Bridge, Inc. - Keys to Innervisions Program for the 2019-2020 Year

AWARDING CONTRACT FOR THE BRIDGE, FOR IRVINGTON MUNICIPAL ALLIANCE ACTIVITY

WHEREAS, the Irvington Municipal Alliance is a recipient of grant funding from the Governor's Council on Alcoholism and Drug Abuse to provide Alcoholism/Drugs Services for prevention, education and intervention for preschoolers through Senior Citizens; and

WHEREAS, the Township will award a contract in the amount of \$19,909.50, and an additional \$10,000.00 for cash match; and

WHEREAS, the Irvington Municipal Alliance wishes to award grant in the amount of \$29,909.50 for the year 2019-2020 to The Bridge, 860 Bloomfield Avenue Caldwell, NJ 07006, for the provision of through an initiative called "Keys to Innervisions", said program provides prevention strategies and self-esteem building activities that seek to prevent tobacco, alcohol and substance abuse and/or abuse which constitutes an eligible Irvington Municipal Alliance activity; and

WHEREAS, the governing body of the Township of Irvington is required under state law (N.J.S.A. 40A:11-1 et seq.) to authorize the execution of formal grant agreements

WHEREAS, the Sub-grantee has agreed that funds for services provided under this grant will not be used for any other purpose other than those listed in this contract:

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

BE IT FURTHER RESOLVED, the Chief Financial Officer will paid The Bridge for services in the total amount of \$29,909.50 for the said year of 2019-2020 which will be charged to Account Number G-02-XX-703-19A-299 and G-02-XX-703-19B-299.

IT IS FURTHER RESOLVED that the Mayor is authorized to execute any required agreements to comply with said grant year 2019-2020 to provide for education and assistance to those suffering from drug and alcohol abuse.

Adopted

Absent: Inman

Hudley – Burgess 2. Resolution of Sorrow - James Evans Williams, Sr.

**RESOLUTION OF SORROW
JAMES EVANS WILLIAMS**

WHEREAS, James Evans Williams, Sr. was born on January 7, 1931 in Newark City Hospital in Newark, New Jersey to the late Mary Sara Seque and Richard Evans; and

WHEREAS, James was educated in the Newark Public School system and graduated from South Side High School; and

WHEREAS, directly after high school he went to work where he was employed as a delivery man for an ice and coal company; and

WHEREAS, while delivering to her home he met the love of his life Leora O'Neal and this romance led to them being united in marriage on September 14, 1957; and

WHEREAS, from this union they had 5 children; and

WHEREAS, he believed in working hard and providing for the family; and

WHEREAS, in his later years, James worked for the Newark Ladder Company, John L Armitage & Company, and he retired from A&M Industrial Supply of Rahway, New Jersey 25 years ago; and

WHEREAS, James was affectionately known as "Baby Cakes", "J.E.W.", or simply "Jimmy" by his peers, friends, and family and was well known for his no nonsense and

tell it like it is attitude and those who know him well know that this is the absolutely truth; and

WHEREAS, he was also known for his many catch phrases and quick wit and enjoyed dancing, his Budweiser beer and dressing in style; and

WHEREAS, as he slowed down and got older he then made the Truth his own by dedicating his life to serving Jehovah being baptized on May 23, 1999 and then lovingly serving as a member and eventually a ministerial servant of Union and North Irvington congregation; and

WHEREAS, after baptism he became an auxiliary pioneer, then 6 months later he became a regular pioneer doing street witnessing, door to door, and telling anyone he could Jehovah and his Kingdom; and

WHEREAS, he zealously served Jehovah for approximately 20 years; and

WHEREAS, as his memory left him he could never forget his wife, searching for her, calling out her and becoming very uncomfortable when she was gone a few days; and

WHEREAS, James fell asleep on Tuesday, March 5, 2019 at home watching TV peacefully; and

WHEREAS, he is preceded in death by his mother, father, father in law and his best friend Melvin O'Neal Sr., his 6 brothers Frank (Jannie), Vincent, William (Ella), Eddie (Sandra), Walter, and Nelson; 4 grandchildren Darnell, El-Shakir, Sir-Lene, Baby Hassan Williams, his brother in laws Melvin O'Neal Jr and Jonathan Simms Sr., his sister in law Annette O'Neal, and his nephews Steven Miller, Anthony Hawthorne, Darryl Richardson, Jerome Hawthorne, and Stacey Hardy; and

WHEREAS, he leaves to cherish his memory his wife Leora Williams of 62 years, his children Regina Young, Rosemary Woods, Delores Calloway (Anthony Sr.), Lenora Williams, James and Jerald Williams, his mother in law Rosa O'Neal, his siblings Anna-Mae Simms, Carol Hardy, Gwendolyn Richardson, and Ricardo Wynn, his 2 sister in laws; Cynthia Edwards and Lenora O'Neal and 1 brother in law Terence O'Neal (Joyce); and

WHEREAS, he is also survived by 19 grandchildren, 44 great, great grandchildren and a host of nieces, nephews, other relatives, friends and all of his spiritual family:

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that the Township of Irvington hereby mourns the loss of James Evans Williams, Sr. and offers its sincerest condolences to his family and friends during this period of bereavement; and

BE IT FURTHER RESOLVED that a copy of this resolution be spread upon the minutes of this governing body as a lasting tribute to James Evans Williams, Sr.

Adopted

Absent: Inman

Frederic – Hudley 3. Authorize Handicapped Parking Spaces In Front of 86 Prospect Avenue, 10 Rutgers Street and 935 Grove Street

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

WHEREAS, requests have been made for restricted parking spaces in front of 86 Prospect Avenue, 10 Rutgers Street and 935 Grove Street:

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that a parking space restricted for use by any person who has been issued a special vehicle identification card pursuant to the provisions of N.J.S.A. 39:4-205, when using a motor vehicle on which is displayed a certificate, for which a special vehicle identification card has been issued pursuant to N.J.S.A. 36:4-206, be established in front of 86 Prospect Avenue, 10 Rutgers Street and 935 Grove Street; and

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

Adopted
Absent: Inman

Lyons – Burgess 4. Commemoration – Women’s History Month, 2019

COMMEMORATION - WOMEN'S HISTORY MONTH, 2019

WHEREAS, INTERNATIONAL WOMEN'S DAY is held in March of each year and is the central focus of WOMEN'S HISTORY MONTH; and

WHEREAS, schools, communities and local organizations all actively support the goals of WOMEN'S HISTORY; and

WHEREAS, the Federal Government has recognized that for a long time this nation has ignored this sector of our history and, therefore, adopted Public Law 100-9 designating every March as NATIONAL WOMEN'S HISTORY MONTH; and

WHEREAS, the National Park Service is designating and preserving sites in commemoration of the contributions made by women to this country's glorious past; and

WHEREAS, the State of New Jersey has designated March as NATIONAL HISTORY MONTH and the New Jersey Department of Community Affairs is responsible for the coordination of events celebrating this special area of our history:

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that it hereby designates March as WOMEN'S HISTORY MONTH in the Township of Irvington and it commends all of the many contributions made by women to the past, present and future of Irvington and it calls upon all the citizens of Irvington to join in celebration of the past and the contemplation of the wonderful future; and

BE IT FURTHER RESOLVED that a copy of this resolution be spread upon the minutes of this Governing Body in lasting tribute to Women's History Month, 2019.

Adopted
Absent: Inman

Lyons – Burgess 5. Commendation – Lieutenant Governor Sheila Oliver - Women's History Month, 2019

RESOLUTION OF COMMENDATION
2019 WOMEN'S HISTORY MONTH
HONORABLE SHEILA Y. OLIVER
LIEUTENANT GOVERNOR

WHEREAS, as history is filled with the far reaching accomplishments of women, Irvington Township would like to honor, Lieutenant Governor Sheila Y. Oliver, who has provided a vast array of public participation and public service throughout many years; and

WHEREAS, the Honorable Sheila Y. Oliver took the oath of office as New Jersey's 2nd Lieutenant Governor on January 16, 2018. She is the first woman of color to serve in statewide elected office in New Jersey history. She was appointed Commissioner of the Department of Community Affairs by Governor Phil Murphy; and

WHEREAS, Lt. Governor Oliver is a 40-year resident of East Orange, and a native of Newark. First elected to the General Assembly in 2003, she became Speaker in 2010 – the first African-American woman in state history to serve as such, and just the second in the nation's history to lead a state legislative house; and

WHEREAS, she has chaired the Assembly Human Services Committee, and served on the Labor, Higher Education, Women and Children, Commerce and Economic Development, and Transportation and Independent Authorities committees. She also sat on the Joint Committee on the Public Schools and the Joint Committee on Economic Justice and Equal Employment Opportunity; and

WHEREAS, prior to her election to the General Assembly, she served as an Essex County Freeholder, from 1996 to 1999, and was a member of the East Orange Board of Education. She also served as an Assistant County Administrator for Essex County from 2000 until 2018; and

WHEREAS, an alumna of Newark's Weequahic High School, she went on to graduate cum laude with a bachelor's degree in Sociology from Lincoln University in

Pennsylvania. She also holds a Master of Science Degree in Community Organization, Planning and Administration from Columbia University.

Lt. Governor Oliver began her career in public service as the Director of the Office of Youth Services and Special Projects for the City of Newark, where she focused on preparing young people ages 14 to 21 for post-secondary education and entry into the workforce. She later became the Development Director for The Newark Literacy Campaign while working at Caldwell College as the Coordinator of Career Guidance within the Educational Opportunity Fund Program; and

WHEREAS, she has taught college courses in Achievement Motivation, Non-Profit Management, and Pre-College Preparation, served as a consultant to a variety of non-profit organizations, and spent several years as the Director of the Essex County Division of Community Action, an anti-poverty initiative; and

WHEREAS, Lt. Governor Oliver has served on the boards of numerous non-profit organizations, including the East Orange General Hospital Board of Trustees, the United Way, the Newark Coalition for Neighborhoods, the Newark Collaboration Group, the Rutgers-Newark Educational Opportunity Fund Advisory Council, the Global Women's Leadership Collaborative of NJ, the Essex County and East Orange Committees on the Status of Women, Programs for Parents, and a number of other community-based entities. She has held memberships in the Women's Political Caucus of NJ, the NAACP, and the Urban League:

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that it hereby commends Lieutenant Governor Sheila Y. Oliver for her many civic, educational and community minded contributions to the residents of the Township of Irvington; and

BE IT FURTHER RESOLVED that a copy of this resolution be spread upon the minutes of this Governing Body in lasting tribute to Lieutenant Governor Sheila Y. Oliver and Women's History Month.

Adopted
Absent: Inman

Hudley - Frederic 6. Commendation – Lady Marie Washington - Women's History Month, 2019

**RESOLUTION OF COMMENDATION
2019 WOMEN'S HISTORY MONTH
LADY MARIE WASHINGTON**

WHEREAS, Lady Marie Washington is clothed in strength and dignity (Proverbs 31:25); and

WHEREAS, Lady Marie Washington is fearfully and wonderfully made. (Psalms 139:14), she is a dreamer, a thinker and a doer, she is the illustrious First Lady of the Christian Love Baptist church in Irvington (CLBC), New Jersey and she is First Lady Marie Washington; and

WHEREAS, Lady Washington came to Christ in 2011 at the Memorial Baptist Church in Harlem, New York and it was there that her love for God grew in ways unimaginable; and

WHEREAS, her life was not without struggle, but she learned to trust in the Lord with all her heart and she leaned not to her own understanding; and

WHEREAS, she knew at a very young age that God had called her to be the right hand to a man of God who would one day become the senior pastor of the greatest church on this side of heaven, CLBC; and

WHEREAS, Lady Washington married Pastor Brandon Washington and their faith in God matured together as a family unit; and

WHEREAS, Lady Washington is the epitome of being steadfast, immovable and always abounding in the work of the Lord; and

WHEREAS, within her first month at CLBC, she founded “Building Better Women By Faith”, which is a ministry that seeks to empower, uplift, support and motivate a diverse group of women of all ages and from all walks of life; and

WHEREAS, Lady Washington believes in pouring into the lives of women to remind them that trouble doesn’t last always, and with Christ, all things are possible and that the mission of the ministry is important because it encourages women to trust GOD and to trust HIS perfect will and plan for their lives regardless of the person’s history, background, childhood, or sin; and

WHEREAS, Lady Washington believes that everyone can be redeemed, loved and changed by Jesus Christ; and

WHEREAS, Lady Washington does not only bless the members at CLBC, but she blesses the community with her personal business and passion, “Snatch Yo Soul Food Catering,” which just officially opened in February 2019; and

WHEREAS, she earned her culinary certificate in 2007 and she earned her bachelor’s in criminal justice in 2018; and

WHEREAS, since then, Lady Washington has been cooking meals for the people of God in the community and so many have testified that her food is good for the tummy and for the soul with her goal being to open a restaurant in the near future and her customers are praying for her; and

WHEREAS, amongst all this, she is truly a Proverbs 31 woman, who cares for her husband and two sons, Preston (6) and Brandon (11) Washington, all of whom she loves beyond measure. Lady Washington’s life verse is found in 2 Corinthians 5:7, “For we walk by faith, and not by sight.” Because the Lord has been a lamp unto her feet and a light unto her pathway, she has been confidently walking by faith and encouraging others to follow that same path that leads to Jesus Christ:

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that it hereby commends Lady Marie Washington for her many civic, spiritual and community minded contributions to the residents of the Township of Irvington; and

BE IT FURTHER RESOLVED that a copy of this resolution be spread upon the minutes of this Governing Body in lasting tribute to Lady Marie Washington and Women's History Month.

Adopted
Absent: Inman

Lyons – Burgess 7. Commendation – Debra Douglass - Women's History Month, 2019

**RESOLUTION OF COMMENDATION
2019 WOMEN'S HISTORY MONTH
DEBRA DOUGLASS**

WHEREAS, Debra Douglass was born in Washington, D.C. in 1956 and lived there off and on for approximately 20 years; and

WHEREAS, Debra Douglass grew up in East New York in Brooklyn attending public schools before going to Keyston Job Corp. where she received her GED; and

WHEREAS, Debra Douglass also attended E-Z Janitorial Maintenance School and Essex County College where she studies Office Support Technology; and

WHEREAS, Debra Douglass was employed by Chelsea Catering Company in Newark, New Jersey, was a child care provider at home for children from East Orange and Newark, New Jersey and served as an Administrative Assistant at the Irvington Neighborhood Improvement Corporation where she assisted client in cooking and cleaning among a host of other skills; and

WHEREAS, Debra Douglass seized an the opportunity to join the Irvington Town Hall Staff as Receptionist/Telephone Operator following her stint at INIC and now has nearly 14 years as an employee of the Township of Irvington; and

WHEREAS, since that time Debra Douglass has been recognized at one of, if not the nicest employees in the building, always greeting visitors and callers alike with her famous smile and the words "Welcome to the Township of Irvington, this is Debra Douglas, how may I help you?"; and

WHEREAS, Debra knows that she is the first and last person each visitors sees and is proud of the fact that she always attempts to make those people's day a bit brighter; and

WHEREAS, on a personal note, Debra has nine children and takes pleasure in helping to raise her 11 grand children and one great grand child:

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that it hereby commends Debra Douglass for her many civic, and community minded contributions to the residents of the Township of Irvington; and

BE IT FURTHER RESOLVED that a copy of this resolution be spread upon the minutes of this Governing Body in lasting tribute to Debra Douglass and Women's History Month.

Adopted
Absent: Inman

Cox – Lyons 8. Commendation – Gloria Chison - Women's History Month, 2019

RESOLUTION OF COMMENDATION
2019 WOMEN'S HISTORY MONTH
GLORIA CHISON

WHEREAS, Gloria Chison has a bachelor's degree in Health Administration/Health Management and will obtain her master's degree in September 2019; AND

WHEREAS, under the leadership and vision of Mayor Tony Vauss, Gloria has been the manager of The Irvington Senior Citizens Community Center for the past four years; and

WHEREAS, Gloria Chison has led the over 400 seniors during this time and has travelled extensively with them not only within New Jersey but to New York, Dover Delaware and will in June travel to Cape Cod/Martha's Vineyard; and

WHEREAS, Gloria Chison has added more activities to their monthly calendar so that the seniors can enjoy games, puzzle board competition, adult coloring books exercise and crochet classes; and

WHEREAS, Gloria Chison, in March of 2016 introduced the senior/youth program to the senior center in conjunction with the Irvington Health Coalition, along with The Righteous Raiders Senior Choir and The Tony Vauss Rockers dance group; and

WHEREAS, each year women community leaders have been recognized at the Annual Women's History Month Luncheon; and

WHEREAS, Gloria attends Macedonia Baptist Church where she has served on numerous ministries for the past 42 years; and

WHEREAS, she resides in Irvington and is the proud Mother of two adult sons, she has eight grandchildren and one great grandchild; and

WHEREAS, Gloria's favorite scripture is Philippians 4:13 I can do all things through Christ who strengthens me.....:

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that it hereby commends Gloria Chison for her many civic, and community minded contributions to the residents of the Township of Irvington; and

BE IT FURTHER RESOLVED that a copy of this resolution be spread upon the minutes of this Governing Body in lasting tribute to Gloria Chison and Women's History Month.

Adopted
Absent: Inman

Frederic - Hudley 9. Commendation - Women's History Month - Elia Daudin

**COMMENDATION - WOMEN'S HISTORY MONTH
ELIA DAUDIN**

WHEREAS, Elia Daudin is a Haitian-American licensed Medicare Specialist with Anthem/Amerigroup and Licensed Realtor Associate with Coldwell Banker Residential; and

WHEREAS, Elia Daudin speaks fluent Haitian Creole, French and Spanish; and

WHEREAS, Elia Daudin is a graduate from Irvington High School, and keeps a piece of the town in her heart by keeping active in the community and giving back as well by volunteering in distributing food in many church food pantries and soup kitchens; and

WHEREAS, as a Medicare Specialist for Anthem/Amerigroup, Elia Daudin conducts educational seminars to assist the Medicare population with accurate Medicare benefits information; and

WHEREAS, Elia Daudin assists clients in determining appropriate Medicare products and becoming Medicare advocate in guiding how the Medicare benefits work; and

WHEREAS, having lost her mother to Breast Cancer, Elia Daudin participates in every Breast Cancer walk and events to promote well-being and maintain health; and

WHEREAS, as a Realtor, Elia Daudin helps her clients catch their dreams of buying or selling a home in bringing peace of mind and is very knowledgeable about the market and has valuable negotiation skills, credibility in resolving difficult transactions and educates clients about the home buying or home selling process; and

WHEREAS, Elia Daudin recognizes and value the trust of her clients and works hard to exceed expectations; and

WHEREAS, in the Haitian community, Elia Daudin is the voice to encourage many to purchase a home and educate them about the process of home buying; and

WHEREAS, Elia Daudin is passionate about the needs of her clients, with honesty and integrity, along with dedication being her philosophies; and

WHEREAS, Elia Daudin loves to participate in community events to meet new people and make a positive contributions to the community; and

WHEREAS, Elia Daudin is Leo, a natural born leader who loves to make others laugh and see the positive side in every situation, and when she is not working, she loves to watch movies enjoys cooking and spending time with her family:

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that it hereby commends Elia Daudin for her many civic, and community minded contributions to the residents of the Township of Irvington; and

BE IT FURTHER RESOLVED that a copy of this resolution be spread upon the minutes of this Governing Body in lasting tribute to Elia Daudin and Women's History Month.

Adopted

Absent: Inman

Burgess – Cox 10. Commendation - Women's History Month – Darlene Brown

RESOLUTION OF COMMENDATION
2019 WOMEN’S HISTORY MONTH
DARLENE BROWN

WHEREAS, as history is filled with the far reaching accomplishments of women, Township of Irvington would like to honor, Darlene Brown, who has provided a vast array of public participation and public service throughout many years; and

WHEREAS, Darlene Brown has been a resident of the Township of Irvington for 36 years and is very active within the community; and

WHEREAS, she is the mother of four and grandmother of four; and

WHEREAS, Ms. Brown is currently employed by the Irvington Board of Education as Chief of the Security Department; and

WHEREAS, she began her electoral career when she won a position in Irvington’s Democratic County Committee representing the South Ward, 11th District; and

WHEREAS, she is an aid to the Assemblyman Ralph Caputo and Chairperson for the Board of Commissioners at the Irvington Housing Authority where her goal is to ensure a safe, descent, and healthy environment for all its residents; and

WHEREAS, she is a member of Jehovah-Jireh Praise and Worship Church Center in Newark NJ; and

WHEREAS, Ms. Brown takes pride in all that she does and believes her energy will support each and every endeavor that would promote the wellbeing of the residents who reside here:

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that it hereby commends Darlene Brown for her many civic, and community minded contributions to the residents of the Township of Irvington; and

BE IT FURTHER RESOLVED that a copy of this resolution be spread upon the minutes of this Governing Body in lasting tribute to Darlene Brown and Women's History Month.

Adopted
Absent: Inman

Burgess – Cox 11. Resolution of Sorrow – Leora Williams

**RESOLUTION OF SORROW
LEORA WILLIAMS**

WHEREAS, Leora Williams was born to Rosa O'Neal and the late Melvin O'Neal Sr. on January 23, 1937 in Rocky Mount, North Carolina; and

WHEREAS, Leora move to Newark, New Jersey at the age of 10 years old. She was educated in the Newark Public School system, where she attended Newton Street Grammar School and advanced to Robert Treat Jr High School and then graduated from West Side High School. Years later she enter the work force. She was employed by The Veterans Administration Hospital in Lyons, NJ as a nurse for several years. She also worked for the scissor factory that was located right down the street from her house; and

WHEREAS, while living at home with her parents, deliveries were made from the Coal and Ice Company for their "Ice Box" and "Potbelly stove". This is where she met the love of her life the late James Evans Williams Sr. who was their delivery man. This romance led to them being united in marriage on September 14, 1957. From this union they had 5 children; and

WHEREAS, she was a very loving wife, daughter, mother, grandmother, great-grandmother, great-great-grandmother, sister, aunt, cousin, and friend; and

WHEREAS, Leora was a person who always saw the good in everyone, always smiling and keeping things positive. She made sure that whatever she said encouraged and up built you. She was never a complainer even through her terrible illness, because she understood there was always someone worse than her. Her favorite saying was "Don't give up and don't give in!"; and

WHEREAS, Leora enjoyed cooking for family and friends. This brought her great joy and satisfaction knowing others appreciated her cooking. Her hobby was crocheting. She made many things for her grands, great-grands and great-great-grands appreciate all the blankets, hats, and pocket books she made for them throughout the years. This was her way to relax. But most of all she loved reading her bible even

though she did not understand some things and could not pronounce most of the words. This is what helped her to accept an offer to have bible study from Jehovah's Witnesses. She embraced the bible truths that led her to dedicate her life to Jehovah and be baptized on July 19, 1974; and

WHEREAS, Leora took pride in attending the meetings at the Kingdom Hall and most importantly she enjoyed being with her spiritual family. What made her happy was sharing what she learned about Jehovah, Jesus Christ and his Kingdom with others. She auxiliary pioneered approximately three times a year participating in all forms of the ministry. She set a fine example of what a Christian wife should be, without a word, her conduct drew her husband to inquire about what she was learning. This helped him to come to know Jehovah personally. What brought her the most joy in her life is when her husband was baptized as one of Jehovah's Witnesses. After her husband became a regular pioneer she joined him and became one too in September of 2000. She zealously served Jehovah for approximately 45 years; and

WHEREAS, while battling her illness she never lost her love for Jehovah, she always reminded those who she talked to that soon all sickness will be done away with; very soon she will be in good health; and

WHEREAS, Leora fell asleep in death on March 12, 2019 seven days after her husband at home. She is preceded in death by her father Melvin O'Neal Sr., her brother Melvin O'Neal Jr., her sister Annette O'Neal, her 4 grandchildren, Darnell, El-Shakir, Sir-Lene, Baby Hassan, her father-in-law Richard Evans, her mother-in-law Mary Sara Seque, her cousins Dorothy Dunn, James Lee Poweii, Leatha Sheffield, and 6 brothers-in-law, Frank Vincent, William, Eddie, Walter, Nelson; and

WHEREAS, She leaves to cherish her memories her 5 children Rosemary Woods, Delores Calloway (Anthony Sr.), Lenora Williams, James and Jerald Williams, her mother Rosa O'Neal, her two sisters Cynthia Edwards, Lenora O'Neal, her brother Terence O'Neal (Joyce), her sisters-in-law Anna-Mae Simms, Carol Hardy, Gwendolyn Richardson, and brother-in-law Ricardo Wynn. She is also survived by 19 grandchildren, 44 great grandchildren, 5 great-great grandchildren and a host of nieces, nephew, other relatives, friends, and spiritual family:

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that the Township of Irvington hereby mourns the loss of Leora Williams and offers its sincerest condolences to her family and friends during this period of bereavement; and

BE IT FURTHER RESOLVED that a copy of this resolution be spread upon the minutes of this governing body as a lasting tribute to Leora Williams.

Adopted
Absent: Inman

Lyons – Burgess 12. Resolution of Sorrow – Council Second Vice President Sandra R. Jones

**RESOLUTION OF SORROW
COUNCIL SECOND VICE PRESIDENT SANDRA R. JONES**

WHEREAS, On March 21, 2019, The Lord took from amongst our ranks Irvington Municipal Council Second Vice President Sandra R. Jones; and

WHEREAS, Sandra R. Jones began her civic service in Jersey City while working on the mayoral campaign for Julian Robinson, then as a member of the Parent Teacher Associations for both P.S. 34 and Snyder High School; and

WHEREAS, Sandra R. Jones was President of the Armstrong Avenue Block Association and subsequently served as district leader eventually moving to the Township of Irvington in 1993 where she would win consecutive terms on the Irvington Board of Education and was chosen as their Vice President; and

WHEREAS, in July 2002, Sandra R. Jones took the oath of office as South Ward Council Member for the unexpired term of her very good friend and mentor, D. Bilal Beasley who vacated his South Ward seat on the Irvington Township Municipal Council to serve as Council Member At-Large; and

WHEREAS, Sandra R. Jones was subsequently elected to the South Ward Council seat and re-elected for an additional three terms, serving near seventeen years as South Ward Council Member; and

WHEREAS, Sandra Jones was elected as Council Second Vice President and remained in that capacity until her untimely death; and

WHEREAS, Sandra R. Jones was disheartened by the countless tragedies resulting from motorists using cellphones while driving resulting in her sponsoring Ordinance Number MC 3206 banning hand held cell phones while driving, long before the state of New Jersey banned it; and

WHEREAS, Sandra R. Jones also sponsored Ordinance Number MC 3448 authorizing Constables to serve warrants for property maintenance code violations and establishing a surcharge for the service of a warrant by constables; and

WHEREAS, Sandra R. Jones was also involved in many great community activities for the resident of Irvington including her annual block party, back to school event and Halloween party for the children, using her personal funds and resources to assure the events were successful and fun for all; and

WHEREAS, Sandra R. Jones, long before she became a Council Member was a supporter of the Friends of Irvington Park, advocating for the monetary support to renovate Irvington Park; and

WHEREAS, Sandra R. Jones was a fervent believer of out of the box leadership and public service being more that doing a job efficiently and honestly, that being a complete dedication to the people of the community and the nation as a whole; and

WHEREAS, affectionately known as Sandy, Sandra R. Jones was “Grandma” to everyone:

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that the Township of Irvington hereby mourns the loss of Municipal Council Second Vice President and South Ward Council Member Sandra R. Jones; and

BE IT FURTHER RESOLVED that a copy of this resolution be spread upon the minutes of this governing body as a lasting tribute to Council Member Sandra R. Jones.

Adopted

Absent: Inman

Cox – Frederic 13. Authorize Contract Through the Essex County Co-Op of the New Jersey Cooperative Purchasing Program With Waste Management Over the Bid Threshold of 40,000.00 For Disposal of Type 13 Solid Waste For An Amount Not To Exceed \$500,000.00

AUTHORIZING PURCHASES UNDER THE ESSEX COUNTY CO-OP 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 Essex County Cooperative Purchasing Program on behalf of their members; and,

WHEREAS, Essex County Co-op has awarded solid waste transfer fee for type 13 solid waste to Waste Management; and,

WHEREAS, Waste Management- Julia Street Transfer Station located at 864 Julia Street will exceed the bid threshold of \$40,000.00 for calendar year 2018; and

WHEREAS, based on the estimated tonnage, the total amount that will be paid to this vendor is an amount not to exceed \$500,000.00 for the year; and

WHEREAS, the Township of Irvington intends to enter into this contract with Waste Management over the bid threshold of 40,000.00 through this resolution and properly executed purchase orders for disposal of type 13 solid waste for an amount not to exceed \$500,000.00.

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of Irvington authorizes the purchasing agent to pay this vendor over the bid threshold of \$40,000.00 pursuant to all the conditions of Essex County Co-op contract; and

BE IT FURTHER RESOLVED, that the total payments to this vendor for calendar year 2019 shall not exceed \$500,000.00

BE IT FURTHER RESOLVED that the duration of this authorization shall be until December 31, 2019

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: Inman

Frederic – Hudley 14. Ratify Emergency Contract for Sewer Collapse Repair at Myrtle Avenue and University Avenue With Diamond Mason Contractors Based Upon Quotation - \$45,000.00

RESOLUTION TO AWARD AN EMERGENCY SEWER REPAIR CONTRACT FOR A SEWER FAILURE ON MYRTLE AVE AND UNIVERSITY AVE

WHEREAS, a portion of the sanitary sewer located on Myrtle Ave and University Ave collapsed on December 13, 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 Works has declared an emergency, and;

WHEREAS, the Department of Public Works has obtained quotes from Your Way Construction, Diamond Mason Contractors LLC and Dutra Excavating and Sewer Inc., for the require repairs, and

WHEREAS, Diamond Mason Contractors LLC has provided the lowest quote for the repairs for the total sum of \$28,300.00, and

WHEREAS, the Mayor has concurred with the amount and recommends that an emergency contract be awarded to Diamond Mason Contractors LLC, 38 N 18th Street, Kenilworth, NJ 07033 for a total amount of \$28,300.00, and

WHEREAS, on December 17, 2018, it was determined that there was an extensive damage to the location beyond the original quote and additional sewer line was needed for the total amount of \$16,700.00, 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 \$45,000.00 to Diamond Mason Contractors LLC, 38 N 18th Street, Kenilworth, NJ 07033 to repair the sanitary sewer located on Myrtle Ave and University Ave on December 13 and 17, 2018.

BE IT FURTHER RESOLVED, that the required certification of availability of funds C9-00200 in the amount of \$45,000.00 from account number 8-01-21-165-165-299 has been obtained from the Chief Financial Officer.

Adopted
Absent: Inman

Cox – Frederic 15. Ratify Emergency Contract for Sewer Collapse Repair at Silkman Place and University Avenue With Your Way Construction Upon Quotation - \$13,000.00

RESOLUTION TO AWARD AN EMERGENCY SEWER REPAIR CONTRACT FOR A SEWER FAILURE ON SILKMAN PLACE AND UNIVERSITY PLACE

WHEREAS, a portion of the sanitary sewer located on Silkman Place and University Place collapsed on December 11, 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 Works has declared an emergency, and;

WHEREAS, the Department of Public Works has obtained a quote from Your Way Construction for the require repairs, and

WHEREAS, Your Way Construction has provided a quote for the repairs for the total sum of \$13,000.00, and

WHEREAS, the Mayor has concurred with the amount and recommends that an emergency contract be awarded to Your Way Construction of 404 Coit Street, Irvington, NJ 07111 for a total amount of \$13,000.00 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 \$13,000.00 to Your Way Construction of 404 Coit Street, Irvington, NJ 07111 to repair the sanitary sewer located on Silkman Place and University Place.

BE IT FURTHER RESOLVED, that the required certification of availability of funds C9-00181 in the amount of \$13,000.00 from account number 9-01-21-165-165-299 has been obtained from the Chief Financial Officer.

Adopted
Absent: Inman

Frederic – Hudley 16. Authorize Negotiated Contract for Animal Control Services - Associated Humane Society - April 1, 2019 to December 31, 2019 - \$8,493.34 Per Month For a Total Amount Not To Exceed \$76,440.06

**RESOLUTION TO AWARD AN EMERGENCY SEWER REPAIR CONTRACT FOR
A SEWER FAILURE ON MYRTLE AVE AND UNIVERSITY AVE**

WHEREAS, a portion of the sanitary sewer located on Myrtle Ave and University Ave collapsed on December 13, 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 Works has declared an emergency, and;

WHEREAS, the Department of Public Works has obtained quotes from Your Way Construction, Diamond Mason Contractors LLC and Dutra Excavating and Sewer Inc., for the require repairs, and

WHEREAS, Diamond Mason Contractors LLC has provided the lowest quote for the repairs for the total sum of \$28,300.00, and

WHEREAS, the Mayor has concurred with the amount and recommends that an emergency contract be awarded to Diamond Mason Contractors LLC, 38 N 18th Street, Kenilworth, NJ 07033 for a total amount of \$28,300.00, and

WHEREAS, on December 17, 2018, it was determined that there was an extensive damage to the location beyond the original quote and additional sewer line was needed for the total amount of \$16,700.00, 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 \$45,000.00 to Diamond Mason Contractors LLC, 38 N 18th Street, Kenilworth, NJ 07033 to repair the sanitary sewer located on Myrtle Ave and University Ave on December 13 and 17, 2018.

BE IT FURTHER RESOLVED, that the required certification of availability of funds C9-00200 in the amount of \$45,000.00 from account number 8-01-21-165-165-299 has been obtained from the Chief Financial Officer.

Adopted
Absent: Inman

Cox – Lyons 17. Authorize Purchasing Agent to Sell Taxicab Medallion at Public Auction to Highest Bidder

**A RESOLUTION AUTHORIZING THE PUBLIC AUCTION OF FIVE TAXI
MEDALLIONS OWNED BY THE TOWNSHIP OF IRVINGTON**

WHEREAS, the Township of Irvington, in the County of Essex and State of New Jersey , is the owner of four taxi medallions; and

WHEREAS, the Irvington Municipal Council has approved by municipal ordinance the sale of four new taxicab medallions; and

WHEREAS, the Irvington Municipal Council would like to sell one of said four taxicab medallion; and

WHEREAS, pursuant to N.J.S.A. 39.10A-1 the governing body may authorized public auction for the sale of its property.

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

(1) The Purchasing Agent is hereby authorized to advertise the sale of one taxi medallion.

(2) The new taxi medallions shall be sold to the highest bidder, through an auction process.

(3) The new taxi medallions shall be sold for no less than the minimum price of \$50,000.00 per medallion.

BE IT FURTHER RESOLVED, that the Township reserves the right to reject all offers; and

BE IT FURTHER RESOLVED, that the successful bidder is responsible for meeting all the criteria of the closing documents and municipal ordinance of the taxicab commission.

Adopted
Absent: Inman

A. Communications

1. New Jersey Department of Transportation – Route 78 Pavement Preservation Project

11. Pending Business

None

12. Miscellaneous

None

NON-CONSENT AGENDA ITEMS

8. Ordinances, Bills & Claims

A. Ordinances on 1st Reading

Cox – Hudley 1. Amend Sections 290-4 and 290-7 of Revised Code Regarding General Business Fees

AN ORDINANCE AMENDING SECTIONS 290-4 and 290-7 REGARDING FEES.

Adopted

Absent: Inman

B. Ordinances on 2nd Reading

1 President Lyons: An ordinance amending and supplementing chapter 472 of the revised code regarding rent control 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 AND SUPPLEMENTING CHAPTER 472 OF THE REVISED CODE OF THE TOWNSHIP OF IRVINGTON ENTITLED RENT CONTROL

Chapter 472: Rent Control

[HISTORY: Adopted by the Municipal Council of the Town (now Township) of Irvington 7-14-1981 by Ord. No. MC 2635 (Ch. 151 of the 1981 Revised Code). Amendments noted where applicable.]

§ 472-1. Establishment of rents.

[Amended 10-27-1981 by Ord. No. MC 2644; 10-12-1982 by Ord. No. MC 2672; 2-22-1983 by Ord. No. 2687]

From and after the effective date of this chapter, no landlord in the Township of Irvington shall charge any rent in excess of that which he was charging as of the effective date hereof, except for such increases as are provided herein. Establishment of rents charged on dwelling units to which this chapter is applicable shall hereafter be determined by this chapter. At the expiration of a lease or at the termination of the lease of a periodic tenant, no landlord may request, charge or receive an increase in rent greater than that allowed by Subsection A of this section. A periodic tenant whose lease term is less than one year shall not be caused to pay any increase in any twelve-month period which exceeds that allowed by Subsection A of this section. No tenant shall be caused to pay more than one increase in any twelve-month period.

A. The increase in rents permitted under this section shall be as follows: [Amended 4-9-1985 by Ord. No. MC 2777]

(1) Where the landlord supplies heat to the dwelling unit, the increase in rent shall not exceed 4% of the prior year's rent.

(2) Where the landlord does not supply heat to the dwelling unit, the increase in rent shall not exceed 3% of the prior year's rent.

- (3) An individual age 65 or older who is a sole tenant or living with others adults all aged 65 or older within the unit shall be limited to a 2% increase annually regardless of whether the landlord provides heat to the unit.
 - (4) Where a vacancy of a dwelling unit presently exists or occurs after the effective date of this chapter, the provisions of Subsection A(1) and (2) and (3) hereinabove shall not apply, and the rent for said vacant dwelling unit shall be decontrolled until said dwelling unit is again rented or leased at a new agreed rental rate. After one year of said new rental, the increase in rent permitted for said new tenancy shall be as set forth in Subsection A(1) and (2) and (3) above.
- B. The increase permitted under Subsection A herein shall be computed upon the base rent charged the tenant and not upon the base rent plus any hardship or capital surcharge granted under § 472-4 of this chapter and collected for any specified period of time.
- C. A landlord shall not be entitled to request, charge or receive any tax surcharge by reason of increase in municipal property taxes.
- D. Tenants of any residential properties may present a written petition signed by a majority of the tenants and consented to by the landlord of the property agreeing to a specific rent surcharge for a specific purpose or project, and providing for the landlord's permission to permit the tenant's representative to review the expenditures involved for the particular purpose or project surcharge. Each dwelling unit shall be considered a single tenant for the purposes of this subsection. If the aforementioned surcharge is approved by the Rent Leveling Officer, the surcharges shall run for maximum of two years, if so provided. If there are in existence joint agreements which have been in existence for more than two years, they shall expire within 60 days after the effective passage of this amendment. [Amended 2-24-1994 by Ord. No. MC 2991]
- E. Unbundling. [Added 4-26-1994 by Ord. No. MC 2997]
 - (1) A landlord shall not be allowed to unbundle service in order to defeat the intent of this chapter.
 - a. "Unbundling" shall include, but not be limited to, subcontracting or providing for a separate charge for parking. Unbundling shall also include changing the term(s) of any previously received security deposit by increasing the amount to be deposited with the Landlord beyond the amount agreed to in the original lease or in the event of valid rent increases requiring a tenant to deposit more than the proportional increase of deposit which would make the security deposit consistent with the terms of the original lease.
 - b. Any person or persons residing as a tenant on the effective date of said unbundling shall be entitled to remain in their then-existing status as long as they shall remain as a tenant.
 - (2) Fines may be levied on a daily basis for anyone found to be in violation of this section. Each day the violation continues to exist can be treated as a separate violation subject to a daily fine. Fines shall be issued by the Rent Leveling Officer and/or designee.

- F. Fees for Late Payment of Rent and Bounced Checks. Prospectively, upon renewal of a lease or upon entering a new lease, the landlord shall include a provision in the lease agreement limiting fees for payment of rent by the tenant more than seven (7) days late to a maximum of \$50 and limiting fees for bounced checks to a maximum of \$25.

§ 472-2. Notification of rental increase.

[Amended 10-27-1981 by Ord. No. MC 2644; 2-22-1983 by Ord. No. MC 2687]

Any landlord who shall increase rents as provided in § 472-1 hereof shall give notice to his tenants by any reasonable means of said increase; provided, however, that when said notice is not mailed to the tenant's residence, delivery is not considered to have been accomplished unless a signed receipt is obtained from the tenant or his representative. If a tenant is notified by mail other than certified or registered mail, the landlord or his representative shall certify in writing that he mailed the notice to the tenant. Said certification shall be retained for a period of three years.

§ 472-3. Exceptions.

The provisions of this chapter shall not apply to:

- A. Motels, hotels and similar dwellings.
- B. Dwellings of two units or less.
- C. Dwellings of three and four units, at least one of which is occupied by one or more of the owners thereof.
- D. Dwellings subject to rent control or stabilization under any state or federal law.
[¹] Editor's Note: Former § 151-3E of the 1981 Revised Code, pertaining to dwelling units available for occupancy on or after July 1, 1981, which previously followed this subsection, was repealed 4-9-1985 by Ord. No. MC 2777.
- E. With respect to the unbundling provisions set forth in § 472-1E only, dwellings developed pursuant to a general development plan approved by the Planning Board and subject to a redevelopment agreement with the Township.
[Added 5-14-2013 by Ord. No. MC 3492].

§ 472-4. Hardship or capital improvement relief.

- A. If, as the result of circumstances which he could not reasonably have foreseen or anticipated or which are beyond his/her control, a landlord is unable to earn a fair rate of return on his investment, he may appeal to the Rent Leveling Officer (hereafter "RLO") for an increase in rent in excess of that permitted under § 472-1 hereof, via an application to be developed by the RLO. In connection with any appeal filed hereunder, the landlord shall prove his expenses of operation, including but not limited to payment of the purchase money mortgage or mortgages and any subsequent mortgages, the proceeds of which were used for major capital improvements as defined in Subsection B of this section, fuel, utilities, taxes, sewer user charges, maintenance and repairs, a management fee not to exceed 5% of gross rents, and related charges. Management fees may be allowed as an expense, whether paid to the landlord or a management company. For good cause shown, the RLO may grant either an increase in the rent charged

or permit the landlord to receive a surcharge to be collected for a specified period of time only in order to enable the landlord to earn said fair rate of return.

B. Major capital improvement surcharge.

Amended 10-11-1983 by Ord. No. MC 2713]

(1) A major capital improvement consists of a substantial change in the housing accommodations such as would materially increase the rental value in a normal market and will provide tenants with a benefit or service which they had not previously enjoyed. Replacement of facilities, materials or equipment so as to maintain the same level of services as previously provided or bargained for shall not constitute a major capital improvement.

(2) Major capital improvement adjustment

- a. A landlord may seek a rent surcharge for a major capital improvement. Any landlord seeking a major capital improvement surcharge shall apply to the Rent Leveling Officer and pay the application fee of \$75.00, via the above proposed application, which the RLO shall, upon a showing of satisfactory proof, determine if said improvement is a major capital improvement and, if so, shall permit such surcharge. In no event shall any surcharge permitted under this section exceed the annual cost of the capital improvement per room multiplied by the number of rooms occupied by the tenant, or exceed 15% of the tenant's base rent, whichever is the lesser. The surcharge may be granted for the entire premises or the particular units benefited by the improvement.
- b. Any major capital improvement surcharge granted by the RLO shall be paid in equal monthly installments over the period set by the RLO.

- C. No application filed pursuant to Subsection A or B of this section may be heard by the RLO unless the landlord shall have attached to his application proof under oath that he has given notice of same to all affected tenants by posting a copy thereof in the front lobby or entranceway to the premises and by mailing same at least two weeks prior to the first scheduled hearing of the matter by the RLO. Said notice, a copy of which shall be attached to said application, shall clearly set forth the content and basis of the application. Notice of application for relief pursuant to Subsection B of this section shall include the total cost of the completed capital improvement, the number of years of useful life of the improvement as claimed by the landlord for purposes of depreciation for income tax purposes, the actual cost of the improvement, the total number of square feet of the dwelling or unit affected, the total square feet occupied by the tenant, if applicable, and the capital improvement surcharge he is seeking from each tenant.
- D. No hardship or capital improvement increase or surcharge may be granted unless the landlord shall have held title to the premises in question for a period of at least one year prior to the date of his application for said relief, unless, for good cause shown, the RLO waives this requirement.

§ 472-5. Compliance.

[Amended 9-28-1982 by Ord. No. MC 2668; 6-14-1988 by Ord. No. MC 2858; 7-14-2009 by Ord. No. MC 3407; 7-1-2014 by Ord. No. MC 3511]

No application made pursuant to § 472-4A of this chapter may be heard by the Board unless attached thereto is an informational certificate or report of inspection issued by the New Jersey Department of Community Affairs or the Department of Housing Services pursuant to § 355-26 of this Code not more than 18 months prior to the date of said application. No such application may be approved by the Board unless the Board shall have first determined that there are no substantial violations of the health, safety or housing laws, codes or regulations of the Township of Irvington affecting said premises. In the event that said informational certificate or report of inspection discloses substantial violations of said laws, codes or regulations, the Board may approve such application; conditioned, however, upon the submission by the landlord within 180 days of said conditional approval of an informational certificate or report of inspection indicating that all of said violations have been corrected. Failure to submit said supplemental certificate or report within 180 days shall render any conditional approval void as of the date granted, and any hardship rent increase or surcharge collected during said period of time shall be returned forthwith to the tenant.

§ 472-6. Rent Leveling Officer.

In order to administer the provisions of this chapter, the prior authority exercised under the auspices of the Rent Leveling Board within the Town of Irvington shall be exercised by the Rent Leveling Officer.

§ 472-7. Acts to cause tenant to vacate prohibited.

No landlord of dwelling units to which this chapter is applicable shall do, or cause to be done, any act or thing with the intent to cause a tenant to vacate said dwelling unit in order that said dwelling unit shall become vacant and no longer subject to this chapter as provided by § 151-3E hereof. 2 In any proceeding instituted by a tenant under this section, the reduction of standards of service, maintenance, health and safety conditions, furniture, furnishings or equipment in and for said dwelling unit shall create a rebuttable presumption that the act or thing done or caused to be done by the landlord was done with the intent to cause said tenant to vacate said dwelling unit.

§ 472-8. Powers of Rent Leveling Board.

The Rent Leveling Officer shall have the following powers:

- A. To promulgate such rules and regulations as he/she deems necessary to implement the purposes of this act, which rules and regulations shall be approved by the Township of Irvington Council and have the force of law until revised, repealed or amended from time to time by the resolution of the Township of Irvington Council, in the exercise of his/her discretion

- B. To supply information and assistance to landlords and tenants to enable them to comply with the provisions of this chapter.
- C. To hold hearings and adjudicate applications by landlords for additional rent or surcharges.
- D. To hold hearings and consider complaints by tenants that the premises is not in substantial compliance with the health, safety and housing laws, codes and regulations of the Town of Irvington. In the event that the Board determines that substantial violations of said laws, codes and regulations exist, it may order the return to the tenant of all or any portion of the increase provided for in § 472-1A and B hereof; provided, however, that before ordering any such return of rent, the Board shall afford the landlord 90 days within which to abate such violations.
- E. To hold hearings and consider complaints that a landlord has violated § 472-7 of this chapter. For good cause shown, the Board may order that said dwelling unit shall remain or again become, as the case may be, subject to the provisions of this chapter for such period of time as the Board considers just, the provisions of § 151-3E notwithstanding.^[1]

[1] Editor's Note: Former § 151-3E, pertaining to dwelling units available for occupancy on or after July 1, 1981, was repealed 4-9-1985 by Ord. No. MC 2777

- F. To employ an attorney to attend meetings and advise and represent the RLO, and such other consultants, including a certified or public accountant, as the RLO may deem necessary or advisable upon approval of the Rent Leveling Board.
- G. To issue fines for any violations of Township code, to rescind a Certificate of Habitability, Certificate of Occupancy and/or take any other action permitted under applicable Code Enforcement/Housing/Building Construction State or local laws, rules and regulations. In such instances where the RLO shall pursue fines against a Landlord for violations and/or non-compliance with a ruling of the RLO, the RLO shall seek restitution damages for the Township for any cost(s) incurred outside the normal operations of the RLO and/or any additional staff of the Township of Irvington to address the violation(s) and/or non-compliance.
- H. To afford both landlords and tenants reasonable opportunity to be heard before making any determination.
- I. Landlord Property/Unit Registration
 - (1) Between January 1 and March 3 of each calendar year, all owners and/or landlords of dwellings shall file with the Township of Irvington Department of Housing and Building Construction a new landlord registration statement for each dwelling unit owned. An owner and/or landlord who purchases a dwelling on or after April 1 of any year shall also file a landlord registration statement within seven (7) days of purchase. Owner(s) and/or landlords(s) entitled to an increase in the base rent as a result of improving vacant housing spaces shall immediately file an amended landlord registration statement.

(2) Every owner and/or landlord shall, within 90 days following the effective date of this subsection or the creation of the first tenancy in any dwelling containing five (5) or more housing spaces, whether or not subject to the restriction of *rent* increases in this chapter, file a landlord registration statement with the Department of Housing and Building Construction containing the following information.

- a. The name and address of the record owner or owners of the dwelling and the record owner or owners of the rental business if not the same person.
- b. If the record owner is a corporation, the name and address of the registered agent and corporate officers of the corporation.
- c. If the address of any record owner or owners is not located in the County of Essex, the name and address of a person who resides in the County of Essex or has an office in the County of Essex and is authorized to accept notices from tenants and to issue receipts for notices from tenants to accept services of process on behalf of the record owner or owners.
- d. The name and address of the managing agent of the dwelling, if any.
- e. The name and address, including the dwelling unit, apartment or room number of the superintendent, janitor, custodian or any other individual employed by the record owner or managing agent to provide regular maintenance service if any.
- f. The name, address and telephone number of any individual representative of the record owner or managing agent who may be called at any time in case of an emergency affecting the dwelling or any housing space within the dwelling, including such emergencies as the failure of any essential service or system, and who has the authority to make emergency decisions concerning the building and any repair to the building or expenditure in connection with the building.
- g. A list of the base monthly rents of each housing space, by apartment or room number, within the dwelling as of the date of registration.

J. Non-Registration Penalty

The RLO shall have the authority to issue penalties consistent with those authorized in §151-8G for non-compliance with the registration provision outlined above.

§ 472-9. Appeals.

Decisions of the RLO may be appealed to the Rent Leveling Board, which shall consist of the seven member Township of Irvington Municipal Council. Any appeal(s)

thereafter shall be filed with the courts in accordance with the rules pertaining to administrative appeals.

§ 472-10. Fees.

[Amended 8-11-1987 by Ord. No. MC 2834]

Upon the filing of an application for relief to the Rent Leveling Board, the applicant shall pay the following fees:

- A. For hardship or capital improvement relief, the fee shall be \$5 per dwelling unit, but not less than \$25 nor more than \$200.
- B. For all other applications or complaints, the fee shall be \$10.
- C. The fee for a copy of this chapter shall be \$2.50.
- D. The fee for a copy of the hardship application forms shall be \$2.

§ 472-11. Violations and penalties.

[Amended 9-8-1987 by Ord. No. MC 28355]

A willful violation of any provision of this chapter, including but not limited to the willful filing with the RLO of any material misstatement of fact, shall be punishable as provided in Chapter 1, Article III. A violation affecting more than one dwelling unit shall be considered a separate violation as to each such dwelling unit. If a landlord has been in violation of the chapter, then the tenants shall have a remedy to receive a refund for an over charge retroactive to two years from the date of the complaint.

§ 472-12. Construal.

This chapter, being necessary for the welfare of the inhabitants of the Town of Irvington, shall be liberally construed to effectuate the purposes thereof.

§ 472-13. Complaints.

Any complaint by a tenant respecting a violation of this chapter shall be in writing and filed with the Rent Leveling Board within one year from the date of the violation; provided, however, that complaints filed pursuant to § 472-7 shall be filed within 60 days of the date of the last act or thing alleged to violate said section. Failure to file within the aforesaid periods shall bar the acceptance of the complaint by the Board.

§ 472-14. Repealer.

Ordinance No. MC 2597 is hereby repealed.^[1]

[1] *Editor's Note: Ordinance No. MC 2597 comprised former Ch. 151, Rent Control, of the 1981 Revised Ordinances of the Township of Irvington.*

The public hearing on this ordinance is now open.

There were no requests to be heard.

Lyons – Cox

Motion to close public hearing

Adopted

Absent: Inman

Lyons – Cox

Motion to adopt this ordinance on second reading after public hearing

Adopted

Absent: Inman

2. President Lyons: An ordinance authorizing a quit claim deed for 7 Drakes Lane, Block No. 40, Lot 2 will be heard at this time. For the record this notice is identical to the first notice that was read. The Clerk will read the ordinance by title.

AN ORDINANCE ACCEPTING A QUIT CLAIM DEED FOR 7 DRAKES LANE, IRVINGTON, NEW JERSEY, 07111 IN THE TOWNSHIP OF IRVINGTON FROM JENNIFER MURGUEYTIO

WHEREAS, N.J.S.A. 40A:12-5(a)(1) provides that municipality may, by ordinance, acquire real property with a capital improvement by gift; and

WHEREAS, as a result of serious disrepair and the inability of JENNIFER MURGUEYTIO to financially maintain the property located at 7 DRAKES LANE, Irvington, New Jersey 07111, they would like to transfer ownership of said property to the Township of Irvington; and

WHEREAS, the Township of Irvington has dedicated itself to either rehabilitate or to facilitate the rehabilitation of said property under its Redevelopment Authority powers; and

WHEREAS, JENNIFER MURGUEYTIO now has deeded this property to the Township: 7 DRAKES LANE, IRVINGTON, NEW JERSEY, 07111

NOW, THEREFORE, BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that it accepts the Deed from JENNIFER MURGUEYTIO to acquire title to 7 DRAKES LANE, Irvington, New Jersey 07111, Block No. 40 and Lot No. 2 on behalf of the Township of Irvington and directs that the said property be placed on the Township's inventory of property owned by the Township.

The public hearing on this ordinance is now open.

There were no requests to be heard.

Hudley - Frederic

Motion to close public hearing

Adopted

Absent: Inman

Hudley – Frederic

Motion to adopt this ordinance on second reading after public hearing

Adopted

Absent: Inman

3. President Lyons: An ordinance authorizing a quit claim deed for 114 Ellis Avenue, Block 162, Lot 1 will be heard at this time. For the record this notice is identical to the first notice that was read. The Clerk will read the ordinance by title.

AN ORDINANCE ACCEPTING A QUIT CLAIM DEED FOR 114 ELLIS AVENUE, IRVINGTON, NEW JERSEY, 07111 IN THE TOWNSHIP OF IRVINGTON FROM CHARLES M. FORMAN

WHEREAS, N.J.S.A. 40A:12-5(a)(1) provides that municipality may, by ordinance, acquire real property with a capital improvement by gift; and

WHEREAS, as a result of serious disrepair and the inability of CHARLES M. FORMAN to financially maintain the property located at 114 ELLIS AVENUE, Irvington, New Jersey 07111, they would like to transfer ownership of said property to the Township of Irvington; and

WHEREAS, the Township of Irvington has dedicated itself to either rehabilitate or to facilitate the rehabilitation of said property under its Redevelopment Authority powers; and

WHEREAS, CHARLES M. FORMAN now has deeded this property to the Township: 114 ELLIS AVENUE, IRVINGTON, NEW JERSEY, 07111

NOW, THEREFORE, BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that it accepts the Deed from CHARLES M. FORMAN to acquire title to 114 ELLIS AVENUE, Irvington, New Jersey 07111, Block No. 162 and Lot No. 1 on behalf of the Township of Irvington and directs that the said property be placed on the Township's inventory of property owned by the Township.

The public hearing on this ordinance is now open.

There were no requests to be heard.

Frederic - Lyons

Motion to close public hearing

Adopted

Absent: Inman

Frederic - Lyons

Motion to adopt this ordinance on second reading after public hearing

Adopted

Absent: Inman

4. President Lyons: An ordinance amending section 555-66 the revised code regarding placing signs on trees, utility poles or public property will be heard at this time. For the record this notice is identical to the first notice that was read. The Clerk will read the ordinance by title.

AN ORDINANCE AMENDING SECTION 555-66 OF THE REVISED CODE OF THE TOWNSHIP OF IRVINGTON ENTITLED PLACING SIGNS ON TREES, UTILITY POLES OR PUBLIC PROPERTY.

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

SECTION 1. Section 555-66 of the Revised Code is hereby amended and supplemented in its entirety as follows:

555-66. Placing signs on trees, utility poles or public property.

a) It shall be unlawful for any person, firm, company, organization, broker, sub-contractor, entity, to place or direct others to place any advertisement, poster, banner, flyer or sign upon any sidewalk, hydrant, lamppost, tree, utility pole or telephone pole, telegraph or electric light pole, fence, vacant structure, mailbox, traffic control box or public property on any public street or place within the Town, except directional or bus signs authorized by the Department of Public Works.

b) It shall also be unlawful for any person to benefit from or by the placement of any advertisement, poster, banner, flyer, sign, upon any sidewalk, hydrant, tree, utility pole, fence, vacant structure, mailbox, traffic control box or public property on any public street or place within the Town.

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

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

The public hearing on this ordinance is now open.

There were no requests to be heard.

Hudley – Lyons

Motion to close public hearing

Adopted

Absent: Inman

Hudley – Lyons

Motion to adopt this ordinance on second reading after public hearing

Adopted

Absent: Inman

5. President Lyons: An ordinance amending section 513-10 the revised code regarding awning signs will be heard at this time. For the record this notice is identical to the first notice that was read. The Clerk will read the ordinance by title.

AN ORDINANCE AMENDING SECTION 513-10 OF THE REVISED CODE OF THE TOWNSHIP OF IRVINGTON REGARDING AWNING SIGNS.

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

SECTION 1. Section 513-10 of the Revised Code is hereby amended and supplemented in its entirety as follows:

As used in this article, the following terms shall have the meanings indicated:

§ 513-10 AWNING SIGNS

DEFINITIONS

A light roof-like structure, supported entirely by the exterior wall of a building that consists of a fixed or movable frame covered with cloth, plastic or metal and extends over doors and/or windows with the purpose of providing protection from sun and rain and/or embellishment of the facade.

A. Applicability of the changes to this ordinance.

- (1) This ordinance applies to all new businesses within the Township of Irvington who register to do business or who otherwise open to do business after the effective date of this ordinance.
- (2) This ordinance applies to all existing businesses. An existing business is any business registered to do business with the Township and who is otherwise operating a business within the Township prior to the effective date of this ordinance. Existing businesses have one year from the effective date of this ordinance to comply with the requirements thereof.

B. Awning Styles and Specifications Requirements. All awnings must adhere to the following requirements:

- (1) All awning signs shall be limited in their position to the fringe or valance. The height of letters or figures of such signs shall not exceed ten (10) inches. The subject matter shall cover only the name of the owner of the awning and the place and kind of business. Awnings shall have a clearance of eight feet from the sidewalk and shall be kept in good repair.
- (2) Permitted styles are shed, marquee and gable with or without sign bands. Waterfall, box, translucent and internally lit awnings are not permitted. Only

street address using Arabic numbers are permitted on valance or at bottom of awning.

- (3) Material must be canvas, woven acrylic or similar material. Material that are not allowed are plastic, vinyl, mylar and other shiny materials. Egg crate undersides are also not permitted.
- (4) Only Letters and numbers are allowed on the valance and must be 5-10 inches high and cover no more than 70% of the valance.
- (5) Only external lighting are permitted. Gooseneck lighting is preferred. Internal and backlit lighting are not permitted.
- (6) Awning should be placed within window bay of storefront. Awnings that covers the entire face of building façade are not permitted.
- (7) A specific color awning will be designated for each business corridor as determined by the Township of Irvington. As such, the color and layout of any Awning must be reviewed and approved by the Township Construction Code Official.
- (8) Businesses who are franchisees and who must maintain the color of the business franchise are exempt from this requirement, however, said businesses must take all steps available to ensure that their awnings and signs are similar in style and layout to the herein requirements. Franchise businesses must also complete the required application and provide signage and awning options to the Construction Code Office for review and approval prior to selecting a style and pattern.
- (9) Any additional signage, posters, advertisement displayed on storefront windows and outside walls must be presented to the Construction Code Official for review and approval. Such signage, posters and advertisement displayed must be removed by existing businesses as per the requirements of this ordinance if such signage or advertisement are in violation of this ordinance.

(C) Permit Requirements and Process

- (1)** No awning shall be erected or maintained unless a permit therefor shall first have been obtained from the Construction Code Official or the Department of Housing and Building Construction.
- (2)** No awning of any kind shall be erected or maintained which shall extend beyond the property line and over any street or sidewalk, or public place, or any part thereof, unless a permit therefor shall first have been obtained from the Department of Housing and Building Construction and Construction Code Official after the payment of the permit application fee.
- (3)** No permit for any such awning shall be issued by the Department of Housing and Building Construction unless or until the proposed awning has been reviewed and approved by the Zoning Official and Construction Code Official.
- (4)** No permit for any such awning shall be issued by the Construction Code Official unless such awning is in compliance with the applicable provisions of the uniform construction codes.
- (5)** No permit for any awning shall be issued by the Department of Housing and Building Construction or the Construction Code Official unless the Construction Code Official determines, after review by the Fire Official, that such awning or canopy will not interfere with firefighting equipment, and specifically, if the building or structure involved is of such height as to require the use of ladders in the event of fire, that the location and size of the awning will not interfere with the placement of such ladders, or that the awning may be quickly and easily removed in such manner as not to interfere with or delay the deployment of fire ladders.
- (6)** Property owners are responsible for the complying with the requirements of this ordinance. As such, property owners who rent out their commercial to tenants to operate businesses are responsible for ensuring that all tenants are notified and are in compliance with this ordinance.
- (7)** Prior to issuing a permit for any such awning the applicant therefor shall submit to the Construction Code Official a signed indemnification and hold harmless agreement, of a form approved by the Township Attorney, in which the applicant agrees to indemnify and hold harmless the Township of Irvington, its officers, agents and employees from any and all claims of liability, including any

reasonable attorney fees, resulting from the issuance of the permit or the erection of any such awning.

- (8)** Any permit granted hereunder may be revoked at any time by the Township of Irvington whenever, in the opinion of the Council of The Township of Irvington or the Construction Code Official, it would be in the best interests of the citizens of Irvington to do so. Any permit issued hereunder shall not grant to the holder thereof any permanent easement to encroach upon the street, sidewalk or other public place but rather shall only entitle the holder thereof to a revocable license.
- (9)** Whenever the holder of the permit ceases to own or occupy the premises for which the permit is issued, the permit shall expire. Upon the expiration or revocation of the permit, any awning encroaching upon the street, sidewalk or other public place shall be removed. In the event the owner or occupant thereof fails to remove such awning after notice thereof is provided, the Township may remove such awning and charge the cost of such remove as a municipal lien against the property in accordance with law.
- (10)** The Construction Code Official shall not issue any permit hereunder unless all of the foregoing requirements have been satisfied or unless the Municipal Council has, by resolution, approved such permit.

(D). Application for Awning Permit

No permit shall be issued until the applicant therefor shall have first filed a written application a form of which shall be maintained by the Department of Housing and Building Construction setting forth or containing the following:

- (1)** Name and address of applicant.
- (2)** Exact location where such awning is to be erected and maintained.
- (3)** Name of the owner or lessee of the premises where such awning is to be erected and maintained.
- (4)** A statement as to whether the awning is to be a permanent or temporary awning.
- (5)** If the application is for a temporary awning, the date when the same will be erected and removed.
- (6)** A written specification describing the kind of materials to be used, the general construction and the proposed method of anchoring the awning.
- (7)** For awnings a certificate of flame resistance from the fabric manufacturer.

(E). Violations and penalties.

Any person who violates any provision of this article shall, upon review and adjudication thereof, be punished by a fine not exceeding \$500 or by imprisonment for a term not exceeding 90 days, or both. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

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

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

The public hearing on this ordinance is now open.

There were no requests to be heard.

Hudley – Frederic Motion to close public hearing

Adopted
Absent: Inman

Hudley – Frederic Motion to adopt this ordinance on second reading after
public hearing

Adopted
Absent: Inman

12 Miscellaneous

After completing the Women's History Month celebration, each of the Council Members present paid tribute to the late Council Second Vice President Sandra R. Jones.

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

There were no requests from the citizenry to be heard.

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