

# RESOLUTION OF THE TOWNSHIP OF IRVINGTON, NJ

No. **DP18-0410-8**

Date of Adoption **APRIL 10, 2018**

APPROVED AS TO FORM AND LEGALITY ON THE BASIS OF FACTS SET FORTH BY

*Legislative Research Officer*

PRESENTED BY COUNCIL MEMBER

**LYONS**

SECONDED BY

**FREDERIC**

**SUBJECT:** AUTHORIZE THE TOWNSHIP OF IRVINGTON TO PARTICIPATE IN THE FEDERAL 1033 PROGRAM PURSUANT TO 10 USC 2567 AND AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY TO ENROLL IN SUCH PROGRAM WHICH PERMITS THE UNITED STATES DEPARTMENT OF DEFENSE TO TRANSFER EXCESS PROPERTY SUITABLE FOR LAW ENFORCEMENT AND PUBLIC SAFETY ACTIVITIES TO MUNICIPALITIES AND COUNTIES.

**WHEREAS**, Federal law permits the Secretary of the United States Department of Defense to transfer to federal and state agencies personal property of the Department of Defense that the Secretary determines is suitable for use by agencies in law enforcement activities including counterdrug and counterterrorism activities and is excess to the needs of the Department of Defense; and

**WHEREAS**, Informally known as the "1033 program" this initiative allows local law enforcement agencies to obtain at little to or no cost certain surplus federal property, including aircraft, armored vehicles, automatic weapons, and night vision equipment originally intended for use by the United States Armed Forces; and

**WHEREAS**, the New Jersey Legislature has passed and the Governor has approved S-2364, on January 29, 2015 and March 16, 2015 respectively, as P.L. 2015, c.23, which mandates that future participation in the 1033 program must be approved by a resolution adopted by a majority of the full membership of the governing body; and

**WHEREAS**, the New Jersey Legislature, in enacting P.L. 2015, c.23, made the following findings and conditions:

According to the New Jersey Department of Law and Public Safety, the Office of Emergency Management has assisted with the transfer of over \$30 million in excess Department of Defense property to participating law enforcement agencies since the beginning of federal fiscal year 2014; and

In this era of fiscal constraint, participation in the 1033 program allows local units to obtain equipment that they might not otherwise be able to afford, and to prepare for, respond to, and recover from incidents to terrorism and natural disasters, such as hurricanes and severe floods; and

Although equipment is provided through the 1033 program at no cost to county and municipal law enforcement agencies, these entities are responsible for the costs associated with the maintenance, fueling, and upkeep of this equipment, and for specialized training for its operation; and

Taxpayers are the primary consumers and financiers of services provided by county and municipal law enforcement agencies and have the right to be assured that their money is spent in an efficient and effective manner and the right to know the purposes for which public funds are utilized.

**WHEREAS**, the Township Council is of the opinions that the future participation in the 1033 program is in the best interest of the Township of Irvington and its taxpayers and residents;

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Irvington in the County of Essex and State of New Jersey as follows:

The allegations of the preamble are incorporated herein by reference.

The Township of Irvington is hereby authorized to enroll and participate in the 1033 program in order to acquire equipment available through such program pursuant to and in accordance with 10 U.S.C. 2576 and the guidelines established pursuant thereto.

The Director of Public Safety of the Township of Irvington, or his designee, is hereby authorized and directed to take such action as may be necessary or required by order for the Township of Irvington to be eligible to participate in the 1033 program in order to acquire equipment available through such programs and the guidelines for the use of such equipment.

Township Council hereby certifies that this resolution has been adopted by a majority of the full membership of the Township Council and that such adoption has occurred prior to the transmittal of any such application to the New Jersey State Coordinator of such program.

All Township Officials and Officers are hereby authorized and directed to take any and all action necessary to carry out the intent and purpose of this resolution.

### RECORD OF COUNCIL VOTE

X = Indicates Vote    N.V. = No Vote    A.B. = Absent

COUNCIL MEMBER	YES	NO	N.V.	A.B.	COUNCIL MEMBER	YES	NO	N.V.	A.B.
BURGESS, 1ST VICE PRESIDENT	X				INMAN	X			
COX	X				JONES, 2ND VICE PRESIDENT	X			
FREDERIC	X				LYONS, PRESIDENT	X			
DR. HUDLEY	X								

PRESIDENT OF COUNCIL [Signature] MUNICIPAL CLERK [Signature] DATE April 10, 2018

I hereby certify that the foregoing is a true copy of a Resolution duly adopted by the Municipal Council. In witness whereof I have hereunto set my hand and the Corporate Seal of the Township of Irvington.

MUNICIPAL CLERK [Signature]

DATE APR 10 2018

ADMINISTRATOR ☐ ASSESSOR ☐ BLDG ☐ CFO ☐ COLLECTOR ☐ COURT ☐ EDGO ☐ ENGINEER ☐ FIRE~CF ☐ HEALTH ☐ HOUSING ☐ INIC ☐  
 JUDGE ☐ LEGAL ☐ LIBR ☐ LICEN ☐ MAYOR ☐ NPP ☐ OCDP ☐ PARKS ☐ PAYROLL ☐ PUBLIC SAFETY~DIR ☐ PUBLIC WORKS ☐ PURCHASING ☐  
 SEC~PB/ZBA ☐ TRAFFIC ☐ ZONING~OFF ☐ DLGS ☐ GNCD ☐ OTHER(S): \_\_\_\_\_