

REGULAR COUNCIL MEETING
JANUARY 25, 2021

Virtual Zoom Meeting
Irvington, N.J. – Monday Evening
January 25, 2021 - 7:30 P.M.

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

Present: Jamillah Z. Beasley, Vernal Cox, Sean C. Evans, 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. Municipal Court – Electronic Collections Report For December, 2020
2. Municipal Court – Monthly Report For December, 2020
3. Municipal Court - Weekly Summary Report – January 4, 2021 – January 8, 2021
4. Municipal Court - Weekly Summary Report – January 11, 2021 – January 15, 2021

7. Reports of Committees

None

8. Ordinances, Bills & Claims

A. Ordinances on First Reading

- Vick – Cox
1. Amending and Supplementing Chapter 620, Article XX,
Section 17 of the Revised Code Regarding Resident Permit Parking

**AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 620, ARTICLE XX,
SECTION 17 OF THE REVISED CODE OF THE TOWNSHIP OF IRVINGTON REGARDING
PARKING RESTRICTED FOR RESIDENTS; PARKING PERMIT REQUIRED; FEE.**

Adopted

Hudley – Cox 2. Amending and Supplementing Chapter 620, Article XX, Section 121 of the Revised Code Regarding Handicap Parking Permit Fees

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 620, ARTICLE XX, SECTION 121 OF THE REVISED CODE OF THE TOWNSHIP OF IRVINGTON REGARDING PERMIT FEE FOR HANDICAPPED PARKING SPACE.

Adopted

~~3. Establish Procedures To Assure Local Candidates For Public Office Meet Statutory Residency Requirements~~

~~**TOWNSHIP OF IRVINGTON, NEW JERSEY**~~

~~**VERIFICATION OF RESIDENCY REQUIREMENTS FOR TOWNSHIP ELECTED OFFICIALS AND CANDIDATES FOR OFFICE**~~

NOT VOTED ON – TO BE PLACED ON NEXT MEETING’S AGENDA – FEBRUARY 8, 2021

Burgess - Vick 4. Ordinance Appropriating \$250,000.00 From The General Capital Surplus Fund for Various Sewer System And Storm Water Improvements

ORDINANCE APPROPRIATING \$250,000 FROM THE GENERAL CAPITAL SURPLUS FUND FOR VARIOUS SEWER SYSTEM AND STORM WATER IMPROVEMENTS IN AND BY THE TOWNSHIP OF IRVINGTON, IN THE COUNTY OF ESSEX, NEW JERSEY.

Adopted

C. Bills & Claims

Evans - Cox 1. Bill Lists

RESOLVED THAT THE BILLS AND CLAIMS AGAINST THE TOWNSHIP OF IRVINGTON FOR A PERIOD JANUARY 25, 2021 AS ENUMERATED ON THIS LIST FOR MATERIALS, SUPPLIES AND SERVICES FURNISHED, DELIVERED AND/OR PERFORMED HAVE BEEN CERTIFIED BY THE DEPARTMENTS AS CORRECT, EACH CLAIM AND PURCHASE ORDER HAVE BEEN VERIFIED AND REVIEWED FOR THE AVAILABILITY OF FUNDS, ACCURACY OF ACCOUNT CODING AND COMPLETENESS BY THE ADMINISTRATION, THEREFORE:

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

BILL LIST \$10,531,648.05

Adopted

MINUTES - REGULAR COUNCIL MEETING – JANUARY 25, 2021 – PAGE 3

Burgess – Hudley

2. Payrolls

January 8, 2021

REGULAR	OVERTIME	OTHER	TOTAL
\$1,497,309.40	\$116,900.13	\$86,194.34	\$1,700,403.87

Adopted

9. Resolutions & Motions

A. Resolutions

Hudley – Cox

1. Confirm Mayor's Re-Appointment of Maslie Lamy-Lockhart as a
As A Member of the Library Board of Trustees - Term To Expire On
December 31, 2025

WHEREAS, N.J.S.A. 40:54-9 requires the nominations by the Mayor to the Library Board of Trustees be confirmed by the Municipal Council:

WHEREAS, a vacancy exists due to the term of office of Maslie Lamy-Lockhart having expired on December 31, 2020:

NOW THEREFORE BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that the following nomination by the Mayor to the Irvington Library Board of Trustees is hereby confirmed:

NAME AND ADDRESS

TERM TO EXPIRE

Maslie Lamy-Lockhart
293 Isabella Avenue

12-31-25

Adopted

Beasley – Frederic

2. Commemoration - Dr. Martin Luther King, Jr. Day, 2021

DR. MARTIN LUTHER KING JR. 36TH ANNUAL COMMEMORATIVE TRIBUTE

WHEREAS, the President and Congress of the United States have designated the third Monday in January of each year as Dr. Martin Luther King, Jr. Day and to commemorate the January 15th birthday of this important leader of the Civil Rights Movement in our Country; and

WHEREAS, there is national recognition and respect for Dr. King's teachings and preachings of the principles of freedom, responsibilities of liberty, ideals of brotherhood, respect for human rights, promotion of social and economic cooperation and the need for international peace and security; and

MINUTES - REGULAR COUNCIL MEETING – JANUARY 25, 2021 – PAGE 4

WHEREAS, New Jersey has also adopted Dr. Martin Luther King, Jr. Day as a State Holiday and created a Commemorative Commission to honor Dr. King to enlighten the population of our State to the teachings and principals of Dr. King to relieve the burdens of illiteracy and poverty while offering the beacon of hope to the needy; and

WHEREAS, the Dr. Martin Luther King, Jr. Commemorative Committee of Irvington works diligently to preserve the name and promote the teachings of Dr. King, and this year will celebrate King its annual tribute:

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that the Township of Irvington joins with all residents of this Country of ours commemorating Dr. Martin Luther King, Jr. Day and proclaiming support for his teachings of freedom; brotherhood; love, not hate; ending poverty; working for peace, not war; and education to increase understanding; and

BE IT FURTHER RESOLVED that certified copies of this resolution be forwarded to the Irvington Public Library for public display and to the Martin Luther King Jr. Commemorative Committee of Irvington to recognize their continuing efforts and programs in commemoration of Dr. King and in keeping the dream alive by acknowledging the annual tribute to Dr. Martin Luther King, Jr.

Adopted

Hudley - Burgess

3. Authorize Settlements of Tax Appeals Dated January 25, 2021

RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE TOWNSHIP OF IRVINGTON IN THE COUNTY OF ESSEX AUTHORIZING SETTLEMENT OF THE TAX APPEALS ON THE ATTACHED LIST DATED JANUARY 25, 2021, WHICH WERE TAKEN FROM ASSESSMENTS OF PROPERTIES LOCATED WITHIN THE TOWNSHIP OF IRVINGTON, ESSEX COUNTY, NEW JERSEY.

WHEREAS, appeals of the real property tax assessments on the attached list dated January 25, 2021 have been challenged by the respective taxpayers; and

WHEREAS, each Block and Lot identified on the list dated January 25, 2021 was assessed at the amount stated therein for the noted tax year(s); and

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

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

WHEREAS, the settlement of these matters on the list dated January 25, 2021 are in the best interest of the Township of Irvington; and

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

MINUTES - REGULAR COUNCIL MEETING – JANUARY 25, 2021 – PAGE 5

1. The Township's Special Counsel for Tax Appeals, Antonelli Kantor, P.C., is authorized to execute Stipulations of Settlement on behalf of the Township of Irvington with respect to the tax appeals on the attached list which are currently pending in the Tax Court of New Jersey for the tax year(s) listed therein and the assessments stated therein.
2. All municipal officials are hereby authorized to take whatever action may be necessary to implement the terms of this Resolution.

Adopted

Hudley – Beasley

4. Strongly Condemn The Actions Of The Individuals Who Participated In The Failed Violent Insurrection On The U.S. Capitol Building And Support The Impeachment Of President Donald J. Trump

RESOLUTION STRONGLY CONDEMNING THE RECENT ACTS OF MURDER, VIOLENCE, RIOTING, AND LOOTING AT THE UNITED STATES CAPITOL AND ACROSS THE UNITED STATES

WHEREAS, In the months leading up to the 2020 presidential election, without any supporting facts, President Donald J. Trump stated that the only way he would lose the reelection campaign, would be if the election was stolen in the electoral process. Upon losing the election, President Trump, his legal team and congressional allies challenged the presidential election results by filing at least 60 court cases. Many of the cases, focused on the presidential results of six states - Arizona, Georgia, Michigan, Pennsylvania, Nevada, and Wisconsin were presided over by conservative judges that Trump himself appointed, including three of the Supreme Court Justices appointed by Trump. In addition, the former United States Attorney General William Barr, launched an investigation into the validity of the presidential election. Based on the report from Attorney General Barr, it was determined that the United States held free and fair elections without undue influence; and

WHEREAS, in each court case and investigation into the 2020 presidential election, every fact finder indicated that there was no evidence of any malfeasance or fraud, therefore, validating the election of Joseph R. Biden to the office of President of the United States; and

WHEREAS, President Trump broke from tradition and refused to concede the election compromising the integrity of our election process and the peaceful transition of power. On January 6, 2021, President Trump held a "Save America Rally" in the National Mall (one hour prior to the Joint Session of Congress) in an effort to further undermine the electoral vote process. During the rally, President Trump stated, ***"[n]ow it is up to Congress to confront this egregious assault on our democracy. And after this, we're going to walk down and I'll be there with you... because you'll never take back our country with weakness. You have to show strength and you have to be strong.... And we fight. We fight like Hell and if you don't fight like Hell, you're not going to have a country anymore;"*** and

WHEREAS, The Joint Session of Congress met to certify the Electoral College

votes. After the acceptance of the electoral votes from Alabama and Alaska, U.S. House of Representative Paul Gosar (R-AZ) and Senator Ted Cruz (R-TX) objected to the acceptance of Arizona's electoral votes – forcing the bifurcation of the House and Senate to deliberate the legitimacy of the objection. At the conclusion of the Save America Rally, an angry mob of seditionists – armed with guns, Confederate flags, zip ties, napalm, Molotov cocktails and other contraband – stormed and desecrated the United States Capitol building in an effort to disrupt the certification process; and

WHEREAS, the global community watched in horror as the United States Capitol - a symbol of the longest standing democracy in modern time - was under siege for more than three hours. World leaders from the North Atlantic Treaty Organization (NATO), Germany, the United Kingdom, Turkey, Israel, Colombia and others strongly condemned the attacks. In stark contrast to the condemnation, President Trump praised his supporters and their failed coup d'état, professed his love for them and proclaimed that he understood their pain; and

WHEREAS, the actions of these insurrectionists ultimately led to the death of five Americans including Capitol Police Officer Brian D. Sicknick who died in the line of duty and briefly blocked the vote to confirm President-Elect Joe Biden, while defiling the Capitol building by smashing windows, overturning and damaging furniture and threatening the lives of members of congress, temporarily shutting down government buildings and waving the flag of the Confederacy inside the Capitol – a symbol of hate and treason on U.S. soil- for the first time in history; and

WHEREAS, these violent acts were met with considerably less police aggression than this past summer's peaceful protests focused on justice for African American victims of police misconduct in the wake of the tragic death of George Floyd on Monday, May 25, 2020, and Eric Garner, Ezell Ford, Michelle Cusseaux, Tanisha Anderson, Tamir Rice Natasha McKenna, Walter Scott, Bettie Jones, Philando Castile, Botham Jean, Atatiana Jefferson, Eric Reason, Dominique Clayton, Breonna Taylor, and so many more! Peaceful protests began across the United States that were focused on justice for African American victims of police misconduct; and

WHEREAS, Peaceful protests are protected by the Constitution of the United States through an individual's First Amendment rights of freedom of speech, peaceful assembly, and petitioning the Government concerning grievances. However, violent acts of aggression are not protected as free speech under Brandenburg v. Ohio 395 U.S. 444. They have no place in American democracy and must be strongly condemned; and

WHEREAS, After the failed insurrection, Congress reconvened to continue the certification of the electoral votes. Both the Senate and the House of Representatives rejected the objection to Arizona's electoral votes 93-6 and 303-121 respectively. After a second objection to Pennsylvania's electoral votes by Senator Josh Hawley (R-MO) and Representative Scott Perry (R-PA), the Senate and the House of Representatives rejected the objection by 92-7 and 282-138. Representatives Jack Bergman, Lisa McClain and Tim Walberg from

MINUTES - REGULAR COUNCIL MEETING – JANUARY 25, 2021 – PAGE 7

Michigan supported the rejection of electoral votes from Arizona and Pennsylvania; and

WHEREAS, Continuation of our democracy is based on the principles of right to self-governance as stated in the Preamble of the United States Constitution and the peaceful transition of power. Since the presidential election of 1800 between John Adams and Thomas Jefferson, the loser of a presidential election has willingly and peacefully supported the transfer of power the incoming president – even during the contentious elections of 1876 (one hundred years after the founding of this great nation) and 2000 which required intervention by the Supreme Court of the United States. The bedlam that occurred in our Nation's capital on January 6, 2021 will go down in the annals as a dark day in our history. Let the events that occurred serve as a reminder that democracy is fragile, no individual is above the Constitution, safe and civil dialogue on issues is of great importance to our nation and that we are stronger united;

NOW, THEREFORE, BE IT RESOLVED THAT Mayor Tony Vauss of Irvington, New Jersey and Council Members:

- Renee C. Burgess, Council President
- Dr. October Hudley, Council 1st Vice President
- Charnette Frederic, 2nd Vice President
- Sean C. Evans, Council East Ward
- Orlander Glen Vick, Council North Ward
- Jamillah Z. Beasley, Council South Ward
- Vern Cox, Council West Ward

1. Strongly condemns the actions of the individuals who participated in the failed violent insurrection on the U.S. Capitol Building last week, which has so far has resulted in the deaths of five (5) individuals, including one member of law enforcement and demand that there is a thorough investigation.

2. And are in support of the article of impeachment against President Trump charging him with “inciting violence against the government of the United States” as introduced by the United States House of Representatives.

3. We recognizes peaceful protests are protected by the constitution, however, violent protests are not;

4. We recognizes President-Elect Joe Biden won the 2020 election fairly; We recognizes that the acts of these rioters as treasonous and unlawful and must be punished pursuant to our rule of law;

BE IT FURTHER RESOLVED, that a copy of the final resolution is to be submitted to our New Jersey members of the United State Senate, Senator Robert Menendez and the Senator Cory Booker, and our member of the United States House of Representatives, Congressman Donald M. Payne, Jr.

Adopted

Hudley - Beasley 5. Authorize Professional Services Contract Based on Quotation –
Engineering Service - Resurfacing Project - Neglia Engineering –
\$6,150.00

RESOLUTION TO AMEND THE PROFESSIONAL SERVICES CONTRACT FOR THE WEST WARD RESURFACING PROGRAM

WHEREAS, the Municipal Council of the Township of Irvington awarded a professional services contract to Neglia Engineering for the resurfacing of several streets in the West Ward; and

WHEREAS, funding for the project was delayed so that the project became delayed; however funding has been received so that the plans and specifications for this project need to be updated to meet the current specifications of the New Jersey Department of Transportation; and

WHEREAS, the Township Engineer has requested that Neglia Engineering prepare a quote to update these plans and specifications and that quote, in the amount of \$ 6,150.00 has been received; and

WHEREAS, the Township Engineer reviewed this proposal and find that this is the most efficient manner to accomplish this project and recommends that an amendment to the existing professional services contract of Neglia Engineering be amended by the quotes amount, \$ 6,150.00.

NOW, THEREFORE, BE IT RESOLVED BY MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that a an amendment to the contract for professional services for the design and construction administration services for the West Ward Resurfacing Program is awarded to Neglia Engineering at their quotes price not to exceed \$ 6,150.00.

BE IT FURTHER RESOLVED that pursuant to N.J.A.C. 5:34-5.2, the required Certificate of Availability of Funds No. c2100002 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 \$ 6,500.00 and shall be charged to Account No. c-04-56-852-019-901.

Adopted

10. Communication and Petitions

A. Communications

1. Mayor Vauss - Re-Appointment - Maslie Lockhart - Library Board of Trustees
2. Mayor Vauss - Re-Appointment - Anthony Amir Vauss - Mayor's Alternate Member To The Library Board of Trustees
3. Planning Board – Resolution Recommending And Memorializing Areas In Need Of Non-Condemnation Rehabilitation – Block 162, Lots 1-5, Block 166, Lots 1-19, 39.01, Block 165, Lots 15, 16, Block 149, Lots 1-37, Block 207, Lots 21, 22, 23.01, 23.02, 24-48
4. Essex County Board of Commissioners – Salary Ordinance And \$6,000,000/.00 Capital Improvement Ordinance

11. Pending Business

None

12. Miscellaneous

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

Doris Sherill, 35 Augusta Street

Jackie McLeod, 261 Vermont Avenue

Council President thanked both speakers for their community involvement.

13. Adjournment

There being no further business, the meeting was adjourned at 7:51 P.M.

Renee C. Burgess, Council President

Harold E Wiener, Municipal Clerk