

REGULAR COUNCIL MEETING
JANUARY 13, 2020

Council Chamber, Municipal Building
Irvington, N.J. – Monday Evening
January 13, 2020 - 7:30 P.M.

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

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

Absent: None

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

5. Hearing of Council Members

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

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

A. Reports

1. Minutes – Directors’ Meeting – December 23, 2019
2. Municipal Court - Electronic Collections Report – November, 2019

7. Reports of Committees

None

8. Ordinances, Bills & Claims

A. Ordinances on First Reading

None

A. Ordinances on Second Reading

None

9. Resolutions & Motions

A. Resolutions

Hudley – Frederic 1. Authorize Participation in the Bergen Municipal Employees Benefits Fund

BERGEN MUNICIPAL EMPLOYEE BENEFITS FUND

RESOLUTION to JOIN

WHEREAS, a number of public entities in the State of New Jersey have joined together to form the **Bergen Municipal Employee Benefits Fund**, hereafter referred to as "FUND", as permitted by N.J.S.A. 11:15-3, 17:1-8.1, and 40A:10-36 et seq., and;

WHEREAS, the FUND was approved to become operational by the Departments of Insurance and Community Affairs and has been operational since that date, and;

WHEREAS, the statutes and regulations governing the creation and operation of a joint insurance fund, contain certain elaborate restrictions and safeguards concerning the safe and efficient administration of the public interest entrusted to such a FUND;

WHEREAS, the governing body of Township of Irvington hereinafter referred to as "LOCAL UNIT" has determined that membership in the FUND is in the best interest of the LOCAL UNIT.

NOW, THEREFORE, BE IT RESOLVED that the governing body of the LOCAL UNIT hereby agrees as follows:

- i. Become a member of the FUND for the period outlined in the LOCAL UNIT's Indemnity and Trust Agreements.
- ii. Will participate in the following type (s) of coverage (s):
 - a.) Medicare Advantage Program
- iii. Adopts and approves the FUND's Bylaws.
- iv. Execute an application for membership and any accompanying certifications.

BE IT FURTHER RESOLVED that the governing body of the Township of Irvington is authorized and directed to execute the Indemnity and Trust Agreement and such other documents signifying membership in the FUND as required by the FUND's Bylaws, and to deliver these documents to the FUND's Executive Director with the express reservation that these documents shall become effective only upon:

- i. Approval of the LOCAL UNIT by the FUND.

- ii. Receipt from the LOCAL UNIT of a Resolution accepting assessment.
- iii. Approval by the New Jersey Department of Insurance and Department of Community Affairs.

Adopted

Frederic – Cox 2. Authorize Professional Services Contract for Construction Administration of ADA Improvements to Municipal Complex – Keller & Kirkpatrick - Not To Exceed \$4,000.00

RESOLUTION TO AWARD A CONTRACT FOR THE ADA IMPROVEMENTS AT THE MUNICIPAL COMPLEX

WHEREAS, the Township of Irvington has a need to provide handicapped access to the buildings at the Municipal Complex including the Municipal Council Chamber, the Municipal Building, Police Headquarters and Fire Headquarters; and

WHEREAS, the Township engaged, in resolutions DPW 16-0712-23 and DPW 19-0211-4 the professional services of Keller & Kirkpatrick to prepare plans to be publicly bid for this project; and

WHEREAS, this project is ready for construction and the ability to monitor and administer the construction is beyond the capabilities of current Township staff; and

WHEREAS, the scope of services provided by Keller & Kirkpatrick in the above two resolutions included a proposal to provide construction administration for this project at a proposed fee of \$ 4,000.00 and the Township Engineer has determined this to a very reasonable fee to provide these services and recommends an award to this firm at this time.

NOW, THEREFORE, BE IT RESOLVED BY MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that professional services for construction administration of the contract for the ADA Improvement to the Municipal Complex be awarded to Keller & Kirkpatrick of Morris Knolls, NJ at their proposed fee of \$ 4,000.00.

BE IT FURTHER RESOLVED that pursuant to N.J.A.C. 5:34-5.2, the required Certificate of Availability of Funds No. C900337 for the above has been obtained from the Chief Financial Officer of the Township of Irvington and the appropriation to be charged for this expenditure is in the amount of \$ 4,000.00 is charged to Account No. C-04-56-849-016-921.

Adopted

Inman – Frederic 3. Authorize Acceptance of Community Services Block Grant - January 1, 2020 Through December 31, 2020 - \$61,500.00

WHEREAS, The County of Essex, acting through its Department of Citizens Services, Division of Community Action through the Community Services Block Grant (CSBG) proposes to enter into a sub grant agreement with Irvington Neighborhood Improvement Corporation to service the low-income

poverty constituents of Essex County for the contract price of \$61,500.00 during the 2020 program year of January 1, 2020– December 31, 2020; and

WHEREAS, said grant agreement has been negotiated and approved by the County Executive of Essex County and to the Board of Chosen Freeholders; and

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that the Township of Irvington be and hereby authorized to execute a Grant Agreement with the Essex County Division of Community Action as sub-recipient of Community Services Block Grant funds in the amount of \$61,500.00.

BE IT FURTHER RESOLVED that the Township of Irvington does hereby accept the award of \$61,500.00 for such activities.

Adopted

Inman – Frederic 4. Authorize Handicapped Parking Space in Front of 23 Tremont Street

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

WHEREAS, request(s) have been made for restricted parking space(s) in front of 23 Tremont Street:

NOW, THEREFORE BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that a parking space restricted for use by any person who has been issued a special vehicle identification card pursuant to the provisions of N.J.S.A. 39:4-205, when using a motor vehicle on which is displayed a certificate, for which a special vehicle identification card has been issued pursuant to N.J.S.A. 39:4-206, be established in front of 23 Tremont Street; and

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

Adopted

Vick – Frederic 5. Authorize Purchase of Computer and Accessories for the Public Safety Department By State Contract – SHI International Corp. - \$43,309.00

RESOLUTION AUTHORIZING A CONTRACT WITH A STATE CONTRACT VENDOR SHI INTERNATIONAL CORP.

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

WHEREAS, the Police Director wishes to purchase computers and accessories; and

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

WHEREAS, vendor has provided the Township with a quote for the computers and accessories for a total amount of \$43,309.00 under New Jersey state contract number 89851; and

WHEREAS, the Township of Irvington intends to enter into contract with SHI International Corp through this resolution;

NOW, THEREFORE, BE IT RESLOVED, that the Municipal Council of the Township of Irvington hereby authorizes the Qualified Purchasing Agent to enter into a contract with SHI International Corp of 290 Davidson Ave, Somerset, NJ 08873 for an amount not to exceed \$43,309.00 under the New Jersey State Contract number 89851; and

BE IT FURTHER RESOLVED, that the required certification of availability of funds C9-00308 in the amount of \$43,309.00 from account number G-02-xx-746-17A-204 has been obtained from the Chief Financial Officer; and

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

Adopted

Beasley – Hudley 6. Commemoration – Dr. Martin Luther King, Jr. Day, 2020

**DR. MARTIN LUTHER KING JR.
35th ANNUAL COMMEMORATIVE TRIBUTE**

WHEREAS, the President and Congress of the United States have designated the third Monday in January of each year as Dr. Martin Luther King, Jr. Day and to commemorate the January 15th birthday of this important leader of the Civil Rights Movement in our Country; and

WHEREAS, there is national recognition and respect for Dr. King's teachings and preachings of the principles of freedom, responsibilities of liberty, ideals of brotherhood, respect for human rights, promotion of social and economic cooperation and the need for international peace and security; and

WHEREAS, New Jersey has also adopted Dr. Martin Luther King, Jr. Day as a State Holiday and created a Commemorative Commission to honor Dr. King to enlighten the population of our State to the teachings and principals of Dr. King to relieve the burdens of illiteracy and poverty while offering the beacon of hope to the needy; and

WHEREAS, the Dr. Martin Luther King, Jr. Commemorative Committee of Irvington works diligently to preserve the name and promote the teachings of Dr. King, and this year will celebrate King its annual tribute:

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that the Township of Irvington joins with all residents of this Country of ours in

commemorating Dr. Martin Luther King, Jr. Day and proclaiming support for his teachings of freedom; brotherhood; love, not hate; ending poverty; working for peace, not war; and education to increase understanding; and

BE IT FURTHER RESOLVED that certified copies of this resolution be forwarded to the Irvington Public Library for public display and to the Martin Luther King Jr. Commemorative Committee of Irvington to recognize their continuing efforts and programs in commemoration of Dr. King and in keeping the dream alive by acknowledging the annual tribute to Dr. Martin Luther King, Jr.

Adopted

Cox – Hudley 7. Authorize Emergency Contract for Disposal of Solid Waste and Recycling – \$2,100,000.00 Plus Additional Fees For Roll Off For One Year - Suburban Disposal, Inc.

RESOLUTION TO AWARD AN EMERGENCY CONTRACT FOR THE DISPOSAL OF SOLID WASTE

WHEREAS, our solid waste and recycling contract with Suburban disposal expired, and;

WHEREAS, the vendor decline to extend the service contract at the same terms and conditions, and;

WHEREAS, the Director of Public Works declared an emergency in writing for the current vendor to continue providing service to the Township, and;

WHEREAS, this situation constitutes a threat to public health, safety, welfare, and Public Works Director declared an Emergency and Suburban Disposal Inc., of 54 Montes Road, Fairfield, NJ 07004 to provide the Township with disposal of solid waste and recycling, and;

WHEREAS, the Mayor concurred with the Director of Public Works and approved said emergency, and;

WHEREAS, the vendor shall be paid a total sum of \$175,000.00 per month, for an amount not to 2,100,000.00 plus additional fees for roll-off for one year and;

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that it ratifies the decision of the Director of Public Works and the Mayor to authorize an emergency contract in the amount of \$2,100,000.00 plus additional fees for roll-off for one year to Suburban Disposal Inc., of 54 Montes Road, Fairfield, NJ 07004 for disposal of solid waste and recycling, and;

BE IT FURTHER RESOLVED, this contract will exceed two million dollars as such, the Municipal Clerk is hereby directed to send this contract to the State Comptroller's Office for review and approval.

BE IT FURTHER RESOLVED, that the required certification of availability of funds C20000001 in the amount of \$175,000.00 from account number 0-01-32-465-465-118 has been obtained from the Chief Financial Officer for this contract.

Council Member Inman spoke.

Adopted
No: Inman

10. Communication and Petitions

A. Communications

None

11. Pending Business

None

NON-CONSENT AGENDA ITEMS

8. Ordinances, Bills & Claims

C. Bills & Claims

Burgess – Hudley 1. Bill Lists

RESOLVED THAT THE BILLS AND CLAIMS AGAINST THE TOWNSHIP OF IRVINGTON FOR A PERIOD JANUARY 13, 2020 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	\$297,850.61
TOTAL	\$297,850.61

Adopted
No: Inman

Frederic – Cox 2. Payrolls

December 20, 2019

REGULAR	OVERTIME	OTHER	TOTAL
\$1,650,082.89	\$231,062.05	\$181,219.44	\$2,062,364.38

Adopted
No: Inman

December 20, 2019 (Unscheduled)

REGULAR	OVERTIME	OTHER	TOTAL
\$2,819.90	\$ -0-	\$85,955.00	\$88,774.90

Adopted
No: Inman

9. Resolutions & Motions

A. Resolutions

Beasley – Vick 8. Appointments – Four Special Class II Law Enforcement Officers

WHEREAS, under Township Ordinance **7-143 POWERS AND DUTIES OF THE PUBLIC SAFETY DIRECTOR**, subsection L. The Director may employ Special Law Enforcement Officers in accordance with N.J.S.A. 40A:14-146.8 et. seq. Special Law Enforcement Officers' Act. The Public Safety Director recommends the appointment of Special Law Enforcement Officer Class II for term commencing **ending June 30, 2021**.

BE IT RESOLVED, the Township Of Irvington in accordance with N.J.S.A 40A:14-146.8 et. Seq shall appoint the following as Special Law Enforcement Officer Class II for a term ending June 30, 2021:

Special Law Enforcement Officer Class II Gary Cool

BE IT FURTHER RESOLVED, the Township of Irvington in accordance with N.J.S.A. 40A:14-146.8 et. Seq shall, upon completion of the Special Law Enforcement Class II Course and certified by the New Jersey Police Training Commission be appointed as Special Law Enforcement Officer Class II for term ending June 30, 2021:

Special Law Enforcement Officer Class II Recruit Dominique Sanchez
Special Law Enforcement Officer Class II Recruit Morgan Ziegler
Special Law Enforcement Officer Class II Recruit Emil Huber
Special Law Enforcement Officer Class II Recruit Joseph Simpson

Adopted
No: Inman

Cox – Frederic 9. Establish Annual Sewer User Charge for 2020 - \$180.00 Per Unit

Resolution for Annual Sewer User Charge

WHEREAS, the Joint Meeting of Essex and Union County Sewer Commission has forwarded a schedule of assessments to the Chief Financial Officer covering domestic and industrial unit sewer user charges; and

WHEREAS, the Chief Financial Officer has analyzed the said schedule and costs of collection attached thereto; and

WHEREAS, the Chief Financial Officer has recommended that the domestic unit user charge be \$180.00 for 2020; and

WHEREAS, the annual sewer charge is due March 1st of each year;

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that the Tax Collector, Supervisor of Sewer User Charges be and is hereby authorized to charge and bill for 2020 at the unit rate of **\$180.00**.

Adopted
No: Inman

Frederic – Burgess 10. Request New Jersey Legislature Create a Study Commission to Review the Open Public Records Act (OPRA)

Resolution Calling for Study Commission to Review the Open Public Records Act

WHEREAS, the Township of Irvington strongly believes in and supports open transparent government, and that citizens and residents have the right to be informed about the workings of government in order to best participate in a democracy; and

WHEREAS, on January 8, 2002 then Acting Governor DiFrancesco signed into law the Open Public Records Act (OPRA) which mandates that government records shall be available, with limited exceptions, for public access and simplifying the procedures for requesting such specific records; and

WHEREAS, the intent of the law was to provide the public with easy access to government records with an uncomplicated process for obtaining the records and eliminating bureaucratic red tape; and

WHEREAS, over the course of 18 years OPRA has been a positive light, but it has also been fraught with abuse and misuse, and has become an unanticipated financial cost to the taxpayers of New Jersey; and

WHEREAS, the Township of Irvington has labored under a well-intended law that has spiraled out of control, due to the volume and nature of requests, the cost to taxpayers in responding to the requests, and the potential liability in having to pay disproportionate prevailing party attorney's fees should the requests turn into litigated matters, as well as the liability in determining which documents shall be released, with or without redaction, while attempting to maintain individual privacy; and

WHEREAS, it is not only the volume of OPRA requests that challenge our resources, but it is also the cost associated with reviewing, retrieving, and processing the OPRA requests by public entity personnel

and counsel and possibly defending our actions before the Government Records Council or in Superior Court; and

WHEREAS, the Township of Irvington received and responded to 962 OPRA requests in 2017, 1112 OPRA requests in 2018, and 1304 OPRA requests in 2019; and

WHEREAS, the Township of Irvington municipal staff has spent approximately 543 hours responding to OPRA requests received in 2019 to date, and an average of approximately 468 hours per year since 2017; and

WHEREAS, due to the often conflicting case law and Government Record Council decisions, as well as the unique characteristics of OPRA request, the Township of Irvington must often times rely on the municipal attorney to review certain OPRA requests, resulting in substantial additional costs to the municipality; and

WHEREAS, many of the OPRA requests interrupted operations, required retrieval of archived documents taking excessive amounts of time and resulted in excessive costs to the Township of Irvington; and

WHEREAS, with limited exceptions OPRA has not been amended to address the clear and apparent advancement in technology that has changed the way government records are created, stored, and/or transmitted; the various interpretive decisions; privacy concerns; abuse for commercial gain; and/or the ever increasing cost to taxpayers; and

WHEREAS, as the current law approaches its twentieth (20th) anniversary it has outgrown its original intended use and has become ripe for comprehensive review and reform;

NOW, THEREFORE BE IT RESOLVED that the governing body of the Township of Irvington appeals to the legislature to form a Commission comprised of Mayors, Municipal Clerks, Municipal Managers, Attorneys, Police Chiefs, open government advocates, privacy experts, members of the media, citizens and other appropriate stakeholders, to review and examine the effects of OPRA on local government and the needs to be fulfilled by the law, and use the Commission's findings to perform a comprehensive reform of OPRA; and

BE IT FURTHER RESOLVED that copies of this resolution be forwarded to the Municipal Clerks Association of New Jersey and Irvington's representatives in the State Legislature.

Adopted
No: Inman

12. Miscellaneous

B. General Hearing of Citizens and Council Members limited to three minutes per person

Eric Dixon, 17 Ruth Street
Conrad McPherson, 10 Leslie Place
Daisy Fuqua, 167 Orange Avenue

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

13. Adjournment

There being no further business, the meeting was adjourned at 7:58 P.M.

Renee C. Burgess, Council President

Harold E. Wiener, Municipal Clerk