

REGULAR COUNCIL MEETING
FEBRUARY 28, 2022

Virtual Zoom Meeting
Irvington, N.J. – Monday Evening
February 28, 2022 - 7:30 P.M.

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

Present: Jamillah Z. Beasley, Vernal Cox, Sean C. Evans, Charnette Frederic, October Hudley, Orlander G. Vick, Renee C. Burgess, President (arrived 7:39 P.M.)

Absent: None

Acting President Hudley 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 – January 24, 2022 To January 28, 2022
2. Municipal Court – Weekly Summary Report – February 7, To February 11, 2022
3. Municipal Court – Weekly Summary Report – January 31, 2022 To February 4, 2022
4. Joint Meeting – Minutes – December 16, 2021
5. Joint Meeting – December 16, 2021 Resolutions
6. Joint Meeting – Annual Report of Sewer Contributions for The Purpose of Assessment - 2022

7. Reports of Committees

- A. Bid Results - Certified & Licensed Lead Contractors- February 8, 2022

8. Ordinances, Bills & Claims

A. Ordinances on First Reading

None

C. Bills & Claims

Cox – Evans

1. Bill Lists

RESOLVED THAT THE BILLS AND CLAIMS AGAINST THE TOWNSHIP OF IRVINGTON FOR A PERIOD FEBRUARY 28, 2022 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

Calendar Year 2022	\$5,224,123.89
--------------------	----------------

Adopted
Absent: Burgess

Cox – Evans

2. Payrolls

February 11, 2022

REGULAR	OVERTIME	OTHER	TOTAL
\$1,662,634.85	\$279,857.51	\$200,585.02	\$2,143,077.38

Adopted
Absent: Burgess

9. Resolutions and Motions

A. Resolutions

~~1. Cancel Sewer Billing From 2019-2022 In The Amount Of \$1,440.00 And Terminate Future Sewer Billing And Label Account As Inactive — Block 203, Lot 2, 100-108 Coit Street Due To No Water Usage Due To Fire At Premises~~

Resolution to Terminate Sewer Account Billing Block 203 Lot 2, 100-108 Coit St.

WHEREAS, Pursuant to N.J.S.A 40A: 5-17 the governing body of a Municipality may adopt a resolution authorizing the tax collector to make adjustments to a property owners account, and;

WHEREAS, on February 9, 2022, Mr. Solomon Torkieh, Representative for 106 Lexington Avenue LLC, has notified the Tax Collector that the property known as 100-108 Coit St., Block 203 Lot 2, has no sewer line due to a fire in 2013; and

WHEREAS, Mr. Torkieh provided information that was verified by the New Jersey American Water Company; and

WHEREAS, the Tax Collector has verified that there has been no water usage with the NJ American Water's billing records since 2013; and

THEREFORE, LET IT BE RESOLVED, that the Mayor and Council for the Township of Irvington authorize the Tax Collector to cancel sewer billing from 2019-2022 in the amount of \$1,440.00, terminate future sewer billing and label account as inactive.

REMOVED FROM AGENDA AND REMANDED TO COUNCIL'S FINANCE COMMITTEE AT CAUCUS MEETING

Cox - Hudley 2. Authorize Issuance Of \$850,000 Special Emergency Notes For The Revaluation Program Of The Township Of Irvington

RESOLUTION AUTHORIZING THE ISSUANCE OF \$850,000 SPECIAL
EMERGENCY NOTES FOR THE REVALUATION PROGRAM OF THE
TOWNSHIP OF IRVINGTON, IN THE COUNTY OF ESSEX, NEW JERSEY.

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

Section 1. An ordinance of the Township of Irvington, in the County of Essex, New Jersey (the "Township"), authorizing a special emergency appropriation in the amount of \$850,000 for the preparation and execution of a complete program of revaluation of real property and all related expenses has been finally adopted on February 14, 2022 and a copy thereof has been filed with the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey (the "Director").

Section 2. (a) In order to finance the special emergency appropriation described in Section 1 of this resolution, the Township is hereby authorized to borrow the sum of \$850,000 and to issue its special

emergency notes (the “Notes”) therefor in accordance with the Local Budget Law of New Jersey (N.J.S.A. 40A:4-55).

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

(c) The Township may finance the special emergency appropriation from surplus funds available or may borrow money in a manner prescribed herein. Where an appropriation is financed from surplus funds available, at least one-fifth of the amount thereof shall be included in each annual budget until the appropriation has been fully provided for.

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

(a) All Notes issued hereunder and any renewals thereof shall mature at such time as may be determined by the chief financial officer within the limitations of the Local Budget Law, provided however, that at least one-fifth of all such Notes and the renewals thereof shall mature and be paid in each year so that all Notes and renewals shall have matured and have been paid not later than the last day of the fifth year following the date of adoption of this resolution;

(b) All Notes issued hereunder shall bear interest at such rate or rates as may be determined by the chief financial officer;

(c) The Notes shall be in the form determined by the chief financial officer and the chief financial officer's signature upon the Notes shall be conclusive as to such determination.

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

Section 5. The chief financial officer is hereby authorized to sell the Notes from time to time at public or private sale in such amounts as such officer may determine at not less than par and to deliver the

same from time to time to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof and payment therefor.

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

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

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

Section 9. Solely for purposes of complying with Rule 15c2-12 of the Securities and Exchange Commission, as amended and interpreted from time to time (the "Rule"), and provided that the Notes are not

exempt from the Rule and provided that the Notes are not exempt from the following requirements in accordance with paragraph (d) of the Rule, for so long as the Notes remain outstanding (unless the Notes and any renewals thereof have been wholly defeased), the Township shall provide for the benefit of the holders of the Notes and the beneficial owners thereof:

(a) On or prior to September 30 of each fiscal year, beginning September 30, 2022 for the fiscal year ending December 31, 2021, electronically to the Municipal Securities Rulemaking Board's Electronic Municipal Market Access ("EMMA") system or such other repository designated by the Securities and Exchange Commission to be an authorized repository for filing secondary market disclosure information, if any, annual financial information with respect to the Township consisting of the audited financial statements (or unaudited financial statements if audited financial statements are not then available, which audited financial statements will be delivered when and if available) of the Township and certain financial information and operating data consisting of (1) Township indebtedness and overlapping indebtedness including a schedule of outstanding debt issued by the Township; (2) property valuation information; and (3) tax rate, levy and collection data. The audited financial statements will be prepared in accordance with generally accepted accounting principles as modified by governmental accounting standards as may be required by New Jersey law.

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

- (1) Principal and interest payment delinquencies;
- (2) Non-payment related defaults, if material;
- (3) Unscheduled draws on debt service reserves reflecting financial difficulties;
- (4) Unscheduled draws on credit enhancements reflecting financial difficulties;
- (5) Substitution of credit or liquidity providers or their failure to perform;
- (6) Adverse tax opinions, the issuance by the Internal Revenue Service of proposed or final determinations of taxability, Notices of Proposed Issue (IRS Form 5701-TEB) or other material notices or determinations with respect to the tax status of the Notes, or other material events affecting the tax status of the Notes;
- (7) Modifications to the rights of holders of the Notes, if material;
- (8) Bond calls, if material, and tender offers;
- (9) Defeasances;

- (10) Release, substitution or sale of property securing repayment of the Notes, if material;
- (11) Rating changes;
- (12) Bankruptcy, insolvency, receivership or similar event of the Township;
- (13) The consummation of a merger, consolidation or acquisition involving the Township or the sale of all or substantially all of the assets of the Township, other than in the ordinary course of business, the entry into a definitive agreement to undertake such an action or the termination of a definitive agreement relating to any such actions, other than pursuant to its terms, if material;
- (14) Appointment of a successor or additional trustee or the change of name of a trustee, if material;
- (15) Incurrence of a Financial Obligation of the Township, if material, or agreement to covenants, events of default, remedies, priority rights or other similar terms of a Financial Obligation, any of which affect holders of the Notes, if material; and
- (16) Default, event of acceleration, termination event, modification of terms or other similar events under a Financial Obligation of the Township, if any such event reflects financial difficulties.

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

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

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

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

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

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

Section 11. This resolution shall take effect immediately.

Adopted
Absent: Burgess

Hudley – Frederic 3. Resolution of Sorrow – Mozelle White

**RESOLUTION OF SORROW
MOZELLE WHITE**

WHEREAS, the Municipal Council of the Township of Irvington wishes to express their deepest sorrow on the passing of Mozelle White; and

WHEREAS, Mozelle White, wife, mother, grandmother, great grandmother, sister, Aunt and friend was born in Columbia, South Carolina on December 28th to Sam Pryor and Tener Fields Brown. Mozelle was known to all as “Momma”, she was the 4th oldest of 9 children; and

WHEREAS, Momma White’s main goal in life was her family and specifically her eight children. She was married to James C. White, Sr., for nearly 60 years until he passed away in 2018. Mozelle met James when he was on military leave in South Carolina at a party, he sashayed his way across the floor and right into her heart. After only 8 months of dating; they married and shared 8 children: James C. White, Jr., Fords, NJ; Dean E. White (Sylvia) Warner Robins, GA; Levi J. White (precedes her in death); Cynthia Lewis (Antonio) Union, NJ; Michael A. White (Veronica) Ladson, SC; Renia J. Thurman (Derrick) Colonia, NJ; Rodney White, Irvington, NJ and Sharon W. Fudge (Tracy) Fords. NJ; and

WHEREAS, in 1964 Mozelle and James along with her cousin/best friend Haddie Glover and with their young families moved from South Carolina to New Jersey for a better life and better opportunities. She dedicated her life to caring for her husband and children, so she was a homemaker until she started working at J Street Nursing Home in Newark. She worked there for many years until 1974 she started working at the VA Hospital in East Orange. She began her career there as a nursing aide, then pharmacy tech and ultimately worked as a rehabilitation nurse. She enjoyed her 32 years at the VA until she retired in 2006. But retirement didn’t stop Momma from living her best life and enjoying all the fruits of her labor; and

WHEREAS, Mozelle “Momma” White, was a vibrant, beautiful, fun-loving, God-fearing woman with a pure heart of gold. Momma truly took pride in taking care of herself and her family. She is the only person we know who could cook a full meal from the freezer to the table in less than 20 minutes. But she was the healthiest person you probably wanted to meet. She exercised daily (yes even at her advanced age), took her vitamins and made sure to get up out of her bed every single day, praised God, read her bible, got dressed,

drank her special tea and started on her way. She never let dust grow under her feet. She loved to travel, cruising, going up and down interstate 95 every chance she got, but let's not discuss how she "switched" it up once she hit that South Carolina air; and

WHEREAS, she will be reunited in heaven with (all who precede her in death); her beloved husband James; her son Levi J. White, grandson Dean E. Williams, stepfather Andrew Brown, sister Ruthie Pruett (James); brother Philip "Deck" Pryor; brother Sam Pryor (Leola); sister Corine "Aya" Washington (Jessie); Brother in laws Heziah "King Cooley" White, Benjamin White; and

WHEREAS, along with her children, grandchildren and great grandchildren she leaves to cherish her memories her sisters; Queenie Pryor, Martha Richardson, Mary Linen and brother Harry Marvin Brown (Cathy), sister-in-laws Rebecca Pryor; Georgianna Williams, Janie Wigfall, brother-in-law Leroy "Shorty" White and other family and friends; and

NOW THEREFORE BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that the Township of Irvington hereby mourns the passing of Mozelle White and extends our most sincerest condolences to her 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 this governing body in lasting tribute to Mozelle White.

Adopted
Absent: Burgess

Cox – Hudley 4. Authorize Emergency Contract For Snow Removal Services – Your Way Construction, General Construction and Site Work - \$30,000.00

RESOLUTION TO AWARD AN EMERGENCY CONTRACT FOR SNOW REMOVAL TO YOUR WAY CONSTRUCTION

WHEREAS, on January 28-31 2022, 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, Your Way Construction, General Construction and Site Work, located at 404 Coit Street, Irvington, NJ 07111 had additional heavy duty equipment 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 Your Way Construction, General Construction and Site Work, located at 404 Coit

MINUTES – REGULAR COUNCIL MEETING – FEBRUARY 28, 2022 - PAGE 10

Street, Irvington, NJ 07111 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 remove the snow was \$30,000.00 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 \$30,000.00 with Your Way Construction, General Construction and Site Work, located at 404 Coit Street, Irvington, NJ 07111 to rent and operate heavy duty equipment for snow removal.

BE IT FURTHER RESLOVED that the required certification of availability of funds C22-0021 in the amount of \$30,000.00 from account number 2-01-26-165-165-299 has been obtained from the Chief Financial Officer to repair the sewer emergency.

Adopted
Absent: Burgess

Beasley - Vick 5. Authorize Service Agreement to Repair Sole Source Ravo Street Sweeper - Northeast Sweepers, Not To Exceed \$50,000.00

AUTHORIZE SERVICE AGREEMENT TO REPAIR SOLE SOURCE RAVO STREET SWEEPER

WHEREAS, Public Works leased two Ravo Street Sweepers to clean various streets in the Township; and

WHEREAS, the maintenance and repair agreement does not include routine repairs and collusion damage; and

WHEREAS, pursuant to N.J.S.A. 40A:11-5(1)(d)(d), parts and services can only be purchased from Northeast Sweepers, 20 Montesano Road, Fairfield, NJ 07004

WHEREAS, the Administration would like to request a sole source exemption for parts and service of the two Ravo Street Sweepers; and

WHEREAS, the Administration will like to award a contract to Northeast Sweepers, 20 Montesano Road, Fairfield, NJ 07004 for an amount not to exceed \$50,000.00

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 Northeast Sweepers, 20 Montesano Road, Fairfield, NJ 07004 starting on January 01, 2021 until December 31, 2021 for an amount not to exceed \$50,000.00.

BE IT FURTHER RESLOVED that the required certification of availability of funds C220008 in the amount of \$50,000.00 from account number 2-01-21-165-165-299 has been obtained from the Chief Financial Officer.

Adopted

Absent: Burgess

Cox – Vick 6. Authorize Purchase of Proprietary Equipment From Groff Tractors New Jersey, LLC - Parts and Services For a Case Equipment Wheel Loader – Not to Exceed \$60,000.00

RESOLUTION AUTHORIZING THE PURCHASE OF PROPRIETARY EQUIPMENT FROM Groff Tractors New Jersey LLC

WHEREAS, Public Works has a Case Equipment Wheel loader; and

WHEREAS, pursuant to N.J.S.A. 40A:11-5(1)(d)(d), parts and services can only be purchased from Groff Tractor New Jersey, LLC, 551 North Harding Highway, Vineland, NJ 08360

WHEREAS, the Administration would like to request a sole source exemption for parts and service for the Case Equipment, Wheel Loader; and

WHEREAS, the Administration will like to award a contract to Groff Tractor New Jersey, LLC, 551 North Harding Highway, Vineland, NJ 08360 for an amount not to exceed \$60,000.00

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 the required equipment and service from Groff Tractors New Jersey, LLC.

BE IT FUTHER RESOLVED that the required certification of availability of funds C22-0011 in the amount of \$60,000.00 from account numbers 2-01-26-290-290-299 and 2-01-26-310-311-299 has been obtained from the Chief Financial Officer.

Adopted
Absent: Burgess

Cox - Beasley 7. Authorize Service Agreement To Repair Sole Source Elgin Pelican Street Sweeper - W.E. Timmerman Co. - \$55,000.00

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

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 \$55,000.00

MINUTES – REGULAR COUNCIL MEETING – FEBRUARY 28, 2022 - PAGE 12

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 for an amount not to exceed \$55,000.00.

BE IT FURTHER RESLOVED that the required certification of availability of funds C22-0009 in the amount of \$30,000.00 from account number 2-01-26-290-292-299 has been obtained from the Chief Financial Officer.

Adopted

Absent: Burgess

Beasley – Hudley

8. Authorize Service Agreement To Repair Sole Source Sewer Jet - from Sewer Equipment - Not to Exceed \$45,000.00

AUTHORIZE SERVICE AGREEMENT TO REPAIR SOLE SOURCE SEWER JET

WHEREAS, Public Works is in need of repairs and parts of sewer jet; and

WHEREAS, pursuant to N.J.S.A. 40A:11-5(1)(d)(d), parts and services can only be purchased from Sewer Equipment of 1590 Dutch Road, Dixon, IL 61021.

WHEREAS, the Administration would like to request a sole source exemption for parts and services of the sewer jet; and

WHEREAS, the Administration will like to award a contract to Sewer Equipment of 1590 Dutch Road, Dixon, IL 61021 for an amount not to exceed \$45,000.00

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 Sewer Equipment of 1590 Dutch Road, Dixon, IL 61021 starting on November 08, 2021 until December 31, 2021 for an amount not to exceed \$45,000.00.

BE IT FURTHER RESLOVED that the required certification of availability of funds C22-0010 in the amount of \$45,000.00 from account number 2-01-26-310-311-299 has been obtained from the Chief Financial Officer.

Adopted

Absent: Burgess

Cox – Beasley

9. Award Emergency Contract To Purchase Fuel For Various Township Vehicles - Jimmy's Service Center - \$150,000.00

RESOLUTION TO AWARD AN EMERGENCY CONTRACT TO PURCHASE FUEL FOR VARIOUS TOWNSHIP VEHICLES

WHEREAS, on January 01, 2022 the Department of Public Works was unable to obtain fuel from the gas/diesel tanks for various Township vehicles, and;

WHEREAS, the gas pump at Civic Square is inoperable which resulted in DPW Personnel unable to pump fuel, and;

MINUTES – REGULAR COUNCIL MEETING – FEBRUARY 28, 2022 - PAGE 13

WHEREAS, the Director of Public Works declared an emergency and authorized Township employees to use a retail fuel vendor to purchase gas/diesel, and;

WHEREAS, Township employees obtained gas/diesel from Jimmy's Service Center, 919 Springfield Ave, Irvington, NJ 07111, and;

WHEREAS, this situation constitutes a threat to public health, safety, welfare, and Assistant Public Safety Director declared an Emergency and Service Center, 919 Springfield Ave, Irvington, NJ 07111 provided the Township with the necessary gas/diesel, and;

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

WHEREAS, the Township purchased a total sum of \$150,000.00 in gas/diesel, 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 \$150,000.00 with Jimmy's Service Center, 919 Springfield Ave, Irvington, NJ 07111 for gas/diesel for various Township vehicles, and;

BE IT FURTHER RESLOVED, that the required certification of availability of funds C22-0001 in the amount of \$50,000.00 from account number 2-01-31-460-460-298 has been obtained from the Chief Financial Officer and the remaining balance of \$100,0000.00 will be certified upon the adoption of the next temporary emergency budget.

Adopted
Absent: Burgess

Cox – Vick

10. Award Contract Over The Pay To Play Threshold But Under the Bid Threshold For Degreaser And Deodorizer For The Department Of Public Works - Jem Industrial Services, Inc.

AWARDING A CONTRACT OVER THE PAY TO PLAY THRESHOLD FOR DEGREASER AND DEODORIZER FOR THE DEPARTMENT OF PUBLIC WORKS

WHEREAS, the Department of Public Works wishes to purchase degreaser and deodorizer, and;

WHEREAS, the Department of Public Works has obtained three quotes for this service, herein attached.

WHEREAS, this service will exceed the Pay to Play Threshold of \$17,500.00, and;

WHEREAS, Jem Industrial Services Inc., has provided the lowest quote for this service, and;

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

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

WHEREAS, all purchases to the above vendor will not exceed the bid threshold of \$44,000.00; and

NOW, THEREFORE, BE IT RESLOVED, that the Municipal Council of the Township of Irvington hereby authorizes the Qualified Purchasing Agent to pay Jem Industrial Services Inc in excess of the pay to play threshold \$17,500.00 but under the bid threshold of \$44,000.00; and

BE IT FURTHER RESOLVED that the duration of this authorization shall be until December 31, 2022

BE IT FURTHER RESOLVED a separate resolution will be submitted to the Municipal Council for all additional vendors exceeding the bid threshold of \$17,500.00.

Adopted
Absent: Burgess

Beasley – Cox 11. Authorize Emergency Sewer Repair Contract For 21st Street Based On
Quotations - Diamond Mason Contractors, LLC - \$60,800.00

RESOLUTION TO AWARD AN EMERGENCY SEWER REPAIR CONTRACT FOR 21st STREET

WHEREAS, a portion of the sanitary sewer located on 21st Street collapse on February 02, 2022; and

WHEREAS, the work needed to repair this sewer is 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 Works has declared an emergency, and

WHEREAS, three vendors provided quotes for this service, herein attached, and

WHEREAS, Diamond Mason Contractors LLC provided the lowest quote to completed the requested repairs in the amount of \$60,800.00, and

WHEREAS, the Mayor has concurred with the amount and recommends that an emergency contract be awarded to Diamond Mason Contractors LLC \$60,800.00, 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 \$60,800.00 to Diamond Mason Contractors LLC., 280 Springfield Ave, Springfield, NJ 07081 to repair the sanitary sewer located on 21st street.

BE IT FURTHER RESOLVED that the required certification of availability of funds C22-0027 in the amount of \$60,800.00 from account number 2-01-28-375-375-299 has been obtained from the Chief Financial Officer.

Adopted
Absent: Burgess

Frederic - Beasley 12. Authorize Application To The NJ Clean Energy Program Community
Energy Planning Grant

Program

**RESOLUTION AUTHORIZING THE APPLICATION TO THE
NJ CLEAN ENERGY PROGRAM COMMUNITY ENERGY PLANNING GRANT PROGRAM**

WHEREAS, a sustainable community seeks to ensure that its environmental, economic and social objectives are balanced and mutually supportive; and

WHEREAS, the Township of Irvington strives to assure clean land, air and water for current and future generations; and

WHEREAS, New Jersey’s Energy Master Plan: Pathway to 2050 (“EMP”) established that community-level action is necessary to achieve the state’s goal of 100% clean energy by 2050; and

WHEREAS, the New Jersey Board of Public Utilities has created a Community Energy Plan Grant program for municipalities to develop a community energy plan to meet the goals of the state’s Energy Master Plan; and

WHEREAS, the Township of Irvington is invested in developing a community energy plan to help the state achieve the goal of 100% clean energy by 2050; and

WHEREAS, the Community Energy Plan Grant program will help the Township of Irvington to plan for and invest in renewable energy and to work towards a better environment for all residents by using the state’s Energy Master Plan (EMP) as a guide to develop sustainable strategies that increase clean energy production, reduce energy use, and cut emissions.

NOW THEREFORE BE IT RESOLVED BY THE TOWNSHIP OF IRVINGTON, that the Township Council of the Township of Irvington has determined that the Township of Irvington should apply for the aforementioned Community Energy Plan Grant program; and

BE IT FURTHER RESOLVED that the Township of Irvington will commit to providing staff support for the duration of the Community Energy Planning process, including for gathering of relevant data and for convening at least two public meetings; and

BE IT FURTHER RESOLVED that the Township Council of the Township of Irvington, State of New Jersey, authorizes the submission of the aforementioned application to the NJBPU Community Energy Plan Grant program.

Adopted
Absent: Burgess

Frederic – Vick

13. Call On The Federal Government To Cease Deportations
Under Title 42

**RESOLUTION CALLING ON THE FEDERAL GOVERNMENT TO CEASE
DEPORTATIONS UNDER TITLE 42**

WHEREAS, Irvington is home to a substantial amount of people of Haitian descent who have made Irvington their home for many years and contributes to the workforce, economy, and cultural vibrancy of the city; *and*

WHEREAS, On March 25, 2020 the Trump Administration initiated a deportation policy under a public health law that restricts immigration at the United States-Mexican border based on an unlawful invocation of the Public Health Act under Title 42 of the U.S Code (“Title 42”) in violation of U.S. constitutional law and international law; *and*

WHEREAS, The Biden Administration has continued the immigration policies of the Trump Administration, further ramping up deportations, leading to mass expulsions of Haitians under Title 42; *and*

WHEREAS, Haitian migrants are unable to make claims for asylum as required under U.S. law and international law. Consequently, the actions of the Biden administration violate U.S. and international laws against returning migrants to persecution and torture; *and*

WHEREAS, In early September 2021, images revealed the inhumane treatment of Haitian migrants at the hands of U.S. Customs and Border Protection agents who, mounted on horseback, used the hides of their whips to violently chase Haitian migrants, a cruel reminder of slavery and the anti-Blackness embedded in this country’s immigration policy; *and*

WHEREAS, The deportations under the guise of Title 42 have only escalated, with the U.S. government deporting nearly 14,000 Haitian migrants since September 2021, totaling more than 17,000 Haitian migrants deported to Haiti since the beginning of the Biden Administration; *and*

WHEREAS, On Thursday, February 3, 2022, during Black History Month, the Biden Administration chose to extend its practices of deportation under Title 42, despite widespread opposition from human rights groups, public health officials, elected officials, and asylum advocates; *and*

WHEREAS, Migrants are forced to return to a Haiti rife with political, social, and economic instability and are often at a greater risk of kidnappings, abuse, and violence. The United States government recognizes the risk in Haiti as the State Department’s travel advisory to U.S. citizens regarding travel currently states “Do not travel to Haiti due to kidnapping, crime, civil unrest, and COVID-19;” *and*

WHEREAS, The Township of Irvington has served as a place of refuge for a diverse array of immigrants who comprise this township—whether fleeing persecution or terror, escaping gender-based violence, seeking reunion with family members, or pursuing economic opportunity; *and*

WHEREAS, This country has a legal and moral obligation under its own laws, and international laws and treaties, to receive migrants in distress in search of relief and refuge, thus measures restricting access to asylum must not be allowed to become entrenched under the guise of public health; *and*

WHEREAS, President Biden has expressed his commitment to reverse Trump-era immigration policies and build a humane immigration system; *and*

WHEREAS, We have an obligation as a Township Council to ensure that we have a government committed to justice and dignity for all people, including Haitian migrants seeking refuge;

NOW, THEREFORE BE IT RESOLVED, BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that the Irvington Township Council calls for the federal government to reverse Title 42 and immediately halt the deportation of Haitian migrants, thereby allowing them to seek due process through our legal system to make claims for legal status.

Adopted

Absent: Burgess

Cox – Vick

14. Authorize Change Order Number 1 for the 16th Avenue Garage Roof Contract -The VMG Group - Not To Exceed \$6,518.20, Increasing the Contract To A Total Price Of \$938,718.20 For A Net Change to the Contract Of 0.70 %.

RESOLUTION TO AWARD CHANGE ORDER NUMBER 1 TO THE VMG GROUP FOR THE 16TH AVENUE GARAGE ROOF CONTRACT

WHEREAS, a contract for Replacement of the 16th Avenue DPW Garage Roof was awarded to the VMG Group, Inc. of Roselle, New Jersey in the amount of \$ 932,200.00 as Resolution 21-10112-33 based on plans and specifications the were prepared by James R. Guerra, P.A., Architects; and

WHEREAS, in the course of starting construction on this project, it was discovered that a small masonry wall at the rear of the garage has deteriorated to the point where it would be unsafe for the contractor to work on this roof and the contractor has prepared a proposal to repair this situation in the amount of \$ 6,518.20; and

WHEREAS, the Project Architect and Township Engineer have reviewed this proposal and agree that this is a reasonable price to perform this work and recommend approval of this change order.

NOW, THEREFORE, BE IT RESOLVED BY MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that a change order, Change Order No. 1, to the contract for Replacement of the 16th Avenue DPW Garage roof is awarded to VMG GROUP at their proposed price not to exceed \$ 6,518.20, increasing the this contract to a total price of \$ 938,718.20 for a net change to the contract of 0.70 %.

BE IT FURTHER RESOLVED that pursuant to N.J.A.C. 5:34-5.2, the required Certificate of Availability of Funds No. C22-0037 for the above work 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 \$ 6,518.20 is Account C-04-56-852-019-904.

Adopted

Absent: Burgess

Hudley - Beasley

15. Authorize Acceptance of \$45,187.00 Grant Funds From the Hazardous Discharge Site Remediation Fund Municipal Grant Program, New Jersey DEP and NJ Economic Development Authority - The Sal's Cleaners Site – 46 Grace St., Block 214, Lot 1

**A RESOLUTION ACCEPTING A GRANT FROM THE
HAZARDOUS DISCHARGE SITE REMEDIATION FUND PUBLIC ENTITY PROGRAM
THROUGH THE NEW JERSEY ECONOMIC DEVELOPMENT AUTHORITY**

AND THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION

WHEREAS, City of Irvington has applied for and has been awarded a grant in the amount of up to \$45,187 from the Hazardous Discharge Site Remediation Fund Municipal Grant Program through the New Jersey Department of Environmental Protection and the New Jersey Economic Development Authority for Preliminary Assessment and Site Investigation of the Sal's Cleaners Site 46 Grace St., (Block 214 Lot 1) Irvington, NJ 07111;

NOW, THEREFORE, BE IT RESOLVED by the governing body of the City of Irvington that the above referenced grant is hereby accepted, and the Mayor is hereby authorized to execute grant documents as an authorized representative thereunder, as the representative for the City of Irvington.

BE IT FURTHER RESOLVED that a comprehensive plan exists specifically for the development or redevelopment of contaminated or potentially contaminated real property in the host municipality or that a realistic opportunity exists that the Project Site will be developed or redeveloped within a three-year period from the completion of the remediation.

BE IT FURTHER RESOLVED that a certified copy of this Resolution be forwarded to the New Jersey Economic Development Authority.

[SEAL]

Date Adopted by (Council/Committee): _____

Attest:

Clerk

(Council President/Mayor)

Adopted

Absent: Burgess

Hudley – Cox

16. Award Bid - Renovations to the Senior Citizen Center - R.J. Michaels & Co. - \$1,774,345.00

RESOLUTION AWARDING A BID FOR THE RENOVATION OF IRVINGTON SENIOR CENTER

WHEREAS, sealed bids were received on January 26, 2022 for the Renovation of Irvington Senior Center to published advertisement for bids in the New Jersey Star Ledger on January 03, 2022; and

WHEREAS, eleven vendors paid and picked up bids and plans; and

WHEREAS, three bids were received and opened by the Purchasing Agent and Municipal Clerk; and
WHEREAS, it has recommended that the award should be made to R.J. Michaels & Co. of 333 Dodd Street, East Orange NJ, 07017 on the basis of their lowest responsible, responsive bid of \$1,774, 345.00; and

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

BE IT FURTHER RESOLVED that a contract be awarded to R.J. Michaels & Co. of 333 Dodd Street, East Orange NJ, 07017 in the amount of \$1,774, 345.00 for the renovation of Irvington Senior Center.

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

BE IT FURTHER RESLOVED that the required certification of availability of C22 -0040 in the amount of \$1,774, 345.00 from account number G-02-xx-912-21A-299 has been obtained from the Chief Financial Officer.

Adopted
Absent: Burgess

10. Communication and Petitions

A. Communications

None

11. Pending Business

None

NON-CONSENT AGENDA ITEMS

8. Ordinances, Bills & Claims (Continued)

B. Ordinances on Second Reading

1. Acting President Hudley: An ordinance amending the requirement for parking permit restricted for residents to provide documentation from 3 of 5 categories rather than 4 of 5 will be heard at this time. The Clerk will read the notice of hearing.

The Clerk read the notice of hearing.

The Clerk will read the ordinance by title

AN ORDINANCE AMENDING AND SUPPLEMENTING SECTION 620-17 OF THE REVISED CODE OF THE TOWNSHIP OF IRVINGTON REGARDING REQUIREMENT FOR OBTAINING A RESIDENTIAL PARKING PERMIT

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

SECTION 1. Section 620-17 F of the Revised Code of the Township of Irvington is hereby amended and supplemented as follows:

Section 620-17 Parking restricted for residents; parking permit required; fee.

F. To receive a parking permit each applicant must produce at least 3 out of 5 of the following:

1. Driver's License at the claimed address (mandatory)
2. Lease/Deed for the claimed address
3. Certificate of Habitability from the Department of Housing and Building at the claimed address
4. Utility Bill in the person's name at the claimed address; and/or
5. Vehicle Registered/Insured at the claimed address

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

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

The public hearing on this ordinance is now open.

There were no requests to be heard.

Beasley – Hudley

Motion to close public hearing

Adopted
Absent: Burgess

Beasley – Hudley

Motion to adopt this ordinance after public hearing

Adopted
Absent: Burgess

At this point President Burgess arrived at the meeting at 7:39 P.M. Council Member Hudley continued to preside.

2. Acting President Hudley: An ordinance authorizing a special emergency appropriation in the amount of \$850,000 for the preparation and execution of a complete revaluation of real property will be heard at this time. The Clerk will read the notice of hearing.

The Clerk read the notice of hearing.

The Clerk will read the ordinance by title

ORDINANCE AUTHORIZING A SPECIAL EMERGENCY
APPROPRIATION IN THE AMOUNT OF \$850,000 FOR THE
PREPARATION AND EXECUTION OF A COMPLETE REVALUATION OF
REAL PROPERTY IN AND BY THE TOWNSHIP OF IRVINGTON, IN THE
COUNTY OF ESSEX, NEW JERSEY.

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

Section 1. The preparation and execution of a complete program of revaluation of real property and all related expenses in and by the Township of Irvington, in the County of Essex, New Jersey, is hereby authorized, and a special emergency appropriation of \$850,000 is hereby authorized pursuant to the Local Budget Law (N.J.S.A. 40A:4-53).

Section 2. A copy of this ordinance as finally adopted shall be filed with the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey.

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

The public hearing on this ordinance is now open.

There were no requests to be heard.

Frederic – Burgess Motion to close public hearing

Adopted

Frederic - Burgess Motion to adopt this ordinance after public hearing

Adopted

3. Acting President Hudley An ordinance authorizing residential permit parking on Clements Place between Sanford Avenue and Chapman Place between the hours of 8:00 PM to 8:00 AM, seven days a week will be heard at this time. For the record, this notice is identical to the first notice that was read. The Clerk will read the ordinance by title.

AN ORDINANCE PROVIDING FOR RESIDENTIAL PARKING PERMITS ON CLEMENTS PLACE BETWEEN SANFORD AVENUE AND CHAPMAN STREET FROM 8:00 P.M. TO 8:00 A.M. SEVEN DAYS A WEEK

WHEREAS, the Township of Irvington in response to the complaints of its residents concerning the availability of resident parking between the hours of 8:00 P.M. and 8:00 A.M. on Clements Place between Sanford Avenue and Chapman Street 7 days a week; and

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

NOW, THEREFORE, BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that parking shall be restricted and a parking permit required for residents parking between the hours of 8:00 P.M. and 8:00 A.M. on Clements Place between Sanford Avenue and Chapman Street 7 days a week.

Resident's vehicles must receive and display a valid parking permit provided by the Township of Irvington.

Vehicles parked in violation of this ordinance will be subject to towing and the vehicle owners shall be subject to a fine as set forth in Chapter 1, General Provisions, Article III.

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

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

The public hearing on this ordinance is now open.

There were no requests to be heard.

Vick – Frederic

Motion to close public hearing

Adopted

Vick – Frederic

Motion to adopt this ordinance after public hearing

Adopted

12. Miscellaneous

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.

13. Adjournment

There being no further business, the meeting was adjourned at 7:43 P.M.

Renee C. Burgess, Council President

Harold E. Wiener, Municipal Clerk