

REGULAR COUNCIL MEETING  
JANUARY 11, 2021

Virtual Zoom Meeting  
Irvington, N.J. – Monday Evening  
January 11, 2021 - 7:30 P.M.

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

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

Absent: Charnette Frederic

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 - Weekly Summary Report - December 21, 2020 - December 24, 2020
2. Municipal Court – Electronic Collections Report For November, 2020
3. Municipal Court – Monthly Report For November, 2020
4. Joint Meeting – 2021 Annual Assessment Report
5. Joint Meeting – Minutes for July and August 2020
6. Municipal Court - Weekly Summary Report - December 28, 2020 - December 31, 2020

7. Reports of Committees

None

8. Ordinances, Bills & Claims

A. Ordinances on First Reading

None

C. Bills & Claims

1. ~~Bill List~~

**SYSTEM ROLLOVER - NO BILL LIST AVAILABLE**

2. Payrolls

December 11, 2020

REGULAR	OVERTIME	OTHER	TOTAL
\$6,777.73	\$247.01	\$99,653.77	\$106,678.51

December 25, 2020

REGULAR	OVERTIME	OTHER	TOTAL
\$1,638,293.53	\$108,420.71	\$458,145.13	\$2,204,859.37

Adopted  
Absent: Frederic

9. Resolutions & Motions

A. Resolutions

Burgess - Hudley                      1. Resolution of Sorrow – Elizabeth Elaine Brown

**RESOLUTION OF SORROW  
ELIZABETH ELAINE BROWN**

WHEREAS, the Municipal Council of the Township of Irvington wishes to express their deepest sorrow on the passing of Elizabeth Elaine Brown; and

WHEREAS, God called the beautiful, Elizabeth Elaine Brown home to eternal rest on Saturday, December 12, 2020; and

WHEREAS, Elizabeth Elaine Brown born July 9, 1941 in Bluefield, West Virginia to Virginia Brown, the second oldest girl of 14 children and Richard Harris. Elizabeth Brown was the oldest child of four, (twins) William and Charles Culpepper (sister) Evelyn Thompson and cared for them on a daily basis. Her mother relocated to New York to raise Elizabeth Brown and her siblings. Elizabeth Brown attended school at Flushing High School and then graduated from Jamaica High School in Jamaica Queens in 1959. Thereafter, her first of three children were born in Jamaica Queens. She then relocated to New Jersey in 1967 where she worked as a domestic worker traveling to and from New York; and

WHEREAS, in 1970 she went to nursing school at Essex County Vocational and Technical High School while working in food service and graduated with her nursing license as an LPN. In 1974 she began her long time nursing career at Clara Mass Hospital while still in school to earn her RN license. In 2000 she started a new journey and worked at Stratford Manor where she retired in 2006; and

**MINUTES - REGULAR COUNCIL MEETING – JANUARY 11, 2021 – PAGE 3**

WHEREAS, Elizabeth Brown joined Unity Freedom Baptist church in 1973 where she was a long time member with a unanimous vote by the congregation she became a Deaconess in 2013 with the seal of approval by Reverend Cornelius and Versey Martin. She was a leader and served in all different capacities. Elizabeth Brown was a servant to God. Elizabeth Brown was a mother, grandmother, great-grandmother, aunt, cousin, and friend to all she came in contact with. She took care of everyone around her. She loved going to Atlantic City, the game bingo, pi-keno. She enjoyed frequent vacations that brought her joy. She loved the Senior Center in Irvington, New Jersey where she was a member of the advisory board. She spent a lot of her time there after retiring and assisting in any area that she could. Elizabeth Brown would tell you what it is, was and going to be whether you liked it, accepted it or not. She was being honest; and

WHEREAS, on Saturday December 12, 2020 God heard her cry and answered her prayers while her children surrounded her. As the matriarch of the family she had many nick names Precious cargo, GGma grandma, Pumpkin and Lilly; and

WHEREAS, Elizabeth Brown, Matriarch of the Brown family, leaves to never forget and cherish her memory, her son Manuel Brown two daughters Donna Outlaw, and Darlene Brown, brother Charles Culpepper, (Grandsons) Anthony Outlaw, Jamar Brown, Rashawn Outlaw, Jahmir Brown. (Granddaughters) Tiffany Outlaw, Jana Brown, Jahanna Brown. (Great grands) Trenton Outlaw, Ava Brown, Jaiden Brown, Aiden Brown, Tristen Outlaw, Amir Brown, Ahjah Capri Outlaw. (Nieces) Hope Thompson, Cassandra Thompson, Leanna Culpepper, Mellow Culpepper, Owen Culpepper, Rosalind Franklin, Renee Culpepper, Regina Miles, (Nephews) William Culpepper, Curtis Culpepper, Tyrone Thompson, (Great Nieces) Jocelyn Ramos, Brianna Thompson (Great Nephews) Jaquan Ramos and Keyshaun Ramos. (Only living Aunt) Ollie Norfleet, (Cousins) Tyrone Norfleet, nm Norfleet, Terryanne Norfleet and a host of other nieces, nephews, uncles, cousins and friends; and

WHEREAS, Matriarch Deaconess Elizabeth Elaine Brown was a selfless individual who many loved and respected; she was truly the epitome of “a Virtuous Woman.”

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that the Township of Irvington hereby mourns the untimely passing of our beloved Elizabeth Elaine Brown and sends condolences to her family and many friends during this period of bereavement; and

BE IT FURTHER RESOLVED that a copy of this resolution be spread upon the minutes of the Municipal Council as a lasting tribute to the memory of Elizabeth Elaine Brown.

Adopted  
Absent: Frederic

Cox - Vick

2. Authorize Non-Fair And Open Contract For Online Grant Management  
Software - Benevate, Inc., D/B/A Neighborly Software - \$24,900.00

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

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

**MINUTES - REGULAR COUNCIL MEETING – JANUARY 11, 2021 – PAGE 4**

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

WHEREAS, Benevate INC has provide the Township with a proposal to provide this service for calendar year 2021 for a total sum of \$24,900.00; and

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

WHEREAS, the C-271 Political Contribution Disclosure forms were on file in the Office of the Municipal Clerk and Purchasing Agent on December 23, 2020 ; and

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

WHEREAS, the term of this contract will expire on December 31, 2021; and

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

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

BE IT FURTHER RESOLVED, that the required certification of availability of funds C2-000187 in the amount of \$24,900.00 from account numbers T-21-41-850-20G-801 has been obtained from the Chief Financial Officer.

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

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

Adopted  
Absent: Frederic

Cox - Vick

3. Reject Bids For Payroll Services - All Bids Contained Fatal Errors And Bid Documents Were Incomplete

**REJECTING BIDS FOR PAYROLL SERVICE**

WHEREAS, on November 24, 2020, the Township of Irvington accepted and opened bids for Payroll services; and

WHEREAS, the Township received two bids for this service; and

**MINUTES - REGULAR COUNCIL MEETING – JANUARY 11, 2021 – PAGE 5**

WHEREAS, Administration wishes to reject all bids on the basis that bids received has fatal errors and the vendors did not submit the required documents; and

WHEREAS, the Local Public Contract Law, 40A:11-13.2. provides that a municipality may reject all bids for fatal errors; and

NOW THEREFORE BE IT RESOVED by the Council of Township of Irvington, in the County of Essex, that all bids received for Payroll Service is hereby rejected in accordance with the Local Public Contracts Law, NJSA40A:11-13.2.

Adopted  
Absent: Frederic

Burgess - Beasley                      4. Authorize Pool of Five Contractors For Rehabilitation of Residential Properties

**RESOLUTION QUALIFYING CERTIFIED AND LICENSED CONTRACTORS TO REHABILITATE RESIDENTIAL PROPERTIES**

WHEREAS, the Request for Qualifications for certified and licensed contractors to rehabilitate residential properties was publicly advertised in the New Jersey Star Ledger on November 02, 2020 with a deadline for qualifications to be submitted on November 25, 2020; and

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

WHEREAS, said qualification was referred to the Director of Economic Development; and

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

Maharaj General Contracting
11 Quail Run, Warren, NJ 07059

Cid Construction Service LLC
300-2 Route 17 South suite# 3, Lodi, NJ 07644

Novo Construction Services LLC
34 Randolph Place, West Orange, NJ 07052

Caprovate Construction LLC
600 Huyler Street, NJ 07606

Trinity Property Preservation
22 Morse Ave, East Orange, NJ 07017

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

BE IT FURTHER RESOLVED that this qualification is for six month starting on January 11, 2021 until July 11, 2021 and

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

Adopted  
Absent: Frederic

Cox - Vick

5. Authorize Fair and Open Contract for Dental Insurance  
Brokerage Services - Alamo Insurance Group For The 2021  
Calendar Year – Fees To Be Paid By The Provider

**RESOLUTION AUTHORIZING FAIR AND OPEN PROFESSIONAL SERVICE CONTRACT  
FOR DENTAL INSURANCE BROKERAGE SERVICES  
FOR CALENDAR YEAR 2021**

WHEREAS, the Request for Proposals for Insurance Brokerage Services for dental was publicly advertised in the New Jersey Star Ledger on November 02, 2020 with a deadline for qualifications to be submitted on November 25, 2020; and

WHEREAS, one qualification was received and publicly opened; and

WHEREAS, said qualifications was referred to the Business Administrator; and

WHEREAS, the qualifications satisfied the bid requirement and;

WHEREAS, the Business Administrator has recommended award should be made to the following firm:

Alamo Insurance Group
55 Flanagan Way Secaucus, NJ 07094

NOW THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that a contract for dental Insurance Brokerage Services be awarded Alamo Insurance Group, 55 Flanagan Way, Secaucus, NJ 07094 on the basis of their response to the request for proposal meeting the selection criteria and qualifications at no cost to the township, the fees will be paid by brokerage and commission fees will be disclosed to the Township; for one year starting on January 01, 2021 and ending on December 31, 2021; and

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

Adopted  
Absent: Frederic

Burgess – Hudley

6. Authorize Fair and Open Contract for Insurance Brokerage  
Services for Health Benefits – Fairview Insurance Agency Associates  
For The 2021 Calendar Year – Vendor Paid Directly From Insurance Carrier

**RESOLUTION AUTHORIZING FAIR AND OPEN PROFESSIONAL SERVICE CONTRACT  
FOR HEALTH INSURANCE BROKERAGE SERVICES**

**MINUTES - REGULAR COUNCIL MEETING – JANUARY 11, 2021 – PAGE 7**

**FOR CALENDAR YEAR 2021**

WHEREAS, the Request for Proposals for Insurance Brokerage Services for health was publicly advertised in the New Jersey Star Ledger on November 02, 2020 with a deadline for qualification to be submitted on November 25, 2020; and

WHEREAS, one qualification was received and publicly opened; and

WHEREAS, said qualification was referred to the Business Administrator; and

WHEREAS, the qualification satisfied the bid requirement and;

WHEREAS, the Business Administrator has recommended award should be made to the following firm:

Fairview Insurance Agency Associates
25 Fairview Ave, Verona, NJ 07044

NOW THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that a contract for health Insurance Brokerage Services be awarded Fairview Insurance Agency Associates, 25 Fairview Ave, Verona, NJ 07044 on the basis of their response to the request for proposal meeting the selection criteria and qualifications at no cost to the township, the fees will be paid by brokerage and total compensation will be disclosed to the Township; for one year starting on January 01, 2021 and ending on December 31, 2021; and

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

Adopted  
Absent: Frederic

Cox – Hudley                      7. Authorize Fair and Open Contract for General Liability, Workers' Compensation, Property Casualty and Risk Services Insurance Brokerage Services - Conner Strong and Buckelew For The 2021 Calendar Year – Applicable Commission To Be Paid by Carriers

**RESOLUTION AUTHORIZING FAIR AND OPEN PROFESSIONAL SERVICE CONTRACT  
FOR INSURANCE BROKERAGE SERVICES (GENERAL LIABILITY, WORKER'S  
COMPENSATION, PROPERTY CASUALTY & RISK SERVICES) FOR CALENDAR YEAR  
2021**

WHEREAS, the Request for Proposals for Insurance Brokerage Services (General Liability, Worker's Compensation, Property Casualty & Risk Services) was publicly advertised in the New Jersey Star Ledger on November 02, 2020 with a deadline for qualification to be submitted on November 25, 2020; and

WHEREAS, one qualification was received and publicly opened; and

WHEREAS, said qualifications were referred to the Business Administrator; and

**MINUTES - REGULAR COUNCIL MEETING – JANUARY 11, 2021 – PAGE 8**

WHEREAS, the qualifications satisfied the RFP requirement and;

WHEREAS, the Business Administrator has recommended award should be made to the following firm:

CONNER STRONG & BUCKELEW
401 Route, Marlton, NJ 08053

NOW THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that a contract for Insurance Brokerage Services (General Liability, Worker's Compensation, Property Casualty & Risk Services) be awarded to Conner Strong & Buckelew., 401, Route 73 North Suite 300, Marlton, NJ 08053 on the basis of their response to the request for proposal. Vendor will be paid by applicable commission to be paid by the carriers, which will be disclosed to the Township on a quarterly basis; for one year starting on January 01, 2021 and ending on December 31, 2021; and

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

Adopted  
Absent: Frederic

Hudley - Cox                      8. Authorize Fair and Open Contract for Insurance Prescription Brokerage Services - RD Parisi Associates For The 2021 Calendar Year - Vendor Paid Directly From Insurance Carrier

**RESOLUTION AUTHORIZING FAIR AND OPEN PROFESSIONAL SERVICE CONTRACT  
FOR INSURANCE PRESCRIPTION BROKERAGE SERVICES  
FOR CALENDAR YEAR 2021**

WHEREAS, the Request for Proposals for Insurance Prescription Brokerage was publicly advertised in the New Jersey Star Ledger on November 02, 2020 with a deadline for qualifications to be submitted on November 25, 2020; and

WHEREAS, one qualification was received and publicly opened; and

WHEREAS, said qualification was referred to the Insurance Committee for review and written recommendation; and

WHEREAS, the qualifications satisfied the bid requirement and;

WHEREAS, the Insurance Committee has recommended award should be made to the following firm:

RD Parisi Associates
100 Executives Drive, Suite 338 West Orange, NJ 07052

NOW THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that a contract for Insurance Prescription Brokerage services be awarded to RD Parisi



**MINUTES - REGULAR COUNCIL MEETING – JANUARY 11, 2021 – PAGE 9**

Associates, 100 Executives Drive, Suite 338, West Orange, NJ 07052 on the basis of their response to the request for proposal meeting the selection criteria and qualifications at no cost to the township, the fees will be paid by brokerage and said fee will be disclosed to the Township; for one year starting on January 01, 2021 and ending on December 31, 2021; and

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

Adopted  
Absent: Frederic

Cox – Beasley                      9. Authorize Purchase Of Various Commodities Over the Public Bid  
Threshold of \$44,000.00 Under The Morris County Cooperative Purchasing  
Program

**AUTHORIZING PURCHASES UNDER THE MORRIS COUNTY  
COOPERATIVE PURCHASING PROGRAM  
OVER THE BID THRESHOLD OF \$40,000.00**

WHEREAS, the Township of Irvington, pursuant to N.J.S.A. 40A:11-12(a) and N.J.A.C. 5:34-7.29(c) may by resolution and without advertising for bids, purchase any goods or services under the Morris Cooperative Purchasing Program and,

WHEREAS, the Township of Irvington has the need on a timely basis to purchase goods or services utilizing Morris Cooperative Purchasing Program contracts; and

WHEREAS, the list of vendors below will exceed the bid threshold of \$44,000.00 for calendar year 2021:

<b>Name of Vendor</b>	<b>Contract Number</b>	<b>Commodity</b>	<b>Amount</b>
Continental Trading & Hardware	10	Lumber, Insulations, hardware and Paint	\$200,000.00
Jen Electric	37	Traffic signal maintenance and repairs	\$85,000.00
Office Concepts	16	Office Supplies	\$150,000.00
Tilcon New York Inc	6	Road Resurfacing	\$65,000.00
Sherwin Williams	10	Paint	\$60,000.00

WHEREAS, the Township of Irvington intends to enter into contracts with Morris County Co-op contract vendors over the bid threshold of \$44,000.00 through this resolution and properly executed purchase orders, which shall be subject to all the conditions applicable to current Co-op contracts.

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of Irvington authorizes the purchase of certain goods and services from those approved Morris County Co-op vendors over the bid threshold of \$44,000.00, pursuant to all the conditions of the individual contracts; and

BE IT FURTHER RESOLVED by the Township Council that, pursuant to the N.J.A.C. 5:30-

**MINUTES - REGULAR COUNCIL MEETING – JANUARY 11, 2021 – PAGE 10**

5.5(b), the certification of available funds and resolutions shall be certified at such time as the goods or services are called for prior to placing the order for good or service in excess of \$44,000.00, and a certification of availability of funds is made by the Chief Financial Officer via an authorized purchase order; and

BE IT FURTHER RESOLVED that the duration of this authorization shall be until December 31, 2021

BE IT FURTHER RESOLVED a separate resolution will be submitted to the Municipal Council for all addition vendors exceeding the bid threshold of \$44,000.00.

Adopted  
Absent: Frederic

Cox – Burgess                      10. Authorize Purchase Of Various Commodities Over the Public Bid Threshold of \$44,000.00 Under The New Jersey Cooperative Purchasing Program

**AUTHORIZING PURCHASES UNDER THE STATE OF NEW JERSEY COOPERATIVE PURCHASING PROGRAM  
OVER THE BID THRESHOLD OF \$44,000.00**

WHEREAS, the Township of Irvington, pursuant to N.J.S.A. 40A:11-12(a) and N.J.A.C. 5:34-7.29(c) may by resolution and without advertising for bids, purchase any goods or services under the State of New Jersey Cooperative Purchasing Program for any State contracts entered into on behalf of the State by the Division of Purchase and Property in the Department of Treasury; and,

WHEREAS, the Township of Irvington has the need on a timely basis to purchase goods or Services utilizing State contracts; and

WHEREAS, the list of vendors below will exceed the bid threshold of \$44,000.00 for calendar year 2021:

<b>Name of Vendor</b>	<b>State Contract Number</b>	<b>Commodity</b>	<b>Amount</b>
Broadview	85017	Telephone Service	\$180,000.00
AT&T		Telephone Service	\$180,000.00
Samuels Inc DBA Buy Wise	85992	Auto Parts	\$100,000.00
Keer Electrical	85583	Electrical	\$75,000.00
Pitney Bowes	41258	Postage	\$100,000.00
A.lembo car & Truck	40825	Collision repair	\$80,000.00
Verizon Land Lines	85943	Telephone Service	\$160,000.00
Morton Salt	T00083	Rock Salt	\$95,000.00
Rachel's/Michele's Oil	80913	Gasoline/Diesel	\$295,000.00
Ricoh USA Inc	40467	Copier	\$65,000.00
Fire Fighter One	T0790	Fire Engine Parts & Equipment	\$100,000.00
Motorola Communications	A83909	Police Radio Equipment	\$85,000.00
SHI International	A89851	Computers and Supplies	\$100,000.00

**MINUTES - REGULAR COUNCIL MEETING – JANUARY 11, 2021 – PAGE 11**

Parts Authority LLC	20-Fleet-00984	Auto parts	\$85,000.00
---------------------	----------------	------------	-------------

WHEREAS, the Township of Irvington intends to enter into contracts with State contract vendors over the bid threshold of \$44,000.00 through this resolution and properly executed purchase orders, which shall be subject to all the conditions applicable to current State contracts.

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of Irvington authorizes the purchase of certain goods and services from those approved New Jersey State contract vendors over the bid threshold of \$44,000.00, pursuant to all the conditions of the individual State contracts; and

BE IT FURTHER RESOLVED by the Township Council that, pursuant to the N.J.A.C. 5:30-5.5(b), the certification of available funds and resolutions shall be certified at such time as the goods or services are called for prior to placing the order for good or service in excess of \$44,000.00, and a certification of availability of funds is made by the Chief Financial Officer via an authorized purchase order; and

BE IT FURTHER RESOLVED that the duration of this authorization shall be until December 31, 2021

BE IT FURTHER RESOLVED a separate resolution will be submitted to the Municipal Council for all addition vendors exceeding the bid threshold of \$44,000.00.

Adopted  
Absent: Frederic

Burgess – Beasley                      11. Authorize Use Of \$300,000.00 in HUD/HOME Program Funds To Redeveloper Chancellor and Union Urban Renewal LLC - 722 Chancellor Avenue, Block 299 and Lot 20

**RESOLUTION AWARDING \$300,000.00 IN HOME FUNDS TO CHANCELLOR AND UNION URBAN RENEWAL LLC.**

WHEREAS, **Adenah Bayoh & The NRP Group** is currently developing a new construction 5-story (4-residential stories over 1-story of parking) elevator building with 56-apartments and additional community space; specifically 722 Chancellor Avenue, Block 299 and Lot 20 of which five (5) units will be set aside for the residents with special needs and will receive supportive services from the YMCA of Greater Newark. The remaining apartments are restricted to at or below 80% of the area median income (“AMI”).

WHEREAS, **Chancellor and Union Urban Renewal LLC** has demonstrated its commitment of redevelopment and revitalization in the Township of Irvington by increasing the supply of affordable housing in the Township of Irvington; and

WHEREAS, the Township of Irvington wishes to support redevelopment and revitalization initiatives throughout the Township of Irvington and has access to abandoned properties located in the targeted area of redevelopment where **Chancellor and Union Urban Renewal LLC.**; and

WHEREAS, the Township of Irvington Department of Economic Development and Grants Oversight (“DEDGO”) has collected all necessary applications and documentation as well as have taken the steps

**MINUTES - REGULAR COUNCIL MEETING – JANUARY 11, 2021 – PAGE 12**

to access the capacity and ability of **Chancellor and Union Urban Renewal LLC.** to complete the planned redevelopment; and

WHEREAS, the Township of Irvington, Department of Economic Development and Grants Oversight fully supports and has HOME funds to assist in the financing of affordable housing for low- and moderate-income Irvington families; and

WHEREAS, the Township of Irvington, Department of Economic Development and Grants Oversight wishes to award \$300,000.00 in HUD/HOME Funds to **Chancellor and Union Urban Renewal LLC.** for the purposes of GAP funding to complete the project pursuant to the terms of the Redeveloper's Agreement. The total project cost is \$18,099,690.00.

WHEREAS, upon receipt of appropriate documentation to be submitted by the developer to the DEDGO and inspection of the work site by the Township Department of Housing and Building Construction, funds shall be release to the developer as follows:

\$100,000.00 at the start of construction and after completion of Tier II Environmental Review;  
\$100,000.00 at 50% construction completion and the remaining \$100,000.00 to be release after the developer receives the Certificate of Occupancy.

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that the Township does hereby ratify and approve the provision of HUD/HOME Program funds to **Chancellor and Union Urban Renewal LLC.** In the amount of \$300,000.00 to put on file in the Township Clerk's Office; and.

BE IT FURTHER RESOLVED that the aforesaid funds for **Chancellor and Union Urban Renewal LLC.** are to be used for the new construction five (5) units for low- and moderate-income Irvington families in the targeted area of redevelopment; and

BE IT FURTHER RESOLVED that pursuant to N.J.A.C. 5:34-5.2, the required Certification of Availability of Funds Cert. No. C2100005 in the amount of **\$300,000.00** has been obtained from the Chief Financial Officer of the Township of Irvington. The appropriation to be charged for this expenditure are Account Numbers: **T-21-41-850-16A-803, T-21-41-850-19A-803 and T-21-41-850-20A-803.**

Adopted  
Absent: Frederic

Hudley - Cox                      12. Ratify Mayor's Nomination of Lindal Scott-Foster, Esq. as  
Municipal Court Judge, effective September 18, 2020 And Expiring on  
September 17, 2023

WHEREAS, a vacancy occurred in the Office of Municipal Court Judge by virtue of the fact that the term of office of Judge Lindal Scott-Foster expired on September 17, 2020:

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

The Mayor's nomination of Lindal Scott-Foster, Esq. as Municipal Court Judge, effective September 18, 2017 and expiring on September 17, 2023 is hereby confirmed by the Municipal Council.

Adopted  
Absent: Frederic

Cox - Hudley                      13. Ratify Mayor's Nomination of Seth G. Dombeck, Esq. as  
Municipal Court Judge, effective July 1, 2020 And Expiring on  
June 30, 2023

WHEREAS, a vacancy occurred in the Office of Municipal Court Judge by virtue of the fact that the term of office of Seth G. Dombeck, Esq. expired on June 30, 2020:

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

The Mayor's nomination of Seth G. Dombeck, Esq. as Municipal Court Judge, effective July 1, 2020 and expiring on June 30, 2023 is hereby confirmed by the Municipal Council.

Adopted  
Absent: Frederic

Beasley - Hudley                      14. Ratify Mayor's Nomination of Chandra Rainey-Cole, Esq. as  
Presiding Municipal Court Judge, effective July 1, 2020 And Expiring on  
November 25, 2023

WHEREAS, a vacancy occurred in the Office of Presiding Municipal Court Judge by virtue of the fact that the term of office of Chandra Rainey-Cole, Esq. expired on November 25, 2020:

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

The Mayor's nomination of Chandra Rainey Cole, Esq. as Presiding Municipal Court Judge, effective November 26, 2020, and expiring on November 25, 2023 is hereby confirmed by the Municipal Council.

Adopted  
Absent: Frederic

Hudley - Beasley                      15. Ratify Mayor's Nomination of Emilia Perez, Esq. as Municipal Court  
Judge, effective February 16, 2021 And Expiring on February 15, 2024

WHEREAS, a vacancy occurred in the Office of Municipal Court Judge by virtue of the fact that the term of office of Keith Harvest:

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

The Mayor's nomination of Emilia Perez, Esq. as Municipal Court Judge, effective February 16, 2021 and expiring on February 15, 2024, is hereby confirmed by the Municipal Council.

Adopted

**MINUTES - REGULAR COUNCIL MEETING – JANUARY 11, 2021 – PAGE 14**

Absent: Frederic

Cox - Hudley

16. Authorize Purchase Of Title Search Services From Assurance Title Over the Public Bid Threshold Of \$44,000.00 And Under The Pay To Play Threshold of \$17,500.00

**AUTHORIZING PURCHASES OVER THE PAY TO PLAY THRESHOLD OF \$17,500.00 BUT UNDER THE BID THRESHOLD OF \$44,000.00 FOR TITLE SEARCH SERVICE**

WHEREAS, the Township wishes to purchase title searches and the total purchase will exceed the pay to play threshold; and

WHEREAS, the Township has obtained three quotes from Assurance Title, Advantage Title Company and ALT Title.com herein attached; and

WHEREAS, Assurance Title has provided the lowest quote for this service; and

WHEREAS, in compliance with 19:44a-20.13 et., seq., Assurance Title will exceed the Pay-to-Play threshold of \$17,500.00 for calendar year 2021; and,

WHEREAS, Assurance Title, 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 title searches from Assurance Title 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, 2021

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: Frederic

Cox -Vick

17 Authorize \$70,000.00 Increase in Contract for Planner Services - Nishuane Group LLC, - Total Contract Amount – \$140,000.00

**A RESOLUTION INCREASING THE NOT TO EXCEED AMOUNT FOR THE PLANNER CONTRACT**

WHEREAS, resolution number OCDP 19-0708-13 was approved by the Municipal Council on July 08, 2019 for Planner contract for an amount not to exceed \$70,000.00; and

**MINUTES - REGULAR COUNCIL MEETING – JANUARY 11, 2021 – PAGE 15**

WHEREAS, the Director of Community Development has advised that based upon the increase developers application additional monies must be added to this contract; and

WHEREAS, it was determined that additional \$70,000.00 is needed for Planner services; and

THEREFORE, BE IT RESOLVED, that the contract for Planner service is hereby amended to an amount not to exceed \$140,000.00 per year to Nishuane Group LLC of 105 Grove Street, Suite 1, Montclair, NJ 07042; and,

BE IT RESOLVED, that the Mayor be and is hereby authorized to execute amended contract for this service with Nishuane Group LLC of 105 Grove Street, Suite 1, Montclair, NJ 07042 increasing the total contract amount to \$140,000.00 per year ; and,

BE IT RESOLVED, that Certification of Funds number C2000184 has been obtained from the Chief Financial Officers for the total sum of \$3,500.00 charged to account number 9-01-21-180-185-299 and C-04-56-852-019-910.

Adopted

Absent: Frederic

~~18. Amend Resolution Adopted Absent: Frederic December 28, 2020  
Designating ZM Irvington Development LLCs Redeveloper Of 9-13  
Madison Avenue, Block 166, Lot 20, 71 22<sup>nd</sup> Street, Block 166, Lot 22,  
69 22<sup>nd</sup> Street, Block 148, Lot 30, 65 22<sup>nd</sup> Street, Block 148, Lot 31,  
63 22<sup>nd</sup> Street, Block 148, Lot 33, and 61 22<sup>nd</sup> Street, Block 148, Lot  
35 And Execution Of A Redevelopment And Land Disposition Plan—  
Change Redeveloper's Name to ZMI Capital, LLC~~

**RESOLUTION OF THE TOWNSHIP OF IRVINGTON DESIGNATING ZMI CAPITAL, LLC AS REDEVELOPER FOR THE REDEVELOPMENT OF CERTAIN PROPERTIES IDENTIFIED AS BLOCK 166, LOTS 20-22 AND BLOCK 148, LOTS 30, 31, & 33-35 ON THE OFFICIAL TAX MAPS OF THE TOWNSHIP AND IDENTIFIED IN THE TOWNSHIP TAX RECORDS, RESPECTIVELY, AS 9-13 MADISON AVENUE AND 71 22<sup>ND</sup> STREET, 69 22<sup>ND</sup> STREET, 65 22<sup>ND</sup> STREET, 63 22<sup>ND</sup> STREET & 61 22<sup>ND</sup> STREET, AND AUTHORIZING THE EXECUTION OF A REDEVELOPMENT AND LAND DISPOSITION AGREEMENT AND THE TRANSFER OF 9-13 MADISON AVENUE AND 71 22<sup>ND</sup> STREET, 69 22<sup>ND</sup> STREET, 65 22<sup>ND</sup> STREET, 63 22<sup>ND</sup> STREET & 61 22<sup>ND</sup> STREET IN CONNECTION THEREWITH**

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

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

**WHEREAS**, pursuant to the Redevelopment Law, including Section 8 thereof (*N.J.S.A. 40A:12A-8*), a municipality is permitted to contract with a redeveloper to undertake redevelopment projects pursuant to a redevelopment plan within the area designated in that plan; and

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

**WHEREAS**, the Township is the owner of certain properties located within the Rehabilitation Area identified as Block 166, Lots 20-22 and Block 148, Lots 30, 31, & 33-35 on the tax maps of the Township and identified in the Township tax records, respectively, as 9-13 Madison Avenue and 71 22<sup>nd</sup> Street, 69 22<sup>nd</sup> Street, 65 22<sup>nd</sup> Street, 63 22<sup>nd</sup> Street & 61 22<sup>nd</sup> Street (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/Springfield Avenue Redevelopment Area. These lots, specifically: Block 148, Lots 30, 31 33-35 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**, the Township hereby determines that the Property is no longer needed for public use, and that the redevelopment thereof in accordance with applicable provisions of the Redevelopment Plan will contribute to the rehabilitation and reinvigoration of the Township and to the social and economic improvement of the Township in accordance with the objectives of the Redevelopment Law; and

**WHEREAS**, ZMI Capital, LLC (the “**Redeveloper**”) proposes the acquisition of the Property, and the design, development, financing, construction and maintenance of a one (1) to three (3) family home on each lot, as well as certain other on-site and off-site improvements (collectively, the “**Project**”); and

**WHEREAS**, the Township has determined that Redeveloper possesses the proper qualifications and experience to implement and complete the Project in accordance with the Redevelopment Plan, and desires to convey the Property to Redeveloper to effect the same; and

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

**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. Redeveloper Designated; Execution of Redevelopment Agreement Authorized.**

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

(b) The Municipal Clerk is hereby authorized and directed, upon the execution of the Redevelopment Agreement in accordance with the terms of Section 2(a) hereof, to attest to the signature of the Mayor upon such document and is hereby further authorized and directed to affix the corporate seal of the Township upon such document.

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

**Section 3. Conveyance of Property Authorized.**

(a) The Township Council hereby approves the conveyance of the Property; and authorizes the Mayor, upon the execution of the Redevelopment Agreement, in accordance with the terms of Section 2(a) hereof, to execute a deed conveying the Property to Redeveloper, together with any other necessary documents and/or agreements between the Redeveloper and the Township, subject to modification or revision in consultation with counsel, deemed necessary or desirable to effectuate same. Said authorization includes delivery of the deed to the Property and any and all associated documents required to effectuate the conveyance of the Property.

(b) The Mayor and other necessary city officials and professionals are each hereby authorized and directed to execute and deliver such documents as are necessary to facilitate the transactions contemplated hereby and in the Redevelopment Agreement, and to take such actions or refrain from such actions as are necessary to facilitate the transactions contemplated hereby, in consultation with, as applicable, counsel to the Township, and any and all actions taken heretofore with respect to the transactions contemplated hereby are hereby ratified and confirmed.

(c) Upon the execution of the deed in accordance with the terms of Section 3(a), the Municipal Clerk is hereby authorized and directed to attest to the signature of the Mayor upon such documents and is hereby further authorized and directed to affix the corporate seal of the Township upon such documents.

**Section 4. Severability.** If any part of this Resolution shall be deemed invalid, such parts shall be severed and the invalidity thereby shall not affect the remaining parts of this Resolution.

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

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

**Exhibit A**

**FORM OF REDEVELOPMENT AGREEMENT**

**NOTE: THIS ITEM WAS NOTE VOTED ON DUE TO THE FACT THAT CHANGES FROM THE REDEVELOPMENT COUNSEL WERE NEVER SUBMITTED.**

Cox – Vick                      19. Authorize Execution and Acceptance of a Grant Agreement with the County of Essex as Sub-Recipient of the Community Service Block Grant Funds in the amount of \$62,100.00

WHEREAS, The County of Essex, acting through its Department of Citizens Services, Division of Community Action through the Community Services Block Grant (CSBG) proposes to enter into a sub grant agreement with Irvington Neighborhood Improvement Corporation to service the low-income poverty constituents of Essex County for the contract price of \$62,100.00 during the 2021 program year of January 1, 2021– December 31, 2021; and

WHEREAS, said grant agreement has been negotiated and approved by the County Executive of Essex County and to the Board of Chosen Freeholders; and

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that the Township of Irvington be and hereby authorized to execute a Grant Agreement with the Essex County Division of Community Action as sub-recipient of Community Services Block Grant funds in the amount of \$62,100.00.

BE IT FURTHER RESOLVED that the Township of Irvington does hereby accept the award of \$62,100.00 for such activities.

Adopted  
Absent: Frederic

Cox - Vick                      20. Authorize Acceptance of \$377,290.00 - HOPWA COVID Grant

WHEREAS, The City of Newark, acting through its Housing Opportunities for Persons with AIDS (HOPWA) Services Office of Partnerships and Grants Management proposes to enter into a sub grant agreement with Irvington Neighborhood Improvement Corporation to provide Housing and related services to people living with HIV/AIDS for the contract price of \$377,290.00 during the 2021 program year of January 1, 2021 – December 31, 2021 and

WHEREAS, said grant agreement is part of a federal grant award made possible by the United States Department of Housing and Urban Development (HUD); and

BE IT FURTHER RESOLVED that the Mayor of the Township of Irvington be and hereby is authorized to execute a Grant Agreement with the City of Newark as sub-recipient of H.O.P.W.A Funds in the amount of \$377,290.00.

NOW, THEREFORE, BE IT RESOLVED BY THE MUNUCIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that the Township of Irvington does hereby accept the award of \$377,290.00 for such activities.

Adopted

Absent: Frederic

10. Communication and Petitions

A. Communications

1. Mayor Vauss – Letter of Non-Reappointment – Municipal Judge Keith Harvest
2. Mayor Vauss – Letter of Reappointment – Municipal Judge Lindal Scott-Foster
3. Mayor Vauss – Letter of Reappointment – Municipal Judge Seth G. Dombeck
4. Mayor Vauss – Letter of Reappointment – Planning Board – Municipal Engineer John Wiggins
5. Mayor Vauss – Letter of Appointment – Municipal Judge Emilia Perez
6. Mayor Vauss – Letter of Reappointment – Presiding Municipal Judge Chandra Rainey-Cole
7. Mayor Vauss – Re-Appointment – Planning Board –Zorana Figueuroa

11. Pending Business

None

\*\*\*\*\*

NON-CONSENT AGENDA ITEMS

B. Ordinances on Second Reading

1. President Burgess: An ordinance amending te garbage and recycling t ordinance 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 150 OF THE REVISED CODE OF THE TOWNSHIP OF IRVINGTON ENTITLED SOLID WASTE AND RECYCLING**

**CHAPTER 150. SOLID WASTE AND RECYCLING**

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

**GENERAL REFERENCES**

Housing standards — See Ch. 119.

Junk dealers — See Ch. 123.

Littering — See Ch. 134.

Property maintenance — See Ch. 148.

Rodent control — See Ch. 154.

Solid waste collectors — See Ch. 169.

[1]:

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

**Article I. Terms Defined**

**§ 150-1. Definitions.**

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

## **MINUTES - REGULAR COUNCIL MEETING – JANUARY 11, 2021 – PAGE 20**

### **ALUMINUM BEVERAGE CONTAINERS, ALUMINUM FOIL AND ALUMINUM FOOD CONTAINERS**

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

### **ANNUAL RECYCLING CALENDAR**

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

### **AUTOMOBILE LEAD ACID BATTERIES**

Used batteries from automobiles, trucks and other vehicles.

### **AUTOMOTIVE SCRAP METAL**

Scrap automotive vehicles and/or parts.

### **BATTERIES, HOUSEHOLD**

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

### **BATTERIES, RECHARGEABLE**

Batteries used with rechargeable units.

### **BOOKS**

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

### **BRUSH**

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

### **BULK MATERIAL**

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

### **CATALOG**

Included in mixed residential paper pickup.

### **CERTIFIED RECYCLING PROFESSIONAL**

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

### **CHIPBOARD**

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

### **CHURCH(ES)**

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

### **COMMINGLED CONTAINERS**

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

### **COMPUTER AND ELECTRONICS**

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

### **CONSTRUCTION AND DEMOLITION DEBRIS**

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

### **CORRUGATED CONTAINERS/CORRUGATED CARDBOARD CONTAINERS**

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

### **DESIGNATED RECYCLABLE MATERIALS**

Those materials designated within the Township of Irvington, Essex County District Solid Waste Management Plan to be source separated for the purpose of recycling. These materials include: commingled items, HDPE plastic containers, PET containers, commingled containers (brown, clear and green beverage containers), aluminum containers, automobile lead acid batteries, batteries, household and rechargeable, residential mixed paper (books, catalogs, magazines, cardboard, chipboard, shredded paper), leaves, brush, electronics (computers, monitors, televisions, phones, printers, fax, copiers, etc.), automotive scrap, motor oil, white goods (metal appliances, refrigerators, freezers, toaster, ovens, washers dryers etc.).

## MINUTES - REGULAR COUNCIL MEETING – JANUARY 11, 2021 – PAGE 21

### HAZARDOUS WASTE

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

### HDPE PLASTIC CONTAINERS

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

### LEAVES

Yearlong and during leaf season.

### MULTIFAMILY DWELLING

Any building or structure, or complex of buildings in which ~~five~~ ~~three~~ or more dwelling units are not owner-occupied and are ~~or~~ rented or leased, or offered for rental or lease, for residential purposes ~~(see N.J.S.A. 13:1E-99.13a)~~ and shall include hotels, motels, or other guest houses serving transient or seasonal guests as those terms are defined under Subsection (j) of Section 3 of the Hotel and Multiple Dwelling Law, P.L. 1967, c. 76 (N.J.S.A. 55:13A-1 et seq.).

### MUNICIPAL SOLID WASTE (MSW) STREAM

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

### PET PLASTIC CONTAINERS

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

### RECYCLABLE MATERIAL

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

### RESIDENTIAL

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

### RESIDENTIAL MIXED PAPER

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

### SOURCE-SEPARATED RECYCLABLE MATERIALS

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

### SOURCE SEPARATION

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

### USED MOTOR OIL

Oil removed from automobiles and powered equipment requiring oil.

### WHITE GOODS

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

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

### § 150-2. Municipal service of collection.

#### A.

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

#### B.

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

#### C.

Multi-unit dwellings must meet the prescribed requirements set forth by the Township of Irvington for collection of solid waste and recycling. Each multi-unit dwelling must be able to place three-cubic yard dumpster of sufficient number to enclose all trash within

## MINUTES - REGULAR COUNCIL MEETING – JANUARY 11, 2021 – PAGE 22

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

### **D.**

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

### **§ 150-3. Residential dwelling compliance requirements.**

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

### **§ 150-4. New developments.**

#### **A.**

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

#### **(1)**

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

#### **(a)**

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

#### **(b)**

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

#### **(2)**

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

#### **(3)**

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

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

#### **A.**

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

#### **B.**

## MINUTES - REGULAR COUNCIL MEETING – JANUARY 11, 2021 – PAGE 23

On or after the date fixed and promulgated by the certified recycling professional, it shall be mandatory for all persons, residential, industrial and commercial sectors to separate the recyclable materials as designated by the Township of Irvington for separate collection from all other solid waste produced in or disposed of by such residents or nonresidential premises.

### C.

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

### D.

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

### E.

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

### F.

Designation of recyclable materials.

#### (1)

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

#### (2)

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

#### (3)

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

#### (4)

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

#### (5)

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

#### (6)

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

#### (7)

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

#### (8)

Automotive scrap metal must be recycled. Municipal automotives/equipment that are obsolete and/or have been either confiscated or in forfeiture must be recycled. All funds are to be reimbursed to the Municipal Recycling Fund. Recycling said material not only generates funding, it also generates tonnage for the municipal recycling tonnage grant. All residential and commercial/industry

## MINUTES - REGULAR COUNCIL MEETING – JANUARY 11, 2021 – PAGE 24

automotives must be recycled. The Township does not recycle said material. Residents must go to a metal scrap facility, declare the Township as Irvington and receive their refund. By declaring the township in which you reside, you are increasing the tonnage for Irvington. The Township does not incur any costs or receive any refunds for the scrap; we do however benefit from the tonnage reported.

(9)

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

(10)

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

(11)

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

(12)

White goods must be recycled. All residential properties must utilize the municipal curbside recycling program by appointment only. Metal day is every Saturday morning provided you contact the Department of Public Works on the prior Monday or Tuesday morning for an appointment at (973) 399-6707. All multi-unit dwellings must either comply with the prescribed regulations according to the municipal curbside recycling program or provide a private contractor for the removal of both solid waste and recycling materials under the New Jersey State Recycling Source Separation Act that has been Adopted Absent: Frederic by the County of Essex and the Township of Irvington. White goods may be dropped off at the 406 Coit Street drop-off center during the hours of 8:30 a.m. to 3:30 p.m. Monday through Friday. All annual recycling tonnage reports must be forwarded to the Director of DPW, certified recycling professional or designee for state documentation purposes according to the state and County of Essex regulations.

**G.**

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

(1)

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

(2)

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

(3)

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

**H.**

Enforcement.

(1)

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



## MINUTES - REGULAR COUNCIL MEETING – JANUARY 11, 2021 – PAGE 25

(2)

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

(a)

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

A(i) First Offense \$500.00

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

A(iii) 3rd Offense \$,2000.00

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

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

(b)

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

I.

Severability; effective immediately.

(1)

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

(2)

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

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

A.

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

B.

Review of debris recovery plan.

(1)

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

(2)

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

C.

Diversion requirement adjustment.

(1)

Application. If the owner of an entity carrying out a covered project experiences circumstances that makes it infeasible to comply with the diversion requirement cited in this chapter, the owner of the entity may apply for an adjustment. The owner shall indicate

## MINUTES - REGULAR COUNCIL MEETING – JANUARY 11, 2021 – PAGE 26

in writing why it is infeasible to divert 50% of the materials being generated from the covered project and specify what percentage of diversion could be achieved. Increased costs to the owner of the entity carrying out the covered project will not be an acceptable justification for an adjustment.

(2)

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

(3)

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

(4)

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

D.

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

The required documentation shall include the following:

(1)

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

(2)

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

(3)

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

E.

Compliance with diversion requirement.

(1)

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

(2)

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

F.

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

G.

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

H.

## MINUTES - REGULAR COUNCIL MEETING – JANUARY 11, 2021 – PAGE 27

Severability; effective date.

(1)

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

(2)

This section shall take effect immediately.

### **§ 150-7. Board of Education.**

A.

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

B.

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

C.

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

D.

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

### **§ 150-8. Commercial and industrial sectors.**

A.

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

B.

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

C.

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

D.

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

E.

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

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

### **§ 150-9. Contracts for removal and transport.**

## MINUTES - REGULAR COUNCIL MEETING – JANUARY 11, 2021 – PAGE 28

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

A.

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

B.

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

C.

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

### **§ 150-10. Collection program established.**

A.

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

B.

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

(1)

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

(2)

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

(3)

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

(4)

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

(5)

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

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

**A.**

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

**B.**

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

**C.**

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

**D.**

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

**E.**

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

**F.**

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

**§ 150-12. Establishment of regulations.**

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

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

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

**§ 150-14. Other methods of disposal.**

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

**§ 150-15. Construction and renovation debris.**

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

**§ 150-16. Reports of private organizations.**

Any private organization collecting recyclable materials, as set forth in this chapter, shall provide to DPW quarterly reports as to the volume of materials (tonnage) collected by such organization. Those reports will be utilized by DPW for grant funds and other credits

## MINUTES - REGULAR COUNCIL MEETING – JANUARY 11, 2021 – PAGE 30

which may be authorized by the State of New Jersey, Department of Environmental Protection, pursuant to the provisions of the New Jersey Recycling Act, N.J.S.A. 13:1E-92 et seq. or any other statutes or administrative rules and regulations.

### **§ 150-17. Violations and penalties.**

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

The public hearing on this ordinance is now open.

There were no requests to be heard.

Frederic – Beasley                      Motion to close public hearing.

Adopted  
Absent: Frederic

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

Adopted  
Absent: Frederic

2. President Burgess: An ordinance amending the Rent Control ordinance 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 AND SUPPLEMENTING CHAPTER 472 OF THE REVISED CODE OF THE TOWNSHIP OF IRVINGTON ENTITLED RENT CONTROL**

#### **Chapter 472: Rent Control**

[HISTORY: Adopted Absent: Frederic by the Municipal Council of the Town (now Township) of Irvington 7-14-1981 by Ord. No. MC 2635 (Ch. 151 of the 1981 Revised Code). Amendments noted where applicable.]

#### **§ 472-1. Establishment of rents.**

[Amended 10-27-1981 by Ord. No. MC 2644; 10-12-1982 by Ord. No. MC 2672; 2-22-1983 by Ord. No. 2687]

From and after the effective date of this chapter, no landlord in the Township of Irvington shall charge any rent in excess of that which he was charging as of the effective date hereof, except for such increases as are provided herein. Establishment of rents charged on dwelling units to which this chapter is applicable shall hereafter be determined by this chapter. At the expiration of a lease or at the termination of the lease of a periodic tenant, no landlord may request, charge or receive an increase in rent greater than that allowed by Subsection A of this section. A periodic tenant whose lease term is less than one year shall not be caused to pay any increase in any twelve-month period which exceeds that allowed by Subsection A of this section. No tenant shall be caused to pay more than one increase in any twelve-month period.

A. The increase in rents permitted under this section shall be as follows: [Amended 4-9-1985 by Ord. No. MC 2777]

- (1) Where the landlord supplies heat to the dwelling unit, the increase in rent shall not exceed 4% of the prior year's rent.
- (2) Where the landlord does not supply heat to the dwelling unit, the increase in rent shall not exceed 3% of the prior year's rent.
- (3) An individual age 65 or older who is a sole tenant or living with others adults all aged 65 or older within the unit shall be limited to a 2% increase annually regardless of whether the landlord provides heat to the unit.
- (4) Where a vacancy of a dwelling unit presently exists or occurs after the effective date of this chapter, the provisions of Subsection A(1) and (2) and (3) hereinabove shall not apply, and the rent for said vacant dwelling unit shall be decontrolled until said dwelling unit is again rented or leased at a new agreed rental rate. After one year of said new rental, the increase in rent permitted for said new tenancy shall be as set forth in Subsection A(1) and (2) and (3) above.

B. The increase permitted under Subsection A herein shall be computed upon the base rent charged the tenant and not upon the base rent plus any hardship or capital surcharge granted under § 472-4 of this chapter and collected for any specified period of time.

C. A landlord shall not be entitled to request, charge or receive any tax surcharge by reason of increase in municipal property taxes.

D. Tenants of any residential properties may present a written petition signed by a majority of the tenants and consented to by the landlord of the property agreeing to a specific rent surcharge for a specific purpose or project, and providing for the landlord's permission to permit the tenant's representative to review the expenditures involved for the particular purpose or project surcharge. Each dwelling unit shall be considered a single tenant for the purposes of this subsection. If the aforementioned surcharge is approved by the Rent Leveling Officer, the surcharges shall run for maximum of two years, if so provided. If there are in existence joint agreements which have been in existence for more than two years, they shall expire within 60 days after the effective passage of this amendment. [Amended 2-24-1994 by Ord. No. MC 2991]

E. Limitations on increases between tenants:

- a. The rental of all units and parking spaces for the first time to a new tenant shall be limited to an increase not to exceed 5% over the last rent paid by the former tenant.
- b. The last rent paid by the former tenant and as registered by the landlord pursuant to this chapter shall serve as the base rent upon which the 5% calculation is based. If such a calculation was prohibited due to the landlord's failure to register rent pursuant to this chapter, the new tenant shall be entitled to a rent that does not exceed 5% of the last registered rent for the property or in the alternative 5% of the lowest charged rent for the building, whichever is less.
- a-c. The landlord at the time of leasing shall provide to each new tenant, in writing, the amount charged to the previous tenant, the amount charged to the new tenant adjusted for the 5% increase and that the tenant should contact the Township of Irvington Rent Leveling Office in order to confirm this information.

D.F. Unbundling. [Added 4-26-1994 by Ord. No. MC 2997]

- (1) A landlord shall not be allowed to unbundle service in order to defeat the intent of this chapter.
  - a. "Unbundling" shall include, but not be limited to, subcontracting or providing for a separate charge for parking. Unbundling shall also include changing the term(s) of any previously received security deposit by increasing the amount to be deposited with the Landlord beyond the amount agreed to in the original

lease or in the event of valid rent increases requiring a tenant to deposit more than the proportional increase of deposit which would make the security deposit consistent with the terms of the original lease.

- b. Any person or persons residing as a tenant on the effective date of said unbundling shall be entitled to remain in their then-existing status as long as they shall remain as a tenant.

(2) Fines may be levied on a daily basis for anyone found to be in violation of this section.

Each day the violation continues to exist can be treated as a separate violation subject to a daily fine. Fines shall be issued by the Rent Leveling Officer and/or designee.

E.G. Fees for Late Payment of Rent and Bounced Checks. Prospectively, upon renewal of a lease or upon entering a new lease, the landlord shall include a provision in the lease agreement limiting fees for payment of rent by the tenant more than seven (7) days late to a maximum of \$50 and limiting fees for bounced checks to a maximum of \$25.

§ 472-2. Notification of rental increase.

[Amended 10-27-1981 by Ord. No. MC 2644; 2-22-1983 by Ord. No. MC 2687]

A. Any landlord who shall increase rents as provided in § 472-1 hereof shall give 60 days' notice to his/her tenants by any reasonable means of said increase; provided, however, that when said notice is not mailed to the tenant's residence, delivery is not considered to have been accomplished unless a signed receipt is obtained from the tenant or his/her representative. If a tenant is notified by mail other than certified or registered mail, the landlord or the landlord's representative shall certify in writing that the landlord mailed the notice to the tenant. Said certification shall be retained for a period of three years.

A.B. Rent increases for any unit in the entire property shall be prohibited in any calendar year in which the landlord failed to timely file a Rent Registration for the property where landlord seeks to increase any rent.

§ 472-3. Exceptions.

The provisions of this chapter shall not apply to:

- A. Motels, hotels and similar dwellings.
- B. Dwellings of two units or less.
- C. Dwellings of three and four units, at least one of which is occupied by one or more of the owners thereof.
- D. Dwellings subject to rent control or stabilization under any state or federal law.  
[<sup>1</sup>] Editor's Note: Former § 151-3E of the 1981 Revised Code, pertaining to dwelling units available for occupancy on or after July 1, 1981, which previously followed this subsection, was repealed 4-9-1985 by Ord. No. MC 2777.
- E. With respect to the unbundling provisions set forth in § 472-1E only, dwellings developed pursuant to a general development plan approved by the Planning Board and subject to a redevelopment agreement with the Township.  
[Added 5-14-2013 by Ord. No. MC 3492].

§ 472-4. Hardship or capital improvement relief.

- A. If, as the result of circumstances which the landlord could not reasonably have foreseen or anticipated or which are beyond his/her control, a landlord is unable to earn a fair rate of return on the landlord's investment, the landlord may appeal to the Rent Leveling Officer (hereafter "RLO") for an increase in rent in excess of that permitted under § 472-1 hereof, via an application to be developed by the RLO. In connection with any appeal filed hereunder, the landlord shall



prove his/her expenses of operation, including but not limited to payment of the purchase money mortgage or mortgages and any subsequent mortgages, the proceeds of which were used for major capital improvements as defined in Subsection B of this section, fuel, utilities, taxes, sewer user charges, maintenance and repairs, a management fee not to exceed 5% of gross rents, and related charges. Management fees may be allowed as an expense, whether paid to the landlord or a management company. For good cause shown, the RLO may grant either an increase in the rent charged or permit the landlord to receive a surcharge to be collected for a specified period of time only in order to enable the landlord to earn said fair rate of return.

B. Major capital improvement surcharge.

Amended 10-11-1983 by Ord. No. MC 2713]

(1) A major capital improvement consists of a substantial change in the housing accommodations such as would materially increase the rental value in a normal market and will provide tenants with a benefit or service which they had not previously enjoyed. Replacement of facilities, materials or equipment so as to maintain the same level of services as previously provided or bargained for shall not constitute a major capital improvement.

(2) Major capital improvement adjustment

a. A landlord may seek a rent surcharge for a major capital improvement. Any landlord seeking a major capital improvement surcharge shall apply to the Rent Leveling Officer and pay the application fee of \$75.00, via the above proposed application, which the RLO shall, upon a showing of satisfactory proof, determine if said improvement is a major capital improvement and, if so, shall permit such surcharge. In no event shall any surcharge permitted under this section exceed the annual cost of the capital improvement per room multiplied by the number of rooms occupied by the tenant, or exceed 15% of the tenant's base rent, whichever is the lesser. The surcharge may be granted for the entire premises or the particular units benefited by the improvement.

b. Any major capital improvement surcharge granted by the RLO shall be paid in equal monthly installments over the period set by the RLO.

C. No application filed pursuant to Subsection A or B of this section may be heard by the RLO unless the landlord shall have attached to his/her application proof under oath that he has given notice of same to all affected tenants by posting a copy thereof in the front lobby or entranceway to the premises and by mailing same at least two weeks prior to the first scheduled hearing of the matter by the RLO. Said notice, a copy of which shall be attached to said application, shall clearly set forth the content and basis of the application. Notice of application for relief pursuant to Subsection B of this section shall include the total cost of the completed capital improvement, the number of years of useful life of the improvement as claimed by the landlord for purposes of depreciation for income tax purposes, the actual cost of the improvement, the total number of square feet of the dwelling or unit affected, the total square feet occupied by the tenant, if applicable, and the capital improvement surcharge he is seeking from each tenant.

D. No hardship or capital improvement increase or surcharge may be granted unless the landlord shall have held title to the premises in question for a period of at least one year prior to the date of his/her application for said relief, unless, for good cause shown, the RLO waives this requirement.

§ 472-5. Compliance.

[Amended 9-28-1982 by Ord. No. MC 2668; 6-14-1988 by Ord. No. MC 2858; 7-14-2009 by Ord. No. MC 3407; 7-1-2014 by Ord. No. MC 3511]

No application made pursuant to § 472-4A of this chapter may be heard by the Board unless attached thereto is an informational certificate or report of inspection issued by the New Jersey Department of Community Affairs or the Department of Housing Services pursuant to § 355-26 of this Code not more than 18 months prior to the date of said application. No such application may be approved by the Board unless the Board shall have first determined that there are no substantial violations of the health, safety or housing laws, codes or regulations of the Township of Irvington affecting said premises. In the event that said informational certificate or report of inspection discloses substantial violations of said laws, codes or regulations, the Board may approve such application; conditioned, however, upon the submission by the landlord within 180 days of said conditional approval of an informational certificate or report of inspection indicating that all of said violations have been corrected. Failure to submit said supplemental certificate or report within 180 days shall render any conditional approval void as of the date granted, and any hardship rent increase or surcharge collected during said period of time shall be returned forthwith to the tenant.

§ 472-6. Rent Leveling Officer.

In order to administer the provisions of this chapter, the prior authority exercised under the auspices of the Rent Leveling Board within the Town of Irvington shall be exercised by the Rent Leveling Officer.

§ 472-7. Acts to cause tenant to vacate prohibited.

No landlord of dwelling units to which this chapter is applicable shall do, or cause to be done, any act or thing with the intent to cause a tenant to vacate said dwelling unit in order that said dwelling unit shall become vacant and no longer subject to this chapter as provided by § 151-3E hereof. 2 In any proceeding instituted by a tenant under this section, the reduction of standards of service, maintenance, health and safety conditions, furniture, furnishings or equipment in and for said dwelling unit shall create a rebuttable presumption that the act or thing done or caused to be done by the landlord was done with the intent to cause said tenant to vacate said dwelling unit.

§ 472-8. Powers of Rent Leveling Board.

The Rent Leveling Officer shall have the following powers:

- A. To promulgate such rules and regulations as he/she deems necessary to implement the purposes of this act, which rules and regulations shall be approved by the Township of Irvington Council and have the force of law until revised, repealed or amended from time to time by the resolution of the Township of Irvington Council, in the exercise of his/her discretion
- B. To supply information and assistance to landlords and tenants to enable them to comply with the provisions of this chapter.
- C. To hold hearings and adjudicate applications by landlords for additional rent or surcharges.
- D. To hold hearings and consider complaints by tenants that the premises is not in substantial compliance with the health, safety and housing laws, codes and regulations of the Town of Irvington. In the event that the Board determines that substantial violations of said laws, codes and regulations exist, it may order the return to the tenant of all or any portion of the increase provided for in § 472-1A and B hereof; provided, however, that before ordering any such return of rent, the Board shall afford the landlord 90 days within which to abate such violations.

- E. To hold hearings and consider complaints that a landlord has violated § 472-7 of this chapter. For good cause shown, the Board may order that said dwelling unit shall remain or again become, as the case may be, subject to the provisions of this chapter for such period of time as the Board considers just, the provisions of § 151-3E notwithstanding.<sup>[1]</sup>

*[1] Editor's Note: Former § 151-3E, pertaining to dwelling units available for occupancy on or after July 1, 1981, was repealed 4-9-1985 by Ord. No. MC 2777*

- F. To employ an attorney to attend meetings and advise and represent the RLO, and such other consultants, including a certified or public accountant, as the RLO may deem necessary or advisable **upon approval of the Rent Leveling Board.**
- G. To issue fines for any violations of Township code, to rescind a Certificate of Habitability, Certificate of Occupancy and/or take any other action permitted under applicable Code Enforcement/Housing/Building Construction State or local laws, rules and regulations. In such instances where the RLO shall pursue fines against a Landlord for violations and/or non-compliance with a ruling of the RLO, the RLO shall seek restitution damages for the Township for any cost(s) incurred outside the normal operations of the RLO and/or any additional staff of the Township of Irvington to address the violation(s) and/or non-compliance.
- H. To afford both landlords and tenants reasonable opportunity to be heard before making any determination.
- I. Landlord Property/Unit Registration

- (1) Between ~~the first Monday in~~ January ~~4~~ and ~~the first Friday in~~ March ~~3~~ of each calendar year, all owners and/or landlords of dwellings shall file with the Township of Irvington Department of Housing and Building Construction a new landlord registration statement for each dwelling unit owned. An owner and/or landlord who purchases a dwelling on or after April 1 of any year shall ~~also~~ file a landlord registration statement within ~~thirtyseven~~ (730) days of purchase. Owner(s) and/or landlords(s) entitled to an increase in the base rent as a result of improving vacant housing spaces shall immediately file an amended landlord registration statement.
- (2) Every owner and/or landlord shall, within 90 days following the effective date of this subsection or the creation of the first tenancy in any dwelling containing five (5) or more housing spaces, whether or not subject to the restriction of *rent* increases in this chapter, file a landlord registration statement with the Department of Housing and Building Construction containing the following information.
- a. The name and address of the record owner or owners of the dwelling and the record owner or owners of the rental business if not the same person.
  - b. If the record owner is a corporation, the name and address of the registered agent and corporate officers of the corporation.
  - c. If the address of any record owner or owners is not located in the County of Essex, the name and address of a person who resides in the County of Essex or has an office in the County of Essex and is authorized to accept notices from tenants and to issue receipts for notices from tenants to accept services of process on behalf of the record owner or owners.
  - d. The name and address of the managing agent of the dwelling, if any.

- e. The name and address, including the dwelling unit, apartment or room number of the superintendent, janitor, custodian or any other individual employed by the record owner or managing agent to provide regular maintenance service if any.
- f. The name, address and telephone number of any individual representative of the record owner or managing agent who may be called at any time in case of an emergency affecting the dwelling or any housing space within the dwelling, including such emergencies as the failure of any essential service or system, and who has the authority to make emergency decisions concerning the building and any repair to the building or expenditure in connection with the building.
- g. A list of the base monthly rents of each housing space, by apartment or room number, within the dwelling as of the date of registration.
- h. Provided the owner/landlord file the required rent registration between the dates provided in Paragraph II there shall be no charge.
- i. If the owner/landlord fails to file the required rent registration on or before the first Friday in March of each calendar year he/she shall be subject to a registration fee of \$300.00 per property to register the rent(s) for the property. If the owner/landlord fails to file the required rent registration on or before the first Monday in July of each calendar year a registration fee of \$500.00 per property shall be charged to file the rent registration.
- ~~g.~~i. Landlords are required to conspicuously post the Rent Registration License for each property in a common area(s) of each building. Landlords who fail to conspicuously post the Rent Registration License are subject to a fine of \$100.00 for failing to post the notice.

J. Non-Registration Penalty

A. Failure to Register Fee:

- a. The Tax Collector shall add a special charge of \$1,000.00 to the annual tax bill as a penalty to any property subject to this ordinance if the owner/landlord fails to file a rent registration for their property on or before the first Friday in March. Failure to pay such special charge(s) shall result in the property being listed on the annual tax sale and a possible lien being attached to the property.
- ~~a.~~b. The Tax Collector shall add a special charge of \$1,500.00 to the annual tax bill as a penalty to any property subject to this ordinance if the owner/landlord who fails to file a rent registration for their property on or before the first Friday in July. Failure to pay such special charge(s) shall result in the property being listed on the annual tax sale and a possible lien being attached to the property. The RLO shall have the authority to issue penalties consistent with those authorized in §151-8G for non-compliance with the registration provision outlined above.

§ 472-9. Appeals.

Decisions of the RLO may be appealed to the Rent Leveling Board, which shall consist of the seven member Township of Irvington Municipal Council. Any appeal(s) of the RLO must be filed, in writing, with the Council Clerk within 30 days of the date of the written decision. Any appeal upon a decision by the Municipal Council shall be appealable to the New Jersey Superior Court in Essex County, within 45

days of the date of the Council's written determination, pursuant to its rules governing administrative appeals. thereafter shall be filed with the courts in accordance with the rules pertaining to administrative appeals.

§ 472-10. Fees.

[Amended 8-11-1987 by Ord. No. MC 2834]

Upon the filing of an application for relief to the Rent Leveling Board, the applicant shall pay the following fees:

- A. For hardship or capital improvement relief, the fee shall be \$5 per dwelling unit, but not less than \$25 nor more than \$200.
- B. For all other applications or complaints, the fee shall be \$10.
- C. The fee for a copy of this chapter shall be \$2.50.
- D. The fee for a copy of the hardship application forms shall be \$2.

§ 472-11. Violations and penalties.

[Amended 9-8-1987 by Ord. No. MC 28355]

A willful violation of any provision of this chapter, including but not limited to the willful filing with the RLO of any material misstatement of fact, shall be punishable as provided in Chapter 1, Article III. A violation affecting more than one dwelling unit shall be considered a separate violation as to each such dwelling unit. If a landlord has been in violation of the chapter, then the tenants shall have a remedy to receive a refund for an over charge retroactive to two years from the date of the complaint. The RLO (or any designee) shall have the authority to issue all penalties outlined in this chapter for any violation or non-compliance with this chapter.

§ 472-12. Construal.

This chapter, being necessary for the welfare of the inhabitants of the Town of Irvington, shall be liberally construed to effectuate the purposes thereof.

§ 472-13. Complaints.

Any complaint by a tenant respecting a violation of this chapter shall be in writing and filed with the Rent Leveling Board within one year from the date of the violation; provided, however, that complaints filed pursuant to § 472-7 shall be filed within 60 days of the date of the last act or thing alleged to violate said section. Failure to file within the aforesaid periods shall bar the acceptance of the complaint by the Board.

§ 472-14. Repealer.

Ordinance No. MC 2597 is hereby repealed.[<sup>1</sup>]

[1] *Editor's Note: Ordinance No. MC 2597 comprised former Ch. 151, Rent Control, of the 1981 Revised Ordinances of the Township of Irvington.*

The public hearing on this ordinance is now open.

There were no requests to be heard.

Beasley – Hudley

Motion to close public hearing.

Adopted

Absent: Frederic

**MINUTES - REGULAR COUNCIL MEETING – JANUARY 11, 2021 – PAGE 38**

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

Adopted  
Absent: Frederic

3. President Burgess: An ordinance authorizing E-Bidding 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 PROVIDING FOR E-BIDDING IN THE TOWNSHIP OF IRVINGTON.

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

SECTION 1. Section 290-53 of the Revised Code of the Township of Irvington is hereby amended and supplemented to provide as follows:

There shall be a fee of \$50 payable by all vendors who desire to receive a bid package to cover the general costs of producing or reproducing such by the Department of Finance. The fee shall be payable by cash and or check with the latter being made out to the Township of Irvington. A fee of \$20 for bank charges will be assessed for any checks returned not payable or dishonored.

SECTION 2, No fee shall be charged for bids receive by e-bidding or other electronic median.

SECTION 3. All Ordinances or parts of Ordinances inconsistent or in conflict with the provisions of the within Ordinance are hereby repealed.

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

The public hearing on this ordinance is now open.

There were no requests to be heard.

Cox – Frederic                      Motion to close public hearing.

Adopted  
Absent: Frederic

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

Adopted  
Absent: Frederic

4. President Burgess: An ordinance amending and supplementing Chapter 650-33A Of The Revised Code regarding the New Jersey Residential Site Improvement Standards Act 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 AND SUPPLEMENTING CHAPTER 650-33A  
OF THE REVISED CODE OF THE TOWNSHIP OF IRVINGTON**

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

**SECTION 1. 650-33.A is amended to include the following language:**

The standard review may be superseded by the requirements of the New Jersey Residential Site Improvement Standards Act, NJAC 5:21-4.14, as amended and in effect at the time of the applicant filing their application.”

**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.

Cox – Beasley

Motion to close public hearing.

Adopted  
Absent: Frederic

Cox – Beasley

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

Adopted  
Absent: Frederic

5. President Burgess: An ordinance repealing sections repealing sections 460-40 and 460-45 of the Revised Code Pertaining to notice of violations 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 TO REPEAL ORDINANCES 460-40 AND 460-45 OF THE TOWNSHIP  
MUNICIPAL CODE**

WHEREAS, Ordinance 460-40 Notice of Violation; contents; service and ordinance 460-45 460-45 Re-inspection required all contain notice provisions prior to the issuance of a summons for Township Code Violations;

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

**SECTION 1.** Sections 460-40 and 460-45 of the Revised Code of the Township of Irvington are hereby repealed in its entirety;

**MINUTES - REGULAR COUNCIL MEETING – JANUARY 11, 2021 – PAGE 40**

**SECTION 2.** All sections of the Revised Code of the Township of Irvington that are inconsistent or in conflict with the provisions of this Ordinance are hereby repealed.

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

The public hearing on this ordinance is now open.

There were no requests to be heard.

Cox – Vick                      Motion to close public hearing.

Adopted  
Absent: Frederic

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

Adopted  
Absent: Frederic

6. President Burgess: An ordinance repealing section 380-21 the Revised Code pertaining to notice to property to remove litter 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 TO REPEAL ORDINANCES 380-21**

**WHEREAS**, Ordinance 380-21 Notice to property to remove litter contains a notice provision that prohibits the issuance of a summons prior to notice being provided and then inspected again thereby delaying the Township's efforts to address Code Violations in the Township

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

**SECTION 1.** Section 380-21 of the Revised Code of the Township of Irvington is hereby repealed in its entirety.

**SECTION 2.** All sections of the Revised Code of the Township of Irvington that are inconsistent or in conflict with the provisions of this Ordinance are hereby repealed.

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

The public hearing on this ordinance is now open.

There were no requests to be heard.

Cox – Beasley                      Motion to close public hearing.

Adopted  
Absent: Frederic



**MINUTES - REGULAR COUNCIL MEETING – JANUARY 11, 2021 – PAGE 41**

Cox – Beasley

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

Adopted

Absent: Frederic

\*\*\*\*\*

**ALCOHOLIC BEVERAGE CONTROL BOARD**

**JANUARY 11, 2021**

1. Chair Cox calls the Meeting to Order

Roll Call

Present: Commissioners Jamillah Z. Beasley, Renee C. Burgess, Sean C. Evans, October Hudley, Orlander G. Vick, Vernal Cox, Chairman

Absent: Charnette Frederic,

1. New Business

A. Correct License Holder's Name - 0709-44-003-013 - 749-751 Lyons Avenue – Smruti Corporation - 2020-2021 (Request made by the State ABC)

WHEREAS, on August 10, 2020, the ABC Board Adopted Absent: Frederic Resolution # ABC 20-0810-6 authorizing the renewal of several Plenary Retail Distribution Licenses for the 2020-2021 licensing year; and

WHEREAS, Plenary Retail Distribution License # 0707-44-003-013 incorrectly listed the license holder as Shree Mata, Inc.; and

WHEREAS, the correct license holder's name should be Smruti Corporation; and

WHEREAS, all other provisions regarding Resolution # ABC 20-0810-6 with reference to Plenary Retail Distribution License # 0709-44-003-013 were correct.

NOW, THEREFORE BE IT RESOLVED BY THE MUNICIPAL COUNCIL, ACTING AS THE ALCOHOLIC BEVERAGE CONTROL BOARD OF THE TOWNSHIP OF IRVINGTON that the holder of Plenary Retail Distribution License #0709-44-003-013 listed in resolution # ABC 20-0810-6, be corrected as follows:

LICENSE NUMBER	NAME	ADDRESS
0709-44-003-013	Smruti Corporation t/a Rajashri Wine and Liquor	749-751 Lyons Avenue

BE IT FURTHER RESOLVED that any inconsistencies in Resolution # ABC 08-10-6 with the provisions of this resolution are hereby repealed.

**MINUTES - REGULAR COUNCIL MEETING – JANUARY 11, 2021 – PAGE 42**

Adopted  
Absent: Frederic

B. Rescind Renewal of Plenary Retail Pocket Consumption License for 2020 – 2021 Licensing Year to Dhanshree, Inc. – Need to Obtain a State ABC Special Ruling For An Inactive License (Request made by the State ABC)

WHEREAS, on August 10, 2020, the ABC Board renewed the following Plenary Retail Consumption License for the 2020-2021 licensing year

0709-44-012-005 Dhanshree, Inc.	Pocket License
170 Hayes Mill Road	
Atco, NJ 08004	

; and

WHEREAS, the State Division of Alcoholic Beverage Control has informed the Township that the license holder must obtain a special 12:39 ruling from the State ABC; and

WHEREAS, as a result, the State ABC has requested that that the renewal of Plenary Retail Distribution License # 0709-44-012-005, issued to Dhanshree, Inc., for the 2020-2021 licensing year be rescinded:

NOW THEREFORE BE IT RESOLVED BY THE MUNICIPAL COUNCIL, ACTING AS THE ABC BOARD OF THE TOWNSHIP OF IRVINGTON, that the renewal of Plenary Retail Distribution License # 0709-44-012-005, issued to Dhanshree, Inc., for the 2020-2021 licensing year by rescinded; and

BE IT FURTHER RESOLVED that a certified copy of this resolution by transmitted to the State of New Jersey Division of Alcoholic Beverage Control.

Adopted  
Absent: Frederic

C. Rescind Renewal of Plenary Retail Pocket Consumption License for 2020 – 2021 Licensing Year to P.S. Clervoyant, LLC, Inc. – Need to Obtain State ABC Special Ruling For An Inactive License (Request made by the State ABC)

WHEREAS, on August 10, 2020, the ABC Board renewed the following Plenary Retail Consumption License for the 2020-2021 licensing year

0709-33-068-006 P S Clervoyant LLC	Pocket
t/a Slicks	

; and

WHEREAS, the State Division of Alcoholic Beverage Control has informed the Township that the license holder must obtain a special 12:39 ruling from the State ABC; and

WHEREAS, as a result, the State ABC has requested that that the renewal of Plenary Retail Consumption License # 0709-33-068-006, issued to P S Clervoyant LLC, for the 2020-2021 licensing year be rescinded:

NOW THEREFORE BE IT RESOLVED BY THE MUNICIPAL COUNCIL, ACTING AS THE ABC BOARD OF THE TOWNSHIP OF IRVINGTON, that the renewal of Plenary Retail Consumption License # 0709-33-068-006, issued to P S Clervoyant LLC, for the 2020-2021 year by rescinded; and

BE IT FURTHER RESOLVED that a certified copy of this resolution by transmitted to the State of New Jersey Division of Alcoholic Beverage Control.

Adopted  
Absent: Frederic

3. Adjournment

\*\*\*\*\*

COUNCIL MEETING (RESUMED)

12. Miscellaneous

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

Doris Sherrill, 35 Augusta Street

Council President Burgess thanked Ms. Sherrill for her participation and wished everyone a happy, healthy and safe New Year.

13. Adjournment

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

---

Renee C. Burgess, Council President

---

Harold E Wiener, Municipal Clerk