

REGULAR COUNCIL MEETING
DECEMBER 14, 2020

Virtual Zoom Meeting
Irvington, N.J. – Monday Evening
December 14, 2020 - 7:30 P.M.

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

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

Absent: Vernal Cox

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

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

There were no requests to be heard.

5. Hearing of Council Members

There were no requests to be heard.

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

A. Reports

1. Municipal Court - Electronic Collections Report – October
2. Municipal Court – Monthly Report For September, 2020
3. Municipal Court – Monthly Report For October, 2020
4. Municipal Court – Weekly Summary Report – November 6, 2020 - November 20, 2020
5. Municipal Court – Weekly Summary Report – November 23, 2020 - November 25, 2020

7. Reports of Committees

A. Bid, RFP, And RFQ Results – Various Services – November 25, 2020

8. Ordinances, Bills & Claims

A. Ordinances on First Reading

Vick – Frederic 1. Revised Stormwater Management And Control Ordinance

AMENDMENT TO CHAPTER 550 ARTICLE 1 – STORMWATER MANAGEMENT AND CONTROL

Adopted
Absent: Cox

Burgess - Vick 2. Amendment To Ordinance Amending 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 – June 5, 2020 to April 30, 2021

**AN ORDINANCE TO AMEND 158 CHAPTER SECTION I(b) 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: Cox

C. Bills & Claims

Burgess – Beasley 1. Bill Lists

RESOLVED THAT THE BILLS AND CLAIMS AGAINST THE TOWNSHIP OF IRVINGTON FOR A
PERIOD DECEMBER 14, 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 \$2,121,799.11

Adopted
Absent: Cox

Hudley – Frederic 2. Payrolls

December 4, 2020

REGULAR	OVERTIME	OTHER	TOTAL
1,561,633.63	\$60,646.34	\$60,646.34	\$1,876,557.37

December 11, 2020

REGULAR	OVERTIME	OTHER	TOTAL
-0-	\$255.40	\$146,445.70	\$146,701.10

Adopted
Absent: Cox

9. Resolutions & Motions

A. Resolutions

Vick – Cox 1. Waive 20 Day Waiting Time Period for Effective Date Of An Ordinance Amending Chapter 158 Of The Revised Code To Regulate And Require Practices For Holders Of Liquor Licenses And All Holders Of Liquor Licenses With Retail Consumption Privileges To Remain Open Under Covid-19 Restrictions

WHEREAS, an ordinance entitled “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” was duly passed on first reading by the Municipal Council on November 23, 2020 and duly adopted by the Municipal Council on second reading after public hearing on December 14, 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 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” shall become effective immediately upon its approval by the Mayor.

Adopted
Absent: Cox

Frederic - Hudley 2. Authorize Amendment to Resolution DP 20-0127-6 Authorizing A State Contract For The Purchase Of Mobile Computer Equipment For The Police Department – Gold Type Business Machines – Increase Contract Amount By \$20,000.00 – Total - \$150,000.00

AMENDING RESOLUTION NUMBER DP 20-0127-6 FOR GOLD TYPE BUSINESS MACHINES

WHEREAS, resolution number DP 20-0127-6 authorized a State Contract on January 27, 2020 to Gold Type Business Machines; and

WHEREAS, the Police Department has determined that an additional \$20,000.00 is needed for mobile computer equipment; and

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WHEREAS, the Police Department would like to increase the not to exceed amount on this contract to \$150,000.00 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 the Police Department is authorized to purchase mobile computer equipment from Gold Type Business Machines of PO Box 305, East Rutherford, NJ 07073 for calendar year 2020 for an amount not to exceed \$150,000.000 under the New Jersey State Contract number 89980.

BE IT FUTHER RESOLVED that the required certification of availability of funds C2000166 in the amount of \$20,000.00 from account number 0-01-25-240-240-118 has been obtained from the Chief Financial Officer.

Adopted
Absent: Cox

Frederic – Beasley 3. Request Reimbursement And Acceptance Certificate For Essex
County Improvement Authority Lease Program - \$1,643,277.96

**REQUEST FOR REIMBURSEMENT AND ACCEPTANCE CERTIFICATE FOR ESSEX COUNTY
IMPROVEMENT AUTHORITY LEASE PROGRAM**

WHEREAS, the Assistant Business Administrator and Chief Financial Officer, do hereby certify pursuant to the terms of the Lease and Agreement between The Essex County Improvement Authority (the “Authority”) and Township of Irvington, dated as of November 1, 2019 (the “Lease Agreement”), as follows:

WHEREAS, the Township of Irvington, on behalf of the Authority, has acquired the Item of Equipment described in Exhibit A to the Lease Agreement, the general description of which is: automobiles, computers, tablets, copiers and swimming pool renovation

WHEREAS, attached hereto is all necessary legal documentation to evidence ownership and purchase of such Item of Equipment.

WHEREAS, such Item of Equipment meets the Township’s specifications therefor, and will be delivered in compliance with the Township’s satisfaction and signed contracts on file. All equipment will be inspected to ensure that it is in good repair and working order. This certificate constitutes the Acceptance Certificate for such Item of Equipment.

WHEREAS, the amount of progress payment for the Items of Equipment is \$1,643,277.96 such amount is authorized by the Lease Agreement to be withdrawn from the Acquisition Fund and such amount is the correct amount as specified in the manufacturer’s contract.

Terms defined in the Lease Agreement and used in this certificate have the same meanings in this certificate as are ascribed to such terms in the Lease Agreement.

NOW THEREFORE BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that the Mayor and Municipal Clerk are hereby authorized and directed to sign and execute this acceptance certificate referenced herein.

Township of Irvington Representative

Date:

Name: Anthony Vauss
Title: Honorable Mayor

Attest by _____
Harold Wiener
Township Clerk

Adopted
Absent: Cox

Frederic – Burgess

4. Authorize Execution of Completion Certificate With The Essex
County Improvement Authority Lease Program \$1,643,277.96

COMPLETION CERTIFICATE FOR THE TOWNSHIP OF IRVINGTON

WHEREAS, the Assistant Business Administrator and Chief Financial Officer do hereby certify pursuant to the terms of the Lease and Agreement between The Essex County Improvement Authority (the “Authority”) and the Township of Irvington dated as of November 1, 2019 (the “Lease Agreement”), as follows:

A. The Board is filing this certificate pursuant to Section 2.5 of the Lease Agreement and Section 403(4) of the Bond Resolution.

B. The acquisition and installation of all Items of Equipment has been completed substantially in accordance with the specifications applicable thereto and that such Equipment is ready for use;

C. The date of completion was November 30, 2020;

D. The amount for the payment of any remaining part of the Cost thereof is \$1,643,277.96 ;

E. The Certificate is given without prejudice to any rights against third parties which exist as of the date of this certificate or which may subsequently come into being;

F. The undersigned is an Authorized Board Representative

G. Terms defined in the Lease Agreement and used in this certificate have the same meanings in this certificate as are ascribed to such terms in the Lease Agreement.

H. NOW THEREFORE BE IT RESOLVED BY THE MUNIIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that the Mayor and Municipal Clerk are hereby authorized and directed to sign and execute this acceptance certificate

Township of Irvington Representative

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Date:

Name: Anthony Vauss
Title: Honorable Mayor

Attest by _____

Harold Wiener
Township Clerk

Adopted
Absent: Cox

Frederic – Beasley 5. Authorize Cancellation of Roof Replacement Contract For 16th Avenue
Garage – Need to Rebid Contract With Corrected Dimensions

**RESOLUTION TO CANCEL ROOF REPLACEMENT CONTRACT FOR 16TH AVENUE PUBLIC
WORK GARAGE**

WHEREAS, the Township of Irvington and Northeast Roof Maintenance Inc into contract on October 13, 2020 to replace the roof at 16th Avenue Public Works Garage; and

WHEREAS, Engineer and Architect has determined that the dimension in the bid specifications for the roof replacement in not the entire roof and wishes to cancel the contract and rebid the contract with the correct dimensions; and

NOW THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that our contract for the roof replacement of 16th Ave Garage is hereby cancelled and rebid.

Adopted
Absent: Cox

Frederic – Hudley 6. Authorize Purchases Over the Pay to Play Threshold of \$17,500.00
And Under the Bid Threshold of \$44,000.00 For Pool Services From
Deep Run Aquatic, Inc.

**AUTHORIZING PURCHASES OVER THE PAY TO PLAY THRESHOLD OF \$17,500.00 BUT UNDER
THE BID THRESHOLD OF \$44,000.00 FOR DEEP RUN AQUATIC SERVICES INC**

WHEREAS, the Township is in need of pool services for the Recreation Department and the total purchase will exceed the pay to play threshold; and

WHEREAS, the Township has obtained two quotes from Deep Run Aquatic and ABCS Pool Services herein attached; and

WHEREAS, Deep Run Aquatic has provided the lowest quote for this service; and

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

WHEREAS, Deep Run Aquatic 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 pool services from Deep Run Aquatic 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: Cox

Hudley – Frederic

7. Authorize Legal Services to defend Joseph Santiago in the Matter of Tanisha Little v. Township of Irvington et al. – Eric M. Bernstein – Not To Exceed \$5,500. 00

**RESOLUTION RATIFYING PROFESSIONAL SERVICES CONTRACT
FOR LITIGATION/DEFENSE COUNSEL SERVICES**

WHEREAS, resolution number TA 20-1109-32 qualified seventeen firms to provide litigation/defense counsel services for the Township of Irvington from November 01, 2020 until October 31, 2021; and

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

WHEREAS, the Township Attorney has determined that Eric Bernstein & Associates has the most experience to defend Joseph Santiago in the matter of Tanisha Little v. Township of Irvington, et al, Docket No. ESX-L- 5013-20; and

WHEREAS, the Township Attorney has recommended that a contract be awarded to Eric Bernstein & Associates, 34 Mountain Blvd, Bldg. A, P.O. Box 4922, Warren, NJ 07059; and

NOW THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that a contract for Litigation/Defense counsel services be awarded to Eric Bernstein & Associates, 34 Mountain Blvd, Bldg. A, P.O. Box 4922, Warren, NJ 07059 for a contract amount not to exceed \$5,500.00. The billing rate for this contract is \$150.00 per hour; and

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

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BE IT FURTHER RESOLVED, that funds for this service will paid from the Insurance fund for a contract amount not to exceed \$5,500.00. The billing rate for this contract is \$150.00 per hour.

Adopted
Absent: Cox

Hudley Frederic 8. Authorize Legal Services to defend Tracy Bowers in the Matter
Of Tanisha Little v. Township of Irvington et al. – Eric M. Bernstein – Not
To Exceed \$5,500.00

**RESOLUTION RATIFYING PROFESSIONAL SERVICES CONTRACT
FOR LITIGATION/DEFENSE COUNSEL SERVICES**

WHEREAS, resolution number TA 20-1109-32 qualified seventeen firms to provide litigation/defense counsel services for the Township of Irvington from November 01, 2020 until October 31, 2021; and

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

WHEREAS, the Township Attorney has determined that Eric Bernstein & Associates has the most experience to defend Director Tracy Bowers in the matter of Tanisha Little v. Township of Irvington, et al, Docket No. ESX-L- 5013-20; and

WHEREAS, the Township Attorney has recommended that a contract be awarded to Eric Bernstein & Associates, 34 Mountain Blvd, Bldg. A, P.O. Box 4922, Warren, NJ 07059; and

NOW THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that a contract for Litigation/Defense counsel services be awarded to Eric Bernstein & Associates, 34 Mountain Blvd, Bldg. A, P.O. Box 4922, Warren, NJ 07059 for a contract amount not to exceed \$5,500.00. The billing rate for this contract is \$150.00 per hour; and

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

BE IT FURTHER RESOLVED, that funds for this service will paid from the Insurance fund for a contract amount not to exceed \$5,500.00. The billing rate for this contract is \$150.00 per hour.

Adopted
Absent: Cox

Burgess - Hudley 9. Authorize Legal Services in the Matter of US Bank, Custodian for
PC7, LLC Firsttrust Bank v. 21st Street Homes, LLC, et al. – Lamb
Kretzer, LLC – Not To Exceed \$5,500.00

**RESOLUTION RATIFYING PROFESSIONAL SERVICES CONTRACT
FOR LITIGATION/DEFENSE COUNSEL SERVICES**

WHEREAS, resolution number TA 20-1109-32 qualified seventeen firms to provide litigation/defense counsel services for the Township of Irvington from November 01, 2020 until October 31, 2021; and

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

WHEREAS, the Township Attorney has determined that Lamb Kretzer, LLC has the most experience to defend the Township of Irvington in the matter US Bank, Custodian for PC7, LLC Firsttrust Bank v. 21st Street Homes, LLC, et al, Docket No. F-8709-20; and

WHEREAS, the Township Attorney has recommended that a contract be awarded to Lamb Kretzer, LLC, 110B Meadowlands Parkway, Suite 201, Secaucus, New Jersey, 07094; and

NOW THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that a contract for Litigation/Defense counsel services be awarded to Lamb Kretzer, LLC, 110B Meadowlands Parkway, Suite 201, Secaucus, New Jersey, 07094 for a contract amount not to exceed \$5,500.00. The billing rate for this contract is \$150.00 per hour; and

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

BE IT FURTHER RESOLVED, that funds for this service will paid from the Insurance fund for a contract amount not to exceed \$5,500.00. The billing rate for this contract is \$150.00 per hour.

Adopted
Absent: Cox

Hudley – Frederic 10. Authorize Legal Services in the Matter of Joseph Merlo v. Segundo Loja, et al. - Michael A. D'Aquanni, LLC – Not To Exceed \$2,500.00

**RESOLUTION RATIFYING PROFESSIONAL SERVICES CONTRACT
FOR LITIGATION/DEFENSE COUNSEL SERVICES**

WHEREAS, resolution number TA 20-1109-32 qualified seventeen firms to provide litigation/defense counsel services for the Township of Irvington from November 01, 2020 until October 31, 2021; and

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

WHEREAS, the Township Attorney has determined that Law Office of Michael A. D'Aquanni, LLC has the most experience to defend the Township of Irvington in the matter Joseph Merlo v. Segundo Loja, et al, Docket No. ESX-L-007231-20; and

WHEREAS, the Township Attorney has recommended that a contract be awarded to Law Office of Michael A. D'Aquanni, LLC, 1481 Oak Tree Rd, , Iselin, New Jersey, 08830; and

NOW THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that a contract for Litigation/Defense counsel services be awarded to Law Office of Michael A. D'Aquanni, LLC, 1481 Oak Tree Rd, Iselin, New Jersey, 08830 for a contract amount not to exceed \$2,500.00. The billing rate for this contract is \$150.00 per hour; and

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

BE IT FURTHER RESOLVED, that funds for this service will paid from the Insurance fund for a contract amount not to exceed \$2,500.00. The billing rate for this contract is \$150.00 per hour.

Adopted
Absent: Cox

Hudley - Frederic 11. Authorize Legal Services in the Matter of Ahmed Screven v. Claude Cherry, et al. - Michael A. D'Aquanni, LLC – Not To Exceed \$5,500.00

**RESOLUTION RATIFYING PROFESSIONAL SERVICES CONTRACT
FOR LITIGATION/DEFENSE COUNSEL SERVICES**

WHEREAS, resolution number TA 20-1109-32 qualified seventeen firms to provide litigation/defense counsel services for the Township of Irvington from November 01, 2020 until October 31, 2021; and

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

WHEREAS, the Township Attorney has determined that Law Office of Michael A. D'Aquanni, LLC has the most experience to defend the Township of Irvington, Claude Cherry, Anthony Lacosta and Detective Jenkins in the matter of Ahmed Screven v. Claude Cherry, et al, Docket No: ESX-L-006788-20; and

WHEREAS, the Township Attorney has recommended that a contract be awarded to Law Office of Michael A. D'Aquanni, LLC, 1481 Oak Tree Rd, Iselin, New Jersey, 08830; and

NOW THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that a contract for Litigation/Defense counsel services be awarded to Law Office of Michael A. D'Aquanni, LLC, 1481 Oak Tree Rd, Iselin, New Jersey, 08830 for a contract amount not to exceed \$5,500.00. The billing rate for this contract is \$150.00 per hour; and

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

BE IT FURTHER RESOLVED, that funds for this service will paid from the Insurance fund for a contract amount not to exceed \$5,500.00. The billing rate for this contract is \$150.00 per hour.

Adopted
Absent: Cox

Burgess - Hudley 12. Re-Appointments - Zoning Board of Adjustment - Omar Bilal, Annette Beasley, Donald Akhtab and Edouard Latonnelle

WHEREAS, vacancies exist in the Membership of the Zoning Board of Adjustment due to the expiration of the terms of some of its members:

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NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that the following named persons are hereby re-appointed as members and alternate members of the Zoning Board of Adjustment for terms as indicated below:

NAME	ADDRESS	TYPE OF MEMBER	TERM TO EXPIRE
Omar Bilal	224 Park Place	REGULAR	12-10-24
Annette Beasley	608 Chancellor Avenue	REGULAR	12-10-24
Donald Akhtab	29 Elmwood Terrace	REGULAR	12-10-24
Edouard Latonnelle	9 Headley Terrace	REGULAR	12-10-24

Adopted
Absent: Cox
Abstain: Beasley

Burgess - Frederic 13. Approve 2021 Annual Schedule of Council Meetings

WHEREAS, N.J.S.A. 40:69A-179 provides that the Municipal Council shall designate the time of holding its regular meetings; and

WHEREAS, the Irvington Municipal Council is desirous of adopting their calendar year 2021 schedule of meetings:

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that the 2021 calendar year annual schedule of Council meetings, attached hereto and made a part hereof, is hereby approved.

2021 COUNCIL MEETING SCHEDULE

<u>MEETING</u>	<u>TIME</u>	<u>LOCATION</u>
Municipal Council Pre-Meeting/ABC Board	5:30 PM	Council Chambers, Room 103, Town Hall
Municipal Council/Residents'/Directors' Meeting	6:30 PM	Council Chambers, Room 103, Town Hall
Municipal Council Regular Meeting/ABC Board	7:30 PM	Council Chambers, Room 103, Town Hall

DATES

January 11, 2021
January 25, 2021
February 8, 2021
February 22, 2021

March 8, 2021
March 22, 2021
April 12, 2021
April 26, 2021
May 10, 2021
May 24, 2021
June 14, 2021
June 28, 2021
July 12, 2021
August 9, 2021
September 13, 2021
September 27, 2021
October 12, 2021
October 25, 2021
November 8, 2021
November 22, 2021
December 13, 2021
December 27, 2021

Adopted
Absent: Cox

Hudley - Frederic 14. Authorize CARES Act (COVID-19) Business Economic Relief
Grant to Don's Diner, LL

**Resolution to Award CDBG CARES Act (COVID-19) Business Economic Relief Grant to DON'S DINER
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 Don's Diner, 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 **Don's Diner, LLC**, a Liability Limited Company under the laws of the State of New Jersey with a principal business located at **664 Nye 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 **Don's Diner, 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

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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 **Don's Diner 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. **C2000177** 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: Cox

Hudley - Frederic

15. Authorize Reimbursement Of \$750.00 in Monthly Drop Box Access Fees From September 4, 2020 – December 30, 2020 to Township Attorney Ramon Rivera

RESOLUTION TO REIMBURSE MUNICIPAL EMPLOYEE \$750.00 FOR PAYMENT OF EMERGENCY EXPENSES FOR DROP BOX ACCOUNT

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

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

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

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

WHEREAS, due to the pandemic, a drop box account was acquired to ensure that the Municipal Court Prosecutors have access to files and information as need to conduct Municipal Court Sessions virtually; and

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WHEREAS, Ramon E. Rivera, Township Attorney, has submitted a request to be reimbursed for this service, which he paid with a credit card for an amount of \$750.00; and

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON authorize the Qualified Purchasing Agent to reimburse, Ramon E. Rivera the total sum of \$750.00 for monthly drop box access from September 4, 2020 – December 30, 2020; and

BE IT RESOLVED that the required certification of availability of funds C2000179 in the amount of \$750.00 from account number 0-01-20-155-155-299 has been obtained from the Chief Financial Officer.

Adopted
Absent: Cox

Burgess – Beasley 16 Authorize Execution of Redeveloper Agreement With R283, LLC
To Redevelop 477 - 21st Street, Block 166, Lot 27 and 479 - 21st Street,
Block 166 and Lot 28

RESOLUTION OF THE TOWNSHIP OF IRVINGTON, IN THE COUNTY OF ESSEX AUTHORIZING THE DESIGNATION OF R283, LLC AS REDEVELOPER OF CERTAIN PROPERTY LOCATED WITHIN THE TOWNSHIP OF IRVINGTON AND

WHEREAS, pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. (the "LRHL"), the Mayor and Municipal Council of the Township of Irvington (the "**Township Council**"), by resolution dated June 23, 2015, designated as an "area in need of rehabilitation" the entire area of the Township of Irvington, in the County of Essex (collectively, the "**Property**") and including without limitation, real property within the Township known as 477 21st Street, Block 166 and Lot 27 and 479 21st Street Block 166 and Lot 28 (the "Property") as an area in need of rehabilitation pursuant to the LRHL (the "Rehabilitation Area"); and

WHEREAS, pursuant to N.J.S.A. 40A:12A-4(a)(3) and N.J.S.A. 40A:12A-7 the Township Council is empowered to adopt a redevelopment plan pursuant to which redevelopment projects are to be undertaken or carried out within an "area in need of redevelopment," and

WHEREAS, pursuant to that authority the Township Council caused a redevelopment plan for the Property to be prepared, entitled the *Redevelopment Plan Township-Wide Area in need of Rehabilitation* (the "**Redevelopment Plan**"); and

WHEREAS, the Township Council duly adopted a redevelopment plan governing the Rehabilitation Area, including, but not limited to, the Property above; and;

WHEREAS, the Township Council has determined to exercise the powers of redevelopment and serve as the "Redevelopment Entity" responsible for carrying out the redevelopment projects in the Rehabilitation Area in accordance with the Redevelopment Plan and pursuant to N.J.S.A. 40A: 12A-4(c); and

WHEREAS, R283, LLC (the "Redeveloper") submitted to the Township a Redeveloper's Application outlining the concept for the rehabilitation of the Property into mixed use commercial and residential units (the "Project") for review and consideration as to that portion of the Rehabilitation Area identified as the Property; and

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WHEREAS, the Redeveloper submitted information in its Redeveloper's Application outlining its financial capabilities, experience, expertise and project concept descriptions for the Project and requested designation by the Township as the redeveloper for the Project; and

WHEREAS, the Township evaluated the Redeveloper's proposal according to criteria which included project concept descriptions and made the determination that the redevelopment of the Property thereof is in accordance with applicable provisions of the Redevelopment Plan will contribute to the rehabilitation of the Township in accordance with the legislative intent, goals and objectives of LRHL; and;

WHEREAS, the Township owns municipal tax lien(s) attached to the Property and intends to initiate In Rem Foreclosure proceedings to acquire title to the Property and will subsequently transfer title to the Redeveloper pursuant to a Purchase and Sales and Redevelopment Agreement to be subsequently approved by Council.

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

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

2 Acquisition of title by the Township and the Designation of the Developer. R283, LLC is hereby designated as redeveloper, pursuant to N.J.S.A. 40A:12A-1 et seq., of the Project, subject to transfer of title of the Property to the Redeveloper.

3 Execution of the Escrow Agreement to cover the Township's cost of Foreclosing on the Property. Exhibit A attached.

4 Effective Date. This resolution shall take effect immediately.

Exhibit A - Escrow Agreement

EXHIBIT A

Escrow Agreement

Adopted

Absent: Cox

Hudley - Burgess

17. Resolution of Sorrow – Joyce Ward

WHEREAS, Joyce A. Ward, age 66, departed this life on December 5, 2020; and

WHEREAS, Joyce was born November 1, 1954 in Brooklyn, NY to the late Robert Ward Sr. and Jean Ward; and

WHEREAS, Joyce was educated in the Newark Public School system and graduated from Barringer High School and later went on to work for the Star Ledger newspaper and ultimately landed a position with the Irvington Public Library; and

WHEREAS, Joyce not only gained employment at the library, she gained a family, spending the next 43 years serving the Irvington community until her departure; and

WHEREAS, while Joyce had no biological children, she assisted in raising every neice, nephew and countless others; and

WHEREAS, Joyce had a big heart and once took in a homeless family of three! This was not just an act of kindness, but the epitome of what humanity should look like; and

WHEREAS, she was also funny and light hearted, leaving her mark and what a legacy it was; and

WHEREAS, Joyce is preceded in death by her two sisters; Karen Ward and Kathy Ward Stebbins and leaves to mourn and celebrate her life and memory, companion Darryl Wyatt and his grandson Nasir Wyatt; stepson Andre Dailey; five sisters, Barbara Sanford, Jackie Ward, Anita Kirk (Tominique), Janice Ward and Veronica Ward; three brothers, Robert Ward Jr., Reginald Ward (Diana) and Ronald Ward; a host of nieces, nephews, family and friends:

NOW THEREFORE BE IT RESOLVED BY THE MUNICIPAL COUNCIL THE OWNERSHIP OF IRVINGTON that the Township of Irvington joins with the many family, friends and acquaintances of Joyce Ward in mourning this loss of one of Irvington's most wonderful and dedicated persons; and

BE IT FURTHER RESOLVED that a copy of this resolution be spread upon the minutes of this governing body in lasting tribute to Joyce Ward.

Adopted
Absent: Cox

Hudley - Burgess 18. Amendment to Resolution to Accept State DCA Municipal Lead Abatement Program Grant

**AMENDMENT TO
RESOLUTION TO ACCEPT
STATE DCA MUNICIPAL LEAD ABATEMENT PROGRAM GRANT
AWARD 2020-2021 PROGRAM YEAR**

WHEREAS, the Department of Economic Development and Grants Oversight submitted the grant application on behalf of the Township of Irvington to receive grant funds to implement State DCA Municipal Lead Abatement Program Grant in the Township of Irvington.

WHEREAS, by resolution no. EDGO 20-0323-6 the Township accept from the State of New Jersey Department of Community Affairs (DCA) a grant award for Fiscal Year 2020 - State DCA Municipal Lead Abatement Program Grant in the amount of \$808,893.00, for the fiscal year October 1, 2020 to September 30, 2021 to make local housing safer and healthier.

WHEREAS, as a result of the COVID-19 Pandemic, the State had to delay the implementation of this grant and had to reallocate resources to address the COVID-19 Pandemic and has thereby reduced the grant award for the remainder of the program year from \$808,893.00 to \$261,797.00.

WHEREAS, the State DCA Municipal Lead Abatement Program Grant are state grants awarded to successful state and local applicants to implement lead hazard housing rehabilitation to protect children and families from lead-based paint and hazards; and

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BE IT FURTHER RESOLVED that the Mayor of the Township of Irvington hereby accepts this modified grant award from the State of New Jersey Department of Community Affairs (DCA) in the amount of Two Hundred Sixty-One Thousand, Seven Hundred and Ninety-Seven Dollars (\$261,797.00) to implement Lead Based Paint Hazard Reduction and Healthy Homes programs.

BE IT FURTHER RESOLVED that the Mayor and other authorized, appropriate, and responsible officials be and they are hereby authorized and directed to execute the grant agreement on the behalf of the Township of Irvington and other documentation as may be required by the State of New Jersey Department of Community Affairs.

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that the Township of Irvington does hereby modify the acceptance of the award from \$808,893.00 to \$261,797.00.

Adopted
Absent: Cox

Hudley - Vick 19. Authorize Approval of Annual Action Plan and Five Year Consolidated Plan

**RESOLUTION TO ADOPT THE FIVE-YEAR CONSOLIDATED PLAN 2020-2024
AND
ONE-YEAR ANNUAL ACTION PLAN 2020-2021
PURSUANT TO THE REQUIREMENTS OF FEDERAL REGULATIONS 24 CFR PART 91**

WHEREAS, Title 1 of the Housing and Community Development Act of 1974 as amended, provides for a program of Community Development Block Grants; and

WHEREAS, TITLE II OF THE Cranston-Gonzalez National Affordable Housing Act, as amended provides that HOME Investment Partnership Program funds be made available to certain participating jurisdictions on a formula basis; and

WHEREAS, the Township of Irvington is an entitlement and formula city as defined under said Acts, and is entitled to financial assistance; and

WHEREAS, the United States Department of Housing and Urban Development has made available to the Township of Irvington the sum of \$1,169, 229.00 in CDBG funds, \$454,724.00 in HOME funds and an additional \$621,239.00 in CV3 Cares Act COVID Funds; and

WHEREAS, the Township of Irvington desires to receive said funds to conduct housing rehabilitation, economic development, physical improvements, slum clearance, and public service activities in the Township of Irvington; and

WHEREAS, federal regulations at 24 CFR Part 91 require that the Township prepare and submit a Five-Year Consolidated Plan 2021-2024 and an One-Year Annual Action Plan 2021-2021 as a prerequisite to receipt of entitlement Community Development Block Grant funds and formulas HOME Investment Partnerships Program funds; and

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WHEREAS, the Township of Irvington, pursuant to the requirements of federal regulation 24 CFR Part 91, has given citizens an opportunity to express their opinions regarding the Township of Irvington and has held public meetings and a hearing which were open to the public; and

WHEREAS, said public meetings and hearing were for the purpose of considering and obtaining the views, ideas, and recommendations of the citizens of the Township of Irvington on community development and housing needs, and for the purpose of providing the citizens with an opportunity to participated in the development of the Five-Year Consolidated Plan 2021-2024 and the One-Year Annual Action Plan 2020-2021; and

WHEREAS, said Five-Year Consolidated Plan 2020-2024 and One-Year Annual Action Plan 2020-2021 for federal assistance requires certain certifications to be submitted along with and as part of said plans:

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

SECTION 1

That the Mayor be and he is authorized and directed to make any modifications after the adoption of this resolution and to submit the Township of Irvington the Five-Year Consolidated Plan 2020-2024 and the One-Year Annual Action Plan 2020-2021 to the U.S. Department of Housing and Urban Development as required by federal regulation 24 CFR Part 91, including all understandings and certifications contained therein, to act as the authorized representative of the Township of Irvington, and to provide such additional information as may be required.

SECTION 2

That the Township of Irvington Consolidated Plan and Annual Action Plan shall request funding to the fullest extent of funding allowed and determined by the United States Department of Housing and Urban Development Act of 1974, as amended and Title H of the Cranston-Gonzalez National Affordable Housing Act, as amended.

SECTION 3

That the Mayor and other authorized, appropriate and responsible officials be and they are hereby authorized and directed to duly consider the comments and recommendations received as part of the citizen participation process to incorporate those comments and recommendations in the plan to the extent feasible and to provide a full and written response to all comments and recommendations as part of the final Consolidated Plan and Annual Action Plan submission.

SECTION 4

That the Mayor and other authorized, appropriate, and responsible officials be and they are hereby authorized and directed to execute on the behalf of the Township of Irvington such certifications and other documentation as may be required by the United States Department of Housing and Urban Development.

Adopted
Absent: Cox

Burgess - Hudley

20. Appointment – Alternate #2 Member – Zoning Board of Adjustment –
Vincent Paul Taylor

WHEREAS, a vacancy exist in the Alternate #2 Membership of the Zoning Board of Adjustment:

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that the following named persons are hereby appointed as Alternate Member #2 of the Zoning Board of Adjustment for a term as indicated below:

NAME	ADDRESS	TYPE OF MEMBER	TERM TO EXPIRE
Vincent Paul Taylor	624 Nye Avenue Apt. 11Q	ALTERNATE 32	12-10-22

Adopted
Absent: Cox

Frederic – Burgess 21. Commendation Association of Haitian Physicians Abroad – In
Commemoration of Haitian Independence Day, 2021

**ASSOCIATION MEDICALE HAITIENNE A L'ETRANGER (AMHE)
NEW JERSEY CHAPTER**

**RESOLUTION OF COMMENDATION IN COMMEMORATION OF HAITIAN INDEPENDENCE
DAY, 2021**

WHEREAS, the Association of Haitian Physicians Abroad (AMHE), was founded in August 1972, by a group of Haitian physicians determined to mark their presence as a growing ethnic entity in America, to foster professional alliances, and to promote the health and interest of the Haitian immigrant community at large; and

WHEREAS, the essence of the association has been defined by its obligations toward its members, toward the Haitian community and toward our homeland. The news of the creation of AMHE was received with great enthusiasm by Haitian physicians in various parts of the North American Continent, and soon several local chapters were created; and

WHEREAS, the AMHE NJ Chapter was founded in October 1988 and is a 501(c)(3) Non-Profit organization whose mission is to Provide Our Professional Members a Conduit to Address the Medical Needs and Concerns of The Haitian Community at Home and Abroad; and

WHEREAS, the AMHE NJ Chapter encourages the physicians, dentists, and other health care professionals to respond to the medical needs of the local community. This Chapter promotes improved professional standards within the medical profession; and

WHEREAS, the AMHE NJ Chapter evaluates the availability of medical services to the public and seek methods to deliver such services to the Haitian communities in the United States and abroad. They support research, education, training, and recruitment in the field of medicine; and

WHEREAS, the AMHE NJ Chapter provides assistance to appropriate agencies involved in the delivery of medical care to the public. This Chapter disseminates health education, health care prevention and encourage wellness in the Haitian and other communities:

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL FO THE TOWNSHIP OF IRVINGTON that the Township of Irvington commends and applauds the many achievements of the AMHE NJ Chapter in commemoration of Haitian Independence Day; and

BE IT FURTHER RESOLVED that a copy of this resolution be spread upon the minutes of this governing body as a lasting tribute to the AMHE NJ Chapter.

Adopted
Absent: Cox

Frederic – Beasley 22. Re-Appointment – Housing Authority Commissioner – Zorana M. Figueroa

WHEREAS, the term of office of Zorana M. Figueroa as a Commissioner of the Irvington Housing Authority has expired:

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that Zorana M. Figueroa is hereby re-appointed as a Commission of the Irvington Housing Authority for a term as indicated below:

NAME & ADDRESS	TERM TO EXPIRE
Zorana M. Figueroa 34 Coit Street	11-22-25

Adopted
Absent: Cox
Abstain: Burgess

10. Communication and Petitions

A. Communications

1. Long Hill Township - Resolution Demanding Legislative Action on Mt. Laurel Version of Fair Housing Formula

11. Pending Business

None

NON-CONSENT AGENDA ITEMS

B. Ordinances on Second Reading

1. President Burgess: An ordinance amending and supplementing Chapter 158 of the Revised Code to regulate and require holders of liquor licenses to remain open under Covid-19 restrictions 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 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

An ordinance regulating and requiring practices for holders of liquor license(s), and all holders of a liquor license with retail consumption privileges in the Township of Irvington that are permitted to remain open under the Covid-19 restrictions of the Governor's Executive Order No.:150, et als; which permits holders of a liquor license, and all holders of a liquor license with retail consumption privileges to open to the public to offer dining and/or beverage consumption only.

Whereas the Division of Alcoholic Beverage Control (ABC) has created a new permit for licensed premises to expand their premises to allow for reasonable seating capacity while at the same time observing social distancing guidelines; and has created a Covid-19 Expansion Permit and made the same available to all retail consumption and club licensees.

Whereas the Division of Alcoholic Beverage Control (ABC) has indicated that such permits must be endorsed by the Municipality and it is in the sole discretion of the Township of Irvington to ensure that local concerns, such as hours of operation, proximity to neighbors, site plan approvals and other local concerns and special conditions are taken into account, and in the discretion of the Township, may be considered and incorporated into any permit, if needed, to address particular circumstances.

Whereas in order to protect the health and safety of our residents and visitors to the Township of Irvington during this pandemic, all holders of liquor licenses, and all holders of a liquor license with retail consumption privileges may remain open if, at a minimum, it operates in a manner consistent with the Governor's Executive Order(s), this Ordinance, and any and all related Township ordinances, and ensures that patrons will be appropriately spaced apart and adhere to strict limits on the number of patrons entering the premises.

Whereas in light of the dramatic rise in covid-19 cases in the State of New Jersey and Essex County in particular, the Governor has called upon local municipalities to act and take all necessary precautions to protect the health and safety of its residents.

BE IT ORDAINED by the Municipal Council of the Township of Irvington as follows:

Section I. Requirements for approval of Covid-19 Expansion Permit to offer outdoor and indoor service areas in the Township of Irvington:

- a. All holders of a liquor license and all holders of a liquor license with retail consumption privileges must obtain a permit from the Township of Irvington to utilize outdoor space on its premises and attach to its request for a permit, its floor plan indicating compliance with this Ordinance and related Executive Orders of the Governor and requirements of the Irvington Health Department.
- b. The Permit obtained from the Township of Irvington will be effective from June 5, 2020 until December 30, 2020.
- c. Indoor patrons must be limited to 25% of capacity and ensure that all patrons can remain six (6) feet apart from all other patrons at all times, except those patrons with whom they share a table.
- d. Tables for indoor or outdoor service must be limited to no more than 8 seats per table and seating arranged to achieve a minimum distance of six (6) feet between tables, if separated by barriers, tables may be placed closer than six (6) feet if separated by

dividing barriers.

- e. All establishments are prohibited from seating patrons at the bar in any indoor bar area. In person service of patrons standing in the bar area is also prohibited.
- f. All patrons are required to wear a face covering while inside the indoor premises of the establishment, unless eating or drinking or the patron has a medical reason for not doing so.
- g. Smoking is prohibited in any outdoor areas designated for consumption of food and/or beverages/alcohol.
- h. Keep doors and windows open where possible and utilize fans to improve ventilation.
- i. The hours of operation to service patrons shall be Sunday through Thursday from 10:00 am to 8:00 pm and Friday through Saturday from 10:00 am to 9:00 pm.
- j. Off-premise consumption of alcoholic beverages in public areas is prohibited.
- k. For health and safety reasons, no dancing or dancers (including “go-go” bars) are permitted inside or outside of the premises.

Section II. Violations

A. **First Violation:** immediate suspension of the liquor and/or liquor license with retail consumption privileges and up to \$1000.00 fine.

B. **Second or subsequent violation:** revocation of the liquor and/or liquor license with retail consumption privileges and up to \$2500.00 fine.

Section VIII. Severability

The provisions of this ordinance are declared to be severable, and if any section, subsection, sentence, clause or part thereof is, for any reason, held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of any remaining sections, subsections, sentences, clauses or part of this ordinance.

Section IX. Repealer

All prior Municipal Executive Orders, Ordinances or parts of Ordinances inconsistent with this Ordinance be and the same are hereby repealed to the extent of such inconsistencies.

Section X. Effective Date

This ordinance shall take effect immediately upon adoption and publication according to law.

The public hearing on this ordinance is now open.

There were no requests to be heard

Vick – Cox

Motion to close public hearing.

Adopted
Absent: Cox

Vick – Cox

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

Adopted
Absent: Cox

2. President Burgess: An ordinance authorizing a special emergency appropriation for a Covid-19 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.

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

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

Section 1. The Township of Irvington, in the County of Essex, New Jersey (the "Township") hereby appropriates an aggregate amount of \$3,200,000 to provide for (i) the immediate preparation, response, recovery, and restoration of public services during such time as a public health emergency, pursuant to the "Emergency Health Powers Act," P.L.2005, c.222 (C.26:13-1 et seq.), declared in response to COVID-19 remains in effect, in the amount of \$0, pursuant to N.J.S.A. 40A:4-53(l) and (ii) a deficit in operations experienced by the Township during fiscal year 2020, in which a public health emergency pursuant to the "Emergency Health Powers Act," P.L.2005, c.222 (C.26:13-1 et seq.), or a state of emergency, pursuant to P.L.1942, c.251 (C.App.A:9-33 et seq.), or both, has been declared by the Governor in response to COVID 19, in the amount of \$3,200,000, pursuant to N.J.S.A. 40A:4-53(m). The appropriation authorized hereby shall be in the individual and aggregate amounts set forth herein or such other amounts as certified by 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. 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.

Section 3. A copy of this ordinance as finally adopted shall be filed with the Director.

Section 4. This ordinance 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 authorized hereby (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. The public hearing on this ordinance is now open.

The public hearing on this ordinance is now open.

There were no requests to be heard.

Adopted
Absent: Cox

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

Adopted
Absent: Cox

12. Miscellaneous

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

Avis Supel, 10 Maple Avenue

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

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