

REGULAR COUNCIL MEETING
APRIL 22, 2019

Council Chamber, Municipal Building
Irvington, N.J. – Monday Evening
April 22, 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, Paul Inman, David Lyons

Absent: None

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

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

There were no requests to be heard.

5. Hearing of Council Members

There were no requests to be heard.

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

A. Reports

1. Minutes – Directors’ Meeting – April 8, 2019
2. Municipal Court - Electronic Collections Report - March, 2019
3. Minutes – Joint Meeting – February 21, 2019

7. Reports of Committees

- A. Request for Proposals Results - Reconstruction of Two ATMS – April 4, 2019
- B. Request for Proposals Results - Sale or Lease of Nye Avenue Garage - April 4, 2019

8. Ordinances, Bills & Claims

A. Ordinances on 2nd Reading

None

9. Resolutions & Motions

A. Resolutions

Lyons - Burgess 16. Appointment – Interim South Ward Council Member Jamillah Z. Beasley

WHEREAS, a vacancy exists in the membership of the Municipal Council for the South Ward Council Member by virtue of the fact that former South Council Member Sandra R. Jones passed away on March 21, 2019; and

WHEREAS, N.J.S.A. 40A:16-4(b) provides that in the case of a vacancy in the membership of the governing body of a municipality holding regular municipal elections, the vacancy may be filled temporarily by appointment of the governing body until the next general or regular municipal election, whichever comes first:

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that Jamillah Z. Beasley, 608 Chancellor Avenue, is hereby appointed as South Ward Council Member for a term to commence on April 22, 2019 and to expire upon the election of a qualified successor to said office at the November 5, 2019 General Election, pursuant to N.J.S.A. 40A:16-4(b).

Adopted

At this point Council Member Beasley subscribed to her oath of office, thanked her supporters and participated in the remainder of the meeting as a sitting Council Member.

Hudley – Lyons 2. Award Five Year Contract For Lease of Land for ATM Machines – Bank of America - \$67,000.00 Per Year Plus \$0.30 Per Surcharged Transaction Over 1500 Threshold - June 1, 2019 To May 31, 2024

AWARD OF CONTRACT FOR THE CONSTRUCTION AND LEASING OF LAND FOR TWO AUTOMATED TELLER MACHINES (ATM)

WHEREAS, sealed bids were received on April 04, 2019 for the construction and leasing of land for two automated teller machines (ATM) in response to the published advertisement for bids in the New Jersey Star Ledger on March 18, 2019; and

WHEREAS, Bank of America and City National Bank paid and picked up bid specifications for this project; and

WHEREAS, one bid was received and opened by the Township Clerk and Purchasing Agent; and

WHEREAS, the bid received was reviewed according to the New Jersey Local Public Contract law, and met the terms of the bid; and

WHEREAS, the Chief Financial Officer has recommended that the award be made to Bank of America, 201 N Tryon Street, Charlotte, North Carolina 28255 on the basis of their responsible response to the invitation for bids; and

WHEREAS, Bank of America will lease the land located at Springfield Ave and Civic Square, to construct two ATMs from the Township of Irvington; and

WHEREAS, Bank of America will pay the Township rental income of \$67,000.00 per year plus \$0.30 per surcharged transaction over 1500 threshold for five years, starting on June 01, 2019 until May 31, 2024; and

NOW THEREFORE BE, IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that a contract for the construction and leasing of land for two automated teller machines (ATM) be awarded to Bank of America, 201 N Tryon Street, Charlotte, North Carolina 28255; and

BE IT FURTHER RESOLVED that the Township Attorney is hereby authorized and directed to prepare the necessary contract and the Mayor and the Township Clerk are authorized and directed to sign the same. In addition, the Township Clerk is hereby directed to return the bid security to the unsuccessful bidders; and

BE IT FURTHER RESOLVED, as required by the bid specifications, the performance bond for this project will be submitted to the Municipal Clerk and Purchasing Agent.

Adopted

Burgess – Inman 3. Authorize 2019 Springfield Avenue Business Improvement District's Sidewalk Sale

WHEREAS, the Springfield Avenue Center Business Improvement District proposes its annual Summer 2019 Sidewalk Sale and Activities to commence and include:

Thursday, Friday, Saturday	May 2, 3, and 4	Rain date: Saturday May 11, 2019
Thursday, Friday, Saturday	June 6, 7, and 8	Rain date: Saturday June 15, 2019
Thursday, Friday, Saturday	July 11, 12, and 13	Rain date: Saturday July 20, 2019
Thursday, Friday, Saturday	August 8, 9 and 10	Rain date: Saturday August 17, 2019
Thursday, Friday, Saturday	September 5, 6 and 7	Rain date: Saturday September 14, 2019

to be done in conjunction with cultural events; and

WHEREAS, Section 171-11 of the Revised Code of the Township of Irvington provides that the provisions shall not prevent the placement of booths or showcases for the display of merchandise, foods and other material along the route of any parade or at the site of any cultural event duly licensed by the Township:

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that it declares that the provisions of Section 171-11 are hereby met and the Springfield Avenue Center Business Improvement District schedule of Summer 2019 Sidewalk Sale and Activity are hereby approved as set forth herein:

Thursday, Friday, Saturday	May 2, 3, and 4	Rain date: Saturday May 11, 2019
Thursday, Friday, Saturday	June 6, 7, and 8	Rain date: Saturday June 15, 2019

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Thursday, Friday, Saturday July 11, 12, and 13 Rain date: Saturday July 20, 2019
Thursday, Friday, Saturday August 8, 9 and 10 Rain date: Saturday August 17, 2019
Thursday, Friday, Saturday September 5, 6 and 7 Rain date: Saturday September 14, 2019

Adopted

Burgess – Frederic 4. Commemoration - Earth Day and Anti-Graffiti Day, 2019

2019

EARTH DAY AND ANTI-GRAFFITI DAY

WHEREAS, 49 years ago Americans joined together on EARTH DAY in a united exhibition of concern for the environment, and their shared action resulted in the passage of sweeping new legislation to protect our air, water and land; and

WHEREAS, since the first EARTH DAY, despite environmental improvements, the environmental well being of the planet is increasingly endangered, threatened by global climate change, ozone depletion, growing world population, tropical deforestation, ocean pollution and nuclear waste, therefore requiring action by all areas of society; and

WHEREAS, EARTH DAY, 2019 is a national and international cry for action that all citizens join in a world effort to save the planet Earth, to preserve plants, animals and natural communities that represent the diversity of life on Earth by protecting the lands and waters they need to survive; and

WHEREAS, the activities and events of EARTH DAY, 2019 will serve to teach all citizens of the importance of acting in an environmentally sound fashion by recycling, conserving energy and water, using efficient transportation, adopting more ecologically sensitive lifestyles, buying and utilizing products which are environmentally safe, and supporting the adoption of laws demonstrating concern for the environment:

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that we do hereby proclaim the importance of Earth Day, April 22, 2019 and as such will celebrate it as well as Anti-Graffiti Day in the Township of Irvington during the month of April, 2019.

Adopted

Cox – Lyons 5. Ratify Emergency Contract for Computer IT Support Services – Netconnect, Inc. - Not To Exceed \$8,550.00

RESOLUTION TO AWARD AN EMERGENCY CONTRACT FOR COMPUTER IT SUPPORT SERVICE

WHEREAS, on November 12, 2018, November 20, 2018 and March 01, 2019, the Township computers and servers were infected by a virus resulting in a system wide outage, and;

WHEREAS, all operational files and computer mainframe to the Township's network was inoperable, and;

WHEREAS, the Police Director declared an emergency to provide emergency recovery IT computer services to the Township, and;

WHEREAS, Netconnect, Inc., located at 111 Storer Ave, Suite B2, Staten Island, NY 10309 was called and services were rendered to provide emergency recovery computer IT service and;

WHEREAS, this situation constitutes a threat to public health, safety, welfare, and the Business Administrator declared an Emergency to fix the computer system immediately. Netconnect, Inc., located at 111 Storer Ave, Suite B2, Staten Island, NY 10309 had the necessary knowledge and skill to fix the Township's network and was available immediately to perform the work on an emergency basis, and;

WHEREAS, the Mayor concurred with the Police Director and approved said emergency, and;

WHEREAS, the total cost to provide emergency recovery service to the Township was \$8,550.00 and;

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that it ratifies the decision of the Administration to authorize an emergency contract to Netconnect, Inc., located at 111 Storer Ave, Suite B2, Staten Island, NY 10309, for an amount not to exceed \$8,550.00; and

BE IT FURTHER RESOLVED that the purchase order in the amount of \$8,550.00 from account number 9-01-25-240-240-118 will be obtained from the Qualified Purchasing Agent.

Adopted

Cox – Lyons 6. Authorize Seven Month Extension on Contract for Collection of Solid Waste and Recyclable Materials - Suburban Disposal Inc. – Not To Exceed \$1,071,000.00

RESOLUTION EXTENDING COLLECTION OF SOLID WASTE AND RECYCLING MATERIALS CONTRACT

WHEREAS, resolution number DPW 16-1025-32 awarded a two years contract to Suburban Disposal Inc for the collection of solid waste and recycling materials; and

WHEREAS, resolution number DPW 18-0911-26 extended our service agreement for six month until May 05, 2019; and

WHEREAS, the original specifications included language that allowed for the extension up to three years contract at the existing terms and conditions if mutually accepted to the vendor and Township; and

WHEREAS, pursuant to 40A:11-15.3, the Township may extended the collection and disposition of solid waste and recyclable materials for a term not to exceed five years; and

WHEREAS, in the best interest of our taxpayers, the Township wishes to extended the collection of solid waste and recycling materials contract for seven months; and

WHEREAS, the Township would like to extend the service contract with Suburban Disposal Inc, 54 Montesano Road, Fairfield, NJ 07004 for seven months; and

NOW THEREFORE BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that the following contract be extended for seven months, starting on November 04, 2018 and ending on May 05, 2019 to Suburban Disposal Inc, 54 Montesano Road, Fairfield, NJ 07004 for an amount not to exceed \$1,071,000.00; and

BE IT FURTHER RESOLVED that the Township Attorney is hereby authorized and directed to prepare the necessary contract extension documents for six months and the Mayor and the Township Clerk is hereby authorized to execute said contract with the above listed company.

BE IT FURTHER RESOLVED, that the required certification of availability of funds C8-00370 in the amount of \$310,000.00 for the two months of service from account number 9-01-32-465-465-118 has been obtained from the Chief Financial Officer and the remaining balance will be certified in the 2019 budgets.

Adopted

Cox – Hudley 7. Authorize Two Year Shared Services Agreement With Public Library for Security Services - \$2,666.67 Per Month for Ten Months, Plus \$1,333.33 For July and August, Plus \$100.00 Per Special Event

A SHARED SERVICES AGREEMENT BETWEEN THE TOWNSHIP OF IRVINGTON AND THE IRVINGTON PUBLIC LIBRARY FOR THE PROVISION OF SECURITY GUARD SERVICES

WHEREAS, the Township of Irvington, has been in discussions to share services with the Irvington Public Library so as to mutually and respectively reduce the cost of providing such services between the Township and Irvington Public Library; and

WHEREAS, the Irvington Public Library is in need of unarmed Community Service Officers to provide security and protection of residents when the Library is open; and

WHEREAS; the Irvington Police Department has unarmed Community Service Officers that would be able to provide this service to the Irvington Public Library; and

WHEREAS, the Irvington Municipal Council finds that it is the public interest to enter into a shared service agreement, pursuant to the provisions of NJSA 40A:65-1 et seq., the Uniformed Shared Services and Consolidation Act, to enter such an agreement for security services to be provided by the Township; and

NOW THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that a shared-service agreement between the Township and Irvington Public Library is hereby authorized for security services for two years from May 01, 2019 to May 01, 2021; and.

BE IT RESOLVED that the Township Attorney is hereby authorized and directed to review and approve this shared-service agreement and the Mayor and Township Clerk are authorized and directed to sign the same; and

BE IT RESOLVED that the Township of Irvington will invoice the Library on a monthly basis for this contract and the Library shall remit payment to the Township on a monthly basis.

Adopted

Burgess – Lyons 8. Reject Proposals – Lease/Sale of Nye Avenue Garage – Due to the Abandonment of the Project

REJECTING REQUEST FOR PROPOSALS FOR THE SALE OR LEASE OF THE NYE AVENUE GARAGE

WHEREAS, on March 18, 2019, the Township of Irvington accepted and opened RFPs for the sale or lease of the Nye Avenue Garage; and

WHEREAS, the Township received two proposals for this service; and

WHEREAS, Director of Community Development and Planning wishes to reject all proposals on the basis that the Township has abandoned the project; and

WHEREAS, the Local Public Contract Law, 40A:11-13.2.(c) provides that a municipality may reject all proposals when the scope of service must be revised; and

NOW THEREFORE BE IT RESOLVED by the Council of Township of Irvington, in the County of Essex, that all proposals received for the sale or lease of Nye Ave Parking Garage is hereby rejected in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-13.2.(c).

Adopted

Hudley – Cox 9. Authorize Assignment of Tax Sale Certificate for 679 Grove Street to Best Cars R Us, 675 Grove Street, Irvington, N.J. 07111

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 April 22, 2019
123 / 18	Creed, James 679 Grove Street	13-00695	12/27/2013	\$13,631.34	\$41,131.03

together with subsequent liens thereon, at private sale to:

Best Cars R Us
675 Grove Street
Irvington, NJ 07111

Adopted

Hudley – Lyons 10. Authorize Professional Services Contract Based Upon Requests for Proposals – Phase One Sewer Sale Project - Preparation of GIS Data Mapping and Analysis – ARH Associates - \$22,500.00

RESOLUTION TO AWARD A CONTRACT FOR PROFESSIONAL SERVICES TO STUDY THE SALE OF THE SANITARY SEWER SYSTEM

WHEREAS, the Township of Irvington is interested in pursuing the potential of selling its sanitary sewer system as authorized by statute; and

WHEREAS, the Township Engineer prepared a Request for Quotes to accomplish the requirements delineated in the statute to accomplish this project from the various engineering consultants who are part of the township's annual engineering consultant list; and

WHEREAS, only one response to this request was received from ARH Associates, Hammonton, NJ and, it was determined that this consultant has had experience in the preparation of this type of study and is agreeable to awarding this work in a phased manner such that the cost of the first phase of this project, to prepare GIS Data Mapping and Analysis, is \$ 22,500.00; and,

WHEREAS, the Township Engineer has reviewed this proposal, finds it to be reasonable amount to accomplish this task and recommends that a professional services contract for the Phase 1 Study of the Sanitary Sewer System be awarded to ARH Associates of Hammonton, NJ at their price of \$ 22,500.00.

NOW, THEREFORE, BE IT RESOLVED BY MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that a professional services contract be awarded to ARH Associates, Hammonton, NJ for the Phase 1 Study of the Sanitary Sewer System at their stated amount of \$ 22,500.00.

BE IT FURTHER RESOLVED that pursuant to N.J.A.C. 5:34-5.2, the required Certificate of Availability of Funds No. C9-00199 for the above has been obtained from the Chief Financial Officer of the Township of Irvington and the appropriation to be charged for this expenditure is in the amount of \$ 22,500.00 is Account No. 9-01-21-165-165-209.

Adopted

Frederic – Burgess 11. Authorize Acceptance of Donations of Food and Liquid Refreshment for the 5K Walk Benefiting the Township's Wellness Program

**A RESOLUTION ACCEPTING DONATION OF FOOD AND \$100 GIFT CARD
FROM VARIOUS BUSINESSES**

WHEREAS, multiple vendors have graciously offered to donate food, drinks, and a \$100 gift card to the Township of Irvington Department of Health and Senior Services; and

WHEREAS, the food and funds will be used for the annual 5K Wellness Walk/Run on April 27, 2019; and

WHEREAS, it is in the Township's best interest to accept the donation.

NOW, THEREFORE, BE IT RESOLVED by the Township of Irvington, County of Essex, New Jersey as follows:

1. The Township accepts the donations for the purposes set forth above and thanks Wawa, SuperFresh, City Supermarket, and Alison Bryant of CWU Food Pantry for their generosity and service to the Township.

List of donations and estimated value:

1. Wawa of Maplewood
 - a. Donation of 3 cases of drinks (150 drinks) - \$150
2. SuperFresh of Irvington
 - a. Donation of fresh fruit - \$50
3. City Supermarket of Irvington
 - a. Donation of 6 cases of water - \$24
4. Alison Bryant of CWU Food Pantry
 - a. Donation of gift card to be used to purchase fruit and health snacks - \$100

Total estimated value of donations: \$324

Adopted

A. Communications

1. League of Municipalities – Legislative Bulletin # 1

11. Pending Business

None

12. Miscellaneous

None

NON-CONSENT AGENDA ITEMS

8. Ordinances, Bills & Claims

A. Ordinances on 1st Reading

Cox – Lyons 1. Authorize Crescent Lane To Be Vacated

AN ORDINANCE PROVIDING FOR THE VACATION OF ALL OF CRESCENT LANE AS LAID OUT ON THE IRVINGTON TAX MAP AND RESERVING TO THE TOWNSHIP OF IRVINGTON CERTAIN EASEMENT RIGHTS IN SAID STREET AND PLACING CERTAIN RESTRICTIONS AGAINST BUILDING STRUCTURES, ETC. IN SAID STREET

Adopted

Abstain: Burgess, Inman

C. Bills & Claims

Burgess – Lyons 1. Bill Lists

RESOLVED THAT THE BILLS AND CLAIMS AGAINST THE TOWNSHIP OF IRVINGTON FOR A PERIOD APRIL 22, 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	\$2,109,849.78
TOTAL	\$2,109,849.78

Adopted
No: Inman

Burgess – Lyons 2. Payrolls

April 12, 2019

REGULAR	OVERTIME	OTHER	TOTAL
\$1,589,663.51	\$117,799.10	\$402,387.17	\$2,109,849.78

Adopted
No: Inman

9. Resolutions & Motions

A. Resolutions

Lyons- Hudley 12. Replacement Appointment – Member of Planning Board – West Ward Council Member Vern Cox

WHEREAS, N.J.S.A. 40:55D-23 requires that a member of the Municipal Council be appointed to serve as a Member of the Planning Board; and

WHEREAS, a vacancy has arisen in this position as a result of the death of former Council Member Sandra R. Jones:

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that Council Member Vern Cox is hereby appointed as a Member of the Irvington Planning Board, filling the unexpired term of former Council Member Sandra R. Jones, effective immediately, for a term to expire on June 30, 2020.

Adopted
Abstain: Frederic, Inman

Cox – Burgess 13. Authorize Emergency Contract for Current Payroll Services for Thirty Days – Balance Point – Same Amount as Currently Being Paid

RESOLUTION TO AWARD AN EMERGENCY CONTRACT FOR PAYROLL SERVICE

WHEREAS, the Township is need of Payroll service to process payroll for employees, and;

WHEREAS, Balance Point of 65 Harristown Road, Heritage Plaza II, Suite 208, Glen Rock, NJ 07452 has provided this service to the Township for past four years, and;

WHEREAS, this situation constitutes a threat to public welfare and the Mayor has declared an emergency to award a nine months contract to our existing vendor, and;

WHEREAS, the Mayor has declared an emergency in writing for service for Balance Point of 65 Harristown Road, Heritage Plaza II, Suite 208, Glen Rock, NJ 07452 to continue to provide payroll service for 30 days, and;

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that it authorizes an emergency contract for payroll processing services for thirty days be made to Balance Point of 65 Harristown Road, Heritage Plaza II, Suite 208, Glen Rock, NJ 07452 at the same rate currently being charged.

Council President Lyons spoke.

Adopted
Abstain: Inman

12 Miscellaneous

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

Elouise McDaniel, 214 Nesbit Terrace

At this point Township Attorney Ramon Rivera indicated that Jamillah Beasley had resigned from the employ of the Township of Irvington prior to this evening's meeting and, therefore, there was no conflict in her sitting as a member of the Municipal Council.

Assemblyman Thomas P. Giblin
James Eaddy, 85 Sheridan Street
Ciarah Hayes, 25 Clifton Avenue, Newark
Rasheed Williams, 519 – 21st Street

Council President Lyons addressed issues raised by the above referenced citizens.

13. Adjournment

There being no further business, the meeting was adjourned at 8:12 P.M.

David Lyons, Council President

Harold E. Wiener, Municipal Clerk