

REGULAR COUNCIL MEETING
OCTOBER 15, 2019

Council Chamber, Municipal Building
Irvington, N.J. – Tuesday Evening
October 15, 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, Orlander G. Vick

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)

Elouise McDaniel, 214 Nesbit Terrace
Merrick Harris, 6 Hennessey Place

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 – September 23, 2019
2. Joint Meeting – 4th Quarter Assessment
3. Municipal Court - Electronic Collections Report - August, 2019

7. Reports of Committees

- A. Requests for Proposals - On Line Tax Sale Hosting Services – 10-3-19
- B Requests for Proposals – Tax Appeal Attorney - 10-3-19

8. Ordinances, Bills & Claims

None

9. Resolutions & Motions

A. Resolutions

Hudley – Frederic 1. Relax Holiday Parking Restrictions for the 2019 Holiday Season

WHEREAS, N.J.S.A 39:4-8 c (1) provides that a municipality may, by resolution prohibit general parking; and

WHEREAS, the Municipal Council is desirous of relaxing metered parking restrictions during the holiday season in an effort to promote the economic well being of the community and the help offset the current down turn in the nation's economic climate:

NOW, THEREFORE BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that metered parking restrictions shall be relaxed during the holiday season from November 22, 2019 through January 2, 2020; and

BE IT FURTHER RESOLVED that the Clerk is hereby authorized and directed to forward a copy of this resolution to the Public Safety Director and that the Public Safety Director is hereby authorized and directed to enforce the provisions of this resolution with the full force and effect of law.

Adopted

Burgess - Hudley 2. Commemoration - Latino/Hispanic Heritage Month

LATINO/HISPANIC HERITAGE MONTH-2019

WHEREAS, during the month of September and October, Latino residents of Irvington celebrate in honor of Latinos/Hispanic Heritage Month; and

WHEREAS, the Latino population of Irvington is growing and is rich in culture and heritage and the Township of Irvington is pleased to be able to honor those who play a large part in enhancing our community for the benefit of all; and

WHEREAS, the Latino people have made great contributions in the areas of architecture, sciences and in many other spheres of human enlightenment which are sources of advancements that make up America and the world today; and

WHEREAS, the nation's Latinos/Hispanic Heritage is more than five centuries old, its first official recognition did not occur until 1968. In that year both the House and Senate authorized an annual Proclamation designating the week of September 15th and 16th as Latinos/Hispanic Heritage Week which later was extended for a month by President Reagan; and

WHEREAS, "September 15 was chosen as the starting point for the celebration because it is the anniversary of independence of five Latin American countries: Costa Rica, El Salvador, Guatemala, Honduras and Nicaragua. They all declared independence in 1821. In addition, Mexico, Chile and Belize celebrate their independence days on September 16, September 18 and September 21, respectively"; and

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that it hereby commemorates September 15, 2019 through October 15, 2019 as Latinos/Hispanic Heritage Month in the Township of Irvington and sends its congratulations and warmest regards to Irvington's Latino community; and

BE IT FURTHER RESOLVED that copies of this resolution be spread upon the minutes of the Irvington Municipal Council in recognition of our outstanding Latinos and community leaders.

Adopted

Burgess – Hudley 3. Commemoration – Global Cat Day – October 16, 2019

**GLOBAL CAT DAY
2019**

WHEREAS, "Global Cat Day" is observed annually on October 16. Global Cat Day (2019) takes the place of National Feral Cat Day which was initiated by Alley Cat Allies in 2001; and

WHEREAS, in August of 2001, Alley Cat Allies celebrated their 10th anniversary, and launched the first annual Feral Cat Day to promote raising awareness about feral cat colonies and how to care for, and prevent them. Alley Cat Allies is a strong supporter of the 'Trap-Neuter-Return' policy, where stray cats are captured and brought in to local volunteer veterinarians to be neutered and returned to the streets. This allows the cats to live out their lives on the streets, without creating more kittens to perpetuate the problem; and

WHEREAS, Feral Cat Day is best celebrated by alerting people the various issues facing stray cats. Most cities currently catch and impound cats in shelters, briefly attempting to get them adopted before ultimately euthanizing them. Instead you can educate others about organizations like Alley Cat Allies, and the Trap-Neuter-Return policy that saves the cats lives while preventing future generations; and

WHEREAS, for many, feral cats are simply seen as a part of the community, and there's not much we can do to improve their lives. However, what many don't realize is that feral cats have an average of 1.4 litters each year, with an average of 3.5 kittens in each litter. That adds up to 420,000 kittens over seven years; and

WHEREAS, every year, nearly nine million dogs and cats are put down because the shelters can't find a home for them. By lowering the number of strays that are put in shelters in the first place, we can drastically cut back the number of animals that must be euthanized.

NOW THEREFORE BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that October 16, 2019 be designated as Global Cat Day in the Township of Irvington.

Adopted

Frederic – Hudley 4. Authorize Emergency Prosecutor Services With Camili Law LLC For the September 9, 2019 and September 11, 2019 Court Sessions - \$300.00 Per Court Session – Total \$600.00

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

WHEREAS, resolution number TA 19-0909-27 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 September 09 and 11, 2019 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 September 09 and 11, 2019;

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 September 09 and 11, 2019 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 C9-00289.

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

Frederic – Hudley 5. Authorize Non-Fair and Open Contract for Rabies Clinic Services for Calendar Year 2019 - People For Animals, Inc. - \$1,140.00

A RESOLUTION AUTHORIZING A NON-FAIR AND OPEN FOR RABIES CLINIC

WHEREAS, the Township of Irvington, in the County of Essex and State of New Jersey, is in need of a Veterinarian for the Township Rabies Clinic; and

WHEREAS, the Township would like to retain the service of a licensed Veterinarian to provide free rabies vaccination clinics to residents; and

WHEREAS, People for Animals, Inc., has provide the Township with a proposal to provide this service for calendar year 2019 for a total sum of \$1,140.00; and

WHEREAS, pursuant to the provisions of N.J.S.A. 19:44A-20.4 the vendor has completed the required pay to plays forms; and

WHEREAS, the C-271 Political Contribution Disclosure forms were on file in the Office of the Municipal Clerk and Purchasing Agent on September 17, 2019; and

WHEREAS, the Township would like to award a Non Fair and Open contract to People for Animals, Inc of 401 Hillside Ave, Hillside, NJ 07205; and

WHEREAS, the term of this contract will expire on December 31, 2019; and

WHEREAS People for Animals, Inc has completed and submitted a Business Entity Disclosure Certification which certifies that the organization has not made any reportable contributions to a political or candidate committee in the Township of Irvington in the previous one year, and that the contract will prohibit People for Animals, Inc from making any reportable contributions through the term of the contract, and

NOW THEREFORE, BE IT RESOLVED that the Municipal Council of the Township of Irvington authorizes the award of a non-fair and open contract to People for Animals, Inc of 401 Hillside Ave, Hillside, NJ 07205; and,

BE IT FURTHER RESOLVED that the required certification of availability of funds C9-00280 in the amount of \$1,140.00 from account number 9-01-27-335-335-299 has been obtained from the Chief Financial Officer.

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 FURTHER RESOLVED notice of this action shall be published in newspapers as required by law by the Municipal Clerk.

Adopted

Cox – Burgess 6. Authorize Purchase of Office Furniture Over the Pay to Play Threshold of \$17,500.00 and Under the Bid Threshold of \$40,000.00 Based Upon Lowest Quotation - National Business Furniture

AUTHORIZING PURCHASES OVER THE PAY TO PLAY THRESHOLD OF \$17,500.00 BUT UNDER THE BID THRESHOLD OF \$40,000.00 FOR OFFICE FURNITURE

WHEREAS, the various departments are in need of office furniture; and

WHEREAS, the Township has obtained three quotes for this service from National Business Furniture, 770 S/ 70th Street, Milwaukee, WI 53214., Office Concept Group 301 Greenwood Ave, Midland Park, NJ 07432 and Digital Buyer.com herein attached; and

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WHEREAS, National Business Furniture of 770 S/ 70th Street, Milwaukee, WI 53214 has provided the lowest quote for this service; and

WHEREAS, in compliance with 19:44a-20.13 et., seq., National Business Furniture will exceed the Pay-to-Play threshold of \$17,500.00 for calendar year 2019; and,

WHEREAS, National Business Furniture has completed and submitted 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 National Business Furniture in excess of the pay to play threshold \$17,500.00 but under the bid threshold of \$40,000.00; 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 additional vendors exceeding the bid threshold of \$17,500.00.

Adopted

Inman – Hudley 7. Authorize Contract for Renovations to Berkeley Terrace Playground Over the Pay to Play Threshold of \$17,500.00 and Under the Bid Threshold of \$40,000.00 From Downes Tree Service – \$39,850.00

AWARDING A CONTRACT OVER THE PAY TO PLAY THRESHOLD FOR RENOVATIONS OF BERKELEY FIELD

WHEREAS, the Recreation department wishes to renovate the parkway playground area at Berkeley Field, and;

WHEREAS, the Recreation Director has obtained two quotes for this service from Ditomaso Landscape Group and Downes Tree Services, herein attached.

WHEREAS, this service will exceed the Pay to Play Threshold of \$17,500.00, and;

WHEREAS, the Downes Tree Services has provided the lowest quote for this service, and;

WHEREAS, pursuant to the provisions of N.J.S.A. 19:44A-20.4 the vendor has completed the required pay to plays forms; and

WHEREAS, the C-271 Political Contribution Disclosure forms were on file in the Office of the Municipal Clerk and Purchasing Agent on September 20, 2019; and

NOW THEREFORE, BE IT RESOLVED that the Municipal Council of the Township of Irvington authorizes the award of a contract to Downes Tree Service of 65 Royal Ave, Hawthorne, NJ 07506 in the amount of \$39,850.00 to renovate the parkway playground at Berkeley Field; and,

BE IT FUTHER RESLOVED that the required certification of availability of funds C9-00287 in the amount of \$39,850.00 from account number C-04-56-852-019-911 has been obtained from the Chief Financial Officer.

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

Frederic – Hudley 8. Authorize Sale of Old and Used Equipment Through Municibid

AUTHORIZE DISPOSAL OF OLD/USED EQUIPMENT WITH MUNICIBID

WHEREAS, the Township of Irvington is the owner of certain equipment that is no longer being used; and

WHEREAS, the Township of Irvington is desirous of selling said equipment in an "as is" condition without express or implied warranties.

NOW THEREFORE BE IT RESLOVED, by the Township of Irvington, in the County of Essex, as follows:

- (1) The sale of old/used equipment shall be conducted through Municibid pursuant to State of Contract T2581 in accordance with the terms and conditions of the State Contract. The terms and conditions of the agreement entered into with Municibid is available online at Municibid.com and also available in the Division of Purchasing.
- (2) The sale will be conducted online and the address of the auction site is Municibid.com
- (3) The sale is being conducted pursuant to Local Finance Notice 2008-9.
- (4) A complete list of the old/used equipment is attached to this resolution, herein apart of the record.
- (5) The equipment on the attached list shall be sold in an "as is" condition without express or implied warranties with the successful bidder required to executed a Hold Harmless and Indemnification agreement concerning use of said surplus property.
- (6) The Township of Irvington reserves the right to accept or reject any bid submitted.
- (7) In the event that no bids are received, the Purchasing Agent is authorized to dispose of same for the benefit of the Township.

Adopted

Frederic- Vick 9. Authorize Change Order – Resurfacing of Madison Avenue – Reduce Contract Price by 2.8% - From \$245,944.31 to \$239,109.81

RESOLUTION TO ISSUE CHANGE ORDER NO.1 & FOR THE RESURFACING OF MADISON AVENUE, STUYVESANT AVENUE TO WASHINGTON AVENUE

WHEREAS, the Township of Irvington received a Grant from the New Jersey Department of Transportation (NJDOT) Transportation Trust Fund program in the amount of \$ 390,637.00 for the Resurfacing of Madison Avenue, from Stuyvesant Avenue to Washington Avenue; and

WHEREAS, in resolution DPW 16-0712-23, the Township engaged, the professional services of Keller & Kirkpatrick to prepare plans to be publicly bid for this project; and

WHEREAS, bids for this project were publicly advertised and three bids for this project were received and publicly read on April 13, 2017; and,

WHEREAS, based on the bids that were received for this project, the bid of J.A. Alexander, Inc. of Bloomfield, NJ at their bid price of \$ 245,944.31, was accepted as the lowest responsible bid for this project and a contract was awarded for this contract; and

WHEREAS, this project is now complete and the actual constructed quantities of the contract have reduced the price of this contract from the original bid price of \$ 245,944.31 to a final constructed price of \$ 239,109.89 for a reduction of -2.8% and the actual breakdown of the specifics of how this was achieved is detailed in a memorandum from the Township Engineer dated October 3, 2019.

NOW, THEREFORE, BE IT RESOLVED BY MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that a change order, Change Order No.1 & Final, for the construction of the Resurfacing of Madison Avenue be awarded to J.A. Alexander, Inc. of Bloomfield, NJ, reducing their completed construction cost to \$ 239,109.89 and that the Mayor is authorized to execute this change order on behalf of the Township.

BE IT FURTHER RESOLVED that pursuant to N.J.A.C. 5:34-5.2, a required Certificate of Availability of Funds No.C7-00220 for the above was obtained from the Chief Financial Officer of the Township of Irvington and the appropriation for this expenditure to be charged was in the amount of \$245,944.31 and was charged to Account No. G-02-xx-865-17A-001 however as this change order is less than the amount certified for this project, a new Certificate of Availability of Funds is not required for this action.

Adopted

Burgess – Cox 10. Resolution of Sorrow - Overseer James Walker

**RESOLUTION OF SORROW
REVEREND JAMES LENEER WALKER**

WHEREAS, the Municipal Council of the Township of Irvington wishes to express their deepest sorrow on the passing of The Very Reverend James Leneer Walker; and

WHEREAS, The Very Reverend James Leneer Walker was born on September 20, 1974 in Elizabeth, New Jersey to Debra Gregg and the late Vincent Guy Walker, Sr. His father's musical gifts were passed to his children especially to Overseer Walker. Given his musical upbringing, he thought it would be fitting to continue on the legacy of "The Morgan Singers." This motivated him to pursue a passionate life of music and the arts; and

WHEREAS, at an early age, Overseer Walker was baptized and became a member of New Hope Baptist Church in Newark where he joined the Junior Choir. He also played the drums under the musical director Emily "Cissy" Houston. Overseer Walker was gifted and multi-talented in the arts and academics and was placed in the gifted and talented programs throughout his school years. He later joined Vincent Walker Testimonies of Joy; and wasn't afraid to take on new challenges; and

WHEREAS, in 1993, he graduated from Elizabeth High School and attended Upsala College in East Orange; and

WHEREAS, in 2004, Overseer Walker started his first business venture with Genesis Pest Control which it successfully grew and became "Ex-Factor Pest Control". While maintaining his own business, he was employed by Irvington Board of Education which he maintained a steady position since November 2014, where he also earned his Black Seal license. He had such great work ethics he was promoted in August of 2019 to Head Custodian at Blue Knights Academy Day School. With one thriving business, he ventured onto a second business "Hit the Floor", which he started in June 2019; and

WHEREAS, while maintaining his job and businesses, Overseer Walker attended the Screvens Memorial Bible Institute in Newark, New Jersey at Jameson Christian College where he received his Bachelors, Masters and Doctorate of Theology degrees. He was Ordained an Elder in September 2016 by Bishop Charles W. Harris Jr. & The Covenant Kingdom Ministries International. In the year 2018 Elder Walker became Deputy Adjutant General and was elevated to the Office of Overseer in The Apostolic Covenant Fellowship of Churches and Ministries. In January of 2019 Overseer Walker joined The Covenant of Hope International Assemblies and its Board of Overseers; and

WHEREAS, on Saturday, September 28, 2019, at the behest of His Master and Lord Overseer Walker went to his Heavenly Home. Overseer Walker will be missed by all who has come to know, love and cherish him; and

WHEREAS, The Very Reverend James Leneer Walker leaves to cherish his memory, his mother, Debra Young and stepfather, Van; two daughters: Charizma Walker and Jaminah Walker; two sons: DaeSean Simmons and Josiah Walker; brother, Vincent Walker Jr.; sister, Aisha Vann; fiancée, Darlene Brown; step-sister, Dequiandra Fradkin (Steve); step-brother, Jerveon Howard; four nieces: Jahnazhe' Walker, Asha, Nadia and Amanda Fradkin; two nephews: Christian Poindexter and Ivan Fradkin; uncle, Terrance Walker; aunt, Shawn

Townes; great-niece, Ma’Kyah Walker; great-nephew, Jayden Walker; and a host of dear relatives and friends:

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

BE IT FURTHER RESOLVED that a copy of this resolution be spread upon the minutes of this governing body as a lasting tribute to The Very Reverend James Leneer Walker.

Adopted

Burgess – Frederic 11. Authorize Acceptance of Lead Based Paint Hazard Reduction and Healthy Homes Grant Award for 2019-2020 Program Year – \$3,300,000.00

Resolution to Accept LEAD BASED PAINT HAZARD REDUCTION AND HEALTHY HOMES GRANT AWARD 2019-2020 Program Year

WHEREAS, the Department of Economic Development and Grants Oversight submitted a competitive grant application on behalf of the Township of Irvington to receive grant funds to implement Lead Based Paint Hazard Reduction and Healthy Homes programs in the Township of Irvington.

WHEREAS, the United States Department of Housing and Urban Development (HUD), Office of Lead Hazard Control and Healthy Homes (OLHCHH) has awarded a Fiscal Year 2019 - Lead Based Paint Hazard Reduction and Healthy Homes Grant in the amount of \$3,300,000.00 to the Township of Irvington, one of 77 state and municipal government recipients nationally, for the fiscal year October 1, 2019 to September 30, 2020 to make local housing safer and healthier.

WHEREAS, the Lead Based Paint Hazard Reduction and Healthy Homes Grants are national grants awarded to successful state and local applicants to implement lead hazard housing rehabilitation to protect children and families from lead-based paint and home health; and

BE IT FURTHER RESOLVED that the Mayor of the Township of Irvington hereby accepts this grant award from the United States Department of Housing and Urban Development (HUD), Office of Lead Hazard Control and Healthy Homes (OLHCHH) in the amount of Three Million, Three Hundred Thousand Dollars (\$3,300,000.00) to implement Lead Based Paint Hazard Reduction and Healthy Homes programs.

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that the Township of Irvington does hereby accept the award of \$3,300,000.00 for such activities.

Adopted

Cox – Vick 12. Authorize Removal of Five Bus Stops Along the Springfield 25 Line

RESOLUTION OF THE TOWNSHIP IRVINGTON, ESSEX COUNTY, NEW JERSEY

BE IT RESOLVED by the Mayor and Council of the Township of Irvington, County of Essex, State of New Jersey.

That pursuant to N.J.S.A. 39:4-8(e) the following described locations are deleted as bus stops:

County Road

1. Deleted:

Along Springfield Avenue, eastbound, on the southerly side thereof at:

a. Bruen Avenue – Near Side

Beginning at the easterly curb line of Bruen Avenue and extending 105 feet easterly therefrom

b. Grove Street – Near Side

Beginning at the easterly curb line of Grove Street and extending 105 feet easterly therefrom

c. Avon Avenue – Near Side

Beginning at the easterly curb line of Avon Avenue and extending 105 feet easterly therefrom

Along Springfield Avenue, westbound, on the northerly side thereof at:

a. South 21st Street – Near Side

Beginning at the easterly curb line of South 21st Street and extending 105 feet easterly therefrom

b. Bruen Avenue – Far Side

Beginning at the westerly curb line of Bruen Avenue and extending 105 feet Westerly therefrom

That the Mayor and Council of Irvington Township will enforce the needed traffic regulations governing the aforementioned bus stop locations and provide the necessary police security to ensure the safety of the traveling public.

Adopted

Cox – Burgess 13. Provide Consent to AT&T for Right to Maintain Poles Within the Public Right-of-Way in the Township of Irvington

RESOLUTION OF THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON

WHEREAS, New Cingular Wireless PCS, LLC ("AT&T") is a provider of commercial Mobile Service subject to regulation by the Federal Communications Commission; and

WHEREAS, AT&T has entered into agreements with parties that have the lawful right to maintain poles in the public right-of-way pursuant to which AT&T may use such poles erected within the public right-of-way in the Township of Irvington; and

WHEREAS, New Jersey law permits such use provided that there is the consent of the relevant municipality;

NOW THEREFORE BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON, COUNTY OF ESSEX, STATE OF NEW JERSEY THAT:

1. Permission and authority are hereby granted to AT&T and its successors and assigns, to use poles erected by parties that have the lawful right to maintain poles within the public right-of-way in the Township of Irvington, subject to the following:

A. AT&T, and its successors and assigns, shall adhere to all applicable Federal, State, and Local laws regarding safety requirements related to the use of the public right-of-way.

B. AT&T, and its successors and assigns, shall comply with all applicable Federal, State, and Local laws requiring permits prior to beginning construction, and shall obtain any applicable permits that may be required by the Township of Irvington.

C. Such permission be and is hereby given upon the condition and provision that AT&T, and its successors and assigns, shall indemnify, defend and hold harmless the Township of Irvington, its officers, agents, and servants, from any claim of liability or loss or bodily injury or property damage resulting from or arising out of the acts or omissions of AT&T or its agents in connection with the use and occupancy poles located within the public right-of-way, except to the extent resulting from the acts or omissions of the Township of Irvington.

D. AT&T shall, at its own cost and expense, maintain commercial general liability insurance with limits not less than \$1,000,000 for injury to or death of one or more persons in any one occurrence and \$500,000 for damage or destruction to property in any one occurrence. AT&T shall include the Township of Irvington as an additional insured. AT&T may meet all or a portion of this insurance coverage and limit requirement by self-insurance so long as it provides evidence demonstrating its financial ability to meet the insurance coverage and limit requirement. If AT&T elects to self-insure, it is not required to name additional insureds under this section.

E. AT&T shall be responsible for the repair of any damage to paving, existing utility lines, or any surface or subsurface installations, arising from its construction, installation or maintenance of its facilities.

F. Notwithstanding any provision contained herein, neither the Township of Irvington nor AT&T shall be liable to the other for consequential, incidental, exemplary, or punitive damages on account of any activity pursuant to this instrument.

G. This instrument shall be adopted on behalf of the Township of Irvington by the Municipal

Council of the Township of Irvington and attested to by the Township of Irvington Clerk who shall affix the Township of Irvington Seal thereto.

H. The permission and authority hereby granted shall continue for the same period of time as the grant to parties whose poles AT&T is using.

STATEMENT

This resolution authorizes AT&T to use poles erected within the public right-of-way of the Township of Irvington by parties that have the lawful right to maintain such poles.

Adopted

Vick – Beasley 14. Authorize the Use of AT&T National Firstnet Plan for Township Wireless Devices Through State Contract No. 82584

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

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

WHEREAS, the Police Department would like to purchase wireless equipment and devices from AT&T First Net Solution under State contract number 82584/T216A; and

WHEREAS, the Police Department will enter into a Trial period to test the device and service starting on October 15, 2019 until November 15, 2019 to determine if the cellular phones and service meets the Township's needs ; and

WHEREAS, after November 15, 2019 until February 29, 2020 if the telephone device and services meets the Township needs then the Township of Irvington intends to enter into contract with AT&T First Net Solution over the bid threshold of \$40,000.00 through this resolution and properly executed purchase orders, which shall be subject to all the conditions applicable to current State contracts.

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of Irvington authorizes the purchase of telephone equipment and service from AT&T First Net Solution, One AT&T Way, Room 2C224E, Bedminster, NJ 07921 over the bid threshold of \$40,000.00, pursuant to all the conditions of the individual State contracts; and

BE IT FURTHER RESOLVED by the Township Council that, pursuant to the N.J.A.C. 5:30-5.5(b), the certification of available funds and resolutions shall be certified at such time as the goods or services are called for prior to placing the order for good or service in excess of \$40,000.00, and a certification of availability of funds is made by the Chief Financial Officer via an authorized purchase order; and

BE IT FURTHER RESOLVED that the duration of this authorization shall be until February 29, 2020 when the State Contract expires.

BE IT FURTHER RESOLVED, that this contract shall not exceed \$200,000.00.

BE IT FURTHER RESOLVED a separate resolution will be submitted to the Municipal Council for all addition vendors exceeding the bid threshold of \$40,000.00.

Adopted

Vick - Beasley 15. Appointment – Council Second Vice – Council Member At-Large Charnette Frederic

WHEREAS, Section 7-17 (I) of the Revised Code of the Township of Irvington provides that the Municipal Council shall appoint from amongst their members a Second Vice President of the Municipal Council for a two year term at their reorganization meeting;

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

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that Council Member At-Large Charnette Frederic is hereby appointed as Council Second Vice President, filling the unexpired term of former Council Member Sandra R. Jones, effective immediately, for a term to expire on June 30, 2020.

Adopted

Cox – Hudley 16. Authorize Non-Fair and Open Contract for to Process Prescription Health Claims - CVS Pharmacy - \$4, 511,626.76

A RESOLUTION AUTHORIZING A NON-FAIR AND OPEN FOR HEALTH PRESCRIPTION CLAIMS SERVICES

WHEREAS, the Township of Irvington, in the County of Essex and State of New Jersey, is in need of health prescription claims services; and

WHEREAS, the Township would like to retain the service of CVS Pharmacy to process health prescription claims for the Township; and

WHEREAS, CVS Pharmacy has provide the Township with a proposal to provide this service for a total sum of \$4,511,626.76 for one year; and

WHEREAS, pursuant to the provisions of N.J.S.A. 19:44A-20.4 the vendor has completed the required pay to plays forms; and

WHEREAS, the C-271 Political Contribution Disclosure forms were on file in the Office of the Municipal Clerk and Purchasing Agent on September 08, 2019 ; and

WHEREAS, the Township would like to award a Non Fair and Open contract to CVS Pharmacy, 1 CVS Drive, Woonsocket, RI 02895; and

WHEREAS, the term of this contract will expire on October 09, 2020; and

WHEREAS, CVS pharmacy has completed and submitted a Business Entity Disclosure Certification which certifies that the organization has not made any reportable contributions to a political or candidate committee in the Township of Irvington in the previous one year, and that the contract will prohibit CVS Pharmacy from making any reportable contributions through the term of the contract, and

NOW THEREFORE, BE IT RESOLVED that the Municipal Council of the Township of Irvington authorizes the award of a non-fair and open contract to CVS Pharmacy, 1 CVS Drive, Woonsocket, RI 02895; and,

BE IT FURTHER RESOLVED, that the required certification of availability of funds C9-00294 in the amount of \$4,511,626.76 from account number T-15-56-286-001-000 has been obtained from the Chief Financial Officer.

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 FURTHER RESOLVED, notice of this action shall be published in newspapers as required by law by the Municipal Clerk.

Adopted

Burgess – Hudley 17. Ratify Memorandum of Understanding – Police Superior Officers Association

AMENDING MEMORANDUM OF AGREEMENT BETWEEN THE TOWNSHIP OF IRVINGTON AND IRVINGTON SUPERIOR OFFICERS ASSOCIATION

WHEREAS, the Township of Irvington and the Irvington Superior Officers' Association (SOA) has engaged in labor negotiations for the purpose of establishing salaries and other conditions of employment for members of said association of the Township of Irvington which expires on December 31, 2021; and

WHEREAS, the Township of Irvington and the SOA have reached an agreement to modify selected terms and conditions of the current CAN agreement;

NOW, THEREFORE BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that they hereby ratify and approve the terms and conditions of the amended Memorandum of Agreement attached hereto and made a part hereof; and

BE IT FURTHER RESOLVED that the Mayor and the Township Clerk are authorized and empowered to execute the said Memorandum of Agreement.

Adopted

10. Communication and Petitions

A. Communications

1. Tinton Falls – Resolution Supporting Public Question Number One on General Election Ballot – Eligibility of Veterans in Continuing Care Communities or Property Tax Deduction

11. Pending Business

None

NON-CONSENT AGENDA ITEMS

8. Ordinances, Bills & Claims

A. Ordinances on 1st Reading

Cox - Hudley 1. Amend and Supplement Parking Regulations for Street Cleaning on East Side of Glorieux Street From Nesbit Terrace to Park Place

AN ORDINANCE AMENDING AND SUPPLEMENTING SECTION 620-95 OF THE REVISED CODE REGARDING NO PARKING DURING CERTAIN HOURS

Adopted

B. Ordinances on 2nd Reading

None

C. Bills & Claims

Cox – Hudley 1. Bill Lists

RESOLVED THAT THE BILLS AND CLAIMS AGAINST THE TOWNSHIP OF IRVINGTON FOR A PERIOD OCTOBER 15, 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	\$2,536,754.37
TOTAL	\$2,536,754.37

Adopted
No: Inman

Cox – Hudley 2. Payrolls

September 27, 2019

REGULAR	OVERTIME	OTHER	TOTAL
\$1,623,972.83	\$104,488.25	\$129,236.52	\$1,857,697.60

Adopted
No: Inman

9. Resolutions & Motions

A. Resolutions

Cox - Hudley 18. Appointment – Council President – Council First Vice President Renee C. Burgess

WHEREAS, Article II, Section 7-17 (A) of the Administrative Code of the Township of Irvington provides that the term of Office of President of the Council is for a period of two (2) years; and

WHEREAS, the Council President is appointed by the Members of the Municipal Council; and

WHEREAS, a vacancy has arisen in this position as a result of the death of former Council President David Lyons:

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that Council Member At-Large Renee C. Burgess is hereby appointed as Council President, filling the unexpired term of former Council President David Lyons, effective immediately, for a term to expire on June 30, 2020.

Adopted
No: Inman

Frederic - Beasley 19. Appointment – Council First Vice President – Council Member At-Large Dr. October Hudley

WHEREAS, Section 7-17 (I) of the Revised Code of the Township of Irvington provides that the Municipal Council shall appoint from amongst their members a First Vice President of the Municipal Council for a two-year term at their reorganization meeting; and

WHEREAS, a vacancy has arisen in this position by reason of former Council First Vice President Renee C. Burgess being appointed as Council President to fill the vacancy of former Council President David Lyons:

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that Council Member At-Large Dr. October Hudley is hereby appointed as Council First Vice President, filling the unexpired term of former Council First Vice President Renee C. Burgess, effective immediately, for a term to expire on June 30, 2020.

Adopted
No: Inman

Cox - Hudley 20 Commendation – Irvington Housing Authority Executive Director Carmelo Garcia in Commemoration of Latino/Hispanic Heritage Month

RESOLUTION OF COMMENDATION FOR CARMELO G. GARCIA IN COMMEMORATION OF LATINO/HISPANIC HERITAGE MONTH

WHEREAS, Carmelo G. Garcia is the current Executive Director of the Irvington Housing Authority; and

WHEREAS, Carmelo G. Garcia previously represented the 33rd Legislative District in the New Jersey General Assembly; and

WHEREAS, in the Assembly he served on the Financial Institutions and Insurance Committee, the Human Services Committee, and the Transportation and Independent Authorities Committee; and

WHEREAS, Carmelo G. Garcia is a graduate of Seton Hall University where he received a Bachelor of Science in criminal justice and sociology and received a Master of Science from Stevens Institute of Technology in information systems and management; and

WHEREAS, Carmelo G. Garcia has served on the Hoboken Board of Education and after serving as director of human services under Hoboken mayor Dave Roberts, he was appointed to head the Hoboken Housing Authority in 2009, being the first Latino to hold the position; and

WHEREAS, Carmelo G. Garcia has been recognized as improving the operations of the Irvington Housing Authority and continues to do so:

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that Carmelo G. Garcia is hereby commended for his many civic contributions to the Township of Irvington and the State of New Jersey and is recognized by the Latino and Hispanic communities in commemoration of Latinos/Hispanic Heritage Month; and

BE IT FURTHER RESOLVED that a copy of this resolution be spread upon the minutes of this governing body as a lasting tribute to the achievements of Carmelo G. Garcia.

Adopted
Abstain: Burgess

ALCOHOLIC BEVERAGE CONTROL BOARD

OCTOBER 15, 2019

1. Chairman Cox calls the Meeting to Order

Roll Call

Present: Commissioners Beasley, Burgess, Frederic, Hdley, Inman, Vick, Chairman Cox

2. New Business

Cox – Inman A. Amend Person to Person Transfer of ABC POCKET Consumption License From KB Montana, Inc., to Yunga's Brothers, LLC to Remove Reference to Corporation Per State ABC

WHEREAS, application has been made by Yunga's Brothers, LLC, 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., Trading as Casey's Tavern, (INACTIVE LICENSE) to Yunga's Brothers, LLC, 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., Trading as Casey's Tavern, (INACTIVE LICENSE) be transferred over and to Yunga's Brothers, LLC, 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, 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 (amended language 10-15-19)

Adopted

3. Adjournment

COUNCIL MEETING (RESUMED)

12. Miscellaneous

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

Nguna Dora, 12 Beaumont Place
Kathleen Witcher, 14 Garwood Place
Cynthia Shabazz, 860 Lyons Avenue

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

13. Adjournment

There being no further business, the meeting was adjourned at 8:00 P.M.

Renee C. Burgess, Council President

Harold E. Wiener, Municipal Clerk