

REGULAR COUNCIL MEETING  
JULY 13, 2020

Virtual Zoom Meeting  
Irvington, N.J. – Monday Evening  
July 13, 2020 - 7:30 P.M.

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

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

Absent: None

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

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

There were no requests to be heard.

5. Hearing of Council Members

There were no requests to be heard.

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

A. Reports

1. Municipal Court – Electronic Collections – April, 2020
2. Municipal Court – Electronic Collections – May, 2020
3. Joint Meeting – Third Quarter Assessment

7. Reports of Committees

None

8. Ordinances, Bills & Claims

A. Ordinances on First Reading

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Cox – Burgess 1. Amend Chapter 158 of Revised Code – Alcoholic Beverages

AN ORDINANCE TO AMEND ARTICLE 158. ALCOHOLIC BEVERAGES. ARTICLE III ALCOHOLIC BEVERAGE CONTROL BOARD; CHAPTER 158-29. BOARD CONSTITUTED.

Adopted

C. Bills & Claims

Cox - Vick

1. Bill Lists

RESOLVED THAT THE BILLS AND CLAIMS AGAINST THE TOWNSHIP OF IRVINGTON FOR A PERIOD JULY 13, 2020 AS ENUMERATED ON THIS LIST FOR MATERIALS, SUPPLIES AND SERVICES FURNISHED, DELIVERED AND/OR PERFORMED HAVE BEEN CERTIFIED BY THE DEPARTMENTS AS CORRECT, EACH CLAIM AND PURCHASE ORDER HAVE BEEN VERIFIED AND REVIEWED FOR THE AVAILABILITY OF FUNDS, ACCURACY OF ACCOUNT CODING AND COMPLETENESS BY THE ADMINISTRATION, THEREFORE:

BE IT RESOLVED, BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON THAT THE FOLLOWING BE PAID BY THE CHIEF FINANCIAL OFFICER:

BILL LIST	\$6,526,461.41
TOTAL	\$6,526,461.41

Adopted

Burgess - Cox

2. Payrolls

JUNE 19, 2020

REGULAR	OVERTIME	OTHER	TOTAL
\$1,647,631.98	\$41,848.68	\$230,965.22	\$1,920,445.88

JULY 3, 2020

REGULAR	OVERTIME	OTHER	TOTAL
\$1,636,590.23	\$39,536.21	\$144,315.46	\$1,820,441.90

9. Resolutions & Motions

A, Resolutions

Cox - Hudley 1. Qualify Pool of 6 Law Firms for Professional Worker's Compensation Counsel Services - \$115.00 Per Hour - July 11, 2020 Through July 10, 2021

**QUALIFYING LAW FIRMS PURSUANT TO A FAIR AND OPEN  
PROCESS FOR WORKERS COMPENSATION COUNSEL**

WHEREAS, the Request for Qualifications for Professional Workers Compensation Counsel services was publicly advertised in the New Jersey Star Ledger on May 19, 2020 with a deadline for qualifications to be submitted on June 03, 2020 ; and

WHEREAS, such services are to be acquired through a fair and open process pursuant to the provisions of N.J.S.A. 19:44A-20.4; and

WHEREAS, six qualifications were received and publicly opened; and

WHEREAS, said qualifications were referred to the Township Attorney; and

WHEREAS, the Township Attorney, Ramon Rivera, has recommended that the following firms are qualified:

John H. Watson Jr.,  
63 Washington Street  
East Orange, NJ 07017

Ronald Thompson  
69 Valley Street  
South Orange, NJ 07079

Biancamano & Di Stefano, P.C.  
10 Parsonage Road, Suite 300  
Edison NJ 08837

Florio Perrucci Steinhardt & Cappelli, LLC  
218 RT. 17N, Suite 410  
Rochelle Park, NJ 07662

Eric M. Bernstein & Associates, LLC  
34 Mountain Blvd., Building A,  
P.O. Box 4922, Warren NJ 07059

Glazer & Kamel  
1207 East Grand Street 3rd Floor  
Elizabeth, NJ 07201

WHEREAS, from the list of qualified firms above, from time to time, and as needed, the Township Attorney may enter into a contract not to exceed one year, with respect to particular

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matters by separate resolutions pursuant to the terms of this resolution and the request for proposals;

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

1. The Township Attorney will provided separate resolutions with respect to particular matters to the Municipal Council.
2. The Township Attorney will prepare the appropriate contract for this service.
3. The above vendors are qualified for one year from July 11, 2020 through July 12, 2021
4. The vendors will be paid an amount not to exceed \$115.00 per hour.

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

Frederic – Vick 2. Authorize the Purchase of Proprietary Equipment from Groff Tractors New Jersey LLC – Not To Exceed \$35,000.00

**AUTHORIZE THE PURCHASE OF PROPRIETARY EQUIPMENT FROM  
GROFF TRACTORS NEW JERSEY LLC**

WHEREAS, Public Works has a Case Equipment Wheel loader; and

WHEREAS, pursuant to N.J.S.A. 40A:11-5(1)(d)(d), parts and services can only be purchased from Groff Tractor New Jersey, LLC, 551 North Harding Highway, Vineland, NJ 08360; and

WHEREAS, the Administration would like to request a sole source exemption for parts and service for the Case Equipment, Wheel Loader; and

WHEREAS, the Administration will like to award a contract to Groff Tractor New Jersey, LLC, 551 North Harding Highway, Vineland, NJ 08360 for an amount not to exceed \$35,000.00

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 the required equipment and service from Groff Tractors New Jersey, LLC.

BE IT FUTHER RESLOVED that the required certification of availability of funds C2-00082 in the amount of \$35,000.00 from account number 0-01-21-165-165-299 has been obtained from the Chief Financial Officer.

Adopted

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~~Township Attorney ——— 3. Authorize Contract with Florio, Perrucci, Steinhardt & Fader for Labor Counsel Services in an Amount Not To Exceed \$75,000.00 from July 1, 2020 to June 30, 2021~~

**RESOLUTION AUTHORIZING FAIR AND OPEN PROFESSIONAL SERVICE  
CONTRACT FOR LABOR COUNSEL**

WHEREAS, the Request for Proposals for professional Labor counsel services was publicly advertised in the New Jersey Star Ledger on May 19, 2020 with a deadline for proposals to be submitted on June 03, 2020; and

WHEREAS, one qualification was received and publicly opened; and

WHEREAS, said qualifications were referred to the Township Attorney; and

WHEREAS, the Township Attorney has recommended award should be made to the following firm:

Florio, Perrucci, Steinhardt & Fader  
218 RT. 17N, Suite 410  
Rochelle Park, NJ 07662

NOW THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that a contract for Labor Attorney be awarded to Florio, Perrucci, Steinhardt & Fader, 218 RT. 17N, Suite 410, Rochelle Park, NJ 07662, on the basis of their response to the request for proposal selection criteria and qualifications, for an amount not to exceed \$75,000.00. The provider will be paid \$6,250.00 per month for all labor related work for one year July 01, 2020 until June 30, 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, certification number C9-00232 for the two month of services was obtained from the Chief Financial Officer and the appropriation to be charged for this expenditure is 0-01-20-155-155-299 in the amount of \$12,500.00 and the remaining balance of \$62,500.00 will be certified on the adoption of the Calendar 2020 and 2021 budgets.

**NOTE: This Item was removed at the Caucus Meeting and therefore not voted on.**

Cox – Hudley 4. Qualify Foreclosure Counsel - Goldenberg, Mackler, & Sayeih – July 1, 2020 through June 30, 2021

**AUTHORIZING QUALIFYING FORECLOSURE COUNSEL**

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WHEREAS, the Request for Qualifications for professional Foreclosure counsel services was publicly advertised in the New Jersey Star Ledger on May 19, 2020 with a deadline for qualifications to be submitted on June 03, 2020; and

WHEREAS, one qualification was received and publicly opened; and

WHEREAS, said qualifications were referred to the Township Attorney; and

WHEREAS, the Township Attorney has recommended that award should be made to the following firm:

Goldenberg, Mackler, Sayeih GMS Law  
Keith A. Bonchi  
660 New Road, Suite 1A  
Northfield, NJ 08225

NOW THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that the above vendor is qualified for the services of professional foreclosure services and the Township Attorney will prepare separate resolutions for all cases assigned to the above vendor.

BE IT FURTHER RESOLVED, that this qualification is for one year starting on July 01, 2020 and ending on June 30, 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.

Adopted

Frederic – Vick 5. Authorize Service Agreement to Repair a Sole Source Elgin Pelican Street Sweeper - W.E.Timmerman July 13, 2020 to December 31, 2020 - in the amount of \$25,000.00

**AUTHORIZING A SERVICE AGREEMENT TO REPAIR SOLE SOURCE  
ELGIN PELICAN STREET SWEEPER**

WHEREAS, Public Works has an Elgin Pelican street sweepers to clean various streets in the Township; and

WHEREAS, pursuant to N.J.S.A. 40A:11-5(1)(d)(d), parts and services can only be purchased from W.E. Timmerman Co. Inc., P.O Box 71, Whitehouse, NJ 08888; and

WHEREAS, the Administration would like to request a sole source exemption for parts and service for the street sweepers; and

WHEREAS, the Administration will like to award a contract to W.E. Timmerman Co. Inc., P.O Box 71, Whitehouse, NJ 08888 for an amount not to exceed \$25,000.00

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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 to W.E. Timmerman Co. Inc., P.O Box 71, Whitehouse, NJ 08888 starting on July 13, 2020 until December 31, 2020 for an amount not to exceed \$25,000.00.

BE IT FUTHER RESLOVED that the required certification of availability of funds C200075 in the amount of \$25,000.00 from account number 0-01-21-165-165-299 has been obtained from the Chief Financial Officer.

Adopted

Vick – Frederic 6. Award a Professional Services Contract for the Removal of Underground Storage Tanks and Installation of Above Ground Storage Tanks at the 16th DPW Garage - E2 Project Management \$30,500.00

**AWARD A PROFESSIONAL SERVICES CONTRACT FOR THE REMOVAL OF UNDERGROUND STORAGE TANKS AND INSTALLATION OF ABOVEGROUND STORAGE TANKS AT THE 16TH DPW GARAGE**

WHEREAS, the 16<sup>th</sup> Avenue Public Works Garage, located at 334 16<sup>th</sup> Avenue, is an older structure that was purchased by the Township and contains 6 non-complaint underground storage tanks which are not in service and need to be removed and there is a need to install 2 Above Ground Storage tanks at this site; and

WHEREAS, it would bring the site into compliant with a NJDEP order and restore gasoline and diesel service to this site; and

WHEREAS, the Township Engineer prepared and distributed a Request for Quotes to the firms that provide Licensed Site Remediation Professional (LSRP) services to the Township; and,

WHEREAS, based on that Request for Quotes, two quotes were received for the design and contract administration of this project with the lowest priced quote being that of E2 Project Management of Rockaway, NJ at their quoted price of \$ 30,500 (\$15,500.00 for design and \$ 15,000 for contract administration); and

WHEREAS, the Township Engineer has reviewed these quotes and recommends that a contract for professional services be awarded to the firm of E2 Project Management for the design and contract administration for the Removal of Underground Storage Tanks and Installation of Above ground Storage Tanks at the 16<sup>th</sup> Avenue DPW Garage at their quoted price of \$ 30,500.00.

NOW, THEREFORE, BE IT RESOLVED BY MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that a professional services contract for the design and contract administration for the Replacement of the Underground Storage Tanks and Installation of 2 Above ground storage tanks at the 16<sup>th</sup> Avenue DPW Garage be awarded to

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E2 Project Management of Rockaway, NJ James R. Guerra, P.E., of Elizabeth, NJ at their quoted fee of \$ 30,500.00.

BE IT FURTHER RESOLVED that pursuant to N.J.A.C. 5:34-5.2, the required Certificate of Availability of Funds No. C200085 for the above professional services contract 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 \$ 30,500.00 is Account No.C-04-56-852-019-905.

Adopted

Cox – Burgess 7. Authorize Purchase of Audio Visual Equipment Over the \$17,500.00 Pay to Pay Threshold and Under the \$40,000.00 Bid Threshold From B and H Photo Based Upon Low Quotation

**AUTHORIZING PURCHASES OVER THE PAY TO PLAY THRESHOLD OF \$17,500.00  
BUT UNDER THE BID THRESHOLD OF \$40,000.00 FOR THE PURCHASE OF AUDIO  
AND VIDEO EQUIPMENT**

WHEREAS, the Township wishes to purchase audio and video equipment and the total purchase will exceed the pay to play threshold; and

WHEREAS, the Township has obtained two quotes from Amazon, B and H Photo herein attached; and

WHEREAS, B and H Photo has provided the lowest quote for this service; and

WHEREAS, in compliance with 19:44a-20.13 et., seq., B and H Photo will exceed the Pay-to-Play threshold of \$17,500.00 for calendar year 2020; and,

WHEREAS, B and H Photo of 420 9<sup>th</sup> Ave, New York, NY 10001 has completed and submitted the Township C-271, elect reports and political disclosure forms. These forms are on file in the Division of Purchasing Office and the Municipal Clerk; and

WHEREAS, all purchases to the above vendor will not exceed the bid threshold of \$40,000.00; and

NOW, THEREFORE, BE IT RESOLVED, that the Municipal Council of the Township of Irvington hereby authorizes the Qualified Purchasing Agent to audio and video equipment from B and H Photo of 420 9<sup>th</sup> Ave, New York, NY 10001 in excess of pay to play threshold \$17,500.00 but under the bid threshold of \$40,000.00; and

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 \$17,500.00.

Adopted



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Vick - Beasley 8. Award Emergency Contracts for COVID-19 (Coronavirus) Health Pandemic

**RESOLUTION TO AWARD EMERGENCY CONTRACTS FOR COVID 19 (CORNA VIRUS) HEALTH PANDEMIC**

WHEREAS, on March 10, 2020, Honorable Mayor Anthony Vauss declared an emergency to purchase supplies and equipment for the COVID 19 (Corona Virus) health pandemic, and

WHEREAS, the Township needed supplies and equipment immediately to protect staff and residents, and

WHEREAS, this situation constitutes a threat to public health, safety and welfare and the Mayor declared an emergency pursuant to Governor Phil Murphy Executive Orders and Emergency Declaration to procure the following supplies and equipment immediately:-

Name of Vendor	Type of Commodity	Total Amount	Purchase Order Number
DC Dental	Gloves and wipes	\$731.45	20-02540
SHI International Corp	Network Upgrade	\$5,394.60	20-02542
SHI International Corp	Network Upgrade	\$8,720.00	20-02543
Essential Procurement Services	PPE Gear for Inspections	\$3,710.00	20-02504
Office Concepts	Curad Sterile Alcohol swabs	\$63.28	20-01504
SHI International Corp	Laptops	\$2,688.00	20-02420
SHI International Corp	Laptops	\$2,284.41	20-02361
Office Concepts	Clorox wipes, sanitizer, spray	\$433.81	20-02233
SHI International Corp	Laptops	\$47,430.90	20-01845
Bizarre Foods Inc	Assorted Foods, fruits and juice	\$8,870.45	20-02483
Essential Procurement Services	PPE Gear for Inspections	\$1,600.00	20-02546
Stuyvesant Press	Covid 19 Mailer	\$1,856.14	20-02547
SHI International Corp	Network Upgrade /Wireless upgrade	\$13,158.20	20-02545
Stuyvesant Press	Covid 19 Mailer	\$1,745.07	20-02399
Apex Advertising Inc	reusable face mask	\$12,660.00	20-02398
Essential Procurement Services	Infrared Thermometer	\$4,671.00	20-02322
Office Concepts	Clorox wipes, sanitizer, spray	\$2,581.70	20-02280
Essential Procurement Services	Infrared Thermometer	\$1,702.50	20-02288

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DC Dental	Gloves and wipes	\$775.45	20-02486
Uline Inc	Gloves and wipes	\$1,442.49	20-02281
EMCO Industrial Plastics	Installation of Plexus glass	\$3,152.90	20-02027
Home Depot	Installation of Plexus glass	\$527.41	20-02253
Johnston Communications	Thermo graphic Camera	\$15,913.99	20-02815
Bizarre Foods Inc	Assorted Foods, fruits and juice	\$8,315.90	20-02367
SHI International Corp	Network Upgrade	\$4,419.13	20-02544
Office Concepts	Clorox wipes, sanitizer, spray	\$44.99	20-01537
Stuyvesant Press	Lawn signs	\$5,000.00	20-02977
SHI International Corp	Laptops	\$3,156.00	20-02487
<u>Total</u>	-	<u>\$ 163,049.77</u>	

WHEREAS, the Mayor has concurred with the amount and recommends that an emergency contracts be awarded to the above vendors for the purchase of all supplies and equipment for COVID 19:

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that it ratifies the decision of the Mayor and the Governor to authorize emergencies contracts to the above vendors; and

BE IT FURTHER RESOLVED that the required certification of availability of funds for these goods and service will be paid by the above purchase and submitted to the appropriate government agencies for reimbursement.

Adopted

Cox – Beasley 9. Accept Grant Funds from New Jersey Association of County and City Health Officials (NJACCHO) – January 20, 2020 until February 21, 2021 - \$31,702.00

**RESOLUTION  
TO ACCEPT GRANT FUNDS FROM NJACCHO**

WHEREAS, on June 22, 2020, the New Jersey Association of County and City Health Officials (NJACCHO) has made grant funding of \$31,702 available to the Irvington Department of Health, to be utilized toward the payment of expenses incurred related to activities and response to the COVID-19 virus pandemic; and

WHEREAS, the timeframe for which this grant funding is authorized ranges from January 20, 2020 until February 21, 2021.

NOW THEREFORE BE IT RESOLVED BY THE MAYOR AND MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON, NEW JERSEY, that the Department of Health is hereby authorized to accept said funding as stipulated by the grantor (NJACCHO) New Jersey

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Association of County and City Health Officials and to utilize said funding in accordance with the stated purposes of the grant.

Adopted

Burgess – Cox 10. Zoning Board of Adjustment Appointments – Zorana Figueroa – Regular Member and Tawana Hogue – Regular Member

WHEREAS, vacancies exist in the Membership of the Zoning Board of Adjustment due to passing of Former Board Member Eddy Germain and Former Board Member Anna Scott:

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that the following named persons are hereby appointed as a member of the Zoning Board of Adjustment for term as indicated below:

NAME	ADDRESS	TYPE OF MEMBER	TERM TO EXPIRE
Zorana M. Figueroa	34 Coit Street	REGULAR	12-10-23
Tawana Hogue	18 Westervelt Place	REGULAR	12-10-23

Adopted

Beasley – Cox 11. Amendment of the Redevelopment Agreement by and Between the Township of Irvington and Redevelopment Capital Partners LLC

**RESOLUTION OF THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON, COUNTY OF ESSEX, NEW JERSEY AUTHORIZING THE SECOND AMENDMENT OF THE REDEVELOPMENT AGREEMENT BY AND BETWEEN THE TOWNSHIP OF IRVINGTON AND REDEVELOPMENT CAPITAL PARTNERS, LLC**

WHEREAS, the Township of Irvington (the “Township”) is authorized pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq., as amended and supplemented (the “Redevelopment Law”) to determine whether certain parcels of land within the Township constitute an area in need of rehabilitation and/or an area in need of redevelopment; and

WHEREAS, in accordance with the requirements of the Redevelopment Law, by Resolution dated July 14, 2015 the Municipal Council of the Township (the “Township Council”) designated the entire Township as an area in need of rehabilitation (the “Rehabilitation Area”); and

WHEREAS, by Ordinance No. MC 3549 dated August 11, 2015, the Township Council duly adopted a redevelopment plan to govern the redevelopment of the Rehabilitation Area, entitled the *Township-Wide Area in need of Rehabilitation Redevelopment Plan* (the “Township Wide Redevelopment Plan”); and

WHEREAS, to realize the redevelopment of the Property, the Township determined to exercise the powers of redevelopment and serve as the “redevelopment entity” responsible for carrying t

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redevelopment projects in accordance with the relevant Redevelopment Plan, pursuant to *N.J.S.A. 40A: 12A-4(c)*; and

WHEREAS, in furtherance of the redevelopment of certain properties located within the Rehabilitation Area, identified in the Township tax records and on the official tax maps of the Township as:

BLOCK	LOT	LOCATION
116	24	585 Grove Street
116	38	34 Grove Terrace
116	39	36 Grove Terrace
118	13	555 Grove Street
119	11	43 Oak Ave
136	24	35-39 22 <sup>nd</sup> Street
136	29	21-23 22 <sup>nd</sup> Street
137	11	36-38 22 <sup>nd</sup> Street
141	17	127 22 <sup>nd</sup> Street.
142	7	130 22 <sup>nd</sup> Street
144	1	332 21 <sup>st</sup> Street
148	23	95 22 <sup>nd</sup> Street
150	10	566 Grove Street
157	28	97 21st Street
158	11	78 21 <sup>st</sup> Street
159	4	156 21st Street
159	10	138 21st Street

(collectively, the “Property”), the Township Council designated Redevelopment Capital Partners, LLC, the (the “Redeveloper”) as the “redeveloper” (as defined in the Redevelopment Law) of the Property; and by Resolution No. OCDP 19-1125-24, authorized the execution of that certain Redevelopment Agreement dated March 11, 2020, as subsequently amended by that certain First Amendment to Redevelopment Agreement dated March 11, 2020 (together, the “Redevelopment Agreement”), with respect to the acquisition of the Property by Redeveloper; and the development of up to sixty-five (65) residential rental units through the rehabilitation or construction of two-family, three-family and multi-family dwellings on the Property, each containing a mix of one, two and three bedroom units (the “Project”); and

WHEREAS, the Redeveloper has requested that the Township modify and update the phases of the Project Description, Schedule B of the Redevelopment Agreement (the “Second Amendment”); and

WHEREAS, the Township and Redeveloper have determined to enter into this Second Amendment for the purpose of amending the Development Timetable) substantially in the form attached hereto,

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

SECTION 1. Generally. The aforementioned recitals are incorporated herein as though fully set forth at length.

SECTION 2. Execution of the Amendment Agreement Authorized.

- a. The Mayor is hereby authorized to execute the Second Amendment to the Redevelopment Agreement, substantially in the form attached hereto as Exhibit A, subject to modification or revision deemed necessary and appropriate in consultation with counsel, and to take all other necessary and appropriate action to effectuate the Agreement, as amended.
- b. The Municipal Clerk is hereby authorized and directed, upon the execution of the Second Amendment, to attest to the signature of the Mayor upon such documents and is hereby further authorized and directed to affix the corporate seal of the Township upon such document.

SECTION 3. Severability. If any part of this Resolution shall be deemed invalid, such parts shall be severed and the invalidity thereby shall not affect the remaining parts of this Resolution.

SECTION 4. Availability of the Resolution. A copy of this Resolution shall be available for public inspection at the offices of the Township.

SECTION 5. Effective Date. This Resolution shall take effect immediately.

**EXHIBIT A**

**Second Amendment to the Redevelopment Agreement  
Adopted**

Burgess – Beasley 12. Authorize Execution of Safe and Secure Communities Continuing Funding Grant and Acceptance of \$90,000.00 in Grant Funding

**RESOLUTION AUTHORIZING THE PROPER CITY OFFICIALS TO APPLY  
FOR THE STATE OF NEW JERSEY SAFE AND SECURE COMMUNITIES  
PROGRAM CONTINUATION FUNDING**

WHEREAS, the State of New Jersey has advised the Township of Irvington that its Continuation Funding Application for a \$90,000.00 Personnel Grant with matching funds paying Fringe Benefits, Grant No. 19-0709, sub grant period July 1, 2019 to June 30, 2020, under the New Jersey Safe and Secure Communities Grant Program has been accepted; and

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WHEREAS, funding under this grant is designed to provide municipalities with funding to add law enforcement personnel vital to effective police operations and other crime related strategies as warranted by the needs of the community; and

WHEREAS, it would be in the interest of the Township of Irvington to apply for this grant.

NOW, THEREFORE, IT IS HEREBY RESOLVED BY THE COUNCIL OF THE Township of Irvington:

1. That the proper City officials are hereby authorized to apply for the State of New Jersey Safe and Secure Communities Program Continuation Funding.

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Renee C. Burgess  
Council President

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Harold E. Wiener, Municipal Clerk  
Dated: July 13, 2020

APPROVED  
AS TO FORM:

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Ramon Rivera Director of Law

Adopted

Vick – Frederic 13. Authorize Fair and Open Contract for Lease of Office Space at 660 Stuyvesant Avenue – BSR Group – Not to Exceed \$42,600.00 From July 1, 2020 Through June 30, 2021

**RESOLUTION AUTHORIZING THE AWARD OF A FAIR AND OPEN CONTRACT FOR  
THE LEASE OF OFFICE SPACE**

WHEREAS, sealed bids were received on June 03, 2020 for Lease of Office Space in response to published advertisement for bids in the New Jersey Star Ledger on May 19, 2020; and

WHEREAS, one bid was received and opened by the Assistant 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 Business Administration for review and recommendation; and

WHEREAS, the Township Administrator has recommend that an award be made to The BSR Group LLC of 660 Stuyvesant Ave, Irvington, NJ 07111 for the lease of office space; and

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WHEREAS, this lease agreement is for one year starting July 01, 2020 until June 30, 2021; and,

WHEREAS, the landlord, The BSR Group LLC will be paid a monthly sum of \$3,550.00 for the rental of the office space and the Township; and,

NOW THEREFORE, BE IT RESOLVED that the Municipal Council of the Township of Irvington authorizes the award of a and open contract to The BSR Group LLC of 660 Stuyvesant Ave, Irvington, NJ 07111 for a yearly amount not to exceed \$42,600.00; 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, certification number C2000097 was obtained from the Chief Financial Officer for the first two months of service for an amount of \$20,700.00 and the appropriation to be charged for this expenditure is 0-01-20-100-100-299 and the remaining balance of \$21,900.00 will be obtained from the Chief Financial Officer upon the adoption of the 2020 and 2021 Municipal Budget.

Adopted  
Abstain: Beasley

Harold E. Wiener

Tue 7/14/2020 1:06 PM

To: jamillah beasley <councilwomanjzb@gmail.com>;

Shawna Supel;

Thank you for clarifying. The official vote will be recorded as an abstention for Council Member Beasley on that item.

Harold E. Wiener, RMC, CMC, MMC  
Municipal Clerk

jamillah beasley <councilwomanjzb@gmail.com>

Tue 7/14/2020 12:44 PM

Good Day Mr. Weiner,

In error, I voted yes to consent agenda item number 13 in last night's council meeting. I would like to change my "yes" vote and abstain from the vote. Please call me if you have any questions or need any additional information.

Cox – Vick 14. Appointment of Special Law Enforcement Officer Class II and Police Officer Training – Brian Contreras

Resolution for the Appointment of Special Law Enforcement Officer Class II & Police Officer Training

WHEREAS, under Township Ordinance 7-143 POWERS AND DUTIES OF THE PUBLIC SAFETY DIRECTOR, subsection L. The Director may employ Special Law Enforcement Officers in accordance with N.J.S.A. 40A:14-146.8 et. seq., Special Law Enforcement Officers' Act. The Public Safety Director recommends the appointment of Special Law Enforcement Officer Class II for a one year term commencing July 1, 2019 and ending June 30, 2020.

BE IT RESOLVED, the Township Of Irvington in accordance with N.J.S.A 40A:14-146.8 et. Seq shall appoint the listed SLEO II Police Officers for a one year term commencing July 1, 2020 and ending June 30, 2021:

Special Law Enforcement Officer Class II Brian Contreras

WHEREAS, in September 2019 the Township of Irvington under Police Certification# OL190293 of the New Jersey Civil Service Commission appointed SLEO Class II Brian Contreras to the title of Police Officer pending the completion of his training with the New Jersey Police Training Commission.

WHEREAS, in May 2020 SLEO Class II Brian Contreras completed his one-year requirement as a Certified Special Law Enforcement Class II Officer.

WHEREAS, upon completion of required curriculum set forth by the New Jersey Police Training Commission Brain Contreras shall be appointed to the title of Police Officer with the Township of Irvington.

BE IT FURTHER RESOLVED, Brain Contreras shall complete the required training no later than June 30, 2021. Until the completion training for the title of Police Officer SLEO Class II Brian Contreras shall continue his duties under his current title.

Adopted

10. Communication and Petitions

A. Communications

1. Mayor Vauss – Executive Order – COVID-19 – Food and Beverage Establishments
2. Mayor Vauss – Executive Order – COVID-19 – Overtime

11. Pending Business

None

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**NON-CONSENT AGENDA ITEMS**

**B. Ordinances on Second Reading**

1. President Burgess: An ordinance establishing outdoor dining regulations will be heard at this time. The Clerk will read the notice of hearing.

The Clerk read the notice of hearing.

The Clerk will read the ordinance by title.

**AN ORDINANCE OF THE TOWNSHIP OF IRVINGTON, COUNTY OF ESSEX, NEW JERSEY - ESTABLISHING OUTDOOR DINING REGULATIONS**

Be it ordained by the Town Council of Irvington, New Jersey that the addendum to Code section

WHEREAS, if there is a case of communicable disease in the Township of Irvington, among employees of food or beverage establishments, immediate notification shall be made to the Irvington Township Department of Health to obtain next steps to prevent the spread within the community and

WHEREAS, the Town Council for the Township of Irvington, New Jersey ordains that; All permits for outdoor retail dining and consumption services is available to all licensees with current retail consumption licenses as ref; N.J.A.C. Ch. 186-8; 8:24-1.1et seq. Ch13:2-9.3; MC 324. Ch.158. Ch. 290, Art 1. Ch. 229, Art. IV. Ch.402. N.J.S.A. 33:1-32. MC Ch.158. MC Ch. 402.

Each Permit term shall be issued beginning April 30th to November 30th and require annual renewal.

No permit shall be issued for multiple businesses or facilities.

**SECTION ONE**

Food or beverage establishments offering service at outdoor areas as of June 22, 2020 must adhere to the protocols listed below:

- a. Obtain all required municipal approvals and permits before offering food and/or beverage consumption at outdoor areas;
- b. Post signage at the entrance that states “No one with a fever or symptoms of respiratory illness should enter the food or beverage establishment;
- c. Limit seating to a maximum of (8) customers per table and arrange seating to achieve a minimum distance of (6) feet between parties;
- d. Rope off or otherwise mark tables, chairs and bar stools that are not to be used;
- e. Demarcate (6) feet of spacing in patron waiting areas;

- f. Provide physical guides such as tape on floors, sidewalks, and signage on walls to ensure that customers remain at least (6) feet apart in line for restroom or waiting for seating;
- g. Eliminate self-service food or drink options such as buffets, salad bars and self-service stations;
- h. Disinfect all tables, chairs and any other shared items (menus, condiments, pens) after each use;
- i. Install physical barriers and partitions at cash registers, bars, host stands and other areas where maintaining physical distance of (6) feet is difficult;
- j. Ensure (6) feet of physical distance between workers and customers, except at the moment of payment and/or when employees are servicing the table;
- k. Require infection control practices such as regular hand washing, coughing and sneezing etiquette and proper tissue usage and disposal;
- l. Require frequent sanitization of high touch areas such as credit card machines, keypads, and counters to which the public and workers have access;
- m. Place conspicuous signage at entrance alerting staff and customers to the required (6) feet of physical distance; and
- n. All food and/or beverage establishments shall have an inclement weather policy that, if triggered, would require the food or beverage establishment to adhere to and offer take out or delivery service only.
- o. Provide all employees with face coverings and gloves;
- p. Provide employees with break time for repeated handwashing throughout the workday and;
- q. Provide sanitization materials, such as hand sanitizer and sanitizing wipes to staff;

## **SECTION TWO**

Food or beverage establishments offering services at outside areas within the Township of Irvington, New Jersey must impose the following requirements on employees:

- a. Require employees to wash and/or sanitize their hands when entering the food or beverage establishment;
- b. Conduct daily health checks (e.g. temperature screening and/or symptom checking) of employees safely and respectfully and in accordance with any applicable privacy laws and regulations;
- c. Require employees with symptoms of contagious respiratory illness (fever cough, shortness of breath) be sent home immediately;
- d. Require all employees to wear face coverings (except where so would inhibit the individual's health) require employees to wear gloves when in contact with customers and when handling prepared foods, serving food utensils or other items to customers;

## **SECTION THREE**

Food or beverage establishments offering services at outside areas within the Township must institute the following policies with respect to customers:

- a. Inform customers that safety measures such as social distancing, wearing face coverings when they are away from their table and unable to social distance or when they are inside of the indoor portion of the premises of the food and beverage establishment (unless the customer has a medical reason for not doing so or is a child under two years of age), and hygiene practices must be adhered to while in the food or beverage establishment;
- b. Encourage reservations for greater control of customer traffic/volume;
- c. Require said customers to provide a phone number if making a reservation (this will facilitate contact tracing);
- d. Recommend customers wait in their cars or away from the food or beverage establishment while waiting for a table if the outdoor wait area cannot accommodate social distancing;
- e. Alert customers via calls/text to limit touching and use of shared objects such as pagers/buzzers;
- f. Establish the use of digital menus;
- g. Decline entry to the indoor portion of the establishment to a customer who is not wearing a face covering, unless the customer has a medical reason for not doing so or is a child under two years of age;

#### **SECTION FOUR**

##### **GENERAL PRACTICES**

- a. No heating, cooking, refrigeration, sinks, food preparation, storage or open containers of food or other operating equipment shall be permitted on the public sidewalk.
- b. Business operators are responsible for cleaning all sidewalks and other surfaces, surfaces (removal) of food droppings and debris via power washing through daily sanitizing by the close of business.
- c. Outdoor music and sound equipment, sources and devices that intentionally emit sound (except for safety alarms) are not allowed on the public side walk so as not to cause a public nuisance or to block pedestrian traffic.
- d. A pedestrian pathway of at least (6) feet shall be maintained at all times and sidewalk establishments shall not encroach upon this area.

#### **SECTION FIVE**

##### **LOCATION REQUIREMENTS AND PLANS**

1. Any establishment requesting lateral expansion with regard to outdoor dining must submit copies of the intended design and layout as part of the application for a permit. All expansions shall be to contiguous areas only. All designs and layouts shall include artificial lighting plans which provide visibility of all service areas so as to accommodate social distancing for safety purposes. No wires or fixtures shall be on the ground or cross any pathways for pedestrians or business patrons. There shall be no overloading of outlets or electrical competence of said facility.

2. If expansion is intended to incorporate neighboring contiguous properties such as private parking lots, decks or patios; written consent from the adjacent property owner “in possession and control” of said property intended for use, will be required upon submission of the application along with diagrams and plans for expansion.
3. No outdoor dining area will be permitted on bare ground or grass. Asphalt, cement, brick or non-permeable cleanable surfaces are required.
4. In cases where public walkways/sidewalks are requested for expansion; the width of the property foot print frontage shall be the width of the property only. The business may use the public walkway in accordance with the property foot print only. Businesses are strongly encouraged to coordinate use and access. All sidewalk use must leave a (6) foot unobstructed pathway for pedestrian traffic.
5. Any expansion requests on to municipal public recreation areas such as parks and playgrounds will require special *permission from the Town Council (resolution)* in addition to a recommendation of the Department of Health.
6. In cases where parking lots are requested for expansion; clear boundaries must be delineated to define parking areas versus dining areas; and any existing handicap parking areas shall not be obstructed nor removed so as to accommodate the expansion.
7. No tables, chairs, umbrellas, merchandise racks, or other objects shall crowd into the Pedestrian Path, sidewalk ramp, bus stops, designated taxi stands or corner curb ramp area;
8. Furniture fixtures or equipment shall not be permanently affixed to the public sidewalk
9. Access to fire hydrants, fire hose building connections for sprinkler systems, utility connections and building entrances and exits shall not be obstructed;

## SECTION 6

### TOWNSHIP RESERVES THE RIGHT

- A. The Township reserves the right to order the business operator to remove any outdoor dining that creates an obstruction to, or causes congestion of, pedestrian or vehicular traffic; presents a danger to the health, safety or general public welfare.
- B. Should the Township require the removal, temporary or permanent, of the outdoor dining furnishings on the sidewalk area, due to Township requirements or utility company requirements or other municipal franchise with rights to public right-of-way and the operator does not comply, after reasonable notification, the Township will not be responsible for damage, loss of business personal property.
- C. Public Health Inspectors shall inspect facilities at will and answer any and all complaint and impose fines and penalties as listed herein, but not limed to those listed in this ordinance and Township Codes.

SECTION 7

VIOLATIONS FINES AND PENALTIES

- A. Any person firm or corporation found guilty of a violation of any of the terms of this ordinance shall be subject to the penalties set forth in Chapter I, Article III Penalties of the Township Code and through the powers of enforcement of the Department of Health, Mayor, Business Administrator, Law Enforcement, Fire Inspector, Housing and Zoning.
- i. Each violation will receive a separate penalty, subject to a monetary fine. Correction of any offense will be required within a 48 hour timeframe. Health Inspectors are authorized to close down businesses upon finding multiple violations, critical situations that pose a threat to human safety and conditions that contribute to the proliferation of communicable disease.
  - ii. Except as otherwise provided in this ordinance, the penalties for failure to comply with corrective actions deemed necessary by the Health Inspector or other Enforcement Authority of the Township shall be as follows:

1st Offense \$100	2 <sup>nd</sup> Offense \$250	3 <sup>rd</sup> Offense – \$500	4 <sup>th</sup> Offense - Minimum fine of \$750 and Court Appearance Required
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Any offense thereafter shall result in forfeiture of the permit

SECTION 8

- A. PERMIT FEE: The fee for Township businesses already in possession of a food and/or beverage license may apply for an outdoor dining permit - Fee for Permit shall be \$100.00 per facility or business.

This ordinance shall take effect immediately and remain in effect unless, supplemented or rescinded by the Township.

The public hearing on this ordinance is now open.

There were no requests to be heard.

Frederic – Cox

Motion to close public hearing.

Adopted

Frederic – Cox

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

Adopted

2. President Burgess: An ordinance authorizing approval of an application for a Long Term Tax Exemption and authorizing execution of Financial Agreement with Hanuman Development

Urban Renewal, LLC for the Redevelopment 1127-1135 Stuyvesant Avenue, Block 359, Lots 7&8 will be heard at this time. For the record, this notice of hearing is identical to the first notice that was read.

The Clerk will read the ordinance by title.

**ORDINANCE OF THE TOWNSHIP OF IRVINGTON, COUNTY OF ESSEX,  
NEW JERSEY APPROVING AN APPLICATION FOR A LONG-TERM TAX  
EXEMPTION AND AUTHORIZING THE EXECUTION OF A FINANCIAL  
AGREEMENT WITH HANUMAN DEVELOPMENT URBAN RENEWAL,  
LLC**

WHEREAS, the Municipal Council (the “Township Council”) of the Township of Irvington (the “Township”), a public body corporate and politic of the State of New Jersey, is authorized pursuant to the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1 et seq.* (the “Redevelopment Law”), to determine whether certain parcels of land within the Township constitute an area in need of rehabilitation and/or an area in need of redevelopment; and

WHEREAS, the Township Council, by Resolution 94-0809-5 dated August 9, 1994, created the Township Urban Enterprise Zone (the “UEZ”) pursuant to the New Jersey Urban Enterprise Zones Act, *N.J.S.A. 52:27H-60 et seq.*; and

WHEREAS, in accordance with *N.J.S.A. 40A:12A-5(g)*, a municipality may grant a long term tax exemption to property located within an Urban Enterprise Zone; and

WHEREAS, the Township Council duly adopted a redevelopment plan by Ordinance MC No. 3351 dated September 11, 2007, to govern the redevelopment of certain properties within and contiguous to the UEZ (as amended, the “Redevelopment Plan”) in accordance with *N.J.S.A. 40A:12A-7*; and

WHEREAS, Hanuman Development Urban Renewal, LLC (the “Entity”) is the contract purchaser of certain property located within the UEZ, which property is identified on the official tax map of the Township as Block 359, Lots 7 & 8 and identified in the Township tax records as 1127-1135 Stuyvesant Avenue, Irvington, New Jersey 07111 (the “Property”); and

WHEREAS, the Township and the Entity propose to enter into a Redevelopment Agreement (the “Redevelopment Agreement”) pursuant to which the Entity will acquire the Property and undertake on the Property, the design, development, financing, construction and maintenance of a new four (4) story, mixed-use building, consisting of: approximately 588 square feet of ground level commercial space; 18 market-rate residential rental units, comprised of twelve (12) one-bedroom apartments (530-800 sq. ft) and six (6) two-bedroom apartments (734-66 sq. ft); with a ground level parking garage and certain other on-site and offsite improvements, (the “Project”); and

WHEREAS, in order to ensure the financial feasibility of the Project, the Entity made application to the Township requesting a long-term tax exemption and financial agreement

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pursuant to the Long-Term Tax Exemption Law, *N.J.S.A. 40A:20-1 et seq.* (the “Exemption Law”), which application is on file with the Municipal Clerk (the “Application”); and

WHEREAS, the Entity has represented to the Township that the Project would not be feasible in its intended scope but for the provision of financial assistance by the Township; and

WHEREAS, pursuant to *N.J.S.A. 40A:20-8*, the Mayor has reviewed the Application and has submitted the Application and Financial Agreement to the Township Council with his recommendation for approval; and

WHEREAS, after review of the Application, the Township Council now desires to approve the Application and to authorize the execution of the proposed form of financial agreement (the “Financial Agreement”) in substantially the form attached hereto as Exhibit A; and

WHEREAS, as fully set forth in the Financial Agreement, the Township has determined that the benefits to the Township accruing as a result of the Project outweigh any costs to the Township resulting from the tax exemption granted herein; and

WHEREAS, the Township hereby determines that the assistance provided to the Project pursuant to the Financial Agreement will be a significant inducement for the Entity to proceed with the Project and that based on information set forth in the Application, the Project would not be feasible without such assistance,

NOW, THEREFORE BE IT ORDAINED by the Municipal Council of the Township of Irvington that:

**I. GENERAL**

The aforementioned recitals are incorporated herein as though fully set forth at length.

**II. APPLICATION FOR EXEMPTION APPROVED**

The Application, which is on file with the Municipal Clerk and which has been recommended for approval to the Council by the Mayor, is hereby accepted and approved.

**III. EXECUTION OF FINANCIAL AGREEMENT AUTHORIZED**

- (a) The Mayor is hereby authorized to execute the Financial Agreement, substantially in the form as it has been presented to the Council, and attached hereto as Exhibit A, subject to modification or revision deemed necessary or appropriate by the Township in consultation with counsel.
- (b) The Municipal Clerk is hereby authorized and directed, upon the execution of the Financial Agreement in accordance with the terms of Section III(a) hereof, to attest to the signature of the Mayor upon such document and is hereby further authorized and directed to affix the corporate seal of the Township upon such document.

- (c) In accordance with P.L. 2015, c. 247, within ten (10) calendar days following the later of the effective date of this Ordinance or the execution of the Financial Agreement by the Entity, the Municipal Clerk also shall transmit a certified copy of this Ordinance and the Financial Agreement to the chief financial officer of Essex County and to the Essex County Counsel for informational purposes, as well as to the Tax Assessor of the Township.

#### **IV. SEVERABILITY**

If any part of this Ordinance shall be deemed invalid, such parts shall be severed and the invalidity thereby shall not affect the remaining parts of this Ordinance.

#### **V. AVAILABILITY OF THE ORDINANCE**

A copy of this Ordinance shall be available for public inspection at the offices of the Township.

#### **VI. EFFECTIVE DATE**

This Ordinance shall take effect according to law.

The public hearing on this ordinance is now open.

There were no requests to be heard.

Cox - Burgess                      Motion to close public hearing.

Adopted

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

Adopted

3. President Burgess: An ordinance prohibiting parking too close to driveway on certain streets will be heard at this time. For the record, this notice of hearing is identical to the first notice that was read.

The Clerk will read the ordinance by title.

**AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 620, ARTICLE II OF THE REVISED CODE OF THE TOWNSHIP OF IRVINGTON PERTAINING TO PARKING**

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



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SECTION 1. Section 620 Article II of the Revised Code of the Township of Irvington is hereby amended and supplemented as follows:

Parking too close to driveway.

No person shall park or cause to be parked any type of motor vehicle within four linear feet of the crossover width of a driveway where the driveway meets the carriage way (i.e. the lower section of the driveway, which abuts the street or other public right of way) upon any of the following described streets or parts of streets:

Name of Street	Side	Location
Hillside Terrace	Both	Entire Length
Orange Avenue	Both	From Madison Avenue and Clinton Avenue
Bamford Place	Both	Entire Length
Sanford Terrace	Both	Entire Length
Elmwood Avenue	Both	From Sanford Avenue to Florence Avenue
Ellery Avenue	Both	Clinton Avenue and Laurel Avenue
Clinton Terrace	Both	Ellery Avenue and Sanford Avenue
Nesbit Terrace	Both	Lyons Avenue to Nye Avenue

SECTION 2.

A. Enforcement. Enforcement of this section shall be the responsibility of the Irvington Department of Public Safety. After the issuance of a summons, such vehicle may be towed or otherwise removed from the public street, with the owner of such vehicle being responsible for the cost of such removal.

B. Penalties. Any person convicted of violating this section shall be liable to a fine of \$150 for each such violation, and each day in which such violation continues shall constitute a separate violation or offense.

SECTION 3. All ordinances or parts thereof that are inconsistent herewith are hereby repealed.

SECTION 4. This ordinance shall take effect upon final passage and publication according to law.

The public hearing on this ordinance is now open.

There were no requests to be heard

Vick – Cox                      Motion to close public hearing.

Adopted

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

Adopted

4. President Burgess: An Bond Ordinance Providing for the Local Unit's Allocable Share of the Flood Mitigation Facilities Project of the Joint Meeting of Essex and Union Counties in the amount of \$4,505,000.00 will be heard at this time.

The Clerk read the notice of hearing.

The Clerk will read the ordinance by title.

BOND ORDINANCE PROVIDING FOR THE LOCAL UNIT'S  
ALLOCABLE SHARE OF THE FLOOD MITIGATION  
FACILITIES PROJECT OF THE JOINT MEETING OF ESSEX  
AND UNION COUNTIES, BY AND IN THE TOWNSHIP OF  
IRVINGTON, IN THE COUNTY OF ESSEX, NEW JERSEY;  
APPROPRIATING \$4,505,000 THEREFOR AND  
AUTHORIZING THE ISSUANCE OF \$4,505,000 BONDS OR  
NOTES OF THE LOCAL UNIT TO FINANCE THE COST  
THEREOF

BE IT ORDAINED AND ENACTED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON, IN THE COUNTY OF ESSEX, NEW JERSEY (not less than two-thirds of all the members thereof affirmatively concurring), AS FOLLOWS:

Section 1. The improvements described in Section 3(a) of this bond ordinance are hereby authorized to be undertaken by the Joint Meeting of Essex and Union Counties (the "*Joint Meeting*") on behalf of the Township of Irvington, in the County of Essex, New Jersey (the "*Local Unit*"), as general improvements. For the improvements or purposes described in Section 3(a), there is hereby appropriated the aggregate sum of \$4,505,000. Pursuant to the provisions of N.J.S.A. 40A:2-11(c), no down payment is required as this bond ordinance authorizes obligations for environmental infrastructure projects that are to be funded by loans from the New Jersey Infrastructure Bank (the "*I-Bank*") and the State of New Jersey, acting by and through the Department of Environmental Protection.

Section 2. For the financing of said improvements or purposes described in Section 3(a) hereof and to meet the \$4,505,000 appropriation, negotiable bonds of the Local Unit are hereby authorized to be issued in the principal amount of \$4,505,000 pursuant to and within all limitations prescribed by the Local Bond Law. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable notes of the Local Unit in a principal amount not exceeding \$4,505,000 are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvements hereby authorized and the purposes for the financing of which said debt obligations are to be issued are for the Local Unit's allocable share of capital improvement projects being undertaken by the Joint Meeting, including, as applicable, but not limited to: (i) Phase I of the Flood Mitigation Facilities Project, consisting of the construction of an Effluent Pumping Station that will be connected to the existing twin outfall channels to the

Arthur Kill; and (ii) Phase II of the Flood Mitigation Facilities Project, consisting of upgrades to the Co-Generation Facility, which upgrades include, but are not limited to, as applicable, the installation of two additional co-generation engines in the existing Co-Generation Facility, the installation of electrical and instrumentation equipment for the new generator engines, integration of the new engines into the existing Co-Generation Facility, connection of the Biosolids Facilities to the Co-Generation electrical transmission lines and upgrades to the substations at the Biosolids Facilities.

(b) All improvements shall include, as applicable, all work, materials, equipment, engineering services and design, architectural services and design, surveying, environmental consulting work, environmental remediation, preparation of plans and specifications, governmental permits, bid documents, conducting and preparation of reports, plans, analyses and studies, equipment rental, labor and appurtenances necessary therefor or incidental thereto.

(c) The aggregate estimated maximum amount of bonds or notes to be issued for said improvements or purposes is \$4,505,000.

(d) The aggregate estimated cost of said improvements or purposes is \$4,505,000.

Section 4. In the event the United States of America, the State of New Jersey and/or the County of Essex make a loan, contribution or grant-in-aid to the Local Unit for the improvements authorized hereby and the same shall be received by the Local Unit prior to the issuance of the bonds or notes authorized in Section 2 hereof, then the amount of such bonds or notes to be issued shall be reduced by the amount so received from the United States of America, the State of New Jersey and/or the County of Essex. In the event, however, that any amount so loaned, contributed or granted by the United States of America, the State of New Jersey and/or the County of Essex shall be received by the Local Unit after the issuance of the bonds or notes authorized in Section 2 hereof, then such funds shall be applied to the payment of the bonds or notes so issued and shall be used for no other purpose. This Section 4 shall not apply, however, with respect to any contribution or grant-in-aid received by the Local Unit as a result of using such funds from this bond ordinance as "matching local funds" to receive such contribution or grant-in-aid.

Section 5. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer of the Local Unit; *provided*, that no bond anticipation note shall mature later than one year from its date, unless such bond anticipation notes are permitted to mature at such later date in accordance with the provisions of the New Jersey Infrastructure Trust Act, N.J.S.A. 58:11B-1 *et seq.* ("*NJIT Act*"). The bond anticipation notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with the bond anticipation notes issued pursuant to this bond ordinance, and the signature of the Chief Financial Officer upon the bond anticipation notes shall be conclusive evidence as to all such determinations. All bond anticipation notes issued hereunder may be renewed from time to time in accordance with the provisions of the Local Bond Law and, as applicable, the provisions of the NJIT Act. The Chief Financial Officer is hereby authorized to sell part or all of the bond anticipation notes from time to time at public or private sale and to deliver them to the purchaser thereof upon receipt of payment of the purchase price and accrued interest thereon from their dates to the date of delivery thereof. The Chief Financial Officer is directed to report in writing

to the governing body at the meeting next succeeding the date when any sale or delivery of the bond anticipation notes pursuant to this bond ordinance is made. Such report must include the principal amount, the description, the interest rate and the maturity schedule of the bond anticipation notes so sold, the price obtained and the name of the purchaser.

Section 6. The Local Unit hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Local Unit is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

Section 7. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvements or purposes described in Section 3(a) of this bond ordinance are not current expenses and are improvements or purposes that the Local Unit may lawfully undertake as general improvements, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The period of usefulness of said improvements or purposes within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is 30 years.

(c) The supplemental debt statement required by the Local Bond Law has been duly made and filed in the Office of the Clerk of the Local Unit and a complete executed duplicate thereof has been filed in the Office of the Director of the Division of Local Government Services within the Department of Community Affairs of the State of New Jersey, and such statement shows that the gross debt of the Local Unit, as defined in the Local Bond Law, is increased by the authorization of the bonds and notes provided for in this bond ordinance by \$4,505,000 and the obligations authorized by this bond ordinance will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$1,095,997 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the improvements hereinbefore described.

(e) In accordance with N.J.S.A. 40:63-134, bonds authorized and issued by the Local Unit to finance improvements or works for the Joint Meeting shall not be taken to be included within or governed by any limitation fixed by law to the amount of bonds authorized to be issued by the Local Unit.

Section 8. The full faith and credit of the Local Unit are hereby pledged to the punctual payment of the principal of and interest on the debt obligations authorized by this bond ordinance. The debt obligations shall be direct, unlimited obligations of the Local Unit, and the Local Unit shall be obligated to levy *ad valorem* taxes upon all the taxable property located within the Local Unit for the payment of the debt obligations and the interest thereon without limitation as to rate or amount.

Section 9. The Local Unit reasonably expects to reimburse any expenditures toward the costs of the improvements or purposes described in Section 3(a) hereof and paid prior to the issuance of any bonds or notes authorized by this bond ordinance with the proceeds of such bonds or notes. This Section 9 is intended to be and hereby is a declaration of the Local Unit's official intent to reimburse any expenditures toward the costs of the improvements or purposes described

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in Section 3(a) hereof to be incurred and paid prior to the issuance of bonds or notes authorized herein in accordance with Treasury Regulations §150-2.

Section 10. The Local Unit covenants to maintain the exclusion from gross income under Section 103(a) of the Internal Revenue Code of 1986, as amended, of the interest on all bonds and notes issued under this bond ordinance.

Section 11. The bonds authorized herein shall be designated as "Qualified Bonds" pursuant to the Municipal Qualified Bond Act, N.J.S.A. 40A:3-1 *et seq.* (the "*Municipal Qualified Bond Act*"), and shall contain a recital that it is issued pursuant to Title 40A of the New Jersey Statutes and is entitled to the benefits of the provisions of the Municipal Qualified Bond Act. The Local Unit shall certify to the State Treasurer the name and address of the paying agent, the maturity schedule, the interest rate and the dates of payment of debt service on such Qualified Bonds within ten days after the date of issuance of such Qualified Bonds.

Section 12. Upon adoption hereof, the Clerk of the Local Unit shall forward certified copies of this bond ordinance to Everett M. Johnson, Esq., Wilentz, Goldman & Spitzer, P.A., bond counsel to the Joint Meeting, and Richard T. Nolan, Esq., McCarter & English, LLP, bond counsel to the I-Bank.

Section 13. This bond ordinance shall take effect 20 days after the first publication hereof after final adoption, as provided by the Local Bond Law.

The public hearing on this ordinance is now open.

There were no requests to be heard.

Cox – Vick                Motion to close public hearing.

Adopted

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

Adopted

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**ALCOHOLIC BEVERAGE CONTROL BOARD**

**JULY 13, 2020**

1. Chair Cox calls the Meeting to Order

Roll Call

Present: Commissioners Beasley, Burgess, Evans, Frederic, Dr, Hudley, Vick, Chair Cox

Absent: None

2. New Business

3. Renewal of ABC 2020-2021 Distribution Licenses

WHEREAS, the following named individuals, partnerships or corporations, being applicants for Plenary Retail Distribution Licenses for the year 2020-2021, to sell alcoholic beverages under the provisions of N.J.S.A. Title 33 having been investigated as required by said Law, and the Alcoholic Beverage Control Board being satisfied that said applicants in all things have met the requirements of the law and are suitable and proper individuals, partnerships or corporation to whom Plenary Retail Distribution Licenses for the sale of alcoholic beverages should be issued:

NOW THEREFORE BE IT RESOLVED BY THE MUNICIPAL COUNCIL ACTING AS THE ALCOHOLIC BEVERAGE CONTROL BOARD OF THE TOWNSHIP OF IRVINGTON that permanent Plenary Retail Distribution Licenses be issued to the following named individual, partnerships and corporations for the sale of alcoholic beverages in original containers for consumption off the licensed premises for the year 2020-2021 at the address set opposite their respective name, viz:

0709-44-032-003	Arnav Liquor, Inc t/a Irvington Discount Liquor	876 Springfield Avenue
0709-44-067-006	762-764 Chancellor Avenue t/a Jaison Liquor, Deli & Grocery	762-764 Chancellor Avenue
0709-44-069-005	Pankil Corporation t/a International Liquors	1070 Springfield Avenue
0709-44-031-009	Prit, Inc Sam's Gourmet Liquors & Grocery	990 Clinton Avenue
0709-44-016-008	All Brothers Incorporated II t/a All Brothers Liquors #2	859 18 <sup>th</sup> Avenue
0709-44-097-006	Maharaj, Inc., t/a Krauser's	649-18 <sup>th</sup> Avenue
0709-44-053-008	Mahashakti t/a Mueller's Star Liquors	1050 Clinton Avenue
0709-44-003-013	Shree Mata, Inc. t/a Rajashri Wine & Liquors	749-751 Lyons Avenue
0709-44-056-007	DJP Spirits, LLC 885 Inman Avenue Edison, NJ 08822	Pocket License

BE IT FURTHER RESOVED that the said licenses be issued in the name and under the seal of the Township of Irvington and be signed by a representative of the License Bureau, in order to

fulfill the provisions of the Irvington Township Code, known as Ordinance MC 3635, which license, after being so signed, shall be release by the License Bureau to the licensee.

**NOTE: This Item was remanded to the A.B.C. Committee for vetting purposes and thus was not voted on.**

4. Adjournment

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COUNCIL MEETING (RESUMED)

12. Miscellaneous

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

Jackie McCloud, 261 Vermont Avenue

President Burgess addressed the inquiry made by the above referenced citizen.

13. Adjournment

There being no further business, the meeting was adjourned at 7:48 P.M.

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Renee C. Burgess, Council President

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Harold E Wiener, Municipal Clerk