

REGULAR COUNCIL MEETING
FEBRUARY 10, 2020

Council Chamber, Municipal Building
Irvington, N.J. – Monday Evening
February 10, 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, Orlander G. Vick, Renee C. Burgess, President

Absent: Paul Inman (Excused)

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)

Conrad McPherson, 10 Leslie Place
Elouise McDaniel, 214 Nesbit Terrace

5. Hearing of Council Members

Council President Burgess

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

A. Reports

1. Minutes – Directors’ Meeting – January 27, 2020

7. Reports of Committees

- A. Bid Results – Lease or Purchase of 2020 LTZ Chevrolet – January 29, 2020
 - B. Bid Results – Financial Advisor Consultant Services – January 29, 2020
 - C. Bid Results – GASB 75 Statement – January 29, 2020

ALL ITEMS LISTED ON THE CONSENT AGENDA ARE CONSIDERED ROUTINE BY THE MUNICIPAL COUNCIL AND HAVE BEEN LISTED FOR ONE ROLL CALL VOTE FOR ADOPTION OF ALL ITEMS

8. Ordinances, Bills & Claims

- A. Ordinances on First Reading

Hudley – Cox 1. Amend Chapter 150 of Revised Code - Solid Waste and Recycling

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 150 OF THE REVISED CODE OF THE TOWNSHIP OF IRVINGTON ENTITLED SOLID WASTE AND RECYCLING

Adopted
Absent: Inman

Cox – Hudley 2. Amend Section 7-96 of Revised Code - Presentation and Payment of Bills

AN ORDINANCE AMENDING SECTION 7-96 OF THE REVISED CODE OF THE TOWNSHIP OF IRVINGTON REGARDING PRESENTATION AND PAYMENT OF BILLS

Adopted
Absent: Inman

C. Bills & Claims

Vick – Beasley

1. Bill Lists

RESOLVED THAT THE BILLS AND CLAIMS AGAINST THE TOWNSHIP OF IRVINGTON FOR A PERIOD FEBRUARY 10, 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	\$4,988,384.37
TOTAL	\$4,988,384.37

Adopted
Absent: Inman

Cox - Beasley

2. Payrolls

January 31, 2020

REGULAR	OVERTIME	OTHER	TOTAL
\$1,725,711.66	\$143,942.75	\$275,777.88	\$2,145,432.29

Adopted
Absent: Inman

January 31, 2020
VOID CHECK

REGULAR	OVERTIME	OTHER	TOTAL
-\$35,000.00	\$0.00	\$3,500.00	-\$31,500.00

Adopted
Absent: Inman

January 31, 2020

REGULAR	OVERTIME	OTHER	TOTAL
\$0.00	\$39.02	\$2,537.45	\$2,576.47

Adopted
Absent: Inman

December 31, 2019

REGULAR	OVERTIME	OTHER	TOTAL
-\$507.33	\$39.02	\$23,500.00	\$22,992.67

Adopted
Absent: Inman

9. Resolutions & Motions

A. Resolutions

Burgess – Beasley 1. Authorize Use of HOME Rehabilitation Funds for 42 Sharon Avenue in the amount of \$19,750.00

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, Theckla Abbott and whose address is 42 Sharon Ave. 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 \$19,750.00 for a period of affordability of ten (10) years; and

BE IT FURTHER RESOLVED that the aforesaid funds of \$19,750.00 will be disbursed in three (3) installments the amount of \$6583.33 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 (Scope of Work), attached hereto for the premises known as, 42 Sharon Ave. Irvington, New Jersey 07111, 1 family unit(s) and owned by Theckla Abbott; 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. C2000022 in the amount of \$19,750.00 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 \$19,750.00.

Adopted
Absent: Inman

Cox – Hudley 2. Authorize Use of HOME Rehabilitation Grant and Funds for 118-22 Rosehill Place in the amount of \$20,000.00

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, Naomi Monroe and whose address is 118-22 Rosehill Place 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 (Scope of Work), attached hereto for the premises known as, 118-22 Rosehill Place Irvington, New Jersey 07111, 1 family unit(s) and owned by Naomi Monroe; 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. C2000009 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: Inman

Frederic – Cox 3. Confirmation of Mayor's Reappointment of Norma Carty as Member of the Library Board of Trustees to a five year term expiring on December 31, 2024

WHEREAS, N.J.S.A. 40:54-9 requires that nominations by the Mayor to the Library Board of Trustees be confirmed by the Municipal Council; and

WHEREAS, vacancies currently exist n the Irvington Library Board of Trustees due to the expiration of the terms of certain members:

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that the following nomination by the Mayor to the Irvington Library Board of Trustees is hereby confirmed:

NAME AND ADDRESS

TERM TO EXPIRE

Norma Carty
231 Nesbit Terrace

12-31-24

Adopted
Absent: Inman

Hudley – Beasley 4. Resolution of Sorrow – Bishop James H. Everett II

**RESOLUTION OF SORROW
BISHOP JAMES H. EVERETT II**

WHEREAS, the Municipal Council of the Township of Irvington wishes to express their deepest sorrow on the passing of Bishop James H. Everett II; and

WHEREAS, Bishop James H. Everett II born December 13, 1945 in Brooklyn, NY to the late James H. and Martha Doretha Everett; and

WHEREAS, Bishop Everett served in the U.S. Army, and was a veteran of the Viet Nam War. As a young man growing up in the church, he knew the Holy Spirit was drawing him nearer to God and His perfect will. He made a total surrender of his life to Christ in August 1960 at the First Church of God in Christ under the leadership of the late Bishop Frank Clemmons; and

WHEREAS, in April 1962, Bishop joined Deliverance Evangelistic Center, Inc. (DEC) under the leadership of the late Apostle Arturo Skinner. One of the most exciting events he managed was the history making Deliverance Crusade held in the main arena of The Madison Square Garden, New York City, New York in 1972; and

WHEREAS, Bishop James H. Everett II, Bishop and Senior Pastor of the Deliverance Jesus is Coming Church and Presiding Prelate of the Deliverance Jesus is Coming Association of Churches, served the community of worshippers in Essex County and surrounding vicinities for over 43 years; and

WHEREAS, Bishop Everett was an astounding intellectually astute steward of the word, completing his academic studies at New York City Community College, Long Island University, and achieving his Doctorate of Sacred Theology from United Christian College; and

WHEREAS, of the many amazing and honored moments in Bishop's life one of the most rewarding that he boasted of so was concerning November 23, 1972, when Bishop married Lady Vanessa (Horton) Everett; and

WHEREAS, Bishop was a buoyant story-teller, combined with his heart for people, the message of Christ was transformed with such compassion that the presence of God emanated in the lives of so many; and

WHEREAS, as prelate of Deliverance Jesus is Coming Association, he served as the "Pastor's Pastor" covering churches and ministry leaders throughout the country, spanning the nation, and globally including ; Charlotte, N.C.; Port St. Lucie, FL.; Denver, CO.; Jackson, MS.; Union, N.J.; Newark, N.J.; Kearny, NJ; Jersey City, NJ; Fredericksburg, VA.; New Brunswick, N.J.; Teaneck, N.J.; Ewing, N.J.; East Orange, N.J.; Elizabeth, N.J.; Bowie, MD.; Brooklyn, N.Y.; Bronx, N.Y.; Rochester, N.Y.; Birmingham, AL.; Cleveland, OH.; Haiti; London, England; Paris, France; Poland; Germany; and Trinidad, W.I.; and

WHEREAS, Bishop was a humble man, yet a Renaissance man who was an acclaimed community activist and steward being the recipient of numerous awards from The Boy Scouts of America, Christian Youth Expo, Metropolitan Ecumenical Ministry, Maranatha Bible Institute, the Salvation Army, and countless others; and

WHEREAS, He had been a member of the Advisory Board of the Salvation Army, a member of the New York City Wide Revival Coalition. He was also honored to serve as an executive board member (emeritus) for the Joint College of African American Pentecostal Bishops, under the leadership of Bishop J. Delano Ellis, Metropolitan Archbishop; as well as a former board member of the Monument International Church Assemblies under the leadership of the Late Apostle Richard D. Henton. He was formerly president of the Irvington Clergy Association, and a participant of the Metropolitan Ecumenical Ministry; and

WHEREAS, for the past 47 years Bishop and Vanessa Everett have lovingly labored together in the work of the Lord. Lady Vanessa currently serves as Overseer of Deliverance Jesus is Coming Church. They are the parents of one daughter, Solange Everett, and the grandparents to James Xavier, Azjah Dale and So'Miyah Skye; and

WHEREAS, his vision, preaching, teaching and sensitivity to God and others, coupled with the affirmations and requests for covering by other pastors, illustrate the biblical guidelines for this office and qualified him for this sacred consecration. Bishop was steadfast, unmovable in his will to serve the Master. There was nothing that would limit his worship with the King. His time on earth was spent serving His Father; and on Friday morning, January 24, he peacefully ended his journey, and began his life; and

WHEREAS, Bishop James H. Everett II is survived by his loving and devoted wife of 47 years, Vanessa; 1 daughter, Solange; 3 grandchildren, James Xavier, Azjah Dale, So'Miyah Skye; aunt, Ruth Nealy (Walter); 3 sisters-in-law, 1 brother in law; and a countless number nieces, nephews, and cousins; 1 very special brother, Bishop R.K. Lassiter; and sister Evang. Shirley J. Graham. He will be missed by his church family; Deliverance Jesus Is Coming Church & Association of Churches, whom he served faithfully 43 years:

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that the Township of Irvington hereby mourns the loss of Bishop James H. Everett II 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 Bishop James H. Everett II.

Adopted
Absent: Inman

Burgess – Cox 5. Authorize Purchase of Proprietary Software for the Department of Revenue & Finance Upgrade to Finance and Tax Software Program - Edmunds and Associates, Inc. - \$50,950.00

AUTHORIZE THE PURCHASE OF PROPRIETARY SOFTWARE

WHEREAS, the Department of Finance and Revenue needs to upgrade the Finance and Tax Software program; and

WHEREAS, the system maintenance and hosting training is needed for calendar year 2020; and

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WHEREAS, pursuant to N.J.S.A. 40A:11-5(1)(d)(d), the software and hardware being purchase is a sole source product and only can be purchased from Edmunds and Associates, Inc., 301 A Tilton Road, Northfield, NJ 08225; and

WHEREAS, the total cost for the software upgrade is \$50,950.00; and

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Irvington in the County of Essex, and State of New Jersey, that Qualified Purchasing Agent is authorized to purchase sole source software from Edmunds an Associates Inc., of 301 A Tilton Road, Northfield, NJ 08225 for an amount not to exceed \$50,950.00; and.

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

BE IT FURTHER RESOLVED that the required certification of availability of funds, C2000036 in the amount of \$25,230.00 was obtained from the Chief Financial Officer from account number 0-01-20-130-130-183 and the remaining balance of \$25,720.00 will be certified upon the adoption of the 2020 budget.

Adopted
Absent: Inman

Frederic – Beasley 6. Ratify Emergency Contract for Computer IT Support Services – Netconnect, Inc. - Not To Exceed \$2,475.00

AWARD AN EMERGENCY CONTRACT FOR COMPUTER IT SUPPORT SERVICE

WHEREAS, on November 18 and 20, 2019, the intranet in Town Hall had an issue and Township servers were inoperable, and;

WHEREAS, all files were corrupted and inoperable, and;

WHEREAS, the Police Director declared an emergency to provide emergency recovery IT computer services to the Township, and;

WHEREAS, Netconnect, Inc., located at 111 Storer Ave, Suite B2, Staten Island, NY 10309 was called and services were rendered to provide emergency recovery computer IT service and;

WHEREAS, this situation constitutes a threat to public health, safety, welfare, and the Police Director declared an Emergency to fix the computer system immediately. Netconnect, Inc., located at 111 Storer Ave, Suite B2, Staten Island, NY 10309 had the necessary knowledge and skill to fix the Township's network and was available immediately to perform the work on an emergency basis, and;

WHEREAS, the Mayor concurred with the Police Director and approved said emergency, and;

WHEREAS, the total cost to provide emergency recovery service to the Township was \$2,475.00.00 and;

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that it ratifies the decision of the Administration to authorize an emergency contract to

Netconnect, Inc., located at 111 Storer Ave, Suite B2, Staten Island, NY 10309, for an amount not to exceed \$2,475.00

BE IT FUTHER RESLOVED, that the required certification of availability of funds C9-00230 in the amount of \$2475.00 from account number 9-01-25-240-240-118 has been obtained from the Chief Financial Officer.

Adopted
Absent: Inman

Frederic – Hudley 7. Award Contract for the Purchase of a 2020 Ford Explorer (K8H) Platinum 4WD for the Police Department - Beyer Ford - \$50,805.00

**AWARD CONTRACT FOR THE PURCHASE OF A
2020 FORD EXPLORER (K8H) PLATINUM 4WD**

WHEREAS, sealed bids were received on January 03, 2020 for the purchase of a 2020 Ford Explorer (K8H) Platinum 4WD in response to published advertisement for bids in the New Jersey Star Ledger on December 10, 2019; and

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

WHEREAS, the bid received was reviewed according to the New Jersey Local Public Contract law, and referred to the Police Director for review and recommendation; and

WHEREAS, the Police Director has recommended that the award should be made to Beyer Ford, 170 Ridgedale, Morristown, NJ 07960 on the basis of their lowest responsible, responsive bid of \$50,805.00; and

NOW THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that a contract for the purchase of 2020 Ford Explorer (K8H) Platinum 4WD for the Police Department be awarded to Beyer Ford, 170 Ridgedale, Morristown, NJ 07960, on the basis of their lowest, responsible, responsive bid of \$50,805.00; and

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

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

BE IT FUTHER RESLOVED, that the required certification of availability of funds C2000043 in the amount of \$50,805.00 from account number C-04-56-849-016-904 has been obtained from the Chief Financial Officer.

Adopted
Absent: Inman

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Burgess – Cox 8. Award Contract for the Purchase of a 2020 LTZ Chevrolet Tahoe for the Police Department – Mall Chevrolet, Inc. - \$65,500.00

AWARD A CONTRACT FOR THE PURCHASE OF 2020 LTZ CHEVROLET TAHOE

WHEREAS, sealed bids were received on January 29, 2020 for the purchase of a 2020 LTZ Chevrolet Tahoe for the Police Department in response to published advertisement for bids in the New Jersey Star Ledger on January 14, 2020 ; and

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

WHEREAS, the bid received was reviewed according to the New Jersey Local Public Contract law, and referred to the Police Director for review and recommendation; and

WHEREAS, the Police Director has recommended that the award should be made to Mall Chevrolet Inc., 75 Haddonfield Road, Cherry Hill, NJ 08002 on the basis of their lowest responsible, responsive bid of \$65,500.00; and

NOW THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that a contract for the purchase of 2020 LTZ Chevrolet Tahoe for the Police Department be awarded to Mall Chevrolet Inc., 75 Haddonfield Road, Cherry Hill, NJ 08002, on the basis of their lowest, responsible, responsive bid of \$65,500.00; and

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

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

BE IT FUTHER RESLOVED, that the required certification of availability of funds C2000044 in the amount of \$65,500.00 from account number C-04-56-853-020-906 has been obtained from the Chief Financial Officer.

Adopted
Absent: Inman

Hudley – Frederic 9. Authorize Service Agreement to Repair a Sole Source Ravo Street Sweeper – Northeast Sweepers– January 1, 2020 to December 31, 2020 - in the amount of \$30,000.00

AUTHORIZE SERVICE AGREEMENT TO REPAIR SOLE SOURCE RAVO STREET SWEEPER

WHEREAS, Public Works leased two Ravo Street Sweepers to clean various streets in the Township; and

WHEREAS, the maintenance and repair agreement does not include routine repairs and collusion damage; and

WHEREAS, pursuant to N.J.S.A. 40A:11-5(1)(d)(d), parts and services can only be purchased from Northeast Sweepers, 16 Passaic Ave, Unit 9, Fairfield, NJ 07004

WHEREAS, the Administration would like to request a sole source exemption for parts and service of the two Ravo Street Sweepers; and

WHEREAS, the Administration will like to award a contract to Northeast Sweepers, 16 Passaic Ave, Unit 9, Fairfield, NJ 07004 for an amount not to exceed \$30,000.00

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Irvington in the County of Essex, and State of New Jersey, that Public Works is authorized to purchase parts and service from Northeast Sweepers, 16 Passaic Ave, Unit 9, Fairfield, NJ 07004 starting on January 01, 2020 until December 31, 2020 for an amount not to exceed \$30,000.00.

BE IT FUTHER RESLOVED that the required certification of availability of funds C2000010 in the amount of \$30,000.00 from account number 0-01-21-165-165-299 has been obtained from the Chief Financial Officer.

Adopted
Absent: Inman

Frederic – Beasley 10. Authorize Contract with State Contract Vendor Gold Type Business Machines for the Installation and Mounting of Rugged Tablets in Seven Police Vehicles - Not To Exceed \$30,391.35

**RESOLUTION AUTHORIZING A CONTRACT WITH STATE CONTRACT VENDOR
GOLD TYPE BUSINESS MACHINES FOR INSTALLATION AND MOUNT OF RUGGED
TABLETS IN VARIOUS POLICE CARS**

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 Department wishes to install and mount rugged tablets in seven police cars from Gold Type Business Machines of PO Box 305, East Rutherford, NJ 07073; and

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

WHEREAS, under New Jersey state contract number 89980, the total cost for this service for calendar year 2020 will not exceed the bid threshold; and

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 Gold Type Business Machines of PO Box 305, East Rutherford, NJ 07073 for calendar year 2020 for an amount not to exceed \$30,391.35 under the New Jersey State Contract number 89980; and

BE IT FUTHER RESLOVED that the required certification of availability of funds C2000049 in the amount of \$30,391.35 has been obtained from the Chief Financial Officer, charged to account number C-04-56-853-020-901; 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

Adopted
Absent: Inman

Frederic – Beasley 11. Authorize Contract with State Contract Vendor SHI International Corp. for Computers and Accessories for Seven Police Vehicles – Not To Exceed \$14,368.34

AUTHORIZE 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 seven rugged tablets and accessories; 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 for calendar year 2020; and

WHEREAS, vendor has provided the Township with a quote for the computers and accessories for a total amount of \$14,368.34.00 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 \$14,368.34 under the New Jersey State Contract number 89851; and

BE IT FUTHER RESLOVED, that the required certification of availability of funds C2000048 in the amount of \$14,368.34.00 from account number C-04-56-853-020-911 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; and

Adopted
Absent: Inman

Frederic – Beasley 12. Authorize Purchase of Car Radio Devices Under the State of New Jersey Cooperative Purchasing Program Over the Bid Threshold of \$40,000.00 by State Contract – Motorola Communications & Elec - \$22,704.75

**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 car radios devices from Motorola Communications & Elec under State contract number 83909/T0109; and

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

WHEREAS, under New Jersey state contract number 83909/T0109, the total cost for this service is \$22,704.75; and

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of Irvington authorizes the purchase of car radios devices from Motorola Communications & Elec, P O Box 161, Wharton, NJ 07885 for an amount of \$22,704.75, pursuant to all the conditions of the individual State contracts; and

BE IT FUTHER RESLOVED that the required certification of availability of funds C2000047 in the amount of \$22,704.75 from account number C-04-56-853-020-912 has been obtained from the Chief Financial Officer to purchase the equipment.

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
Absent: Inman

Cox – Beasley 13. Authorize Contract Through the Essex County Co-Op of the New Jersey Cooperative Purchasing Program With Waste Management Over the Bid Threshold of 40,000.00 For Disposal of Type 13 Solid Waste For An Amount Not To Exceed \$500,000.00 until December 31, 2020

**AUTHORIZING PURCHASES UNDER THE ESSEX COUNTY CO-OP 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 Essex County Cooperative Purchasing Program on behalf of their members; and,

WHEREAS, Essex County Co-op has awarded solid waste transfer fee for type 13 solid waste to Waste Management; and,

WHEREAS, Waste Management- Julia Street Transfer Station located at 864 Julia Street will exceed the bid threshold of \$40,000.00 for calendar year 2020; and

WHEREAS, based on the estimated tonnage, the total amount that will be paid to this vendor is an amount not to exceed \$500,000.00 for the year; and

WHEREAS, the Township of Irvington intends to enter into this contract with Waste Management over the bid threshold of 40,000.00 through this resolution and properly executed purchase orders for disposal of type 13 solid waste for an amount not to exceed \$500,000.00.

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of Irvington authorizes the purchasing agent to pay this vendor over the bid threshold of \$40,000.00 pursuant to all the conditions of Essex County Co-op contract; and

BE IT FURTHER RESOLVED, that the total payments to this vendor for calendar year 2020 shall not exceed \$500,000.00

BE IT FURTHER RESOLVED that the duration of this authorization shall be until December 31, 2020

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
Absent: Inman

Cox – Frederic 14. Authorize Reimbursement of \$537.50 in Purchases by Municipal Employee for Various Township Projects

**REIMBURSE MUNICIPAL EMPLOYEE \$537.50 FOR PAYMENT OF EMERGENCY EXPENSES
FOR VARIOUS TOWNSHIP PROJECTS**

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

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

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

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

WHEREAS, on November 25, 2019, the Municipal Council approve resolution number DRF 19-1125-46 for reimbursement to John Sowell for an amount of \$3006.25; and

WHEREAS, the employee had additional receipts for reimbursement which was submitted on December 31, 2019 for reimbursement; and

WHEREAS, John Sowell, Director of Neighborhood Preservation Program has incurred an additional \$537.50 in out of pocket emergency expenses for the completion of various Township Project for calendar year 2019; and

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WHEREAS, John Sowell has submitted a request to be reimbursed for this service, which he paid with a credit card/check for an amount of \$537.50; and

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON authorize the Qualified Purchasing Agent to reimburse, John Sowell the total sum of \$3,543.75 for various items for calendar year 2019; and

BE IT RESOLVED that the required certification of availability of funds C2000045 in the amount of \$537.505 from account number 9-01-22-200-201-299 has been obtained from the Chief Financial Officer.

Adopted
Absent: Inman

Vick – Hudley 15. Authorize Cancellation of Professional Services Contract for Tax Appeal Counsel – O'Donnell McCord P.C. - effective January 31, 2020

CANCEL PROFESSIONAL SERVICE CONTRACT FOR TAX APPEALS COUNSEL

WHEREAS, the Township of Irvington and O'Donnell McCord P.C. entered into a professional service contract on November 12, 2019 for Tax Appeals Counsel by resolution number TA 19-1112-33; and

WHEREAS, on January 24, 2020, the Township Attorney was notified that O'Donnell McCord P.C. was closing his firm and will no longer be able to provide required service; and

WHEREAS, O'Donnell McCord P.C will be paid for services rendered under this contract from November 01, 2019 until January 31, 2020.

NOW THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that our contract for Tax Appeals Attorney is hereby cancelled effective January 31, 2020.

Adopted
Absent: Inman

Cox – Hudley 16. Authorize Cancellation of Outstanding Checks

WHEREAS, various checks/warrants have been outstanding from various accounts for more than one year for which no claim has been made.

NOW THEREFORE BE IT RESOLVED, that the Chief Financial Officer be and is hereby authorized to cancel the following checks from the below listed accounts effective as of December 31, 2019.

CURRENT FUND - INVESTORS SAVINGS BANK ACCOUNT 149902751

<u>Check Number</u>	<u>Check Amount</u>
352698	734.32
358981	200.00
359102	402.00
359179	402.00

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359525	165.00
359874	402.00
360033	924.00
360106	2,032.83
360475	315.00
360672	402.00
360776	402.00
360814	402.00
360920	908.00
361315	402.00
361550	339.74
Total	<u>\$ 8,432.89</u>

General Liability - Valley Nat-7772

<u>Check Number</u>	<u>Check Amount</u>
2412	1,070.00
Total	<u>1,070.00</u>

Payroll Agency - PNC Bank 5893

<u>Check Number</u>	<u>Check Amount</u>	<u>Check Number</u>	<u>Check Amount</u>
7205	4.59	8986	4.93
7206	23.34	8988	1.77
7530	8.01	9156	47.50
7539	2.75	9165	114.08
7727	40.30	9329	1.26
8314	365.75	9340	0.09
8857	118,031.02	9343	2.00
8904	118,382.19	9549	9.40
9552	9.40	9629	12.68
9848	2.76	9851	3.24
10045	1.34	10189	6.78
10361	109.90	10362	17.90
10472	66.67	10576	142.69
10693	1,260.00	10772	584.62
11010	679.61		<u>\$ 948.94</u>
	<u>\$ 238,987.63</u>		

Total Agency Fund \$ 239,936.57

GENERAL TRUST FUND INVESTORS -
149902818

<u>Check Number</u>	<u>Check Amount</u>
3852	107.71
TOTAL	<u>107.71</u>

Workers Comp. Valley Nat - 7764

<u>Check Number</u>	<u>Check Amount</u>
7440	5,600.00
Total	<u>5,600.00</u>

Tax Title Lien - Investors 2727

<u>Check Number</u>	<u>Check Amount</u>
302699	372.50

CDBG Operating Wells Fargo - 1764

<u>Check Number</u>	<u>Check Amount</u>
2413	1,706.47

302856	26,101.98	2500	40,000.00
302975	74,601.47	2501	26,553.07
302989	<u>89,779.89</u>	2504	45,673.56
TOTAL	<u>190,855.84</u>	2547	<u>468.62</u>
		Total	<u>112,695.25</u>

Adopted
Absent: Inman

Cox – Frederic 17. Authorize Cancellation of Capital Improvement Authorizations

RESOLUTION OF THE TOWNSHIP OF IRVINGTON, IN THE COUNTY OF ESSEX, NEW JERSEY PROVIDING FOR THE CANCELLATION OF \$ 347,785.89 IN BOND AUTHORIZATIONS AND/OR BOND PROCEEDS NOT NEEDED FOR THEIR ORIGINAL PURPOSES AND TO AVAILABLE FOR FUTURE CAPITAL PROCEEDS.

BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF IRVINGTON, IN THE COUNTY OF ESSEX, NEW JERSEY AS FOLLOWS:

Section 1. Pursuant to N.J.S.A 40 A:2-39, it is hereby determined that certain bond authorizations and/or bond proceeds in the aggregate amount of \$ provided for in the various bond ordinances listed below are no longer needed for the purposes references referenced therein. The Township of Irvington, in the County of Essex, New Jersey (the "Township") desires, therefore, to cancel the following bond authorizations and a reduction to Deferred Charges to Future Taxation - Unfunded, or increase to the Capital Fund Balance for the funded items:

Ordinance Number	Improvement Description	Amount to be Cancelled
	<u>Unfunded</u>	
3398	Various Capital Improvements	\$ 160.00
3411	911 Telephone System	269.89
3479	Revaluation of Real Property	<u>90,513.00</u>
	Unfunded Total	\$ 90,942.89
	<u>Funded</u>	
3414	Court Order Judgement	237,515.10
3481	Refunding 2013	41.35
3440	Fire Pumper	<u>19,286.55</u>
	Funded Total	<u>\$ 256,843.00</u>
	Grant Total	\$347,785.89

Section 2. The capital budget of the Township is hereby amended to conform with the provisions of this resolution to the extent of any inconsistency herewith. The resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and the capital program as approved by the Director of the Division of Local Government Services is on the file with Clerk and is available there for public inspection, with an effective date of December 31, 2019.

Adopted
Absent: Inman

Frederic – Cox 18. Authorize Transfers of Funds in the Calendar Year 2019 Municipal Budget

TOWNSHIP OF IRVINGTON
APPROPRIATIONS TRANSFER # 2
CY 2019

ACCOUNTS	FROM	TO
WITHIN “CAP”		
Land Refuse Dumping		618,000.00
Fire O&E		71,200.00
Housing O&E		3,000.00
Legal O&E		16,000.00
Social Security		2,000.00
Police O&E		130,000.00
Clerk O&E		2,000.00
Street Lighting		68,000.00
Engineering O&E	330,000.00	
Fire S&W	173,200.00	
Police S&W	242,600.00	
State Unemployment	100,000.00	
Electric Gas	68,000.00	
SUB-TOTAL INSIDE CAPS	913,800.00	910,200.00
OUTSIDE CAPS:		
NJ Environmental Infrastructure Trust Fund		3,600.00
SUB-TOTAL INSIDE CAPS		3,600.00
GRAND TOTAL	913,800.00	913,800.00

Adopted
Absent: Inman

Frederic – Burgess 19. Authorize Cancellation of Tax Overpayments

AUTHORIZE THE CANCELLATION OF TAX OVERPAYMENTS

WHEREAS, the listed Tax Overpayments have been listed in the overpayments ledger and have been reviewed by the Tax Collector and deemed irrelevant for the years of 2012 to 2013.

YEAR	AMOUNT TO BE CANCELED
2012	\$55,280.98
2013	121,187.52
TOTAL	\$176,468.50

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON IN THE COUNTY OF ESSEX, NEW JERSEY that the recommendation of the Tax Collector is hereby adopted and the Municipal Council of the Township of Irvington hereby authorizes the cancellation of the listed tax overpayments.

Adopted
Absent: Inman

10. Communication and Petitions

A. Communications

1. None

11. Pending Business

None

NON-CONSENT AGENDA ITEMS

B. Ordinances on Second Reading

1. President Burgess: An ordinance providing for resident only parking on Sanford Terrace from Sanford Avenue to Ellery Avenue between 8:00 PM and 8:00 AM seven days a week will be heard at this time. The Assistant Clerk will read the notice of hearing.

The Assistant Clerk will read the ordinance by title.

AN ORDINANCE PROVIDING FOR RESIDENTIAL PARKING PERMITS ON A PORTION OF SANFORD TERRACE.

WHEREAS, the Township of Irvington in response to the Complaints of its residents concerning the availability of resident parking between the hours of 8:00 P.M. and 8:00 A.M. on Sanford Terrace between Sanford Avenue to Ellery Avenue; 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 between the hours of 8:00 P.M. and 8:00 A.M. on Sanford Avenue between Sanford Avenue and Ellery Avenue.

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 upon final passage and publication according to law.

The public hearing on this ordinance is now open.

Burgess – Cox Motion to close public hearing.

Adopted
Abstain: Vick
Absent: Inman

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

Adopted
Abstain: Vick
Absent: Inman

2. President Burgess: An ordinance increasing certain illegal parking violation fines from \$45.00 to \$50.00 will be heard at this time. For the record, this notice of hearing is identical to the first notice that was read.

The Assistant Clerk will read the ordinance by title.

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 620, SECTION 4B OF THE REVISED CODE OF THE TOWNSHIP OF IRVINGTON PERTAINING TO VIOLATIONS AND PENALTIES; SCHEDULE OF FINES

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

SECTION 1. Section 620-4B of the Revised Code of the Township of Irvington is hereby amended and supplemented as follows:

B. Traffic section designated offenses. Payable fines for violations of this chapter are as follows:

Section (Code reference)	Short Description	Payable Amount
§ 620-6	Restricted use of parking lot Western Parkway/Myrtle Avenue)	\$50
§ 620-8	Parking or standing for the purpose of repair	\$50
§ 620-11	Parking prohibited at all times	\$50
§ 620-12	Parking prohibited (street cleaning)	\$50
§ 620-13	Parking prohibited (certain hours)	\$50
§ 620-14	Limited time parking	\$50
§ 620-17	Parking restricted for residents	\$50
§ 620-34	No parking when snow covers road	\$50
§ 620-35	Emergency no parking	\$50

§ 620-36	Off-street parking regulations	\$50
§ 620-48	Parking private lot (library)	\$50
§ 620-52	Parking prohibited except for certain vehicles (permit only)	\$50
§ 620-53	Parking prohibited except for certain persons	\$50
§ 620-60C	Parking over the line	\$50
§ 620-60D	Backwards to meter	\$50
§ 620-62	Overtime meter	\$50
§ 620-95	Parking prohibited on Grove Street (Sundays)	\$50
§ 620-123	Handicapped parking (resident only)	\$50
§ 620-127	Prohibited parking outside designated spaces	\$50

SECTION 2. All ordinances or parts thereof that are inconsistent herewith are hereby repealed.

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

The public hearing on this ordinance is now open.

Vick – Cox Motion to close public hearing.

Adopted
Absent: Inman

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

Adopted
Absent: Inman

3. President Burgess: An ordinance establishing procedures for collecting rents on township owned properties will be heard at this time. For the record, this notice of hearing is identical to the first notice that was read.

The Assistant Clerk will read the ordinance by title.

AN ORDINANCE TO ENABLE THE TOWNSHIP OF IRVINGTON TO COLLECT RENTAL INCOME BY ESTABLISHING A RENTAL FEE ORDINANCE

Pursuant to N.J.S.A. 40:48-1 et seq., The Governing Body of every municipality may make, amend, repeal and enforce ordinances to: "Manage, regulate, and control the finances and property, real and personal, of the municipality.

WHEREAS, the Township of Irvington is experiencing rapid and growing redevelopment projects and activities throughout the Township; and

WHEREAS, the Township seeks to maximize the benefits to the Township and its residents of Public and Private Partnerships, while ensuring successful completion of these projects; the Township will undertake the redevelopment and management of select projects with respect to Township owned properties; and

WHEREAS, such Public and Private Partnerships will result in the ability of the Township to make available for rental, commercial and residential properties owned by the Township;

NOW THEREFORE BE IT RESOLVED that the Municipal Council of the Township of Irvington hereby establishes the authority of the Township to rent, determine the fees and costs for same and collect such fees and costs on real property owned by the Township.

BE IT FURTHER RESOLVED that any Ordinance of the Township that predates this Ordinance and that are in conflict with this Ordinance are hereby repealed to the extent of such conflict.

BE IT FURTHER RESOLVED that if any part this Ordinance shall be deemed invalid, such part shall be severed and the invalidity thereof shall not affect the remaining parts of this Ordinance.

BE IT FURTHER RESOLVED that the Ordinance shall take affect after the final passage and publication in accordance with the law.

The public hearing on this ordinance is now open.

Hudley – Frederic Motion to close public hearing.

Adopted
Absent: Inman

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

Adopted
Absent: Inman

4. President Burgess: An ordinance amending the awning sign ordinance allowing a two year window for compliance will be heard at this time. For the record, this notice of hearing is identical to the first notice that was read.

The Assistant Clerk will read the ordinance by title.

**AN ORDINANCE AMENDING SECTION 513-10 OF THE REVISED CODE OF THE
TOWNSHIP OF IRVINGTON REGARDING AWNING SIGNS.**

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

SECTION: 1. Section 513-10 of the Revised Code is hereby amended and supplemented in its entirety as follows:

As used in this article, the following terms shall have the meanings indicated:

§ 513-10 AWNING SIGNS

DEFINITIONS

A light roof-like structure, supported entirely by the exterior wall of a building that consists of a fixed or movable frame covered with cloth, plastic or metal and extends over doors and/or windows with the purpose of providing protection from sun and rain and/or embellishment of the facade.

A. Applicability of the changes to this ordinance.

- (1) This ordinance applies to all new businesses within the Township of Irvington who register to do business or who otherwise open to do business after April 15, 2019, the effective date of this ordinance. Such businesses must comply with the requirement of this ordinance by April 15, 2021.
- (2) This ordinance also applies to all existing businesses. An existing business is any business registered to do business with the Township and who is otherwise operating a business within the Township prior to April 15, 2019 the effective date of this ordinance. Existing businesses have two years or until April 15, 2021 from the original effective date of this ordinance, which was April 15, 2019, to comply with the requirements thereof.

B. Awning Styles and Specifications Requirements. All awnings must adhere to the following requirements:

- (1) All awning signs shall be limited in their position to the fringe or valance. The height of letters or figures of such signs shall not exceed ten (10) inches. The subject matter shall cover only the name of the owner of the awning and the place and kind of business. Awnings shall have a clearance of eight feet from the sidewalk and shall be kept in good repair.
- (2) Permitted styles are shed, marquee and gable with or without sign bands. Waterfall, box, translucent and internally lit awnings are not permitted. Only street address using Arabic numbers are permitted on valance or at bottom of awning.
- (3) Material must be canvas, woven acrylic or similar material. Material that are not allowed are plastic, vinyl, mylar and other shiny materials. Egg crate undersides are also not permitted.
- (4) Only Letters and numbers are allowed on the valance and must be 5-10 inches high and cover no more than 70% of the valance.
- (5) Only external lighting are permitted. Gooseneck lighting is preferred. Internal and backlit lighting are not permitted.
- (6) Awning should be placed within window bay of storefront. Awnings that covers the entire face of building façade are not permitted.
- (7) A specific color awning will be designated for each business corridor as determined by the Township of Irvington. As such, the color and layout of any Awning must be reviewed and approved by the Township Construction Code Official.

- (8) Businesses who are franchisees and who must maintain the color of the business franchise are exempt from this requirement, however, said businesses must take all steps available to ensure that their awnings and signs are similar in style and layout to the herein requirements. Franchise businesses must also complete the required application and provide signage and awning options to the Construction Code Office for review and approval prior to selecting a style and pattern.
- (9) Any additional signage, posters, advertisement displayed on storefront windows and outside walls must be presented to the Construction Code Official for review and approval. Such signage, posters and advertisement displayed must be removed by existing businesses as per the requirements of this ordinance if such signage or advertisement are in violation of this ordinance.

(C) Permit Requirements and Process

- (1) No awning shall be erected or maintained unless a permit therefor shall first have been obtained from the Construction Code Official or the Department of Housing and Building Construction.
- (2) No awning of any kind shall be erected or maintained which shall extend beyond the property line and over any street or sidewalk, or public place, or any part thereof, unless a permit therefor shall first have been obtained from the Department of Housing and Building Construction and Construction Code Official after the payment of the permit application fee.
- (3) No permit for any such awning shall be issued by the Department of Housing and Building Construction unless or until the proposed awning has been reviewed and approved by the Zoning Official and Construction Code Official.
- (4) No permit for any such awning shall be issued by the Construction Code Official unless such awning is in compliance with the applicable provisions of the uniform construction codes.
- (5) No permit for any awning shall be issued by the Department of Housing and Building Construction or the Construction Code Official unless the Construction Code Official determines, after review by the Fire Official, that such awning or canopy will not interfere with firefighting equipment, and specifically, if the building or structure involved is of such height as to require the use of ladders in the event of fire, that the location and size of the awning will not interfere with the placement of such ladders, or that the awning may be quickly and easily removed in such manner as not to interfere with or delay the deployment of fire ladders.
- (6) Property owners are responsible for the complying with the requirements of this ordinance. As such, property owners who rent out their commercial to tenants to operate businesses are responsible for ensuring that all tenants are notified and are in compliance with this ordinance.
- (7) Prior to issuing a permit for any such awning the applicant therefor shall submit to the Construction Code Official a signed indemnification and hold harmless agreement, of a form approved by the Township Attorney, in which the applicant agrees to indemnify and hold harmless the Township of Irvington, its officers, agents and employees from any and all claims of liability, including any reasonable attorney fees, resulting from the issuance of the permit or the erection of any such awning.
- (8) Any permit granted hereunder may be revoked at any time by the Township of Irvington whenever, in the opinion of the Council of The Township of Irvington or the Construction Code

Official, it would be in the best interests of the citizens of Irvington to do so. Any permit issued hereunder shall not grant to the holder thereof any permanent easement to encroach upon the street, sidewalk or other public place but rather shall only entitle the holder thereof to a revocable license.

- (9) Whenever the holder of the permit ceases to own or occupy the premises for which the permit is issued, the permit shall expire. Upon the expiration or revocation of the permit, any awning encroaching upon the street, sidewalk or other public place shall be removed. In the event the owner or occupant thereof fails to remove such awning after notice thereof is provided, the Township may remove such awning and charge the cost of such remove as a municipal lien against the property in accordance with law.
- (10) The Construction Code Official shall not issue any permit hereunder unless all of the foregoing requirements have been satisfied or unless the Municipal Council has, by resolution, approved such permit.

(D). Application for Awning Permit

No permit shall be issued until the applicant therefor shall have first filed a written application a form of which shall be maintained by the Department of Housing and Building Construction setting forth or containing the following:

- (1) Name and address of applicant.
- (2) Exact location where such awning is to be erected and maintained.
- (3) Name of the owner or lessee of the premises where such awning is to be erected and maintained.
- (4) A statement as to whether the awning is to be a permanent or temporary awning.
- (5) If the application is for a temporary awning, the date when the same will be erected and removed.
- (6) A written specification describing the kind of materials to be used, the general construction and the proposed method of anchoring the awning.
- (7) For awnings a certificate of flame resistance from the fabric manufacturer.

(E). Violations and penalties.

Any person who violates any provision of this article shall, upon review and adjudication thereof, be punished by a fine not exceeding \$500 or by imprisonment for a term not exceeding 90 days, or both. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

The public hearing on this ordinance is now open.

Vick – Hudley

Motion to close public hearing.

Adopted
Absent: Inman

Vick – Hudley

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

Adopted
Absent: Inman

12. Miscellaneous

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

13. Adjournment

Nduna Gora, 12 Beaumont Place
Elouise McDaniel, 214 Nesbit Terrace
Conrad McPherson, 10 Leslie Place
Daisy Fuqua, 167 Orange Avenue

Council Member Inman departed the meeting at 7:50 P.M.

Council President Burgess indicated that each of the citizens that came up to speak would be given a response to the issues they raised by the appropriate members of the Administration.

13. Adjournment

There being no further business, the meeting was adjourned at 8:10 P.M.

Renee C. Burgess, Council President

Shawna M. Supel, Assistant Municipal Clerk