

REGULAR COUNCIL MEETING
FEBRUARY 24, 2020

Council Chamber, Municipal Building
Irvington, N.J. – Monday Evening
February 24, 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

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

5. Hearing of Council Members

None

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

A. Reports

1. Minutes – Directors’ Meeting – February 10, 2020

7. Reports of Committees

- A. Municipal Court – Electronic Collections – January, 2020
- B. Joint Meeting – Minutes – December 19, 2019
- C. Joint Meeting – Resolutions – December 19, 2019

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

9. Resolutions & Motions

A. Resolutions

Cox – Beasley 1. Confirm Mayor’s Nomination of Sonia Whyte as Director of the Department of Health, Effective January 1, 2020

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WHEREAS, N.J.S.A. 40:69A-36 (b) requires that the exercise of advice and consent to actions by the Mayor be by resolution of the Municipal Council; and

WHEREAS, the Mayor has submitted the name of Sonia Whyte as Director of the Department of Health, for a term of office effective on January 1, 2020 and expiring on June 30, 2022, for the advice and consent of the Municipal Council; and

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that the nomination by the Mayor of Sonia Whyte as Director of the Department of Health for a term of office effective on January 1, 2020 and expiring on June 30, 2022 be confirmed by the Municipal Council.

Adopted

Hudley – Frederic 2. Authorize Purchase of Two (2) 15-Passenger Vans from State Contract Vendor Beyer Ford, LLC for an Amount Not To Exceed \$79,702.00

RESOLUTION AUTHORIZING THE PURCHASE OF TWO PASSENGERS VAN FROM STATE CONTRACT VENDOR BEYER FORD, LLC FOR AN AMOUNT NOT TO EXCEED \$79,702.00

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 Township wishes to purchase two Ford Transit Wagon T-350 Passenger Vans from Beyer Ford LLC, State of New Jersey Contract number A88231; and

WHEREAS, the Township of Irvington intends to enter into contracts with Beyer Ford LLC through this resolution and properly executed purchase orders; and

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON hereby authorizes a service contract with Beyer Ford LLC of 170 Ridgedale Ave, Morristown, NJ 07962 for an amount not to exceed \$79,702.00 and;

BE IT FURTHER RESOLVED, that the Township Attorney is directed to prepare the appropriate contract for such goods and services and the Mayor and Municipal Clerk is authorized to sign the same; and

BE IT FUTHER RESLOVED, that the required certification of availability of funds C2000053 in the amount of \$79,702.00 from account number C-04-56-853-020-972 has been obtained from the Chief Financial Officer.

Adopted

Hudley – Frederic 3. Authorize Use of Substitute Prosecutor for the January 15, 23 and 29, 2020, February 05 and 06, 2020 Court Sessions - Connie Bentley McGhee - \$300.00 per session

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

WHEREAS, resolution number TA 19-0909-27 appointed one substitute prosecutor to be used on an on-call basis in the event of conflict cases or due to shortage of available staff and;

WHEREAS, the one appointed substitute prosecutor was unavailable to coverage court sessions on January 15, 23 and 29, 2020, February 05 and 06, 2020 and;

WHEREAS, the Township would have to cancel court sessions due to shortage of staff which would affect the public safety and welfare of the Township pursuant to NJSA 40A:11-6 and;

WHEREAS, the Township Attorney has declared an emergency in writing to hire Connie Bentley McGhee to cover the municipal court sessions on January 15, 23 and 29, 2020, February 05 and 06, 2020;

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

1. The Township Attorney hired Connie Bentley McGhee as a substitute prosecutor on an emergency basis for January 15, 23 and 29, 2020, February 05 and 06, 2020 court sessions.
2. The Township Attorney will prepare the appropriate contract for this service.
3. The vendors will be paid an amount not to exceed \$300.00 per session from the Certificate of funds C2000054.

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

Adopted

Inman – Burgess 4. Qualifying Certified and Licensed Lead Contractors to Remediate and Lead Hazardous Residential Properties - Optimum Environmental Solutions LLC, Enviro Science Solution LLC and Pow R Save

**RESOLUTION QUALIFYING CERTIFIED AND LICENSED LEAD CONTRACTORS TO
REMEDiate LEAD HAZARDOUS RESIDENTIAL PROPERTIES**

WHEREAS, the Request for Qualifications for certified and licensed lead contractors to remediate lead hazardous residential properties was publicly advertised in the New Jersey Star Ledger on December 18, 2019 with a deadline for qualifications to be submitted on January 22, 2020; and

WHEREAS, three qualifications were received and publicly opened by the Township Clerk and the Purchasing Agent; and

WHEREAS, said qualifications were referred to the Director of Economic Development; and

WHEREAS, the Economic Development Director has recommended that a list be created for this service for six month with the following firm(s):-

Optimum Environmental Solutions LLC
80 Mill Road, Irvington, NJ 07111

Enviro Science Solution LLC
28 North day Street, Orange, NJ 07050

Pow R Save
15 Somerset Place, Clifton, NJ 07012

NOW THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that the above vendor is qualified for the services of certified and licensed lead contractor service and the Economic Development Director will prepare separate resolutions with quotes for all projects assigned to the above vendors.

BE IT FURTHER RESOLVED, that this qualification is for one six months starting on February 25, 2020 until August 26, 2020; and

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

Adopted

Cox - Beasley 5. Authorize Professional Services Contract for the Renovation of the Community Training Academy at 343 Union Avenue to James R. Guerra, PA, - \$8,700.00

RESOLUTION TO AWARD A PROFESSIONAL SERVICES CONTRACT FOR THE RENOVATION OF THE COMMUNITY TRAINING ACADEMY AT 343 UNION AVENUE

WHEREAS, the Police Department of the Department of Public Safety of the Township of Irvington has recognized a need to renovate the township's existing building at 323 Union Avenue to allow for various community and police related training; and

WHEREAS, the Township's Department of Public Safety has obtained a grant through the Township's Community Development Block Grant program to accomplish this project; and

WHEREAS, the work under this project is above the threshold for public bidding so that an architect is required to provide professional services in order to prepare the plans and specifications required for the public bidding and construction of this project;

WHEREAS, the Township Engineer has prepared a Request for Quotes to obtain these professional services from the architects who are on the Township's annual list of architects and has received quotes from 2 firms interested in performing this work; and

WHEREAS, the Township Engineer has reviewed the quotes received and finds that the firm of James R. Guerra, PA, of Elizabeth, NJ to be the most cost efficient quote to complete this work and recommends that a contract for professional services be award to this firm at their quoted price of \$ 8,700.00.

NOW, THEREFORE, BE IT RESOLVED BY MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that a professional services be awarded to the firm of James R. Guerra, P.A., of Elizabeth,

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NJ at their quoted price of \$ 8,7000 (\$ 7,500 for design and \$ 1,200 for contract administration) for the Renovation of the Community Training Academy at 343 Union Avenue.

BE IT FURTHER RESOLVED that pursuant to N.J.A.C. 5:34-5.2, the required Certificate of Availability of Funds No. C2000039 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 \$ 8,700.00 is Account No. T-21-41-850-18E-806.

Adopted

Cox – Hudley 6. Authorize a Fair and Open Contract for Post Employment Benefits (GASB-75) Services to Aquarius Capital from February 25, 2020 to February 26, 2021 - Not To Exceed \$7,000.00

AWARDING A FAIR AND OPEN CONTRACT FOR POST EMPLOYMENT BENEFITS (GASB-75) SERVICES

WHEREAS, sealed proposals were received on January 29, 2020 for Actuarial services in response to the published advertisement for proposals in the New Jersey Star Ledger on January 14, 2020; and

WHEREAS, one proposal was received and opened by the Township Clerk and Purchasing Agent; and

WHEREAS, the proposal received was reviewed according to the New Jersey Local Public Contract law, and met the terms of the proposal; and

WHEREAS, the Chief Financial Officer has recommended that the award be made to Aquarius Capital, 110 Betsy Brown road, Port Chester, NY 10573 on the basis of their responsible response to the request for proposal that meets the criteria and qualifications, in an amount not to exceed \$7,000.00 for Full GASB 45 Valuation for one year, starting on February 25, 2020 – February 26, 2021; and

NOW THEREFORE BE, IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that a contract for actuarial service be awarded to Aquarius Capital, 110 Betsy Brown road, Port Chester, NY 10573 for one year starting on February 25, 2020 – February 26, 2021 for an amount not to exceed \$7,000.00; 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 RESOLVED that the required certification of availability of funds C2000058 in the amount of \$3,500.00.00 from account number 0-01-20-130-130-256 has been obtained from the Chief Financial Officer for the first month payment and the remaining balance will be certified upon the adoption of the 2020 and 2021 budget.

Adopted

Inman – Hudley 7. Authorize Professional Services Contract for the Replacement of Bathrooms at the Grove Street Firehouse (Fire Station 4) - James R. Guerra, PA - \$11,200.00

RESOLUTION TO AWARD A PROFESSIONAL SERVICES CONTRACT FOR THE REPLACEMENT OF BATHROOMS AT THE GROVE STREET FIREHOUSE (FIRE STATION 4)

WHEREAS, the Deputy Director of Public Safety had indicated that the bathroom facilities at the Grove Street Firehouse, (Fire Station 4), located at 661 Grove Street, have fallen into a state of disrepair and need to be replaced and the Township Engineer has concurred with this assessment; and

WHEREAS, based on the foregoing the Township Engineer prepared a Request for Quotes from the architectural firms that have entered in an annual contract for professional services and received quotes from two of these firms for the preparation of plans and specifications as well as the contract administration of this project after receiving public bids for this project, and

WHEREAS, the Township Engineer has reviewed the two quotes that were received, found that both firms are competent to complete this project and has determined that the quote of James R. Guerra, PA, Elizabeth, NJ for \$ 11,200.00 (\$ 8,700.00 for design and \$ 2,500 for construction administration) to be the most cost efficient quote and recommends that a professional service contract be awarded to this firm for this project.

NOW, THEREFORE, BE IT RESOLVED BY MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that a Professional Services contract is awarded to James R. Guerra, PA, Elizabeth, NJ in the amount \$ 11,200.00 (\$ 8,700.00 for design and \$ 2,500 for construction administration) for the professional services for the Bathroom Replacement at the Grove Street Firehouse (Fire Station 4).

BE IT FURTHER RESOLVED that pursuant to N.J.A.C. 5:34-5.2, the required Certificate of Availability of Funds No. C2000037 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 \$ 11,200.00 is Account No. T-21-41-850-19E-801.

Adopted

Burgess – Hudley 8. Authorize Purchase of Proprietary Software Technology for the Public Safety Department - Power DMS, Inc. - \$7,803.00

RESOLUTION TO PURCHASE PROPRIETARY SOFTWARE TECHNOLOGY FOR THE PUBLIC SAFETY DEPARTMENT

WHEREAS, the Public Safety Department is required to use a document management program to distribute administration polices, general orders, memos and other vital documents to all members; and

WHEREAS, the technology and maintenance are proprietary software for Power DMS Incorporated; and

WHEREAS, the total cost of this software will exceed the quote threshold; and

WHEREAS, under New Jersey Local Public Contract (NJSA 40A:11-5dd), the Township may award a contract for proprietary software in lieu of bidding; and

WHEREAS, the Township would like to take advantage of provisions of NJSA 40:11-5 (dd) and award a service contract to Power DMS, INC for the total sum of \$7,803.00

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON hereby authorizes a service contract to for Power DMS Incorporated, 101 South Garland

Ave, Suite 300, Orlando, FL 32801 under provisions of NJSA 40:11-5dd to purchase proprietary software for the total sum of \$7,803.00; and

BE IT FURTHER RESOLVED, that the Township Attorney is directed to prepare the appropriate contract for such goods and services and the Mayor and Municipal Clerk is authorized to sign the same; and

BE IT FURTHER RESOLVED that the required availability of funds in the amount of \$7,803.00 has been obtained from the Chief Financial Officer, charged to budget account number 0-01-25-240-240-262.

Adopted

Inman – Cox 9. Authorize Settlement of Tax Appeals Dated February 24, 2020

RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE TOWNSHIP OF IRVINGTON IN THE COUNTY OF ESSEX AUTHORIZING SETTLEMENT OF THE TAX APPEALS ON THE ATTACHED LIST DATED FEBRUARY 24, 2020, WHICH WERE TAKEN FROM ASSESSMENTS OF PROPERTIES LOCATED WITHIN THE TOWNSHIP OF IRVINGTON, ESSEX COUNTY, NEW JERSEY.

WHEREAS, appeals of the real property tax assessments on the attached list dated February 24, 2020 have been challenged by the respective taxpayers; and

WHEREAS, each Block and Lot identified on the list dated February 24, 2020 was assessed at the amount stated therein for the noted tax year(s); and,

WHEREAS, the proposed Stipulations of Settlement, copies of which are incorporated herein as if set forth at length, have been reviewed and recommended by the Township Tax Assessor; and

WHEREAS, the Taxpayer's have agreed to waive statutory interest, pursuant to N.J.S.A. 54:3-27.2, provided any refund resulting from settlement of these matters is paid within 180 days of judgment entered by the Tax Court; and

WHEREAS, the settlement of these matters on the list dated February 24, 2020 are in the best interest of the Township of Irvington; and

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

1. The Township's Tax Appeal Attorney, Jason A. Cherchia, Esq., is authorized to execute Stipulations of Settlement on behalf of the Township of Irvington with respect to the tax appeals on the attached list which are currently pending in the Tax Court of New Jersey for the tax year(s) listed therein and the assessments stated therein.
2. All municipal officials are hereby authorized to take whatever action may be necessary to implement the terms of this Resolution and authorizes Special Tax Counsel to enter into the Stipulation of Settlement as provided by Taxpayer(s).

Adopted

Frederic – Cox 10. Authorize a Professional Services Contract for the 2020 Transportation Trust Fund Resurfacing Project - Keller and Kirkpatrick, Inc. - \$57,400.00

RESOLUTION TO AWARD A PROFESSIONAL SERVICES CONTRACT FOR THE 2020 TRANSPORTATION TRUST FUND RESURFACING PROJECT

WHEREAS, the Township of Irvington has applied for and received a grant from the New jersey Department of Transportation, under their Transportation Trust Fund Program, for a grant entitled “2020 Transportation Trust Fund Resurfacing Program” in the amount \$926,088.00; and

WHEREAS, the work required to design and administer this contract is beyond the capability of the Township Engineer and the costs for the required professional services are reimbursable under this grant, the Township Engineer solicited proposals from the seven engineering firms that are included under our annual contract for these services; and

WHEREAS, proposals were received quotes from four of these firms to whom these proposals were sent and, after a review of the proposals that were submitted, it was determined that the proposal of Keller & Kirkpatrick, Inc. of Morris Plains, N.J. was determined to be the least expensive of the proposals received in the amount of \$57,400.00 (\$ 34,900.00 for design and \$ 22,500.00 for contract administration); and

WHEREAS, the Township Engineer has reviewed this proposal and recommends this proposal as the most cost efficient proposal to complete the work on this project.

NOW, THEREFORE, BE IT RESOLVED BY MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that a professional services contract for the 2020 Transportation Trust Fund be awarded to Keller and Kirkpatrick, Inc., 301 Gibraltar Drive, Morris Plains, NJ 07950 at their proposed fee of \$57,400.00 (\$34,900.00 for design and \$22,500.00 for contract administration) for this project.

BE IT FURTHER RESOLVED that pursuant to N.J.A.C. 5:34-5.2, the required Certificate of Availability of Funds No. C2000052 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 in the amount of \$57,400.00 is Account No. G-02-XX-865-19A-299.

Adopted

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 amending the collection of solid waste and recycling 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 AMENDING AND SUPPLEMENTING CHAPTER 150 OF THE REVISED CODE OF THE TOWNSHIP OF IRVINGTON ENTITLED SOLID WASTE AND RECYCLING

CHAPTER 150. SOLID WASTE AND RECYCLING

[HISTORY: Adopted by the Municipal Council of the Township of Irvington 12-29-2009 by Ord. No. MC 3412.[1] Amendments noted where applicable.]

GENERAL REFERENCES

Housing standards — See Ch. 119.

Junk dealers — See Ch. 123.

Littering — See Ch. 134.

Property maintenance — See Ch. 148.

Rodent control — See Ch. 154.

Solid waste collectors — See Ch. 169.

[1]:

Editor's Note: This ordinance also repealed former Ch. 150, Recycling, adopted 4-14-1987 by Ord. No. MC 2828, as amended.

Article I. Terms Defined

§ 150-1. Definitions.

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

ALUMINUM BEVERAGE CONTAINERS, ALUMINUM FOIL AND ALUMINUM FOOD CONTAINERS
Beverage containers constructed entirely (top, bottom and sides) from aluminum material and also used, but clean, wrapping material, pans and plates constructed of aluminum (commingled residential pickup).

ANNUAL RECYCLING CALENDAR

Educational and enforcement brochure produced by the certified recycling professional annually and distributed by the Department of Neighborhood Services to all residential, commercial and institutional sectors.

AUTOMOBILE LEAD ACID BATTERIES

Used batteries from automobiles, trucks and other vehicles.

AUTOMOTIVE SCRAP METAL

Scrap automotive vehicles and/or parts.

BATTERIES, HOUSEHOLD

Single-use dry cell batteries such as type AAA, AA, C, D, nine-volt and button cell.

BATTERIES, RECHARGEABLE

Batteries used with rechargeable units.

BOOKS

Soft cover, paperback books, hardcover books, yellow pages and phone books (included in mixed residential paper pickup).

BRUSH

Tree and shrub branches which have been removed from residential properties and are free from roots, stumps and other contaminants.

BULK MATERIAL

Scheduled pickup for second garbage day; material consists of furniture (nonmetal), rugs (cut/tied), toys (in plastic bags).

CATALOG

Included in mixed residential paper pickup.

CERTIFIED RECYCLING PROFESSIONAL

Municipal certified recycling professional having graduated from the Rutgers Certified Recycling Course and having met the New Jersey State Requirements for the civil service position.

CHIPBOARD

Gray cardboard, including cereal boxes, gift boxes, cracker and cookie boxes, thin grocery boxes, shoe boxes, notepad backing, oatmeal boxes, fruit snack boxes, etc. (included in mixed residential paper pickup).

CHURCH(ES)

For purposes of this ordinance, churches are treated as multifamily dwellings.

COMMINGLED CONTAINERS

Clear, brown and green glass beverage containers in addition to aluminum tin and metal containers and plastic which bears code marking Nos. 1 and 2 (commingled residential pickup).

COMPUTER AND ELECTRONICS

Telephones, fax machines, scanners, televisions, modems, computers (monitors, hard drives) etc.

CONSTRUCTION AND DEMOLITION DEBRIS

Recyclable materials, including but not limited to concrete, asphalt, roof shingles, brick, block, wood waste, tree stumps and tires.

CORRUGATED CONTAINERS/CORRUGATED CARDBOARD CONTAINERS

Includes all disposable containers made and fabricated primarily of corrugated cardboard most commonly used for boxes, shipping containers and packing materials, having exterior cardboard piles separated by air spaces created by one or more ridged and grooved cardboard piles, i.e., oatmeal container, grits container, cardboard boxes (flattened and tied), delivery boxes (flattened and tied) (mixed residential paper pickup).

DESIGNATED RECYCLABLE MATERIALS

Those materials designated within the Township of Irvington, Essex County District Solid Waste Management Plan to be source separated for the purpose of recycling. These materials include: commingled items, HDPE plastic containers, PET containers, commingled containers (brown, clear and green beverage containers),

aluminum containers, automobile lead acid batteries, batteries, household and rechargeable, residential mixed paper (books, catalogs, magazines, cardboard, chipboard, shredded paper), leaves, brush, electronics (computers, monitors, televisions, phones, printers, fax, copiers, etc.), automotive scrap, motor oil, white goods (metal appliances, refrigerators, freezers, toaster, ovens, washers dryers etc.).

HAZARDOUS WASTE

Any waste substances required to be reported to the Department of Environmental Protection on the special waste manifest pursuant to N.J.A.C. 7:26-8.

HDPE PLASTIC CONTAINERS

Those plastic containers which are most commonly used as milk containers and detergent containers (included in mixed residential commingled pickup). Said containers shall be rinsed and kept separate from the household solid waste.

LEAVES

Yearlong and during leaf season.

MULTIFAMILY DWELLING

Any building or structure, or complex of buildings in which three or more dwelling units are owner-occupied or rented or leased, or offered for rental or lease, for residential purposes (see N.J.S.A. 13:1E-99.13a) and shall include hotels, motels, or other guest houses serving transient or seasonal guests as those terms are defined under Subsection (j) of Section 3 of the Hotel and Multiple Dwelling Law, ^{P.L. 1967, c. 76 (N.J.S.A. 55:13A-1 et seq.).}

MUNICIPAL SOLID WASTE (MSW) STREAM

All solid waste generated at residential, commercial, and institutional establishments within the boundaries of the municipality of Township of Irvington.

PET PLASTIC CONTAINERS

Those plastic containers which are most commonly used as soda bottles (included in residential commingled pickup). Said containers shall be rinsed and kept separate from the household solid waste.

RECYCLABLE MATERIAL

Those materials which would otherwise become solid waste and which may be collected, separated, or processed and returned to the economic mainstream in the form of raw materials or products.

RESIDENTIAL

All homes, condominiums, townhouses, apartments, trailer parks, etc., including certain housing types considered institutional (i.e., senior citizen homes) are to recycle the following materials.

RESIDENTIAL MIXED PAPER

Newspapers, junk mail, office paper, envelopes, notebook paper, computer paper, shredded paper documents etc.

SOURCE-SEPARATED RECYCLABLE MATERIALS

Recyclable materials which are separated at the point of generation by the generator thereof from solid waste for the purposes of recycling.

SOURCE SEPARATION

The process by which recyclable materials are separated at the point of generation by the generator thereof from solid waste for the purposes of recycling.

USED MOTOR OIL

Oil removed from automobiles and powered equipment requiring oil.

WHITE GOODS

Any metal appliance, i.e., refrigerators, microwaves, stoves, washer machines, dryers, toaster ovens, or toasters, etc. (picked up on metal day by appointment).

Article II. Collection of Solid Waste; Separation of Recyclable Materials

§ 150-2. Municipal service of collection.

A.

The municipal service of collection and disposal of solid waste and recycling hereunder shall be limited to curbside collection along public streets and roads that have been dedicated to and accepted by the Township of Irvington.

B.

The municipal service of collection and disposal of solid waste hereunder shall not extend entry upon private property to remove solid waste and recycling from dumpsters or other containers.

C.

Multi-unit dwellings must meet the prescribed requirements set forth by the Township of Irvington for collection of solid waste and recycling. Each multi-unit dwelling must be able to place three-cubic yard dumpster of sufficient number to enclose all trash within the dumpsters at the curb for collection without the obstruction of the sidewalk for pedestrian usage after 6:00 p.m. the evening prior to collection. All multi-unit dwellings must have a separate container/dumpster designated for recycling material only. If the property owners of said multi-unit dwellings are unable to meet the requirements for the removal of solid waste and recycling according to the established municipal curbside collection program, a private contracting service must be established by the property owner for solid waste and recycling services, at the owner's expense or pay at the Township rate of \$250.00 per dumpster, per pick-up. At the end of the year, all recycling tonnage reports must be submitted to the Director of the Department of Public Works (DPW) or certified recycling professional for state documentation purposes according to the state and county regulations.

D.

All commercial and industrial sectors are not exempt from recycling as it is mandated by the State of New Jersey, adopted by the County of Essex and the Township of Irvington. All commercial and industrial sectors must include recycling in their solid waste contracts and must provide the certified recycling professional with annual recycling tonnage reports for state documentation purposes according to the state and county regulations. Comingled trash shall constitute a violation of this ordinance and a fine of \$1,000.00 per violation shall be imposed. Each garbage can and/or dumpster with comingled trash shall constitute a separate violation and shall be compounded daily.

§ 150-3. Residential dwelling compliance requirements.

The owner of any property shall be responsible for compliance with this chapter. For multifamily units, the management or owner is responsible for setting up and maintaining the recycling system, including collection

of recyclable materials, in accordance with guidelines for regulations established by the Director of DPW and the certified recycling professional. Violation and penalty notices will be directed to the owner or management, in those instances where the violator is not easily identifiable. The management shall issue notification and collection rules to new tenants when they arrive and every six months during their occupancy. A failure to submit a recycling system to the Director of DPW and/or the certified recycling professional.

§ 150-4. New developments.

A.

New developments of multi-family residential units or commercial, institutional or industrial properties (pursuant to N.J.S.A. 13:1E-99.13a and 13:1E-99.16c).

(1)

Any application to the Planning Board of the municipality of the Township of Irvington for subdivision or site plan approval for the construction of multifamily dwellings of three or more units, single-family developments of 50 or more units, or any commercial, institutional, or industrial development for the utilization of 1,000 square feet or more of land, must include a recycling plan. This plan must contain, at a minimum, the following:

(a)

A detailed analysis of the expected composition and amounts of solid waste and recyclables generated at the proposed development; and

(b)

Locations documented on the application's site plan that provide for convenient recycling opportunities for all owners, tenants, and occupants. The recycling area shall be of sufficient size, convenient location and other attributes (signage, lighting, fencing, etc.) as may be determined by the certified recycling professional.

(2)

Prior to the issuance of a certificate of occupancy by the Township of Irvington, the owner of any new multifamily housing or commercial, institutional, or industrial development must supply a copy of a duly executed contract with a hauling company for the purposes of collection and recycling of source-separated recyclable materials in those instances where the Township of Irvington does not otherwise provide this service.

(3)

Provision shall be made for the indoor, or enclosed outdoor, storage and pickup of solid waste, to be approved by the Director of Public Works or Municipal Engineer or designated agent.

§ 150-5. Separation and collection of recyclable material.

A.

An annual recycling calendar is provided to each resident and property owner and should be followed as it is written.

B.

On or after the date fixed and promulgated by the certified recycling professional, it shall be mandatory for all persons, residential, industrial and commercial sectors to separate the recyclable materials as designated by the

Township of Irvington for separate collection from all other solid waste produced in or disposed of by such residents or nonresidential premises.

C.

On the dates and in the manner set forth in the regulations promulgated hereunder, the recyclable materials shall be placed at the curbside for collection by the Township of Irvington's recycling contractor.

D.

The Township of Irvington will not collect solid waste from any occupant or owner who includes newspapers, commingled material, leaves, hazardous waste, construction and demolition debris, computer or electronics, cardboard, yard waste, brush or tree parts or any of the aforementioned designated recyclable materials.

E.

The certified recycling professional, Director of DPW and Municipal Council, may, in accordance with its statutory authority, negotiate and enter into franchises or agreements with qualified persons to make collection of one or more of said recyclable materials and for the sale or disposition of said recyclable materials for the resultant benefit of the municipality.

F.

Designation of recyclable materials.

(1)

Leave season is from September 1 through December 31. Residents may no longer place their leaves at the curbside. All leaves are to be placed in a brown recyclable bag without debris or other yard waste during the leaf season. Leaves are to be placed at the curb in brown recyclable bags after 6:00 p.m. the evening prior to street cleaning. Failure to comply with the regulations set forth will result in fines and penalties.

(2)

Spring yard cleanup. Branches, bushels and twigs must be tied and bundled and placed at the curb for collection after an appointment is made with the Department of DPW (973) 399-6707. Leaves, weeds, flowers, and some grass may be commingled in the brown recycling bags and brought to 406 Coit Street during the hours of 8:30 a.m. to 3:00 p.m., Monday through Friday for dropoff unless other arrangements for said materials are made available by the Township of Irvington, at which time, residents will be notified of those arrangements.

(3)

Hazardous waste material. This material is not collected at the 406 Coit Street dropoff location due to its complexity in nature, however, the County of Essex provides two hazardous waste days for all residents within Essex County during the year. Dates are advertised on the annual recycling calendar, the Township website. Flyers are available in the Municipal Town Hall and the County of Essex mails out to all residents as the date approaches.

(4)

Tire collection. Tires are not collected at the curbside; however, a minimum amount of four tires per household per year may be brought to 406 Coit Street during the hours of 8:30 a.m. to 3:30 p.m., Monday through Friday, or to any used tire location for disposal. Illegal dumping of said material will result in fines.

(5)

Computer and electronic are no longer considered bulk. All material must be brought to 406 Coit Street during the hours of 8:30 a.m. to 3:30 p.m., Monday through Friday.

(6)

Household batteries must be recycled. You may bring them to 406 Coit Street (or other designated located) during the hours of 8:30 a.m. to 3:30 p.m. Monday through Friday.

(7)

Automotive batteries must be recycled. You may bring them to 406 Coit Street during the hours of 8:30 a.m. to 3:30 p.m., Monday through Friday, or they can be dropped off/exchanged at any Auto Zone or auto repair shop or dropped off at the Essex County hazardous waste dropoff site at the designated dates.

(8)

Automotive scrap metal must be recycled. Municipal automotives/equipment that are obsolete and/or have been either confiscated or in forfeiture must be recycled. All funds are to be reimbursed to the Municipal Recycling Fund. Recycling said material not only generates funding, it also generates tonnage for the municipal recycling tonnage grant. All residential and commercial/industry automotives must be recycled. The Township does not recycle said material. Residents must go to a metal scrap facility, declare the Township as Irvington and receive their refund. By declaring the township in which you reside, you are increasing the tonnage for Irvington. The Township does not incur any costs or receive any refunds for the scrap; we do however benefit from the tonnage reported.

(9)

Motor oil must be recycled. You may drop off at 406 Coit Street in a secure container, no more than eight quarts, or it may be brought to any auto repair shop or at the Essex County hazardous waste drop-off site on the designated dates.

(10)

Commingled items must be recycled. All residential properties must utilize the municipal curbside recycling program. All multi-unit dwellings must either comply with the prescribed regulations according to the municipal curbside recycling program or provide a private contractor for the removal of both solid waste and recycling materials under the New Jersey State Recycling Source Separation Act that has been adopted by the County of Essex and the Township of Irvington at their own cost. All annual recycling tonnage reports must be forwarded to the Director of DPW, certified recycling professional or designee for state documentation purposes according to the state and County of Essex regulations.

(11)

Mixed residential paper must be recycled. All residential properties must utilize the municipal curbside recycling program. All multi-unit dwellings must either comply with the prescribed regulations according to the municipal curbside recycling program or provide a private contractor for the removal of both solid waste and recycling materials under the New Jersey State Recycling Source Separation Act that has been adopted by the County of Essex and the Township of Irvington at their own cost. All annual recycling tonnage reports must be forwarded to the Director of DPW, certified recycling professional or designee for state documentation purposes according to the state and County of Essex regulations.

(12)

White goods must be recycled. All residential properties must utilize the municipal curbside recycling program by appointment only. Metal day is every Saturday morning provided you contact the Department of Public Works on the prior Monday or Tuesday morning for an appointment at (973) 399-6707. All multi-unit

dwelling must either comply with the prescribed regulations according to the municipal curbside recycling program or provide a private contractor for the removal of both solid waste and recycling materials under the New Jersey State Recycling Source Separation Act that has been adopted by the County of Essex and the Township of Irvington. White goods may be dropped off at the 406 Coit Street drop-off center during the hours of 8:30 a.m. to 3:30 p.m. Monday through Friday. All annual recycling tonnage reports must be forwarded to the Director of DPW, certified recycling professional or designee for state documentation purposes according to the state and County of Essex regulations.

G.

Prohibition of the collection of solid waste mixed with recyclable materials.

(1)

It shall be unlawful for solid waste contractors to collect solid waste that is mixed with or contains visible signs of designated recyclable materials. It is also unlawful for solid waste collectors to remove for disposal those bags or containers of solid waste which visibly display a warning notice or some other device indicating that the load of solid waste contains designated recyclable materials.

(2)

It shall be the responsibility of the property owner to properly segregate the uncollected waste for proper disposal or recycling. Allowing such unseparated solid waste and recyclables to accumulate will be considered a violation of this chapter and local sanitary code.

(3)

Once placed in the location identified by this chapter, or any rules or regulations promulgated pursuant to this chapter, no person, other than those authorized by the Township of Irvington, shall tamper with, collect, remove, or otherwise handle designated recyclable materials.

H.

Enforcement.

(1)

Housing and Building Construction, DPW, Health, Public Safety and any other Township official are hereby individually and severally empowered to enforce the provisions of this section. An inspection may consist of sorting through containers and opening of solid waste bags to detect, by sound or sight, the presence of any recyclable material.

(2)

Violations and penalties. For any section which does not provide a specific penalty or fine for a violation thereof the following section shall apply:

(a)

Any person, corporation, occupant, or entity that violates or fails to comply with any provision of this section or any of the rules and regulations promulgated hereunder shall, upon conviction thereof, be punishable by a fine as follows:

A(i) First Offense \$500.00

A(ii) 2nd Offense \$1,000.00

A(iii) 3rd Offense \$,2000.00

A(iv) 4th offense Minimum fine of \$3,000.00.

Each day for which a violation of this section occurs shall be considered a separate offense.

(b)

Fines levied and collected pursuant to this section shall be immediately deposited into the Municipal Recycling Trust Fund. Monies in the Municipal Recycling Trust Fund shall be used for the expenses of the Municipal Recycling Program, including salary for the Certified Recycling Professional hiring of enforcement staff related to this ordinance and all educational opportunities for higher education of said Professional pertaining to recycling and environmental education, implementation of recycling programs, management of municipal drop off site, e-waste events, enforcement of local recycling ordinance, and recycling containers according to the State requirements.

I.

Severability; effective immediately.

(1)

In the event that it is determined by a court of competent jurisdiction that any provision or section of this chapter is unconstitutional, all other sections and provisions shall remain in effect.

(2)

This chapter shall take effect immediately, unless otherwise provided by resolution of the governing body.

§ 150-6. Construction, renovation and demolition debris recovery plan.

A.

A debris recovery plan shall be filed with the Director of DPW, certified recycling professional or designee prior to the commencement of any activity for which municipal approval is required as further identified above. The debris recovery plan shall identify the types and estimated quantities of construction and demolition debris to be generated from the project, how each material will be managed, and the name of each facility or service provider that the entity will use to manage each material. The plan shall further detail how the applicant shall ensure that a minimum of 50% of the materials to be generated will be separated and recycled.

B.

Review of debris recovery plan.

(1)

Approval. A debris recovery plan shall be reviewed by the certified recycling professional and approved if it provides for all of the information required by this chapter. An approved debris recovery plan shall be marked "Approved" and returned to the owner of the entity which submitted the plan.

(2)

Denial. A debris recovery plan shall not be approved if it does not provide all of the information required by this chapter. If a debris recovery plan is not approved, the owner of the entity which submitted the plan shall be notified in writing that the plan has been rejected, including the reasons for the rejection. In order to obtain the building or demolition permit sought, the owner of the entity which will carry out the construction, renovation, or demolition project shall make the required changes and resubmit the debris recovery plan to the Director of DPW, certified recycling professional or designee.

C.

Diversion requirement adjustment.

(1)

Application. If the owner of an entity carrying out a covered project experiences circumstances that makes it infeasible to comply with the diversion requirement cited in this chapter, the owner of the entity may apply for an adjustment. The owner shall indicate in writing why it is infeasible to divert 50% of the materials being generated from the covered project and specify what percentage of diversion could be achieved. Increased costs to the owner of the entity carrying out the covered project will not be an acceptable justification for an adjustment.

(2)

Review. The Director of DPW, certified recycling professional or designee shall review the information supplied by the owner. If warranted the Director of Neighborhood Services, certified recycling professional or designee shall attempt to contact the owner to discuss possible ways of meeting the diversion requirement.

(3)

Granting of an adjustment. If the Director of DPW, certified recycling professional or designee determines that is infeasible for the entity carrying out a covered project to divert 50% of the generated construction and demolition debris from the covered project, the percent of diversion required shall be adjusted.

(4)

Denial of adjustment. If the Director of DPW, certified recycling professional or designee determines that it is feasible for the owner of an entity carrying out a covered project to meet the diversion requirement cited in this chapter, the owner shall be notified in writing of the denial of the diversion requirement adjustment.

D.

Debris recovery plan report requirements; documentation. Upon completion of the covered project, but before the final inspection, the owner of the entity carrying out a covered project shall submit in person or by certified mail to the certified recycling professional, the documentation required to demonstrate that the applicant has met the diversion requirement.

The required documentation shall include the following:

(1)

A completed debris recovery report, signed by the owner of the entity carrying out a covered project, indicating the quantity of each material generated during the covered project diverted or disposed;

(2)

Receipts from all facilities or service providers utilized to divert and dispose of materials generated during the covered project; and

(3)

Any additional information that the owner of the entity carrying out the covered project believes is relevant to determining compliance with the diversion requirement.

E.

Compliance with diversion requirement.

(1)

The Director of DPW, certified recycling professional or designee shall review the information submitted pursuant to this chapter and determine whether the owner of the entity carrying out the covered project has complied or failed to comply with the diversion requirement. The determination regarding compliance will be provided to the owner of the entity carrying out the covered project in writing.

(2)

Appeal. An owner of the entity carrying out the covered project may appeal a determination of failure to comply under this chapter to the municipality within 30 days of the decision or determination. The appeal shall be in writing and shall state the facts and basis for the appeal. A three person panel consisting of the Sanitation Committee whose determination shall be final.

F.

Enforcement. Housing and Building Construction, DPW, Health, Public Safety and any other Township official are hereby individually and severally empowered to enforce the provisions of this section. The respective enforcing official may, in his or her discretion, post warning stickers for a first offense. An inspection may consist of dumping and opening of solid waste bags or containers to detect, by sound or sight, the presence of any recyclable material.

G.

Violations and penalties. Any person, corporation, occupant, or entity that violates or fails to comply with any provision of this section or any of the rules and regulations promulgated hereunder shall, upon conviction thereof, be punishable by a fine of not less than \$1,000. Each day for which a violation of this section occurs shall be considered a separate offense

H.

Severability; effective date.

(1)

If it is determined, by a court of competent jurisdiction, that any provision or section of this section is unconstitutional, all other sections and provisions shall remain in effect.

(2)

This section shall take effect immediately.

§ 150-7. Board of Education.

A.

The Township of Irvington has adopted the Irvington Board of Education in the municipal curbside recycling program. All material belongs to the Township of Irvington and must be placed out for collection according to the Township recycling requirements. Failure to comply will result in fines from both the Municipal Enforcement Team and the County of Essex Health Authority (CEHA).

B.

All schools within the district must have a recycling program set in place for the proper source separation of solid waste and recycling materials. All recycling programs must have an educational component set in place in accordance with the Township of Irvington's Three E Equation: Education + Enforcement=Effectiveness, and the four R s of recycling: Reduce waste, Reuse products, Recycle products and Rethinking choices-choosing to develop a sustainable lifestyle.

C.

Leaf and other recycling materials must be recycled, and it is the responsibility of the Irvington Board of Education to properly discard said materials. All annual recycling tonnage reports must be forwarded to the Director of DPW, certified recycling professional or designee for state documentation purposes according to the state and County of Essex regulations.

D.

The Irvington Board of Education must participate in the Township of Irvington's Keep Irvington Beautiful programming to further educate and implement an aesthetically clean environment for the children which they serve in this community.

§ 150-8. Commercial and industrial sectors.

A.

All businesses operating within the Township of Irvington must recycle and are subject to fines from the municipal enforcement team and the County of Essex Health Authority (CEHA).

B.

All businesses operating within the Township of Irvington must provide private solid waste removal and recycling removal and produce proof of retention of such services as a part of the Certificate of Occupancy Application and/or thereafter annually, at a date determined by the certified recycling agent. Failure to provide such proof initially and/or annually shall constitute a violation of this ordinance. Written approval of the solid waste/recycling vendor shall be submitted to Director of DPW for approval.

C.

It is a known fact that small businesses, i.e., nail salons, hair braiding salons, unisex shops, and barbershops, generate an abundant amount of commingled HDPE and PET material. They are adopted under the Township of Irvington's recycling program to generate recycling tonnage. However, all commingled material must be brought to the 406 Coit Street drop-off site during the hours of 8:30 a.m. to 3:30 p.m. only after contacting the certified recycling professional for approval (973) 399-6697. The Township will not collect at the curbside, and failure to recycle will result in fines.

D.

All businesses operating within the Township of Irvington must support the Keep Irvington Beautiful Pledge and programming to ensure an aesthetically appealing community for the residents and visitors which they serve.

E.

All materials for both solid waste and recycling for commercial businesses shall not be placed at the curb earlier than 6:00 a.m. the morning of the collection. There shall be no solid waste and/or recyclable materials from a commercial business placed on curbside overnight. Solid waste and recyclable materials shall be placed at curbside between the hours of 6:00 a.m. and 8:00 a.m. Commercial businesses are required to have solid waste and recycling collected M-F only.

[Added 6-26-2012 by Ord. No. MC 3467]

§ 150-9. Contracts for removal and transport.

The Township of Irvington is hereby authorized to award a contract for the removal and transporting of recycling material for a term not exceeding five years or any part thereof upon competitive bidding to the lowest responsible bidder who complies with the regulations respecting the bidding and who furnishes a contractor's surety bond conditioned for the faithful performance of the obligations of the contract. Said bond shall be for each year for which the contract is awarded in a sum equal to the quotient obtained by dividing the amount of the contract by the number of years of the contract, plus 25% of said quotient. Any contract awarded pursuant to this section shall in no wise be constructed to afford any exclusive privileges to said contractor with reference to private waste contracts in said municipality.

A.

The collection and/or disposal and transporting of solid waste and recycling shall comply with all rules and regulations of the local Health Department, disposal site and laws of the State of New Jersey, particularly with the rules of the Bureau of Solid Waste Management of the New Jersey Department of Environmental Protection relating to registration, collection, haulage and dumping and the rules and regulations of the Board of Public Utilities.

B.

The municipal service of collection and disposal of solid waste and recycling hereunder shall not extend to entry upon private property to remove solid waste and/or recycling from dumpsters or other containers.

C.

There shall be no reimbursement from municipal funds to those property owners who do not receive the municipal service of collection and disposal of solid waste and/or recycling.

§ 150-10. Collection program established.

A.

There is hereby established a program for the separate collection of newspapers, glass containers, aluminum cans, bimetal cans, PET plastic containers, HDPE plastic containers, corrugated cardboard, mixed paper, computers and electronics, leaves, brush, white goods, used motor oil and batteries from the residences of the Township of Irvington for recycling purposes. Such collections shall be made weekly according to a schedule of residences and dates to be publicly advertised by the Township of Irvington. Such collection shall be made under the direction of the Director of DPW and the supervision of the certified recycling professional.

B.

Responsibility of occupants, property owner and residents. The owner of any property shall be responsible for compliance with this chapter. For multifamily units, the management or owner is responsible for setting up and maintaining the recycling system, including collection of recyclable materials, in accordance with guidelines or regulations established by DPW. Violations and penalty notices will be directed to the owner or management in those instances where the violator is not easily identifiable. The management shall issue notification and collection rules to new tenants when they arrive and every six months during their occupancy.

(1)

The property owner of each property in the Township of Irvington in the County of Essex shall provide suitable receptacles as herein prescribed, in which the occupant shall place and keep solid waste separate from the recycling materials.

(2)

The property owner occupant of property shall place in each receptacle for solid waste and recycling no more material than it can properly hold without spilling. Property owners are expressly prohibited from allowing so much garbage in a single receptacle that prevents the attached garbage lid from fully closing, without gap or space.

(3)

All receptacles for solid waste and recycling shall be so prepared, covered, handled and set by the occupant or other person that the contents shall be secure and shall not spill or leak on the sidewalk or elsewhere.

(4)

All material for both solid waste and recycling shall not be placed at the curb earlier than 6:00 p.m. the evening prior to collection and shall not be put out the morning of the collection, with consideration that collection times vary and are not mandated to start, after 9:00 a.m. (may start as early as 6:00 a.m.).

(5)

Solid waste and recycling shall not be stored at the front or side of residential, business, commercial or institutional property. Storage of solid waste and recycling shall be placed in the rear yard of property with an attached lid and in the proper receptacle.

§ 150-11. Receptacle specifications; placement for collection.

A.

All containers shall be of the roll-out style with an attached lid. The container shall be properly sized and qualify as to durability, ease of handling, and weather resistance. Each container is expected to be approximately 32-50 gallons for Residential properties.

B.

Any solid single piece of solid waste (bulk material/furniture) may be placed at the curb on the scheduled second garbage day, provided the piece does not weigh more than 50 pounds and can be handled by one man. Property owners are limited to two pieces of bulk per week.

C.

The occupant/property owner shall keep a minimum of two separate, clearly marked and differently-colored receptacles with each receptacle storing either solid waste or recycling. Said receptacles shall also be maintained in a clean and in a proper condition for safe handling. Containers with holes and tears may not be used.

D.

All receptacles or dumpsters shall be maintained in accordance with the Health Code of the Township of Irvington.

E.

In buildings in which two or more families reside, the owner shall suitably mark each unit's receptacle(s) so as to render the receptacles identifiable.

F.

In multi-unit dwellings the solid waste and recycling must be placed at the curbside in three cubic yard dumpsters not blocking the sidewalk.

§ 150-12. Establishment of regulations.

Said Director of DPW and the certified recycling professional are hereby authorized and directed to establish and promulgate regulations as to the manner, days and times of such collections and the bundling, handling, location and time of placement of all materials for collection.

§ 150-13. Materials to be property of Township.

From the time of placement at the curb by any resident of any designated recyclable material placed at the curb for collection by the Township of Irvington's authorized agent, pursuant to a program established hereby and the rules and regulations issued hereunder, such materials shall become the property of the Township of Irvington, and it shall be considered a violation of this chapter for any person other than the authorized personnel of the contractor to collect, pick up or cause to be collected or picked up such materials. Each such collection in violation hereof from one or more residences during said period shall be considered a separate and distinct offense.

§ 150-14. Other methods of disposal.

Any resident may donate or sell used newspapers, glass containers, aluminum cans, bimetal cans, PET plastic containers, HDPE plastic containers, corrugated cardboard boxes, mixed papers or used motor oil to any person, firm, partnership or corporation, whether operating for profit or not. Said person, partnership, firm or corporation may not, under any circumstances, pick-up said materials from the curbside of the Township of Irvington.

§ 150-15. Construction and renovation debris.

Any resident/property owner who renovates, decorates and/or demolishes his/her property must obtain a contractor who will properly dispose of any recyclable material, including but not limited to concrete, asphalt, roof shingles, brick, block, wood waste (doors, fences, etc.) tree stumps, etc. The contractor/hauler must report his/her tonnage reports to the New Jersey State of Environmental Protection, County of Essex and the municipal certified recycling professional in the Township of Irvington at the beginning of the year, prior to April 15.

§ 150-16. Reports of private organizations.

Any private organization collecting recyclable materials, as set forth in this chapter, shall provide to DPW quarterly reports as to the volume of materials (tonnage) collected by such organization. Those reports will be utilized by DPW for grant funds and other credits which may be authorized by the State of New Jersey, Department of Environmental Protection, pursuant to the provisions of the New Jersey Recycling Act, N.J.S.A. 13:1E-92 et seq. or any other statutes or administrative rules and regulations.

§ 150-17. Violations and penalties.

Any person violating any of the provisions of this chapter where the penalty is not specifically enumerated in the respective section shall, upon conviction thereof, be subject to a minimum penalty of \$250 but not exceeding \$1,000, with each day the condition exists being a separate violation subject to this penalty, or to imprisonment for a period not exceeding 90 days or a period of community service not exceeding 90 days. In default of the payment of any penalty imposed hereby, the person so convicted may be imprisoned in the

county jail or place of detention provided by the municipality for any term not exceeding 90 days or be required to perform community service for a period not exceeding 90 days.

The public hearing on this ordinance is now open.

Hudley – Cox Motion to close public hearing.

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

Adopted

2. President Burgess: An ordinance amending the presentation and payment of bills 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 7-96 OF THE REVISED CODE OF THE TOWNSHIP OF IRVINGTON REGARDING PRESENTATION AND PAYMENT OF BILLS

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

SECTION 1. Section 7-96 of the Revised Code of the Township of Irvington is hereby amended and supplemented as follows:

§ 7-96 Presentation and payment of bills.

A. Bills, claims and demands against the Town shall be submitted for approval to the Municipal Council at least 16 business hours before its regular meeting.

B. Bills, claims and demands against the Town, when duly authorized and approved, shall be paid upon the audit, warrant or approval of the CFO or, in his absence, by the Comptroller in the Department of Revenue and Finance or such other person so designated by the Director of Revenue and Finance.

C. After audit and approval, payments and disbursements shall be made by electronic funds transfer, bank check or draft warranted or initiated by the Comptroller or Accounts payable in the Department of Revenue and Finance or such other person in such Department designated by the Director of Revenue and Finance and approved/signed by the Town CFO and countersigned by the Mayor or the Business Administrator. Any refunds through electronic process used by the Town shall be reviewed and approved by CFO prior to disbursement.

D. The Certified Finance Officer is hereby authorized and directed to provide to the Municipal Council:

(1) A certification of funds as it pertains to expenditures contained in any bill lists which may be submitted to the Municipal Council for its approval or an explanation of why a certification of funds cannot be provided for any particular item of expenditure which is included in the bill lists.

(2) A monthly report showing a cumulative statement of expenditures as compared to the budget.

SECTION 2. All Ordinances or parts of Ordinances inconsistent or in conflict with of the provisions of the within Ordinance 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.

Cox - Hudley Motion to close public hearing.

Cox - Hudley Motion to adopt this ordinance on second reading after public hearing.
Adopted
Abstain: Inman

C. Bills & Claims

Vick – Beasley 1. Bill Lists

RESOLVED THAT THE BILLS AND CLAIMS AGAINST THE TOWNSHIP OF IRVINGTON FOR A PERIOD FEBRUARY 24, 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	\$1,072,952.14
TOTAL	\$1,072,952.14

Adopted
No: Inman

Cox - Beasley 2. Payrolls

REGULAR	OVERTIME	February 14, 2020 OTHER	TOTAL
\$1,682,220.47	\$185,653.87	\$117,530.70	\$1,985,405.04

Adopted
No: Inman

REGULAR	OVERTIME	January 31, 2020 VOID CHECK OTHER	TOTAL
-\$6,129.33	\$0.00	\$0.00	-\$6,129.33

Adopted
No: Inman

		February 14, 2020	
REGULAR	OVERTIME	OTHER	TOTAL
-\$1,600.00	\$0.00	-\$480.00	-\$2,080.00

Adopted
No: Inman

9. Resolutions & Motions

A. Resolutions

Cox – Frederic 11. Ratify Calendar Year 2018 Annual Audit Report

WHEREAS, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions; and

WHEREAS, the Annual Report of Audit for the Calendar Year 2018 has been filed by a Registered Municipal Accountant with the Municipal Clerk as per the requirement of N.J.S. 40A:5-6, and a copy has been received by each member of the governing body; and

WHEREAS, the Local Finance Board of the State of New Jersey is authorized to prescribe reports pertaining to the local fiscal affairs, as per R.S. 52:27BB-34; and

WHEREAS, the Local Finance Board has promulgated a regulation requiring that the governing body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the Annual Audit entitled: GENERAL COMMENTS AND RECOMMENDATIONS

WHEREAS, such resolution of certification shall be adopted by the governing body no later than forty-five days after the receipt of the annual audit, as per the regulations of the Local Finance Board; and

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

WHEREAS, failure to comply with the promulgations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52 - to wit:

R.S. 52:27BB-52 - "A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,0000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office."

NOW, THEREFORE, BE IT RESOLVED THAT THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON hereby states that it has complied with the promulgation of the Local Finance Board of the State of New Jersey dated July 30, 1968 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

I HEREBY CERTIFY THAT THIS IS A TRUE COPY OF THE RESOLUTION PASSED AT THE MEETING HELD ON FEBRUARY 24, 2020.

Harold E. Wiener, R.M.C. #C-0327, M.M.C., Municipal -Clerk

Adopted
No: Inman

Cox – Vick 12. Authorize a Fair and Open Professional Service Contract for Financial Consultant Services to NW Financial Group LLC – Not To Exceed \$60,000.00

**RESOLUTION AUTHORIZING FAIR AND OPEN PROFESSIONAL SERVICE CONTRACT
FOR FINANCIAL CONSULTANT SERVICE**

WHEREAS, the Request for Proposals for professional Financial Consultant Services was publicly advertised in the New Jersey Star Ledger on January 04, 2020 with a deadline for proposals to be submitted on January 29, 2020; and

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

WHEREAS, said qualification was referred to the Community Development and Planning Director; and

WHEREAS, the Community Development and Planning Director has recommended award should be made to the following firm:

NW Financial Group LLC
2 Hudson Place, 3rd Floor, Hoboken NJ 07030

NOW THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that a contract for Financial Consultant be awarded to NW Financial Group LLC, 2 Hudson Place, 3rd Floor, Hoboken, NJ 07030, on the basis of their response to the request for proposal selection criteria and qualifications, for a not to exceed amount of \$60,000.00. The provider will be paid \$185.00-\$225.00 per hour depending on the scope of work required for one year starting on February 25, 2020 until February 26, 2021; and

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

BE IT RESOLVED that the required certification of availability of funds C200051 in the amount of \$1,000.00 from account number 9-01-21-180-185-299 has been obtained from the Chief Financial Officer

for the first month payment and the remaining balance will be certified upon the adoption of the 2020, 2021 budgets and Escrow Funds.

Adopted
No: Inman

Frederic – Hudley 13. Authorize Purchase of Emergency Equipment From State Contract Vendor Beyer Ford, LLC for an Amount Not To Exceed \$256,231.25

RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE TOWNSHIP OF IRVINGTON IN THE COUNTY OF ESSEX AUTHORIZING SETTLEMENT OF THE TAX APPEALS ON THE ATTACHED LIST DATED FEBRUARY 24, 2020, WHICH WERE TAKEN FROM ASSESSMENTS OF PROPERTIES LOCATED WITHIN THE TOWNSHIP OF IRVINGTON, ESSEX COUNTY, NEW JERSEY.

WHEREAS, appeals of the real property tax assessments on the attached list dated February 24, 2020 have been challenged by the respective taxpayers; and

WHEREAS, each Block and Lot identified on the list dated February 24, 2020 was assessed at the amount stated therein for the noted tax year(s); and,

WHEREAS, the proposed Stipulations of Settlement, copies of which are incorporated herein as if set forth at length, have been reviewed and recommended by the Township Tax Assessor; and

WHEREAS, the Taxpayer's have agreed to waive statutory interest, pursuant to N.J.S.A. 54:3-27.2, provided any refund resulting from settlement of these matters is paid within 180 days of judgment entered by the Tax Court; and

WHEREAS, the settlement of these matters on the list dated February 24, 2020 are in the best interest of the Township of Irvington; and

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

3. The Township's Tax Appeal Attorney, Jason A. Cherchia, Esq., is authorized to execute Stipulations of Settlement on behalf of the Township of Irvington with respect to the tax appeals on the attached list which are currently pending in the Tax Court of New Jersey for the tax year(s) listed therein and the assessments stated therein.
4. All municipal officials are hereby authorized to take whatever action may be necessary to implement the terms of this Resolution and authorizes Special Tax Counsel to enter into the Stipulation of Settlement as provided by Taxpayer(s).

Adopted
No: Inman

Hudley – Frederic 14. Authorize Purchase of Twenty (20) Vehicles from Beyer Ford, LLC for an Amount Not To Exceed \$700,703.30

RESOLUTION AUTHORIZING THE PURCHASE OF TWENTY VEHICLES FROM MORRIS COUNTY CO-OP CONTACT VENDOR BEYER FORD, LLC FOR AN AMOUNT NOT TO EXCEED \$700,703.30

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 Township wishes to purchase 9 unmarked Admin SUVs, 7 marked SUVs, 1 unmarked pickup truck, 1 marked pickup truck and 2 CSO vehicles from Beyer Ford LLC, Morris County Co-op contract number 15-A; and

WHEREAS, the Township of Irvington intends to enter into contracts with Beyer Ford LLC through this resolution and properly executed purchase orders; and

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON hereby authorizes a service contract with Beyer Ford LLC of 170 Ridgedale Ave, Morristown, NJ 07962 for an amount not to exceed \$700,703.30 and;

BE IT FURTHER RESOLVED, that the Township Attorney is directed to prepare the appropriate contract for such goods and services and the Mayor and Municipal Clerk is authorized to sign the same; and

BE IT FUTHER RESLOVED, that the required certification of availability of funds C200003, C0000043 in the amount of \$700,703.30.00 from account number C-04-56-853-020-902, C-04-56-853-020-903, C-04-56-853-020-904, C-04-56-853-020-902 and C-04-56-853-020-921, has been obtained from the Chief Financial Officer.

Adopted
No: Inman

Cox – Vick 15. Authorize Assignment of Tax Sale Certificate for 402 Myrtle Avenue, Block 109, Lot 2 to US Bank Cust for PC6 Sterling National

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:

Owner	Cert	Sale	Amount	Amount As of
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Block/Lot	Property Address	No.	Date	of Sale	February 24, 2020
109 / 2	Siljee, Paul 402 Myrtle Avenue	110794	06/28/2011	\$1,574.23	\$30,116.02

together with subsequent liens thereon, at private sale to:

US Bank Cust for PC6 Sterling National
50 S 16th Street
Suite 2050
Philadelphia, PA 19102

Adopted
No: Inman

Cox – Beasley 16. Amend Resolution TA 20-0127-8 - Professional Services Contract for Legal Services Regarding Foreclosure Proceedings on Seven (7) Properties to Goldenberg, Mackler, Sayegh, Mintz, Pfeffer Bonchi & Gill – Amended Resolution to Include the Seven (7) Properties Addresses

**AMENDEMENT TO RESOLUTION TA 20-0127-8 ADOPTED ON JANUARY 27, 2020.
RESOLUTION RATIFYING PROFESSIONAL SERVICES CONTRACT
FOR FORECLOSURE COUNSEL SERVICES FOR SEVEN (7) FORECLOSURE MATTERS**

WHEREAS, the Department of Community Development seeks to amend Resolution # TA 20-0127-8 to include the seven (7) foreclosure matters; and

WHEREAS, resolution number TA 19-0610-19 qualified three firms to foreclosure counsel services for the Township of Irvington from July 1, 2019 until June 30, 2020; and

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

WHEREAS, the Township Attorney assigned Goldenberg, Mackler, Sayegh, Mintz, Pfeffer, Bonchi & Gill to represent the Township in the nine (7) foreclosure matter; 170-174 Linden Avenue Block 91 Lot 1; 162-168 Linden Avenue Block 90 Lot 3; 89-91 Franklin Terrace Block1 Lot 1; 265 Isabella Avenue Block 71 Lot 20; 53 Maple Avenue Block 209 Lot 41; 335 Myrtle Avenue Lot 60 Block 20; 12 Tremont Terrace Lot 131 Block 30 and;

WHEREAS, the Township Attorney has recommended that a contract be awarded to Goldenberg, Mackler, Sayegh, Mintz, Pfeffer, Bonchi & Gill, 660 New Road, Suite 1A, Northfield, NJ, 08225; and

NOW THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that a contract for Foreclosure Counsel services be awarded to Goldenberg, Mackler, Sayegh, Mintz, Pfeffer, Bonchi & Gill, 660 New Road, Suite 1A, Northfield, NJ, 08225 for a contract amount not to exceed \$13,500.00. The billing rate shall not exceed \$13,500.00 per foreclosure complaint and \$150.00 per hour for any contested matters; and

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 C2000025 was obtained from the Chief Financial Officer and the appropriation to be charged for this expenditure is T-18-56-860-000-040 in the amount of \$13,500.00.

Adopted
No: Inman

12. Miscellaneous

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

Conrad McPherson, 10 Leslie Place
Elouise McDaniel, 214 Nesbit Terrace
Daisy Fuqua, 167 Orange Avenue
Nduna Gora, 12 Beaumont Place
Eugene Otto, 35 Ellery Avenue

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