

REGULAR COUNCIL MEETING
APRIL 26, 2021

Virtual Zoom Meeting
Irvington, N.J. – Monday Evening
April 26, 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

Absent: Renee C. Burgess, President

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 – April 5, 2021 to April 9, 2021
2. Municipal Court - Weekly Summary Report – April 12, 2021 to April 16, 2021
3. Municipal Court – Monthly Report For March, 2021
4. Municipal Court – Electronic Collections Report – March, 2021

7. Reports of Committees

None

8. Ordinances, Bills & Claims

A. Ordinances on First Reading

None

C. Bills & Claims

Cox – Beasley

1. Bill Lists

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RESOLVED THAT THE BILLS AND CLAIMS AGAINST THE TOWNSHIP OF IRVINGTON FOR A PERIOD APRIL 26, 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 \$4,017,195.49

Adopted
Absent: Burgess

Cox - Hudley 2. Payrolls

April 9, 2021

| REGULAR | OVERTIME | OTHER | TOTAL |
|----------------|-------------|-------------|----------------|
| \$1,589,469.18 | \$79,221.84 | \$80,648.20 | \$1,749,339.22 |

April 23, 2021

| REGULAR | OVERTIME | OTHER | TOTAL |
|-----------------|-------------|-------------|----------------|
| \$ 1,584,047.29 | \$51,111.01 | \$53,307.85 | \$1,688,466.15 |

Adopted
Absent: Burgess

9. Resolutions and Motion

A. Resolutions

Vick – Frederic 1. Waive 20 Day Time Period for Effective Date Pertaining to Ordinance Providing Resident Permit Parking on a Portion of Linden Avenue

WHEREAS, an ordinance entitled “AN ORDINANCE PROVIDING FOR RESIDENTIAL PARKING PERMITS ON A PORTION OF LINDEN AVENUE” was duly passed on first reading by the Municipal Council on April 12, 2021 and duly Adopted Absent: Burgess by the Municipal Council on second reading after public hearing on April 26, 2021; and

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WHEREAS, pursuant to N.J.S.A. 40:69A-181 (a) and Section 7-32 (d) of the Revised Code of the Township of Irvington, an ordinance shall take effect twenty (20) days after final passage by the Municipal Council and approval by the Mayor; and

WHEREAS, pursuant to N.J.S.A. 40:69A-181 (b) and Section 7-32 (d) of the Revised Code of the Township of Irvington, two-thirds (2/3) of the full membership of the Municipal Council may declare an emergency, by written resolution, to reduce this twenty (20) day period:

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON (not less than 2/3 of the full membership thereof affirmatively concurring) that pursuant to the provisions of N.J.S.A. 40:69A-181 (b) and Section 7-32 (d) of the Revised Code of the Township of Irvington, it does hereby declare that an emergency exists that an ordinance entitled "AN ORDINANCE PROVIDING FOR RESIDENTIAL PARKING PERMITS ON A PORTION OF LINDEN AVENUE" shall become effective immediately upon its approval by the Mayor.

Adopted
Absent: Burgess

Hudley – Frederic

2. Resolution of Sorrow - Kyle Abercrombia

WHEREAS, Reverend Kyle Abercrombia was born on December 8, 1963 to Rev. Dr. James and Christine Abercrombia in Newark, NJ; and

WHEREAS, he later relocated to Hillside, NJ where in 1968 where the presence of African American Families was scarce, but he would quickly learn from his father, the late Reverend Doctor James Abercrombia how to establish a presence as a pioneer in the community, cultivating and molding the minds of the youth; and

WHEREAS, at an early age Kyle accepted Christ as his personal Savior and became an active member of the First Baptist Church of Nutley, NJ where Rev. Dr. Lawrence C. Roberts was his Pastor; and

WHEREAS, his Christian training comes from attending Sunday School under the leadership of his father and Sunday School Superintendent, Rev. Dr. James Abercrombia; and

WHEREAS, Kyle sang in the Little Angels Choir and the Young Adult Choir and in 1981 he was selected "Youth of the Year" at First Baptist Church and he was also a member of the Missionary Board where his mother Christine Abercrombia was the President; and

WHEREAS, at the mature age of 32, Kyle was licensed to preach the Gospel and he was later ordained by Rev. Dr. Lawrence Roberts; and

WHEREAS, Kyle was currently an active member on the Ministerial Staff at First Timothy Baptist Church, Newark, NJ under the pastoral leadership of Rev. Andre' Coffee; and

WHEREAS, Kyle was educated in the Hillside Public Schools and graduated from Hillside High School Class of 1981 and after high school he attended Berkeley School of Fashion in New York, NY, attended Essex County College for Accounting and Marketing and was a former employee at Macy's Department Store as a Senior Associate and the Commentator for their Young Men's Department Seasonal Fashions for all twenty-three stores and the Director of Employee Activity Committee (The Macy's Thanksgiving Day Parade); and

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WHEREAS, Kyle was currently employed at Unique Design, Newark, NJ where he was the Lead Stylist and with an array of talent, and a consistent flow of inspiration, it is no surprise that Kyle sought to continue in his father's path; and

WHEREAS, as the Director of Community Affairs, one would have to have knowledge of the community, but most of all a passion and a love for the people of the community, and what better teacher to provide the knowledge needed than the experience of being the offspring of a great activist and communal leader; and

WHEREAS, in 1980, Kyle established K.A. & Company, "A Traveling Fashion Show" where he presented fashion shows to numerous charitable and private organizations including churches, schools and Senior Citizen groups domestically and internationally; and

WHEREAS, Kyle was a Counselor and Fashion Coordinator for "Hope for Pregnant Teens" of Hillside, NJ and with the FP YouthOutCry Foundation, INC of Newark, NJ. and was also on the Board of Directors for Odyssey International, INC; and

WHEREAS, in 1989 and 1990, Kyle received the title as "Commentator of The Year" by the Black Fashion and Entertainment Award Association for the state of NJ. And was the first place and third place winner in the Regional competition and first place in the state competition of the Distributive Education Clubs of America; and

WHEREAS, he was a Fashion Consultant and Make-up Artist for the Unique Models, INC. and was the Executive Director for Trendsetters, Beauty Consultant for Harlequinn Production, Fashion Consultant for Alexis Productions, Melsax Modeling Agency and Fashion Police Modeling Agency of NJ just to name a few; and

WHEREAS, in 1991, he received Producer of the year by International Bazaar of Wheatley Heights, NY. and in 1992, Kyle was chosen Commentator of the Year by P. Gibbs Associates; and

WHEREAS, he received a resolution from the Municipal Council of the City of Newark for community services, with Sharpe James, Mayor and Donald Tucker, Council President presenting this resolution, and received a proclamation from the Municipal Council of the City of Hillside for community services and youth leadership, with James C. Welch, Mayor presenting him with this proclamation; and

WHEREAS, Rev. Kyle Abercrombia's presence would permeate wherever he would go, he was a fashionista and public speaking icon who was affectionately known as "The Voice" and to his family and close friends he was known as "Bams". A few of his favorite quotes were;

"Take a look, take a look, take a look really good look and look no further", "It's not what you wear, it's when you wear it, how you buy it, how you style it", "Reach for the stars, if you land upon the moon just remember you're still on high ground"

and

WHEREAS, Rev. Kyle Abercrombia was preceded in death by his father Rev. Dr. James Abercrombia Jr. and his brother James Abercrombia III and leaves to cherish his memory his loving and devoted mother, Mrs. Christine Abercrombia of Punta Gorda, Florida; Beloved and Devoted Companion, Antoinette King, Newark, New Jersey; 2 brothers, Darryl (Vanessa) Walker, Conyers, Georgia, Rev. Lance Abercrombia, Punta Gorda, Florida; 1 Sister, Vanessa Abercrombia, East Orange, New Jersey; 7 nieces and nephews, Natasha Abercrombia,

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April Walker, Takisha Abercrombia, Ben Mast, Enrico Sloan, James Abercrombia, Monique Abercrombia; 3 godchildren Brittney Peterson, Abdur Shakirullah and Taylor Mceachin And a host of cousins and friends:

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COINCIL OF THR TOWNSHIP OF IRVINGTON that the Township of Irvington joins with the family and friends of Rev. Kyle Abercrombia during this period of bereavement and mourns with them in their loss; and

BE IT FURTHER RESOLVED that a copy of this resolution be spread upon the minutes if this governing body in memory of Rev. Kyle Abercrombia.

Adopted
Absent: Burgess

Frederic – Hudley 3. Authorize 2021 Springfield Avenue Business Improvement District's (SACBID) Sidewalk Sale

WHEREAS, the Springfield Avenue Center Business Improvement District proposes its annual Summer 2021 Sidewalk Sale and Activities to commence and include:

| | | |
|----------------------------|----------------------|--|
| Thursday, Friday, Saturday | June 3, 4, and 5 | Rain date: Saturday June 12, 2021 |
| Thursday, Friday, Saturday | July 8, 9, and 10 | Rain date: Saturday July 17, 2021 |
| Thursday, Friday, Saturday | August 5, 6 and 7 | Rain date: Saturday August 14, 2021 |
| Thursday, Friday, Saturday | September 2, 3 and 4 | Rain date: Saturday September 11, 2021 |

to be done in conjunction with cultural events; and

WHEREAS, Section 171-11 of the Revised Code of the Township of Irvington provides that the provisions shall not prevent the placement of booths or showcases for the display of merchandise, foods and other material along the route of any parade or at the site of any cultural event duly licensed by the Township:

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that it declares that the provisions of Section 171-11 are hereby met and the Springfield Avenue Center Business Improvement District schedule of Summer 2021 Sidewalk Sale and Activity are hereby approve as set forth herein:

| | | |
|----------------------------|----------------------|--|
| Thursday, Friday, Saturday | June 3, 4, and 5 | Rain date: Saturday June 12, 2021 |
| Thursday, Friday, Saturday | July 8, 9, and 10 | Rain date: Saturday July 17, 2021 |
| Thursday, Friday, Saturday | August 5, 6 and 7 | Rain date: Saturday August 14, 2021 |
| Thursday, Friday, Saturday | September 2, 3 and 4 | Rain date: Saturday September 11, 2021 |

Adopted
Absent: Burgess

Beasley – Frederic 4. Authorize Handicap Parking Spaces in Front of 168 Eastern Parkway, 10 Garwood Place, 24 Franklin Terrace, 36 Franklin Terrace and 59 Sheridan Street

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 **168 Eastern Parkway, 10 Garwood Place, 24 Franklin Terrace, 36 Franklin Terrace and 59 Sheridan Street.**

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 **168 Eastern Parkway, 10 Garwood Place, 24 Franklin Terrace, 36 Franklin Terrace and 59 Sheridan Street;** and

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

Adopted

Absent: Burgess

Cox - Hudley

5. Authorize Use of \$39,300.00 In HUD Homeowner Housing Rehabilitation Funds – 68 Coolidge Street

RESOLUTION FOR HOME REHABILITATION PROGRAM

WHEREAS, the Township of Irvington has been awarded HOME Partnership Funds by the Department of Housing and Urban Development (HUD) and it has obligated funds for the purpose of financing its HOMEOWNER Housing Rehabilitation Program administered by the Department of Economic Development and Grants Oversight; and

WHEREAS, the Township of Irvington, Department of Economic Development and Grants Oversight has identified that the applicant, Anita Wells and whose address is 68 Coolidge Street Irvington, New Jersey, 07111 is eligible to receive assistance through the HOMEOWNER Housing Rehabilitation Program per the Township's policies and procedures; and

WHEREAS the Contractor selected through a competitive BID to perform the Rehabilitation work is Majaraj General Contracting, LLC, and said funds shall be disbursed to the Contractor for the benefit of the applicant; and,

WHEREAS, the Department of Economic Development and Grants Oversight has contacted all the contractors on resolution number EDGO 21-0111-2 and two contractors provided quotes for the required work and the other three contractors did not provide any submission before the deadline; and,

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that the Township of Irvington does ratify and approve the provision of HOMEOWNER Housing Rehabilitation funds to the applicant(s) in the amount not to exceed \$39,300.00 for a period of affordability of ten (10) years; and

BE IT FURTHER RESOLVED that the aforesaid funds of \$39,300.00 will be disbursed in three (3) installments in the amount of \$13,100 each installment after review of work performed and proof of funds expended to facilitate the Rehabilitation; and

BE IT FURTHER RESOLVED that the aforesaid funds are to be used for the rehabilitation of the subject property and related soft cost associated with the rehabilitation of the subject property as set forth in Exhibit A (Scope of Work), attached hereto for the premises known as, 68 Coolidge Street New Jersey 07111, 2 family unit(s) and owned by Anita Wells; and

BE IT FURTHER RESOLVED that any such funds not expended in the rehabilitation and related soft cost associated with the rehabilitation of the subject property in accordance with Adopted Absent: Burgess policy and procedures shall be recaptured by the TOWNSHIP OF IRVINGTON for use in assisting other HUD/HOME Program applicant(s); and

BE IT FURTHER RESOLVED that pursuant to N.J.A.C. 5:34-5.2, the required Certificate of Fund Req. No. C2100037 in the amount of \$39,300.00 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-21-41-850-21A- 801 in the amount of \$39,300.00; and

BE IT FURTHER RESOLVED that resolution EDGO 21-0308-5 is hereby repealed.

Adopted
Absent: Burgess

Cox – Frederic 6. Award Bid - Construction Of The 2020 Transportation Trust Fund
Project - American Asphalt & Milling Services, LLC – Low Bid of
\$1,364,777.42

**RESOLUTION TO AWARD A CONTRACT
FOR THE CONSTRUCTION OF THE 2020 TRANSPORTATION
TRUST FUND PROJECT**

WHEREAS, the Township of Irvington applied for and received a grant from the New Jersey Department of Transportation (NJDOT) as part of the 2020 Transportation Trust Fund Program; and

WHEREAS, the engineering services required to prepare the plans and specifications and administer the construction of this project were prepared by Keller & Kirkpatrick (now operating as Greenmen Pedersen, Inc.) and those plans and specifications were publicly advertised and the receipt of bids for this project was scheduled for April 7, 2021; and

WHEREAS, on April 7, 2021, ten bids for this project were received by the Purchasing Committee with lowest responsible bidder determined to be that of C LLC of Kearny, NJ at their bid price of \$1,364,777.42 (base bid plus Alternate A ; and

WHEREAS, the Township Engineer has reviewed these proposals and recommends that the bid of American Asphalt & Milling Services, LLC of Kearny be accepted as the lowest responsible bidder at their bid price of \$1,364,777.42; and

NOW, THEREFORE, BE IT RESOLVED BY MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that a contract for the construction of the 2020 Transportation Trust Fund Resurfacing Project be awarded to be American Asphalt & Milling Services, LLC of Kearny, NJ at their bid price of \$1,364,777.42; and

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BE IT FURTHER RESOLVED that pursuant to N.J.A.C. 5:34-5.2, the required Certificate of Availability of Funds No. C2100058 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 \$1,364,777.42 is Account Nos. C-04-56-852-019-901 and G-02-XX865-21A-299.

Adopted
Absent: Burgess

Frederic - Hudley 7. Authorize A Shared Services Agreement With The Township Of Irvington And Irvington Library For The Provision Of Security Guard Services

A SHARED SERVICES AGREEMENT WITH THE TOWNSHIP OF IRVINGTON AND IRVINGTON LIBRARY FOR THE PROVISION OF SECURITY GUARD SERVICES

WHEREAS, the Township of Irvington, has been in discussions to share services with the Irvington Public Library so as to mutually and respectively reduce the cost of providing such services between the Township and Irvington Public Library; and

WHEREAS, the Irvington Public Library is in need of unarmed Community Service Officers to provide security and protection of residents while during the Library; and

WHEREAS; the Township of Irvington, Police Department has unarmed Community Service Officers that provide this service to the Irvington Public Library; and

WHEREAS, the Irvington Municipal Council finds that it is the public interest to enter a shared service agreement, pursuant to the provisions of NJSA 40A:65-1 et seq., the Uniformed Shared Services and Consolidation Act, to enter such an agreement for security services to be provided by the Township; and

NOW THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that a shared-service agreement between the Township and Irvington Public Library is hereby authorized for security services for two years from May 01, 2021 to April 30, 2023; and.

BE IT RESOLVED Attorney is hereby authorized and directed to review and approve shared-service agreement and the Mayor and Township Clerk are authorized and directed to sign the same; and

BE IT RESOLVED the Township of Irvington will invoice the Library on a monthly basis for this contract and the Library shall remit payment to the Township on a monthly basis.

Adopted
Absent: Burgess

Cox - Frederic 8. Authorizing Execution Of A Renewal Agreement With The Morris County Cooperative Pricing Council And The Township of Irvington For The Period Of October 1, 2021 Through September 30, 2026

AUTHORIZING EXECUTION OF AN AGREEMENT WITH THE MORRIS COUNTY COOPERATIVE PRICING COUNCIL TO RENEW MEMBERSHIP THEREIN FOR THE PERIOD OF OCTOBER 1, 2021 THROUGH SEPTEMBER 30, 2026

WHEREAS, the Morris County Cooperative Pricing Council (“MCCPC”) was created in 1974 to conduct a voluntary cooperative pricing system with municipalities, boards of education, and other public bodies located in the County of Morris and adjoining counties; and

WHEREAS, the purpose of the MCCPC is to provide substantial savings on various goods and services to its members through the cooperative public bidding process; and

WHEREAS, Township of Irvington desires to enter into an Agreement with the MCCPC, which is administered by Randolph Township as Lead Agency, to renew its membership in the MCCPC for the period of October 1, 2021 through September 30, 2026.

BE IT RESOLVED, by the Township of Irvington, County of Essex, State of New Jersey as follows

1. Township of Irvington Municipal Council hereby authorizes the execution of an Agreement with the Morris County Cooperative Pricing Council by the Township of Randolph as Lead Agency dated October 1, 2021, pursuant to N.J.S.A. 40A:11-11(5). Said Agreement is for renewal of membership in the MCCPC for a five (5) year period from October 1, 2021, through September 30, 2026.
2. The Clerk and Mayor are directed to execute Agreement for service.
3. This Resolution shall take effect immediately upon final passage according to law.

Adopted

Absent: Burgess

Cox - Hudley

9. Authorize Acceptance of Federal Grant for Police Bulletproof Vests

RESOLUTION AUTHORIZING THE TOWNSHIP OF IRVINGTON TO “ACCEPT”, THE NOTICE OF AWARD TOTALING \$55,289.58 FROM THE FEDERAL BULLETPROOF VEST PROGRAM (BVP) FY2020-2021. THE FEDERAL BVP PROGRAM REQUIRES THAT OUR AGENCY PROVIDE 50% OF THE MATCHING FUNDS COST TO PURCHASE 107 BULLETPROOF VESTS FOR THE IRVINGTON POLICE OFFICERS.

WHEREAS, this award is subject to all administrative and financial requirements; and

WHEREAS, this is including the timely submission of all financial and programmatic reports; and

WHEREAS, this is including the resolution of all interim audit findings; and

WHEREAS, this is including the maintenance of a minimum level of cash-on-hand.

WHEREAS, the award amount was granted to assure officer safety and wellness;

NOW, THEREFORE, BE IT RESOLVED, BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that the Irvington Township Council accepts the notice of award totaling \$55,289.58 from the Federal Bulletproof Vest Program (BVP) FY2020-2021.

Adopted

Absent: Burgess

~~10. Anticipate Miscellaneous Revenues In The 2021 Budget Using The
Three Year Average Of Realized Revenues From The Prior Three Years~~

[OFF – NEVER SUBMITTED BY THE ADMINISTRATION]

Frederic - Beasley

11. Support 2021 EDF Climate Corps Program Application

**Resolution of Support from Local Governing Body Authorizing the
Sustainable Jersey 2021 EDF Climate Corps Program Application**

WHEREAS, a sustainable community seeks to optimize quality of life for its residents by ensuring that its environmental, economic, and social objectives are balanced and mutually supportive; and

WHEREAS, Irvington strives to save tax dollars, assure clean land, air and water, improve working and living environments; and

WHEREAS, **Irvington** is participating in the Sustainable Jersey Program; and

WHEREAS, one of the purposes of the Sustainable Jersey Program is to provide resources to municipalities to make progress on sustainability issues, and they have created **the** 2021 EDF Climate Corps Program;

NOW THEREFORE BE IT RESOLVED that, the Irvington Municipal Council has determined that Irvington should apply for the aforementioned 2021 EDF Climate Corps Program. The assistance will re-evaluate our energy program, set up energy tracking, prepare documentation to submit applications for NJCEP programs as well as to assist in preparing grant applications, submit documentation for Sustainable Jersey energy actions, and create community outreach campaigns to promote energy efficiency for residents, businesses, and build green team capacity to engage our local community organizations; and

BE IT FURTHER RESOLVED that **Irvington** will commit to providing staff support for the duration of the 2021 EDF Climate Corps Program, including access to data for energy projects such as utility billing data; **and**

BE IT FURTHER RESOLVED that the Irvington Municipal, State of New Jersey, authorize the submission of the aforementioned application to the 2021 EDF Climate Corps Program.

Adopted

Absent: Burgess

10. Communication and Petitions

A. Communications

1. Local Finance Board Resolution - Approval of \$4,505,00.00 Qualified Bond Ordinance - Joint Meeting Flood Mitigation Facilities Project

11. Pending Business

None

NON-CONSENT AGENDA ITEMS

8. Ordinances, Bills & Claims (Continued)

B. Ordinances on Second Reading

1. Acting President Hudley: An ordinance authorizing the adoption of the amended and restated East Ward and East Springfield Avenue Redevelopment Plan will heard at this time. The Clerk will read the notice of hearing.

The Clerk will read the ordinance by title.

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

WHEREAS, the Township of Irvington (the “**Township**”), a public body corporate and politic of the State of New Jersey, is authorized pursuant to the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1 et seq.* (the “**Redevelopment Law**”), to determine whether certain parcels of land within the Township constitute an area in need of rehabilitation or an area in need of redevelopment; and

WHEREAS, in accordance with the Redevelopment Law, the Municipal Council of the Township (the “**Township Council**”), has previously identified certain areas within the Township as in need of redevelopment and in need of rehabilitation, and wishes to develop and adopt plans for the redevelopment of such areas, all as part of an overall comprehensive redevelopment initiative; and

WHEREAS, on August 13, 2002, in accordance with the criteria set forth in the Redevelopment Law, the Township Council designated as an “area in need of redevelopment” certain property then identified on the official tax maps of the Township, the entirety of Blocks 132-137; Block 138, Lots 1-13; Block 139, Lots 1-38; Block 140, Lots 1-10, 12-26; Block 141, Lots 1-25; Block 142, Lots 1-30; Block 143, Lots 1-17; Block 144, Lots 1-12; Block 145, Lots 1-12; Block 146, Lots 1-12; Block 147, Lots 1-40; Block 148, Lots 1-40; Block 162, Lots 7-32; Block 164, Lots 1-8; Block 206, Lots 6-25; Block 207, Lots 12-28; Block 208, Lots 8-24; Block 209, Lots 14-34; and Block 210, Lots 23-42 (collectively, the “**Original Redevelopment Area**”); and

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

WHEREAS, on July 11, 2006, by Resolution No. UEZ 06-0711-12, the Township Council designated certain properties identified on the official tax maps of the Township as 943-949 Grove Street (Block 210, Lots 49 & 50) as an “area in need of redevelopment”; and

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WHEREAS, in accordance with the requirements of the Redevelopment Law, on July 14, 2015, by Resolution No. UEZ 15-0714-11, the Township Council designated the entirety of the Township, including certain properties identified on the tax maps of the Township as 941 Grove Street (Block 210, Lot 48) and 951 Grove Street (Block 210, Lots 51 & 52) as an “area in need of rehabilitation”; and

WHEREAS, on November 23, 2020, in accordance with the criteria set forth in the Redevelopment Law, the Township Council Adopted Absent: Burgess Resolution No. OCDP 20-1123-30 designating as a “non-condemnation area in need of redevelopment” certain properties located on Grove Street, 17th Avenue, 22nd Street, 18th Avenue, Ellis Avenue, 21st Street, Hopkins Place, Madison Avenue and Springfield Avenue; identified on the official tax maps of the Township as Block 149, Lots 1-37; Block 162, Lots 1-6; Block 165, Lots 15 & 16; Block 166, Lots 1-19 & 39.01; Block 207, Lots 21, 22, 23.01, 23.02 & 24-48 (collectively, the “**Expanded Redevelopment Area**”); and

WHEREAS, on March 22, 2021, by Resolution No. OCDP 21-0322-3, the Township Council instructed the Township Planning Board (the “**Planning Board**”) to amend the Original Redevelopment Plan by incorporating therein certain properties adjacent to the Original Redevelopment Area, which properties are identified in the Township tax records as 941-951 Grove Street, and designated as Block 210, Lots 48-52 on the official tax maps of the Township (the “**Grove Parcels**”)

WHEREAS, the Township wishes to provide for the effective, cohesive redevelopment of the Grove Parcels, the Original Redevelopment Area and the Expanded Redevelopment Area (the “**Amended Plan Area**”), and has determined that substantial changes to the Original Redevelopment Plan will be necessary to provide for such effective, cohesive redevelopment; and

WHEREAS, on March 25, 2021 the Planning Board considered and recommended the adoption of an amended and restated redevelopment plan which encompasses the Amended Plan Area; and updates and clarifies the development standards, the uses and the requirements of the Original Redevelopment Plan (the “**Amended Redevelopment Plan**”, attached hereto as Exhibit A), and acting by resolution, memorialized such action; and

WHEREAS, the Township Council has reviewed the Amended Redevelopment Plan and desires to adopt and implement same,

NOW, THEREFORE, BE IT ORDAINED by the Municipal Council of the Township of Irvington, in the County of Essex, New Jersey, as follows:

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

Section 2. The Amended Redevelopment Plan as filed in the Office of the Municipal Clerk, and attached hereto as Exhibit A, is hereby approved and Adopted Absent: Burgess pursuant to the terms of the Redevelopment Law.

Section 3. The zoning district map in the zoning ordinance of the Township is hereby amended to include the Amended Plan Area per the boundaries described in the Amended Redevelopment Plan, and all of the provisions of the Amended Redevelopment Plan shall supersede the applicable development regulations of the Township’s municipal code, as and where indicated.

Section 4. In case any one or more of the provisions of this Ordinance or the Amended Redevelopment Plan shall, for any reason, be held to be illegal or invalid, such illegality or invalidity shall

not affect any other provision of this Ordinance or the Amended Redevelopment Plan, and this Ordinance shall be construed and enforced as if such illegal or invalid provision had not been contained herein.

Section 5. A copy of this Ordinance and the Amended Redevelopment Plan shall be available for public inspection at the office of the Municipal Clerk during regular business hours.

Section 6. This Ordinance shall take effect as provided by law.

EXHIBIT A

Amended Redevelopment Plan

The public hearing on this ordinance is now open.

There were no requests to be heard.

Hudley – Frederic Motion to close public hearing.

Adopted
Absent: Burgess

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

Adopted
Absent: Burgess

2. Acting President Hudley: An ordinance authorizing the execution of an amended and restated financial agreement with Hilltop Partners Senior Urban Renewal, LLC for a portion of the former Irvington General Hospital site, identified as 832 Chancellor Avenue, will 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, AUTHORIZING THE EXECUTION OF AN AMENDED AND RESTATED FINANCIAL AGREEMENT WITH HILLTOP PARTNERS SENIOR URBAN RENEWAL, LLC WITH RESPECT TO THE PORTION OF THE FORMER IRVINGTON GENERAL HOSPITAL SITE IDENTIFIED ON THE OFFICIAL TAX MAPS OF THE TOWNSHIP AS BLOCK 324, LOT 1.05, COMMONLY KNOWN AS 832 CHANCELLOR AVENUE

WHEREAS, the Municipal Council (the “**Township Council**”) of the Township of Irvington (the “**Township**”), a public body corporate and politic of the State of New Jersey, is authorized pursuant to the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1 et seq.* (the “**Redevelopment Law**”), to determine whether certain parcels of land within the Township constitute an area in need of rehabilitation and/or an area in need of redevelopment; and

WHEREAS, the Township Council, by Resolution 94-0809-5 dated August 9, 1994, created the Township Urban Enterprise Zone, (the “**UEZ**”) pursuant to the New Jersey Urban Enterprise Zones Act, *N.J.S.A. 52:27H-60 et seq.* (the “**UEZ Act**”); and

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

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

WHEREAS, pursuant to *N.J.S.A. 40A:12A-4*, the Township has determined to act as the “redevelopment entity”, as such term is defined at *N.J.S.A. 40A:12A-3*, responsible for carrying out redevelopment projects in the Redevelopment Area in accordance with the Redevelopment Plan, pursuant to *N.J.S.A. 40A: 12A-4(c)*; and

WHEREAS, Hilltop Partners Senior Urban Renewal, LLC (the “**Entity**”), an urban renewal entity pursuant to the Long Term Tax Exemption Law, *N.J.S.A. 40A:20-1 et seq.* (the “**LTTE Law**”), is the contract purchaser of certain property located within the UEZ, which property is identified as Block 324, Lot 1.05 on the official tax map of the Township (the “**Property**”); and

WHEREAS, the Township Council, by Ordinance No. MC 3709 authorized the execution of a Financial Agreement (the “**Original Agreement**”) between the Township and the Entity, pursuant to which the Township granted an exemption from taxation of certain improvements to be constructed upon Block 324, Lots 1.02, 1.05, 1.07, which improvements were to consist of a new approximately 118,334 square foot senior housing complex consisting of approximately ninety-seven (97) apartments units (comprising: approximately eight (8) studio units, eighty-eight (88) one-bedroom units and one (1) two-bedroom superintendent unit), residential amenities, a new approximately 36,485 square foot parking garage with one hundred five (105) parking spaces, four (4) additional outdoor surface parking spaces and associated site improvements (the “**Original Project**”), as more fully described in the Original Agreement in accordance with the provisions of the LTTE Law in consideration of the Entity paying to the Township an annual service charge for municipal services provided to the Project; and

WHEREAS, the Township and the Entity seek to amend the Original Agreement to provide that the Project shall consist of the design, development, financing, construction and maintenance of a new approximately 118,154 square foot senior housing complex consisting of approximately ninety-six (96) apartments units (comprising: approximately four (4) studio units, ninety-one (91) one-bedroom units and one (1) two-bedroom superintendent unit), residential amenities, a new parking garage with approximately ninety-one (91) parking spaces, seven (7) additional outdoor surface parking spaces and associated site improvements on the Property (the “**Project**”); and

WHEREAS, the Project will further consist of mixed income units with approximately twenty-seven percent (27%) of the apartment units rented at market rate (and approximately seventy-three percent (73%) of the apartment units rented at a price affordable to those with a household income of 80% of the Area Median Income or less (the “**Affordable Units**”), nine (9) of which Affordable Units shall be set-aside for special needs individuals; and

WHEREAS, the Township now desires to amend and restate the Original Agreement such that the Amended & Restated Financial Agreement (the “**Financial Agreement**”), substantially in the form attached hereto as Exhibit A, shall supersede the Original Agreement, and the Parties have determined

that an amended and restated agreement is the correct format to memorialize the parties' new and amended rights and obligations,

NOW, THEREFORE, BE IT ORDAINED by the Municipal Council of the Township of Irvington, in the County of Essex, New Jersey, as follows:

I. GENERAL

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

II. EXECUTION OF AMENDMENT AUTHORIZED

(a) The Mayor is hereby authorized to execute the Amended and Restated Financial Agreement, substantially in the form attached hereto as Exhibit A, subject to modification or revision deemed desirable and appropriate by the Township in consultation with counsel.

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

(c) The Township Clerk shall file certified copies of this Ordinance and the Amendment with the Tax Assessor of the Township in accordance with Section 12 of the Exemption Law.

(d) In accordance with P.L. 2015, c. 247, within ten (10) calendar days following the later of the effective date of this Ordinance or the execution of the Amendment by the Entity, the Township Clerk shall transmit a certified copy of this Ordinance and the Amendment to the chief financial officer of Union County and to the Union County Counsel for informational purposes.

(e) The Mayor and Township Clerk are hereby authorized to take such action and to execute such other documents, on behalf of the Township, in consultation with counsel, as is necessary to effectuate the terms of the Amendment.

III. SEVERABILITY

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.

IV. AVAILABILITY OF THE ORDINANCE

A copy of this Ordinance and Amendment shall be available for public inspection at the offices of the Township.

V. EFFECTIVE DATE

This Ordinance shall take effect according to law.

EXHIBIT A

Amended & Restated Financial Agreement

The public hearing on this ordinance is now open.

There were no requests to be heard.

Burgess - Hudley Motion to close public hearing.

Adopted
Absent: Burgess

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

Adopted
Absent: Burgess

3. Acting President Hudley: An ordinance allowing for residential Permit parking on a portion of Linden Avenue from 4:00 p.m. to 6:30 a.m. between Petzinger Street and Madison Avenue, even number house numbers only, from numbers 110 to 130; inclusive, seven days a week, will 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 A PORTION OF LINDEN AVENUE.

WHEREAS, the Township of Irvington in response to the complaints of its residents concerning the availability of resident parking between the hours of 4:00 P.M. and 6:30 A.M. on Linden Avenue between Petzinger Street and Madison Avenue, even number house numbers only, from numbers 110 to 130; inclusive, seven 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 4:00 P.M. and 6:30 A.M. on Linden Avenue between Petzinger Street and Madison Avenue, even number house numbers only, from numbers 110 to 130; inclusive, seven 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.

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There were no requests to be heard.

Vick – Frederic

Motion to close public hearing.

Adopted

Absent: Burgess

Vick – Frederic

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

Adopted

Absent: Burgess

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 7:59 P.M.

Dr. October Hudley, Acting Council President

Harold E Wiener, Municipal Clerk