

REGULAR COUNCIL MEETING
APRIL 12, 2021

Virtual Zoom Meeting
Irvington, N.J. – Monday Evening
April 12, 2021 - 7:30 P.M.

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

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

Absent: Jamillah Z. Beasley, Vernal C. Cox

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

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

There were no requests to be heard.

5. Hearing of Council Members

There were no requests to be heard.

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

A. Reports

1. Municipal Court - Weekly Summary Report – March 15, 2021 to March 19, 2021
2. Municipal Court – Electronic Collections Report – February, 2021
3. Municipal Court – Monthly Report For February, 2021
4. Municipal Court - Weekly Summary Report – March 22, 2021 to March 26, 2021
5. Municipal Court - Weekly Summary Report – March 27, 2021 to April 7, 2021

7. Reports of Committees

- A. Request For Proposals Results - Tax Appeal Attorney and Planner – 3-31-21
- B. Bid Results – 2020 Road Resurfacing Program – April 7, 2021

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

8. Ordinances, Bills & Claims

- A. Ordinances on First Reading

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Hudley - Evans

1. Authorize the Adoption of the Amended and Restated East Ward and East Springfield Avenue Redevelopment Plan

ORDINANCE OF THE TOWNSHIP OF IRVINGTON, COUNTY OF ESSEX, NEW JERSEY APPROVING THE ADOPTION OF THE AMENDED AND RESTATED EAST WARD/EAST SPRINGFIELD AVENUE REDEVELOPMENT PLAN

Adopted
Absent: Beasley, Cox

Burgess – Hudley

2. Authorize the Execution of an Amended and Restated Financial Agreement with Hilltop Partners Senior Urban Renewal, LLC – Portion of the Former Irvington General Hospital Site Identified as 832 Chancellor Avenue

ORDINANCE OF THE TOWNSHIP OF IRVINGTON, IN THE COUNTY OF ESSEX, AUTHORIZING THE EXECUTION OF AN AMENDED AND RESTATED FINANCIAL AGREEMENT WITH HILLTOP PARTNERS SENIOR URBAN RENEWAL, LLC WITH RESPECT TO THE PORTION OF THE FORMER IRVINGTON GENERAL HOSPITAL SITE IDENTIFIED ON THE OFFICIAL TAX MAPS OF THE TOWNSHIP AS BLOCK 324, LOT 1.05, COMMONLY KNOWN AS 832 CHANCELLOR AVENUE

Adopted
Absent: Beasley, Cox

Vick – Frederic

- 3 Allow Residential Permit Parking On A Portion of Linden Avenue From 4:00 P.M. To 6:30 A.M. Between Petzinger Street And Madison Avenue, Even Number House Numbers Only, From Numbers 110 To 130; Inclusive, Seven Days A Week

AN ORDINANCE PROVIDING FOR RESIDENTIAL PARKING PERMITS ON A PORTION OF LINDEN AVENUE

Adopted
Absent: Beasley, Cox

C. Bills & Claims

Burgess - Vick

1. Bill Lists

RESOLVED THAT THE BILLS AND CLAIMS AGAINST THE TOWNSHIP OF IRVINGTON FOR A PERIOD APRIL 12, 2021 AS ENUMERATED ON THIS LIST FOR MATERIALS, SUPPLIES AND SERVICES FURNISHED, DELIVERED AND/OR PERFORMED HAVE BEEN CERTIFIED BY THE DEPARTMENTS AS CORRECT, EACH CLAIM AND PURCHASE ORDER HAVE BEEN VERIFIED AND REVIEWED FOR THE AVAILABILITY OF FUNDS, ACCURACY OF ACCOUNT CODING AND COMPLETENESS BY THE ADMINISTRATION, THEREFORE:

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

BILL LIST \$2,743,369.48

Adopted
Absent: Beasley, Cox

Hudley - Evans 2. Payrolls

March 12, 2021

REGULAR	OVERTIME	OTHER	TOTAL
\$1,603,010.98	\$59,604.07	\$246,541.41	\$1,909,156.46

Adopted
Absent: Beasley, Cox

9. Resolutions and Motion

A. Resolutions

Vick - Burgess 1. Ratify Calendar Year 2019 Annual Audit Report

WHEREAS, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions; and

WHEREAS, the Annual Report of Audit for the Calendar Year 2019 has been filed by a Registered Municipal Accountant with the Municipal Clerk as per the requirement of N.J.S. 40A:5-6, and a copy has been received by each member of the governing body; and

WHEREAS, the Local Finance Board of the State of New Jersey is authorized to prescribe reports pertaining to the local fiscal affairs, as per R.S. 52:27BB-34; and

WHEREAS, the Local Finance Board has promulgated a regulation requiring that the governing body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the Annual Audit entitled: GENERAL COMMENTS AND RECOMMENDATIONS

WHEREAS, such resolution of certification shall be adopted by the governing body no later than forty-five days after the receipt of the annual audit, as per the regulations of the Local Finance Board; and

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

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WHEREAS, failure to comply with the promulgations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52 - to wit:

R.S. 52:27BB-52 - "A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office."

NOW, THEREFORE, BE IT RESOLVED THAT THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON hereby states that it has complied with the promulgation of the Local Finance Board of the State of New Jersey dated July 30, 1968 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

I HEREBY CERTIFY THAT THIS IS A TRUE COPY OF THE RESOLUTION PASSED AT THE MEETING HELD ON APRIL 12, 2021.

Harold E. Wiener, R.M.C. #C-0327, M.M.C., Municipal Clerk

Adopted
Absent: Beasley, Cox

Frederic – Burgess 2. Authorize Contract With The Essex County Police Academy For The Training Of Police Recruits - \$27, 570.00

RESOLUTION AUTHORIZING A CONTRACT WITH THE ESSEX COUNTY POLICE ACADEMY FOR TRAINING OF NEW POLICE OFFICERS

WHEREAS, the Essex County Police Academy has a training academy for Police Officers; and

WHEREAS, the Township of Irvington is in need of training new Police recruits; and

WHEREAS, the Essex County Academy agree to train the new recruits for \$27,570.00;

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON, that a contract be awarded to Essex County Police Academy for a total sum of \$27, 570.00 to train Police recruits.

BE IT FURTHER RESOLVED, the Township Attorney will review and approve a contract for this service; and

BE IT FURTHER RESOLVED, that the Municipal Clerk and Mayor is hereby authorized and directed to sign a contract for this service; and

BE IT FURTHER RESOLVED, that Certification of Funds number C2100013 has been obtained from the Chief Financial Officers for the total sum of \$27, 570.00 charged to account number 1-01-25-240-240-116; and

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BE IT FURTHER RESOLVED, this resolution will become effective upon the adoption of this resolution on April 12, 2021.

Adopted
Absent: Beasley, Cox

Hudley – Frederic 3. Authorize Purchase of Surveillance Camera System for the Recreation Department by State Contract – Johnston Communications - \$103,668.13

RESOLUTION AUTHORIZING THE PURCHASE OF A NEW SURVEILLANCE CAMERA SYSTEM FOR THE RECREATION DEPARTMENT FOR AN AMOUNT NOT TO EXCEED \$103,668.13

WHEREAS, the Township of Irvington, pursuant to N.J.S.A. 40A:11-12a 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; and

WHEREAS, the Recreation Department wishes to purchase a new surveillance camera system from Johnston Communications, State of New Jersey Contract number A85152; and

WHEREAS, the Township of Irvington intends to enter into contracts with Johnston Communication through this resolution and properly executed purchase orders; and

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON hereby authorizes a purchase contract with Johnston Communications of 322 Belleville Turnpike, North Arlington, NJ 07031 for an amount not to exceed \$103,668.13 for a new surveillance camera system and;

BE IT FURTHER RESOLVED, that the Township Attorney is directed to prepare the appropriate contract for such goods and services and the Mayor and Municipal Clerk is authorized to sign the same; and

BE IT FURTHER RESOLVED that the required certification of availability of funds C2100049 in the amount of \$103,668.13 from account numbers C-04-56-853-020-970 and 1-01-28-370-370-299 has been obtained from the Chief Financial Officer.

Adopted
Absent: Beasley, Cox

Burgess – Hudley 4. Resolution of Sorrow - Pastor Emeritus Verna Mae Supel

**RESOLUTION OF SORROW
PASTOR EMERITUS VERNA MAE SUPEL**

WHEREAS, the Municipal Council of the Township of Irvington wishes to express their deepest sorrow to our dear Shawna Supel on the passing of her grandmother Pastor Emeritus Verna Mae Supel; and

WHEREAS, Verna Mae Pridgen was born on September 13, 1925, in Jason, North Carolina to the late Eley Pridgen. She attended the public school system in Greene County, North Carolina and graduated with a high school diploma from Green County Training School. She had two brothers and three sisters.

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WHEREAS, she married her childhood friend Mack Donald Supel who she knew since the age of six on August 15, 1950. Both worked on the farmlands of North Carolina until 1957, when they decided to move to New Jersey for better opportunities for themselves and their children. They bought their first home in 1960 on Court Street in Elizabeth, where she resided until her passing on March 9, 2021. The love of her life, Mack Supel passed on December 25, 2002.

WHEREAS, one of her and her husband's most admirable traits was humanity and willingness to help others. This was illustrated by enabling well over fifteen family members who also migrated from North Carolina to New Jersey to stay at their home. From the early 60's throughout the mid 80's, Verna and Mack open their home, so that their family members could begin a new life.

WHEREAS, the Supel's home was known as the meeting place for both sides of the family every Sunday after church. It was not unusual to have up to thirty family members and friends at the home at one time. Pastor Supel enjoyed cooking and serving food at these family gatherings. She loved for her home to be full of family and friends, especially after Sunday morning church services. Many of these relationships have lasted throughout the years and are fondly remembered by all as a significant part of their lives and childhood.

WHEREAS, Pastor Supel worked as a Nursing Aide at Saint Elizabeth Hospital, now known as Trinitas Hospital in Elizabeth. She held several positions at both the Deluxe and Singer Companies, and she served as a part-time domestic worker for over 40 years. After her retirement from the Singer Company in 1981, Pastor Supel went back to school for Sewing & Fashion Design, Nursing Assistant and Culinary Arts. She earned her Certificate in General Survey of the Bible on May 1, 1982.

WHEREAS, Pastor Supel sent all of her six children through the public school system in Elizabeth, New Jersey and was active in the PTA meetings during her children's matriculation. While working and being a housewife, she remained a faithful and loyal democrat in community activities and regularly exercised her right to vote in local and national elections. She also attended the monthly community meetings to improve the neighborhood and the quality of life of the residents of Elizabeth.

WHEREAS, Pastor Supel was very active in church all her life. At the age of thirteen, she joined Saint Mary's Church where she was on the Usher Board and the Young Adult Choir. She remained a dedicated member of Saint Mary's Church until 1952, when she joined Bryant Holy Tabernacle Church. In 1957, after leaving North Carolina, she joined The Greater Holy Tabernacle Church in Elizabeth where she was an active member. She became involved in the following auxiliaries: Usher Board, Senior Choir, Missionary Board, and she served as a Sunday School Teacher. She further stressed the importance of good values and moral character in her offspring and grandchildren by ensuring that they participated in church activities during their childhood years.

WHEREAS, in 1986, she was selected as the Pastor of The Greater Holy Tabernacle Church, an esteemed position that she held for 22 years. Under her leadership, the church grew financially, initiating an annual Health Awareness Program and Community Outreach Program. Pastor Supel truly loved her church family from picking up members and transporting them to church, fellowshiping with many for lunch after morning services, assisting members in personal and financial matters, ministering to the sick and shut-in, to mentoring, providing counseling and advice. She unselfishly made herself available to her church family 24/7. Upon her retirement, she was proudly named Pastor Emeritus and faithfully attended church until she was unable to do so for medical reasons in 2019. She was truly a devoted and loving servant of God, whose presence reflected love, kindness, forgiveness, joy, and faith.

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WHEREAS, Pastor Emeritus Supel, we will miss your affectionate smile and easy disposition. She leaves a legacy of caring, giving, and loving for all mankind. We will always remember her favorite motto after her prayer over meals – “We Got Bread, We Got Meat, and We’re Going to Eat!”

WHEREAS, so, it is with great pleasure that we celebrate the 95 Years of Life of Pastor Emeritus Verna Mae Supel, a newly assigned angel of God.

WHEREAS, Pastor Emeritus Verna Mae Supel is preceded in death by her mother Elcy Pridgen; siblings: Wheeler, John D., Edith, Emma and Lucille; children: William, Jackie, Mack Jr. and Baby Supel; daughter-in-law Pat; and grandchildren: Darrin and Earl. She reunites with her husband Mack Donald Supel on his birthday, March 25, 2021.

WHEREAS, Pastor Emeritus Verna Mae Supel leaves to cherish her loving and spiritual memory: her children: Gene, Bobby Sr. (Avis), Sigma and Verna K.; grandchildren: Regina, Yolanda (Waleed), Angela, Keisha (Allan), Miacalla (Kevin), Bobby Jr., Omar, Shawna, Faheemah (Pedro), Khalilah (Ronald) and Khalidah (Michael); 22 great-grandchildren: Darrio, Zaquel, Gene II, Diamond, Alisha, Alterique, Kajuan, Dsysha, Imani, Ashawn, Benjamin, Al-Quan, Destiny, Jeremiah, Dezire, Elijah, Vashti, Kevin Jr., Jadon, Ronald III, Micaela and Mae; 1 great-great grandchild: Lyric; a host of nieces, nephews, other relatives, friends and the Greater Holy Tabernacle UHCA church family.

WHEREAS, a loving thank you to the family members that assisted in the care of Pastor Emeritus Supel while she was ill. A heartfelt appreciation to the Home Health Aides Nichol, Keisha, Kareena, Nekhena, Roaneka, Jessica and Vania who also cared for Pastor Emeritus Supel.

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that the Township of Irvington hereby mourns the passing of Pastor Emeritus Verna Mae Supel and extend our most sincerest condolences to Shawna, family and 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 Pastor Emeritus Verna Mae Supel.

Adopted
Absent: Beasley, Cox

Frederic - Vick

5. Authorize Service Contract for the Repair of an Elgin Pelican Street Sweeper – W.E. Timmerman Co. Inc., - Not To Exceed \$30,000.00

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

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

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

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

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WHEREAS, the Administration will like to award a contract to W.E. Timmerman Co. Inc., P.O Box 71, Whitehouse, NJ 08888 for an amount not to exceed \$30,000.00

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Irvington in the County of Essex, and State of New Jersey, that Public Works is authorized to purchase parts and service from to W.E. Timmerman Co. Inc., P.O Box 71, Whitehouse, NJ 08888 starting on April 13, 2021 until December 31, 2021 for an amount not to exceed \$30,000.00.

BE IT FURTHER RESLOVED that the required certification of availability of funds C200075 in the amount of \$30,000.00 from account number 1-01-21-165-165-299 has been obtained from the Chief Financial Officer.

Adopted
Absent: Beasley, Cox

Frederic – Burgess 6. Authorize Purchase to Purchase Safety Equipment for New Fire Recruits Under the State of New Jersey Cooperative Purchasing Program - Fire Fighter One – Not To Exceed \$112,651.00

**RESOLUTION AUTHORIZING A CONTRACT WITH A STATE CONTRACT VENDOR
FIREFIGHTER ONE TO PURCHASE SAFETY EQUIPMENT FOR NEW FIRE RECRUITS
FOR THE FIRE DEPARTMENT**

WHEREAS, the Township of Irvington, pursuant to N.J.S.A. 40A:11-12a 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; and

WHEREAS, the Public Safety Deputy Director wishes to purchase safety equipment for new Fire Recruits; and

WHEREAS, in compliance with NJSA 19:44A-20.13 ET Seq., this purchase will exceed the Pay to Play threshold of \$17,500.00; and

WHEREAS, vendor has provided the Township with a quote for the safety equipment for a total amount of \$112,651.00 under New Jersey state contract number T-0790 (17-Fleet-00811); and

WHEREAS, the Township of Irvington intends to enter into contract with Fire Fighter One through this resolution for an amount not to exceed \$112,651.00; and

NOW, THEREFORE, BE IT RESLOVED, that the Municipal Council of the Township of Irvington hereby authorizes the Qualified Purchasing Agent to enter into a contract with Fire Fighter One of 34 Wilson Drive, Sparta, NJ 07871 for an amount not to exceed \$112,651.00 under the New Jersey State Contract number T-0790 (17-Fleet-00811); and

BE IT FUTHER RESLOVED that the required certification of availability of funds C2100052 in the amount of \$112,651.00 from account numbers 0-01-25-265-265-299 and 0-01-25-265-265-299 has been obtained from the Chief Financial Officer; and

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

Adopted
Absent: Beasley, Cox

Hudley – Burgess

7. Assign Professional Services Contract for Litigation Defense in the Matter of Allen Dodson v. Irvington - Murphy Orlando LLC – Not to Exceed \$150.00 Per Hour – Not To Exceed \$5,000.00

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

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

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

WHEREAS, the Township Attorney has determined that Murphy Orlando LLC has the most experience to defend the Township of Irvington in the matter of Allen Dodson v. Township of Irvington, et al, Docket No. ESX-L- 1650-21; and

WHEREAS, the Township Attorney has recommended that a contract be awarded to Murphy Orlando LLC, 30 Montgomery Street, 11th Floor, Jersey City, NJ, 07302; and

NOW THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that a contract for Litigation/Defense counsel services be awarded to Murphy Orlando LLC, 30 Montgomery Street, 11th Floor, Jersey City, NJ, 07302 for a contract amount not to exceed \$5,000.00. The billing rate for this contract is \$150.00 per hour; and

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

BE IT FURTHER RESOLVED, that funds for this service will paid from the Insurance fund for a contract amount not to exceed \$5,000.00. The billing rate for this contract is \$150.00 per hour.

Adopted
Absent: Beasley, Cox

Vick - Frederic

8. Award An Emergency Contract for Snow Removal – American Asphalt and Milling - \$187,520.00

**RESOLUTION TO AWARD AN EMERGENCY CONTRACT FOR SNOW REMOVAL TO
AMERICAN ASPHALT AND MILLING**

WHEREAS, on January 31, 2021 until February 23, 2021, the total accumulated snow fall created a hazardous blizzard condition, and;

WHEREAS, the Department of Public Works employees were unable to remove all the accumulated snow from streets and other public properties in a timely manner, and;

WHEREAS, additional heavy duty equipment and personnel were needed to remove the accumulated snow to avoid a public safety emergency, and;

WHEREAS, the Director of Public Works declared an emergency and authorized the hiring of a general contractor, and;

WHEREAS, American Asphalt & Milling Services Construction located at 96 Midland Ave, Kearny, NJ 07032 had additional heavy duty equipments and personnel to assist the Department of Public Works, and;

WHEREAS, this situation constitutes a threat to public health, safety, welfare, and Director of Public Works declared an Emergency and American Asphalt & Milling Services Construction of 96 Midland Ave, Kearny, NJ 07032 had the necessary equipment available immediately to perform the work on an emergency basis, and;

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

WHEREAS, the total cost to rent the required equipments to complete the work was \$187,520.00, and;

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that it ratifies the decision of the Director of Public Works and the Mayor to authorize an emergency contract in the amount of \$187,520.00 with Asphalt & Milling Services Construction of 96 Midland Ave, Kearny, NJ 07032 to rent and operate heavy duty equipment for snow removal.

BE IT FURTHER RESLOVED, that the required certification of availability of funds C2100018 in the amount of \$187,520.00 from account number 1-01-26-290-291-299 has been obtained from the Chief Financial Officer to repair the sewer emergency.

Adopted
Absent: Beasley, Cox

Hudley – Burgess

9. Assign Professional Service Contract for Litigation Defense in the Matter of Hollis Benjamin v. D&H Holdings - Anyanwu & Associates – Not to Exceed \$150.00 Per Hour – Not to Exceed \$5,500.00

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

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

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

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WHEREAS, the Township Attorney has determined that Anyanwu & Associates has the most experience to defend the Township of Irvington in the matter of Hollis Benjamin v. D&H Holdings, et als., Docket No. ESX-L-1207-21; and

WHEREAS, the Township Attorney has recommended that a contract be awarded to Anyanwu & Associates, 17 Academy Street, Suite 517, Newark, NJ, 07102; and

NOW THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that a contract for Litigation/Defense counsel services be awarded to Anyanwu & Associates, 17 Academy Street, Suite 517, Newark, NJ, 07102 for a contract amount not to exceed \$5,500.00. The billing rate for this contract is \$150.00 per hour; and

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

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

Adopted
Absent: Beasley, Cox

Burgess – Hudley 10. Assign Professional Service Contract for Litigation Defense in the Matter of Latchman Raghunandan v. MTS - Post Polak – Not to Exceed \$150.00 Per Hour – Total Not to Exceed \$5,500.00

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

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

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

WHEREAS, the Township Attorney has determined that Post Polak has the most experience to defend the Township of Irvington in the matter of Latchman Raghunandan v. MTS, et al, Docket No. ESX-L-008732-20; and

WHEREAS, the Township Attorney has recommended that a contract be awarded to Post Polak, 425 Eagle Rock, Suite 200, Roseland, NJ, 07068; and

NOW THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that a contract for Litigation/Defense counsel services be awarded to Post Polak, 425 Eagle Rock, Suite 200, Roseland, NJ, 07068 for a contract amount not to exceed \$5,500.00. The billing rate for this contract is \$150.00 per hour; and

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

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

Adopted
Absent: Beasley, Cox

Hudley – Burgess 11. Assign Professional Service Contract for Litigation Defense in the Matter of Jean Rhau v. Jahmir Brown - Biancamano & Di Stefano, P.C. - Not to Exceed \$150.00 Per Hour – Not to Exceed \$5,500.00

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

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

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

WHEREAS, the Township Attorney has determined that Biancamano & Di Stefano, P.C. has the most experience to defend the Township of Irvington in the matter of Jean Rhau v. Jahmir Brown, et als., Docket No. ESX-L-1000-21; and

WHEREAS, the Township Attorney has recommended that a contract be awarded to Biancamano & Di Stefano, P.C., 10 Parsonage Road, Suite 300, Edison, NJ, 08837; and

NOW THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that a contract for Litigation/Defense counsel services be awarded to Biancamano & Di Stefano, P.C., 10 Parsonage Road, Suite 300, Edison, NJ, 08837 for a contract amount not to exceed \$5,000.00. The billing rate for this contract is \$150.00 per hour; and

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

BE IT FURTHER RESOLVED, that funds for this service will paid from the Insurance fund for a contract amount not to exceed \$5,000.00. The billing rate for this contract is \$150.00 per hour.

Adopted
Absent: Beasley, Cox

Burgess – Hudley 12. Ratify Appointment - Special Law Enforcement Officer Class II Recruit Anas Abdul-Malik

**RESOLUTION FOR THE APPOINTMENT OF SPECIAL LAW ENFORCEMENT OFFICER
CLASS II**

WHEREAS, under Township Ordinance 7-143 POWERS AND DUTIES OF THE PUBLIC SAFETY DIRECTOR, subsection L. The Director may employ Special Law Enforcement Officers in accordance with N.J.S.A. 40A:14-146.8 et. seq, Special Law Enforcement Officers' Act. The Public Safety Director recommends the appointment of Special Law Enforcement Officer Class II for term commencing **ending June 30, 2021.**

BE IT RESOLVED, the Township of Irvington in accordance with N.J.S.A. 40A:14-146.8 et. Seq shall, upon completion of the Special Law Enforcement Class II Course and certified by the New Jersey Police Training Commission be appointed as Special Law Enforcement Officer Class II for term ending June 30, 2021:

Special Law Enforcement Officer Class II Recruit Anas Abdul-Malik

Adopted
Absent: Beasley, Cox

Hudley - Evans 13. Authorize Tax Appeal Settlements for 928-30 Chancellor Avenue -
Block 353 & Lot 13 and 41-43 42nd Street - Block 369 Lot 19

RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE TOWNSHIP OF IRVINGTON IN THE COUNTY OF ESSEX AUTHORIZING SETTLEMENT OF THE TAX APPEALS ON THE ATTACHED LIST DATED APRIL 12, 2021, WHICH WERE TAKEN FROM ASSESSMENTS OF PROPERTIES LOCATED WITHIN THE TOWNSHIP OF IRVINGTON, ESSEX COUNTY, NEW JERSEY.

WHEREAS, appeals of the real property tax assessments on the attached list dated April 12, 2021 have been challenged by the respective taxpayers; and

WHEREAS, each Block and Lot identified on the list dated April 12, 2021 was assessed at the amount stated therein for the noted tax year(s); and

WHEREAS, the Township's Special Counsel for Tax Appeals assigned to these specific matters, Antonelli Kantor P.C., has completed discovery/inquiry with respect to these matters and has consulted with the City Tax Assessor, Silvia Forbes, CTA, and has conducted extensive negotiations with counsel for the taxpayer; and

WHEREAS, the taxpayers have agreed to waive statutory interest, pursuant to N.J.S.A. 54:3-27.2, provided any refund resulting from settlement of these matters is paid within 180 days of judgment entered by the Tax Court; and

WHEREAS, the settlement of these matters on the list dated April 12, 2021 are in the best interest of the Township of Irvington; and

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

1. The Township's Special Counsel for Tax Appeals, Antonelli Kantor, P.C., is authorized to execute Stipulations of Settlement on behalf of the Township of Irvington with respect to the tax appeals on the attached list which are currently pending in the Tax Court of New Jersey for the tax year(s) listed therein and the assessments stated therein.

2. All municipal officials are hereby authorized to take whatever action may be necessary to implement the terms of this Resolution.

Adopted
Absent: Beasley, Cox

Vick – Frederic 14. Authorize State Contract for the Purchase of Mobile Computer Equipment for the Police Department – Gold Type Business Machines – Not to Exceed \$195,000.000

**RESOLUTION AUTHORIZING A CONTRACT WITH STATE CONTRACT VENDOR
GOLD TYPE BUSINESS MACHINES FOR PURCHASE OF MOBILE COMPUTER
EQUIPMENT FOR POLICE CARS**

WHEREAS, the Township of Irvington, pursuant to N.J.S.A. 40A:11-12a 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; and

WHEREAS, the Police Department wishes to purchase mobile computer equipment from Gold Type Business Machines of PO Box 305, East Rutherford, NJ 07073 under State contract number 89980 for a total amount not to exceed \$195,000.00; and

WHEREAS, in compliance with NJSA 19:44A-20.13 ET Seq., this contract will exceed the Pay to Play threshold of \$17,500.00; and

NOW, THEREFORE, BE IT RESLOVED, that the Municipal Council of the Township of Irvington hereby authorizes the Qualified Purchasing Agent to enter into a contract with Gold Type Business Machines of PO Box 305, East Rutherford, NJ 07073 for calendar year 2021 for an amount not to exceed \$195,000.000 under the New Jersey State Contract number 89980; and

BE IT FUTHER RESLOVED that the required certification of availability of funds C2-100029 in the amount of \$19,187.50 has been obtained from the Chief Financial Officer, charged to account number 1-01-25-240-240-118 and the remaining balance of \$175,812.50 will be certified upon the adoption of the 2021 budget; and

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

Adopted
Absent: Beasley, Cox

Vick – Burgess 15. Authorize the Execution of an Escrow Agreement with Crown Estate Holdings, Inc. for the Redevelopment of Property Designated Commonly known as the Past Blue Ribbon Site, Block 160, Lot 1-17 and Block 112, Lot 1 & 4

**RESOLUTION OF THE TOWNSHIP OF IRVINGTON AUTHORIZING THE
EXECUTION OF AN ESCROW AGREEMENT WITH CROWN REAL ESTATE
HOLDINGS, INC FOR THE REDEVELOPMENT OF PROPERTY**

**DESIGNATED ON THE TAX MAPS OF THE TOWNSHIP AS BLOCK 160,
LOTS 1-17 AND BLOCK 112, LOTS 1 & 4, COMMONLY KNOWN AS THE
PABST BLUE RIBBON SITE**

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

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

WHEREAS, on August 11, 2015, the Township Council duly adopted Ordinance MC. 3549, enacting a redevelopment plan for the Rehabilitation Area entitled the *Township-Wide Area in need of Rehabilitation Redevelopment Plan* (the “**Township-Wide Redevelopment Plan**”), pursuant to the Redevelopment Law and in accordance with the procedures set forth therein; 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, Crown Real Estate Holdings, Inc., (the “**Proposed Redeveloper**”) is the owner of certain properties located within the Rehabilitation Area, which properties are identified on the official tax maps and in the Township tax records as follows:

Block	Lot	Location
160	1	444 Grove Street
160	2	442 Grove Street
160	3	438 Grove Street
160	4	434 Grove Street
160	5	426 Grove Street
160	8	424 Grove Street
160	9	422 Grove Street
160	10	420 Grove Street
160	11	15 21 st Street

160	14	37 21 st Street
160	15	39 21 st Street
160	16	49 21 st Street
160	17	53 21 st Street - 409 14 th Avenue
112	1	429 Grove Street
112	4	419 Grove Street

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

WHEREAS, certain parcels identified above are located both within the Rehabilitation Area and within a rehabilitation area designated by the Township in accordance with the Redevelopment Law, as the Urban Enterprise Zone Rehabilitation Area. These lots, specifically: Block 112, Lots 1 & 4; and Block 160, Lots 1 - 10 are subject to the overlay zoning of the Urban Enterprise Zone Redevelopment Plan (as amended, the “**UEZ Redevelopment Plan**”, together with the Township-Wide Redevelopment Plan, the “**Redevelopment Plan**”); and

WHEREAS, the Proposed Redeveloper proposes to consolidate the Property with adjacent tracts in the neighboring municipality to create an approximately 8 acre site, and to redevelop same by developing, financing and constructing thereon a mixed use development consisting of approximately 646 residential units, ground floor retail and onsite parking (the “**Project**”); and

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

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

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

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

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

Section 2. Execution of Agreement. The Township Council hereby authorizes the Mayor to execute the escrow and funding agreement substantially in the form attached hereto as Exhibit A, with such changes, deletions, and modifications in consultation with counsel as may be necessary or desirable to effect the transaction contemplated by this resolution. However, neither the adoption of this resolution, nor the execution of the escrow and funding agreement authorized hereby, shall be construed

in any way to bind the Township to execute one or more definitive agreements with respect to the Project.

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

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

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

Exhibit A

ESCROW AGREEMENT

Adopted
Absent: Beasley, Cox

Vick - Hudley 16. Authorize Handicapped Parking Spaces in Front of 5 Feiner Place,
20 Feiner Place and 18 Ellis Avenue

WHEREAS, N.J.S.A. 39:4-197.5 provides that a Municipality may by resolution provide for restricted parking space(s) in front of residence(s) for use by any person who has been issued a special vehicle identification card pursuant to the provisions of N.J.S.A. 39:4-205, when using a motor vehicle on which is displayed a certificate, for which a special vehicle identification card has been issued pursuant to N.J.S.A. 39:4-206; and

WHEREAS, request(s) have been made for restricted parking space(s) in front of **5 Feiner Place, 20 Feiner Place and 18 Ellis Avenue**:

NOW, THEREFORE BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that a parking space restricted for use by any person who has been issued a special vehicle identification card pursuant to the provisions of N.J.S.A. 39:4-205, when using a motor vehicle on which is displayed a certificate, for which a special vehicle identification card has been issued pursuant to N.J.S.A. 39:4-206, be established in front of **5 Feiner Place, 20 Feiner Place and 18 Ellis Avenue**; and

BE IT FURTHER RESOLVED that the Department of Public Works is directed to place signs designating said handicapped parking spaces.

Adopted
Absent: Beasley, Cox

Vick - Burgess 17. Authorize the Execution of an Escrow Agreement with 21st Street
Redevelopment LLC for the Redevelopment of Property Identified as
Blocks 144,145, 146 and 147

**RESOLUTION OF THE TOWNSHIP OF IRVINGTON AUTHORIZING THE
EXECUTION OF AN ESCROW AGREEMENT WITH TWENTY FIRST
STREET REDEVELOPMENT LLC FOR THE REDEVELOPMENT OF
PROPERTY IDENTIFIED ON THE TAX MAPS OF THE TOWNSHIP AS
BLOCKS 144, 145, 146 AND 147**

WHEREAS, the Municipal Council (the “**Township Council**”) of the Township of Irvington (the “**Township**”) is authorized pursuant to the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1 et seq.* (the “**Redevelopment Law**”), to determine whether certain parcels of land 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, on August 13, 2002, in accordance with the Redevelopment Law, the Township Council designated certain properties within its borders, including, but not limited to, the properties identified as Blocks 144, 145, 146 and 147 on the tax maps of the Township (the “**Property**”) as an “area in need of redevelopment” (the “**Redevelopment Area**”); and

WHEREAS, pursuant to *N.J.S.A. 40A:12A-7* of the Redevelopment Law and in accordance with the procedures set forth therein, the Township Council duly adopted the East Ward/East Springfield Avenue Redevelopment Plan (the “**Redevelopment Plan**”) for the Redevelopment Area; and

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

WHEREAS, on November 9, 2020, by resolution No. OCDP 20-1109-27, the Township Council conditionally designated the Proposed Redeveloper as the redeveloper of the Property; and

WHEREAS, the Proposed Redeveloper proposes to acquire the Property and to redevelop same in accordance with the Redevelopment Plan; and

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

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

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

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

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

Section 2. Execution of Agreement. The Township Council hereby authorizes the Mayor to execute the escrow and funding agreement substantially in the form attached hereto as Exhibit A, with such changes, deletions, and modifications in consultation with counsel as may be necessary or desirable to effect the transaction contemplated by this resolution. However, neither the adoption of this resolution, nor the execution of the escrow and funding agreement authorized hereby, shall be construed in any way to bind the Township to execute one or more definitive agreements with respect to the Project.

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

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

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

Exhibit A

ESCROW AGREEMENT

Adopted
Absent: Beasley, Cox

Hudley - Evans 18. Authorize the Execution of an Escrow Agreement with 885 18th Ave LLC for Redevelopment of Property Identified as 885 18th Avenue, Block 55, Lot 12

RESOLUTION OF THE TOWNSHIP OF IRVINGTON AUTHORIZING THE EXECUTION OF AN ESCROW AGREEMENT WITH 885 18th AVE LLC FOR THE REDEVELOPMENT OF PROPERTY IDENTIFIED AS BLOCK 55, LOT 12 ON THE TAX MAPS OF THE TOWNSHIP AND IDENTIFIED IN THE TOWNSHIP TAX RECORDS AS 885 18th AVENUE

WHEREAS, the Municipal Council (the “**Township Council**”) of the Township of Irvington (the “**Township**”) is authorized pursuant to the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1 et seq.* (the “**Redevelopment Law**”), to determine whether certain parcels of land 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, the Township Council, by Resolution 94-0809-5 dated August 9, 1994, created the Township Urban Enterprise Zone (the “**UEZ**”) pursuant to the New Jersey Urban Enterprise Zones Act, *N.J.S.A. 52:27H-60 et seq.*; and

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

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

WHEREAS, 885 18th Ave LLC (the “**Proposed Redeveloper**”) is the owner of certain property located within the Rehabilitation Area identified as Block 55, Lot 12 on the official Tax Maps of the Township and identified in the Township tax records as 885 18th Avenue (the “**Property**”); and

WHEREAS, the Proposed Redeveloper proposes to redevelop the property by renovating and rehabilitating the existing four-story masonry building into a multi-family residential building,

consisting of nineteen (19) market rate residential units (comprised of ten (10) one-bedroom units and nine (9) two-bedroom units), together with certain other on-site and off-site improvements (the “**Project**”); and

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

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

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

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

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

Section 2. Execution of Agreement. The Township Council hereby authorizes the Mayor to execute the escrow and funding agreement substantially in the form attached hereto as Exhibit A, with such changes, deletions, and modifications in consultation with counsel as may be necessary or desirable to effect the transaction contemplated by this resolution. However, neither the adoption of this resolution, nor the execution of the escrow and funding agreement authorized hereby, shall be construed in any way to bind the Township to execute one or more definitive agreements with respect to the Project.

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

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

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

Exhibit A

ESCROW AGREEMENT

Adopted
Absent: Beasley, Cox

Vick - Burgess

19. Authorize the Execution of an Escrow Agreement with Eclat Way LLC for the Redevelopment of Property Identified as 905 20th Street, Block 168, Lot 18

**RESOLUTION OF THE TOWNSHIP OF IRVINGTON AUTHORIZING THE
EXECUTION OF AN ESCROW AGREEMENT WITH ECLAT WAY LLC FOR**

THE REDEVELOPMENT OF PROPERTY IDENTIFIED AS BLOCK 168, LOT 18 ON THE TAX MAPS OF THE TOWNSHIP AND IDENTIFIED IN THE TOWNSHIP TAX RECORDS AS 905 20TH STREET (REAR)

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

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

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

WHEREAS, 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 Proposed Redeveloper is the contract purchaser of certain property located within the Rehabilitation Area identified as Block 168 Lot 18 on the official Tax Maps of the Township and identified in the Township tax records as 905 20th Street (Rear) (the “**Property**”); and

WHEREAS, Eclat Way LLC (the “**Proposed Redeveloper**”) proposes to acquire the Property and to redevelop same in accordance with the Redevelopment Plan (the “**Project**”); and

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

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

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

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

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

Section 2. Execution of Agreement. The Township Council hereby authorizes the Mayor to execute the escrow and funding agreement substantially in the form attached hereto as Exhibit A, with such changes, deletions, and modifications in consultation with counsel as may be necessary or desirable to effect the transaction contemplated by this resolution. However, neither the adoption of this resolution, nor the execution of the escrow and funding agreement authorized hereby, shall be construed in any way to bind the Township to execute one or more definitive agreements with respect to the Project.

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

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

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

Exhibit A

ESCROW AND FUNDING AGREEMENT

Adopted
Absent: Beasley, Cox

Vick – Burgess

20. Amend Resolution OCDP 21-0322-4 and Authorize the Extension of the Conditional Designation of Redevelopment Capital Partners LLS as Redeveloper for Certain Properties

RESOLUTION OF THE TOWNSHIP OF IRVINGTON, IN THE COUNTY OF ESSEX, NEW JERSEY, SUPERSEDING RESOLUTION OCDP 21-0322-4 AND AUTHORIZING THE EXTENSION OF THE CONDITIONAL DESIGNATION OF REDEVELOPMENT CAPITAL PARTNERS LLC AS REDEVELOPER FOR CERTAIN PROPERTY WITHIN THE TOWNSHIP

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

WHEREAS, in accordance with the requirements of the Redevelopment Law, on July 14, 2015, by resolution No. UEZ 15-0714-11, the Municipal Council (the “**Township Council**”) of the Township of Irvington (the “**Township**”) designated the entirety of the Township as an area in need of rehabilitation (the “**Rehabilitation Area**”); and

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

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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, which properties are identified on the official tax maps and in the Township tax records as follows:

Block	Lot	Address	Phase
24	11	545 Stuyvesant Ave	8
39	1	1215 Clinton Ave	9
40	25	1229 Clinton Ave	9
42	8	125 W. Allen St	9
44	13	15 Lenox Ave	9
73	24	79 Delmar Pl	7
79	78	107 Linden Ave	8
80	34	647 Nye Ave	8
83	2	1160 Clinton Ave	8
83	3	1158 Clinton Ave	8
84	24	86 Linden Ave	8
88	4	94 Washington Ave	8
88	12	110 Washington Ave	8
98	12	134 Brookside Ave	8
102	6	119-121 Western Pkwy	8
105.01	3	167 Munn Ave	8
110	1.02	100-102 Eastern Pkwy	1
116	22	579-583 Grove St	1
116	35	28 Grove Terr	1
125	17	25 Tichenor Terr	1
125	18	23 Tichenor Terr	2

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125	20	19 Tichenor Terr	2
125	27	637 Grove St	2
125	28	639 Grove St	2
126	16	23 Montrose Terr	2
126	18	19 Montrose Terr	2
126	20	15 Montrose Terr	2
126	26	621 Grove St	2
127	23	597 Grove St	2
127	24	599 Grove St	2
127	26	603 Grove St	2
131	24	715 Grove St	2
142	11	142 22nd St	2
149	3	662 Grove St	2
149	4	660 Grove St	2
149	12	640-642 Grove St	2
149	15	632 Grove St	2
149	25	193 22nd St	2
152	12	194 21st St	2
152	21	599-601 20th St	2
153	8	252 21st St	2
154	9	190 22nd St	2
154	25	239 21st St	2
156	7	526 Grove St	1
159	5	152 21st St	1
159	24	537 20th St	1
162	16	761 Springfield Ave	3
162	17	759 Springfield Ave	3
162	23	413 21st St	3
165	24	531 21st St	4

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166	24.01	471 21st St	5
166	25	473 21st St	5
166	26	475 21st St	5
167	13	476 21st St	5
168	7	120 Montgomery Ave	5
199	12	1074 Grove St	5
200	36	47 Coit St	5
205	29	9 Ellis Ave	5
209	24	875 Springfield Ave	4
210	8	68 Maple Ave	4
210	40	923 Grove St	4
210	48	941 Grove St	4
210	49	943-947 Grove St	4
210	50	949 Grove St	4
210	51,52	951 Grove St	4
211	18	56 Augusta St	5
213	5	28 Howard St	4
215	36	1061 Grove St	5
216	20	1091 Grove St	6
219	2	118 Grace St	6
219	22	462 Nye Ave	6
219	31	177 Maple Ave	6
219	35	191 Maple Ave	6
220	18	486 Nye Ave	6
228	27	97-99 Mt. Vernon Ave	6
240	9	168 Paine Ave	7
251	7	76 Osborne Pl	7
253	1	360-366 Union Ave	7
255	1	300 Union Ave	7

255	7	116 Cleremont Ave	7
256	4	10 Mt. Vernon Ave	7
258	19	100-104 Melville Pl	7
266	4	18 Cleremont Ave	6
269	6	82 Cleremont Ave	7
278	10	1110 Clinton Ave	8
285	7	763 Lyons Ave	7
300	7	43 Rutgers St	7
303.01	1	539 Union Ave	7
316	1	908-14 Stuyvesant Ave	9
334	19	47-49 Nesbit Terr	7
339	15	1251 Springfield Ave	9
374	28	16 Headley Terr	9

(collectively, the “**Property**”); 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, 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 Ave Redevelopment Area. These lots, identified on the Township tax maps as: Block 142, Lot 11; Block 162, Lots 16, 17 & 23; Block 209, Lot 24; and Block 210, Lot 40, is subject to the superseding zoning of the *East Ward/East Springfield Ave Redevelopment Plan* (as amended, the “**East Ward Redevelopment Plan**”); 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 Scattered Sites Redevelopment Area. These lots, identified on the Township tax maps as: Block 127, Lot 26; Block 162, Lot 23; Block 166, Lot 26; and Block 210, Lots 49 & 50, is subject to the overlay zoning of the *Scattered Sites Redevelopment Plan* (as amended, the “**Scattered Sites Redevelopment Plan**”); and

WHEREAS, certain parcels identified above are located both within the Rehabilitation Area and within a rehabilitation area designated by the Township in accordance with the Redevelopment Law, as the Urban Enterprise Zone Rehabilitation Area. These lots, specifically: Block 127, Lots 23 & 24; Block 149, Lots 4 & 15; Block 162, Lots 16 & 17; Block 209, Lot 24; Block 253, Lot 1; Block 266, Lot 4; Block 278, Lot 10; Block 316, Lot 1; and Block 339, Lot 15 are subject to the overlay zoning of the Urban

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Enterprise Zone Redevelopment Plan (as amended, the “**UEZ Redevelopment Plan**”, together with the Township-Wide Redevelopment Plan, the East Ward Redevelopment Plan and the Scattered Sites Redevelopment Plan, the “**Redevelopment Plan**”); and

WHEREAS, by Resolution dated March 11, 2019, the Township Council conditionally designated Redevelopment Capital Partners LLC as redeveloper of the Property, for a period of two (2) years to allow time for the parties to negotiate and enter into a redevelopment agreement for the redevelopment of the Property; and

WHEREAS, Redevelopment Capital Partners LLC requested an extension of the designation so that it might continue negotiating the terms of the redevelopment agreement; and

WHEREAS, the Township Council previously adopted Resolution OCDP 21-0322-4, extending the conditional designation; and

WHEREAS, the Township Council now desires to supersede Resolution OCDP 21-0322-4 in its entirety, and to extend the designation of Redevelopment Capital Partners LLC on the Property until March 11, 2023, which period may be extended if necessary in the sole discretion of the Director of Community Development for two (2) additional periods of thirty (30) days so that the Township may complete the negotiation of a redevelopment agreement with the Redeveloper for the redevelopment of the Property,

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

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

Section 2. Extension of Conditional Designation of Redeveloper; Negotiation of a Redevelopment Agreement.

(a) The conditional designation as redeveloper of the Property previously granted to Redevelopment Capital Partners LLC is hereby extended until March 11, 2023, which period may be extended if necessary in the sole discretion of the Director of Community Development for two (2) additional periods of thirty (30) days, to allow the Township to complete the negotiation of a redevelopment agreement for the redevelopment of the Property.

(b) The Township hereby further directs and authorizes the Director of Community Development, in consultation with counsel, and with such other Township officials as may be necessary, to negotiate a redevelopment agreement with Redevelopment Capital Partners LLC during that time.

(c) If, at the expiration of this extension, the Township shall not have authorized the execution of the redevelopment agreement, then the designation of Redevelopment Capital Partners LLC as redeveloper of the Property shall terminate without the need for any other action by the Township to evidence same.

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

Section 4. Resolution on File. A copy of this resolution shall be available for public inspection at the offices of the Township Clerk.

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

Adopted
Absent: Beasley, Cox

10. Communication and Petitions

A. Communications

1. Joint Meeting – 2nd Quarter Assessment Resolution
2. Planning Board Resolution Authorizing An Amended A Restated Redevelopment Plan Amendment
3. Planning Board – Draft- East Ward/East Springfield Avenue Redevelopment Plan Amendment

11. Pending Business

None

NON-CONSENT AGENDA ITEMS

8. Ordinances, Bills & Claims (Continued)

B. Ordinances on Second Reading

1. President Burgess: The Calendar Year 2021 CAP 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.

**TOWNSHIP OF IRVINGTON
CALENDAR YEAR 2021**

**MODEL ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS
AND TO ESTABLISH A CAP BANK
(N.J.S.A. 40A: 4-45.14)**

WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to 1.0% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Municipal Council of the Township of Irvington in the County of Essex finds it advisable and necessary to increase its CY 2021 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Municipal Council hereby determines that a 3.5% increase in the budget for said year, amounting to \$ 3,125,424.80 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS the Municipal Council hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Municipal Council of the Township of Irvington, in the County of Essex, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2021 budget year, the final appropriations of the Township of Irvington shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5%, amounting to \$3,125,424.80, and that the CY 2021 municipal budget for the Township of Irvington be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

The public hearing on this ordinance is now open.

There were no requests to be heard.

Frederic - Hudley

Motion to close public hearing.

Adopted
Absent: Beasley, Cox

Frederic Hudley

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

Adopted
Absent: Beasley, Cox

12. Miscellaneous

MINUTES - REGULAR COUNCIL MEETING – APRIL 12, 2021 – PAGE 30

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

Charlisse Jones , 120 Grace Street
Dorothy Robinson, 110 Grace Street
Doris Sherrill, 35 Augusta Street.

President Burgess responded to the issues raised by the above citizens.

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