

REGULAR COUNCIL MEETING
SEPTEMBER 27, 2021

Virtual Zoom Meeting
Irvington, N.J. – Monday Evening
September 27, 2021 - 7:30 P.M.

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

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

Absent: None

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. St. Hubert's Animal Welfare Centers – Monthly Intake, Outcome, and Case (Dispatch) Reports for August, 2021
2. Minutes – Joint Meeting – April 15, 2021
3. Minutes – Joint Meeting – May20, 2021
4. Joint Meeting – 2020 Apportionment Report
5. Joint Meeting – 2020 Annual Operational Report
6. Irvington Public Library Audit Report – 2020
7. Municipal Court – Mayor's Monthly Report – August 2021 and Monthly Management Report From the Administrative Office of the Courts
8. Municipal Court – Collections Project for August, 2021
9. Joint Meeting - Fourth Quarter Assessment
10. Municipal Court - Weekly Summary Report – September 6, 2021 to September 12, 2021
11. Municipal Court - Weekly Summary Report – September 13, 2021 to September 17, 2021

7. Reports of Committees

None

8. Ordinances, Bills & Claims

A. Ordinances on First Reading

None

C. Bills & Claims

Evans – Hudley

1. Bill Lists

RESOLVED THAT THE BILLS AND CLAIMS AGAINST THE TOWNSHIP OF IRVINGTON FOR A PERIOD SEPTEMBER 27, 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 THEADMINISTRATION, 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	\$2,200,780.93
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Adopted

Hudley – Burgess

2. Payrolls

September 10, 2021

REGULAR	OVERTIME	OTHER	TOTAL
\$1,632,883.91	\$240,287.97	\$202,586.26	\$2,075,758.14

Adopted

9. Resolutions and Motions

A. Resolutions

Hudley – Frederic

1. Award Professional Services for Phase 2 Study of the Sanitary Sewer System Based on Requests For Quotations - Field Visits and Assessment Sewer Sale - ARH Associates – \$22,000.00

RESOLUTION TO AWARD A CONTRACT FOR PROFESSIONAL SERVICES TO STUDY THE SALE OF THE SANITARY SEWER SYSTEM

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WHEREAS, the Township of Irvington is interested in pursuing the potential of selling its sanitary sewer system as authorized by statute; and

WHEREAS, the Township Engineer prepared a Request for Quotes to accomplish the requirements delineated in the statute to accomplish this project from the various engineering consultants who are part of the township's annual engineering consultant list; and

WHEREAS, only one response to this request was received from ARH Associates, Hammonton, NJ and it was determined that this consultant has had experience in the preparation of this type of study and is agreeable to awarding this work in a phased manner such that the cost of the first phase of this project, to prepare GIS Data Mapping and Analysis, is \$ 22,500.00; and,

WHEREAS, a contract for the first phase of this project was awarded by the Municipal Council as Resolution DRF-19-04222-17, and;

WHEREAS, the first phase of this project, the GIS Data Mapping and Analysis, is now completed, and;

WHEREAS, the consultant is prepared to move to the second phase of this project, that of Phase 2 - field visit and assessment, at a fee stated in the above proposal of \$ 20,000.00

WHEREAS, the Township Engineer has reviewed this proposal, finds it to be reasonable amount to accomplish this task and recommends that a professional services contract for the Phase 2 Study of the Sanitary Sewer System- Field Visits and Assessment be awarded to ARH Associates of Hammonton, NJ at their price of \$ 20,000.00.

NOW, THEREFORE, BE IT RESOLVED BY MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that a professional services contract be awarded to ARH Associates, Hammonton, NJ for the Phase 2 Study of the Sanitary Sewer System- Field Visits and Assessment, at their stated amount of \$ 20,000.00.

BE IT FURTHER RESOLVED that pursuant to N.J.A.C. 5:34-5.2, the required Certificate of Availability of Funds No. C2100109 for the above has been obtained from the Chief Financial Officer of the Township of Irvington and the appropriation to be charged for this expenditure is in the amount of \$20,000.00 is Account No. C-04-56-853-021-901.

Adopted

Frederic - Beasley

2. Authorize Purchases of Mobile Telephone Services, Industrial Supplies, Telephone Communications and Computers Solutions Under The State Of 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-

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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:-

Name of Vendor	State Contract Number	Commodity	Amount
AT&T	82584	Mobile Telephone	\$250,000.00
Grainger	19-FLEET-00566	Industrial Supplies	\$65,000.00
Johnston Communications	88766	Telephone Communications	\$200,000.00
SHI International Corp.	21-TELE-01360	Computers Solutions	\$200,000.00

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

Frederic - Beasley

3. Authorize Disposal Of Old And Unused Equipment Through Municibid

AUTHORIZE DISPOSAL OF OLD/UNUSED EQUIPMENT WITH MUNICIBID

WHEREAS, the Township of Irvington is the owner of certain equipment that is no longer being used; and

WHEREAS, the Township of Irvington is desirous of selling said equipment in an "as is" condition without express or implied warranties.

NOW THEREFORE BE IT RESLOVED, by the Township of Irvington, in the County of Essex, as follows:

- (1.) The sale of old/used equipment shall be conducted through Municibid pursuant to State of Contract T2581 in accordance with the terms and conditions of the State Contract. The terms and conditions of the agreement entered into with Municibid is available online at Municibid.com and also available in the Division of Purchasing.
- (2) The sale will be conducted online and the address of the auction site is Municibid.com
- (3) The sale is being conducted pursuant to Local Finance Notice 2008-9.
- (4) A complete list of the old/used equipment is attached to this resolution, herein apart of the record.
- (5) The equipment on the attached list shall be sold in an "as is" condition without express or implied warranties with the successful bidder required to executed a Hold Harmless and Indemnification agreement concerning use of said surplus property.
- (6) The Township of Irvington reserves the right to accept or reject any bid submitted.
- (7) In the event that no bids are received, the Purchasing Agent is authorized to dispose of same for the benefit of the Township.

Adopted

Hudley – Frederic

4. Award CDBG CARES Act (COVID-19) Business Economic Relief Grant to RMT Buffet Catering, LLC - \$10,000.00

Resolution to Award CDBG CARES Act (COVID-19) Business Economic Relief Grant to RMT Buffet Catering, LLC

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

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

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

WHEREAS, the Township of Irvington wishes to award Business Economic Relief Grant Funds in the amount **\$10,000.00** to **RMT Buffet Catering, LLC** a Liability Limited Company under the laws of the State of New Jersey with a principal business located at **1379 Springfield Avenue Irvington, NJ**;

WHEREAS, the DEDGO has allocated sufficient CDBG Cares Act funds to fund a proposed grant agreement in the amount of **\$10,000.00 with the RMT Buffet Catering, LLC**; and,

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

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

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

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

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

1. The Mayor and the Township Clerk are hereby authorized and directed to execute an agreement with **RMT Buffet Catering, LLC awarded COVID-19 Small Business Economic Relief Grant in the amount of \$10,000.00.**
2. Pursuant to N.J.A.C. 5:34-5.2, the required certificate of Availability of Funds No. **C2100110** in the amount of **\$10,000.00** for the above has been obtained from the Chief Financial Officer of the Township of Irvington. The appropriation to be charged for this expenditure is Account No. **T-21-41-850-20G-801.**

Adopted

Beasley – Frederic

5. Award CDBG CARES Act (COVID-19) Business Economic Relief Grant to Smart Dry Cleaners LLC

Resolution to Award CDBG CARES Act (COVID-19) Business Economic Relief Grant to Smart Dry Cleaners LLC

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

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

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

WHEREAS, the Township of Irvington wishes to award Business Economic Relief Grant Funds in the amount **\$10,000.00** to **Smart Dry Cleaners, LLC** a Liability Limited Company under the laws of the State of New Jersey with a principal business located at **566 Chancellor Ave. Irvington, NJ**;

WHEREAS, the DEDGO has allocated sufficient CDBG Cares Act funds to fund a proposed grant agreement in the amount of **\$10,000.00 with the Smart Dry Cleaners, LLC**; and,

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

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

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

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

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

1. The Mayor and the Township Clerk are hereby authorized and directed to execute an agreement with **Smart Dry Cleaners, LLC** awarded **COVID-19 Small Business Economic Relief Grant in the amount of \$10,000.00.**

2. Pursuant to N.J.A.C. 5:34-5.2, the required certificate of Availability of Funds No. **C2100105** in the amount of **\$10,000.00** for the above has been obtained from the Chief Financial Officer of the Township of Irvington. The appropriation to be charged for this expenditure is Account No. **T-21-41-850-20G-801.**

Adopted

Burgess - Evans

6. Introduction of 2021-2022 Springfield Avenue Special
Improvement District Budget

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PROPOSED 2021-22 IRVINGTON SPRINGFIELD AVENUE BUSINESS IMPROVEMENT DISTRICT BUDGET

The proposed 2021-22 budget below, duly approved by the ISABID Board of Directors on June 9, 2021, and by the ISABID membership at its Annual Membership Meeting on September 8, 2021, is hereby submitted to the Township of Irvington for approval and adoption.

2021-22 IRVINGTON SPRINGFIELD AVENUE BUSINESS IMPROVEMENT DISTRICT BUDGET

<u>REVENUES</u>	<u>Budget</u>	<u>Narrative</u>
Opening Balance	154,772	7/1/21 Cash on Hand: \$335,000; transfer \$154,772 to 2021-22 budget
BID Tax: 4%	295,728	4% surcharge to municipal property tax, maintained annually since 2018
Misc: CCEF event; Website ads, program fees	<u>400</u>	website ads, CCEF event
TOTALS	450,900	
<u>EXPENSES</u>	<u>Budget</u>	-
*BEAUTIFICATION:		
Holiday Decorations	40,000	DD: 60 garland wraps, skyline, 30 banners; Raleigh: 100 candy canes/bells (rentals)
Graffiti Removal Program	10,000	NEW: \$8000 pilot project + additional sites
Gateway Clock Electricity	1,400	PSE&G charges
Sidewalk & Smith St. Parking Lot Cleaning	83,000	AZ: \$1576.92/week + \$1000 reserve
Private Security Cameras	<u>15,000</u>	matching grants for members' installations during Township NPP program
SUBTOTAL	149,400	
MARKETING:		
Business Improvement Matching Grant Program	25,000	matching grants for interior/exterior upgrades & online merchandising subscription
Promotional Mailers/Magazine	42,000	2 issues: Fall and Holiday 2021 mailed to >29,000 Irvington residences website: \$110; social media: \$5624.25; Sidewalk Sale (SWS) banner-\$850; SWS video
Social Media/Advertisements	9,000	-\$900
Promotions (general)	7,000	4 Sidewalk Sales (SWS) through Oct 2021; 2 SWS in May & June, 2022
Holiday Santa's Photos	2,000	film, treats, costumed characters, ads NEW: quarterly activities thru ICC to benefit non-retail ISABID mbrs (i.e., health & job
Professional/Service Member Events	<u>10,000</u>	fair,
SUBTOTAL	95,000	economic/residential development seminar; holiday business networking mixer)
<u>OPERATIONS</u>		
Administration	60,000	FTM manager & consultant services (3rd party contractor)
Organizational Expenses	2,000	Telephone, Annual Report, stamps, copies, PO Box fee, etc.
Professional Fees	9,000	Audit: \$6400; General liability & Directors/Officers insurance policies: \$1936.10
Staff/Board Training	<u>500</u>	Board meeting breakfasts, seminars, subscriptions
SUBTOTAL	71,500	

<u>RESERVE</u>		
Capital Improvements, Beautification, etc.	125,000	PSEG pole electrification pending; unanticipated expenses & line item overages
Donations	<u>10,000</u>	\$2000 Scholarship/ICC Awards Dinner/community requests
SUBTOTAL	135,000	
Total Expenditures	450,900	

WHEREAS, N.J.S.A. 40:56-84 requires that the budget for Special Improvement Districts be introduced in writing at a meeting of the Municipal Council for approval; and

WHEREAS, the Springfield Avenue Center Special Improvement District introduced its FY 2021-2022 budget with a report that explains how the budget contributes to goals and objectives for the special improvement district:

NOW, BE IT THEREFORE RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON the Municipal Council of the Township of Irvington, New Jersey does hereby approve the detailed annual budget for the Springfield Avenue Center Special Improvement District for 2021-2022 and that this approval is subject to all requirements of N.J.S.A. 40:56-84, which includes public notice and hearing.

Adopted

Hudley – Frederic 7. Authorize Cancellation of Special Emergency Appropriation In The Amount of \$829,518.00

Township Of Irvington

Resolution Authorizing the Cancellation of a Special
Emergency Appropriations not require in the
amount of \$829,518.00

WHEREAS, the Township of Irvington, in the County of Essex and State of New Jersey that the Township adopted Ordinance Number MC-3747 on December 14, 2020 appropriating \$3,200,000.00 attributable to any operating deficit directly attributable to COVID-19.

WHEREAS, the Township did not require the full amount of financial assistance to offset the operating deficit attributable to COVID-19,

WHEREAS, that the Special Emergency Appropriation in the amount of \$3,200,000.00 to be reduced to \$2,370,482.00, cancelling \$829,518.00 as of September 27, 2021.

NOW THEREFORE BE IT RESOLVED that the Mayor and Council of the Township of Irvington, County of Essex does hereby cancel the Special Emergency Appropriation not required in the amount of \$829,518.00 as of September 27, 2021.

That a copy of this resolution be sent to the Director of the Division of Local Government Services.

Adopted

Burgess - Frederic

8. Resolution to Award \$10,000.00 CDBG CARES Act (COVID-19) Business Economic Relief Grant to Arnav Liquor, Inc., Doing Business As Irvington Discount Liquor

Resolution to Award CDBG CARES Act (COVID-19) Business Economic Relief Grant to Arnav Liquor, Inc. dba/Irvington Discount Liquor

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

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

WHEREAS, the DEDGO has determined that Arnav Liquor, Inc dba/Irvington Discount Liquor upon review meets the requirements to receive CDBG CARES Act COVID-19 Grant Funds and that the use of such funds will further and enhance the economic development activities of the Township;

WHEREAS, the Township of Irvington wishes to award Business Economic Relief Grant Funds in the amount **\$10,000.00** to **Arnav Liquor, Inc. dba/Irvington Discount Liquor** a Liability Limited Company under the laws of the State of New Jersey with a principal business located at **876 Springfield Ave Irvington, NJ**;

WHEREAS, the DEDGO has allocated sufficient CDBG Cares Act funds to fund a proposed grant agreement in the amount of **\$10,000.00 with the Arnav Liquor, Inc. dba/Irvington Discount Liquor**; and,

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

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

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

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

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

1. The Mayor and the Township Clerk are hereby authorized and directed to execute an agreement with **Arnav Liquor, Inc. dba/Irvington Discount Liquor awarded COVID-19 Small Business Economic Relief Grant in the amount of \$10,000.00.**

2. Pursuant to N.J.A.C. 5:34-5.2, the required certificate of Availability of Funds No. **C2100027** in the amount of **\$10,000.00** for the above has been obtained from the Chief Financial Officer of the Township of Irvington. The appropriation to be charged for this expenditure is Account No. **T-21-41-850-20G-801.**

Adopted

Frederic – Beasley

9. Resolution to Award \$6,000.00 CDBG CARES Act (COVID-19) Business Economic Relief Grant to Gifted Hands Unisex Salon

Resolution to Award CDBG CARES Act (COVID-19) Business Economic Relief Grant to Gifted Hands Unisex Salon

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

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

WHEREAS, the DEDGO has determined that Gifted Hands Unisex Salon upon review meets the requirements to receive CDBG CARES Act COVID-19 Grant Funds and that the use of such funds will further and enhance the economic development activities of the Township;

WHEREAS, the Township of Irvington wishes to award Business Economic Relief Grant Funds in the amount **\$6,000.00** to **Gifted Hands Unisex Salon** a Liability Limited Company under the laws of the State of New Jersey with a principal business located at **1225 Springfield Ave Irvington, NJ;**

WHEREAS, the DEDGO has allocated sufficient CDBG Cares Act funds to fund a proposed grant agreement in the amount of **\$6,000.00 with the Gifted Hands Unisex Salon;** and,

WHEREAS, the U.S. Department of Housing and Urban Development has issued federal regulations which revise 24 CFR 570 Sub-Part J, requiring all CDBG recipients to enter into formal legal agreements

with private businesses called "CDBG sub-recipients", in order for these organizations to receive CDBG funding from the Township of Irvington; and

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

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

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

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

1. The Mayor and the Township Clerk are hereby authorized and directed to execute an agreement with **Gifted Hands Unisex Salon awarded COVID-19 Small Business Economic Relief Grant in the amount of \$6,000.00.**

2. Pursuant to N.J.A.C. 5:34-5.2, the required certificate of Availability of Funds No. **C2100028** in the amount of **\$6,000.00** for the above has been obtained from the Chief Financial Officer of the Township of Irvington. The appropriation to be charged for this expenditure is Account No. **T-21-41-850-20G-801**

Adopted

Beasley – Frederic

10. Award An Emergency Contract To Repair Town Hall Boiler
- Limbach Company, LLC - \$28,675.00

RESOLUTION TO AWARD AN EMERGENCY CONTRACT TO REPAIR TOWN HALL BOILER

WHEREAS, On September 2, 2021 as a result of Hurricane Ida the basement of Town Hall flooded causing damage to the boiler and:

WHEREAS, the work needed to repair the boiler was beyond the current capabilities of the Department of Public Works and it is not practical for the Department of Public Works, and

WHEREAS, this situation constitutes a threat to public health, safety and welfare and the Director of Public has declared an emergency, and;

WHEREAS, State Contractor vendor Limbach Company, LLC, 44 West Ferris St., Ste D, East Brunswick, NJ 08816, 732-783-7217 provided a quote to replace the damaged parts of the boiler for the total sum of \$28,675.00 and;

WHEREAS, the Business Administrator has concurred with the amount and recommends that an emergency contract be awarded to Limbach Company, LLC, 44 West Ferris St., Ste D, East Brunswick, NJ 08816, 732-783-7217 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 to authorize an emergency contract in the amount of \$28,675.00 to Limbach Company, LLC, 44 West Ferris St., Ste D, East Brunswick, NJ 08816, 732-783-7217 to repair the damaged parts of the boiler located at Town Hall and;

BE IT FURTHER RESOLVED, that the required certification of availability of funds C21-00122 from account number C-04-56-852-019-905 has been obtained from the Chief Financial Officer to repair the damaged boiler.

Adopted

Beasley - Frederic	11. Authorize A Change Order For Asbestos Abatement Of Heating System Pipes in Town Hall Boiler Room - VMC - \$14,600.00
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A RESOLUTION AUTHORIZING A CHANGE ORDER FOR ASBESTOS ABATEMENT OF HEATING SYSTEM PIPES, TUNNELS AND CRAWL SPACE

WHEREAS, a contract was awarded to VMC, by resolution number DPW 21-0809-26, in the amount of \$133,000.00 for Asbestos Abatement of Heating System Pipes, Tunnels and Crawl Space; and

WHEREAS, the Administration accepted the recommendation of our Asbestos Monitoring Firm EnviroVision and the HVAC State Contractor, for reasons of safety and cost efficiency to remove breeching insulation in Town hall boiler room; and

WHEREAS, this additional request will increase the service contract by \$14,400.00 plus \$200.00 for the NJ DOL amended notification fee for a total of \$14,600.00; and

NOW THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that an additional \$14,600.00 will be paid to VMC for removal of breeching insulation in Town hall boiler room; and

NOW THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON, that the Mayor be and is hereby authorized to execute Change Order #1 with VMC for the removal of breeching insulation in Town hall boiler room increasing the total contract to \$147,600.00; and

BE IT RESOLVED, that the required certification of availability of funds C21-00124 in the amount of \$14,600.00 from account number C-04-56-852-019-905 has been obtained from the Chief Financial Officer.

Adopted

Beasley - Frederic

12. Establish Handicap Parking Space in Front of 395 Union 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 **395 UNION 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 **395 UNION AVENUE**; and

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

Adopted

10. Communication and Petitions

A. Communications

None

11. Pending Business

None

NON-CONSENT AGENDA ITEMS

9. Resolutions and Motions (Continued)

A. Resolutions

13. President Burgess: An amendment to the Calendar Year 2021 Municipal Budget was introduced on September 13, 2021, published in the Irvington Herald on September 16, 2021 and public hearing scheduled for this date time and place. The Clerk will read the notice of hearing.

The Clerk will read the Calendar Year 2021 Budget Amendment

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Whereas, the local Municipal Budget for the CY 2021 was approved on 28th day of May, 2021, and

WHEREAS, the public hearing on a said Budget has been held as advertised, on August 9, 2021 and

WHEREAS, it is desired to amend said approved Budget, now

THEREFORE BE IT RESOLVED, by the Governing Body of the Township of Irvington, County of Essex, that the following amendments to the approved Budget of CY 2021 be made:

	((
	(Abstained	(
	(((
	(((
RECORDED VOTE	Ayes	(Nays	(
	((Absent	(
				From	To
General Revenues					
1. Surplus Anticipated					1
			3,500,000.00		,904,875.93
2. Surplus Anticipated with Prior Written Consent of Director of Local Government Services			-		-
3. Miscellaneous Revenue-Section A: Local Revenue					
Interest and Cost on Taxes					2
			2,200,000.00		,175,483.24
Total Section A: Local Revenue					
			12,164,905.00		12,140,388.24
3. Miscellaneous Revenue-Section B: State Aid Without Offsetting Appropriations					
Total Section B: Local Revenue					
			11,641,170.00		11,641,170.00
3. Miscellaneous Revenue-Sections C: Dedicated Uniform Construction Code Fee					
Offset with Appropriations					
Total Section C: Local Revenue					
			544,000.00		544,000.00
3. Miscellaneous Revenues - Section F: Special Items of General Revenue Anticipated with					
Prior written Consent of Director of Local Government Services- Public and Private					
Revenues Offset with Appropriations: State & Federal Grants					
Body Armor - Unappropriated			-		30,663.71
2020 Census Grant - Unaspirated			-		40,000.00
Total Section F: Special Items of General Revenue Anticipated, Public and Private					

Revenue Offset with Appropriations:		
3. Miscellaneous Revenue - Section G: Special Items of General Revenue	6,299,957.25	6,370,620.96
Anticipated with		
Prior Written Consent of Director of Local Government Services - Other	3,239,443.87	4,790,659.86
Special items American Rescue Funds Shortfall		
Total Section G: Special Items of General revenue anticipated	6,854,596.10	8,405,812.09
with prior written consent of the Director of Local		
Government Services	2,878,500.00	2,878,500.00
 4. Receipts from Delinquent Taxes	 3,500,000.00	 1,904,875.93
<u>Summary of Revenues</u>		
1. Total Surplus Anticipated	-	-
2. Surplus Anticipated with Prior Witten Consent of Director of Local Government Services	12,164,905.00	12,140,388.24
3. Miscellaneous Revenues:		
Total Section A: Local Revenue	11,641,170.00	11,641,170.00
Total Section B: State Aid without Offsetting Appropriations:	544,000.00	544,000.00
Total Section C: Dedicated Uniform Construction Code Fees offset with Appropriations	-	-
Total Section D: Special Items of General Revenue, Inter local Muni. Services	-	-
Total Section E: Special Items of General Revenue, Additional Revenue	6,299,957.25	6,370,620.96
Total Section F: Special Items of General Revenue, Public and Private Revenue	6,854,596.10	8,405,812.09
Total Section G: Special items of General Revenue, Other Special Item Total Miscellaneous Revenue	37,504,628.35	39,101,991.29
4. Receipts from Delinquent Taxes	2,878,500.00	2,878,500.00
5. Subtotal General Revenues (Items 1,2,3 and 4)	43,883,128.35	43,885,367.22
6. Amount to be Raised by Taxes for support of Municipal Budget		
a) Local Tax for Municipal Purposes Including Reserve for Uncollected Taxes	77,853,000.76	77,853,000.76
b) Addition to Local District School Tax	3,314,468.43	3,336,306.25
c) Minimum Library Tax		
7. TOTAL GENERAL REVENUES	746,286.26	746,286.26
	\$	\$
	125,796,883.80	125,820,960.49

8. GENERAL APPROPRIATIONS

(A) Operations Within "CAPS"

Total Operations (Item 8 (A) Within "CAPS"

80,233,187.35 80,233,187.35

(E) Deferred Charges and Statutory Expenditures - Municipal Within "CAPS"

1. Deferred Charges

Overexpenditures Appropriations 2019

659,135.00 -

Deficit in Health Benefit Trust

602,407.00 -

Overexpenditure of Economic Development CDBG Trust Fund

311.54

Overexpenditures Appropriations 2019

1,206,742.44

Public Employees' Retirement System

1,872,629.00 1,872,903.00

Total Deferred Charges and Statutory Expenditures - Within "CAPS"

14,371,890.95 14,317,676.93

(H-1) Total General Appropriations for Municipal Purposes Within "CAPS"

94,605,078.30 94,550,864.28

8. GENERAL APPROPRIATIONS

(A) Operations - Excluded from "CAPS"

Municipal Library

-
-
-

Total Other Operations - Excluded from "CAPS"

6,225,628.00 6,225,628.00

(A) Operations - Excluded from "CAPS"

Body Armor - Unappropriated

-
30,663.71

2020 Census Grant - Unappropriated

-

Public and Private Programs Offset by Revenues

40,000.00

Total Public and Private Program Offset By Revenue

6,304,290.25 6,374,953.96

Total Operations Excluded from "CAPS"

12,529,918.25 12,600,581.96

8. General Appropriations

(C) Total Capital Improvements - Excluded from "CAPS"

Total Capital Improvements - Excluded from "CAPS"

50,000.00 50,000.00

(D) Municipal Debt Service - Excluded from "CAPS"

Interest on Notes

-
-

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Essex County Capital Lease	562,273.00	569,900.00
Total Municipal Debt Service - Excluded from 'CAPS'	7,148,374.22	7,156,001.22
(E) Deferred Charges - Municipal - Excluded from "CAPS"		
Special Emergency Authorization 5 year		-
		-
Total Deferred Charges - Municipal- Excluded from "CAPS"	487,206.78	487,206.78
(H-2) Total General Appropriations for Municipal Purposes Excluded from "CAPS"	20,215,499.25	20,293,789.96
(I) Type 1 District School Debt Services		
Interest on Notes		-
		-
Total Local School Purposes	6,026,306.25	6,026,306.25
(O) Total General Appropriations - Excluded from "CAPS"	26,241,805.50	26,320,096.21

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(L) Subtotal General Appropriations {items (H-1) and (O)}		
(M) Reserve for Uncollected Taxes	120,846,883.80	120,870,960.49
9. Total General Appropriation		
	4,950,000.00	4,950,000.00
Summary of Appropriations:		
(H-1) Total General Appropriations for	\$	\$
Municipal Purposes within "CAPS"	125,796,883.80	125,820,960.49
(a) Operations - Excluded from "CAPS"		
Other Operations	94,605,078.30	94,550,864.28
Public & Private Progs Offset by Revenues	-	-
(C) Capital Improvement		
(D) Municipal Debt Service	6,225,628.00	6,225,628.00
(E) Total Deferred & Statutory Charges - Excluded from "CAPS"		
(F) Judgments	6,304,290.25	6,374,953.96
(G) Cash Deficit - With Prior Consent of LFB		
(K) Local District School Purpose	50,000.00	50,000.00
(N) Transferred to Board of Education	7,148,374.22	7,156,001.22
(M) Reserve for Uncollected Taxes		
	487,206.78	487,206.78
9. Total General Appropriation		-
	-	-
BE IT FURTHER RESOLVED, that three certified copies of this resolution be filed in the Office of the Director of the Division of Local Government Services for his certification of the 2021 Local Municipal Budget so amended	6,026,306.25	6,026,306.25
	-	-
BE IT FURTHER RESOLVED, that this complete amendment, in accordance with the provisions of N.J.S 40A:4-9, be published in the Irvington Herald in the issue of _09/23/2021 and the said publication contain notice of public hearing on said amendment to be held at Town Hall on September 27, 2021 at 1 Civic Square, Irvington, NJ at 7:30 P.M, virtually via Zoom. Please monitor the township's website at www.irvington.net or e-mail the Township Clerk's Office at townclerk@irvingtonnj.org for instructions on how to access the meeting.	4,950,000.00	4,950,000.00
	\$	\$
	125,796,883.80	125,820,960.49

It is hereby certified that this is a true copy of resolution
amending the budget, adopted by the Governing Body on 27th
day of September, 2021

Harold Weiner, Municipal Clerk

It is hereby certified that all changes are in proof and the budget remains in balance

Faheem J. Ra' Oof, CPA, Director of Revenue & Finance

Adopted

The public hearing on the Calendar Year 2021 Budget Amendment is now open.

Frederic - Hudley Motion to close public hearing

Adopted

Frederic - Hudley Motion to adopt Calendar Year 2021 Budget Amendment

Adopted

Frederic – Hudley Motion to Adopt the Calendar Year 2021 Budget As Amended

Adopted

8. Ordinances, Bills & Claims (continued)

B. Ordinances on 2nd Reading

1. President Burgess: an ordinance amending an ordinance prohibiting prohibit parking too close to driveways by removing Argyle Terrace will be heard at this time. The Clerk will read the notice of hearing.

The Clerk will read the ordinance by title.

AN ORDINANCE AMENDING SECTION 620-19.1 OF THE REVISED CODE REGARDING PARKING TOO CLOSE TO A DRIVEWAY BY REMOVING THEREFROM ARGYLE TERRACE IN ITS ENTIRETY.

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

SECTION 1. Section 620-19.1 of the Revised Code of the Township of Irvington is hereby amended by deleting therefrom Argyle Terrace in its entirety.

SECTION 2. All ordinances or parts of ordinances inconsistent or in conflict with the provisions of the within ordinance are hereby repealed to the extent of any conflict or inconsistency therewith.

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

The public hearing on this ordinance is now open.

Hudley – Beasley Motion to close public hearing.

Adopted

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

Adopted

2. President Burgess: an ordinance amending an ordinance regulating cannabis to include Planning Board's recommendations 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 REGULATE CANNABIS IN THE TOWNSHIP OF IRVINGTON

BE IT ORDAINED BY THE TOWNSHIP OF IRVINGTON AS FOLLOWS:

CANNABIS OPERATORS

A. Enabling authority. The requirements of this section are subject to the enabling authority of the State of New Jersey and are subject to compliance with all statutes and/or regulations adopted by the State of New Jersey or its instrumentalities. If any provision of this section is inconsistent with the statutes and/or regulations of the State of New Jersey, the state statutes and/or regulations shall govern.

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

CANNABIS

All parts of the plant *Cannabis sativa* L., whether growing or not, the seeds thereof, and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its seeds, except those containing resin extracted from the plant, which are cultivated and, when applicable, manufactured in accordance with [P.L.2021, c. 16 \(C.24:6I-31 et al.\)](#) for use in cannabis products as set forth in this act, but shall not include the weight of any other ingredient combined with cannabis to prepare topical or oral administrations, food, drink, or other product. "Cannabis" does not include: medical cannabis dispensed to registered qualifying patients pursuant to the "Jake Honig Compassionate Use Medical Cannabis Act," [P.L.2009, c. 307 \(C.24:6I-1 et al.\)](#) and [P.L.2015, c. 158 \(C.18A:40-12.22 et al.\)](#); marijuana as defined in [N.J.S.2C:35-2](#) and applied to any offense set forth in chapters 35, 35A, and 36 of Title 2C of the New Jersey Statutes, or [P.L.2001, c. 114 \(C.2C:35B-1 et seq.\)](#), or marihuana as defined in section 2 of P.L.1970, c. 226 ([C.24:21-2](#)) and applied to any offense set forth in the "New Jersey Controlled Dangerous Substances Act," P.L.1970, c. 226 ([C.24:21-1 et al.](#)); or hemp or a hemp product cultivated, handled, processed, transported, or sold pursuant to the "New Jersey Hemp Farming Act," [P.L.2019, c. 238 \(C.4:28-6 et al.\)](#).

CANNABIS DELIVERY SERVICE

Any licensed person or entity that provides courier services for consumer purchases of cannabis items and related supplies fulfilled by a cannabis retailer in order to make deliveries of the cannabis items and related supplies to that consumer, and which services include the ability of a consumer to purchase the cannabis items directly through the cannabis delivery service, which after presenting the purchase order to the cannabis retailer for fulfillment, is delivered to that consumer. This person or entity shall hold a Class 6 Cannabis Delivery license issued pursuant to CREAMMA.

CANNABIS EXTRACT

A substance obtained by separating resins from cannabis by: (1) a chemical extraction process using a hydrocarbon-based solvent, such as butane, hexane, or propane; (2) a chemical extraction process using the hydrocarbon-based solvent carbon dioxide, if the process uses high heat or pressure; or (3) any other process identified by the Cannabis Regulatory Commission by rule or regulation.

CANNABIS FLOWER

The flower of the plant Cannabis sativa L. within the plant family Cannabaceae.

CANNABIS OPERATOR

A person or entity that is authorized to conduct operations as a Retailer or Manufacturer in accordance with a Cannabis Permit issued by a Cannabis Permitting Authority and pursuant to CREAMMA and its implementing regulations.

CANNABIS ITEM

Any usable cannabis, cannabis product, cannabis extract, and any other cannabis resin. “Cannabis item” does not include: any form of medical cannabis dispensed to registered qualifying patients pursuant to the Jake Honig Compassionate Use Medical Cannabis Act, [P.L.2009, c. 307 \(C.24:6I-1 et al.\)](#) and [P.L.2015, c. 158 \(C.18A:40-12.22 et al.\)](#); or hemp or a hemp product cultivated, handled, processed, transported, or sold pursuant to the New Jersey Hemp Farming Act, [P.L.2019, c. 238 \(C.4:28-6 et al.\)](#).

CANNABIS LEAF

The leaf of the plant Cannabis sativa L. within the plant family Cannabaceae.

CANNABIS MANUFACTURER

Any licensed person or entity that processes cannabis items in this State by purchasing or otherwise obtaining usable cannabis, manufacturing, preparing, and packaging cannabis items, and selling, and optionally transporting, these items to other cannabis manufacturers, cannabis wholesalers, or cannabis retailers, but not to consumers. This person or entity shall hold a Class 2 Cannabis Manufacturer license issued pursuant to CREAMMA.

CANNABIS PERMIT OR LICENSE

The document or documents, also referred to as a license, issued by the Division of Medicinal Marijuana within the New Jersey Department of Health, or the New Jersey Cannabis Regulatory Commission, or other state agency or entity or successor state agency or entity authorized to issue a medical cannabis dispensary permit/license or adult-use cannabis dispensary permit/license.

CANNABIS PERMITTING AUTHORITY

The Division of Medicinal Marijuana within the New Jersey Department of Health and/or New Jersey Cannabis Regulatory Commission and/or any other state agency or entity or successor state agency or entity with the statutory and regulatory authority to issue medical cannabis dispensary permits or permit endorsements.

CANNABIS PRODUCT

A product containing usable cannabis, cannabis extract, or any other cannabis resin and other ingredients intended for human consumption or use, including a product intended to be applied to the skin or hair, edible cannabis products, ointments, and tinctures. “Cannabis product” does not include: (1) usable cannabis by itself; or (2) cannabis extract by itself; or (3) any other cannabis resin by itself.

CANNABIS RESIN

The resin extracted from any part of the plant *Cannabis sativa* L., including cannabis extract and resin extracted using non-chemical processes, processed and used in accordance with [P.L.2021, c. 16 \(C.24:6I-31 et al.\)](#). “Cannabis resin” does not include: any form of medical cannabis dispensed to registered qualifying patients pursuant to the “Jake Honig Compassionate Use Medical Cannabis Act,” [P.L.2009, c. 307 \(C.24:6I-1 et al.\)](#) and [P.L.2015, c. 158 \(C.18A:40-12.22 et al.\)](#); hashish as defined in [N.J.S.2C:35-2](#) and applied to any offense set forth in chapters 35, 35A, and 36 of Title 2C of the New Jersey Statutes, or [P.L.2001, c. 114 \(C.2C:35B-1 et seq.\)](#), or as defined in section 2 of P.L.1970, c. 226 ([C.24:21-2](#)) and applied to any offense of the “New Jersey Controlled Dangerous Substances Act,” P.L.1970, c. 226 ([C.24:21-1 et al.](#)); or hemp or a hemp product cultivated, handled, processed, transported, or sold pursuant to the “New Jersey Hemp Farming Act,” [P.L.2019, c. 238 \(C.4:28-6 et al.\)](#).

CANNABIS RETAILER

Any licensed person or entity that purchases or otherwise obtains usable cannabis from cannabis cultivators and cannabis items from cannabis manufacturers or cannabis wholesalers, and sells these to consumers from a retail store, and may use a cannabis delivery service or a certified cannabis handler as set forth in N.J.S.A. 24:6I-44 for the off-premises delivery of cannabis items and related supplies to consumers. A cannabis retailer shall also accept consumer purchases to be fulfilled from its retail store that are presented by a cannabis delivery service which will be delivered by the cannabis delivery service to that consumer. This person or entity shall hold a Class 5 Cannabis Retailer license issued pursuant to CREAMMA.

CANNABIS WHOLESALE

Any licensed person or entity that purchases or otherwise obtains, stores, sells or otherwise transfers, and may transport, cannabis items for the purpose of resale or other transfer to either another cannabis wholesaler or to a cannabis retailer, but not to consumers. This person or entity shall hold a Class 3 Cannabis Wholesaler license issued pursuant to CREAMMA.

CONSUMER

A person 21 years of age or older who purchases, directly or through a cannabis delivery service, acquires, owns, holds, or uses cannabis items for personal use by a person 21 years of age or older, but not for resale to others.

CONSUMPTION

The act of ingesting, inhaling, or otherwise introducing cannabis items into the human body.

CREAMMA

The New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act (Approved February 22, 2021).

DELIVERY

The transportation of cannabis items and related supplies to a consumer. “Delivery” also includes the use by a licensed cannabis retailer of any third party technology platform to receive, process, and fulfill orders by consumers, provided that any physical acts in connection with fulfilling the order and delivery shall be accomplished by a cannabis handler certified in accordance with N.J.S.A. 24:61-44 performing work for or on behalf of the licensed Cannabis Retailer, which includes a certified cannabis handler employed or otherwise working on behalf of a Cannabis Delivery Service making off-premises deliveries of consumer purchases fulfilled by that Cannabis Retailer.

HONIG ACT

The Jake Honig Compassionate Use Medical Cannabis Act. (Approved July 2, 2019), P.L. 2019, c. 153, revising and supplementing P.L. 2009, c. 307: N.J.S.A. 24:61-1 et seq.

PREMISES OR LICENSED PREMISES

Includes the following areas of a location licensed under [P.L.2021, c. 16 \(C.24:61-31](#) et al.): all public and private enclosed areas at the location that are used in the business operated at the location, including offices, kitchens, rest rooms, and storerooms; all areas outside a building that the Cannabis Regulatory Commission has specifically licensed for the production, manufacturing, wholesaling, distributing, retail sale, or delivery of cannabis items; and, for a location that the commission has specifically licensed for the production of cannabis outside a building, the entire lot or parcel that the licensee owns, leases, or has a right to occupy.

PUBLIC PLACE

Any place to which the public has access that is not privately owned; or any place to which the public has access where alcohol consumption is not allowed, including, but not limited to, a public street, road, thoroughfare, sidewalk, bridge, alley, plaza, park, playground, swimming pool, shopping area, public transportation facility, vehicle used for public transportation, parking lot, public library, or any other public building, structure, or area.

USABLE CANNABIS

The dried leaves and flowers of the female plant Cannabis sativa L., and does not include the seedlings, seeds, stems, stalks, or roots of the plant.

C. General. Standards and guidelines set forth in this section shall supersede other requirements of the zone district in which the dispensary is to be located to the extent they are inconsistent with the requirements for Cannabis Operators set forth herein. Where bulk regulations, parking requirements, or other provisions of the Zoning Code are not specifically stated, the underlying zoning standards and guidelines shall prevail.

D. Required approvals. Prior to the operation of any Cannabis Operator in the Township of Irvington the following shall be required:

- (1) A Cannabis Operator must obtain a Class 1 (Cultivator), Class 2 (Manufacturer), Class 3 (Wholesaler), Class 4 (Distributor), or Class 5 (Retailer) license issued by the State's Cannabis Regulatory Commission;
- (2) A state and local consumption endorsement must be obtained pursuant to CREAMMA.
- (3) Site plan approval shall be obtained from the Township of Irvington Planning Board or Board of Adjustment, as the case may be;
- (4) A first certificate of zoning compliance shall be obtained along with all necessary building permits for build-out of the Cannabis Operator in accordance with the approved site plan; and
- (5) A final certificate of zoning compliance and certificate of occupancy must be issued.

E. Compliance requirements. A Cannabis Operator established pursuant to this section shall, at all times, operate in complete compliance with the terms and conditions of its Cannabis Permit(s) and any conditions set forth in its site plan approval, and all applicable codes and standards set forth in state codes and the Municipal Code of the Township of Irvington.

F. Permitted zone districts. Cannabis Operators shall be conditionally permitted, as a conditional use, only in the following districts:

- (1) Recreational Cannabis Retailer and Dispensary shall be conditionally permitted in the following districts: B-3 Limited Business, B-4 General Business; and CBD Central Business District, Downtown Mixed-Use.
- (2) Medicinal Cannabis Retailer and Dispensary shall be conditionally permitted in the following districts: B-1 Neighborhood Business district; B-2 Shopping Center; B-3 Limited Business, B-4 General Business; and CBD Central Business District, Downtown Mixed-Use.
- (3) Cultivating, Manufacturing, wholesale, and distributing shall be conditionally permitted in the following districts: M-1 Special Industrial Manufacturing District; M-2 Light Industrial Manufacturing District; M-3 Heavy Industrial Manufacturing District.

Table 1: Permitted Uses in Commercial and Industrial Districts

	B-1	B-2	B-3	B-4	CBD	M-1	M-2	M-3
Principal Use								
Cultivating	-	-	-	-	-	C	C	C
Manufacturing	-	-	-	-	-	C	C	C
Wholesale	-	-	-	-	-	C	C	C
Distributing	-	-	-	-	-	C	C	C
Cannabis Retailer and Dispensary (Recreational)	-	-	C	C	C	-	-	-
Cannabis Dispensary (Medicinal)	C	C	C	C	C	-	-	-

P = Permitted - = Not Permitted C = Conditional Use Only

G. Hours of operation. It shall be unlawful for any person to sell [or dispense] cannabis or cannabis products at a Cannabis Operator within the Township of Irvington at any time other than between the hours of 8:00 a.m. and 8:00 p.m. daily.

H. No Cannabis Operator shall be allowed as a home occupation as defined in Section 650-4.

I. No Cannabis Operator shall be housed in a vehicle or any movable or mobile structure.

J. Site plan approval; minimum requirements; performance standards.

(1) Minimum requirements. In addition to other requirements established by the Township of Irvington, the applicant shall include, at minimum, the following documents as evidence of compliance and good standing in the state and with the municipality.

(a) A letter from the Township of Irvington Director of Public Safety, or his or her designee, stating that the department has reviewed the applicant's safety and security protocols included in the pending application and has found them to be satisfactory.

(2) Performance standards.

(a) Building use. A Cannabis Operator shall only be located on the ground floor (i.e., street level) of any building in which it has been approved to be located unless the medical cannabis dispensary occupies the entire building on the property. Any such medical cannabis dispensary shall be accessible directly from the right-of-way through a separate entrance, independent from any other retail or residential ingress to the building. Only a secured, one-way emergency exit from the establishment may be integrated with common egress.

(b) Bulk and area requirements. Bulk and area requirements shall follow those of the underlying zoning district.

(c) Product display and storage. No cannabis products shall be visible from a public sidewalk, public street or right-of-way, or any other public place. All cannabis products shall be stored securely indoors and on-site.

(d) Consumption. Consumption of cannabis products including smoking, ingestion of edibles or by any other means of consumption shall be not permitted on the premises or adjacent ground of a Cannabis. Consumption shall not be permitted at any public place.

(e) Odor. A Cannabis Operator shall have equipment to mitigate cannabis-related odor. The building shall be equipped with a ventilation system with carbon filters or other filters sufficient in type and capacity to eliminate cannabis odors emanating from the interior of the premises. The filters are required to be replaced regularly for the best effectiveness to mitigate odor. The ventilation system must be approved by the Township of Irvington Health Department and Building Department or designated vendor and may be subject to periodic inspection.

(f) Noise. Outside generators and other mechanical equipment used for any kind of power supply, cooling or ventilation shall be enclosed and have appropriate baffles, mufflers, and/or other noise reduction systems to mitigate noise pollution (See also [need cite]).

(g) Security. All Cannabis Operators shall be secured and shall have full-time security protocols. Security protocols shall be submitted to the Township of Irvington Police Department for compliance review with all safety and security standards established by the State of New Jersey for Cannabis Operators. The Township of Irvington Police Department may, at its discretion and upon review of the proposed location, recommend or require additional safety and security measures. At minimum, the following shall apply:

[1] A video recording security system shall be employed covering all areas of the Cannabis Operator and the adjacent exterior of the building with a 24/7 recording system that records for a minimum thirty-day archive.

[2] The Township of Irvington Police Department and Zoning Officer shall be provided the name and twenty-four-hour phone number of the responsible staff person to notify during suspicious activity or emergency.

[3] Outside areas of the premises shall be well-illuminated for safety and security, but not in a way that is counter to Code requirements for outdoor lighting and screening or obtrusive to pedestrian, drivers or other users of the public right-of-way.

[4] The premises and right-of-way adjacent to the Cannabis Operator shall be monitored by staff of the medical cannabis dispensary and kept free of loitering, litter and other debris, and the sidewalks shall be swept and cleaned on a regular basis.

[5] Consumers shall be screened and demonstrate identification confirming they are ages 21 years old or older.

[6] Capacity. A Cannabis retailer shall permit a maximum of 30 patrons per 1,500 square feet of gross floor area.

(h) Parking. Cannabis Operators shall adhere to the following parking space requirements:

[1] Recreational Retailer and Dispensary: Any recreational retailer with a gross floor area of 1500 or less: None; any recreational retailer with a gross floor area exceeding 1,500 square feet: 1 space per 500 square feet of gross floor area.

[2] Medicinal Dispensary: Shall adhere to the parking requirements of banks, financial and businesses offices and professional and commercial offices (Section 650-33.D.).

[3] Cultivating, manufacturing wholesale or distributing: Shall adhere to the parking requirements of industrial manufacturing establishments (Section 650-33.N.).

(i) Cannabis Operator shall enter into a Community Benefit Agreement.

K. Penalty for violation. Any violation of the provisions of this subsection or the conditions of the zoning permit granted, inclusive of any agreements or conditions imposed by the Planning Board or Board of Adjustment, as the case may be, shall be punishable by a civil fine; minimum fine shall be \$1,000, maximum fine shall be \$2,500. Each day that a violation is committed, exists or continues shall be deemed a separate and distinct offense. In addition, ongoing or repeat offenses may result in suspension of the certificate of occupancy for a period to be determined by the Zoning Officer. All violations will be reported to the appropriate Cannabis Permitting Authority or designated state authority.

L. Suspension of use. If, for any reason, a location occupied by a Cannabis Operator becomes inactive or unoccupied by the approved operator for an uninterrupted period of six months or more, the conditional use approval for said premises may be suspended and the Zoning Officer shall issue a notice of suspension to the operator and to the owner of the property. Any subsequent application for use or occupancy of the premises as a Cannabis Operator, including reoccupation by the previous operator, shall be referred to the original land use board of jurisdiction as a new application.

M. Signage. The following signage regulations shall be enforced:

- (1) One (1) sign shall be permitted per Cannabis Operator.
- (2) Signage shall not be illuminated at any time.
- (3) Signage shall comply with the requirements of Section 650-31 of the Township's Zoning Ordinance.
- (4) The following words shall be prohibited: "cannabis", "marijuana", and "weed".

The public hearing on this ordinance is now open.

Beasley - Hudley

Motion to close public hearing.

Adopted

Beasley – Hudley

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

Adopted

3. President Burgess: An ordinance authorizing the purchase and sale agreement with The New Jersey Schools Development Authority providing for the acquisition of various properties in furtherance of the East Ward/East Springfield Avenue Redevelopment Plan 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.

ORDINANCE OF THE TOWNSHIP OF IRVINGTON IN THE COUNTY OF ESSEX, STATE OF NEW JERSEY, AUTHORIZING THE TOWNSHIP TO ENTER INTO A PURCHASE AND SALE AGREEMENT WITH THE NEW JERSEY SCHOOLS DEVELOPMENT AUTHORITY, PROVIDING FOR THE ACQUISITION OF PROPERTY LOCATED IN THE EAST WARD/EAST

SPRINGFIELD AVENUE REDEVELOPMENT AREA IDENTIFIED IN THE TOWNSHIP TAX RECORDS AS BLOCK 144, LOTS 5, 6, 10, 11 & 12; BLOCK 145, LOTS 3, 6, 8 & 11; BLOCK 146, LOTS 1, 3, 4, 6, 11 & 12; BLOCK 147, LOTS 1, 2, 3, 6, 7, 8, 9, 10, 16, 18, 19, 24, 27, 28, 29, 30, 34 & 40 IN FURTHERANCE OF THE EAST WARD / EAST SPRINGFIELD AVENUE REDEVELOPMENT PLAN

WHEREAS, the Township of Irvington (the “Township”) is a public body corporate and politic of the State of New Jersey, and, pursuant to N.J.S.A. 40A:12A-4 of the New Jersey Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. (the “**LRHL**”), the Township has determined to act as the “redevelopment entity” (as such term is defined at N.J.S.A. 40A:12A-3) for the East Ward/East Springfield Avenue Redevelopment Area and to exercise the powers contained in the LRHL to facilitate redevelopment; and

WHEREAS, the New Jersey Schools Development Authority (“**NJSDA**”) is the owner of certain real property shown on the tax map of the City as Block 144, Lots 5, 6 and 10 through 12, Block 145, Lots 3, 6, 8 and 11, Block 146, Lots 1, 3, 4, 6, 11 and 12 and Block 147, Lots 1 through 3, 6 through 10, 16, 18, 19, 24, 27 through 30, 34 and 40, (the “**Properties**”) which are located in East Ward/East Springfield Avenue Redevelopment Area and subject to the East Ward/East Springfield Avenue Redevelopment Plan; and

WHEREAS, the Township wishes to acquire the Properties for public purposes as are authorized by the LRH; and

WHEREAS, pursuant to N.J.S.A. 40A:12A-8(b), N.J.S.A. 40A:12A-22(i) and N.J.S.A. 40A:12A-22(o) of the LRHL, the Township may acquire property; and

WHEREAS, the Township desires to purchase the Properties from NJSDA for a price of Four Hundred Fifty Thousand Dollars (\$450,000.00) (the “**Purchase Price**”), pursuant to the terms of a purchase and sale agreement, substantially in the form attached hereto as **Exhibit A** (the “**PSA**”), negotiated between the Township and NJSDA; and

NOW THEREFORE, BE IT ORDAINED Township Council of the Township of Irvington, County of Essex, and the State of New Jersey, as follows:

Section 1. The aforementioned recitals are hereby incorporated by reference as if fully set forth herein.

Section 2. The Township Council approves the PSA in substantially the form attached hereto as **Exhibit A**, together with any changes, insertions and omissions, after the Mayor’s consultation with counsel to the Township, deem in their collective discretion to be necessary or desirable for the execution thereof.

Section 3. The Mayor and other necessary and desirable Township officials/employees and Township consultants are authorized to execute, deliver and administer the PSA, and take any other necessary actions or refrain from taking actions, execute and deliver documents and/or agreements that are reasonable and necessary to effectuate the PSA, this Ordinance and to close on the purchase of the Properties.

Section 4. The Township Council further authorizes the acquisition of, and closing on the purchase of the Properties from NJSDA in accordance with the PSA and the Mayor and other necessary and desirable Township officials/employees are hereby authorized to accept the Deed to the Properties and any and all associated documents by and between NJSDA and the Township, and any other documents in accordance with the PSA and this Ordinance as reasonably required to effectuate said purchase.

Section 7. If any part of this Ordinance shall be deemed invalid, such parts shall be severed and the invalidity thereby shall not affect the remaining parts of this Ordinance.

Section 8. This Ordinance shall take effect upon final passage and publication according to law.

EXHIBIT A

FORM OF PURCHASE AND SALE AGREEMENT

(ON FILE IN THE OFFICE OF COMMUNITY DEVELOPMENT & PLANNING)

The public hearing on this ordinance is now open.

Evans – Beasley

Motion to close public hearing.

Adopted

Evans – Beasley

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

Adopted

ALCOHOLIC BEVERAGE CONTROL BOARD

SEPTEMBER 27, 2021

1. Chair Cox calls the Meeting to Order

Roll Call

2. New Business

Cox – Burgess

2. Renewal of ABC Pocket Distribution License With 12-39 Special Ruling - Dhanshree, Inc

WHEREAS, the following named individuals, partnerships or corporations, being applicants for Plenary Retail Consumption Licenses for the year 2021-2022, to sell alcoholic beverages under the provisions of N.J.S.A. Title 33 having been investigated as required by said Law, and the Alcoholic Beverage Control Board being satisfied that said applicants in all things have met the requirements of the law and are suitable and proper individuals, partnerships or corporation to whom Plenary Retail Consumption Licenses for the sale of alcoholic beverages should be issued:

NOW THEREFORE BE IT RESOLVED BY THE MUNICIPAL COUNCIL ACTING AS THE ALCOHOLIC BEVERAGE CONTROL BOARD OF THE TOWNSHIP OF IRVINGTON that permanent Plenary Retail Consumption Licenses be issued to the following named individual, partnerships and corporations for the sale of alcoholic beverages in original containers for consumption off the licensed premises for the year 2021-2022 at the address set opposite their respective name, viz:

LICENSE NUMBER	NAME	ADDRESS
0709-44-012-005	Dhanshree, Inc. 170 Hayes Miill Road Atco, NJ 08004	(Pocket with Special 12:39 State ABC Ruling)

BE IT FURTHER RESOLVED that the said licenses be issued in the name and under the seal of the Township of Irvington and be signed by a representative of the License Bureau, in order to fulfill the provisions of the Irvington Township Code, known as Ordinance MC 3635, which license, after being so signed, shall be released by the License Bureau to the licensee.

Adopted

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

There were no requests to be heard.

President Burgess thanked those members of the public logging into this meeting, but not requesting to speak for their civic Involvement with the community.

13. Adjournment

There being no further business, the meeting was adjourned at 7:46 P.M.

Renee C. Burgess, Council President

Harold E Wiener, Municipal Clerk