

REGULAR COUNCIL MEETING
JUNE 22, 2020

Virtual Zoom Meeting
Irvington, N.J. – Monday Evening
June 22, 2020 - 7:30 P.M.

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

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

Absent: Paul Inman

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

Questions to the Administration From the Council

Reports of Council Committees

4. Hearing of Citizens on Agenda Items Only limited to three minutes per person and thirty minutes total (MUST SIGN UP IN ADVANCE OF MEETING)

5. Hearing of Council Members

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

A. Reports

None

7. Reports of Committees

None

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

8. Ordinances, Bills & Claims

B. Ordinances on Second Reading

None

MINUTES - REGULAR COUNCIL MEETING – JUNE 22, 2020 – PAGE 2

C. Bills & Claims

Hudley - Vick 1. Bill Lists

RESOLVED THAT THE BILLS AND CLAIMS AGAINST THE TOWNSHIP OF IRVINGTON FOR A PERIOD JUNE 22, 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	\$3,397,913.56
TOTAL	\$3,397,913.56

Adopted
Absent: Inman

Burgess - Hudley 2. Payrolls

JUNE 5, 2020

REGULAR	OVERTIME	OTHER	TOTAL
\$1,659,828.59	\$131,203.08	\$7,805.05	\$1,798,836.72

Adopted
Absent: Inman

9. Resolutions & Motions

A. Resolutions

Cox – Burgess 1. Authorize Fair and Open Professional Service Contracts for Budget Consulting Services – Cheryl Gibson-Fuller, CPA – Not To Exceed \$35,000.00 from July 1, 2020 until June 30, 2021

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

WHEREAS, the Request for Proposals for professional Budget Consultant 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 by the Purchasing Agent and Assistant Municipal Clerk; and

MINUTES - REGULAR COUNCIL MEETING – JUNE 22, 2020 – PAGE 3

WHEREAS, said qualification was referred to the Chief Financial Officer; and

WHEREAS, the Chief Financial Officer has recommended award should be made to the following firm:

Cheryl G. Fuller, CPA
PO Box 418 Maplewood, NJ 07040

NOW THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that a contract for Budget Consultant be awarded to Cheryl G. Fuller, CPA, PO Box 418 Maplewood, NJ 07040, on the basis of their response to the request for proposal selection criteria and qualifications, for an annual amount of \$35,000.00. The provider will be paid \$2,916.66 per month for one year starting on 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 C2000092 in the amount of \$2,916.66 from account number 0-01-20-110-113-256 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
Absent: Inman

Cox – Hudley 2. Authorize Non-Fair Contract for Payroll Services Through December 31, 2020 - Balance Point – Not To Exceed \$115,000.00

A RESOLUTION AUTHORIZING A NON-FAIR AND OPEN FOR PAYROLL SERVICES

WHEREAS, the Township of Irvington, in the County of Essex and State of New Jersey, is in need of Payroll services; and

WHEREAS, the Township would like to retain the service of Balance Point to process Payroll for the Township; and

WHEREAS, Balance Point has provide the Township with a proposal to provide this service for calendar year 2020 or a total sum of \$115,000; and

WHEREAS, pursuant to the provisions of N.J.S.A. 19:44A-20.4 the vendor has completed the required pay to plays forms; and

WHEREAS, the C-271 Political Contribution Disclosure forms were on file in the Office of the Municipal Clerk and Purchasing Agent on June 04, 2020; and

MINUTES - REGULAR COUNCIL MEETING – JUNE 22, 2020 – PAGE 4

WHEREAS, the Township would like to award a Non Fair and Open contract to Balance Point, 65 Harristown Road, Heritage Plaza II, Suite 208, Glen Rock, NJ 07452; and

WHEREAS, the term of this contract will expire on December 31, 2020; and

WHEREAS, Balance Point has completed and submitted a Business Entity Disclosure Certification which certifies that the organization has not made any reportable contributions to a political or candidate committee in the Township of Irvington in the previous one year, and that the contract will prohibit Balance Point from making any reportable contributions through the term of the contract, and

NOW THEREFORE, BE IT RESOLVED that the Municipal Council of the Township of Irvington authorizes the award of a non-fair and open contract to Balance Point, 65 Harristown Road, Heritage Plaza II, Suite 208, Glen Rock, NJ 07452 ; and,

BE IT FUTHER RESLOVED, that the required certification of availability of funds C2-000093 in the amount of \$45,000.00 from account number 0-01-20-130-130-299 has been obtained from the Chief Financial Officer.

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 FURTHER RESOLVED, notice of this action shall be published in newspapers as required by law by the Municipal Clerk.

Adopted
Absent: Inman

Cox - Frederic 3. Authorizing the Execution of an Escrow Agreement With Black Union LLC for 178 Union Avenue, Block 264, Lot 9 and Authorizing the Conditional Designation of Black Union LLC as Redeveloper

RESOLUTION OF THE TOWNSHIP OF IRVINGTON AUTHORIZING THE EXECUTION OF AN ESCROW AGREEMENT WITH BLACK UNION LLC FOR THE DEVELOPMENT OF PROPERTY IDENTIFIED AS BLOCK 264, LOT 9 ON THE TAX MAPS OF THE TOWNSHIP AND IDENTIFIED IN THE TOWNSHIP TAX RECORDS AS 178 UNION AVENUE; AND AUTHORIZING THE CONDITIONAL DESIGNATION OF BLACK UNION LLC AS REDEVELOPER OF SAME

WHEREAS, the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1 et seq.* (the “Redevelopment Law”) authorizes municipalities to determine whether certain parcels of land located therein constitute areas in need of redevelopment or rehabilitation and to create redevelopment plans which provide development controls for any area so designated; and

WHEREAS, in accordance with the Redevelopment Law, on June 23, 2015, by resolution No. UEZ 15-0623-9, the Municipal Council (the “Township Council”) of the Township of

MINUTES - REGULAR COUNCIL MEETING – JUNE 22, 2020 – PAGE 5

Irvington (the “Township”) adopted a resolution designating the entire Township as an area in need of rehabilitation (the “Rehabilitation Area”); and

WHEREAS, on August 11, 2015, the Township Council duly adopted Ordinance MC. 3549, enacting a redevelopment plan for the Rehabilitation Area entitled the *Township-Wide Area in need of Rehabilitation Redevelopment Plan*, pursuant to the Redevelopment Law and in accordance with the procedures set forth therein; and

WHEREAS, to realize the redevelopment of Rehabilitation Area, the Township determined to exercise the powers of redevelopment and serve as the “redevelopment entity” responsible for carrying out redevelopment projects in accordance with the Redevelopment Law; and

WHEREAS, the Township is the owner of certain property located within the Rehabilitation Area identified as Block 264, Lot 9 on the tax maps of the Township and identified in the Township tax records as 178 Union Avenue (the “Property”); and

WHEREAS, Black Union LLC (the “Proposed Redeveloper”) proposes to purchase the Property and to develop same by undertaking the rehabilitation of the existing improvements (the “Project”); and

WHEREAS, the Proposed Redeveloper has requested that the Township, in its capacity as redevelopment entity, enter into negotiations for a redevelopment agreement and other related agreements with respect to the purchase and redevelopment of the Property (the “Redevelopment Agreement”) ; and

WHEREAS, the Township wishes to designate the Proposed Redeveloper as redeveloper of the Property for a period not to exceed six (6) months, so that the Township and the Proposed Redeveloper may negotiate the Redevelopment Agreement; and

WHEREAS, the Proposed Redeveloper has agreed to defray certain costs incurred by or on behalf of the Township arising out of or in connection with the purchase and redevelopment of the Property; and

WHEREAS, the Township and the Proposed Redeveloper wish to enter into an escrow and funding agreement establishing the mechanism for the deposit and disposition of funds to cover the Township’s costs,

NOW, THEREFORE, BE IT RESOLVED by the Municipal Council 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 Agreement. The Township Council hereby authorizes the Mayor to execute the escrow and funding agreement substantially in the form attached hereto as Exhibit A, with such changes, deletions, and modifications in consultation with counsel as may be necessary or desirable to affect the transaction contemplated by this resolution. However, neither the adoption of this resolution, nor the execution of the escrow and funding agreement

authorized hereby, shall be construed in any way to bind the Township to execute one or more definitive agreements with respect to the Project.

Section 3. Conditional Designation of Redeveloper; Negotiation of a Redevelopment Agreement.

(a) The Township hereby designates Black Union LLC as redeveloper of the Property for a period not to exceed six (6) months, and hereby further directs and authorizes the Director of the Department of Community Development, in consultation with counsel, and with such other Township officials as may be necessary, to negotiate a Redevelopment Agreement with Black Union LLC during that time.

(b) If, at the expiration of six (6) months, the Township shall not have authorized the execution of the Redevelopment Agreement, then the designation of Black Union LLC as redeveloper of the Property shall terminate without the need for any other action by the Township to evidence same.

Section 4. 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 5. Availability of the Resolution. A copy of this resolution shall be available for public inspection at the office of the Municipal Clerk.

Section 6. Effective Date. This resolution shall take effect immediately.

Exhibit A

ESCROW AGREEMENT

Adopted
Absent: Inman

Cox – Vick 4. Authorizing the Execution of an Escrow Agreement With Mecca Property Development, LLC for 69 Maple Avenue, Block 209, Lot 46 and 54 Laurel Avenue, Block 20, Lot 13 and Authorizing the Conditional Designation of Mecca Property Development, LLC as Redeveloper

RESOLUTION OF THE TOWNSHIP OF IRVINGTON AUTHORIZING THE EXECUTION OF AN ESCROW AGREEMENT WITH MECCA PROPERTY DEVELOPMENT, LLC FOR THE DEVELOPMENT OF PROPERTY IDENTIFIED AS BLOCK 209, LOT 46 AND BLOCK 20, LOT 13 ON THE TAX MAPS OF THE TOWNSHIP AND IDENTIFIED, RESPECTIVELY, IN THE TOWNSHIP TAX RECORDS AS 69 MAPLE AVENUE AND 54 LAUREL AVENUE; AND AUTHORIZING THE CONDITIONAL DESIGNATION OF MECCA PROPERTY DEVELOPMENT, LLC AS REDEVELOPER OF SAME

WHEREAS, the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1 et seq.* (the “Redevelopment Law”) authorizes municipalities to determine whether certain parcels of land

MINUTES - REGULAR COUNCIL MEETING – JUNE 22, 2020 – PAGE 7

located therein constitute areas in need of redevelopment or rehabilitation and to create redevelopment plans which provide development controls for any area so designated; and

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

WHEREAS, by Ordinance MC No. 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 “Redevelopment Plan”); and

WHEREAS, to realize the redevelopment of Rehabilitation Area, the Township determined to exercise the powers of redevelopment and serve as the “redevelopment entity” responsible for carrying out redevelopment projects in accordance with the Redevelopment Law; and

WHEREAS, the Township is the owner of certain property located within the Rehabilitation Area identified as Block 209, Lot 46 and Block 20, Lot 13 on the tax maps of the Township and identified, respectively, in the Township tax records as 69 Maple Avenue and 54 Laurel Avenue (the “Property”); and

WHEREAS, Mecca Property Development, LLC (the “Proposed Redeveloper”) proposes to purchase the Property and to develop same by undertaking the rehabilitation of the existing improvements (the “Project”); and

WHEREAS, the Proposed Redeveloper has requested that the Township, in its capacity as redevelopment entity, enter into negotiations for a redevelopment agreement and other related agreements with respect to the purchase and redevelopment of the Property (the “Redevelopment Agreement”) ; and

WHEREAS, the Township wishes to designate the Proposed Redeveloper as redeveloper of the Property for a period not to exceed six (6) months, so that the Township and the Proposed Redeveloper may negotiate the Redevelopment Agreement; and

WHEREAS, the Proposed Redeveloper has agreed to defray certain costs incurred by or on behalf of the Township arising out of or in connection with the purchase and redevelopment of the Property; and

WHEREAS, the Township and the Proposed Redeveloper wish to enter into an escrow and funding agreement establishing the mechanism for the deposit and disposition of funds to cover the Township’s costs,

NOW, THEREFORE, BE IT RESOLVED by the Municipal Council 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 Agreement. The Township Council hereby authorizes the Mayor to execute the escrow and funding agreement substantially in the form attached hereto as Exhibit A, with such changes, deletions, and modifications in consultation with counsel as may be necessary or desirable to affect the transaction contemplated by this resolution. However, neither the adoption of this resolution, nor the execution of the escrow and funding agreement authorized hereby, shall be construed in any way to bind the Township to execute one or more definitive agreements with respect to the Project.

Section 3. Conditional Designation of Redeveloper; Negotiation of a Redevelopment Agreement.

(a) The Township hereby designates Mecca Property Development, LLC as redeveloper of the Property for a period not to exceed six (6) months, and hereby further directs and authorizes the Director of the Department of Community Development, in consultation with counsel, and with such other Township officials as may be necessary, to negotiate a Redevelopment Agreement with Mecca Property Development, LLC during that time.

(b) If, at the expiration of six (6) months, the Township shall not have authorized the execution of the Redevelopment Agreement, then the designation of Mecca Property Development, LLC as redeveloper of the Property shall terminate without the need for any other action by the Township to evidence same.

Section 4. 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 5. Availability of the Resolution. A copy of this resolution shall be available for public inspection at the office of the Municipal Clerk.

Section 6. Effective Date. This resolution shall take effect immediately.

Exhibit A

ESCROW AGREEMENT

Adopted
Absent: Inman

Cox – Vick 5. Authorizing the Designation of Hanuman Development Urban Renewal, LLC as Redeveloper of 1127-1135 Stuyvesant Avenue, Block 359, Lots 7 & 8 and Authorizing the Execution of a Redevelopment Agreement

RESOLUTION OF THE TOWNSHIP OF IRVINGTON, COUNTY OF ESSEX, APPROVING THE DESIGNATION OF HANUMAN DEVELOPMENT URBAN RENEWAL, LLC, AS REDEVELOPER OF CERTAIN PROPERTY DESIGNATED AS BLOCK 359, LOTS 7 AND 8 IN THE TOWNSHIP OF IRVINGTON, IDENTIFIED IN THE TOWNSHIP TAX RECORDS AS 1127-1135 STUYVESANT AVENUE; AND AUTHORIZING THE EXECUTION OF A REDEVELOPMENT AGREEMENT IN CONNECTION THEREWITH

WHEREAS, the Municipal Council (the “Township Council”) of 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.* (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, the Township Council designated certain properties within and contiguous to the UEZ as an area in need of rehabilitation (the “UEZ Rehabilitation Area”) by Resolution UEZ 07-0227-5, dated February 27, 2007 in accordance with the requirements of *N.J.S.A. 40A:12A-14*; and

WHEREAS, the Redevelopment Law authorizes municipalities to adopt a redevelopment plan for an area designated as an “area in need of rehabilitation” pursuant to which redevelopment projects are to be undertaken; and

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

WHEREAS, pursuant to *N.J.S.A. 40A:12A-4*, the Township has determined to act as the “redevelopment entity”, as such term is defined at *N.J.S.A. 40A:12A-3*, responsible for carrying out redevelopment projects in the UEZ Rehabilitation Area in accordance with the Redevelopment Plan, pursuant to *N.J.S.A. 40A:12A-4(c)*; and

WHEREAS, the Redeveloper 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 and 8 and identified in the Township tax records as 1127-1135 Stuyvesant Avenue (the “Property”); and

WHEREAS, the Redeveloper has submitted to the Township its plans for 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 on the Property (the “Project”, as further described in Exhibit A); and

WHEREAS, in order to effectuate the Redevelopment Plan and the Project, the Township has determined to enter into a redevelopment agreement with the Redeveloper (the “Redevelopment Agreement”), which establishes Redeveloper as the “redeveloper” of the Project, as that term is defined in the Redevelopment Law, and which specifies the respective rights and responsibilities of the Township and the Redeveloper with respect to the Project,

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

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

Section 2. Execution of Redevelopment Agreement Authorized; Redeveloper Designated.

(a) The Mayor is hereby authorized to execute the Redevelopment Agreement, substantially in the form attached hereto as Exhibit A, subject to modification or revision deemed necessary or desirable in consultation with counsel, and to take all other necessary or appropriate action to effectuate such Redevelopment Agreement.

(b) The Municipal Clerk is hereby authorized and directed, upon the execution of the Redevelopment Agreement in accordance with the terms of Section II(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) Upon the execution and attestation of the Redevelopment Agreement, the Mayor, upon consultation with counsel to the Township, is hereby further authorized to take any and all actions, and execute and deliver such other documents, certificates and instruments necessary, desirable or convenient to effectuate the terms of the Redevelopment Agreement.

(d) Upon execution of the Redevelopment Agreement, and so long as the Redevelopment Agreement remains in full force and effect, Redeveloper is hereby designated as “redeveloper” for the Project in accordance with the Redevelopment Law.

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 office of the Municipal Clerk.

Section 5. Effective Date. This resolution shall take effect immediately.

EXHIBIT A

Form of Redevelopment Agreement

Adopted

Absent: Inman

Cox – Beasley 6. Non-Fair and Open Contract for a Software Management System for the Economic Development Department – Through December 31, 2020 - Benevate LLC – Not To Exceed \$18,000.00

**A RESOLUTION AUTHORIZING A NON-FAIR AND OPEN CONTRACT FOR A
SOFTWARE MANAGEMENT SYSTEM FOR ECONOMIC DEVELOPMENT
DEPARTMENT**

MINUTES - REGULAR COUNCIL MEETING – JUNE 22, 2020 – PAGE 11

WHEREAS, the Township of Irvington, in the County of Essex and State of New Jersey, is in need of a software management system to manage CDBG and Home funds; and

WHEREAS, the Township would like to retain the service of Benevate Inc to provide Neighborly software management system; and

WHEREAS, Benevate LLC has provide the Township with a proposal to provide this service for calendar year 2020 for a total sum of \$18,000.00; and

WHEREAS, pursuant to the provisions of N.J.S.A. 19:44A-20.4 the vendor has completed the required pay to plays forms; and

WHEREAS, the C-271 Political Contribution Disclosure forms were on file in the Office of the Municipal Clerk and Purchasing Agent on June 08, 2020 ; and

WHEREAS, the Township would like to award a Non Fair and Open contract to Benevate Inc., of 3423 Piedmont road, Atlanta, GA, 30305; and

WHEREAS, the term of this contract will expire on December 31, 2020; and

WHEREAS, Benevate Inc has completed and submitted a Business Entity Disclosure Certification which certifies that the organization has not made any reportable contributions to a political or candidate committee in the Township of Irvington in the previous one year, and that the contract will prohibit Benevate Inc from making any reportable contributions through the term of the contract, and

NOW THEREFORE, BE IT RESOLVED that the Municipal Council of the Township of Irvington authorizes the award of a non-fair and open contract to Benevate Inc, 3423 Piedmont road, Atlanta, GA 30305; and

BE IT FUTHER RESLOVED, that the required certification of availability of funds C2-000077 in the amount of \$18,000.00 from account numbers T-21-41-850-15E-801 and T-21-41-850-16C-811 has been obtained from the Chief Financial Officer.

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 FURTHER RESOLVED, notice of this action shall be published in newspapers as required by law by the Municipal Clerk.

Adopted
Absent: Inman

Frederic – Beasley 7. Non-Fair and Open Contract for 5G Consultant Service – Through December 31, 2020 - Hoptlite Communications LLC – Not To Exceed \$25,000.00

**A RESOLUTION AUTHORIZING A NON-FAIR AND OPEN CONTRACT FOR 5G
CONSULTANT SERVICE**

MINUTES - REGULAR COUNCIL MEETING – JUNE 22, 2020 – PAGE 12

WHEREAS, the Township of Irvington, in the County of Essex and State of New Jersey, is in need of 5G Consultant service; and

WHEREAS, the Township would like to retain the service of Hoplite Communications LLC to provide information on 5G communications; and

WHEREAS, Hoplite communications LLC has provide the Township with a proposal to provide this service for calendar year 2020 or a total sum of \$25,000.00; and

WHEREAS, pursuant to the provisions of N.J.S.A. 19:44A-20.4 the vendor has completed the required pay to plays forms; and

WHEREAS, the C-271 Political Contribution Disclosure forms were on file in the Office of the Municipal Clerk and Purchasing Agent on June 04, 2020 ; and

WHEREAS, the Township would like to award a Non Fair and Open contract to Hoplite Communications LLC, 197 Route 18, suite 3000, East Brunswick, NJ 08816; and

WHEREAS, the term of this contract will expire on December 31, 2020; and

WHEREAS, Hoplite Communications LLC has completed and submitted a Business Entity Disclosure Certification which certifies that the organization has not made any reportable contributions to a political or candidate committee in the Township of Irvington in the previous one year, and that the contract will prohibit Hoplite Communications LLC from making any reportable contributions through the term of the contract, and

NOW THEREFORE, BE IT RESOLVED that the Municipal Council of the Township of Irvington authorizes the award of a non-fair and open contract to Hoplite Communications LLC, 197 Route 197, suite 3000, East Brunswick, NJ 08816; and,

BE IT FUTHER RESLOVED that the required certification of availability of funds C2-000089 in the amount of \$1000.00 from account number 9-01-21-180-185-299 has been obtained from the Chief Financial Officer.

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 FURTHER RESOLVED, notice of this action shall be published in newspapers as required by law by the Municipal Clerk.

Adopted
Absent: Inman

Hudley – Beasley 8. Authorize Use of \$5,000.00 in HUD Homeowner Rehabilitation Assistance Program Funds for 44 Arverne Terrace

HOME OWNERSHIP PROGRAM GRANT AWARD

MINUTES - REGULAR COUNCIL MEETING – JUNE 22, 2020 – PAGE 13

WHEREAS, the Township of Irvington has obligated funds for the purpose of financing its HUD/HOME Irvington Homebuyer Assistance Program; and

WHEREAS, the Township of Irvington has committed funds for its HUD/HOME Irvington Homebuyer Assistance Program in accordance with its “Policy and Procedural Manual for the Homebuyer Program” per application to the Township’s HUD/HOME Program; and

WHEREAS, the Township of Irvington’s Department of Economic Development and Grants Oversight Director has certified that the applicant(s) identified herein are eligible for the HUD/HOME Irvington Homebuyer Assistance Program benefits in accordance with HUDs and the Township’s adopted policies and procedures; and

WHEREAS, the Mayor has previously authorized the provision of the requested HUD/HOME Irvington Homebuyer Assistance Program benefits in accordance with the provisions of said policy.

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that the Township of Irvington does ratify and approve the provision of the HUD/HOME Irvington Homebuyer Assistance Program funds to the applicant(s) below in the amount set forth in the Irvington Homebuyers Assistance Program Agreement – Case No. HB-2019-23, in the amount of \$5,000; and

BE IT FURTHER RESOLVED that the aforesaid funds are to be used toward Closing Cost for the process of purchasing the premises known as, 44 Arverne Terrace, IRVINGTON, NEW JERSEY 07111, Sales Contract, Exhibit A; and

BE IT FURTHER RESOLVED that the aforesaid funds are to use Irvington Homebuyer Assistance Program funds and are to be paid to Atlantic Title & Settlement on behalf of Naisha Arrington subject to having provided the Department of Economic Development and Grants Oversight with a true copy of their contract of sale, mortgage commitment and appraisal, and whose attorney and title company is properly licensed to practice law and transfer title by the State of New Jersey and the Homebuyer Assistance Program Agreement between the applicant(s); and

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

BE IT FURTHER RESOLVED that pursuant to N.J.A.C. 5:34-5.2, the required Certification of Funds Req. No. C2000091 for the above have been obtained from the Chief Financial Officer of the Township and the appropriation to be charged for the expenditure is Account No. T-21-41-850-17A-805 in the amount of \$5,000.00

Adopted
Absent: Inman

MINUTES - REGULAR COUNCIL MEETING – JUNE 22, 2020 – PAGE 14

Frederic – Hudley 9. Authorize Purchase and Installation of an Air Conditioning Unit for Civic Square Fire House Over the Pay to Play Threshold of \$17,500.00 – WHL Enterprises Inc. DBA Leary Air Conditioning and Heating - Not To Exceed \$38,521.57

AWARDING A CONTRACT OVER THE PAY TO PLAY THRESHOLD FOR THE PURCHASE AND INSTALLATION OF AN AIR CONDITIONING UNIT FOR CIVIC SQUARE FIRE HOUSE

WHEREAS, the Fire Department wishes to purchase and install a new HVAC system at the Civic Square Fire house, and;

WHEREAS, the Fire Department has obtained three quotes for this service, herein attached.

WHEREAS, this service will exceed the Pay to Play Threshold of \$17,500.00, and;

WHEREAS, WHL Enterprises Inc DBA Leary Air Conditioning and Heating has provided the lowest quote for this service, and;

WHEREAS, pursuant to the provisions of N.J.S.A. 19:44A-20.4 the vendor has completed the required pay to play forms; and

WHEREAS, the C-271 Political Contribution Disclosure forms were on file in the Office of the Municipal Clerk and Purchasing Agent on June 06/11/2020; and

NOW THEREFORE, BE IT RESOLVED that the Municipal Council of the Township of Irvington authorizes the award of a contract to WHL Enterprises 6 Green street, Metuchen, NJ 08840 in the amount of \$38,521.57 to purchase and install a new HVAC system at the Civic Square Fire house; and,

BE IT FURTHER RESOLVED that the required certification of availability of funds C2-000094 in the amount of \$38,521.57 from account number C-04-56-852-019-905 has been obtained from the Chief Financial Officer.

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
Absent: Inman

Frederic – Vick 10. Approve an Application for the 2021 Transportation Trust Fund

**Resolution to Approve an Application for the 2021
Transportation Trust Fund Program**

WHEREAS, The New Jersey Department of Transportation (NJDOT) , through the Transportation Trust Fund Program, offers local municipalities the ability to apply for grants for road resurfacing and reconstruction for local streets, and;

MINUTES - REGULAR COUNCIL MEETING – JUNE 22, 2020 – PAGE 15

WHEREAS, the Township Engineer has reviewed several streets for inclusion in this program and has prepared estimates of various roads within the Township for inclusion in this program, specifically,

<u>Street</u>	<u>Project Limits</u>
Orange Avenue	Clinton Avenue to Springfield Avenue
Mill Road	Union Place to Stuyvesant Avenue
Cummings Street	Clinton Avenue to Madison Avenue
Vermont Avenue	University Place to Madison Avenue
Ellery Avenue	Clinton Avenue to Laurel Avenue
Western Parkway	18th Avenue to Madison Avenue

For a total grant request of \$ 1,460,625.00.

WHEREAS, after a review of the roads shown above, the Township Engineer has determined that these roads are eligible for funding under this program and has recommended that these roads be submitted as part of this grant program.

NOW, THEREFORE BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that an application for participation in the 2021 Transportation Trust Fund Program, in the amount of \$ 1,460,625.00 is authorized and be submitted on the Township's behalf and that the Mayor is authorized to endorse such a grant on behalf of the Township.

Adopted
Absent: Inman

Hudley – Frederic 11. Authorize Submission of 2021 Resurfacing Program Project in the New Jersey Department of Transportation's SAGE System

Resolution: Approval to submit a grant application and execute a grant contract with the New Jersey Department of Transportation for the 2021 Trust Fund Resurfacing Project

NOW, THEREFORE BE IT RESOLVED that the Municipal Council of the Township of Irvington formally approves the grant application for the above stated project; and

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application to be identified as MA-XXX-2021 Trust Fund Resurfacing - XXX to the New Jersey Department of Transportation on behalf of the Township of Irvington; and

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to sign the grant application on behalf of the Township of Irvington and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approved the execution of the grant agreement.

Certified as a true copy of the Resolution adopted by the Municipal Council
On this 22nd day of June, 2020.

Harold Wiener, Municipal Clerk

My signature and the Clerk's seal serve to acknowledge the above resolution and constitute acceptance of the terms and conditions of the grant agreement and approve the execution of the grant agreement as authorized by the resolution above.

ATTEST and AFFIX SEAL

Harold Wiener, Municipal Clerk

Tony Vauss, Mayor

Adopted
Absent: Inman

Cox – Hudley 12. Authorize Emergency Temporary Appropriation to Extend the Calendar Year 2020 Temporary Budget

AUTHORIZING EMERGENCY TEMPORARY BUDGET APPROPRIATIONS FOR TOTAL
SUM OF \$45,000.00

WHEREAS, an emergent condition has arisen wherein the appropriations set forth in the calendar year 2020 temporary budget are insufficient to meet the financial obligations as set forth below and the payroll for municipal officers and employees; and

WHEREAS, the permanent budget for the calendar year 2020 has not yet been adopted; and

NOW, THEREFORE, BE IT RESOLVED, by the Township of Irvington, by (not less than two-thirds (2/3) of all the members thereof affirmatively concurring), that, in accordance with the aforementioned statute, the CFY 2020 temporary budget be and the same is hereby amended to provide for an additional emergency temporary appropriation in the amount of \$45,000.00 and distributed as follows for the Current Fund:

<u>Account & Descriptions</u>	<u>Amount</u>
<i>Elections:</i>	
Salary & Wages	18,000.00
Repair & Maintenance	27,000.00
<i>Division Total</i>	45,000.00

Adopted
Absent: Inman

10. Communication and Petitions

A. Communications

1. Mayor Vauss – Re-Appointment – Planning Board – Allison Bryant

11. Pending Business

None

NON-CONSENT AGENDA ITEMS

8. Ordinances, Bills & Claims

A. Ordinances on First Reading

Cox – Burgess 1. Authorize Approval of an Application for a Long Term Tax Exemption and Authorize Execution of Financial Agreement with Hanuman Development Urban Renewal, LLC for the Redevelopment 1127-1135 Stuyvesant Avenue, Block 359, Lots 7&8

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 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.

Adopted
Absent: Inman

Vick – Cox 2. Prohibit Parking Too Close to Driveway on Certain Streets

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:

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:

MINUTES - REGULAR COUNCIL MEETING – JUNE 22, 2020 – PAGE 20

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.

Adopted
Absent: Inman

Frederic – Cox 3. Establishing Outdoor Dining Regulations

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; 8:24-1.1 et 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 nd Offense \$250	3 rd Offense – \$500	4 th 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.

Adopted
Absent: Inman

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

James Christmas, 29 Welland Avenue, Irvington
Samuel Cherilus, 90 40th Street, Irvington
Jackie McLeod, 261 Vermont Avenue, Irvington

Council President Burgess indicated that each of the citizens that spoke whose concern was not resolved would be given a response to the concerns they raised by the appropriate members of the Administration.

13. Adjournment

There being no further business, the meeting was adjourned at 8:00 P.M.

Renee C. Burgess, Council President

Shawna M. Supel, Assistant Municipal Clerk