

REGULAR COUNCIL MEETING
DECEMBER 9, 2019

Council Chamber, Municipal Building
Irvington, N.J. – Monday Evening
December 9, 2019 - 7:30 P.M.

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

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

Absent: Vernal Cox

President Burgess read the Statement of Proper Notice pursuant to the Sunshine Law.

4. Hearing of Citizens on Agenda Items Only (limited to three minutes per person and thirty minutes total)

There were no requests to be heard.

5. Hearing of Council Members

There were no requests to be heard.

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

A. Reports

1. Minutes – Directors’ Meeting – November 25, 2019
2. Municipal Court - Electronic Collections Report – October, 2019
3. Irvington Counselling Center – Annual Report #8

7. Reports of Committees

None

8. Ordinances, Bills & Claims

A. Ordinances on First Reading

None

9. Resolutions & Motions

A. Resolutions

Vick – Frederic 1. Authorize Assignment of Tax Sale Certificates for 44 Fuller Place, Block 73, Lot 45, 235 Park Place, Block 330, Lot 13 and 48 Florence Avenue, Block 375, Lot 26 to Matthew F. Lusky

RESOLUTION AUTHORIZING ASSIGNMENT

WHEREAS, N.J.S.A. 54:5-112 and 54:5-113, provide the Mayor and Council with the authority to sell real estate tax liens held by the municipality at a private sale for sums not less than the amount of municipal liens charged against same, and,

WHEREAS, the Tax Collector has notified the owner of record as appearing on the most recent Tax Duplicate at least five days prior to the affirmation of this resolution and a public notice of the pending sale was posted in three (3) public places within the Township of Irvington, and advertised once in the Irvington Herald.

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that the Mayor and Council hereby assign municipal held liens recorded as:

Block/Lot 2019	Owner Property Address	Cert No.	Sale Date	Amount of Sale	Amount As of December 9,
73 / 45	Field, Erica 44 Fuller Place	17-00303	12/20/2017	\$6,250.50	\$21,759.65
330 / 13	CMJ Realty LLC 235 Park Place	18-01353	12/27/2018	\$5,121.84	\$14,284.91
375 / 28	Charles, Yvane 48 Florence Avenue	18-01573	12/27/2018	\$9,728.78	\$21,254.17

together with subsequent liens thereon, at private sale to:

Matthew F Lusky
309 9th Street
Jersey City, NJ 07302

Adopted
Absent: Cox

Inman – Hudley 2. Accept \$377,290.00 HOPWA Housing Opportunities for People With AIDS Grant Funds for - January 1, 2020 – December 31, 2020

WHEREAS, The City of Newark, acting through its Housing Opportunities for Persons with AIDS (HOPWA) Services Office of Partnerships and Grants Management proposes to enter into a sub grant agreement with Irvington Neighborhood Improvement Corporation to provide Housing and related services to people living with HIV/AIDS for the contract price of \$377,290.00 during the 2020 program year of January 1, 2020 – December 31, 2020 and

WHEREAS, said grant agreement is part of a federal grant award made possible by the United States Department of Housing and Urban Development (HUD); and

BE IT FURTHER RESOLVED that the Mayor of the Township of Irvington be and hereby is authorized to execute a Grant Agreement with the City of Newark as sub-recipient of H.O.P.W.A Funds in the amount of \$377,290.00.

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 \$377,290.00 for such activities.

Adopted
Absent: Cox

Frederic – Beasley 3. Authorize Purchase of Safety Gear for Fire Division by State Contract –All Hands Fire Equipment - \$38,650.00

RESOLUTION AUTHORIZING A CONTRACT WITH A STATE CONTRACT VENDOR ALL HANDS FIRE EQUIPMENT.

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 Public Safety Director wishes to Personal Safety Class II Harness for the Fire Department; and

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 Personal Safety Class II Harness for a total amount of \$38,650.00 under New Jersey state contract number T0790; and

WHEREAS, the Township of Irvington intends to enter into contract with All Hands Fire Equipment through this resolution;

NOW, THEREFORE, BE IT RESOLVED, that the Municipal Council of the Township of Irvington hereby authorizes the Qualified Purchasing Agent to enter into a contract with All Hands Fire Equipment of PO Box 1245, Wall NJ 07753 for an amount not to exceed \$38,650.00 under the New Jersey State Contract number T0790; and

MINUTES – REGULAR COUNCIL MEETING – DECEMBER 9, 2019 - PAGE 4

BE IT FURTHER RESOLVED, that the required certification of availability of funds C9-00216 in the amount of \$38,650.00 from account number C-04-56-852-019-913 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
Absent: Cox

Inman – Beasley 4. Award Bid Based Upon Lowest Bid Received - Speed Humps – Riggi Paving - \$124,950.00

RESOLUTION AWARDING A CONTRACT FOR THE SPEED HUMP INSTALLATION

WHEREAS, sealed bids were received on November 13, 2019 for Speed Hump Installation in response to published advertisement for bids in the New Jersey Star Ledger on October 23, 2019; and

WHEREAS, six bids were received and opened from American Asphalt & Milling Services LLC, Crossroad's Pavement Maintenance LLC, Granada Construction Corp, Diamond Construction, Riggi Paving Inc., and Your Way Construction; and

WHEREAS, said bids were referred to the Public Works Director for recommendation to the Municipal Council; and

WHEREAS, the Public Works Director has recommended that the award should be made to Riggi Paving Inc., of 21 3rd Street, Ridgefield Pkwy, NJ 07660 on the basis of their lowest responsible, responsive bid of \$124,950.00; and

BE IT FURTHER RESOLVED, the Municipal Clerk is hereby authorized the return the bid bonds to the unsuccessfully bidders; 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, that the required certification of availability of funds C9-00319 in the amount of \$124,950.00 from account number C-04-56-852-019-901 has been obtained from the Chief Financial Officer.

Adopted
Absent: Cox

Vick – Frederic 5. Authorize Return of Balance of Escrow Deposit to Sky Auto Body Repair, Inc. - \$1,199.50

RESOLUTION TO RETURN ESCROW DEPOSIT TO SKY AUTO BODY REPAIR INC

WHEREAS, Sky Auto Body Repair Inc., posted an escrow deposit in the amount of \$4,080.00; and

WHEREAS, this deposit was for Zoning Board of Adjustment escrow deposit fee, preliminary and final site plan for a use variance permit; and

WHEREAS, the Zoning Board Secretary has advised that all fees have been paid and the remaining balance of \$1,199.50 remaining in the escrow account can be returned to the vendor; and

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

1. The Township of Irvington hereby accepts the recommendation of the Zoning Board Secretary that the escrow deposit in the amount of \$1,199.50 be returned to the Sky Auto Body Repair Inc.
2. The required certification of funds C9-00320 in the amount of \$1,199.50 has been obtained from the Chief Financial Officer charged to budget account number T-18-56-860-100-103.

Adopted
Absent: Cox

Vick – Hudley 6. Authorize Planning Board to Undertake Preliminary Study to Determine if Block 162, Lots 1-11; Block 166, Lots 1-19, 39.01, Block 165, Lots 15, 16, Block 149, Lots 1-37, Block 207, Lots 21, 22, 23.01, 23.02, and 24-48 Are a Redevelopment Area Pursuant to N.J.S.A. 40A:12A

RESOLUTION AUTHORIZING THE PLANNING BOARD TO CONDUCT AN INVESTIGATION TO AMEND THE EAST WARD REDEVELOPMENT PLAN PURSUANT TO N.J.S.A. 40A:12A FOR PROPERTY DESIGNATED FOR THE EAST WARD REDEVELOPMENT STUDY AT BLOCK 162, LOTS 1-11; BLOCK 166, LOTS 1-19, 39.01; BLOCK 165, LOTS 15, 16; BLOCK 149, LOTS 1-37; BLOCK 207, LOTS 21, 22, 23.01, 23.02, 24-48, AS SHOWN ON TOWNSHIP TAX MAP, AND DIRECTING THE PLANNING BOARD TO HOLD THE PUBLIC HEARING, REPORT TO THE TOWNSHIP COUNCIL AND COMMENCE WITH PREPARATION OF A REDEVELOPMENT PLAN AS DIRECTED HEREIN

WHEREAS, in accordance with the procedures set forth in the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. (the “Redevelopment Law”), the Township of Irvington (the “Township”) seeks to investigate certain areas within the Township and determine whether said areas meet the statutory criteria warranting designation as an area in need of redevelopment or rehabilitation; and

WHEREAS, the Township seeks to identify areas in need of redevelopment or rehabilitation, develop a plan for the redevelopment of such areas and to undertake or oversee the redevelopment of such areas, all as part of an overall comprehensive township-wide redevelopment initiative; and

WHEREAS, pursuant to N.J.S.A. 40A:12A, no area of a municipality shall be determined a redevelopment area unless the governing body of the municipality, by resolution, authorizes the Planning Board to undertake a preliminary investigation to determine whether the proposed area is a redevelopment area according to the criteria set forth in N.J.S.A. 40A:12A-5, or an area in need of rehabilitation according to the criteria set forth at N.J.S.A. 40A:12A-14; and

WHEREAS, pursuant to N.J.S.A.40A:12A-6 the governing body has determined that this resolution authorizes the municipality to use all of those powers provided by the Legislature for use in a redevelopment area other than the use of eminent domain; this resolution is for a Non-Condernation Redevelopment Area, and

WHEREAS, pursuant to N.J.S.A. 40A:12A, such determination shall be made after public notice and public hearing as provided in the statute;

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

1. The Planning Board is hereby authorized to undertake a preliminary investigation to determine whether the above properties are a redevelopment area according to the criteria set forth in N.J.S.A. 40A:12A, and to report such determination to the Township Council after public notice and public hearing.
2. A notice of this action shall be published in the official newspaper authorized to publish legal notices for the Township as required by law.
3. A copy of this resolution shall be filed in the Office of the Municipal Clerk.

Adopted
Absent: Cox

Inman – Burgess 7. Authorize Issuance of Duplicate Tax Sale Certificate – 251 – 22nd Street, Block 150, Lot 19

RESOLUTION TO ISSUE DUPLICATE CERTIFICATE OF SALE

WHEREAS, the Tax Collector of this municipality has previously issued a tax sale certificate to NWK Multi Family Portfolio, LLC, which is dated December 20, 2017 covering premises commonly known as 251 22nd Street and referred to as Block 150 Lot 19 as set out on the municipal tax map then in use, which certificate bears number 17-00643 and;

WHEREAS, the purchaser of the aforesaid tax sale certificates has indicated to the Tax Collector that they have lost or otherwise misplaced the original tax sale certificate and have duly filed the appropriate Affidavit of Loss with the Tax Collector, a copy of which is attached hereto ;

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that the Tax Collector of the Township of Irvington be and is hereby authorized, upon receipt of the appropriately executed and notarized Loss Affidavit and the payment fee of \$100.00 per certificate, to issue an appropriate duplicate tax sale certificate to the said purchaser covering the lost certificates as previously described, all in accordance with the requirements of Chapter 99 of Public Laws of 1997.

BE IT FURTHER RESOLVED that a copy of this Resolution and Loss Affidavit be attached to the duplicate certificate to be issued to said purchaser and that said duplicate certificate shall be stamped or otherwise have imprinted upon it the word “Duplicate” as required by law.

Adopted
Absent: Cox

Vick – Beasley 8. Authorize Use \$20,000.00 in HOME Rehabilitation Grant Funds for 79 Laventhal Avenue

RESOLUTION FOR HOME REHABILITATION PROGRAM

WHEREAS, the Township of Irvington has been awarded HOME Partnership Funds by the Department of Housing and Urban Development (HUD) and it has obligated funds for the purpose of financing its HOMEOWNER Housing Rehabilitation Program administered by the Department of Economic Development and Grants Oversight; and

WHEREAS, the Township of Irvington, Department of Economic Development and Grants Oversight has identified that the applicant, Jeniah Wilson-Lamb and whose address is 79 Laventhal Avenue Irvington, New Jersey, 07111 is eligible to receive assistance through the HOMEOWNER Housing Rehabilitation Program per the Township's policies and procedures; and

WHEREAS the Contractor selected through a competitive BID to perform the Rehabilitation work is Maharaj General Contracting LLC. and said funds shall be disbursed to the Contractor for the benefit of the applicant; and, the Department of Economic Development and Grants Oversight certifies that the Contractor selected to perform the Rehabilitation work on the herein property has been vetted and meets the requirement to be an eligible contractor and was awarded the BID through a competitive Bidding process;

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that the Township of Irvington does ratify and approve the provision of HOMEOWNER Housing Rehabilitation funds to the applicant(s) in the amount not to exceed \$20,000.00 for a period of affordability of ten (10) years; and

BE IT FURTHER RESOLVED that the aforesaid funds of \$20,000.00 will be disbursed in three (3) installments the amount of \$6,666.66 each installment after review of work performed and proof of funds expended to facilitate the Rehabilitation; and

BE IT FURTHER RESOLVED that the aforesaid funds are to be used for the rehabilitation of the subject property and related soft cost associated with the rehabilitation of the subject property as set forth in Exhibit A, attached hereto (Scope of Work), for the premises known as 79 Laventhal Avenue New Jersey 07111, 1 family unit(s) and owned by Jeniah Wilson-Lamb; and

BE IT FURTHER RESOLVED that any such funds not expended in the rehabilitation and related soft cost associated with the rehabilitation of the subject property in accordance with adopted policy and procedures shall be recaptured by the TOWNSHIP OF IRVINGTON for use in assisting other HUD/HOME Program applicant(s); and

BE IT FURTHER RESOLVED that pursuant to N.J.A.C. 5:34-5.2, the required Certificate of Fund Req. No. C9-00336 in the amount of \$20,000.00 for the above has been obtained from the Chief Financial Officer of the Township of Irvington. The appropriation to be charged for this expenditure is Account No. T-21-41-850-15A-801 in the amount of \$20,000.00.

Adopted
Absent: Cox

10. Communication and Petitions

A. Communications

1. New Jersey League of Municipalities – Legislative Bulletin #5

11. Pending Business

None

NON-CONSENT AGENDA ITEMS

8. Ordinances, Bills & Claims

B. Ordinances on Second Reading

1. President Burgess: An ordinance providing for resident only parking on Kuna Terrace From Chancellor Avenue to Berkshire Place from 6:00 A.M. to 8:00 P.M. seven days a week 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 AMENDING PART II GENERAL LEGISLATION/CHAPTER 192, VEHICLES AND TRAFFIC/ARTICLE II, PARKING/SECTION 192-16.2 PARKING RESTRICTED FOR RESIDENTS; PARKING PERMIT REQUIRED; AND AMENDING 192-96.1

WHEREAS, the Township of Irvington has received complaints from its residents concerning the availability of resident parking between the hours of 6:00 A.M. and 8:00 P.M. seven days a week on Kuna Terrace from Chancellor Avenue to Berkshire Place; and

WHEREAS, the difficulty of the residents in this area to locate parking at or near their homes has caused undue hardship on the residents of this area

NOW, THEREFORE, BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that parking shall be restricted and a parking permit required for residents only on Kuna Terrace as described below:

Permit parking will be allowed between the hours and days specified in Schedule VA. Section 192-96.1. This section of the Ordinance is hereby amended to include Kuna Terrace from Chancellor Avenue to Berkshire Place between the hours of 6:00 A.M. and 8:00 P.M. seven days a week.

Resident's vehicles must receive and display a valid parking permit provided by the Township of Irvington.

Vehicles parked in violation of this ordinance will be subject to towing and the vehicle owners shall be subject to a fine as set forth in Chapter 1, General Provisions, Article III.

All ordinances or parts thereof that are inconsistent herewith are hereby repealed.

This ordinance shall take effect January 1, 2020.

The public hearing on this ordinance is now open.

Frederic – Beasley Motion to close public hearing.

Adopted
Absent: Cox

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

Adopted
Abstain: Inman
Absent: Cox

C. Bills & Claims

Hudley – Vick 1. Bill Lists

RESOLVED THAT THE BILLS AND CLAIMS AGAINST THE TOWNSHIP OF IRVINGTON FOR A PERIOD DECEMBER 9, 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	\$2,508,166.48
TOTAL	\$2,508,166.48

Adopted
No: Inman
Absent: Cox

Hudley – Beasley 2. Payrolls

November 22, 2019

REGULAR	OVERTIME	OTHER	TOTAL
\$1,619,985.45	\$158,897.10	\$153,961.40	\$1,932,843.95

Adopted
No: Inman
Absent: Cox

Vick – Beasley 9. Authorize Contract for Foreclosure Counsel Services on 31 Properties - O'Donnell McCord, P.C. – \$1,500.00 Per Property Which Includes \$150.00 Per Hour For Any Contested Matters

**RESOLUTION OF THE TOWNSHIP OF IRVINGTON, IN THE COUNTY OF ESSEX
APPROVING FORECLOSURE LIST AND RATIFYING PROFESSIONAL SERVICES
CONTRACT FOR FORECLOSURE COUNSEL SERVICES**

WHEREAS, the Township Municipal Council has been advised by the Department of Economic Development and Grants Oversight that there are numerous tax sale certificates which are eligible for foreclosure, In Rem, as more particularly described in the Tax Foreclosure List which is attached hereto and made part hereof; and

WHEREAS, it is the desire of the Township Municipal Council to authorize the institution of In Rem foreclosure proceedings against the parcels that are covered by these tax sale certificates; and

WHEREAS, resolution number TA 19-0610-19 qualified three firms to perform foreclosure counsel services for the Township of Irvington from July 01, 2019 until June 30, 2020; and

WHEREAS, Resolutions number TA 19-0610-19 also qualified O'Donnell McCord, P.C as foreclosure counsel services for the Township of Irvington from July 01, 2019 until June 30, 2020, and O'Donnell McCord, P.C. is recommended by the Township Attorney, and is hereby authorized and directed to institute in Rem foreclosure proceedings pursuant to the previous of NJSA 54:5-104.29, et seq., as amended, against the tax sale certificates held by it and described in the Tax Foreclosure List affixed hereto and make part hereof.

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

WHEREAS, the Township Attorney has recommended that a contract be awarded to O'Donnell McCord, P.C, 15 Mount Kemble Avenue, Morristown, NJ 07960; and

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

1. The allegations of the preamble are incorporated herein by this reference.
2. The Foreclosure List attached hereto is approved for the initiation of foreclosure proceedings.

3. That a contract for Foreclosure Counsel services be awarded to O'Donnell McCord, P.C, 15 Mount Kemble Avenue, Morristown, NJ 07960 for a contract amount of. The billing rate shall not exceed \$1,500.00 per foreclosure complaint total which includes the cost to obtain a Title Binder and \$150.00 per hour for any contested matters; and
4. A copy of this Resolution and Exhibit shall be filed with the Tax Collector of the Township of Irvington.
5. All appropriate Township Officials are hereby directed to take all actions necessary or reasonably required to carry into effect the intent and purpose of this Resolution.

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

BE IT RESOLVED that the required Certification of Availability of Funds, certification number C9-00330 was obtained from the Chief Financial Officer and the appropriation to be charged for this expenditure is C-04-56-849-016-905

Exhibit A – Foreclosure List

EXHIBIT A
Foreclosure List

Property Number	STREET	BLOCK	LOT
396	14TH AVENUE	158	12
773	18TH AVENUE	104	7
779	18TH AVENUE	104	6
121	19TH AVENUE	144	3
123	19TH AVENUE	144	2
22	20TH AVENUE	147	38
24	20TH AVENUE	147	39
372	21ST STREET	138	13
368	21ST STREET	145	2
370	21ST STREET	145	1
376	21ST STREET	138	11
393-395	21ST STREET	137	25
396	21ST STREET	138	4
417	21ST STREET	162	24
421	21ST STREET	162	25
471	21ST STREET	166	24.01
477	21ST STREET	166	27

479	21ST STREET	166	28
61	22ND STREET	148	35
63	22ND STREET	148	34
65	22ND STREET	148	33
69	22ND STREET	148	31
71	22ND STREET	148	30
73-75	22ND STREET	148	29
89	22ND STREET	148	24
90	22ND STREET	147	11
94	22ND STREET	147	12
96	22ND STREET	147	13
20	EBERHARDT PLACE	104	8
162-168	LINDEN AVENUE	90	3
9	MADISON AVE	166	20

11	MADISON AVE	166	21
13	MADISON AVE	166	22

Adopted
No: Inman
Absent: Cox

Burgess - Vick 10. Authorize Legal Settlement With Virgo Ambulance Service – June 6, 2019 Through September 22, 2019 - \$152,793.00

WHEREAS, resolution number DF 19-0211-3 and DF 19-0311-5 awarded a contract for ambulance and dispatch services to First Response DBA Americare Ambulance in response to publicly advertised bids; and

WHEREAS, on June 19, 2019 Department of Health, Office of Emergency Medical services advised the Township that First Response DBA Americare Ambulance license to operate a basic life support/specialty care transport unit service in the State of New Jersey was suspended immediately; and

WHEREAS, this situation constituted a treat to public health, safety, welfare and the Administration awarded an emergency contract to Virgo Medical Services Inc. of 290 Sanford Street, East Orange, NJ 07018; and

WHEREAS, a dispute arose concerning the amount due to Virgo for services for the period of June through September 2019; and

WHEREAS, the Township of Irvington Administration and the Municipal Council deemed that it was in the best interest to bring this matter to a resolution thus saving the Township further expense in the defense thereof and curtailing any excessive liability that could result from this litigation; and

WHEREAS, the Office of the Township Attorney has reviewed, monitored and consulted with counsel and all relevant municipal officials and pursuant thereto recommend that this matter be concluded:

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that it hereby agrees to resolve this matter based upon the terms of attached settlement agreement; and

BE IT FURTHER RESOLVED that this matter is hereby concluded with absolutely no admission of liability on behalf of the Township of Irvington, its Police Department or any agents, officers or personnel; and

BE IT FURTHER RESOLVED that the settlement funds will be processed through D&H Alternative Risk Solutions, the Township third party liability administrator.

Adopted
Abstain: Inman
Absent: Cox

ALCOHOLIC BEVERAGE CONTROL BOARD

DECEMBER 9, 2019

1. Acting Chair Person Burgess called the Meeting to Order

Roll Call

Preset: Commissioners Beasley, Burgess, Frederic, Judley, Inman, Vick

Absent: Cox, Chair

2. New Business

Frederic – Beasley A. Authorize Issuance of “New” POCKET License With 12:18 (Non-Renewal) State ABC Special Ruling to PS Clerevoyant for 2018-2019 Licensing Year

WHEREAS, the following named license holder did not file their renewal application for the renewal term of July 1, 2018 - June 30, 2019 as of the last day for filing and the issuing authority can no longer accept their application since the license has lapsed; and

WHEREAS, the license holder filed a petition with the New Jersey State Director of the Division of the Division of Alcoholic Beverage Control to request the issuance of a new license in place of its old license as pursuant to N.J.S.A. 33:1-12.18:

WHEREAS, the New Jersey State Director of the Division of Alcoholic Beverage Control has granted a special ruling authorizing the governing body to consider the issuance of a “new license” in place of its old license pursuant to N.J.S.A. 33:1-12.18:

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL ACTING AS THE ALCOHOLIC BEVERAGE CONTROL BOARD OF THE TOWNSHIP OF IRVINGTON that the local A.B.C. Board hereby authorizes the issuance of a “new license” pursuant to a special ruling for issued by the Director of the New Jersey State Division of Alcoholic Beverage Control pursuant to N.J.S.A. 33:1-12.18 for the following applicant:

P.S. Clervoyant, LLC
c/o Law Offices of
John D. Williams
18 Church Street, Suite 205
Newton, N.J. 07860

Pocket License

New License Number 0709-33-068-006

Effective Date: December 9, 2019

Adopted
Absent: Coxr

Frederic – Beasley B. Authorize Renewal of POCKET License With 12:39 Special Ruling (Inactive License) to P.S. Clervoyant Person to Person Transfer of ABC POCKET Consumption License

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

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

0709-33-068-006

P.S. Clervoyant, LLC POCKET LICENSE
c/o Law Offices of
John D. Williams
18 Church Street, Suite 205

Newton, N.J. 07860

BE IT FURTHER RESOLVED that the said licenses be issued in the name of and under the seal of the Township of Irvington and be signed by a representative of the License Bureau, in order to fulfill the provisions of the Irvington Township Code, known as Ordinance MC 2622, which license, after being so signed, shall be released by a representative of the License Bureau to the licensee.

Effective Date: December 9, 2019

Adopted
Absent: Cox

3. Adjournment

COUNCIL MEETING (RESUMED)

12. Miscellaneous

B. General Hearing of Citizens and Council Members limited to three minutes per person (MUST SIGN UP IN ADVANCE OF MEETING)

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

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

13. Adjournment

There being no further business, the meeting was adjourned at 7:55 P.M.

Renee C. Burgess, Council President

Harold E. Wiener, Municipal Clerk