

REGULAR COUNCIL MEETING
SEPTEMBER 23, 2019

Council Chamber, Municipal Building
Irvington, N.J. – Monday Evening
September 23, 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, October Hudley, Paul Inman,
Orlander G. Vick

Absent: Charnette Frederic (excused)

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)

Merrick Harris, 6 Hennessey Place

5. Hearing of Council Members

Acting President Burgess responded to the issues raised by the above referenced citizen.

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

A. Reports

1. Minutes – Directors’ Meeting – September 9, 2019

7. Reports of Committees

None

8. Ordinances, Bills & Claims

None

9. Resolutions & Motions

A. Resolutions

Vick – Hudley 1. Authorize Form and Details of the Essex County Improvement Authority’s Capital
Equipment Lease Revenue Bonds

A RESOLUTION OF THE TOWNSHIP OF IRVINGTON, NEW JERSEY APPROVING THE FORM AND AUTHORIZING THE EXECUTION AND DELIVERY OF A LETTER OF REPRESENTATION AND A CONTINUING DISCLOSURE AGREEMENT IN CONNECTION WITH THE ISSUANCE AND DELIVERY OF THE ESSEX COUNTY IMPROVEMENT AUTHORITY'S CAPITAL EQUIPMENT POOLED LEASE REVENUE BONDS, SERIES 2019 AND AUTHORIZING AN AUTHORIZED MUNICIPAL REPRESENTATIVE TO DO ALL OTHER THINGS DEEMED NECESSARY OR ADVISABLE IN CONNECTION WITH THE ISSUANCE, SALE AND DELIVERY OF SUCH BONDS

WHEREAS, the Township of Irvington, New Jersey (the "Municipality") desires to lease and permanently finance the cost of acquisition of certain capital equipment (the "Equipment") from The Essex County Improvement Authority (the "Authority"); and

WHEREAS, the Authority will provide for the financing of the cost of the acquisition of the Equipment by the issuance of its Capital Equipment Lease Revenue Bonds, Series 2019 (Irvington Project) (the "Bonds") payable from rentals by the Municipality pursuant to a Lease and Agreement by and between the Municipality and the Authority (the "Lease"); and

WHEREAS, in order to induce the Authority to issue and deliver the Bonds and its Capital Equipment Pooled Lease Revenue Bonds, Series 2019, there has been prepared and submitted to the Municipality a Letter of Representative in the form attached hereto as Exhibit A; and

WHEREAS, there has been prepared and submitted to the Municipality a Continuing Disclosure Agreement in the form appended hereto as Exhibit B for execution by the Municipality if the Authority shall determine that the Municipality is or will be an "obligated person" with respect to the Authority's Capital Equipment Lease Revenue Bonds, Series 2019 within the meaning of Rule 15c2-12 of the United States Securities and Exchange Commission (an "Obligated Person"):

NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP OF IRVINGTON AS FOLLOWS:

Section 1. That the Letter of Representation, in the form presented to this meeting, be and the same is hereby approved, and any Authorized Municipal Representative (as that term is defined in the Lease) is hereby authorized to, and one of such officers shall execute the Letter of Representation, with such additions, deletions or modifications as such officer shall approve, and to deliver the same to the addressees designated on such Letter of Representation, such approval to be conclusively evidenced by the execution and delivery thereof.

Section 2. That the Continuing Disclosure Agreement in the form presented to this meeting, be and the same is hereby approved, and any Authorized Municipal Representative is hereby authorized to, and one of such officers shall execute the Continuing Disclosure Agreement, with such additions, deletions or modifications as such officer shall approve, and to deliver the same upon the determination by the Authority that the Municipality is or will be an Obligated Person, such approval to be conclusively evidenced by the execution and delivery thereof.

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Section 3. That any Authorized Municipal Representative is hereby authorized and directed to execute and deliver any and all documents and instruments and to do and cause to be done any and all acts and things necessary or property for carrying out the sale, issuance and delivery of the Bonds, the Authority's Capital Equipment Pooled Lease Revenue Bonds, Series 2019 and all related transactions contemplated by this resolution.

Section 4. All resolutions or proceedings or parts thereof, in conflict with the provisions of this resolution are to the extent of such conflict hereby repealed.

Section 5. This resolution shall become effective immediately.

Date: September 23, 2019

Adopted
Absent: Frederic

Hudley – Burgess 2. Award Bid – Disposal of Leaves, Brush and Vegetative Waste – Nature's Choice Corporation – Sole Responsive, Responsible Bid – Not To Exceed \$140,000.00 Per Year For Two Years - September 30, 2019 until September 29, 2021

RESOLUTION AUTHORIZING A CONTRACT OF LEAVES, BRUSH AND MIXED VEGETATIVE WASTE FOR AN AMOUNT NOT TO EXCEED \$280,000.00

WHEREAS, the Invitation to Bid for leaves, brush and mixed vegetative waste was publicly advertised in the New Jersey Star Ledger on July 10, 2019 with a deadline for bids to be submitted on July 31, 2019;

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

WHEREAS, the bid was referred to the Public Works Director and it has recommended that the contract should be awarded to the following firm based on being the lowest, responsible and responsive bidder:

Nature's Choice Corporation
398 Lincoln Blvd.
Middlesex, N.J. 08846

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that the award for leaves, brush and mixed vegetative waste be made to Nature's Choice Corporation of 398 Lincoln Blvd, Middlesex, NJ 08846 for removal and disposal in the amount of: \$14.95 per cubic yards for leaves, \$18.95 per cubic yard for brush and \$23.95 per cubic yard for mixed vegetative waste for two years for an amount not to exceed \$140,000.00 per year; and

BE IT FURTHER RESOLVED that this contract is for two years, starting on September 30, 2019 until September 29, 2021 for removal of all leaves, brush and mixed vegetative waste including leaves season.

BE IT FURTHER RESOLVED that the Township Attorney is hereby directed to prepare the necessary contracts and the Township Clerk is hereby directed to return the bid security to the unsuccessful bidders; and

BE IT FURTHER RESOLVED that the required certification of availability of funds C7-00277 in the amount of \$20,000.00 for the first four months from account number 9-01-32-465-465-118 has been obtained from the Chief Financial Officer and the remaining balance will be certified in the 2019 and 2021 budgets.

Adopted
Absent: Frederic

Vick – Burgess 3. Authorize Emergency Prosecutor Services With Camili Law LLC For the August 14, 26 and 28, 2019 Court Sessions- \$300.00 Per Court Session – Total - \$900.00

RESOLUTION AUTHORIZING THE TOWNSHIP ATTORNEY TO USE SUBSTITUTE PROSECUTORS ON AN EMERGENCY BASIS

WHEREAS, resolution number TA 18-0710-22 appointed one substitute prosecutor to be used on an on-call basis in the event of conflict cases or due to shortage of available staff and;

WHEREAS, the one appointed substitute prosecutor was unavailable to coverage court sessions on August 14, 26 and 28 and;

WHEREAS, the Township would have to cancel court sessions due to shortage of staff which would affect the public safety and welfare of the Township pursuant to NJSA 40A:11-6 and;

WHEREAS, the Township Attorney has declared an emergency in writing to hire Camili Law LLC to cover the municipal court sessions on August 14, 26 and 28;

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

1. The Township Attorney hired Camili Law LLC as a substitute prosecutor on an emergency basis for August 14, 26 and 28 court sessions.
2. The Township Attorney will prepare the appropriate contract for this service.
3. The vendors will be paid an amount not to exceed \$300.00 per session from the Certificate of funds C9-00278.

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

Adopted
Absent: Frederic

Cox – Beasley 4. Authorize Escrow and Funding Agreement With 673 South 21st Street Urban Renewal, LLC In Connection With the Redevelopment of 669 – 21st Street, Block 202, Lot 1

RESOLUTION OF THE TOWNSHIP OF IRVINGTON AUTHORIZING THE EXECUTION OF AN ESCROW AND FUNDING AGREEMENT WITH 673 SOUTH 21ST STREET URBAN RENEWAL LLC IN CONNECTION WITH THE REDEVELOPMENT OF CERTAIN PROPERTY IDENTIFIED AS BLOCK 202, LOT 1 ON THE OFFICIAL TAX MAP OF THE TOWNSHIP

WHEREAS, the Municipal Council (the “**Township Council**”) of the Township of Irvington (the “**Township**”) is authorized pursuant to the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1 et seq.* (the “**Redevelopment Law**”), to determine whether certain parcels of land within the Township constitute an area in need of rehabilitation and/or an area in need of redevelopment; and

WHEREAS, the Township Council, by Resolution 94-0809-5 dated August 9, 1994, created the Township Urban Enterprise Zone (the “**UEZ**”) pursuant to the New Jersey Urban Enterprise Zones Act, *N.J.S.A. 52:27H-60 et seq.* (the “**UEZ Act**”); and

WHEREAS, the Township Council designated certain properties within and contiguous to the UEZ as an area in need of rehabilitation (the “**UEZ Rehabilitation Area**”) by Resolution UEZ 07-0227-5, dated February 27, 2007 in accordance with the requirements of *N.J.S.A. 40A:12A-14*; and

WHEREAS, the Township Council duly adopted a redevelopment plan by Ordinance MC No. 3351 dated September 11, 2007, to govern the redevelopment of the UEZ Rehabilitation Area (as amended, the “**Redevelopment Plan**”) in accordance with *N.J.S.A. 40A:12A-7*; and

WHEREAS, the Township has determined to act as the “redevelopment entity”, as such term is defined at *N.J.S.A. 40A:12A-3*, responsible for carrying out redevelopment projects in the UEZ Rehabilitation Area in accordance with the Redevelopment Plan, pursuant to *N.J.S.A. 40A:12A-4(c)*; and

WHEREAS, 673 South 21ST Street Urban Renewal LLC (the “**Proposed Redeveloper**”) is the owner of certain property within the UEZ identified in the Township tax records as 669 21ST Street, comprising Block 202, Lot 1 on the Official Tax Maps of the Township (the “**Project Area**”); and

WHEREAS, the Proposed Redeveloper proposes to redevelop the Project Area by substantially rehabilitating and expanding an existing building into an approximately 96,000 square foot commercial laundry processing plant (the “**Project**”); and

WHEREAS, the Proposed Redeveloper has requested that the Township, in its capacity as redevelopment entity, enter into negotiations for a Redevelopment Agreement and/or Financial Agreement, as may be applicable or appropriate for the redevelopment of the Project Area (each, an “**Agreement**”); and

WHEREAS, the Proposed 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

WHEREAS, the Township and the Proposed 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
Absent: Frederic

Hudley – Vick 5. Authorize Designation of Euro Properties, LLC as Redeveloper of 52 Cummings Street, Block 79, Lot 20

**RESOLUTION OF THE TOWNSHIP OF IRVINGTON, IN THE COUNTY OF ESSEX
AUTHORIZING THE DESIGNATION OF EURO PROPERTIES, LLC AS REDEVELOPER
OF CERTAIN PROPERTY LOCATED WITHIN THE TOWNSHIP OF IRVINGTON AND**

WHEREAS, pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. (the "LRHL"), the Mayor and Municipal Council of the Township of Irvington (the "**Township Council**"), by resolution dated June 23, 2015, designated as an "area in need of rehabilitation" the entire area of the Township of Irvington, in the County of Essex (collectively, the "**Property**") and including without limitation, real property within the Township known as 52 Cummings Street, Block 79 and Lot 20 (the "Property") as an area in need of rehabilitation pursuant to the LRHL (the "Rehabilitation Area"); and

WHEREAS, pursuant to N.J.S.A. 40A:12A-4(a)(3) and N.J.S.A. 40A:12A-7 the Township Council is empowered to adopt a redevelopment plan pursuant to which redevelopment projects are to be undertaken or carried out within an "area in need of redevelopment," and

WHEREAS, pursuant to that authority the Township Council caused a redevelopment plan for the Property to be prepared, entitled the *Redevelopment Plan Township-Wide Area in need of Rehabilitation* (the “**Redevelopment Plan**”); and

WHEREAS, the Township Council duly adopted a redevelopment plan governing the Rehabilitation Area, including, but not limited to, the Property above; and;

WHEREAS, the Township Council has determined to exercise the powers of redevelopment and serve as the “Redevelopment Entity” responsible for carrying out the redevelopment projects in the Rehabilitation Area in accordance with the Redevelopment Plan and pursuant to N.J.S.A. 40A: 12A-4(c); and

WHEREAS, Euro Properties, LLC (the “Redeveloper”) submitted to the Township a Redeveloper’s Application outlining the concept for the rehabilitation of the Property into mixed use commercial and residential units (the “Project”) for review and consideration as to that portion of the Rehabilitation Area identified as the Property; and

WHEREAS, the Redeveloper submitted information in its Redeveloper’s Application outlining its financial capabilities, experience, expertise and project concept descriptions for the Project and requested designation by the Township as the redeveloper for the Project; and

WHEREAS, the Township evaluated the Redeveloper’s proposal according to criteria which included project concept descriptions and made the determination that the redevelopment of the Property thereof is in accordance with applicable provisions of the Redevelopment Plan will contribute to the rehabilitation of the Township in accordance with the legislative intent, goals and objectives of LRHL; and;

WHEREAS, the Township owns municipal tax lien(s) attached to the Property and intends to initiate In Rem Foreclosure proceedings to acquire title to the Property and will subsequently transfer title to the Redeveloper pursuant to a Purchase and Sales and Redevelopment Agreement to be subsequently approved by Council.

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

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

2 Acquisition of title by the Township and the Designation of the Developer. Euro Properties, LLC is hereby designated as redeveloper, pursuant to N.J.S.A. 40A:12A-1 et seq., of the Project, subject to transfer of title of the Property to the Redeveloper.

3 Execution of the Escrow Agreement to cover the Township’s cost of Foreclosing on the Property. Exhibit A attached.

4 Effective Date. This resolution shall take effect immediately.

Exhibit A - Escrow Agreement

EXHIBIT A

Escrow Agreement

**TOWNSHIP OF IRVINGTON
TRANSFER OF TOWNSHIP OWNED PROPERTIES ESCROW AGREEMENT**

THIS ESCROW AGREEMENT ("Escrow Agreement") is made as of the ____day of _____, 2019 by and between **EURO PROPERTIES LLC.**, (the "**Proposed Redeveloper**"), with an address at 236 Grandview Avenue, North Caldwell, New Jersey 07006 and **THE TOWNSHIP OF IRVINGTON**, a body corporate and politic of the State of New Jersey, with an address at Irvington Township 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 by resolution dated July 14, 2015, of the Township (the "**Township Council**") has duly designated the entire Township as an area in need of rehabilitation and has further adopted the Township-Wide Area in Need of Rehabilitation Redevelopment Plan in accordance with the procedures set forth in the LRHL; and

WHEREAS, the Act authorizes municipalities to adopt a redevelopment plan for an area as an designated as an "area in need of rehabilitation" pursuant to which redevelopment projects are to be undertaken and the Township Council duly adopted a redevelopment plan by Ordinance MC No. 3549 dated August 11, 2015 and which became effective on September 1, 2015, entitled the Township-Wide Area in need of Rehabilitation Redevelopment Plan (the "**Redevelopment Plan**"), governing the Rehabilitation Area, including, but not limited to the properties referenced herein, in accordance with N.J.S.A. 40A: 12A-7; and

WHEREAS, the Township is the owner of certain property(ies) located within the Rehabilitation Area identified as Block 79 and Lot 20 on the official tax map of the Township and commonly known, respectively as 52 Cummings Street, (the "**Property**"); and

WHEREAS, the Proposed Redeveloper and the Township, in its capacity as redevelopment entity, intend to negotiate a Redevelopment Agreement and Purchase and Sales Agreement (collectively, the "**Agreement**"), with respect to the designation of the Proposed Redeveloper as "redeveloper" to redevelop certain real properties commonly known as: 52 Cummings Street, Block 79 and Lot 20; on the Official Tax Maps of the Township (the "**Properties**").

WHEREAS, to cover the cost to the Township to engage in negotiations, finalize the Redevelopment Agreement, Purchase and Sales Agreement, and all documents actual transfer of the

properties to the Redeveloper and as a precondition thereto, the Proposed Redeveloper has agreed to deposit with the Township initial amount of **FIVE THOUSAND AND 00/100 (\$5,000.00) 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 cost incurred by or on behalf of the Township arising out of or in connection with the selection and designation of the Proposed Redeveloper as redeveloper and 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

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 selection and designation of the Proposed Redeveloper as Redeveloper, the negotiation and preparation of this 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 Proposed Redeveloper, 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 Proposed Redeveloper, at a cost of up to **\$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 Proposed Redeveloper 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 professionals or 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 Proposed Redeveloper the professional shall simultaneously send an informational copy of each voucher or statement submitted to the Township to the Proposed Redeveloper; *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 Proposed Redeveloper, the Township shall prepare and send to the Proposed Redeveloper 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 **TWO THOUSAND FIVE HUNDRED and 00/100 (\$2,500.00) DOLLARS**, or if the escrow account otherwise contains insufficient funds to enable the Township to continue with the negotiations or document preparations, the Township shall provide the Proposed Redeveloper with a notice of insufficient escrow deposit balance. The Proposed Redeveloper shall deposit to the escrow account said additional funds such that the total amount on deposit shall be not less than **FIVE THOUSAND and 00/100 (\$5,000.00) 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 Proposed Redeveloper.

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 Proposed Redeveloper 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 Proposed Redeveloper. 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 Proposed Redeveloper detailing the uses to which the escrow funds were put. The Proposed Redeveloper 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 Proposed Redeveloper 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 Proposed Redeveloper 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 Proposed Redeveloper's receipt of the informational copy of the professional's voucher, except that if the professional has not supplied the Proposed Redeveloper with an informational copy of the voucher, then the Proposed Redeveloper shall send notice within thirty 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 Proposed Redeveloper's acceptance of the charge and a waiver by the Proposed Redeveloper 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 Proposed Redeveloper'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 Proposed Redeveloper 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.

Witness or Attest:

TOWNSHIP OF IRVINGTON

Name:
Title:

By: _____
Name:
Title:

Witness or Attest:

EURO PROPERTIES, LLC

Name:

Title:

By: _____
Name:

Title:

Adopted
Absent: Frederic

Burgess – Hudley 6. Authorize Reimbursement of \$1,242.01 for Various Items Purchased by Municipal Employee

RESOLUTION TO REIMBURSE MUNICIPAL EMPLOYEE \$1242.01 FOR PAYMENT OF COPING AND PRINTING, PAINT SUPPLIES AND WEBSITE DOMAIN

WHEREAS, all purchases of goods and services must be procured using a purchase order; and

WHEREAS, N.J.S.A 40A:5A-1 et eq, requires that all purchases of goods and services must be encumbered prior to the issuance of said service; and

WHEREAS, N.J.S.A. 40A:11-5(5)(a)(i) requires that all purchases must be procured in a fair, open and competitive manner; and

WHEREAS, N.J.S.A. 54A:7-1.2. requires all vendors that are paid with taxpayers funds are required to have a New Jersey Business Registration Certificate and W-9 form on file with the Municipality for tax and audit purposes; and

WHEREAS, on July 16, 2019, Musa Malik, Township Business Administrator entered into a contract with Home Depot to purchase paint supplies in the amount of \$264.77; and

WHEREAS, on May 12, 2019, Musa Malik, Township Business Administrator entered into a contract with Staples to purchase copy/print and binding service in the amount of \$577.26; and

WHEREAS, on April 15, 2019, Musa Malik, Township Business Administrator entered into a contract with Go Daddy to purchase a domain name in the amount of \$399.98; and

WHEREAS, Musa Malik has submitted a request to be reimbursed for this service, which she paid in cash for an amount of \$1242.01; and

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON authorize the Qualified Purchasing Agent to reimburse Musa Malik the total sum of \$1,242.01 for paint supplies, copy/print and binding service and domain name; and

BE IT RESOLVED that the required certification of availability of funds C9-00261 and C9-00257, in the amount of \$1,242.01 from account number 9-01-20-100-100-299 has been obtained from the Chief Financial Officer.

Adopted
Absent: Frederic

10. Communication and Petitions

A. Communications

1. League of Municipalities – Legislative Bulletin #4

11. Pending Business

None

12. Miscellaneous

None

NON-CONSENT AGENDA ITEMS

8. Ordinances, Bills & Claims

A. Ordinances on 1st Reading

None

B. Ordinances on 2nd Reading

1. Acting President Burgess: An ordinance providing for applications for certificate of compliance exceptions will be heard at this time. The Clerk will read the notice of hearing.

The Clerk read the notice of hearing.

The Clerk will read the Ordinance by title.

AN ORDINANCE PROVIDING FOR CERTIFICATE OF COMPLIANCE EXEMPTION APPLICATIONS

BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON as follows:

SECTION 1. Certificate of Compliance Exemption Application

The Certificate of Compliance Exemption applies to all existing structure. It shall be issued once a complete application accompanied by a copy of the sales contract has been filed by the owner of the property. The copy of the sales contract MUST be signed by both the seller(s) and the purchaser (s) at the time of submission. A copy of identification must be included for the seller(s) and buyer(s) with the application. If the seller is an LLC, a certificate of authority is required. Once payment is rendered and the application is received in its entirety, it will be reviewed and executed once.

The required fee to obtain the Certificate of Exemption is \$100.00 to be paid by certified funds such as bank check, or money order.

Applicant may apply for an Exemption in order to facilitate a sale of a property through Foreclosure/Short Sale.

When a building, structure or premises has been foreclosed upon or foreclosure is imminent or complete and the bank has entered into an agreement with the purchaser to sell, transfer or convey the property through a short sale, and the building, structure or premises is not accessible for certificate of compliance following conditions: Building Inspection, Electrical Inspection, Plumbing Inspection, Fire Inspection.

(A) Where a Certificate of Occupancy or Continued Occupancy has been issued by the Construction Official (90) days prior to transfer, or sale of the structure, a Certificate of Exemption shall not be required.

(B) Any purchase, sale, transfer, sale or premises owned by the Township of Irvington.

(C) Any building, structure or premises being purchased, sold, transferred or conveyed is in such a deteriorated condition that it is unfit for human habitation as determined by the Director of The Housing and Building Department or the designee of the Director.

(D) If a Certificate of Exemption is **NOT** file in place of a Certificate of Occupancy or Temporary Certificate of Occupancy prior to sale of any structure, the seller will incur a minimum **penalty** no less than a **\$500.00** fine plus other penalties permitted by Township ordinance and State law.

The Certificate of Exemption is not to exceed a period of 90 days from the conveyance. It is nonrenewable nor can it be transferred. Once new ownership is in place, it's the new owner's responsibility to obtain a Certificate of Occupancy or Temporary Certificate of Occupancy, granted all UCC standards have been met upon review of the property.

SECTION 2. All Ordinances or parts of Ordinances inconsistent or in conflict with of the provisions of the within Ordinance are hereby repealed.

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

The public hearing on this ordinance is now open.

There were no requests to be heard.

Hudley – Burgess

Motion to close public hearing.

Adopted

Absent: Frederic

Hudley - Burgess

Motion to adopt this ordinance on second reading after public hearing.

Adopted

Absent: Frederic

2. Acting President Burgess: An ordinance providing for general business license and fees and penalties regarding same will be heard at this time. For the record, this notice of hearing is identical to the first notice that was read. The Clerk will read the Ordinance by title.

AN ORDINANCE AMENDING AND SUPPLEMENTING SECTIONS 290-4 AND 290-7 OF THE REVISED CODE OF THE TOWNSHIP OF IRVINGTON ENTITLED “FEES AND LICENSES” TO PROVIDE FOR A GENERAL BUSINESS LICENSE, THE FEE THEREFORE AND PROVIDING FOR PENALTIES FOR VIOLATIONS REGARDING FAILURE TO OBTAIN AND DISPLAY A GENERAL BUSINESS LICENSE.

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

SECTION 1. Chapter 290 Entitled “Fees and Licenses” is hereby amended and supplemented as follows:

Section 290-4 Prerequisite for issuance and continuation of licenses and permits.

BUSINESS

A. Definitions. As used in this section, the following term(s) shall have the meanings as indicated:

Business: any individual, partnership or corporation who is conducting a commercial activity within the physical boundary of the Township of Irvington.

B. Display of license or permit.

- (1) Any and all license(s) or permit(s) issued to an individual, partnership or corporation to conduct business in the Township of Irvington must be current and displayed on such premises, at all times and in a conspicuous manner, within five feet of the front entrance of said business. Failure to properly display a license required to operate the business shall constitute a violation of this ordinance subjecting the property and/or business owner to penalty as indicated by this ordinance.
- (2) This subsection shall not apply to those businesses regulated by the Alcoholic Beverage Control Act.

- (3) Failure to obtain a license covering the type of commercial activity for which the property and/or business owner is engaged in shall constitute a violation of this ordinance and subject both the property and/or business owner to a penalty as indicated by this ordinance.
- (4) Failure to obtain a license covering the commercial activity for which the property and/or business owner is engaged shall subject the property and/or business owner to the following penalties:
 - (i) Immediate shut down of the business until such time as the business is properly licensed to conduct the commercial activity within the Township of Irvington.
 - (ii) Fines:
 - (a) 1st Offense: \$250.00
 - (b) 2nd Offense: \$500.00
 - (c) 3rd Offense: \$750.00
 - (d) 4th Offense: Mandatory Court Hearing with a minimum fine of \$1,000.00 and permanent revocation of ability to obtain a business license to engage in any commercial activity within the Township of Irvington.
- (5) Failure to display a license covering the commercial activity for which the property and/or business owner is engaged shall subject the property and/or business owner to the following penalties:
 - (i) Fines:
 - (a) 1st Offense: \$50.00
 - (b) 2nd Offense: \$150.00
 - (c) 3rd Offense: \$250.00
 - (d) 4th Offense: Mandatory Court Hearing with a fine up to \$500.00 and prohibition on conducting any commercial activity within the Township for 1 year by the business entity and/or owner.

DENIAL OF LICENSE

- C. No license or permit shall be issued or renewed, as the case may be, to any applicant who is the owner of property wherein a business or activity for which a license or permit is sought or wherein a business or activity is to be conducted unless and until any delinquent property taxes or assessments on such property are paid and current. This subsection shall not apply to licenses issued pursuant to the Alcoholic Beverage Control Act of the State of New Jersey.
- D. The applicant shall supply a certificate from the Township Tax Collector that all property taxes and assessments are paid and current on the subject property.
- E. A license issued pursuant to this chapter may be revoked or suspended when any licensee who is the owner of the property upon or within which the licensed activity is conducted has failed to pay the taxes due on the property for at least three consecutive quarters.
- F. A license may be denied wherein the business has willfully conducted business activity with the intent to avoid the requirements of this code and/or the payment necessary to conduct such activity(ies).

SECTION 2. Section 590-7 is hereby supplemented by the addition of Paragraph I as follows:

- I. General Business Fee: Any business not falling within any category outlined in any other section of this ordinance shall be subject to a fee of \$129.00 to operate any “Miscellaneous” commercial activity within the Township of Irvington.

SECTION 3. All ordinances or parts of ordinances inconsistent or in conflict with the provisions of the within ordinance are hereby repealed to the extent of any inconsistency or conflict therewith.

SECTION 4. This ordinance shall take effect upon final passage and publication according to law.

The public hearing on this ordinance is now open.

There were no requests to be heard.

Hudley - Burgess Motion to close public hearing.

Adopted
Absent: Frederic

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

Adopted
Absent: Frederic

3. Acting President Burgess: An ordinance amending Section 7-28 of the Revised Code regarding the manner of addressing the Council will be heard at this time. For the record, this notice of hearing is identical to the first notice that was read. The Clerk will read the Ordinance by title.

AN ORDINANCE AMENDING AND SUPPLEMENTING SECTION 7-28 OF THE REVISED CODE OF THE TOWNSHIP OF IRVINGTON ENTITLED “MANNER OF ADDRESSING THE COUNCIL”.

BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON as follows:

SECTION 1. Section 7-28 of the Revised Code is hereby amended and supplemented as follows:

A. Citizens seeking to address the Council at the beginning of the meeting under Hearing of Citizens on Agenda Items only session about agenda items only must sign in with their name, address, telephone number and Agenda Item Number at the beginning of each regular Council meeting on a form. Failure to submit the form with the required information within five minutes from the scheduled start of the meeting shall preclude the citizen from addressing the Council during the beginning of the meeting under the Hearing of Citizens on Agenda Items Only session. Citizens' remarks are also limited to three minutes, totaling no more than 30 minutes. Questions raised by citizens during this session of the

meeting involving administrative matters shall be included on the form and answered in writing by the appropriate administrative department, upon it being transmitted to the appropriate administrative departments. For the purposes of this section, no time balance from any one citizen or any one Council member may be relinquished to another citizen or Council member. All remarks shall be addressed to the Council President. All remarks for the purposes of this section must pertain directly to matters which appear on the Municipal Council's agenda for that particular meeting. Dialogue between the person addressing the Council and the Members of Council shall not be allowed.

B. Citizens seeking to address the Council at the end of the meeting under the General Hearing of Citizens and Council Members session on community issues only must sign in with their name, address and telephone number at the beginning of each regular Council meeting on a form. Failure to submit the form with the required information within five minutes from the scheduled start of the meeting shall preclude the citizen from addressing the Council at the end of the meeting under the General Hearing of Citizens and Council Members session. Citizens' remarks are limited to three minutes. Questions raised by citizens during this session of the meeting involving administrative matters shall be included on the form and answered in writing by the appropriate administrative department, upon it being transmitted to the appropriate administrative departments. For the purposes of this section, no time balance from any one citizen or any one Council member may be relinquished to another citizen or Council member. All remarks shall be addressed to the Council President. All remarks for the purposes of this section must pertain directly to on community issues only. Dialogue between the person addressing the Council and the Members of Council shall not be allowed.

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

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

The public hearing on this ordinance is now open.

There were no requests to be heard.

Burgess – Hudley Motion to close public hearing.

Adopted
Absent: Frederic

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

Adopted
Abstain: Inman
Absent: Frederic

4. Acting President Burgess: An ordinance authorizing a quit claim deed for 54 Grove Terrace, Block 116, Lot 45 From Willie Wiggins will be heard at this time. For the record, this notice of hearing is identical to the first notice that was read. The Clerk will read the Ordinance by title.

N ORDINANCE ACCEPTING A QUIT CLAIM DEED FOR 54 GROVE TERRACE, IRVINGTON, NEW JERSEY, 07111, Block 116 and Lot 45 IN THE TOWNSHIP OF IRVINGTON FROM WILLIE RIGGINS

WHEREAS, N.J.S.A. 40A:12-5(a)(1) provides that municipality may, by ordinance, acquire real property with or without a capital improvement by gift; and

WHEREAS, as a result of serious disrepair and the inability of Willie Riggins to financially maintain the lot located at 54 Grove Terrace, Irvington, New Jersey 07111, they would like to transfer ownership of said lot to the Township of Irvington; and

WHEREAS, the Township of Irvington has dedicated itself to either build or to facilitate the building on said lot under its Redevelopment Authority powers; and

WHEREAS, Willie Riggins will deed the following lot to the Township: 54 Grove Terrace, IRVINGTON, NEW JERSEY, 07111, Block 116 and Lot 45

NOW, THEREFORE, BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that it accepts the Deed from Willie Riggins to acquire title to 54 Grove Terrace, Irvington, New Jersey 07111, Block No. 116 and Lot No. 45 on behalf of the Township of Irvington and directs that the said lot be placed on the Township's inventory of property owned by the Township.

The public hearing on this ordinance is now open.

There were no requests to be heard.

Hudley – Burgess Motion to close public hearing.

Adopted
Absent: Frederic

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

Adopted
Absent: Frederic

C. Bills & Claims

Burgess – Vick 1. Bill Lists

RESOLVED THAT THE BILLS AND CLAIMS AGAINST THE TOWNSHIP OF IRVINGTON FOR A PERIOD SEPTEMBER 23, 2019 AS ENUMERATED ON THIS LIST FOR MATERIALS, SUPPLIES AND SERVICES FURNISHED, DELIVERED AND/OR PERFORMED HAVE BEEN CERTIFIED BY THE DEPARTMENTS AS CORRECT, EACH CLAIM AND PURCHASE ORDER HAVE BEEN VERIFIED AND REVIEWED FOR THE AVAILABILITY OF FUNDS, ACCURACY OF ACCOUNT CODING AND COMPLETENESS BY THE ADMINISTRATION, THEREFORE:

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

BILL LIST	\$2,157,916.52
TOTAL	\$2,157,916.52

Adopted
No: Inman
Absent: Frederic

Burgess – Beasley 2. Payrolls

August 30, 2019

REGULAR	OVERTIME	OTHER	TOTAL
\$727.26	\$84.66	(-\$90.00)	\$721.92

September 13, 2019

REGULAR	OVERTIME	OTHER	TOTAL
\$1,588,579.45	\$176,447.94	\$94,968.41	\$1,859,995.80

Adopted
No: Inman
Absent: Frederic

9. Resolutions & Motions

A. Resolutions

Hudley – Burgess 7. Award Bid – One Year Lease of Street Sweepers With Licensed Operators - Shauger Property Service - \$174,000.00 - September 24, 2019 to September 23, 2020

RESOLUTION AWARDING A CONTRACT FOR THE RENTAL OF STREET SWEEPERS WITH LICENSED OPERATORS FOR ONE YEAR

WHEREAS, sealed bids were received on July 31, 2019 for the rental of street sweepers with licensed operators in response to published advertisement for bids in the New Jersey Star Ledger on July 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 Public Works Director for review and recommendation; and

WHEREAS, the Public Works Director has recommended that the award should be made to Shauger Property Service, 429 Dodd Street, East Orange, NJ 07017 on the basis of their lowest responsible, responsive bid of \$174,000.00 per year; and

NOW THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that a contract for the rental of street sweepers with licensed operators be awarded to Shauger Property Service, 429 Dodd Street, East Orange, NJ 07017, on the basis of their lowest, responsible, responsive bid of \$174,000.00 starting on September 24, 2019 until September 23, 2020; 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

BE IT FURTHER RESOLVED, the Township Clerk is authorized to return the bid security for this project to all bidders; and

BE IT FURTHER RESOLVED that the required certification of availability of funds C9-00283 in the amount of \$29,000.00 from account number 9-01-21-165-165-299 has been obtained from the Chief Financial Officer and the remaining balance of \$145,000.00 will be certified upon the adoption of the 2019-2020 budgets.

Adopted
No: Inman
Absent: Frederic

Burgess – Vick 8. Authorize Accelerated Tax Sale

RESOLUTION TO HOLD AN ACCELERATED TAX SALE

WHEREAS, the Township of Irvington desires to hold, pursuant to N.J.S.A. 54:5-19, an accelerated sale of Tax Liens, on or before December 31, 2019; and

WHEREAS, a list of said Tax Liens will be created after the Calendar Fiscal Year 2019 4th quarter grace period has expired; and

WHEREAS, the Township of Irvington shall mail by regular or certified mail, two (2) Tax Sale Notices in lieu of two publications in the local newspaper; and

WHEREAS, the mailing cost of each notice is not to exceed \$25.00 for each notice, pursuant to N.J.S.A.54:5-26; and

WHEREAS, the Township of Irvington shall collect the cost of sale fee of 2% of the existing delinquency, not less than \$15.00 and not more than \$100.00 for each parcel listed pursuant to N.J.S.A.54:5-38; and

WHEREAS, the fees for the cost of mailing each notice is permissive and does not have to be charged to each parcel listed in the Accelerated Tax Sale; and

WHEREAS, the 2% cost of sale fee is not permissive and must be collected for each parcel, not less than \$15.00 and not more than \$100.00;

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that it hereby authorizes the Township of Irvington to conduct an accelerated sale of Tax Liens and collect the \$25.00 per tax sale notice and to collect the 2% cost of sale for each delinquency in the tax sale list.

Adopted
No: Inman
Absent: Frederic

Beasley – Hudley 9. Authorizing Access Agreement With Redevelopment Capital Partners, LLC For Twelve Township Owned Properties

RESOLUTION OF THE TOWNSHIP OF IRVINGTON AUTHORIZING AN ACCESS AGREEMENT WITH REDEVELOPMENT CAPITAL PARTNERS, LLC

WHEREAS, the Municipal Council (the “**Township Council**”) of the Township of Irvington (the “**Township**”) is authorized pursuant to the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1 et seq.* (the “**Redevelopment Law**”), to determine whether certain parcels of land within the Township constitute an area in need of rehabilitation and/or an area in need of redevelopment; and

WHEREAS, in accordance with the requirements of the Redevelopment Law, by Resolution dated July 14, 2015 the Township Council designated the entire Township as an area in need of rehabilitation (the “**Rehabilitation Area**”); and

WHEREAS, by Ordinance MC No. 3549 dated August 11, 2015, the Township Council duly adopted a redevelopment plan to govern the redevelopment of the Rehabilitation Area, entitled the *Township-Wide Area in need of Rehabilitation Redevelopment Plan* (the “**Redevelopment Plan**”) in accordance with the requirements of the Redevelopment Law; and

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

WHEREAS, pursuant to *N.J.S.A. 40A:12A-15*, with respect to a redevelopment project in an area in need of rehabilitation, the municipality or redevelopment entity, upon the adoption of a redevelopment plan for the area, may perform any of the actions set forth in *N.J.S.A. 40A:12A-8(g)*, specifically “lease or convey property or improvements to any other party pursuant to this section, without public bidding and at such prices and upon such terms as it deems reasonable, provided that the lease or conveyance is made in conjunction with a redevelopment plan...”; and

WHEREAS, the Township is the owner of the following properties located within the Rehabilitation Area:

BOCK	LOT	LOCATION
131	24	715 Grove Street
136	24	35-39 22 nd Street
136	29	21-23 22 nd Street
137	11	36-38 22 nd Street
141	17	127 22 nd Street.
142	7	130 22 nd Street
144	1	332 21 st Street
148	23	95 22 nd Street
162	23	413 21 st Street
162	17	759 Springfield Avenue
162	16	761 Springfield Avenue
207	31	103 Ellis Avenue

(the “**Premises**”); and

WHEREAS, Redevelopment Capital Partners, LLC (“**RCP**”) proposes to acquire the Premises and to redevelop same; and

WHEREAS, pursuant to the Redevelopment Law and the Redevelopment Plan, the Township designated RCP as redeveloper of the Premises, subject to the acquisition of the Premises and the execution of a redevelopment agreement between the Township and RCP for the redevelopment of same; and

WHEREAS, to facilitate the Parties’ negotiation of a redevelopment agreement, RCP requires access to the Premises to perform visual, non-invasive inspection of the Premises; and

WHEREAS, the Township desires to authorize a site access agreement, in substantially the form attached hereto (the “**Access Agreement**”), to establish the terms and conditions of such access to the Premises,

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 Access 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 Access Agreement authorized hereby, shall be construed in any way to bind the Township to execute one or more definitive agreements with respect to the Premises.

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.

A. Exhibit A

B. ACCESS AGREEMENT

Adopted
No: Inman
Absent: Frederic

10. Acting President Burgess: An amendment to the Calendar Year 2019 Municipal Budget was introduced on September 9, 2019, published in the Irvington Herald on September 19, 2019 and public hearing scheduled 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 Calendar Year 2019 Budget Amendment

**Township of Irvington
County of Essex
Resolution to Amend Budget**

WHEREAS, the local Municipal Budget for the CY 2019 was approved on 24th day of June, 2019, and

WHEREAS, the public hearing on a said Budget has been held as advertised, on August 12, 2019 and

WHEREAS, it is desires to amend said approved Budget.

NOW THEREFORE BE IT RESOLVED, by the Governing Body of the Township of Irvington, County of Essex, that the following amendments to the approved Budget of CY 2019 be made:

(Abstained	(
(((
(((
RECORDED VOTE	Ayes (Nays ((
((Absent	(

	<u>From</u>	<u>To</u>
<u>General Revenues</u>		
1. Surplus Anticipated	2,990,000.00	

3,692,785.69

2. Surplus Anticipated with Prior Written Consent of
Director of Local Government Services

-

3. Miscellaneous Revenue-Section A: Local Revenue

Municipal Court	2,750,000.00	2,790,000.00
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General Capital Surplus	-	63,964.65
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Total Section A: Local Revenue	12,098,000.00	12,201,964.65
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3. Miscellaneous Revenue-Section B: State Aid Without
Offsetting Appropriations

State School Building Aid Allowance	-	-
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Total Section B: Local Revenue	11,641,169.00	11,641,169.00
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3. Miscellaneous Revenue-Sections C: Dedicated Uniform
Construction Code Fees

Offset with Appropriations

Uniform Construction Code Fees	800,000.00	830,000.00
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Total Section C: Local Revenue	800,000.00	830,000.00
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3. Miscellaneous Revenues - Section F: Special Items of
General Revenue Anticipated with

Prior written Consent of Director of Local Government
Services- Public and Private

Revenues Offset with Appropriations: State & Federal
Grants

Grants

Investors Savings Foundation	-	4,500.00
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Clean Communities - 2019	-	92,027.82
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State Of NJ CLPP Grant 2019	-	551,000.00
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Municipal Alliance	-	41,580.00
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NJ DOT 2019 Resurfacing Program		1,012,585.00
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HOPWA	-	298,720.00
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NJ DOH Child Adolescents Program CLEP	-	568,000.00
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Edward Byrne Memorial JAG Grant - 2017	- 507,426.00
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Edward Byrne Memorial JAG Grant - 2018	- 469,829.00
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Unappropriated Grants

Clean Communities -2018	- 82,472.53
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Child Summer Food Program -2018	- 55,320.33
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State of NJ CLPP lead Program	34,250.00	168,126.76
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**Total Section F: Special Items of General Revenue
Anticipated, Public and Private**

Revenue Offset with Appropriations:	1,056,966.80	4,874,304.24
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**3. Miscellaneous Revenue - Section G: Special Items of
General Revenue Anticipated with
Prior Written Consent of Director of Local Government
Services - Other Special items:**

Special Tax Lien Sale	1,582,587.00	1,624,602.00
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State School Building Aid Allowance	-	-
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**Total Section G: Special Items of General revenue
anticipated with prior written
consent of the Director of Local Government
Services**

	5,425,827.03	5,467,842.03
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4. Receipts from Delinquent Taxes	3,025,000.00	3,025,000.00
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Summary of Revenues

1. Total Surplus Anticipated	2,990,000.00	3,692,785.69
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2. Surplus Anticipated with Prior Witten Consent of Director of Local Government Services	-	-
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3. Miscellaneous Revenues:

Total Section A: Local Revenue:	12,098,000.00	12,201,964.65
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Total Section B: State Aid without Offsetting Appropriations:	11,641,169.00	11,641,169.00
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Total Section C: Dedicated Uniform Construction Code Fees offset with Appropriations	800,000.00	830,000.00
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Total Section D: Special Items of General Revenue, Inter local Muni. Services	-	-
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Total Section E: Special Items of General Revenue, Additional Revenues	-	-
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Total Section F: Special Items of General Revenue, Public and Private Revenue	1,056,966.80	4,874,304.24
Total Section G: Special items of General Revenue, Other Special Items	5,425,827.03	5,467,842.03
Total Miscellaneous Revenue	31,021,962.83	35,015,279.92
4. Receipts from Delinquent Taxes	3,025,000.00	3,025,000.00
5. Subtotal General Revenues (Items 1,2,3 and 4)	37,036,962.83	41,733,065.61
6. Amount to be Raised by Taxes for support of Municipal Budget:		
a) Local Tax for Municipal Purposes Including Reserve for Uncollected Taxes	74,097,510.21	74,691,703.08
b) Addition to Local District School Tax	2,748,365.26	2,748,365.26
c) Minimum Library Tax	677,193.54	677,193.54
7. TOTAL GENERAL REVENUES	\$ 114,560,031.84	\$ 119,850,327.49

8. GENERAL APPROPRIATIONS

Legal Department	265,000.00	255,000.00
Police Department S&W	20,487,272.78	20,637,272.78
Recreation Dept O&E	39,500.00	64,500.00
Surety Bonds	2,250,000.00	2,075,000.00
Group Health Insurance	15,400,000.00	15,850,000.00
Workers Compensation	1,425,000.00	1,700,000.00
Telephone Lease	55,000.00	35,000.00
Fire Hydrants	400,000.00	375,000.00
(A) Operations Within "CAPS"		-
Total Operations (Item 8 (A) Within "CAPS"	74,452,620.24	75,122,620.24
(E) Deferred Charges and Statutory Expenditures - Municipal Within "CAPS"		
Over expenditure in Health Benefits		- 46,293.05

Expenditures without Appropriation Grant Fund - 579,447.11

STATUTORY EXPENDITURES

Social Security 1,582,985.00 1,575,000.00

**Total Deferred Charges and Statutory Expenditures -
Within "CAPS" 12,062,695.67 12,680,450.83**

**(H-1) Total General Appropriations for Municipal
Purposes Within "CAPS" 86,515,315.91 87,803,071.07**

8. GENERAL APPROPRIATIONS

(A) Operations - Excluded from "CAPS" - -

Municipal Library 1,150,000.00 1,135,000.00

Total Other Operations - Excluded from "CAPS" 6,270,735.00 6,255,735.00

**(A) Operations - Excluded from "CAPS"
Public and Private Programs Offset by Revenues**

Investors Savings Foundation - 4,500.00

Clean Communities - 2019 - 92,027.82

State Of NJ CLPP Grant 2019 - 551,000.00

Municipal Alliance - 2019 - 41,580.00

Municipal Alliance - Cash Match-2019 - 10,500.00

HOPWA - 298,720.00

NJ DOT 2019 Resurfacing Program 1,012,585.00

NJ DOH Child Adolescents Program CLEP - 568,000.00

Edward Byrne Memorial JAG Grant - 2017 - 507,426.00

Edward Byrne Memorial JAG Grant - 2018 - 469,829.00

Unappropriated Grants

Clean Communities -2018 - 82,472.53

Child Summer Food Program -2018 - 55,320.33

State of NJ CLPP lead Program

34,250.00 168,126.76

Total Public and Private Program Offset By Revenue 1,056,966.80 4,884,804.24

Total Operations Excluded from "CAPS" 7,327,701.80 11,140,539.24

8. General Appropriations

(C) Total Capital Improvements - Excluded from "CAPS"

Total Capital Improvements - Excluded from "CAPS" 400,000.00 400,000.00

(D) Municipal Debt Service - Excluded from "CAPS"

Demolition Loan 96,017.00 216,017.00

Total Municipal Debt Service - Excluded from 'CAPS" 6,773,832.00 6,893,832.00

(E) Deferred Charges - Municipal - Excluded from "CAPS"

Deferred Charges to Be raised future taxation
General Cap - 63,964.65

Total Deferred Charges - Municipal- Excluded from "CAPS" 3,526,614.14 3,590,578.79

(H-2) Total General Appropriations for Municipal Purposes Excluded from "CAPS" 18,028,147.94 22,024,950.03

(I) Type 1 District School Debt Services

Total Local School Purposes 4,808,107.13 4,808,107.13

(O) Total General Appropriations - Excluded from "CAPS" 22,836,255.07 26,833,057.16

(L) Subtotal General Appropriations {items (H-1) and (O)} 109,351,570.98 114,636,128.23

(M) Reserve for Uncollected Taxes 5,208,460.86 5,214,199.26

9. Total General Appropriation \$ 114,560,031.84 \$ 119,850,327.49

Summary of Appropriations:

(H-1) Total General Appropriations for

Municipal Purposes within "CAPS" 86,515,315.91 87,803,071.07

(a) Operations - Excluded from "CAPS" -

		-
Other Operations	6,270,735.00	6,255,735.00
Public & Private Programs Offset by Revenues	1,056,966.80	4,884,804.24
(C) Capital Improvement	400,000.00	400,000.00
(D) Municipal Debt Service	6,773,832.00	6,893,832.00
(E) Total Deferred & Statutory Charges - Excluded from "CAPS"	3,526,614.14	3,590,578.79
(F) Judgments		- -
(G) Cash Deficit - With Prior Consent of LFB		- -
(K) Local District School Purpose	4,808,107.13	4,808,107.13
(N) Transferred to Board of Education		- -
(M) Reserve for Uncollected Taxes	5,208,460.86	5,214,199.26
9. Total General Appropriation	\$ 114,560,031.84	\$ 119,850,327.49

BE IT FURTHER RESOLVED, that three certified copies of this resolution be filed in the Office of the Director of the Division of Local Government Services for his certification of the 2019 Local Municipal Budget so amended.

BE IT FURTHER RESOLVED, that this complete amendment, in accordance with the provisions of N.J.S 40A:4-9, be published in the Irvington Herald in the issue of 09/19 /2019 and the said publication contain notice of public hearing on said amendment to be held at Town Hall, 1 Civic Square, Irvington, NJ on September 23, 2019 at 7:30 P.M.

It is hereby certified that this is a true copy of resolution amending the budget, adopted by the Governing Body on 23th day of September, 2019.

Harold Weiner, Municipal Clerk

It is hereby certified that all changes are in proof and the budget remains in balance.

Faheem J. Ra' Oof, CPA, Director of Revenue & Finance

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

There were no requests to be heard.

Hudley – Cox	Motion to close public hearing
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Adopted
Absent: Frederic

Hudley – Cox Motion to adopt Calendar Year 2019 Budget Amendment

Adopted
No: Inman
Absent: Frederic

Hudley – Cox Motion to Adjourn the Adoption the Calendar Year 2019 Budget as Amended

Adopted
Abstain: Inman
Absent: Frederic

ALCOHOLIC BEVERAGE CONTROL BOARD

SEPTEMBER 23, 2019

1. Chairman Cox calls the Meeting to Order

Roll Call

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

Absent: Charnette Frederic (excused)

2. New Business

Cox – Burgess A. Person to Person Transfer of ABC POCKET Consumption License From KB Montana, Inc., to Yunga's Brothers, LLC

WHEREAS, application has been made by Yunga's Brothers, LLC, a corporation, c/o Manuel Yunga, 25 Laurel Avenue, Irvington, N.J. 07111, for the transfer of Plenary Retail Consumption Licenses #0709-33-041-003 heretofore issued to K.B. Montana, Inc., a corporation, Trading as Casey's Tavern, (INACTIVE LICENSE) to Yunga's Brothers, LLC, a corporation, c/o Manuel Yunga, 25 Laurel Avenue, Irvington, N.J. 07111 (INACTIVE LICENSE); and

WHEREAS, the applicant has complied with all applicable State Statutes and Regulations and Chapter 59, Section 21 of the Irvington Revised Code:

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL ACTING AS THE ALCOHOLIC BEVERAGE CONTROL BOARD OF THE TOWNSHIP OF IRVINGTON, NEW JERSEY that the application be and the same is hereby granted; that Plenary Retail Consumption License #0709-33-041-003 heretofore issued to K.B. Montana, Inc., a corporation, Trading as Casey's Tavern, (INACTIVE LICENSE) be transferred over and to Yunga's Brothers, LLC, a corporation, c/o Manuel Yunga, 25 Laurel Avenue, Irvington, N.J. 07111, (INACTIVE LICENSE); and

BE IT FURTHER RESOLVED that the Chief License Clerk is hereby authorized to endorse the aforesaid license over and to Yunga's Brothers, LLC, a corporation, c/o Manuel Yunga, 25 Laurel Avenue, Irvington, N.J. 07111, (INACTIVE LICENSE) in accordance with N.J.A.C. 13:2-7.21.

FEE PAID \$380.00 NEW LICENSE NUMBER 0709-33-041-004

Effective Date of Transfer: September 23, 2019

Adopted
Absent: Frederic

3. Adjournment

COUNCIL MEETING (RESUMED)

12. Miscellaneous

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

Larry Cohen, Fanwood, N.J., Representing the United States Humane Society
Merrick Harris, 6 Hennessey Place
Dr. Chhabra, Owner, 873 Stuyvesant Avenue, Formerly Polo Liquors
Nduna Gora, 12 Beaumont Place

Council Members Inman, Cox 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 8:14 P.M.

Renee C. Burgess, Acting Council President Harold E. Wiener, Municipal Clerk

