

REGULAR COUNCIL MEETING
NOVEMBER 23, 2020

Virtual Zoom Meeting
Irvington, N.J. – Monday Evening
November 23, 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: Sean C. Evans

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. Irvington Public Library – 2019 Audit Report
2. Municipal Court – Electronic Collections Report – September, 2020
3. Municipal Court – Electronic Collections Report – September
4. Municipal Court - Weekly Summary Report - November 2, 2020 to November 13, 2020
5. Municipal Court - Weekly Summary Report - November 9, 2020 to November 13, 2020

7. Reports of Committees

None

8. Ordinances, Bills & Claims

A. Ordinances on First Reading

~~Community Development – 1. Authorize Approval Of The Transfer Of A Redevelopment Agreement and A Financial Agreement Between The Township of Irvington and Hanuman Development Urban Renewal, LLC To Park Street Land Development Urban Renewal, LLC~~

[REPLACED BY ITEM 9-A-21 PER BOND COUNSEL]

2. Amend Chapter 158 To Regulate And Require Practices For Holders Of Liquor Licenses And All Holders Of Liquor License(s) With Retail Consumption Privileges To Remain Open Under Covid-19 Restrictions

AN ORDINANCE TO AMEND 158 CHAPTER TO REGULATE AND REQUIRE PRACTICES FOR HOLDERS OF LIQUOR LICENSE(S) AND ALL HOLDERS OF LIQUOR LICENSE(S) WITH RETAIL CONSUMPTION PRIVILEGES TO REMAIN OPEN UNDER COVID-19 RESTRICTIONS

Adopted
Absent: Evans

3. Authorize Special Emergency Appropriation for Covid-19 Revenue Deficit

ORDINANCE AUTHORIZING A SPECIAL EMERGENCY APPROPRIATION IN THE AMOUNT OF \$3,200,000, OR SUCH OTHER AMOUNT CERTIFIED BY THE DIRECTOR OF THE DIVISION OF LOCAL GOVERNMENT SERVICES, FOR THE PURPOSES SET FORTH IN N.J.S.A. 40A:4-53(L) AND/OR N.J.S.A. 40A:4-53(M), IN AND BY THE TOWNSHIP OF IRVINGTON, IN THE COUNTY OF ESSEX, NEW JERSEY

Adopted
Absent: Evans

C. Bills & Claims

Burgess – Cox 1. Bill Lists

RESOLVED THAT THE BILLS AND CLAIMS AGAINST THE TOWNSHIP OF IRVINGTON FOR A PERIOD NOVEMBER 23, 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 \$2,105,804.58

1.

Adopted
Absent: Evans

Hudley – Burgess 2. Payrolls

November 20, 2020

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REGULAR	OVERTIME	OTHER	TOTAL
\$1,536,620.29	\$46,613.07	\$92,801.74	\$1,676,035.10

Adopted
Absent: Evans

9. Resolutions & Motions

A. Resolutions

Vick – Frederic 1. Waive 20 Day Waiting Time Period for Effective Date Of An Ordinance Pertaining To Requiring The Keeping Sidewalks Swept 18 Inches From the Curb-Gutter

WHEREAS, an ordinance entitled “AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 555, ARTICLE III, SECTION 68 OF THE REVISED CODE OF THE TOWNSHIP OF IRVINGTON BY ADDING THE ADDITION OF A NEW PARAGRAPH PERTAINING TO MAINTENANCE OF SIDEWALKS” was duly passed on first reading by the Municipal Council on November 9, 2020 and duly adopted by the Municipal Council on second reading after public hearing on November 23, 2020; and

WHEREAS, pursuant to N.J.S.A. 40:69A-181 (a) and Section 7-32 (d) of the Revised Code of the Township of Irvington, an ordinance shall take effect twenty (20) days after final passage by the Municipal Council and approval by the Mayor; and

WHEREAS, pursuant to N.J.S.A. 40:69A-181 (b) and Section 7-32 (d) of the Revised Code of the Township of Irvington, two-thirds (2/3) of the full membership of the Municipal Council may declare an emergency, by written resolution, to reduce this twenty (20) day period:

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON (not less than 2/3 of the full membership thereof affirmatively concurring) that pursuant to the provisions of N.J.S.A. 40:69A-181 (b) and Section 7-32 (d) of the Revised Code of the Township of Irvington, it does hereby declare that an emergency exists that an ordinance entitled "AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 555, ARTICLE III, SECTION 68 OF THE REVISED CODE OF THE TOWNSHIP OF IRVINGTON BY ADDING THE ADDITION OF A NEW PARAGRAPH PERTAINING TO MAINTENANCE OF SIDEWALKS" shall become effective immediately upon its approval by the Mayor.

Adopted
Absent: Evans

Beasley – Vick 2. Waive 20 Day Waiting Time Period for Effective Date Of An Ordinance Pertaining To Prohibiting Vehicles Over 6 Tons On Wolf Place, Quabeck Avenue, Sager Place and Fairchild Place

WHEREAS, an ordinance entitled "AN ORDINANCE AMENDING CHAPTER 620, SECTION 29 ENTITLED “TRUCKS OVER CERTAIN WEIGHT EXCLUDED” AND CHAPTER 620, SECTION 100 ENTITLED “SCHEDULE VI: TRUCKS OVER CERTAIN WEIGHTS EXCLUDED” TO PROVIDE FOR TRUCK WEIGHT LIMITS ON SAGER PLACE, QUABECK AVENUE, WOLF PLACE AND FAIRCHILD PLACE” was duly passed on first reading by the Municipal Council on November 9, 2020 and duly adopted by the Municipal Council on second reading after public hearing on November 23, 2020; and

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WHEREAS, pursuant to N.J.S.A. 40:69A-181 (a) and Section 7-32 (d) of the Revised Code of the Township of Irvington, an ordinance shall take effect twenty (20) days after final passage by the Municipal Council and approval by the Mayor; and

WHEREAS, pursuant to N.J.S.A. 40:69A-181 (b) and Section 7-32 (d) of the Revised Code of the Township of Irvington, two- thirds (2/3) of the full membership of the Municipal Council may declare an emergency, by written resolution, to reduce this twenty (20) day period:

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON (not less than 2/3 of the full membership thereof affirmatively concurring) that pursuant to the provisions of N.J.S.A. 40:69A-181 (b) and Section 7-32 (d) of the Revised Code of the Township of Irvington, it does hereby declare that an emergency exists that an ordinance entitled "AN ORDINANCE AMENDING CHAPTER 620, SECTION 29 ENTITLED "TRUCKS OVER CERTAIN WEIGHT EXCLUDED" AND CHAPTER 620, SECTION 100 ENTITLED "SCHEDULE VI: TRUCKS OVER CERTAIN WEIGHTS EXCLUDED" TO PROVIDE FOR TRUCK WEIGHT LIMITS ON SAGER PLACE, QUABECK AVENUE, WOLF PLACE AND FAIRCHILD PLACE" shall become effective immediately upon its approval by the Mayor.

Adopted
Absent: Evans

Vick – Beasley

3. Waive 20 Day Waiting Time Period for Effective Date Of An Ordinance Pertaining To Residential Permit Parking on Willis Place Between Orange Avenue and Melrose Place From 6 PM and 6 AM Seven Days A Week

WHEREAS, an ordinance entitled "AN ORDINANCE PROVIDING FOR RESIDENTIAL PARKING PERMITS ON WILLIS PLACE BETWEEN ORANGE AVENUE AND MELROSE PLACE FROM 6 PM TO 6 AM SEVEN DAYS A WEEK" was duly passed on first reading by the Municipal Council on November 9, 2020 and duly adopted by the Municipal Council on second reading after public hearing on November 23, 2020; and

WHEREAS, pursuant to N.J.S.A. 40:69A-181 (a) and Section 7-32 (d) of the Revised Code of the Township of Irvington, an ordinance shall take effect twenty (20) days after final passage by the Municipal Council and approval by the Mayor; and

WHEREAS, pursuant to N.J.S.A. 40:69A-181 (b) and Section 7-32 (d) of the Revised Code of the Township of Irvington, two- thirds (2/3) of the full membership of the Municipal Council may declare an emergency, by written resolution, to reduce this twenty (20) day period:

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON (not less than 2/3 of the full membership thereof affirmatively concurring) that pursuant to the provisions of N.J.S.A. 40:69A-181 (b) and Section 7-32 (d) of the Revised Code of the Township of Irvington, it does hereby declare that an emergency exists that an ordinance entitled " entitled "AN ORDINANCE PROVIDING FOR RESIDENTIAL PARKING PERMITS ON WILLIS PLACE BETWEEN ORANGE AVENUE AND MELROSE PLACE FROM 6 PM TO 6 AM SEVEN DAYS A WEEK" shall become effective immediately upon its approval by the Mayor

Adopted

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Absent: Evans

Frederic - Vick

4. Waive 20 Day Waiting Time Period for Effective Date Of An Ordinance Pertaining To Providing for Residential Permit Parking on Sunset Terrace from Stuyvesant Avenue to the Cul-De-Sac

WHEREAS, an ordinance entitled "AN ORDINANCE PROVIDING FOR RESIDENTIAL PARKING PERMITS ON SUNSET TERRACE FROM STUYVESANT AVENUE TO THE END OF THE CUL-DE-SAC, SEVEN DAYS A WEEK, 24 HOURS PER DAY" was duly passed on first reading by the Municipal Council on November 9, 2020 and duly adopted by the Municipal Council on second reading after public hearing on November 23, 2020; and

WHEREAS, pursuant to N.J.S.A. 40:69A-181 (a) and Section 7-32 (d) of the Revised Code of the Township of Irvington, an ordinance shall take effect twenty (20) days after final passage by the Municipal Council and approval by the Mayor; and

WHEREAS, pursuant to N.J.S.A. 40:69A-181 (b) and Section 7-32 (d) of the Revised Code of the Township of Irvington, two- thirds (2/3) of the full membership of the Municipal Council may declare an emergency, by written resolution, to reduce this twenty (20) day period:

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON (not less than 2/3 of the full membership thereof affirmatively concurring) that pursuant to the provisions of N.J.S.A. 40:69A-181 (b) and Section 7-32 (d) of the Revised Code of the Township of Irvington, it does hereby declare that an emergency exists that an ordinance entitled "AN ORDINANCE PROVIDING FOR RESIDENTIAL PARKING PERMITS ON SUNSET TERRACE FROM STUYVESANT AVENUE TO THE END OF THE CUL-DE-SAC, SEVEN DAYS A WEEK, 24 HOURS PER DAY" shall become effective immediately upon its approval by the Mayor.

Adopted

Absent: Evans

Hudley - Frederic

5. Waive 20 Day Waiting Time Period for Effective Date Of An Ordinance Pertaining To Regulating Murals and Public Art Installations

WHEREAS, an ordinance entitled "MURAL AND PUBLIC ART ORDINANCE OF THE TOWNSHIP OF IRVINGTON" was duly passed on first reading by the Municipal Council on November 9, 2020 and duly adopted by the Municipal Council on second reading after public hearing on November 23, 2020; and

WHEREAS, pursuant to N.J.S.A. 40:69A-181 (a) and Section 7-32 (d) of the Revised Code of the Township of Irvington, an ordinance shall take effect twenty (20) days after final passage by the Municipal Council and approval by the Mayor; and

WHEREAS, pursuant to N.J.S.A. 40:69A-181 (b) and Section 7-32 (d) of the Revised Code of the Township of Irvington, two- thirds (2/3) of the full membership of the Municipal Council may declare an emergency, by written resolution, to reduce this twenty (20) day period:

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON (not less than 2/3 of the full membership thereof affirmatively concurring) that pursuant to the provisions of N.J.S.A. 40:69A-181 (b) and Section 7-32 (d) of the Revised Code of the Township of Irvington, it does hereby declare that an emergency exists that an ordinance entitled "MURAL AND PUBLIC ART

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ORDINANCE OF THE TOWNSHIP OF IRVINGTON” shall become effective immediately upon its approval by the Mayor.

Adopted
Absent: Evans

Beasley – Hudley 6. Appoint Quasim Salaam as Commissioner of Irvington Housing Authority Replacing Sean Evans and Alfonso C. Griffin Replacing Anna Scott (Non-Consent)

WHEREAS, a vacancies exists in the membership of the Irvington Housing Authority due to the election of Commissioner Sean Evans as East Ward Council Member and the death of Commissioner 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 Commissioners of the Irvington Housing Authority, replacing Sean Evans and Anna Scott; respectively, for terms expire as indicated below:

NAME & ADDRESS	TERM TO EXPIRE
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Qasim Salaam 46 Rich Street	11-22-24
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Alfonso C. Griffin 9 Civic Square West	11-22-23
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Adopted
Abstain: Burgess
Absent: Evans

Cox - Burgess 7. Award Emergency Contract for Psychological Evaluations For The Fire Department – Institute for Forensic Psychology – Not To Exceed \$22,000.00

**AWARD AN EMERGENCY CONTRACT FOR
PSYCHOLOGICAL EVALUATIONS FOR THE FIRE DEPARTMENT**

WHEREAS, on October 16, 2020, the Fire department determined that they needed to complete mandatory psychological evaluations for new recruits; and

WHEREAS, the Fire Department contacted the Institute for Forensic Psychology and had the required evaluations completed; and

WHEREAS, the Public Safety Director declared an emergency on October 16, 2020 to provide an emergency contract for psychological evaluations; and

WHEREAS, Institute for Forensic Psychology of 5 Fir Court, Suite 2, Oakland, NJ 07436 was called and services were rendered; and

WHEREAS, this situation constitutes a threat to public health, safety, welfare, and the Public Safety Director declared an emergency to complete the required evaluations on an emergency basis; and

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

WHEREAS, the total cost to provide emergency service to the Township was \$22,000.00.

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that it ratifies the decision of the Administration to authorize an emergency contract to Institute for Forensic Psychology of 5 Fir Court, Suite 2, Oakland, NJ 07436 for an amount not to exceed \$22,000.00

BE IT FUTHER RESOLVED, that the required certification of availability of funds C2000164 in the amount of \$22,000.00 from account number 0-01-25-265-265-299 has been obtained from the Chief Financial Officer.

Adopted
Absent: Evans

Frederic - Hudley 8. Authorize Adoption of the Irvington 2020 Sustainable Land Use
Pledge Resolution

"Irvington Sustainable Land Use Pledge Resolution - 2020"

WHEREAS, land use is an essential component of overall sustainability for a municipality; and

WHEREAS, poor land-use decisions can lead to and increase societal ills such as decreased mobility, high housing costs, increased greenhouse gas emissions, loss of open space and the degradation of natural resources; and

WHEREAS, well planned land use can create transportation choices, provide for a range of housing options, create walkable communities, preserve open space, provide for adequate recreation, and allow for the continued protection and use of vital natural resources; and

WHEREAS, Given New Jersey's strong tradition of home rule and local authority over planning and zoning, achieving a statewide sustainable land use pattern will require municipalities to take the lead;

NOW THEREFORE, we the township of Irvington, resolve to take the following steps with regard to our municipal land-use decisions with the intent of making Irvington a truly sustainable community. It is our intent to include these principles in the next master plan revision and reexamination report and to update our land-use zoning, natural resource protection, and other ordinances accordingly.

Regional Cooperation - We pledge to reach out to administrations of our neighboring municipalities concerning land-use decisions, and to take into consideration regional impacts when making land-use decisions.

Transportation Choices - We pledge to create transportation choices with a Complete Streets approach by considering all modes of transportation, including walking, biking, transit and automobiles, when planning transportation projects and reviewing development applications. We will reevaluate our parking with the goal of limiting the amount of required parking spaces, promoting shared parking and other innovative parking alternatives, and encouraging structured parking alternatives where appropriate.

Natural Resource Protection - We pledge to take action to protect the natural resources of the State for environmental, recreational and agricultural value, avoiding or mitigating negative impacts to these resources. Further, we pledge to complete a Natural Resources Inventory when feasible to identify and assess the extent of

our natural resources and to link natural resource management and protection to carrying capacity analysis, land-use and open space planning.

Mix of Land Uses - We pledge to use our zoning power to allow for a mix of residential, retail, commercial, recreational and other land use types in areas that make the most sense for our municipality and the region, particularly in downtown and town center areas.

Housing Options - We pledge, through the use of our zoning and revenue generating powers, to foster a diverse mix of housing types and locations, including single- and multi-family, for-sale and rental options, to meet the needs of all people at a range of income levels.

Green Design - We pledge to incorporate the principles of green design and renewable energy generation into municipal buildings to the extent feasible and when updating our site plan and subdivision requirements for residential and commercial buildings.

Municipal Facilities Siting - We pledge, to the extent feasible, to take into consideration factors such as walkability, bikability, greater access to public transit, proximity to other land-use types, and open space when locating new or relocated municipal facilities.

Adopted
Absent: Evans

Beasley - Vick 9. Authorize Execution Of Escrow Agreement With Redevelopment
Capital Partners, LLC for The Development Of Certain Property Within
The Township

**RESOLUTION OF THE TOWNSHIP OF IRVINGTON AUTHORIZING THE
EXECUTION OF AN ESCROW AGREEMENT WITH REDEVELOPMENT CAPITAL
PARTNERS, LLC FOR THE DEVELOPMENT OF CERTAIN PROPERTY WITHIN THE
TOWNSHIP**

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 July 14, 2015, by resolution No. UEZ 15-0714-11, the Municipal Council (the “**Township Council**”) of the Township of 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* (the “**Township-Wide Redevelopment Plan**”) pursuant to the LRHL 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 in the Township tax records and on the official tax maps of the Township as:

Block	Lot	Location
24	11	545 Stuyvesant Ave.
56	23	220 Vermont Ave.
59	27	194 Columbia Ave.
60	10	69-71 Stockman Pl.
78	4	78-80 Orange Ave.
80	38	8 Lincoln Pl.
102	6	119-121 Western Pkwy
166	26	475 21st St.
199	14	69 Coit St.
209	46	69 Maple Ave.
210	53	955 Grove St.
214	17	12 Grace St.
217	9	1103 Grove St.
219	31	177 Maple Ave.
222	19	1150 Grove St.
224	36	64 Rosehill Pl.
226	9	624 Lyons Ave.
252	25	15 Temple Pl.
267	11	117 Welland Ave.
278	10	1110 Clinton Ave.
335	13	39 Park Pl.
337	1	36 Park Pl.

collectively, the “**Property**”); and

WHEREAS, certain parcels identified above are located both within the Rehabilitation Area and within a redevelopment area designated by the Township in accordance with the Redevelopment Law, as the East Ward/East Spring Avenue Redevelopment Area. These lots, specifically: Block 210, Lots 16 & 25 are subject to the superseding zoning of the *East Ward/East Springfield Avenue Redevelopment Plan* (as amended, the “**East Ward Redevelopment Plan**”, and together with the Township-Wide Redevelopment Plan, the “**Redevelopment Plan**”) ; and

WHEREAS, Redevelopment Capital Partners, LLC (the “**Proposed Redeveloper**”) proposes to acquire the Property and to redevelop same (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 acquisition and redevelopment of the Property; 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 acquisition 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 effect 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. 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

ESCROW AND FUNDING AGREEMENT

Adopted
Absent: Evans

Burgess - Hudley 10. Ratify Best Practices Checklist for CY 2020

WHEREAS, Local Finance Notice 2020-20 requires that the governing body of each municipality receiving ETR or CMPTRA state aid discuss the CY 2020 Best Practice Inventory as prepared by the Chief Financial Officer at a public meeting; and

WHEREAS, the Chief Financial Officer has submitted the CY 2020 Best Practices Inventory to the Municipal Council for the review and discussion; and

WHEREAS, the Municipal Council has reviewed and discussed the CY 2019 Best Practice Inventory at their November 23, 2020 public meeting:

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that the Municipal Clerk is hereby authorized and directed to execute the CY 2020 Best Practice Public Meeting Certification Plan and forward same to the Director of the Division of Local Government Services along with a certified copy of this resolution as evidence that the governing body has complied with the provisions of Local Finance Notice 2020-20.

Adopted
Absent: Evans

Frederic - Beasley 11. Award Bid Based Upon Low, Responsive and Responsible Bid –
Printing And Marketing Of Materials – Stuyvesant Press - \$51,900.00
Per Year - Total Not To Exceed \$103,800.00 For Two Years

RESOLUTION AWARDING A BID FOR PRINTING AND MARKETING SERVICES

WHEREAS, sealed bids were received on October 21, 2020 for Printing and Marketing to published advertisement for bids in the New Jersey Star Ledger on September 29, 2020; and

WHEREAS, two bids were received and opened by the Purchasing Agent and Municipal Clerk from Stuyvesant Press Inc. and Concept Printing Inc.; and

WHEREAS, the bids were reviewed and found that Stuyvesant Press Inc., is the lowest responsible, responsive bid; and

WHEREAS, it has recommended that the award should be made to Stuyvesant Press Inc of 119 Coit Street, Irvington, NJ 07111 on the basis of their lowest responsible, responsive bid of \$51,900.00 per year; and

BE IT FURTHER RESOLVED, the Municipal Clerk is hereby authorized the return the bid bonds to the unsuccessfully bidders; and

BE IT FURTHER RESOLVED that a two year contract be awarded to Stuyvesant Press Inc of 119 Coit Street, Irvington, NJ 07111 starting on November 23, 2020 until November 22, 2022 for \$51,900.00 per year for a total not to exceed \$103,800.00 for two years.

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

BE IT FURTHER RESOLVED that the required certification of availability of C2000165 in the amount of \$4,265.00 from account number 0-01-20-110-110-120 has been obtained from the Chief Financial Officer and the remaining balance of \$99,535.00 will be certified upon the adoption of the 2021 and 2022 budget.

Adopted
Absent: Evans

Hudley - Beasley 12. Authorize Purchase of Groceries For The Irvington Neighborhood
Improvement Corporation Over The Pay to Play Threshold And Under
The Bid Threshold - Bizzare Foods Inc., DBA Trooper Foods

AUTHORIZING PURCHASES OVER THE PAY TO PLAY THRESHOLD OF \$17,500.00 BUT UNDER THE BID THRESHOLD OF \$44,000.00 FOR GROCERIES FOR INIC

WHEREAS, the Township wishes to purchase groceries for the Food pantry, Soup Kitchen and Grab and Go meals and the total purchase will exceed the pay to play threshold; and

WHEREAS, the Township has obtained two quotes from Uline and Driscoll Food herein attached; and

WHEREAS, Bizzare Foods Inc, DBA Trooper Foods has provided the lowest quote for this service; and

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

WHEREAS, Bizzare Foods Inc, DBA Trooper Foods 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 \$44,000.00; and

NOW, THEREFORE, BE IT RESOLVED, that the Municipal Council of the Township of Irvington hereby authorizes the Qualified Purchasing Agent to purchase groceries from Bizzare Foods Inc, DBA Trooper Foods in excess of pay to play threshold \$17,500.00 but under the bid threshold of \$44,000.00; 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
Absent: Evans

Cox - Burgess

13. Award Contract Based On Request For Proposals – On Line Tax
Sale Hosting Services – Realauction.com, LLC - \$15.00 Per Property

AWARDING A CONTRACT FOR ONLINE TAX SALE HOSTING SERVICE

WHEREAS, sealed RFP were received on October 28, 2020 for Online Tax Sale Hosting in response to published advertisement for bids in the New Jersey Star Ledger on October 13, 2020; and

WHEREAS, one RFP was received and opened from Realauction.com LLC by the Assistant Municipal Clerk and Purchasing Agent; and

WHEREAS, said bid was referred to the Assistant Tax Collector and the CFO for recommendation to the Municipal Council; and

WHEREAS, the Assistant Tax Collector and the CFO has recommended that the award should be made to Realauction.com LLC, 861 SW 78th Avenue, Suite 102, Plantation, FL 33324 for an amount not to exceed of \$45,000 at \$15.00 per property for all properties that are sold at the annual tax sale; and

NOW THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that a contract for online tax sale hosting service be awarded to Realauction.com LLC, 861 SW 78th Avenue, Suite 102, Plantation, FL 33324 on the basis of their response to the request for proposal for \$15.00 per property for all properties that are sold at the annual tax sale.

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

BE IT FURTHER RESOLVED that the required certification of availability of funds C2-000140 in the amount of \$45,000.00 from account number 0-01-20-145-145-256 has been obtained from the Chief Financial Officer.

Adopted
Absent: Evans

Cox - Hudley 14. Authorize Refund of \$2,597.26 in Property Taxes on 84 Orange Avenue, Block 78, Lot 6 – 100% Disabled Veteran

RESOLUTION TO CANCEL AND REFUND PROPERTY TAXES

WHEREAS, Odessa M Primus purchased 84 Orange Avenue, Block 78 Lot 6 as of April 2, 2020 and has been deemed a 100% Disabled Veteran by the Department of Veterans Affairs and;

WHEREAS, Odessa M Primus filed an application for 100% tax exemption and the tax assessor Silvia Forbes approved the property tax exemption on April 10, 2020 and;

WHEREAS, the 2020 billing of \$2,882.29 – Q1 and \$2,882.29 – Q2 has been paid and the property owner is entitled to a refund in the amount of \$2,597.26 from the date of purchase and;

WHEREAS, the 2020 billing of \$2,947.73 – Q3 and \$3,138.10 have not been paid and due to be cancelled.

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that the Tax Collector's office is authorized and directed to cancel the exempt portion of taxes in the amount of \$8,683.09 and issue a refund in the amount of **\$2,597.26** to Odessa M Primus as a 100% Disabled Veteran at 84 Orange Avenue on Block 78 Lot 6.

Adopted
Absent: Evans

Hudley - Cox 15. Introduction of Camptown Special Improvement 2020 Budget

**INTRODUCTION OF THE CAMPTOWN BUSINESS IMPROVEMENT DISTRICT
2020 ANNUAL BUDGET**

WHEREAS, NJSA 40:56-48 requires that the budget for Camptown Business Improvement District be introduced in writing at a meeting of the Municipal Council for approval; and

WHEREAS, the Camptown Business Improvement District introduced its FY 2020:

Now, be it therefore resolves by the municipal council of the township of Irvington, New Jersey does hereby approved the detail annual budget for the Camptown Business Improvement District for 2020 and that this approval is subject to all requirements of NJSA 40:56-48, which includes notice and hearing

Adopted
Absent: Evans

Cox - Frederic 16. Waive Interest and Penalties – 41 Wilson Place, Block 339, Lot 28

RESOLUTION TO WAIVE INTEREST

WHEREAS, taxpayer Jennifer Johnson of 41 Wilson Place, Block 339 Lot 28 paid the 2020 3rd quarter taxes via online August 10, 2020 and;

WHEREAS, the online payment system experienced a computer glitch with the server and;

WHEREAS, the taxpayer's payment was returned by her banking institution which resulted in the account as insufficient funds and;

WHEREAS, the taxpayer was charged interest in the amount of \$10.94 when the payment was resubmitted for payment.

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that the Tax Collector's office is authorized and directed to waive the interest charged on the 2020 3rd quarter taxes in the amount of \$10.94 and bring the taxes current.

Adopted
Absent: Evans

Burgess - Beasley 17. Authorize CDBG Grant Award of \$10,000.00 to J&B Computer Consulting, LLC

Resolution to Award CDBG CARES Act (COVID-19) Business Economic Relief Grant to J&B COMPUTER CONSULTING, LLC

WHEREAS, the Township of Irvington, Department of Economic Development and Grants Oversight (DEDGO) is a recipient of Cares Act CDBG COVID-19 Grant Funds awarded by the U.S. Department of Housing and Urban Development to use said funds to prepare, for, prevent, and respond to the COVID-19 Pandemic; and

WHEREAS, numerous businesses in the Township of Irvington were closed for extended periods of time and/or were otherwise negatively impacted by the COVID-19 Pandemic requiring them to seek financial assistance to remain open, reopen and/or make necessary expenditures to put in place and maintain appropriate social distancing and sanitary measures;

WHEREAS, the DEDGO has determined that J&B Computer Consulting, LLC upon review meets the requirements to receive CDBG CARES Act COVID-19 Grant Funds and that the use of such funds will further and enhance the economic development activities of the Township;

WHEREAS, the Township of Irvington wishes to award Business Economic Relief Grant Funds in the amount **\$10,000.00** to J&B Computer Consulting, LLC a Liability Limited Company under the laws of the State of New Jersey with a principal business located at **1075 Stuyvesant Avenue Irvington, NJ**;

WHEREAS, the DEDGO has allocated sufficient CDBG Cares Act funds to fund a proposed grant agreement in the amount of **\$10,000.00** with the J&B Computer Consulting, LLC; and,

WHEREAS, the U.S. Department of Housing and Urban Development has issued federal regulations which revise 24 CFR 570 Sub-Part J, requiring all CDBG recipients to enter into formal legal agreements with private businesses called "CDBG sub-recipients", in order for these organizations to receive CDBG funding from the Township of Irvington; and

WHEREAS, the Township of Irvington is also subject to the provisions of federal OMB Circular A-102 Attachment 0, "Procurement Standards" which apply the Township's procurement of services, supplies and property with CDBG funds; and

WHEREAS, OMB Circular A-102 also requires the Township to conform to all applicable state and local laws relating to formal legal agreements by municipal government procurement of goods and services; and

WHEREAS, the governing body of the Township of Irvington is required under state law (N.J.S.A. 40A:11-1 et seq.) to authorize the execution of formal grant agreements and procurement contracts (in excess of \$8,500.00) with private contractors:

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

1. The Mayor and the Township Clerk are hereby authorized and directed to execute an agreement with **J&B Computer Consulting, LLC** awarded **COVID-19 Small Business Economic Relief Grant in the amount of \$10,000.00.**
2. Pursuant to N.J.A.C. 5:34-5.2, the required certificate of Availability of Funds No. C2000167 in the amount of **\$10,000.00** for the above has been obtained from the Chief Financial Officer of the Township of Irvington. The appropriation to be charged for this expenditure is Account No. **T-21-41-850-20G-801.**

Adopted
Absent: Evans

Vick - Beasley 18. Designate Certain Properties Located on Grove Street, 17th Avenue, 22nd Street, 18th Avenue, Ellis Avenue, 21st Street, Hopkins Place, Madison Avenue and Springfield Avenue As Non-Condemnation Redevelopment Area

RESOLUTION DESIGNATING CERTAIN PROPERTIES LOCATED ON GROVE STREET, 17th AVENUE, 22nd STREET, 18th AVENUE, ELLIS AVENUE, 21st STREET, HOPKINS PLACE, MADISON AVENUE, OR SPRINGFIELD AVENUE; IDENTIFIED ON THE TAX MAP OF THE TOWNSHIP AS BLOCK 149, LOTS 1-37; BLOCK 162, LOTS 1-6; BLOCK 165, LOTS 15 & 16; BLOCK 166, LOTS 1-19 & 39.01; BLOCK 207, LOTS 21, 22, 23.01, 23.02 & 24-48, AS A NON-CONDEMNATION AREA IN NEED OF REDEVELOPMENT PURSUANT TO THE LOCAL REDEVELOPMENT AND HOUSING LAW, N.J.S.A. 40A:12A-1 ET SEQ.

WHEREAS, the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. (the “**Redevelopment Law**”), authorizes a municipality to determine whether certain parcels of land in the municipality constitute an “area in need of redevelopment”; and

WHEREAS, on August 10, 2020, the Township Council of the Township of Irvington (the “**Township**”) adopted Resolution OCDP 20-0810-21 authorizing and directing the Township’s Planning Board to investigate the following properties:

Block	Lot	Location
149	1	668 Grove Street
149	2	666 Grove Street

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149	3	662 Grove Street
149	4	660 Grove Street
149	5	658 Grove Street
149	6	654 Grove Street
149	7	652 Grove Street
149	8	650 Grove Street
149	9	648 Grove Street
149	10	646 Grove Street
149	11	644 Grove Street
149	12	640-642 Grove Street
149	13	636-638 Grove Street
149	14	634 Grove Street
149	15	632 Grove Street
149	16	628-30 Grove Street
149	17	350 17th Avenue
149	18	346 17th Avenue
149	19	344 17th Avenue
149	20	342 17th Avenue
149	21	205 22nd Street Rear
149	22	201 22nd Street
149	23	199 22nd Street
149	24	195 22nd Street
149	25	193 22nd Street
149	26	191 22nd Street
149	27	187 22nd Street
149	28	183 22nd Street
149	29	179-181 22nd Street
149	30	175-177 22nd Street
149	31	167-173 22nd Street
149	32	676 18th Avenue
149	33	678 18th Avenue
149	34	680 18th Avenue
149	35	682-684 18th Avenue
149	36	686-688 18th Avenue
149	37	690 18th Avenue
162	1	114 Ellis Avenue
162	2	116 Ellis Avenue
162	3	118 Ellis Avenue
162	4	120-22 Ellis Avenue
162	5	124 Ellis Avenue
162	6	126-28 Ellis Avenue
165	15	50 Ellis Avenue
165	16	515 21st Street
166	1	91 Hopkins Place

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166	2	66 Ellis Avenue
166	3	68 Ellis Avenue
166	4	70 Ellis Avenue
166	5	74 Ellis Avenue
166	6	76 Ellis Avenue
166	7	78 Ellis Avenue
166	8	80 Ellis Avenue
166	9	82 Ellis Avenue
166	10	84-86 Ellis Avenue
166	11	88 Ellis Avenue
166	12	90 Ellis Avenue
166	13	92 Ellis Avenue
166	14	94 Ellis Avenue
166	15	96 Ellis Avenue
166	16	98 Ellis Avenue
166	17	100-102 Ellis Avenue
166	18	104 Ellis Avenue
166	19	1 Madison Avenue
166	39.01	89 Hopkins Place
207	21	783-797 Springfield Avenue
207	22	777 Springfield Avenue
207	23.01	125 Ellis Avenue
207	23.02	127-129 Ellis Avenue
207	24	121 Ellis Avenue
207	25	119 Ellis Avenue
207	26	117 Ellis Avenue
207	27	115 Ellis Avenue
207	28	111 Ellis Avenue
207	29	107 Ellis Avenue
207	30	105 Ellis Avenue
207	31	103 Ellis Avenue
207	32	101 Ellis Avenue
207	33	99 Ellis Avenue
207	34	97 Ellis Avenue
207	35	95 Ellis Avenue
207	36	93 Ellis Avenue
207	37	91 Ellis Avenue
207	38	87-89 Ellis Avenue
207	39	83-85 Ellis Avenue
207	40	81 Ellis Avenue
207	41	77-79 Ellis Avenue
207	42	75 Ellis Avenue
207	43	73 Ellis Avenue

207	44	71 Ellis Avenue
207	45	69 Ellis Avenue
207	46	65-67 Ellis Avenue
207	47	63 Ellis Avenue
207	48	93 Hopkins Place

along with all streets and rights of way appurtenant thereto (collectively, the “**Study Area**”) and to recommend to the Township whether all or a portion of the Study Area should be designated as a Non-Condensation Redevelopment Area in accordance with the Redevelopment Law; and

WHEREAS, in areas designated as Non-Condensation Redevelopment Areas, the Township may use all of those powers provided under the Redevelopment Law for use in a redevelopment area, except the power of eminent domain; and

WHEREAS, the Planning Board caused Nishuane Group, LLC (the “**Planning Consultant**”) to conduct a preliminary investigation of the Study Area in accordance with the Redevelopment Law; and

WHEREAS, the Planning Consultant prepared a map of the Study Area and an investigation report entitled “East Ward Area Expansion Preliminary Investigation for a Determination of Area in Need of Redevelopment”, dated November 12, 2020 (the “**Study**”)

WHEREAS, on November 12, 2020, pursuant to the Redevelopment Law, the Planning Board held a duly noticed public hearing concerning the Study, giving all persons who are interested in or would be affected by a determination that the Study Area is an area in need of redevelopment the opportunity to be heard; and

WHEREAS, at said public hearing, the Planning Board considered the Study, heard the comments of the Planning Consultant, opened the meeting for public comments, and deliberated on the matter using the criteria set forth in the Redevelopment Law; and

WHEREAS, the Planning Consultant concluded in the Study and testified to the Planning Board that the Study Area satisfies the criteria for redevelopment area designation set forth in the Redevelopment Law, and should be designated as a Non-Condensation Redevelopment Area; and

WHEREAS, on November 12, 2020, the Planning Board voted to recommend to the Township that the Study Area be designated as a Non-Condensation Redevelopment Area; and

WHEREAS, the Township Council agrees with the recommendation of the Planning Board and finds that such conclusion is supported by substantial evidence as set forth in the Study; and

WHEREAS, the Township Council desires to designate the Study Area as a Non-Condensation Redevelopment Area, pursuant to N.J.S.A. 40A:12A-6,

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

1. **Generally.** The aforementioned recitals are incorporated herein as though fully set forth at length.
2. **Non-Condensation Redevelopment Area Designated.** Based upon the Study and the recommendation of the Planning Board, the Study Area satisfies the criteria for redevelopment area

designation as set forth in the Redevelopment Law, and such Study Area is hereby designated as a Non-Condemnation Redevelopment Area.

3. **Transmission of Resolution.** The Township Clerk is hereby directed to transmit a copy of this Resolution to the Commissioner of the New Jersey Department of Community Affairs pursuant to N.J.S.A. 40A:12A-6b(5)(c) of the Redevelopment Law.

4. **Mailing of Notice.** The Township Clerk is hereby directed to serve, within ten days hereof, a copy of this resolution upon (i) all record owners of property located within the Study Area, as reflected on the Tax Assessor's records, and (ii) any person who filed a written objection with respect to the designation of the Study Area as an area in need of redevelopment.

5. **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.

6. **Resolution on File.** A copy of this resolution shall be available for public inspection at the offices of the Township Clerk.

7. **Effective Date.** This Resolution shall take effect immediately.

Adopted
Absent: Evans

Frederic - Cox

19. Authorize Application To Local Finance Board – Emergency
Appropriation Ordinance For Covid-19 Revenue Deficit

RESOLUTION AUTHORIZING THE DIRECTOR OF REVENUE AND FINANCE OF THE TOWNSHIP OF IRVINGTON, IN THE COUNTY OF ESSEX, NEW JERSEY TO SUBMIT AN APPLICATION TO THE DIRECTOR OF THE DIVISION OF LOCAL GOVERNMENT SERVICES FOR APPROVAL OF A SPECIAL EMERGENCY IN THE AMOUNT OF \$3,200,000, OR SUCH OTHER AMOUNT CERTIFIED BY SUCH DIRECTOR, FOR THE PURPOSES SET FORTH IN N.J.S.A. 40A:4-53(L) AND/OR N.J.S.A. 40A:4-53(M)

BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF IRVINGTON, IN THE COUNTY OF ESSEX, NEW JERSEY (not less than a majority of all members thereof affirmatively confirming) AS FOLLOWS:

Section 1. The Township of Irvington, in the County of Essex, New Jersey (the "Township") hereby approves the application prepared by the Director of Revenue and Finance of the Township in the form attached hereto as **Exhibit A**, seeking the approval of the Director of the Division of Local Government Services (the "Director") of a special emergency in the amount of \$3,200,000, or such other amount certified by the Director, for the purposes set forth in N.J.S.A. 40A:4-53(l) and/or N.J.S.A. 40A:4-53(m).

Section 2. The Township hereby further authorizes and directs the Director of Revenue and Finance of the Township to submit said Application to the Director by no later than December 1, 2020. If necessary for any reason, the Township hereby further authorizes the Director of Revenue and Finance of the Township to submit to the Director a written request for an extension of the December 1, 2020 deadline and to file such Application on or prior to such extended deadline granted by the Director, if any.

Section 3. This resolution shall take effect in accordance with applicable law.

Exhibit A

Application

Adopted

Absent: Evans

Cox – Beasley

20. Authorize Issuance Of Special Emergency Notes In An Amount Equal To The Special Emergency Appropriation Made For The Purposes Set Forth In N.J.S.A. 40A:4-53(l) And/Or N.J.S.A.40a:4-53(m).

RESOLUTION AUTHORIZING THE ISSUANCE OF SPECIAL EMERGENCY NOTES IN AN AMOUNT EQUAL TO THE SPECIAL EMERGENCY APPROPRIATION MADE FOR THE PURPOSES SET FORTH IN N.J.S.A. 40A:4-53(L) AND/OR N.J.S.A. 40A:4-53(M), IN AND BY THE TOWNSHIP OF IRVINGTON, IN THE COUNTY OF ESSEX, NEW JERSEY

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

Section 1. An ordinance authorizing a special emergency appropriation of \$3,200,000, or such other amount certified by the Director of the Division of Local Government Services (the "Authorized Amount"), by the Township of Irvington, in the County of Essex, New Jersey (the "Township") for the purposes set forth in N.J.S.A. 40A:4-53(l) and/or N.J.S.A. 40A:4-53(m) has been finally adopted by the Township Council of the Township, and a copy thereof has been filed with the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey (the "Director").

Section 2. (a) In order to finance the special emergency appropriation described in Section 1 of this resolution, the Township is hereby authorized to borrow the Authorized Amount and to issue its special emergency notes (the "Notes") therefor in accordance with the Local Budget Law of New Jersey (N.J.S.A. 40A:4-55) (the "Local Budget Law").

(b) The Notes authorized by this resolution may be issued in amounts and denominations not exceeding in the aggregate the amount of Notes authorized herein, as determined by the Director of Revenue and Finance of the Township pursuant to this resolution.

(c) The Township may finance the special emergency appropriation from surplus funds available or may borrow money in a manner prescribed herein. Where an appropriation is financed from surplus funds available, at least one-fifth of the amount thereof shall be included in each annual budget until the appropriation has been fully provided for, beginning in the year after the year in which the resulting deferred charge appears in the Township's unaudited financial statement.

Section 3. The following matters in connection with the Notes are hereby determined:

(a) All Notes issued hereunder and any renewals thereof shall mature at such time as may be determined by the Director of Revenue and Finance within the limitations of the Local Budget Law, provided however, that at least one-fifth of all such Notes and the renewals thereof shall mature and be paid in each year, beginning in the year after the year in which the resulting deferred charge appears in the Township's unaudited

financial statement, so that all Notes and renewals shall have matured and have been paid not later than the last day of the sixth year following the date of this resolution;

(b) All Notes issued hereunder shall bear interest at such rate or rates as may be determined by the Director of Revenue and Finance;

(c) The Notes shall be in the form determined by the Director of Revenue and Finance and the Director of Revenue and Finance's signature upon the Notes shall be conclusive as to such determination;

(d) The Township shall apply for any financial assistance that may be available to the Township from the federal government, the State of New Jersey, and other sources to offset any operating deficit directly attributable to COVID-19, and any such financial assistance obtained by the Township shall be utilized to offset any operating deficit or, if applicable, to payment of the Notes issued hereunder. The amount of Notes authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

Section 4. The Director of Revenue and Finance is hereby authorized and directed to determine all matters in connection with the Notes not determined by this or a subsequent resolution and the Director of Revenue and Finance's signature upon the Notes shall be conclusive as to such determination.

Section 5. The Director of Revenue and Finance is hereby authorized to sell the Notes from time to time at public or private sale in such amounts as such officer may determine at not less than par and to deliver the same from time to time to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof and payment therefor.

Section 6. Any instrument issued pursuant to this resolution shall be a general obligation of the Township. The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and the interest on the Notes and, unless otherwise paid or payment provided for, an amount sufficient for such payment shall be inserted in the budget and a tax sufficient to provide for the payment thereof shall be levied and collected.

Section 7. The Director of Revenue and Finance is authorized and directed to report in writing to this governing body at the meeting next succeeding the date when any sale or delivery of the Notes pursuant to this resolution is made, such report to include the amount, description, interest rate and maturity of the Notes sold, the price obtained and the name of the purchaser.

Section 8. The Township hereby makes the following covenants and declarations with respect to Notes to be issued by the Director of Revenue and Finance of the Township on a tax-exempt basis, if any. The Township hereby covenants that it will comply with any conditions subsequent imposed by the Internal Revenue Code of 1986, as amended (the "Code"), in order to preserve the exemption from taxation of interest on the Notes, including, if necessary, the requirement to rebate all net investment earnings on the gross proceeds above the yield on the Notes. The Director of Revenue and Finance is hereby authorized to act on behalf of the Township to deem the obligations authorized herein as bank qualified for the purposes of Section 265 of the Code, when appropriate. The Township hereby declares the intent of the Township to issue Notes in the amount authorized in Section 1 of this resolution and to use the proceeds to pay or reimburse expenditures for the costs of the purpose described herein. This Section 8 is a declaration of intent within the meaning and for purposes of Treasury Regulations §1.150-2 or any successor provisions of federal income tax law.

Section 9. Solely for purposes of complying with Rule 15c-12 of the Securities and Exchange Commission, as amended and interpreted from time to time (the "Rule"), and provided that the Notes are not exempt from the Rule and provided that the Notes are not exempt from the following requirements in accordance with paragraph (d) of the Rule, for so long as the Notes remain outstanding (unless the Notes and any renewals thereof have been wholly defeased), the Township shall provide for the benefit of the holders of the Notes and the beneficial owners thereof:

(a) Not more than 270 days following the close of the fiscal year in which the Notes are issued, electronically to the Municipal Securities Rulemaking Board's Electronic Municipal Market Access ("EMMA") system or such other repository designated by the Securities and Exchange Commission to be an authorized repository for filing secondary market disclosure information, if any, annual financial information with respect to the Township consisting of the audited financial statements (or unaudited financial statements if audited financial statements are not then available, which audited financial statements will be delivered when and if available) of the Township and certain financial information and operating data consisting of (1) Township indebtedness and overlapping indebtedness including a schedule of outstanding debt issued by the Township; (2) property valuation information; and (3) tax rate, levy and collection data. The audited financial statements will be prepared in accordance with generally accepted accounting principles as modified by governmental accounting standards as may be required by New Jersey law.

(b) If any of the following events occur regarding the Notes, a timely notice not in excess of ten business days after the occurrence of the event sent to EMMA:

- (1) Principal and interest payment delinquencies;
- (2) Non-payment related defaults, if material;
- (3) Unscheduled draws on debt service reserves reflecting financial difficulties;
- (4) Unscheduled draws on credit enhancements reflecting financial difficulties;
- (5) Substitution of credit or liquidity providers or their failure to perform;
- (6) Adverse tax opinions, the issuance by the Internal Revenue Service of proposed or final determinations of taxability, Notices of Proposed Issue (IRS Form 5701-TEB) or other material notices or determinations with respect to the tax status of the Notes, or other material events affecting the tax status of the Notes;
- (7) Modifications to the rights of holders of the Notes, if material;
- (8) Bond calls, if material, and tender offers;
- (9) Defeasances;
- (10) Release, substitution or sale of property securing repayment of the Notes, if material;
- (11) Rating changes;
- (12) Bankruptcy, insolvency, receivership or similar event of the Township;
- (13) The consummation of a merger, consolidation or acquisition involving the Township or the sale of all or substantially all of the assets of the Township, other than in the ordinary course of business, the entry into a definitive agreement to undertake such an action or the termination of a definitive agreement relating to any such actions, other than pursuant to its terms, if material;
- (14) Appointment of a successor or additional trustee or the change of name of a trustee, if material;
- (15) Incurrence of a Financial Obligation of the Township, if material, or agreement to covenants, events of default, remedies, priority rights or other similar terms of a Financial Obligation, any of which affect holders of the Notes, if material; and
- (16) Default, event of acceleration, termination event, modification of terms or other similar events under a Financial Obligation of the Township, if any such event reflects financial difficulties.

The term "Financial Obligation" as used in subparagraphs (b)(15) and (b)(16) above means a (i) debt obligation, (ii) derivative instrument entered into in connection with, or pledged as security or a source of payment for, an existing or planned debt obligation or (iii) guarantee of (i) or (ii); provided, however, that the term "Financial Obligation" shall not include municipal securities as to which a final official statement has been provided to the Municipal Securities Rulemaking Board consistent with the Rule.

(c) Notice of failure of the Township to provide required annual financial information on or before the date specified in this resolution shall be sent in a timely manner to EMMA.

(d) If all or any part of the Rule ceases to be in effect for any reason, then the information required to be provided under this resolution, insofar as the provision of the Rule no longer in effect required the provision of such information, shall no longer be required to be provided.

(e) The Director of Revenue and Finance shall determine, in consultation with Bond Counsel, the application of the Rule or the exemption from the Rule for each issue of Notes prior to their offering. Such Director of Revenue and Finance is hereby authorized to enter into written contracts or undertaking to implement this resolution and is further authorized to amend such contracts or undertakings as needed to comply with the Rule or upon the advice of Bond Counsel.

(f) In the event that the Township fails to comply with this resolution or the written contract or undertaking, the Township shall not be liable for monetary damages, remedy of the holders or beneficial owners of the notes being hereby specifically limited to specific performance of the covenants contained in this resolution or the written contract or undertaking.

Section 10. A copy of this resolution as adopted shall be filed with the Director.

Section 11. This resolution shall take effect upon the latter of (i) the date determined by applicable law or (ii) the earlier of (a) the date the Director approves in writing the application submitted by the Director of Revenue and Finance of the Township for approval of the special emergency being financed by the Notes (the "Application") and (b) the date that is 45 days (or the first business day following such 45th day, if applicable) following the date the Director of Revenue and Finance submits the Application to the Director.

Adopted
Absent: Evans

Vick - Burgess

21 Authorize Approval Of The Transfer Of A Redevelopment Agreement and A Financial Agreement Between The Township of Irvington and Hanuman Development Urban Renewal, LLC To Park Street Land Development Urban Renewal, LLC

RESOLUTION OF THE TOWNSHIP OF IRVINGTON, COUNTY OF ESSEX, NEW JERSEY APPROVING THE TRANSFER OF A REDEVELOPMENT AGREEMENT AND A FINANCIAL AGREEMENT BETWEEN THE TOWNSHIP OF IRVINGTON AND HANUMAN DEVELOPMENT URBAN RENEWAL, LLC TO PARK STREET LAND DEVELOPMENT URBAN RENEWAL LLC

WHEREAS, the Township of Irvington, in the County of Essex, New Jersey (the "**Township**"), a public body corporate and politic of the State of New Jersey (the "**State**"), 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, improvements to property located within an area designated as being in need of rehabilitation or redevelopment under the Redevelopment Law may qualify for tax exemptions under the Long Term Tax Exemption Law, *N.J.S.A. 40A:20-1 et seq.* (the "**LTTE Law**"); 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 the provisions of the Redevelopment Law, the Township Council, by Resolution UEZ 07-0227-5, dated February 27, 2007 designated as “an area in need of rehabilitation” certain properties within and contiguous to the UEZ, including but not limited to, property 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, on September 11, 2007, the Township Council duly adopted a redevelopment plan by Ordinance MC No. 3351 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, pursuant to *N.J.S.A.* 40A:12-4, the Township determined to act as the “redevelopment entity” (as such term is defined in Redevelopment Law) for the Property; and

WHEREAS, by Resolution OCDP 20-0622-11 adopted on June 22, 2020, the Township designated Hanuman Development Urban Renewal, LLC (the “**Assignor**”) as “redeveloper” (as such term is defined in Redevelopment Law) of the Property, and authorized the execution of redevelopment agreement, which set forth the rights and obligations of the Township and the Assignor concerning the redevelopment of the Property; and

WHEREAS, the Assignor and the Township entered into a redevelopment agreement, (the “**Redevelopment Agreement**”), whereby the Assignor agreed to undertake the design, development, financing, construction and maintenance on the Property of a new, three 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 (collectively, the “**Project**”) in accordance with terms set forth therein; and

WHEREAS, pursuant to the LTTE Law, and as authorized by Ordinance MC 3726 adopted by the Township Council on July 13, 2020, the Township and Assignor entered into a financial agreement (the “**Financial Agreement**”, together with the Redevelopment Agreement, the “**Agreements**”), pursuant to which the Township granted Assignor, a long term tax exemption for the Project; and

WHEREAS, the Assignor has submitted written notice requesting the Township’s consent to the transfer of the Property and the assignment of the Agreements to Park Street Land Development Urban Renewal LLC (the “**Assignee**”); and

WHEREAS, the Assignee submitted an application (the “**Transfer Application**”) for the long term tax exemption with respect to the transfer of the Property and the assignment of the Financial Agreement with the Township on September 18, 2020 pursuant to the LTTE Law; and

WHEREAS, upon a review of the Transfer Application, and pursuant to Section 8.01 of the Financial Agreement, the Township has determined that: (i) the Assignee does not own or lease any other project subject to long term tax exemption at the time of transfer; (ii) the Assignee is formed and eligible to operate under the LTTE Law; (iii) the Assignor is not in Default as defined under the Financial Agreement or the LTTE Law; (iv) the Assignor’s obligations under the Financial Agreement are fully assumed by the Assignee; (v) the Assignee agrees to abide by all terms and conditions of the Financial Agreement, (vi) the principal owners of the Assignee possess the same or better business reputation, financial qualifications and credit worthiness as the Assignor and are otherwise reputable; and (vii) the Transfer Application has been filed with the Township; and

WHEREAS, pursuant to Section 7.02 of the Redevelopment Agreement, the Township has determined that Assignee has reasonably adequate competence and experience, and has assumed in writing the affirmative obligation to perform all of the Assignee’s duties as and when due under the Redevelopment Agreement; and

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WHEREAS, the Township desires to evidence its consent to the proposed transfer of the benefits and obligations set forth in the Agreements as it relates to the Property from the Assignor to the Assignee,

NOW THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON, COUNTY OF ESSEX, STATE OF NEW JERSEY AS FOLLOWS:

Section 1. The Recitals are incorporated by reference as if set forth in full.

Section 2. The Transfer Application submitted by the Assignee is hereby approved in accordance with the LTTE Law, and the Township hereby consents to the transfer of the Project and the assignment of the Agreements from the Assignor to the Assignee.

Section 3. The Township Council hereby authorizes and directs the Mayor of the Township to execute any document or writing or to make such representations, on behalf of the Township, which may be necessary to further evidence or acknowledge the Township's consent and to take all other necessary or desirable action to effectuate the transfer referred to herein..

Section 4. This resolution shall take effect immediately.

Adopted
Absent: Evans

Frederic - Cox 22. Authorize Amendment to Contract – Parts and Service For Street Sweepers – Northeast Sweepers – Increase of \$48,000.00 – Total ‘ \$78,000.00

RESOLUTION TO AMEND RESOLUTION NUMBER DPW 20-0210-6 TO REPAIR SOLE SOURCE RAVO STREET SWEEPER

WHEREAS, resolution number DPW 20-0210-6 authorized a sole source contract on February 10, 2020; and

WHEREAS, Public Works has determined that an additional \$48,000.00 is needed to repair the street sweepers; and

WHEREAS, Public Works would like to increase the not to exceed amount on this contract to \$78,000.00 under the same terms and conditions of resolution; and

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Irvington in the County of Essex, and State of New Jersey, that Public Works is authorized to purchase parts and service from Northeast Sweepers, 16 Passaic Ave, Unit 9, Fairfield, NJ 07004 starting on January 01, 2020 until December 31, 2020 for an amount not to exceed \$78,000.00.

BE IT FUTHER RESLOVED that the required certification of availability of funds C2000090 in the amount of \$48,000.00 from account number 0-01-21-165-165-299 has been obtained from the Chief Financial Officer.

Adopted
Absent: Evans

10. Communications and Petitions

A. Communications

B. Petitions

None

11. Pending Business

None

NON-CONSENT AGENDA ITEMS

B. Ordinances on Second Reading

1. President Burgess: An ordinance amending and supplementing the sidewalk ordinance regarding the cleaning of sidewalks eighteen inches from the curb or gutter will be heard at this time. The Clerk will read the notice of hearing.

The Clerk read the notice of hearing.

The Clerk will read the ordinance by title.

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 555, ARTICLE III, SECTION 68 OF THE REVISED CODE OF THE TOWNSHIP OF IRVINGTON BY ADDING THE ADDITION OF A NEW PARAGRAPH PERTAINING TO MAINTENANCE OF SIDEWALKS.

BE IT ORDAINED BY TO MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON as follows:

SECTION 1. Section 555-68 of the Revised Code of the Township of Irvington is hereby amended as supplemented to read in its entirety as follows:

555-68 Maintenance in good condition; responsibility for repairs sidewalks, curbs, gutters and driveway aprons.

a. All sidewalks in streets, roads and highways in the Town shall be kept in good repair and condition to ensure for the public the safe and comfortable use of the same, and if any owner of land in front of which sidewalks have been constructed shall allow such sidewalk to become out of repair and unsafe for public use, the Municipal Council, through the Director of the Department of Public Works or his designated agent, may order the owner to construct and repair such sidewalk at the owner's expense.

b. Any person owning any land fronting upon any public street or highway within the Township of Irvington shall keep all sidewalks, curbs, monolithic curbs, gutters, catch basins and driveway aprons fronting said land clean and free of debris, trash and in good repair up eighteen inches from the curb/gutter~~to one and a half linear foot beyond any curb that abuts the property boundaries~~. Specifically, property owners are required to remove trash and other debris from above and around the catch basins and ensure no garbage are on top of storm drains.

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

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

The public hearing on this ordinance is now open.

There were no requests to be heard.

Vick – Frederic Motion to close public hearing.

Adopted
Absent: Evans

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

Adopted
Absent: Evans

2. President Burgess: An ordinance prohibiting vehicles over six tons on Wolf Place, Quabeck Avenue, Sager Place and Fairchild Place will be heard at this time. For the record, this notice is identical to the first notice that was read. The Clerk will read the ordinance by title.

AN ORDINANCE AMENDING CHAPTER 620, SECTION 29 ENTITLED “TRUCKS OVER CERTAIN WEIGHT EXCLUDED” AND CHAPTER 620, SECTION 100 ENTITLED “SCHEDULE VI: TRUCKS OVER CERTAIN WEIGHTS EXCLUDED” TO PROVIDE FOR TRUCK WEIGHT LIMITS ON SAGER PLACE, QUABECK AVENUE, WOLF PLACE AND FAIRCHILD PLACE.

BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON as follows:

SECTION 1. Chapter 620, Section 20 and Chapter 620, Section 100 of the Revised Code of the Township of Irvington are hereby amended and supplemented to include the following additional portion of streets:

Section 620-20: Trucks over certain weight excluded.

Trucks over the specified gross weight are hereby excluded from the streets or parts of streets described in Schedule VI (§ 620-100) except for the pickup and delivery of materials on such streets, said Schedule VI attached to and made a part of this chapter.

Section 620-100 Schedule VI: Trucks Over Certain Weights Excluded.

In accordance with the provisions of § **620-20**, trucks over the specified gross weight are hereby excluded from the following described streets or parts of streets, except for the pickup and delivery of materials on such streets:

Name of Street	Limits	Prohibited Weight (tons)
Sager Place	6 Tons	Entire Length
Quabeck Avenue	6 Tons	Entire Length

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Wolf Place	6 Tons	Entire Length
Fairchild Place	6 Tons	Entire Length

SECTION 2. This Ordinance shall be filed with the New Jersey Department of Transportation

SECTION 3. This ordinance shall become effective upon final passage by the Municipal Council, approval by the Mayor, approval of the New Jersey Department of Transportation and final publication according to law.

The public hearing on this ordinance is now open.

There were no requests to be heard.

Beasley - Vick Motion to close public hearing

Adopted
Absent: Evans

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

Adopted
Absent: Evans

3. President Burgess: An ordinance providing for residential permit parking on Willis Place between Orange Avenue and Melrose Place From 6 PM and 6 AM, Seven Days A Week will be heard at this time. For the record, this notice is also identical to the first notice that was read. The Clerk will read the ordinance by title.

AN ORDINANCE PROVIDING FOR RESIDENTIAL PARKING PERMITS ON WILLIS PLACE BETWEEN ORANGE AVENUE AND MELROSE PLACE FROM 6 PM TO 6 AM SEVEN DAYS A WEEK.

WHEREAS, the Township of Irvington has received concerns from its residents concerning the availability of resident parking between the hours of 6:00 P.M. and 6:00 A.M. on Willis Place between Orange Avenue and Melrose Place, seven days a week; and

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

NOW, THEREFORE, BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that parking shall be restricted and a parking permit required for residents between the hours of 6:00 P.M. and 6:00 A.M. on Willis Place between Orange Avenue and Melrose Place, seven days a week; and

BE IT FURTHER ORDAINED that resident's vehicles must receive and display a valid parking permit provided by the Township of Irvington; and

BE IT FURTHER ORDAINED that vehicles parked in violation of this ordinance will be subject to towing and the vehicle owners shall be subject to a fine as set forth in Chapter 1, General Provisions, Article III; and

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BE IT FURTHER ORDAINED that all ordinances or parts thereof that are inconsistent herewith are hereby repealed; and

BE IT FURTHER ORDAINED that 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 – Beasley Motion to close public hearing

Adopted
Absent: Evans

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

Adopted
Absent: Evans

4. President Burgess: An ordinance providing for residential permit parking on Sunset Terrace from Stuyvesant Avenue to the cul-de-sac will be heard at this time. For the record, this notice also is identical to the first notice that was read. The Clerk will read the ordinance by title.

AN ORDINANCE PROVIDING FOR RESIDENTIAL PARKING PERMITS ON SUNSET TERRACE FROM STUYVESANT AVENUE TO THE END OF THE CUL-DE-SAC, SEVEN DAYS A WEEK, 24 HOURS PER DAY.

WHEREAS, the Township of Irvington has received concerns from its residents concerning the availability of resident parking on Sunset Terrace, from Stuyvesant Avenue to the end of the cul-de-sac, seven days a week, 24 hours a day; and

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

NOW, THEREFORE, BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that parking shall be restricted and a parking permit required for residents of Sunset Terrace, from Stuyvesant Avenue to the end of the cul-de-sac, seven days a week, 24 hours a day; and

BE IT FURTHER ORDAINED that resident's vehicles must receive and display a valid parking permit provided by the Township of Irvington; and

BE IT FURTHER ORDAINED that vehicles parked in violation of this ordinance will be subject to towing and the vehicle owners shall be subject to a fine as set forth in Chapter 1, General Provisions, Article III; and

BE IT FURTHER ORDAINED that all ordinances or parts thereof that are inconsistent herewith are hereby repealed; and

BE IT FURTHER ORDAINED that this ordinance shall take effect January 1, 2021.

The public hearing on this ordinance is now open.

There were no requests to be heard.

Frederic - Vick Motion to close public hearing

Adopted
Absent: Evans

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

Adopted
Absent: Evans

5. President Burgess: An ordinance amending chapter 167 of the revised code entitled animals to provide for certain fines and penalties pertaining to the keeping of fowl, livestock and exotic animals and for the releasing or abandoning of live animals will be heard at this time. For the record, this notice also is identical to the first notice that was read. The Clerk will read the ordinance by title.

AN ORDINANCE AMENDING CHAPTER 167 ENTITLED “ANIMALS” OF THE REVISED CODE OF THE TOWNSHIP OF IRVINGTON.

SECTION 1. Chapter 167 of the Revised Code of the Township of Irvington is hereby amended and supplemented as follows:

ADDENDUM TO 167. Animals

Article I. Horses, Fowl, Live Stock, Indigenous and Exotic Animals

167-1. Horses not permitted on sidewalks. (NO CHANGE)

167-2 Keeping Fowl, Livestock, Wild/Indigenous and Exotic Animals Not Permitted

Fowl are subject to **Escherichia Coli (E-coli) Infection which** can spread in poultry/fowl/birds through fecal contamination and through contaminated eggs. No person shall house, sell, offer for sale, give away or otherwise dispose of or purchase any live fowl aka... chickens, roosters, turkeys, ducks, pigeons, quail etc. within the jurisdiction of Irvington Township.

Livestock includes any domestic animal that is subject to **Brucella infection or bovine tuberculosis** and any other contagious or infectious disease. No person shall house, sell, offer for sale, give away or otherwise dispose of or purchase any animal aka... cows, goats sheep, bulls, bison etc.

No person may possess sell, feed or purchase any live potentially dangerous **indigenous/wild** animal such as but not limited to fox, bat, snake, raccoon, squirrel, bear etc., or live potentially dangerous **exotic** animal such as but not limited to snakes or other reptiles, primates such as apes or other species of animal uncommon to the habitat of New Jersey; except as authorized pursuant to a permit issued by the Department of Environmental Protection or as may be authorized otherwise by the Fish and Game Council pursuant to rules and regulations adopted pursuant to the “Administrative Procedure Act,” P.L.1968, c. 410 ([C.52:14B-1 et seq.](#))..

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No person may release any live animal, or allow to roam into the environment of Irvington Township which includes common house hold pets or other animals at any time.

Penalties for violation of this article are as follows and recommended by the Animal Control officer and/or the Animal Cruelty Officer:

Section	Short Description	1 st Offense	2 nd Offense	3 rd Offense	
				Court Appearance	Require
167-1	horse on sidewalk		\$100.	\$300.	\$1, 500 + Court Fee
167-2	Keeping Fowl, Live Stock, wild indigenous And Exotic Animals		\$1,000.	\$1,500 + Court Fee	
167-2	Releasing or abandoning live Animals		\$1,000.	\$ 3000.00 + Court Fee	

Rationale for ordinance revision

An increasing number of fowl have been recognized and documented over the past calendar year; causing damage to properties while posing a potential distraction to traffic and exposing residents to diseases which are commonly carried by fowl.

Because there have been incidents where exotic animals and local wild life such as bears and raccoon have presented a nuisance and/or a potential threat to the residents of Irvington. Harborage or feeding increases the danger.

With respect to certain religious groups that use livestock in ceremonial practices (ie., sacrificial lamb and kosher preparations) the Township reserves the right to oversight by the Health Officer to prevent the spread of disease.

Rationale for penalties

Horse on sidewalk- Presents a potential cleaning issue for township DPW and other staff members as well as a safety hazard to pedestrians.

Keeping Fowl, Livestock, wild Indigenous and Exotic Animals – (Danger to the general public) Fowl are known to spread E-Coli in their waste products and are difficult to maintain in the urban setting. Fowl can destroy properties of other residents and present noise as a nuisance. Fowl can even attack humans especially if they are nesting.

Livestock present similar problems as do fowl however their disease transmission may include tuberculosis and Brucella infections. Wild/indigenous animals such as squirrels, raccoons etc. may be vectors of diseases such as rabies or vermin such as ticks and lice are also difficult to train/control and may be dangerous to small children or household pets.

Exotic animals are usually difficult to tame and maintain in the urban setting as they frequently grow to sizes that are difficult to control. Exotic animals may carry diseases, organisms, microbes, venoms etc to which local zoonotic veterinarians are not familiar.

SECTION 2. All Ordinances or parts of ordinances inconsistent or in conflict with the provisions of the within ordinance are hereby repealed

The public hearing on this ordinance is now open.

There were no requests to be heard.

Frederic - Vick

Motion to close public hearing

Adopted

Absent: Evans

Frederic - Vick

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

Adopted

Absent: Evans

Hudley – Frederic

6. President Burgess: An ordinance regulating murals and Public Art Installations will be heard at this time. For the record, this notice also is identical to the first notice that was read. The Clerk will read the ordinance by title.

MURAL AND PUBLIC ART ORDINANCE OF THE TOWNSHIP OF IRVINGTON

PURPOSE. To regulate all murals and public art installations within the Township of Irvington visible from the public right-of-way and those that are visible from adjacent properties to ensure that such murals and public art installations are appropriate for their respective uses and appearance on the affected property and surrounding environment and protective of the public health, safety and general welfare. The purposes of this Ordinance are to:

1. Safeguard the public welfare by providing proper maintenance of murals and public art installations.
2. Safeguard public safety by preventing interferences and distractions to pedestrians and drivers of motor vehicles.
3. Encourage artistic expression and foster a sense of pride in the Township.
4. Prohibit murals and other public art installations from engaging in commercial advertising.
5. Prevent visual expression that may be offensive, obscene, and defamatory or is derogatory; or constitutes off-premises advertising.

A. DEFINITIONS

As used in this article, the following terms shall have the meanings given. Unless expressly stated otherwise, any pertinent word or term not part of this listing but vital to the interpretation of this section shall be construed to have its legal definition, its meaning as commonly accepted by practitioners, including civil engineers, surveyors, architects, planners, designers and artists.

1. Mural

A. A hand-produced work of visual art that is tiled, digitally printed and mounted directly to an exterior wall, a vinyl applique or painted by hand directly to an exterior wall of a building. This includes any inscription, painting, illustration, artwork, figure, urban wall art, marking or design that is marked, etched, scratched, drawn or painted on any property wall or independent structure within the Township of Irvington. However, a Mural or should not include:

- (1) Any such painting or illustration requiring a separate foundation or footing;
- (2) Any depiction or contents of a commercial, trademarked, copyrighted, or other licensed feature;
- (3) Any message or advertisement for any individual, group, or entity (whether or not commercial); or
- (4) Any subjects or material of a scandalous, libelous, or indecent nature as determined by contemporary community standards.

B. Public Art

All forms of visual art that do not contain any commercial message that are located within the Township right-of-way or on public land or on private property visible from a sidewalk, street or other right-of-way within the Township of Irvington and which meets the requirements within this section.

C. Owner

An owner is person or entity who own or operates a premises as detail in the Township of Irvington Municipal Code as detailed below.

(1) As detailed in Section 1-15 of the Irvington Municipal Code, Owner as applied to building and land: “Includes any part owner, any corporation, joint owner, tenant in partnership, joint tenant and tenant by the entirety of the whole or of a part of such building and land.”

(2) Owner also includes the definition of owner as detailed in Chapter 460 (Property Maintenance) of the Irvington Municipal Code as follows. Owner include: “Owner or owners of the freehold of the premises or lesser estate therein, a mortgagee or vendee in possession, assignee of rents, receiver, executor, trustee, lessee or other person, firm or corporation in control of a building.”

(3) Operate as detailed in Chapter 460 (Property Maintenance) of the Irvington Municipal Code is when “Any person who has charge, care or control of a building or part thereof.”

(4) Property

Property is defined as any public property or any private property which is observable from the public right of way or from a public space.

(5) Alteration

Any change or rearrangement that enlarges or diminishes the work, or a change in location, excluding normal repairs and maintenance.

(6) Commercial Message

A message or symbol that advertises a business conducted, services rendered, or goods produced or sold.

(7) Graffiti

Graffiti and/or an act of graffiti means any drawing, painting or making of any mark or inscription on public or private real or personal property, regardless of content, without the prior written permission of the owner of the property.

B. FINDINGS AND PURPOSE

The Mayor and Township Council, in their continuing efforts to strengthen and enhance the business community in the Town, have noted that murals can provide an enhancement to the community and the quality of neighborhoods within the Township of Irvington. The intent of this ordinance is develop a permit application process to approve the installation of murals in the Township of Irvington.

All murals to be installed in the Township of Irvington must receive prior permit approval from the Township of Irvington. Any person or group who would like to construct murals must first obtain written permission from the property owner; said written approval must accompany the application. Murals constructed on public or private property without permission of the property owner will be deemed illegal and the purveyors of such murals will be subject to penalties and/or fines as detailed, in addition to any remedies available under law. The conservation and the maintenance of the murals will be the responsibility of the property owner.

This ordinance will not permit any type of illegal signage or insignia, irrespective of artistic content. The Department of Economic Development and Grants Oversight (DEDGO) will facilitate approval of the Mural Permit Application on behalf of the Township of Irvington accepting all applications and presenting to the Grant's Committee of the Township of Irvington Municipal for review and approval to be voted on by the full Municipal Council Body.

C. MURAL AND PUBLIC ART PERMIT PROCESS

1. Application for a mural or public art permit shall be made to the Department of Economic Development and Grants Oversight on forms provided for that purpose.
2. The application shall include, but not be limited to, the required fee and all information required on the application and attendant forms.
3. The application shall be accompanied by:
 - a. Photographs of the subject property and surrounding buildings.
 - b. Drawings showing the dimensions, construction, supports, sizes, foundation, electrical wiring and components, materials of the mural and method of attachment and character of structure members to which attachment is to be made. The design, quality, materials and loading shall conform to the requirements of the Building Code, as amended. If required by Community Development Planning and Zoning of Irvington engineering data shall be supplied on plans submitted certified by a duly licensed structural engineer.
 - c. Clear and legible scaled drawings with a description definitely showing location of the mural which is the subject of the permit and all other existing artwork whose construction requires permits, when such artworks are on the same premises.
 - d. Project description, including purpose. Detailed information regarding material to be used to apply or install the mural or public art installation, and any specialized equipment necessary for the project.
 - e. Approval letter and accompanying certifications by the property owner.
 - f. Maintenance plan which specifies the frequency of maintenance, provisions to address fading or vandalism, and general maintenance for the life of the mural or public art installation. Also include a plan for the restoration of the surface substrate at its conclusion.
 - g. Hold harmless agreement with the Township of Irvington.
 - h. Certification by the Police Department (Traffic Division) to ensure pedestrian, driver and traffic safety at the site.
 - i. The Permit Application Fee for each Mural or Public Art installation is be \$200.00. Only one Mural or Art Work can be submitted with each application.

D. REVIEW AND APPROVAL (CONSIDER REMOVING TO YOUR INTERNAL PROCEDURES

The Department of Economic Development and Grant's Oversight will be responsible for developing procedures to facilitate the acceptance and approval of Mural Permit Application.

The following is a list of items that may be considered in reviewing and in deciding whether to approve a permit:

The application may be considered in light of the proposed installation's compatibility with the neighborhood in which it is to be located, its size in relation to surrounding features, whether it is likely to cause a distraction or hazard to pedestrian or vehicular traffic, its compliance with the definitional provisions of this article, its compliance with the design guidelines adopted by the Municipal Council, and its overall aesthetic impact on the neighborhood.

Reviewers can also consider the significance of the proposed project's location, the artist's ability to complete the project in a timely manner, and the ability and willingness of the property owner to maintain the installation.

In considering the application, the Township may, in its discretion, seek the opinions of professionals familiar with the subject or field involved, including but not limited to historians, artists, sculptors or similar professionals.

The Township may reject any application that is deemed not in the best interests of the community by not enhancing the residents' quality of life and the Township's commitment to a clean, safe, healthy, and diverse community.

E. REVIEW AND PERMIT PROCESS

An original art mural or public art that meets all of the following requirements will be permitted upon satisfaction of the applicable procedures.

1. An application for a mural or public art permit shall be made to the Department of Economic Development and Grant's Oversight on forms provided for that purpose.
2. Mural may not be mere extensions or enlargements of any existing sign. No mural or public art shall be erected, placed, altered, relocated or replaced except in accordance with this section and unless a permit has been issued. This applies, but is not limited to, all walls, utility boxes, benches and trash receptacles, streets and sidewalks.
3. All murals and public art installations shall be maintained in good repair, free from peeling paint or damage due to age, weather, vandalism or the like. Failure to do so, may result in notification of the Code Enforcement Officer and if necessary, enforcement action.
4. The mural or public art installation shall remain in place, without alteration, for a minimum period of one year. "Alterations" include any change to a permitted mural or art installation, including, but not limited to, any change to the image(s), materials, colors, or size of the permitted mural. "Alteration" does not mean any naturally occurring changes to the mural caused by exposure to the elements or the passage of time. Minor changes to the permitted items that result from the maintenance or repair of the mural shall not be considered an alteration. Minor changes may include slight unintended deviations from the original image, colors, or materials that occur when the permitted mural is repaired due to the passage of time, or as a result of vandalism.
5. No part of a mural shall exceed the height or width of the structure to which it is tiled, painted or affixed.
6. No mural or public art installation may consist of, or contain, electrical or mechanical components, or changing images, moving structural elements, flashing or sequential lights, kinetic art or lighting elements

or automated methods that result in movement, the appearance of movement, or change of mural image or message.

7. No mural or public art installation may be located within 200 feet of another mural or public art installation unless it is part of an approved ensemble.
8. If vandalism to the mural or the public art installation occurs, it is the responsibility of the property owner or tenant to remove the graffiti, in consultation with the artist, within 48 hours. The Township of Irvington reserves the right to remove or fine the property owner for any unmaintained murals or public art installation.
9. No more than two square feet of the mural may contain the name of the artist, sponsor and/or product likeness.

F. APPROVAL OF THE PERMIT APPLICATION

Upon the successful review the permit application by the Grant's Committee, the approval will be forward to the full Municipal Council Body for a full vote.

1. The mural or public art installation shall remain in place, without alteration, for a minimum period of one year. The permit will be valid for the specific design and onetime production of the mural or public art installation presented.
2. Any changes to the original specification and design submitted and approved must be re-submitted for review and determination. This permit is revocable by the Township of Irvington it is determined at any time that the mural being installed does not comply with the information provided with the application or if any part of the application submitted was false.
3. Unless a shorter period of time has been established by official action, this permit expires one year from the date of issuance. If the work permitted hereunder has not been commenced within 60 days after the issuance of the permit, the permit will automatically expire on the 60th day. This permit shall also expire if it is determined that the work authorized by the permit has been suspended, discontinued or abandoned for a continuous period of 90 days from the date of issuance of the permit.
4. Removal of a permitted mural or public art installation. Prior to the removal of a mural or public art installation, the property owner must notify the Chief Building Code Inspector at least 30 days prior to its removal in writing stating the intent to remove the mural or public art. Any associated materials that were used to affix or secure the mural to the wall must also be removed at the time. This includes, but is not limited to, mounting brackets, hardware, caulk or grout, adhesives and glues. Complete restoration of the surface substrate is required.

H. MAINTENANCE. (Remove; mentioned above)

Maintenance of the public art or mural shall be the responsibility of the property owner on whose premises the installation is located. However, business owners, artists, sponsors, and other interested parties may reach private arrangements regarding maintenance. A copy of said arrangement must be forwarded to the Township via the DEDGO for record keeping and to address any future concerns. The arrangement must contain contact and current contact information for the parties to the agreement.

All installations shall be maintained by the owner or agreed to responsible person or entity in good condition free from chips, stains, graffiti, defacing, fading paint, and the like. Failure to properly maintain an installation shall subject the property owner to the penalties of this article.

I. ENFORCEMENT; VIOLATIONS; PENALTIES AND RECISSION.

Violations of the provisions of this article shall subject the owner and/or violator to a fine as specified in Chapter 460 (Property Maintenance). Each day that such a violation continues shall be considered a separate offense.

1. Defacement of Property

No person or entity shall place artwork, mural, graffiti, write, paint or draw any inscription, figure, or mark of any type on any property listed in subsection (3) unless the expressed written permission of the owner or operator of the property has been obtained and had a permit issued pursuant to this Ordinance. Any such action will be considered defacement of property in violation of this ordinance subjecting the actor to penalties and fines as detailed in this ordinance. Additionally, such person will is required to remove the mural or artwork by returning the property to the appearance and condition it was in proper to the installation. Failure to do so will also subject the actor to penalties and fines under this and other applicable township ordinances.

2. Recession of Permit Approval

The Irvington Municipal Council may rescind a resolution approving a mural and artwork permit application under this ordinance by any person or entity who installs a mural or artwork that is different from what was approved by the Administration and Municipal Body. Additionally, such person will is required to remove the mural or artwork by returning the property to the appearance and condition it was in proper to the installation. Failure to do so will subject the actor to penalties and fines under this and other applicable township ordinances.

J. APPLICABILITY OF ZONING AND LAND USE REGULATIONS.

Nothing in this article shall be interpreted as a waiver, replacement, or substitute for any installation that requires a construction code or land use approval under applicable provisions of any statute, ordinance, rule or regulation.

NOW, THEREFORE, be it ordained by the Municipal Council of the Township of Irvington, that:

- (1) This Ordinance be enacted to facilitate a Mural and Artwork Permit Application and Approval Process for the Township of Irvington.
- (2) The Department of Economic Development and Grants Oversight (DEDGO) of Township of Irvington shall be the authority to accept Mural and Artwork Applications on behalf of the Township of Irvington to facilitate review and approval of said application and issuance of the requisite permit.
- (3) The Grant's Committee of the Township of Irvington Municipal Council be designated the review committee for approval of Mural and Artwork Permit Applications in lieu of an Art's Council.
- (4) Establishes the fees and penalties associated within the Ordinance.

The public hearing on this ordinance is now open.

There were no requests to be heard.

Hudley - Frederic

Motion to close public hearing

Adopted

Absent: Evans

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

Adopted
Absent: Evans

12. Miscellaneous

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

There were no requests to be heard.

13. Adjournment

There being no further business, the meeting was adjourned at 7:49 P.M.

Renee C. Burgess, Council President

Harold E Wiener, Municipal Clerk