

REGULAR COUNCIL MEETING
AUGUST 12, 2019

Council Chamber, Municipal Building
Irvington, N.J. – Monday Evening
August 12, 2019 - 7:30 P.M.

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

Present: Jamillah Z. Beasley, Vernal Cox, Renee C. Burgess, Charnette Frederic, October Hudley, Paul Inman

Absent: None

Acting President Burgess 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 – July 8, 2019
2. Municipal Court – Electronic Collections Report – June, 2019
3. Joint Meeting Minutes – May 16, 2019

7. Reports of Committees

- A. Requests for Proposals and or Qualifications – Contractors to Rehabilitate Residential Property – July 10, 2019
- B. Bid Results - Leave, Brush and Vegetative Matter Removal and Street Sweeper Service - July 31, 2019
- C. Request for Proposals Results - Self Insurance Administrator and Substitute Prosecutors - July 31, 2019
- D. Bid Results - Ambulance and Dispatch Service – August 7, 2019

8. Ordinances, Bills & Claims

B. Ordinances on 2nd Reading

None

C. Bills & Claims

9. Resolutions & Motions

A. Resolutions

Hudlley – Beasley 1. Authorize Execution of Escrow and Funding Agreement With Hilltop Partners Redeveloper, LLC for the Former Irvington General Hospital Site - Block 324, Lots 1.01, 1.02, 1.03, 1.05, 1.06, and 1.07

**RESOLUTION OF THE TOWNSHIP OF IRVINGTON
AUTHORIZING THE EXECUTION OF AN ESCROW AND
FUNDING AGREEMENT WITH HILLTOP PARTNERS
REDEVELOPER, LLC**

WHEREAS, the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1 et seq.* (the “**Redevelopment Law**”) authorizes municipalities to determine whether certain parcels of land located therein constitute areas in need of redevelopment or rehabilitation and to create redevelopment plans which provide development controls for any area so designated; and

WHEREAS, on August 13, 2002, the Municipal Council (the “**Township Council**”) of the Township of Irvington (the “**Township**”), authorized an investigation to designate certain parcels located within and contiguous in the Township’s Eastward as an area in need of redevelopment (the “**Eastward/ East Springfield Avenue Redevelopment Plan**”); and

WHEREAS, on March 9, 2004, the Township Council duly adopted Ordinance No. MC-3258, enacting a redevelopment plan for the East Ward Area entitled the East Ward/Springfield Avenue Redevelopment Plan, pursuant to the Redevelopment Law and in accordance with the procedures set forth therein; and

WHEREAS, to realize the redevelopment of the East Ward Area, the Township Council determined to exercise the powers of redevelopment and serve as the “redevelopment entity”, as such term is defined at *N.J.S.A. 40A:12A-3*, responsible for carrying out redevelopment projects in accordance with the Redevelopment Plan, pursuant to *N.J.S.A. 40A: 12A-4(c)*; and

WHEREAS, Section 40A:12A-5(g) of the Redevelopment Law states that in a municipality in which an enterprise zone has been designated pursuant to the requirements of the New Jersey Urban Enterprise Zone Act, *N.J.S.A. 52:27H-60 et seq.*, “the execution of the actions prescribed in that act . . . shall be considered sufficient for the determination that the area is in need of redevelopment . . . for the purpose of granting tax exemptions within the urban enterprise zone district”; and

WHEREAS, in accordance with Section 5(g) of the Redevelopment Law, the Township Council, by resolution dated December 13, 2011, designated the UEZ Rehabilitation Area as an area in need of redevelopment solely for the purpose of granting tax pursuant to the Long Term Tax Exemption Law, *N.J.S.A. 40A20-1 et seq.* (the “Exemption Law”); and

WHEREAS, Kapwood, LLC (the “**Kapwood**”) proposed to acquire certain property identified as Block 324, Lot 1 on the official tax maps of the Township (the “**Property**”) and commonly referred to at the Irvington General Hospital Site and to develop thereon a mixed-use development to be constructed in seven (7) phases, each located on a distinct portion of the Property (the “**Project**”); and

WHEREAS, in accordance with Resolution No. UEZ 12-0925-10, the Township entered into a Redevelopment and Purchase and Sale Agreement with Kapwood dated October 12, 2012 as amended by the First Amendment to the Redevelopment and Purchase and Sale Agreement dated as of May 10, 2013, the Second Amendment to the Redevelopment and Purchase and Sale Agreement dated as of May 10, 2013, and the Third Amendment to the Redevelopment and Purchase and Sale Agreement dated as of May 03, 2016 (collectively, the “**Redevelopment Agreement**”); and

WHEREAS, Kapwood partnered with Urban Builders Collaborative NJ, LLC (“**UBCNJ**”) to effectuate the development of the Project, and in furtherance of the partnership, created Hilltop Partners MM, LLC, a limited liability corporation pursuant to the *New Jersey Limited Liability Company Act, N.J.S.A. 42:2B-1 et seq.* (“**Hilltop MM**”) to act as the redeveloper entity for the Project pursuant to the Act; and

WHEREAS, on December 19, 2015, Hilltop MM received governmental approvals for the subdivision of the Property into seven (7) lots, commonly known as Block 324, Lots 1.01, 1.02, 1.03, 1.04, 1.05, 1.06, and 1.07 on the official tax maps of the Township; and

WHEREAS, it is contemplated that various phases of the Project may be financed, in part, by one or more of the following sources, among others: (1) an award of low income housing tax credits from the New Jersey Housing and Mortgage Finance Agency (“**HMFA**”) (2) Federal Home Loan Bank, (3) conventional financing from private

commercial lenders and (4) construction and/or permanent financing through HMFA (collectively, the “**Financing**”); and

WHEREAS, the Financing for the Project required a separate entity to serve as the guarantor entity; Urban Builder Collaborative, LLC (“**UBC**”) was created and granted a .05% interest in Hilltop MM, such that Hilltop MM is currently owned 35% by Kapwood, 64.95% by UBCNJ and .05% by UBC; and

WHEREAS, the Financing for the development of phase 1 of the Project, located on Block 324, Lot 1.04, required Hilltop MM to be a single-purpose entity; and

WHEREAS, Hilltop MM created Hilltop Partners Redeveloper, LLC, (the “**Redeveloper**”), a special purpose entity, which has the same principal members as Hilltop MM in the same percentages to serve as the redeveloper for Block 324, Lots 1.01, 1.02, 1.03, 1.05, 1.06, and 1.07 (collectively, the “**Remaining Lots**”); and

WHEREAS, on October 12, 2018, by Resolution No. UEZ 16-1012-18, the Township authorized the transfer of title of the Remaining Lots and the assignment of the Redevelopment Agreement relating to the Remaining Lots from Hilltop MM to the Redeveloper; and

WHEREAS, Hilltop MM has certified to the Township that construction of phase 1 of the Project has been completed on Block 324, Lot 1.04 in accordance with the provisions of the Redevelopment Agreement; and

WHEREAS, the Redeveloper proposes to undertake phase 2 of the Project by constructing thereon [an approximately 118,334 square foot Residential Senior Building] (“**Phase 2**”) on Block 324, Lot [1.02] (the “**Project Area**”); and

WHEREAS, the Redeveloper wishes to engage the Township, in its capacity as redevelopment entity, in the negotiation of a financial agreement, pursuant to the *Long Term Tax Exemption Law, N.J.S.A. 40A:20-1 et seq.*, to provide for a tax exemption for improvements to be made to the Project Area, and other related agreements as may be applicable or appropriate with respect to Phase 2 of the Project; and

WHEREAS, the Redeveloper has agreed to defray certain costs incurred by or on behalf of the Township arising out of or in connection with the redevelopment of the Project Area and the negotiation of such agreements; and

WHEREAS, the Township and the Redeveloper wish to enter into an escrow and funding agreement establishing the mechanism for the deposit and disposition of funds to cover the Township’s costs,

NOW, THEREFORE, BE IT RESOLVED by the Municipal Council Township of Irvington as follows:

Section 1. Generally. The aforementioned recitals are incorporated herein as though fully set forth at length.

Section 2. Execution of Agreement. The Township Council hereby authorizes the Mayor to execute the escrow and funding agreement substantially in the form attached hereto as Exhibit A, with such changes, deletions, and modifications in consultation with counsel as may be necessary or desirable to effect the transaction contemplated by this resolution. However, neither the adoption of this resolution, nor the execution of the escrow and funding agreement authorized hereby, shall be construed in any way to bind the Township to execute one or more definitive agreements with respect to the Project.

Section 3. Severability. If any part of this Resolution shall be deemed invalid, such parts shall be severed and the invalidity thereby shall not affect the remaining parts of this Resolution.

Section 4. Availability of the Resolution. A copy of this resolution shall be available for public inspection at the office of the Municipal Clerk.

Section 5. Effective Date. This resolution shall take effect immediately.

Exhibit A

ESCROW AND FUNDING AGREEMENT

Adopted

Abstain: Inman

ESCROW AGREEMENT

THIS ESCROW AGREEMENT (“Escrow Agreement”) is made as of the ____ day of May 2019 by and between **HILLTOP PARTNERS REDEVELOPER, LLC** (the “Company”), with an address at 1212 Springfield Avenue, Irvington, New Jersey 07111, and **THE TOWNSHIP OF IRVINGTON**, a body corporate and politic of the State of New Jersey, with an address at Municipal Building, 1 Civic Square, Irvington, New Jersey 07111 (the “Township”).

WITNESSETH:

WHEREAS, pursuant to the *Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq.* (the “**LRHL**”), Municipal Council of the Township (the “**Township Council**”) designated certain parcels located within and contiguous to the Township Urban Enterprise Zone as an area in need of rehabilitation (the “**Rehabilitation Area**”); and

WHEREAS, on September 11, 2007, the Township Council duly adopted Ordinance No. 3351, enacting a redevelopment plan for the Rehabilitation Area entitled the *Urban Enterprise Zone Area in Need of Rehabilitation Redevelopment Plan* (the “**Redevelopment Plan**”) pursuant to the Redevelopment Law and in accordance with the procedures set forth therein; and

WHEREAS, the Company is the owner of certain real property identified as Block 324, Lot [1.02,] on the official tax maps of the Township (the “**Project Area**”) and proposes to redevelop same by constructing thereon [an approximately 11,334 square foot Residential Senior Building] with associated parking (the “**Project**”); and

WHEREAS, the Company wishes to engage the Township, in its capacity as redevelopment entity pursuant to the LRHL, in the negotiation of a financial agreement, pursuant to the *Long Term Tax Exemption Law, N.J.S.A. 40A:20-1 et seq.*, to provide for a tax exemption for improvements to be made to the Project Area (the “**Agreement**”) and other related agreements with respect to the Project; and

WHEREAS, as an inducement to the Township to engage in such negotiations, and as a precondition thereto, the Company has agreed to deposit with the Township the initial amount of **FIFTEEN THOUSAND and 00/100 (\$15,000.00) DOLLARS** (the “**Escrow Deposit**”), to be deposited in an escrow account and disbursed in accordance with the provisions of this Escrow Agreement to defray certain costs incurred by or on behalf of the Township arising out of or in connection with the negotiation and preparation of the Agreement.

NOW THEREFORE, in consideration of the foregoing, and for other good and valuable consideration, and intending to be legally bound hereby, the parties hereto agree as follows:

- 1. Recitals.** The recitals are hereby incorporated herein as if set forth in full.
- 2. Escrow Deposit.** The initial Escrow Deposit is separate from and in addition to all other application fees and escrow deposits that may be required by the Township pursuant to the terms of the Agreement, if the parties are successful in their negotiations and one is executed, including any applications for land use approvals that may be needed to implement the Redevelopment Plan. Additions to the Escrow Deposit may subsequently become necessary to cover all reimbursable expenses incurred by the Township pursuant to the terms of this Escrow Agreement.

3. Scope of Reimbursable Services. (a) The Township shall be entitled to be reimbursed for all professional charges incurred in connection with the negotiation and preparation of the Agreement; the preparation and review of all related documents and materials, including but not limited to correspondence, meetings and all communications (including by telephone and e-mail) with the Company, its professionals, Township staff or retained professional(s) in the negotiation and preparation of such Agreement and related documents or materials (collectively, the “**Reimbursable Activities**”). **Reimbursement may include charges incurred in connection with Reimbursable Activities prior to the date of this Escrow Agreement and is not contingent upon the outcome of the negotiations or execution of an Agreement.**

(b) Properly reimbursable professional charges shall be reasonable and necessary and shall relate to Reimbursable Activities performed by outside consultants and professionals.

(c) In addition to professional and consultant fees and expenses, properly reimbursable charges shall include a charge for each special meeting of a municipal board held at the request of or with the consent of the Company, at a cost of **\$1,000.00 per meeting.**

4. Deposit and Administration of Escrow Funds. The Escrow Deposit and all additions thereto shall be held by the Township in a banking institution or savings and loan association in the State of New Jersey insured by an agency of the federal government, or in any other fund or depository approved for such deposits by the State of New Jersey, in a segregated, non-interest bearing account referenced to this Escrow Agreement.

5. Payments from the Escrow Funds. (a) The Township shall use such funds to pay Reimbursable Activities, including professional charges or the charges for special meetings.

(b) Professional charges paid out of the escrow account shall include professional charges in connection with the Reimbursable Activities. The Company shall not be charged for any costs and expenses not associated with the Reimbursable Activities. The only costs that shall be added shall be actual out-of-pocket expenses of such professionals or outside consultants, including normal and typical expenses incurred in connection with such Reimbursable Activities.

(c) Each payment for Reimbursable Activities charged to the escrow account shall be pursuant to a voucher from the professional, identifying the personnel performing the Reimbursable Activities, each date the services were performed, the hours spent in not greater than one-quarter (1/4) hour increments, the hourly rate, and specifying properly reimbursable expenses. All professionals shall submit the required vouchers or statements to the Township on a periodic basis in accordance with the schedule and procedures established by the Township. If so requested by the Company the professional shall simultaneously send an informational copy of each voucher or statement submitted to the Township to the Company; *provided*, that each

such informational voucher or statement may be redacted if and as necessary to prevent disclosure of privileged or otherwise confidential matters.

6. Accounting and Additional Deposits. Upon the execution of an Agreement, termination of negotiations, or as reasonably requested by the Company, the Township shall prepare and send to the Company a statement which shall include an accounting of funds listing all deposits, disbursements and the cumulative balance of the escrow account. If at any time the balance in the escrow account is less than **FIVE THOUSAND and 00/100 (\$5,000.00) DOLLARS**, or if the escrow account otherwise contains insufficient funds to enable the Township to continue with the negotiations or document preparation, the Township shall provide the Company with a notice of the insufficient escrow deposit balance. The Company shall deposit to the escrow account additional funds such that the total amount on deposit shall be not less than **FIFTEEN THOUSAND and 00/100 (\$15,000.00) DOLLARS**, such deposit to be made within five (5) business days of the Township's notice, failing which the Township may unilaterally cease work without liability to the Company.

7. Close Out Procedures. Upon termination of negotiations without an Agreement being executed, or upon the execution of an Agreement, and unless otherwise provided in the Agreement, the Company shall send written notice by certified mail to the Township, the Township Attorney and to the relevant municipal professional(s), requesting that the remaining balance of the Escrow Deposit be refunded, or otherwise applied as agreed to pursuant to the terms of the executed Agreement. After receipt of such notice, the professional(s) shall render a final bill to the Township within thirty (30) days, and if so requested shall send an informational copy simultaneously to the Company. Within thirty (30) days of receipt of the final bill the Township shall pay all outstanding bills and render a written final accounting to the Company detailing the uses to which the escrow funds were put. The Company will not be responsible for any additional charges once the final accounting has been rendered by the Township in accordance with this section. If an Agreement is executed and the Company so requests, the Township agrees to apply any balance remaining in the Escrow Deposit towards the funding of any escrow deposits that may be required to be posted pursuant to the terms of the executed Agreement.

8. Disputed Charges. (a) The Company may dispute the propriety or reasonableness of professional charges paid out of the Escrow Deposit by written notice to the Township. A copy of such notice shall be sent simultaneously to the professional(s) whose charges or estimated costs are the subject of the dispute. Such written notice of a disputed charge shall be given within 45 days from the Company's receipt of the informational copy of the professional's voucher, except that if the professional has not supplied the Company with an informational copy of the voucher, then the Company shall send notice within 60 days from receipt of the first statement of activity against the escrow account containing the disputed charge. Failure to dispute a charge in writing within the prescribed time shall constitute the Company's acceptance of the charge and a waiver by the Company of all objections to the charge and to payment thereof out of the escrow account.

(b) During the pendency of a dispute the Township may continue to pay undisputed charges out of the escrow account. If a dispute over a charge is resolved in the Company's favor after having been paid, the Township shall reimburse the escrow account in the amount determined to be properly disputed.

9. Governing Law. This Escrow Agreement shall be governed, construed and enforced according to the laws of the State of New Jersey, without regard to its conflicts of laws principles. Any action hereunder shall be brought exclusively in a court of the State of New Jersey or in a United States Court having jurisdiction in the District of New Jersey, in either case sitting in Essex County, New Jersey, and the Company hereby waives all objections to such venue.

10. Successors and Assigns. This Escrow Agreement shall be binding upon, and inure to the benefit of, the parties hereto and upon each party's successors and assigns.

11. Entire Agreement; No Modification Unless in Writing. This Escrow Agreement contains the entire agreement of the parties relative to the subject matter hereof. Any amendment hereto or modification or variation hereof shall be ineffective unless in writing signed by each of the parties hereto.

12. Effective Date. This Escrow Agreement shall not become effective unless and until the initial Escrow Deposit is made.

The balance of this page intentionally left blank; signatures appear on next page.

IN WITNESS WHEREOF, the parties have executed this Agreement the date and year first above written.

Attest:

TOWNSHIP OF IRVINGTON

Name: Harold Weiner
Title: Municipal Clerk

By: _____
Name: Tony Vauss
Title: Mayor

Witness:
REDEVELOPER, LLC

HILLTOP PARTNERS

Name:
Title:

By: _____
Name:
Title:

Adopted

Abstain: Inman

Huley – Cox 2. Authorize Professional Services Contract for Foreclosure Services – 103 Paine Avenue Block 230 Lot 46 – \$1,500.00 Plus \$150.00 Per Hour For Contested Matters - Goldenberg, Mackler, Sayegh, Mintz, Pfeffer Bonchi & Gill - Not To Exceed \$1,500.00

RESOLUTION RATIFYING PROFESSIONAL SERVICES CONTRACT FOR FORECLOSURE COUNSEL SERVICES

WHEREAS, resolution number TA 19-0610-19 qualified three firms to foreclosure counsel services for the Township of Irvington from July 1, 2019 until June 30, 2020; and

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

WHEREAS, the Township Attorney has assigned Goldenberg, Mackler, Sayegh, Mintz, Pfeffer, Bonchi & Gill to represent the Township in the three (1) foreclosure matters; 103 Paine Avenue Block 230 Lot 46; and

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

NOW THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that a contract for Foreclosure Counsel services be awarded to Goldenberg, Mackler, Sayegh, Mintz, Pfeffer, Bonchi & Gill, 660 New Road, Suite 1A, Northfield, NJ, 08225 for a contract amount not to exceed \$1,500.00. The billing rate shall not exceed \$1,500.00 per foreclosure complaint and \$150.00 per hour for any contested matters; and

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

BE IT RESOLVED that the required Certification of Availability of Funds, certification number C9-00260 was obtained from the Chief Financial Officer and the appropriation to be charged for this expenditure is T-18-56-860-000-028 in the amount of \$1,500.00.

Adopted

Abstain: Inman

Cox – Hudley 3. Authorize Calendar Year 2019 Municipal Budget be Read By Title

WHEREAS, N.J.S.A. 40A:4-8 provides that the budget as advertised shall be read in full at the public hearing, or that it may be read by its title only if:

1. At least one week prior to the date of the hearing a complete copy of the approved budget,

(a) shall be made available for public inspection.

(b) copies are made available to each person requesting same, during said week and during the public hearing:

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that it is hereby declares that the conditions of N.J.S.A. 40A:4-8 1 (a) and 1 (b), have been met and therefore the Calendar Year 2019 municipal budget shall be read by title only.

Adopted

Abstain: Inman

4. Authorize Purchases Over the Pay to Play Threshold of \$17,500.00 and Under the Bid Threshold of \$40,000.00 From Stuyvesant Press

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

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

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

WHEREAS, Stuyvesant Press Inc of 119 Coit Street, Irvington, NJ 07111 will exceed the Pay-to-Play threshold; and

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

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

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

BE IT FURTHER RESOLVED by the Township Council that, pursuant to the N.J.A.C. 5:30-5.5(b), the certification of available funds and resolutions shall be certified at such time as the goods or services are called for prior to placing the order for good or service

in excess of \$17,500.00, and a certification of availability of funds is made by the Chief Financial Officer via an authorized purchase order; and

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

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

Adopted
Abstain: Inman

Cox – Beasley 5. Authorize Fair and Open Professional Services Contract for IDIS Consultant Services to Ron Allen Consulting – Not to Exceed \$20,000.00 – July 12, 2019 to July 11, 2020

**RESOLUTION AUTHORIZING FAIR AND OPEN PROFESSIONAL SERVICE
CONTRACT FOR IDIS CONSULTANT SERVICES**

WHEREAS, the Request for Proposals for IDIS Consultant service was publicly advertised in the New Jersey Star Ledger and on website on June 10, 2019 with a deadline for qualifications to be submitted on June 27, 2019 ; and

WHEREAS, one qualification was received and publicly opened; and

WHEREAS, said qualification was referred to the Redevelopment/Grants Oversight Director; and

WHEREAS, the qualification satisfied the RFP requirement and;

WHEREAS, the Redevelopment/Grants Oversight Director has recommended award should be made to the following firm:

RONALD ALLEN
RON ALLEN CONSULTING
18804 IMPULSE LANE
GAITHERSBURG, MD 20879

NOW THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that a contract for IDIS Consultant service be awarded to Ron Allen Consulting, 18804 Impulse Lane, Gaithersburg, MD 20879 on the basis of their response to the request for proposal meeting the selection criteria and qualifications.

BE IT FURTHER RESOLVED, that the total cost for this service will be \$25,000.00 for one year, starting on July 12, 2019 until July 11, 2020; and

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

BE IT RESOLVED that the required certification of availability of funds C9-00285 in the amount of \$25,000.00 from account number T-21-41-850-15E-801 and T-21-41-850-17A-804 has been obtained from the Chief Financial Officer.

Adopted
Abstain: Inman

Hudley – Frederic 6. Ratify Emergency Contract to Repair Sewer Pump – Frontline Industries - \$6,856.26

RESOLUTION TO AWARD AN EMERGENCY CONTRACT TO REPAIR SEWER PUMP

WHEREAS, the emergency sewer pump is in need of repairs, and;

WHEREAS, the work needed to repair the sewer pump is beyond the current capabilities of DPW motorized equipment department, and;

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

WHEREAS, the Public Works Director has declared an emergency in writing to repair the equipment and the Mayor has approved the same and;

WHEREAS, Frontline Industries, 990 Chancellor Ave, Irvington, NJ 07111 has provided a quote of \$6,856.26 to repair the sewer pump, 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 \$6,856.26 to Frontline Industries, 990 Chancellor Ave, Irvington, NJ 07111 for the repair of the sewer pump.

BE IT FURTHER RESOLVED that the required certification of availability of funds C9-00246 in the amount of \$6,856.26 from account number 9-01-21-165-165-299 has been obtained from the Chief Financial Officer to purchase the equipment.

Adopted
Abstain: Inman

Hudley – Frederic 7. Ratify Emergency Contract to Repair Roll Off Equipment – Beyer Brothers Corporation - \$28,110.59

RESOLUTION TO AWARD AN EMERGENCY CONTRACT TO REPAIR ROLL OFF EQUIPMENT

WHEREAS, the Township has no roll off equipment to haul and remove debris, and;

WHEREAS, the work needed to repair the 2005 Volvo Roll off equipment is beyond the current capabilities of DPW motorized equipment department, and;

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

WHEREAS, the Public Works Director has declared an emergency in writing to repair the equipment and the Mayor has approved the same and;

WHEREAS, Beyer Brothers Corporation, 109 Broad Avenue, Fairview, NJ 07022 provided a quote of \$28,110.59 to repair the 2005 roll off equipment, and;

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that it ratifies the decision of the Director of Public Works and the Mayor to authorize an emergency contract in the amount of \$28,110.59 to Beyer Brothers Corporation of 109 Broad Avenue, Fairview, NJ 07022 for the repair of the 2005 Volvo Roll Off Equipment.

BE IT FURTHER RESOLVED that the required certification of availability of funds C9-00256 in the amount of \$28,110.59 from account number 9-01-21-165-165-299 has been obtained from the Chief Financial Officer to purchase the equipment.

Adopted
Abstain: Inman

Cox – Beasley 8. Authorize Three Year Contract for Software to Process Open Public Records Requests – Savory Technology Partners - \$5,800.00 Per Year – Total \$17,400.00

RESOLUTION AWARDING A THREE YEAR CONTRACT TO SAVORY TECHNOLOGY PARTNERS TO PROVIDE A WEB BASED SOFTWARE PROGRAM FOR OPRA REQUESTS

WHEREAS, the Township is needed of a web based software program to manage OPRA requests; and

WHEREAS, the Township contacted several vendors and two vendors submitted a quote for this service; and

WHEREAS, Gov Pilot submitted a quote of \$6250.00 per year for this service and Savory Technology Partners submitted a quote of \$5,800.00 per year for this service; and

WHEREAS, the Administration would like to award a three year contract to Savory Technology Partners to provide a web based software program based on their lowest quotation.

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that a three years contract be awarded to Savory Technology Partners of 17 Academy Street, Irvington, NJ 07111 based on their quotation to provide an OPRA request software program for a total amount not to exceed \$17,400.00 for three years starting on August 13, 2019 until August 12, 2022.

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; and

BE IT FURTHER RESOLVED, that the required certification of availability of funds C9-00265 in the amount of \$5,800.00 from various accounts has been obtained from the Chief Financial Officer.

Adopted
Abstain: Inman

Cox – Hudley 9. Authorize Settlement of Tax Appeals Dated August 11, 2019

RESOLUTION OF THE MAYOR AND TOWNSHIP COUNCIL OF THE TOWNSHIP OF IRVINGTON IN THE COUNTY OF ESSEX AUTHORIZING SETTLEMENT OF TAX APPEALS ON THE ATTACHED LIST DATED AUGUST 11, 2019, WHICH WERE TAKEN FROM ASSESSMENTS OF PROPERTIES LOCATED WITHIN THE TOWNSHIP OF IRVINGTON, ESSEX COUNTY, NEW JERSEY

WHEREAS, appeals of the real property tax assessments on the attached list dated May 13, 2019, have been challenged by the respective taxpayers; and

WHEREAS, each Block and Lot identified on the list dated August 11, 2019 was assessed at the amount stated therein for the noted tax year(s); and

WHEREAS, the proposed Stipulations of Settlement, copies of which are incorporated herein as if set forth at length, have been reviewed and recommended by the Township Tax Assessor and Township Tax Expert; and

WHEREAS, the Taxpayers have agreed to waive statutory interest, pursuant to N.J.S.A. 54:3-27.2, provided any refund resulting from settlement of these matters is paid within 180 days of judgment entered by the Tax Court; and

WHEREAS, the settlement of these matters on the list dated August 11, 2019 are in the best interest of the Township of Irvington.

NOW, THEREFORE, BE IT RESOLVED, by the Township of Irvington, New Jersey:

1. The Township's Tax Appeal Attorney, Matthew J. O'Donnell, Esq. is authorized to execute Stipulations of Settlement on behalf of the Township of Irvington with respect to the tax appeals on the attached list which are currently pending in the Tax Court of New Jersey for the tax year(s) listed therein and at the assessments stated therein.

2. All municipal officials are hereby authorized to take whatever action may be necessary to implement the terms of this Resolution and authorizes the Special Tax Counsel to enter into the Stipulation of Settlement as provided by Taxpayer.

Adopted
Abstain: Inman

Frederic – Hudley 10. Introduction of Camptown Business Improvement District's (CBID) 2019 Fiscal Year Budget

**INTRODUCTION OF THE CAMPTOWN BUSINESS IMPROVEMENT DISTRICT
FY 2018 ANNUAL BUDGET**

WHEREAS, N.J.S.A. 40:56-84 requires that the budget for Special Improvement Districts be introduced in writing at a meeting of the Municipal Council for approval; and

WHEREAS, the Camptown Business Improvement District introduced its FY 2019 budget with a report that explains how the budget contributes to goals and objectives for the special improvement district:

NOW, BE IT THEREFORE RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON the Municipal Council of the Township of Irvington, New Jersey does hereby approve the detailed annual budget for the Camptown Business Improvement District for 2019 and that this approval is subject to all requirements of N.J.S.A. 40:56-84, which includes public notice and hearing.

Adopted
Abstain: Inman

Hudley – Frederic 11. Authorize Handicapped Parking Spaces in Front of 705 – 15th Avenue, 20 Lafayette Place, 43 Lenox Avenue, 71 Sheridan Street and 10 Garwood Place

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

WHEREAS, requests for handicapped parking spaces in front of 705 – 15th Avenue, 20 Lafayette Place, 43 Lenox Avenue, 71 Sheridan Street and 10 Garwood Place; and

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. 39:4-206, be established in front of 705 – 15th Avenue, 20 Lafayette Place, 43 Lenox Avenue, 71 Sheridan Street and 10 Garwood Place:

BE IT FURTHER RESOLVED that the Department of Public Works is directed to place signs and signage designating said handicapped parking spaces; and

Adopted

Abstain: Inman

Hudley – Frederic 12. Authorize Purchase of Computer Software for Police Vehicles By State Contract From SHI – Not to Exceed \$98,128.40

**RESOLUTION AUTHORIZING A CONTRACT WITH STATE CONTRACT
VENDOR SHI INTERNATIONAL CORP FOR PURCHASE OF COMPUTER
EQUIPMENT FOR THE POLICE DEPARTMENT**

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

WHEREAS, the Police Department wishes to purchase computer equipment from SHI of 290 Davidson Ave, Somerset, NJ 08873; and

WHEREAS, in compliance with NJSA 19:44A-20.13 ET Seq., this contract will exceed the Pay to Play threshold of \$17,500.00; and

WHEREAS, under New Jersey state contract number 89851, the total cost for this service for calendar year 2019 will not exceed \$98,128.40; and

NOW, THEREFORE, BE IT RESOLVED, that the Municipal Council of the Township of Irvington hereby authorizes the Qualified Purchasing Agent to enter into a contract with SHI of 290 Davidson Ave, Somerset, NJ 08873 for the purchase of computer equipment for an amount not to exceed \$98,128.40 under the New Jersey State Contract number 89851; and

BE IT FURTHER RESOLVED, that the required certification of availability of funds C9-00271, C9-00268, C9-00266 and C9-00264 for the total sum of \$98,128.40 has been obtained from the Chief Financial Officer, charged to account number C-04-56-852-019-908 and 9-01-25-240-240-256; 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.

Adopted
Abstain: Inman

Beasley – Frederic 13. Authorize Purchase of Computer Software for Police Vehicles By State Contract From Gold Type Business Machines - Not to Exceed \$61,187.06

**RESOLUTION AUTHORIZING A CONTRACT WITH STATE CONTRACT
VENDOR GOLD TYPE BUSINESS MACHINES FOR PURCHASE OF MOBILE
COMPUTER EQUIPMENT FOR POLICE CARS**

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

WHEREAS, the Police Department wishes to purchase mobile computer equipment from Gold Type Business Machines of PO Box 305, East Rutherford, NJ 07073; and

WHEREAS, in compliance with NJSA 19:44A-20.13 ET Seq., this contract will exceed the Pay to Play threshold of \$17,500.00; and

WHEREAS, under New Jersey state contract number 89980, the total cost for this service for calendar year 2019 will not exceed the bid threshold; and

NOW, THEREFORE, BE IT RESOLVED, that the Municipal Council of the Township of Irvington hereby authorizes the Qualified Purchasing Agent to enter into a contract with Gold Type Business Machines of PO Box 305, East Rutherford, NJ 07073 for calendar year 2019 for an amount not to exceed \$61,187.06 under the New Jersey State Contract number 89980; and

BE IT FURTHER RESOLVED that the required certification of availability of funds C9-00272 and C9-00273 in the amount of \$61,187.06 has been obtained from the Chief Financial Officer, charged to account number C-04-56-852-019-907 and C-04-56-852-019-908; 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; and

Adopted
Abstain: Inman

Cox – Hudley 14. Authorize Five Year Contract for Ambulance and Dispatch Service – Robert Wood Johnson Health Network , Inc. – Not To Exceed \$2,100,000.00

AUTHORIZING SERVICE CONTRACT FOR AMBULANCE AND DISPATCH SERVICE

WHEREAS, request for proposals for ambulance and dispatch services were publicly advertised in the New Jersey Star Ledger on July 16, 2019 with a deadline for proposals to be submitted on August 07, 2019; and,

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

WHEREAS, the bid were referred to the Public Safety Department for review and it is recommended that the contract should be awarded to the following firm based on evaluation criteria that is most advantageous to the Township:

Robert Wood Johnson Health Network INC
126 Paterson Street
New Brunswick, NJ 08901

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that the contract for ambulance and dispatch services be made to Robert Wood Johnson Health Network INC of 126 Paterson street, New Brunswick, NJ 08901 for five (5) years for the total sum of \$ 2,100,000.00 plus additional fees for prisoners transport \$350.00 per prisoner and coverage at Pop Warner Game \$50.00 per hour; and

BE IT FURTHER RESOLVED, that this contract is for five years, starting on August 13, 2019 until August 12, 2024.

BE IT FURTHER RESOLVED that the Township Attorney is hereby directed to prepare the necessary contracts and the Mayor and Township Clerk is hereby directed to sign the same.

BE IT FURTHER RESOLVED that the required certification of availability of funds, C9-000276 in the amount of \$35,000.00 for one month of service was obtained from the Chief Financial Officer from account number 9-01-31-446-446-298 and the remaining balance of \$2,065,000.00 will be certified upon the adoption of the 2019, 2020, 2021, 2022, 2023, 2024 budget.

Adopted
Abstain: Inman

Hudley – Burgess 15. Ratify Corrective Action Plan for Calendar Year 2017 Audit

WHEREAS, in accordance with the requirements of the Single Audit Act and the regulations of the Division of Local Government Services, all municipalities are required to prepare and file a Corrective Action Plan; and

WHEREAS, this plan must be filed with the Division of Local Government Services in accordance with regulations established by the Division; and

WHEREAS, such a plan was prepared by the Chief Financial Officer and reviewed by the members of the governing body of the Township of Irvington;

NOW THEREFORE BE IT RESOLVED, that the CY 2017 Corrective Action Plan, attached hereto, be approved by the governing body of the Township of Irvington and filed with the Division of Local Government Services.

Township of Irvington
Corrective Action Plan
Audit Report Year: December 31, 2017

A. Finding: Tax Title Liens

A tax sale was conducted on December 20, 2017 for the Year 2017. The tax sale was not complete.

Recourse to all means provided by the statutes should be taken to realize or eliminate tax title liens through collection or foreclosure in order to return such property to a tax paying basis.

Recommendation:

A complete tax sale be conducted.

Corrective Actions:

Each year the tax collected hold a tax sale for all outstanding taxes as of the November billing,
and she will review and included all that meets the requirement for tax sale.

Implementation:

As of December, of 2017 the tax office has engaged in the online tax sale process, and all the outstanding taxes as the November 30th will be included all as well from bankruptcy and delinquent installment plans. The Tax Collector will review the list before final sale. This has been implemented with December 2018 tax sale, which will have a list of all properties that have been pulled from the tax sale.
Complete by- Ms. Beverly Baytop – Assistant Tax Collector.

B. Finding: Tax Collector

During 2017, the Tax Office did not accurately maintain a cash receipts book and/or prepare monthly cash reports. In addition, a report that lists uncollectible taxes was not prepared and presented to the Municipal Council, as required by R.S. 54:4-91 and 91-1.

Overpayments for taxes that have been refunded by the Department of Finance were not posted on the records maintained by the Tax Office in a timely manner. As a result, there were two (2) instances whereby the Tax Office authorized a tax refund in excess of amount paid by the taxpayer. In addition, there were numerous instances where the Tax Office did not correctly record all State Tax Court Judgments. We found that various monthly reports were prepared from the records maintained by the Tax Office, whereby the ending balance of one month was not the beginning balance of the subsequent month.

The collection of funds by the Tax Office are recorded by user/batch number for each day in the general ledger. However, the collection of funds posted for one day were combined with several other deposits. In addition, funds collected by the Tax Office were not deposited within 48 hours.

In addition, a cash report for 2017 was not in agreement with the individual tax reports. We noted that adjustment reports provided for audit were not in agreement with the status audit totals for taxes, tax title liens, sewer charges, sewer lien charges and special charges.

Our review of prior years' taxes receivable indicated that the Tax Collector's Office has not reviewed annually all open filings of bankruptcy.

The Tax Office did not generate any reports on a monthly basis which resulted in the amounts collected per the Tax Collector's cash report not agreeing with individual computer reports.

A review of various adjusted reports indicated that adjustments for cash received from one year were combined with multi-entries of several years. In addition, a condensed lien report was prepared by the Tax Officer that included taxes, special improvements, senior citizens, cost of sale, clean up receivables and special charges. The amounts listed by various properties should be reported in their respective receivable reports.

For 2017, bank reconciliations were not accurately performed.

The amount collected for the payment of outside lienholders was not disbursed in a reasonable time. There were several instances where amounts collected were not remitted to the outside lienholder for several months. "

There were several months whereby all funds collected by the Tax Office were not remitted to the Finance Office on a monthly basis.

If was noted that authorized installment tax payment plans approved by resolutions of the Township's governing body were not reviewed by the Tax Department for compliance.

Recommendation:

That the Tax Office maintain an accurate cash receipt book and prepare monthly cash reports.

That the Tax Office file and present a list of uncollectible tax reports to the Municipal Council.

That the Tax Office record all tax refunds disbursed for the-year in a timely manner.
That the Tax Office collect all excess tax overpayments refunded.

That the Tax Office receive additional training for the proper use of the tax software program. That bank deposits agree with daily posted receipts.

That the Tax Office cash receipts report be proven to all receivable reports on a monthly basis.

That the Tax Office prepare adjustment reports and be reconciled to all receivable reports on a monthly basis.

That the Tax Office review all receivable reports for items eligible to be collected. That the Tax Office prepare all receivable reports on a monthly basis.

That the Tax Office properly classify charges to their various receivable reports.

That monthly bank reconciliations be accurately performed.

That funds collected for payment of outside lienholders be disbursed on a monthly basis.

That all funds collected by the Tax Office be transferred to the Finance Office on a monthly basis.

That authorized installment tax payment plans be reviewed by the Tax Department for compliance with approved resolutions.

Corrective Actions:

All daily cash receipt by cashier/batch will be printed reconciled and deposit slip prepared for all cash and all checks remotely deposit at the end of each day as a closeout routine with the cash deposit made first thing the next morning.

At the end of each month the monthly cash receipt book report be review and reconciled to the daily cash batch and reconciled to the collector's monthly report and submitted to the Council.

All tax refunds and payouts to the Lien holders will be done monthly after the completion of the Collector's monthly reports that have been reconciled and reviewed by the CFO. The processing of the payment and check will be cut by finance and disbursed upon completion and then submitted to council for ratification.

The Collector will create a staff development plan for each staff person to be properly trained in their position on all the software via webinars, in house training, conferences and software company workshop.

As part of the Collectors monthly report a summary report of outstanding receivables by year will be list as well as overpayments. Also, as part of the report will include the varication of the adjustments made that month and submitted to the Comptroller to reconcile the general ledger to the adjusted balances.

The assistant comptroller will make the transfer from the tax collector bank accounts upon receipt of the monthly reports with the proper allocations of the funds to the proper township bank accounts for disbursements.

The accountant assistant will prepare the monthly bank reconciliation of all the tax collector accounts each month on a timely basis.

The tax collectors accounts will only have transfer to various operation and disbursement accounts and no direct disbursements for the accounts. This account main purpose will be for collection of all taxes, sewer charges, and other tax collector's fees.

The legal department will assign staff attorney to review and advice on the bankruptcy status for collections and/or discharge.

Implementation:

The above will be full implemented by December 31, 2018. To be completed by, Mr. Jean Emile – Senior Tax Clerk, Ms. Beverly Baytop Assistant Tax Collector and Ms. Audrey Lyons – Comptroller.

C. Finding: Special Improvement Districts

The Township of Irvington established by ordinance two special improvement districts known as the Camp Town Business Improvement District and the Springfield Avenue Center Special Improvement District. As "required by provisions of each ordinance, an annual budget must be prepared and submitted to the Township Council for approval. After the adoption of the budget, a tax rate is required to be used in the calculation of a special assessment tax for each commercial property located within the district. During our audit (it was noted that a tax rate was not used, rather the special tax assessment was calculated based on 3% or 5% of the tax levy.

It is further noted that district assessed valuations and tax rates should be forwarded to the Essex County Board of Taxation for appropriate disclosure.

Recommendations:

That special improvement district tax rates be calculated each year based on approved budget requirements.

That statistical information with respect to the special improvement districts be filed with the Essex County Board of Taxation."

Corrective Actions:

The special improvement district tax rate will on the approved budget and added to the levy submitted to Vital and the county and billed as such.

The county will add the information on the 2017 levy and abstract of ratable.

Implementation:

The setup with the vital and the Edmunds is done and will be included with the final billing or 4th quarterly report for the 2017 tax year. Completed by the tax collector and waiting to go out with in the November bills. Completed by Ms. Beverly Baytop – Assist. Tax Collector. Completed

D Finding: Revenue Collection Departments

The following exceptions were noted during our audit of the Township Revenue Departments:

Turnovers of revenue collections in the Recreation Department, Fire Department, Police Department, Public Works Department, Housing Department, Assessor Department, Purchasing Department, Business Administrator and Construction Code Official were not in compliance with the provisions of N.J.S.A. 40A:5-15 "*Deposits of Funds Paid to the Local Unit*".

The Cash Receipts Book for the Taxi Unit, Police Department and Licensing Department was not available for audit.

Marriage license fees _were not submitted to the State of New Jersey on a timely basis. Comments with respect to the Construction Code Official are detailed as follows:

Quarterly DCA Training Fee Reports were not submitted to the State of New Jersey on a timely basis.

Permit fee logs, monthly reports and turnover slips were not in agreement. Additionally, monthly reports and permit fee logs were not mathematically correct.

Consecutively numbered permits are not issued for fees that are not required to be included on the State Permit Fee Logs.

- The Uniform Construction Code Official Report was not filed with State of New Jersey for the year 2017 and was not available for audit.

Public Works Department prepared invoices for violations for lot cleaning and maintenance that were remitted to various property owners and recorded by the Tax Office. Since the Department did not retain copies of the invoices, we were unable to verify the amounts billed by the Tax Office.

Recommendations:

That the Recreation Department, Fire Department, Police Department, Public Works Department, Housing Department, Assessor Department; Purchasing Department, Business Administrator and Construction-Code Official comply with the provisions of N.J.S.A. 40A:5-15.

That the cash receipts book for the Taxi Unit, Police Department and Licensing Department be available for audit

That marriage license fees be remitted on a timely basis.

That more care be exercised by the Construction Code Official in the preparation of Permit Fee Logs, Monthly Reports and Turnover Forms.

That the Construction Code Official issue consecutively numbered permits for all fees collected.

That the Construction Permit Report and the Transaction Audit Report prepared by the Construction Code Official agree on a monthly basis.

That the DCA Training Fees collected by the Construction Code Official be submitted to the State of New Jersey on a timely basis.

That Construction Code Official prepare, file and have available for audit the Uniform Construction Code Report.

That the Public Works Department maintain and record all invoices that are issued for lot clearings and maintenance violations.

Corrective Actions:

1. All the departments follow the standard process on the turning over deposits within 48hrs to the finance department for deposit only with a copy of the turnover sheet.
2. All departments are to use pre-numbered receipts when taken payments and kept on file for review.
3. All departments must keep monthly cash receipts books whether manually or computerized. This monthly cash book must reconcile each month to the turnover sheet each month.
4. All marriage license will be submitted to the state in the month following the collections by the license staff after the monthly reports are completed.
5. The BA office will maintain a complete cash receipts book and turnover sheet and will be available for review and audit.
6. Construction code will follow the proper procedures for the training fees, permit reports and turnover sheets, with monthly reports.
7. That Public Works Department maintain and record all invoices that are issued for violations.

Implementation:

1. In August of 2018 the Township began to transition to an online portal for must department of with handles the collections and directly deposit funds into the general fund bank account. All other departments are submitting the required documentation to the finance department in the required 48-hour limit.

2. Ongoing training will be provided to all the departments by John Sowell, Musa Malik and Audrey Lyons.
3. The effective date for completion was August 15, 2018
4. The license turn over to the state was fully implemented in March 2017, completed by
5. Each department can print out a computer report for all funds collected on the portal each month to reconciled with there records as well as the Finance department.
6. The construction codes currently completes monthly reports each monthly. The cash turnover is completed, and the permits are maintained in the computerized system with per numbering and fees. All was implemented October 15, 2018. The training fees submission to the state on a time manner was completed in March of 2019. Completed by Cynthia Mitchell – Technical Assist.
- 7 Pubic Works Department maintain copies of all invoices it issues for violation of clearing of properties. Effective November 2018 by Cassandra Chapman.

D. Finding: Finance

1. Deposits

Funds collected by the Finance Department were not deposited in accordance with the provisions of N.J.S.A. 40A:5.15.

2. Outstanding checks:

A review of the Township's bank reconciliations revealed numerous checks dated prior" to December 31, 2017 for the Current Fund and Other Trust Fund. Checks outstanding more than twelve months are considered stale and may not be honored by the bank. Periodically, stale dated checks should be reviewed and cancelled, or other appropriate action taken.

3. Bank Accounts:

Our review of the cash accounts for the Current, Trust and Capital Funds has indicated that the Township maintains approximately twenty-five (25) bank accounts. There are several bank accounts that have been inactive for many years. The Township's administration should review inactive bank accounts.

4. Petty Cash Funds:

Petty cash funds were not remitted at the end of year.

Cash Reconciliations:

Our review of cash reconciliations noted the following:

Cash reconciliations for the various accounts contained numerous reconciling items which were carried forward each month without change.

Cash reconciliations were not in agreement with general ledger balances.

Outstanding check listing contained numerous errors.

Postage, bank service charges and rental fees associated with credit card transactions of the Municipal Court were not recorded and classified as expenditures.

Bank reconciliations were not prepared on a timely basis.

Recommendations:

That the Finance Department comply with the provisions of N.J.S.A 40A:5-15.
That more care be exercised in recording and classifying expenditures.
That outstanding checks over one-year old be reviewed and appropriate action be taken, including a resolution approved by the Municipal-Council.

That more care be exercised in the preparation of Township cash reconciliations.
That cash reconciliations be prepared on a timely basis.
That all Petty Cash Funds be returned each year.

Corrective Actions/ Implementation:

1. Deposit currently are made within 24 hours, checks are done each day with remote deposit each day, and the cash is deposit by the next day. The check deposit was effective October 15, 2016. The new online portal is was implemented in August of 2018 that handle cash for most of the departments, and the other departments have been adhering to the policy.
2. Outstanding checks was cancelled in 2016 and will be review and cancelled by December 2019. prepared by Audrey Lyons.
3. All Bank accounts are reconciled with in a timely basis and without errors except for the current account, tax collector account and net payroll account which will be fully implemented and on time and correctly by August 2019, along of all the posting check each month by the comptroller. To be completed

by Debora Roy – Accountant Assistant, Audrey Lyons – Comptroller, and reviewed by Faheem J Ra'Oof CFO.

4. Petty cash have discontinued for all departments except Finance, Tax, and Police department effective January 1, 2018.

E. Finding: General Ledger

Technical Accounting Directive No. 85-3, issued by the State of New Jersey, Division of Local Government Services, requires all municipalities to establish and maintain a general Ledger. Provisions of the "Single Audit Act" and Generally Accepted Accounting Procedures also require the use of a general ledger. The general ledger is the official permanent financial record of the local unit and provides a summary of all financial transactions. It supports the "fund" basis of accounting as prescribed by the State of New Jersey.

The Township maintains a computerized general ledger for all funds. As of December 31, 2017, the general ledger did not agree with the various subsidiary ledgers. Cash receipts and disbursements, as posted, contained numerous errors and did not agree with Collector's reports, department turnovers or bank reconciliations.

Adjustments for the following were not summarized for appropriate general ledger entry:

County and State Board Judgments Overpayments Senior Citizen and Veteran Deductions Municipal Cancellations

Recommendations:

That General Ledgers be properly maintained for all funds and reconciled monthly to detailed subsidiary ledgers.

That consideration be given to documenting all procedures in the Finance Office to enhance the operations.

Corrective Actions:

The reconciliation of all subsidiary ledger monthly to the general ledger within 45 days of the closing of the prior month. All adjustments will be posted within 45 days of the current month this will be done by the principal accountant Debra Roy and the comptroller Audrey Lyons and review by the CFO Faheem J Ra'Oof.

The CFO Faheem J Ra'Oof along with outside consultant will document all procedures of the finance office as procedures for its operations.

Implementation:

The General ledger and subsidiary ledgers will be completed October 31, 2019. Completed by Edmunds Associates with information provided Faheem J Ra'Oof, CPA - CFO

Completion of Documenting of Procedures of the Finance department will be completed by February 28, 2020. Completed by Outside Consultant and Faheem J Ra'Oof CPA- CFO

F. Finding: Other Deposits

1. Other Deposits

Premium on tax sale and lien redemptions, reflected on Exhibit B-9 herein, does not have detailed supporting documentation.

Recommendations:

It is recommended that a detailed list for premium on tax sale and lien redemptions be maintained.

Corrective Actions:

The Principal Accountant- Debra Roy will print out the detail list of all the premium being held and reconciled on a Quarterly base to the general ledger and review by the Assistant Tax Collector -Beverly Baytop.

Implementation:

The effective date will be October 15th, 2019. To be completed by Ms. Roy – Principal Accountant reviewed by Ms. Baytop – Assistant Tax Collector.

G. Finding: Outside Employment of Off-Duty Police Officers

Our review of the records for the Outside Employment of Off-Duty Police Officers noted the following comments:

Records for Off-Duty Police Officers are maintained by the Irvington Police Department. Administrative fees are not identified for transfer to the Township.

Township officials do not record amounts billed by the Police Department.

Collections received by the Police Department and transferred to the Township are not reconciled to the corresponding payroll expenditures.

Recommendations:

That Off-Duty Police Administrative Fees be identified and transferred to the Township on a regular basis.

That collections for Off-Duty Police Fees be reconciled to corresponding payroll expenditures.

Corrective Actions:

The off-duty administrative fees will be identified each month on the invoice and payroll payout, and then transfer on a quarterly basis.

The fees will be reconciled on a monthly spreadsheet by vendor with expenditures and admin fees include by the police department and submitted to Audrey Lyons comptroller each month.

Implementation:

The effective date of will be December 31, 2019. Completed by the Police department and submitted to Audrey Lyons – Asist. Comptroller each month for reconciliation to finance records.

H. Escrow Deposits

A list of escrow deposits was not available for audit.

Recommendations:

It is recommended that the detailed listing supporting the escrow deposits be available for audit.

Corrective Actions:

All escrow deposit be maintaining with a detail list of whom and which.

Implementation:

Effective January 31, 2017 a detail listing of escrow was added to the general ledger. Completed by Audrey Lyons – Comptroller and reviewed Faheem J Ra'Oof, CPA – CFO. Each new is Escrow is submitted by the using department and setup by Audrey.

I. Animal Control Trust Fund

Our examination of Animal Control records indicated the following deficiencies:
A cash receipts book was not maintained for funds collected.

New Jersey State Dog Registration Fees are payable thirty (30) days after collection. Reports filed by the License Bureau were not submitted for 2017.

Turnover of revenue collections in the Animal Control were not in compliance with the provisions of N.J.S.A. 40A:5-15 Deposits of Funds Paid to the Local Unit.

Recommendations:

That a cash receipts book be maintained for animal control fees.

That the monthly State Dog Report be prepared by the License Bureau.

Corrective Actions:

Provide a cash receipts book printed out on monthly bases and submitted to finance. This function will be handling by the Health department who is also in charge of the animal control.

Implementation:

The Health department took over March 1, 2017 and the portal was implemented august 2018 part of the operations. The effective date of the Health Department was January 2019.

J. Grant Trust Fund

A review by HUD officials of certain projects resulted in disallowed costs for six (6) projects. As a result, a receivable in the amount of \$467,612.03 has been established for the disallowed costs.

Recommendations:

That the Township review the projects for proper disposition

Corrective Actions:

The projects have been reviewed and a corrective action of settlement with HUD have been received and agreed upon. At that time, a review was completed, and the projects was reassigned.

Implementation:

All Department Director along with the BA reviewed all project with the corrections from HUD in November and December of 2018.

K. Inter funds

The balance sheets of the various funds as of December 31, 2017 reflect underfunds Receivable and Payable. Subsequent to year-end, efforts should be undertaken to review and liquidate the interfunds that have occurred.

The cause of these inter funds relate to interest earned but not remitted to the corresponding fund, disbursements made by one fund on behalf of another fund, mis posting of cash receipts and lack of transferring budget revenue and/or appropriations from one fund to another.

In the case of the Current Fund, the effect of the inter funds not being liquidated is a charge to operations (Fund Balance) and a decrease in surplus available. In other funds, the inter funds do not represent charges to operations but should be liquidated regardless since each fund's cash requirements should stand on their own.

Recommendations:

It is recommended that all inter funds be liquidated on a current basis.

Corrective Actions:

The CFO will review all the inter funds and take the necessary action to liquidate them before the year end.

Implementation:

The Effective date is November 30, 2019. Completed by Faheem J Ra'Oof, CPA - CFO

P. Grant Fund

1. General:

A detail of Current Fund grants receivable and appropriations are reflected on Exhibits A-32 and A-33. As of December 31, 2017, there Were grants receivable in the sum of \$4,931,106.10, many of which have been uncollected for several years and unexpended grant appropriations in the sum of \$1,645,038.53. In addition, the detail computer report for the Grant Fund was not in agreement with the audited balances.

It is recommended that all Federal and State Grants be reviewed, and appropriate action taken as to collection, cancellation, expenditure or refund to the sponsoring agency in accordance with findings.

Recommendations:

It is recommended that certain Federal and State grants be reviewed, and appropriate action taken as to collection, cancellation, expenditure or refund to the sponsoring agency in accordance with findings.

Corrective Actions:

That the outstanding grants be reviewed each collectability, on and annual based and take the necessary action to close out the inactive grants.

Implementation:

A resolution was approved by council to cancel several them in active grants in October 2017 and review will be completed and a new resolution will be submitted for action by council in November 2019. Completed by Faheem J Ra'Oof, CPA - CFO

2. Urban Development Action Grant (Recycled Loan Program):

An examination of the activity of the Urban Development Action Grant Loans receivable revealed eight (8) loans currently open of which five (5) are in default. These loans total \$68,325.28 and appear on Exhibit B-3.

Recommendations:

It is recommended that certain Urban Development Action Grant loans be reviewed, and appropriate action taken as to collection or cancellation.

Corrective Actions:

The township attorney we will review and take the necessary action to dispose of the long overdue outstanding UDAG loan.

Implementation:

The effective date is December 31, 2019. To be completed by Ramon Rivera – Township Attorney.

3. Grant Expenditure Report:

The detailed computer report for Federal and State Grants was not in agreement with the audited balance:

Recommendations:

It is recommended that the detailed computer report for Federal and State Grants be reconciled to master controls.

There are Encumbered funds that are over one (1) year old that should be reviewed and properly liquidated.

It is recommended that all encumbered amounts in the detailed computer report for the Grant Fund be reviewed and properly liquidated.

Corrective Actions:

Reconcile the federal and state grants ledger to the final audit balance will be completed by the principal account and reviewed by the CFO.

All old encumbered amount will be canceled, and the balance corrected to the audited balance and this process will be performed on a regular basis by the purchasing division.

Implementation:

This will be completed by December 31, 2019. With Edmunds, Ms. Roy the Principal Accountant and reviewed by Faheem J Ra'Oof, CPA – CFO.

O. Payroll:

The Township of Irvington has contracted with a third-party payroll vendor to prepare the payroll and maintain certain payroll records. The vendor is required to pay deductions on behalf of the Township from funds transferred by the Township to the vendor's payroll account.

An audit of the service provider's payroll account was not provided to the Township nor did our staff prepare such an audit. We did review certain records provided to the Township. It should be noted however, that we could not verify required payments of Federal and State agencies made by the service vendor.

The Local Finance Board has adopted rules and regulations regarding third-party payroll vendors which are summarized in N.J.A.C. 5:30-17 and further provides authority for local governments to hire payroll service vendors to disburse funds to payroll agencies on behalf of the local unit.

In addition, Local Finance Notice 2009-18 has offered additional safeguards with respect to third party payroll services.

Recommendations:

That effort be made to identify certain unidentified payroll funds and appropriate action be taken.

Payroll deposits were not in agreement with payroll requirements on a monthly basis.

Corrective Actions:

The payroll supervisor will review and identify all payroll deduction amounts that have been recorded and make recommendation for the adjustment to the accounts.

The Comptroller will review to make sure monthly deposit agree on a monthly basis.

Implementation:

Effective date will be November 30, 2019 Completed by Tracey Orner – Payroll supervisor.

Audrey Lyons-Comptroller will reconcile all payroll deposits each month and make any adjustment as needed. To begin September 2019.

R. Municipal Court:

Comments with respect to the Municipal Court are as follows: Our test of the payments revealed the following exceptions:

The December 2017 Monthly Management Report was examined, and the following items were noted:

All tickets that have been assigned must be issued within six (6) months. The Tickets Assigned Not Issued Report indicated that 139 tickets were not issued within six (6) months.

The Tickets Issued but Not Assigned Report indicated that 227 tickets were issued but not assigned.

The General Account and Bail Account cash books reflected errors.

Our test of disbursements indicated that 2 of 12 items selected were not disbursed to the proper agencies by the 15th of the month following the receipt of funds.

Recommendations:

That Tickets Assigned but Not Issued in excess of six (6) months be reviewed for proper disposition.

That follow-up procedures be implemented for tickets whether issued or assigned.

That more care be utilized in the posting of the General Account and the Bail Account cash books.

That all monies collected be remitted to the proper agencies by the 15th of the month following the receipt of funds.

Corrective Actions:

At the end of each six-month interval the court director will report to the Director of Public Safety any tickets assigned but not issued to be accounted for and reassigned for issuing before any new tickets are issued.

All required posting to the accounts will be reviewed and check each cash postings.

All monthly payouts will be made by the 15th each.

Implementation:

The was completed as of February 2018, completed by Terrie Yuelling – Court Director.

T: Other Matters:

We noted that goods and services were paid by wire transfers. Payment of expenditures by wire transfers are not in conformity with the Payment of Claims Ordinance.

Recommendations:

It is recommended that the Payment of Claims Ordinance be reviewed to determine whether the payment of expenditures by wire transfers be allowed.

Corrective Actions:

The CFO will review the payment Ordinance with the Township Attorney and take the necessary action if needed to update the Ordinance with council approval.

Implementation:

Will be fully completed by October 30, 2019. Completed by the Ramon Rivera – Township Attorney and Faheem J Ra'Oof, CPA - CFO

Adopted
Abstain: Inman

10. Communication and Petitions

A. Communications

1. League of Municipalities – Legislative Bulletin #3

11. Pending Business

None

12. Miscellaneous

None

NON-CONSENT AGENDA ITEMS

8. Ordinances, Bills & Claims

A. Ordinances on 1st Reading

Cox – Beasley 1. Authorize the Leasing of Certain Capital Equipment By the Township of Irvington From The Essex County Improvement Authority (ECIA) and Authorizing the Execution of a Lease and Agreement Relating Thereto – \$4,274,117.00

ORDINANCE AUTHORIZING THE LEASING OF CERTAIN CAPITAL EQUIPMENT BY THE TOWNSHIP OF IRVINGTON, NEW JERSEY FROM THE ESSEX COUNTY IMPROVEMENT AUTHORITY AND THE EXECUTION OF A LEASE AND AGREEMENT RELATING THERETO

Adopted
No: Inman

Cox – Beasley 2. Authorize Quit Claim Deed for 13 Chestnut Avenue, Block 233, Lot 6.02 From R.J. Rohman Properties, LLC

AN ORDINANCE ACCEPTING A QUIT CLAIM DEED FOR 13 CHESTNUT AVENUE, IRVINGTON, NEW JERSEY, 07111 IN THE TOWNSHIP OF IRVINGTON FROM R.J. ROHRMAN PROPERTIES, LLC

Adopted

Hudley - Burgess 3. Authorize Quit Claim Deed for 15 Chestnut Avenue, Block 233, Lot 6.03 From R.J. Rohman Properties, LLC

AN ORDINANCE ACCEPTING A QUIT CLAIM DEED FOR 15 CHESTNUT AVENUE, IRVINGTON, NEW JERSEY, 07111 IN THE TOWNSHIP OF IRVINGTON FROM R.J. ROHRMAN PROPERTIES, LLC

Adopted

Hudley – Burgess 4. Authorize Quit Claim Deed for 114 Ellis Avenue, Block 162, Lot 1 From 114 Ellis Avenue Irvington, LLC

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

Adopted

Hudley – Beasley 5. Authorize Quit Claim Deed for 197 Chestnut Avenue, Block 219, Lot 38 From R.J. Rohman Properties, LLC

AN ORDINANCE ACCEPTING A QUIT CLAIM DEED FOR 197 MAPLE AVENUE, IRVINGTON, NEW JERSEY, 07111 IN THE TOWNSHIP OF IRVINGTON FROM R.J. ROHRMAN PROPERTIES, LLC

Adopted

Hudley – Cox 6. Authorize Quit Claim Deed for 7 Drakes Lane, Block 40, Lot 2 From Jennifer Murgueytio

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

Adopted

Hudley – Cox 7. Authorize Approval of Application for Long Term Tax Exemption and Authorizing the Execution of a Financial Agreement With Hilltop Partners Senior Urban Renewal, LLC for Former Irvington General Hospital Site

ORDINANCE OF THE TOWNSHIP OF IRVINGTON, COUNTY OF ESSEX, NEW JERSEY APPROVING AN APPLICATION FOR A LONG-TERM TAX EXEMPTION AND AUTHORIZING THE EXECUTION OF A FINANCIAL AGREEMENT WITH HILLTOP PARTNERS SENIOR URBAN RENEWAL, LLC

Adopted
No: Inman

Burgess – Cox 8. Authorize Approval of Application for Long Term Tax Exemption and Authorizing the Execution of a Financial Agreement With Chancellor and Union Urban Renewal, LLC

ORDINANCE OF THE TOWNSHIP OF IRVINGTON, COUNTY OF ESSEX, NEW JERSEY APPROVING AN APPLICATION FOR A LONG-TERM TAX EXEMPTION AND AUTHORIZING THE EXECUTION OF A FINANCIAL AGREEMENT WITH CHANCELLOR AND UNION URBAN RENEWAL, LLC

Adopted

No: Inman

Cox – Hudley 1. Bill Lists

RESOLVED THAT THE BILLS AND CLAIMS AGAINST THE TOWNSHIP OF IRVINGTON FOR A PERIOD AUGUST 12 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	\$8,279,382.14
TOTAL	\$8,279,382.14

Adopted
No: Inman

Cox – Hudley 2. Payrolls

June 21, 2019

REGULAR	OVERTIME	OTHER	TOTAL
\$ -0-	\$ -0-	\$659.74	\$659.74

July 5, 2019

REGULAR	OVERTIME	OTHER	TOTAL
\$1,606,583.90	\$158,780.44	\$95,254.64	\$1,860,618.98

July 19, 2019

REGULAR	OVERTIME	OTHER	TOTAL
\$1,649,466.14	\$175,814.68	\$136,154.43	\$1,961,435.25

August 2, 2019

REGULAR	OVERTIME	OTHER	TOTAL
\$1,639,067.87	\$223,906.85	\$60,667.09	\$1,923,641.81

Adopted

No: Inman

9. Resolutions & Motions

A. Resolutions

Hudley – Beasley 16. Authorize Execution of Developer's Agreement with 105 Mill Road LLC For 105-109 Mill Road, Block 307, Lot 1

RESOLUTION AUTHORIZING THE EXECUTION OF A DEVELOPERS AGREEMENT WITH 105 MILL ROAD LLC WITH RESPECT TO CERTAIN PROPERTY KNOWN AS 105-109 MILL ROAD AND IDENTIFIED AS BLOCK 307, LOT 1 ON THE TAX MAP OF THE TOWNSHIP

WHEREAS, 105 Mill Road LLC (the “**Developer**”) is the owner of certain property located in the Township of Irvington (the “**Township**”), County of Essex, State of New Jersey commonly known as 105-109 Mill Road, and identified as Block 307, Lot 1 on the Tax Map of the Township (the “**Property**”); and

WHEREAS, Developer applied to the Township Zoning Board of Adjustment (the “**Board**”) for preliminary and final site plan approval to develop on the Property a childcare care center for approximately one hundred twenty-six (126) students, together with associated site improvements that relate to parking, landscaping and access, as well as the widening of Mill Road to accommodate a drop off area (the “**Project**”); and

WHEREAS, Developer has identified a need for the expansion of Mill Road to accommodate a drop off area of approximately 15’5” in length providing ingress and egress onto Mill Road (the “**Roadway Improvements**”)

WHEREAS, the Board granted final site plan approval for the Project by adoption of a resolution on September 18, 2018 (the “**Resolution**”); and

WHEREAS, the Resolution requires the Developer to enter into a developer's agreement with the Township in connection with the Project and the Roadway Improvements; and

WHEREAS, the Township and Developer desire to enter this Agreement to establish the terms pursuant to which the Developer shall undertake the Project and the Roadway Improvements; and

WHEREAS, the developer's agreement attached hereto between the Township and Developer (the “**Agreement**”) has been prepared by the Township Attorney and has been reviewed and approved by the Township Engineer and by the attorney for the Developer.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the

Township of Irvington, in the County of Essex and State of New Jersey as follows:

1. The Mayor is hereby authorized to execute the Agreement substantially in the form as attached hereto as Exhibit A, subject to such additions, deletions, modifications or amendments deemed necessary by the Mayor in his discretion in consultation with counsel, which additions, deletions, modifications or amendments do not alter the substantive rights and obligations of the parties thereto, and to take all other necessary and appropriate action to effectuate the Agreement.
2. The Township Clerk is hereby authorized to forward the original and certified copies of the Agreement to the Township Attorney for recording with the Clerk of the County of Essex.
3. This Resolution shall take effect immediately.

EXHIBIT A

Developer's Agreement

Adopted
No: Inman

Hudley – Frederic 17. Ratify Emergency Contract for Sewer Collapse Repair at Isabella Avenue Between Delmar Place and Fuller Place With Diamond Mason Contractors Based Upon Quotation - \$26,700.00

RESOLUTION TO AWARD AN EMERGENCY SEWER REPAIR CONTRACT FOR A SEWER FAILURE ON ISABELLA AVENUE BETWEEN DELMAR & FULLER PLACE

WHEREAS, a portion of the sanitary sewer located on Isabella Ave, between Delmar & Fuller Place collapsed on May 09, 2019, 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 and Diamond Mason Contractors LLC for the require repairs, and

WHEREAS, Diamond Mason Contractors LLC has provided the lowest quote for the repairs for the total sum of \$26,700.00, 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 \$26,700.00, 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 \$26,700.00 to Diamond Mason Contractors LLC, 38 N 18th Street, Kenilworth, NJ 07033 to repair the sanitary sewer located on Isabella Ave, between Delmar & Fuller Place on May 09, 2019.

BE IT FURTHER RESOLVED that the required certification of availability of funds C9-00247 in the amount of \$26,700.00 from account number 9-01-21-165-165-299 has been obtained from the Chief Financial Officer.

Adopted
No: Inman

Cox – Hudley 18. Authorize Fair and Open Contract for Lease of Office Space at 660 Stuyvesant Avenue – BSR Group – Not to Exceed \$40,200.00 From July 1, 2019 Through June 30, 2020

RESOLUTION AUTHORIZING THE AWARD OF A FAIR AND OPEN CONTRACT FOR THE LEASE OF OFFICE SPACE

WHEREAS, sealed bids were received on June 27, 2019 for Lease of Office Space in response to published advertisement for bids in the New Jersey Star Ledger on June 10, 2019; and

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

WHEREAS, the bid received was reviewed according to the New Jersey Local Public Contract law, and referred to the Business Administration for review and recommendation; and

WHEREAS, the Township Administrator has recommend that an award be made to The BSR Group LLC of 660 Stuyvesant Ave, Irvington, NJ 07111 for the lease of office space; and

WHEREAS, this lease agreement is for one year starting July 01, 2019 until June 30, 2020; and,

WHEREAS, the landlord, The BSR Group LLC will be paid a monthly sum of \$3,350.00 for the rental of the office space and the Township; and,

NOW THEREFORE, BE IT RESOLVED that the Municipal Council of the Township of Irvington authorizes the award of a and open contract to The BSR Group LLC of 660 Stuyvesant Ave, Irvington, NJ 07111 for a yearly amount not to exceed \$40,200.00; and,

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

BE IT RESOLVED that the required Certification of Availability of Funds, certification number C9-00269 was obtained from the Chief Financial Officer for the first two months of service for an amount of \$6,700.00 and the appropriation to be charged for this expenditure is 9-01-20-100-100-299 and the remaining balance of \$33,500.00 will be obtained from the Chief Financial Officer upon the adoption of the 2019 and 2020 Municipal Budget.

Adopted
Abstain: Beasley
No: Inman

Beasley – Burgess 19. Authorize the Appointment of a Special Law Enforcement Officer Class II

Resolution for the Appointment of Special Law Enforcement Officer Class II

WHEREAS, under Township Ordinance 7-143 POWERS AND DUTIES OF THE PUBLIC SAFETY DIRECTOR, subsection L. The Director may employ Special Law Enforcement Officers in accordance with N.J.S.A. 40A:14-146.8 et. seq, Special Law Enforcement Officers' Act. The Public Safety Director recommends the appointment of Special Law Enforcement Officer Class II for a one year term commencing July 1, 2019 and ending June 30, 2020.

BE IT RESOLVED, the Township of Irvington in accordance with N.J.S.A. 40A:14-146.8 et. Seq shall, upon completion of the Special Law Enforcement Class II Course and certified by the New Jersey Police Training Commission be appointed as Irvington Township SLEO II Police Officers for a one year term commencing August 1, 2019 and ending July 31, 2020:

SLEO II Ryan Terry

Adopted
No: Inman

20. Acting President Burgess: The Calendar Year 2019 Municipal Budget was introduced on June 24, 2019, published in summary form in the Irvington Herald on July 18, 2019, and public hearing set for this date, time and place. The Clerk will read the notice of hearing.

The Clerk read the notice of hearing

The Clerk will read the 2019 Calendar Year Municipal Budget by title

BE IT RESOLVED that the following statements of revenues and appropriations shall constitute the Calendar Year 2019 Municipal Budget

Total General Revenues: \$114,560,031.84

Total General Appropriation: \$114,560,031.84

The public hearing on the Calendar Year 2019 Municipal Budget is now open.

Elouise McDaniel, 214 Nesbit Terrace
Daisy Fuqua, 167 Orange Avenue

Frederic - Burgess Motion to close public hearing

Adopted

Frederic - Burgess Motion to adjourn further deliberations on the Calendar Year 2019
Municipal Budget

Acting Council President Burgess spoke.

Adopted

ALCOHOLIC BEVERAGE CONTROL BOARD

AUGUST 12, 2019

1. Chairman Cox called the Meeting to Order

Roll Call

Present: Commissioners Beasley, Burgess, Frederic, Hudley, Inman, Cox, Chairman

2. New Business

Burgess – Hudley A. Authorize Renewal of ABC POCKET Consumption License for 2019-2020 With State Special Ruling – K.B. Montana, Inc., Trading as Casey's Tavern

WHEREAS, the following named individuals, partnerships or corporations, being applicants for Plenary Retail Consumption Licenses for the year 2019-2020 with State Division of Alcoholic Beverage Control Special Ruling 12.39, required to sell alcoholic beverages under the provisions of N.J.S.A. Title 33 having been investigated as required by said Law, and the Alcoholic Beverage Control Board being satisfied that said applicants in all things have met the requirements of the law and are suitable and proper individuals, partnerships or corporations to whom Plenary Retail Consumption Licenses for the sale of alcoholic beverages should be issued:

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL ACTING AS THE ALCOHOLIC BEVERAGE CONTROL BOARD OF THE TOWNSHIP OF IRVINGTON that permanent Plenary Retail Consumption Licenses be issued to the following named individuals, partnerships and corporations for the sale of alcoholic beverages by the glass or other open receptacles to be consumed on the licensed premises and also for the sale of alcoholic beverages in original containers for consumption off the licensed premises for the year 2019-2020 with Special State Division of Alcoholic Beverage Control Ruling 12.39 required at the address set opposite their respective name, viz:

0709-33-041-004	K.B. Montana, Inc. t/a Casey's Tavern c/o Robert C. Williams, Esq. 622 Eagle Rock Avenue, Suite 107 West Orange, N.J. 07052	POCKET LICENSE
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BE IT FURTHER RESOLVED that the said licenses be issued in the name of and under the seal of the Township of Irvington and be signed by a representative of the License Bureau, in order to fulfill the provisions of the Irvington Township Code, known as Ordinance MC 2622, which license, after being so signed, shall be released by a representative of the License Bureau to the licensee.

Adopted
Abstain: Inman

Burgess – Hudley B. Authorize Renewal of ABC POCKET Consumption License for 2018-2019 – Funhouse Entertainment, LLC, 463 Stuyvesant Avenue

WHEREAS, the following named individuals, partnerships or corporations, being applicants for Plenary Retail Consumption Licenses for the year 2018-2019 with State Division of Alcoholic Beverage Control Special Ruling 12.39, required to sell alcoholic beverages under the provisions of N.J.S.A. Title 33 having been investigated as required by said Law, and the Alcoholic Beverage Control Board being satisfied that said applicants in all things have met the requirements of the law and are suitable and proper individuals, partnerships or corporations to whom Plenary Retail Consumption Licenses for the sale of alcoholic beverages should be issued:

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL ACTING AS THE ALCOHOLIC BEVERAGE CONTROL BOARD OF THE TOWNSHIP OF IRVINGTON that permanent Plenary Retail Consumption Licenses be issued to the following named individuals, partnerships and corporations for the sale of alcoholic beverages by the glass or other open receptacles to be consumed on the licensed premises and also for the sale of alcoholic beverages in original containers for consumption off the licensed premises for the year 2018-2019 with Special State Division of Alcoholic Beverage Control Ruling 12.39 required at the address set opposite their respective name, viz:

0709-33-009-007 Funhouse Entertainment, LLC POCKET LICENSE
463 Stuyvesant Avenue
Irvington, N.J. 07111

BE IT FURTHER RESOLVED that the said licenses be issued in the name of and under the seal of the Township of Irvington and be signed by a representative of the License Bureau, in order to fulfill the provisions of the Irvington Township Code, known as Ordinance MC 3635, which license, after being so signed, shall be released by a representative of the License Bureau to the licensee; and

BE IT FURTHER RESOLVED that Resolution Number ABC 19-0708-14 is hereby rescinded.

Adopted
Abstain: Inman

Burgess – Hudley C. Authorize Renewal of ABC POCKET Consumption License for 2019-2020 – Funhouse Entertainment, LLC, 463 Stuyvesant Avenue

WHEREAS, the following named individuals, partnerships or corporations, being applicants for Plenary Retail Consumption Licenses for the year 2019-2020 with State Division of Alcoholic Beverage Control Special Ruling 12.39, required to sell alcoholic beverages under the provisions of N.J.S.A. Title 33 having been investigated as required by said Law, and the Alcoholic Beverage Control Board being satisfied that said applicants in all things have met the requirements of the law and are suitable and proper individuals, partnerships or corporations to whom Plenary Retail Consumption Licenses for the sale of alcoholic beverages should be issued:

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL ACTING AS THE ALCOHOLIC BEVERAGE CONTROL BOARD OF THE TOWNSHIP OF IRVINGTON that permanent Plenary Retail Consumption Licenses be issued to the following named individuals, partnerships and corporations for the sale of alcoholic beverages by the glass or other open receptacles to be consumed on the licensed premises and also for the sale of alcoholic beverages in original containers for consumption off the licensed premises for the year 2019-2020 with Special State Division of Alcoholic Beverage Control Ruling 12.39 required at the address set opposite their respective name, viz:

0709-33-009-007 Funhouse Entertainment, LLC POCKET LICENSE
463 Stuyvesant Avenue
Irvington, N.J. 07111

BE IT FURTHER RESOLVED that the said licenses be issued in the name of and under the seal of the Township of Irvington and be signed by a representative of the License Bureau, in order to fulfill the provisions of the Irvington Township Code, known as

Ordinance MC 3635, which license, after being so signed, shall be released by a representative of the License Bureau to the licensee; and

BE IT FURTHER RESOLVED that Resolution Number ABC 19-0708-14 is hereby rescinded.

Adopted
Abstain: Inman

Burgess- Hudley D. Renewal of ABC Consumption License for 2019-2019 – Mariella, Inc., Trading as Paradizio, LLC, 1153 – 1155 Clinton Avenue

WHEREAS, the following named individuals, partnerships or corporations, being applicants for Plenary Retail Consumption Licenses for the year 2019-2020 to sell alcoholic beverages under the provisions of N.J.S.A. Title 33 having been investigated as required by said Law, and the Alcoholic Beverage Control Board being satisfied that said applicants in all things have met the requirements of the law and are suitable and proper individuals, partnerships or corporations to whom Plenary Retail Consumption Licenses for the sale of alcoholic beverages should be issued:

NOW THEREFORE BE IT RESOLVED BY THE MUNICIPAL COUNCIL ACTING AS THE ALCOHOLIC BEVERAGE CONTROL BOARD OF THE TOWNSHIP OF IRVINGTON that permanent Plenary Retail Consumption Licenses be issued to the following named individuals, partnerships and corporations for the sale of alcoholic beverages by the glass or other open receptacles to be consumed on the licensed premises and also for the sale of alcoholic beverages in original containers for consumption off the licensed premises for the year 2019-2020 at the address set opposite their respective name, viz:

0709-33-055-006 Mariela, Inc.	1053-55 Clinton Avenue
t/a Paradizio Royal Club	

BE IT FURTHER RESOLVED that the said licenses be issued in the name of and under the seal of the Township of Irvington and be signed by a representative of the License Bureau, in order to fulfill the provisions of the Irvington Township Code, known as Ordinance MC 3635, which license, after being so signed, shall be released by the License Bureau to the licensee.

Adopted
Abstain: Inman

Burgess – Hudley E. Renewal of ABC Distribution License for 2019-2019 – All Brothers II, Trading as All Brothers Liquors #2, 859 – 18th Avenue

WHEREAS, the following named individuals, partnerships or corporations, being applicants for Plenary Retail Distribution Licenses for the year 2019-2020, to sell alcoholic beverages under the provisions of N.J.S.A. Title 33 having been investigated as

required by said Law, and the Alcoholic Beverage Control Board being satisfied that said applicants in all things have met the requirements of the law and are suitable and proper individuals, partnerships or corporations to whom Plenary Retail Distribution Licenses for the sale of alcoholic beverages should be issued:

NOW THEREFORE BE IT RESOLVED BY THE MUNICIPAL COUNCIL ACTING AS THE ALCOHOLIC BEVERAGE CONTROL BOARD OF THE TOWNSHIP OF IRVINGTON that permanent Plenary Retail Distribution Licenses be issued to the following named individuals, partnerships and corporations for the sale of alcoholic beverages in original containers for consumption off the licensed premises for the year 2019-2020 at the address set opposite their respective name, viz:

0709-44-016-007	All Brothers Incorporated II	859 – 18 th Avenue
	t/a All Brothers Liquors #2	

BE IT FURTHER RESOLVED that the said licenses be issued in the name of and under the seal of the Township of Irvington and be signed by a representative of the License Bureau, in order to fulfill the provisions of the Irvington Township Code, known as Ordinance MC 3635, which license, after being so signed, shall be released by the License Bureau to the licensee.

Adopted
Abstain: Inman

3. Adjournment

COUNCIL MEETING (RESUMED)

12. Miscellaneous

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

Rosemary Horner, 31 Oakland Street
Rodney White, 41 Durand Place
Daisy Fuqua, 167 Orange Avenue
Conrad McPherson, 10 Leslie Place
Sarah Hicks, 114 Lenox Avenue
Elouise McDaniel, 214 Nesbit Terrace
Frank McBee, 46 Durand Place
Gora Nduna, 12 Beaumont Place
Robert Shaw, 57 Coit Street

Council Members Inman, Frederic, Cox, Hudley, Beasley and Acting Council President Burgess addressed the issues raised by the above referenced citizens.

13. Adjournment

There being no further business, the meeting was adjourned at 8:43 P.M.

Renee C. Burgess, Acting Council President

Harold E. Wiener, Municipal Clerk