

REGULAR COUNCIL MEETING
JULY 12, 2021

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

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

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

Absent: Sean C. Evans, Charnette Frederic

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. Joint Meeting – 3rd Quarter Assessment Report
2. Municipal Court - Weekly Summary Report – June 21, 2021 to June 25, 2021
3. Minutes – Joint Meeting – 1-21-21, 2-18-21 and 3-18-21
4. Municipal Court - Weekly Summary Report – June 28, 2021 to July 5, 2021

7. Reports of Committees

A. Request for Proposals Results – Waste Receptacles - June 30, 2021

8. Ordinances, Bills & Claims

A. Ordinances on First Reading

None

C. Bills & Claims

Burgess – Cox

1. Bill Lists

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

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

BILL LIST \$1,841,658.61

Adopted
Absent: Evans, Frederic

Cox – Hudley

2. Payrolls

July 2, 2021

REGULAR	OVERTIME	OTHER	TOTAL
\$1,604,302.20	\$248,074.23	\$520,410.07	\$2,372,786.50

Adopted
Absent: Evans, Frederic

9. Resolutions and Motion

A. Resolutions

Cox – Vick

1. Waive 20 Day Time Period for Effective Date Pertaining to the Resident Parking on A Portion Of Yale Avenue

WHEREAS, an ordinance entitled “AN ORDINANCE PROVIDING FOR RESIDENTIAL PARKING PERMITS ON YALE AVENUE BETWEEN NESBIT TERRACE AND STUYVESANT AVENUE, SEVEN DAYS A WEEK, 24 HOURS PER DAY” was duly passed on first reading by the Municipal Council on June 28, 2021 and duly adopted by the Municipal Council on second reading after public hearing on July 12, 2021; and

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

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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 YALE AVENUE BETWEEN NESBIT TERRACE AND STUYVESANT AVENUE, SEVEN DAYS A WEEK, 24 HOURS PER DAY" shall become effective immediately upon its approval by the Mayor.

Adopted
Absent: Evans, Frederic

Beasley – Vick

2. Waive 20 Day Time Period for Effective Date Pertaining to the Resident Parking on Dupont Place

WHEREAS, an ordinance entitled “AN ORDINANCE PROVIDING FOR RESIDENTIAL PARKING PERMITS ON THE ENTIRE LENGTH OF DUPONT PLACE BETWEEN PAINE AVENUE AND CHESTNUT AVENUE” was duly passed on first reading by the Municipal Council on June 28, 2021 and duly adopted by the Municipal Council on second reading after public hearing on July 12, 2021; and

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 THE ENTIRE LENGTH OF DUPONT PLACE BETWEEN PAINE AVENUE AND CHESTNUT AVENUE" shall become effective immediately upon its approval by the Mayor.

Adopted
Absent: Evans, Frederic

Hudley - Beasley

3. Establish Handicapped Parking Spaces at 12 Locations

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 **25 Sanford Terrace, 77 Howard Street, 18 Stockman Place, 63 Laventhal Avenue, 18 Lafayette Place, 20 Stockman Place, 22 Lafayette Place, 65 Harper Avenue, 34 Fern Avenue, 116 Linden Avenue, 743 15th Avenue, 50 Adams 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 **77 Howard Street, 18 Stockman Place, 63 Laventhal Avenue, 18 Lafayette Place, 20 Stockman Place, 22 Lafayette Place, 65 Harper Avenue, 34 Fern Avenue, 116 Linden Avenue, 743 15th Avenue, 50 Adams Street;** and

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

Adopted

Absent: Evans, Frederic

Burgess – Cox

4. Qualify Six Law Firms for Workers Compensation Counsel

**QUALIFYING LAW FIRMS PURSUANT TO A FAIR AND OPEN
PROCESS FOR WORKERS COMPENSATION COUNSEL**

WHEREAS, the Request for Qualifications for Professional Workers Compensation Counsel services was publicly advertised in the New Jersey Star Ledger on May 08, 2021 with a deadline for qualifications to be submitted on May 26, 2021; and

WHEREAS, such services are to be acquired through a fair and open process pursuant to the provisions of N.J.S.A. 19:44A-20.4; and

WHEREAS, six qualifications were received and publicly opened; and

WHEREAS, said qualifications were referred to the Township Attorney; and

WHEREAS, the Township Attorney, Ramon Rivera, has recommended that the following firms are qualified:

Ronald Thompson
69 Valley Street
South Orange, NJ 07079

Capehart Scatchard
8000 Midlantic Drive, suite 300
S, Mt. Laurel, NJ 08054

Florio, Perrucci, Steinhardt & Cappelli, LLC
218 RT. 17N, Suite 410
Rochelle Park, NJ 07662

Eric M. Bernstein & Associates, LLC
34 Mountain Blvd., Building A
PO Box 4922, Warren NJ 07059

Chasan Lamparello Mallon & Cappuzzo
300 Lighting Way Suite 200
Secaucus, NJ 07094

Glazer & Kamel
1207 East Grand Street 3rd Floor
Elizabeth, NJ 07201

WHEREAS, from the list of qualified firms above, from time to time, and as needed, the Township Attorney may enter into a contract not to exceed one year, with respect to particular matters by separate resolutions pursuant to the terms of this resolution and the request for proposals;

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

1. The Township Attorney will provided separate resolutions with respect to particular matters to the Municipal Council.
2. The Township Attorney will prepare the appropriate contract for this service.
3. The above vendors are qualified for one year from July 11, 2021 through July 12, 2022
4. The vendors will be paid an amount not to exceed \$115.00 per hour.

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

Adopted
Absent: Evans, Frederic

Cox - Beasley

5. Qualify Two Law Firms for Foreclosure Counsel

RESOLUTION AUTHORIZING QUALIFYING LIST OF FORECLOSURE COUNSELS

WHEREAS, the Request for Qualifications for professional Foreclosure counsel services was publicly advertised in the New Jersey Star Ledger on May 08, 2021 with a deadline for qualifications to be submitted on May 26, 2021; and

WHEREAS, two qualifications were received and publicly opened; and

WHEREAS, said qualifications were referred to the Township Attorney; and

WHEREAS, the Township Attorney has recommended that award should be made to the following firm:

Goldenberg, Mackler, Sayeih GMS Law
Keith A. Bonchi
660 New Road, Suite 1A Northfield, NJ 08225

Eric M. Bernstein & Associates LLC
Eric M. Bernstein
34 Mountain Blvd, Warren, NJ 07059

NOW THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that the above vendor is qualified for the services of professional foreclosure services and the Township Attorney will prepare separate resolutions for all cases assigned to the above vendor.

BE IT FURTHER RESOLVED, that this qualification is for one year starting on July 01, 2021 and ending on June 30, 2022; and

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

Adopted
Absent: Evans, Frederic

Burgess – Cox 6. Authorize Contract with Florio, Perrucci, Steinhardt & Fader
for Labor Counsel Services in an Amount Not To Exceed
\$75,000.00 from July 1, 2021 to June 30, 2022

**RESOLUTION AUTHORIZING FAIR AND OPEN PROFESSIONAL SERVICE CONTRACT
FOR LABOR COUNSEL**

WHEREAS, the Request for Proposals for professional Labor counsel services was publicly advertised in the New Jersey Star Ledger on May 08, 2021 with a deadline for proposals to be submitted on May 26, 2021; and

WHEREAS, one qualification was received and publicly opened; and

WHEREAS, said qualifications were referred to the Township Attorney; and

WHEREAS, the Township Attorney has recommended award should be made to the following firm:

Florio, Perrucci, Steinhardt & Fader
218 RT. 17N, Suite 410
Rochelle Park, NJ 07662

NOW THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that a contract for Labor Attorney be awarded to Florio, Perrucci, Steinhardt & Fader, 218 RT. 17N, Suite 410, Rochelle Park, NJ 07662, on the basis of their response to the request for proposal selection criteria and qualifications, for an amount not to exceed \$75,000.00. The provider will be paid \$6,250.00 per month for all labor related work for one year July 01, 2021 until June 30, 2022; and

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

BE IT RESOLVED that the required Certification of Availability of Funds, certification number C21000085 for the two month of services was obtained from the Chief Financial Officer and the appropriation to be charged for this expenditure is 1-01-20-155-155-299 in the amount of \$18,750.00 and

the remaining balance of \$56,250.00 will be certified on the adoption of the Calendar 2021 and 2022 budgets.

Adopted
Absent: Evans, Frederic

Hudley - Beasley 7. Authorize Purchase of a New Camera System for the Public Safety Department by State Contract – SHI International Corp. – Not To Exceed \$92,828.10

RESOLUTION AUTHORIZING A CONTRACT WITH A STATE CONTRACT VENDOR SHI INTERNATIONAL CORP.

WHEREAS, the Township of Irvington, pursuant to N.J.S.A. 40A:11-12a and N.J.A.C. 5:34-7.29(c), may by resolution and without advertising for bids, purchase any goods or services under the State of New Jersey Cooperative Purchasing Program; and

WHEREAS, the Police Director wishes to purchase new camera system; and

WHEREAS, in compliance with NJSA 19:44A-20.13 ET Seq., this purchase will exceed the Pay to Play threshold of \$17,500.00 for calendar year 2021; and

WHEREAS, vendor has provided the Township with a quote for the camera system for a total amount of \$92,828.10 under New Jersey state contract number 89851; and

WHEREAS, the Township of Irvington intends to enter into contract with SHI International Corp through this resolution;

NOW, THEREFORE, BE IT RESOLVED, that the Municipal Council of the Township of Irvington hereby authorizes the Qualified Purchasing Agent to enter into a contract with SHI International Corp of 290 Davidson Ave, Somerset, NJ 08873 for an amount not to exceed \$92,828.10 under the New Jersey State Contract number 89851; and

BE IT FUTHER RESOLVED, that the required certification of availability of funds C2100087 in the amount of \$92,828.10 from account number 1-01-25-240-240-262 has been obtained from the Chief Financial Officer; and

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

Adopted
Absent: Evans, Frederic

Burgess – Cox 8. Authorize Treatment Works Approval for Hilltop Partners Redeveloper, LLC – 280 Park Place

RESOLUTION FOR A TREATMENT WORKS APPROVAL FOR HILLTOP PARTNERS

REDEVELOPER, LLC. FOR THE CONSTRUCTION OF NEW HOUSING AT 280 PARK PLACE

WHEREAS, Hilltop Redevelopers, LLC, has applied for a Treatment Works Approval for the construction of new housing which will generate additional sewer flows for the property located at 280 Park Place, Block 324 Lots 1.02, 1.04, 1.05 and 1.07, the site of the former Irvington General Hospital, which is bounded by Park Place, Chancellor Avenue, Krotik Place and Glorieux Street; and

WHEREAS, the project will of construction of new residential units located on this tract as part of the redevelopment plan of the subject property; and

WHEREAS, a report entitled “Sanitary Calculations, April 414, 2021, updated to June 21, 2021 Prepared for Hilltop Redevelopers, LLC c/o Urban Builders Collaborative NJ, LLC 1212 Springfield Avenue, Irvington, NJ 07111” prepared by E2 Project Management LLC and consisting of 8 pages demonstrates that the project discharge will not have a deleterious impact on the Township’s existing sanitary sewer system as there is adequate capacity within the existing sanitary sewer collection system; and

WHEREAS, the requirements of the New Jersey Department of Environmental Protection (NJDEP) require that any project that generates or extends an existing sewer system requires a Treatment Works Approval, the first portion of which is to obtain the approval of the owner of the collection system, which in this case, is the Township of Irvington; and

WHEREAS, the Township Engineer has reviewed this study and concurs with the conclusions in this study and recommends that a Treatment Works Approval be approved for this project.

NOW, THEREFORE, BE IT RESOLVED BY MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that a Treatment Works Approval be granted to Hilltop Redevelopers, LLC for the construction of the Boyden Avenue Sanitary Siphon Project and that the Township Engineer be authorized to endorse this application on behalf of the Township.

Adopted
Absent: Evans, Frederic

Beasley - Hudley 9. Authorize Purchases Over the Pay to Play Threshold of \$17,500.00
But Under the Bid Threshold of \$44,000.00 for Psychological Evaluations
For Police Officers- Kanen Psychological

**AUTHORIZING PURCHASES OVER THE PAY TO PLAY THRESHOLD OF \$17,500.00 BUT
UNDER THE BID THRESHOLD OF \$44,000.00 FOR PSYCHOLOGICAL EVALUATIONS
FOR POLICE OFFICERS**

WHEREAS, the Police Department requires to complete psychological evaluations for new police recruits and return to work physicals; and

WHEREAS, the Township has obtained two quotes for this service from Dr. Jemour Maddux and Kanen Psychological herein attached; and

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WHEREAS, Kanen Psychological of 76 West Ridgewood Ave, Ridgewood, NJ 07450 has provided the lowest quote for this service; and

WHEREAS, in compliance with 19:44a-20.13 et., seq., Institute for Forensic Psychology will exceed the Pay-to-Play threshold of \$17,500.00 for calendar year 2020; and,

WHEREAS, Institute for Forensic Psychology has completed and submitted the Township C-271, elect reports and political disclosure forms. These forms are on file in the Division of Purchasing Office and the Municipal Clerk; 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 Kanen Psychological in excess of 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, 2021

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

Adopted
Absent: Evans, Frederic

Burgess – Hudley 10. Resolution of Sorrow – Former Tax Assessor Employee Joseph Adams

**RESOLUTION OF SORROW
JOSEPH JEROME ADAMS**

WHEREAS, the Municipal Council of the Township of Irvington wishes to express their deepest sorrow on the passing of our cherished Joseph Jerome Adams; and

WHEREAS, Joseph Jerome Adams was born October 17, 1958 in Columbia, South Carolina to the late Paul Adams and Melissa (Randolph) Adams. He was educated in the East Orange Public System and attended Seton Hall University. Joseph transitioned into eternal rest on June 25, 2021; and

WHEREAS, at an early age, Joseph accepted Christ at Messiah Baptist Church in East Orange, NJ. He was a current member of Saint Matthew AME Church in Orange, NJ. Joseph's life demonstrated his love of God. He enjoyed singing, praying, and sending inspirational messages every morning to many people. Joseph served his church in many capacities including: Steward, Prayer Ministry, Sons of Allen, Men's Choir, and Senior Choir. He enjoyed volunteering in his community; he was a member of Choirworks and Promise to Pray; and

WHEREAS, over the years, Joseph had many occupations. He was currently employed in the Tax Assessor's Office for the Township of Irvington. He was also pursuing his passion as a Financial Literacy Advisor; and

WHEREAS, if you knew Joseph Adams, then you knew that he loved people and would carry a

conversation with anyone. He took great pride in being a father and doting grandfather. Joseph will be remembered for his cheerful spirit, anointed singing, and hearty infectious laugh. Not only did he love to eat but he was also an excellent cook. Joseph was the life of the party and a true giver. He was both a stylish dresser and quite thrifty. Through it all Joseph was transparent and would tell things just the way they were; and

WHEREAS, Joseph was proceeded in death by his sister Paulette Sweat. He leaves to cherish his memory three children: Patrice Adams of Elizabeth, NJ; Nakiyyah Adams of, Newark, NJ; and Davion Woodridge-Adams Sr. of Orange, NJ. Two grandchildren: Davion Woodridge-Adams Jr and Giselle Adams. Four siblings: Patricia Edwards (Lorenzo) of Irvington, NJ; Frederika A. Wolfe of Springfield, NJ; Frederick Adams (Gwendolyn) of Newark, NJ; and Nathaniel Adams of Franklin Park, NJ; a host of nieces, nephews, cousins, other relatives and many friends including his life-long friends Gregory Bonds, Keith Montague, Eric Watford, Van Chane, Reginald Oliver, Jerry Britt, Lewis "Ab"McMillan and Wali:

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that the Township of Irvington hereby mourns the passing of Joseph Jerome Adams and sends condolences to his family, friends and Township of Irvington family during this period of bereavement; and

BE IT FURTHER RESOLVED that a copy of this resolution be spread upon the minutes of the Municipal Council as a lasting tribute to the memory of Joseph Jerome Adams.

Adopted
Absent: Evans, Frederic

Cox - Burgess

11. Award a Professional Services Contract for Remedial Investigation at The Irvington Youth Safe Haven Facility to E2 Project Management LLC – Not To Exceed \$21,660.00

RESOLUTION TO AWARD A PROFESSIONAL SERVICES CONTRACT FOR REMEDIAL INVESTIGATION AT THE IRVINGTON YOUTH SAFE HAVEN FACILITY

WHEREAS, the Township of Irvington has determined that a level of contamination exists at the Irvington Youth Safe Haven Facility located at Parkway park and that the New Jersey Department of Environmental Protection (NJDEP) has directed that this contamination needs to addressed; and

WHEREAS, to complete this work it is necessary to engage the services of a Licensed Site Remediation Professional (LSRP) and the Township had previously engaged the services of E2 Project Management LLC to perform the initial investigation of the site and prepare a report and file that report with NJDEP; and

WHEREAS, that report was filed with NJDEP who has determined that the Township must complete the next stage of this investigation, which is the completion of a Remedial Investigation Report, and a proposal, in the amount of \$ 21,660.00 to perform these services has been obtained from of E2 Project Management LLC to perform these services; and

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WHEREAS, the Township Engineer has reviewed this proposal and recommends that the proposal of E2 Project Management LLC, in the total amount of \$21,660.00 is the most cost efficient proposal to complete the work on this investigation.

NOW, THEREFORE, BE IT RESOLVED BY MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that a contract for professional services for the LSRP services for the Remedial Investigation of the Irvington Youth Safe Haven Facility is awarded to E2 Project Management LLC at their proposed price not to exceed \$ 21,660.00.

BE IT FURTHER RESOLVED that pursuant to N.J.A.C. 5:34-5.2, the required Certificate of Availability of Funds No. C2100086 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 \$ 21,660.00 is Account No. 1-02-21-165-165-299.

Adopted
Absent: Evans, Frederic

Cox – Burgess 12. Award Bid - Waste Receptacles - Toter LLC - Lowest Responsible,
Responsive Bid of \$313,087.60

RESOLUTION AWARDING A BID FOR WASTE RECEPTACLES

WHEREAS, sealed bids were received on June 30, 2021 for Waste Receptacles to published advertisement for bids in the New Jersey Star Ledger on June 10, 2021; and

WHEREAS, one bid was received and opened by the Purchasing Agent and Municipal Clerk; and

WHEREAS, it has recommended that the award should be made to Toter LLC of 841 Meacham Road, Statesville, NC 28677 on the basis of their lowest responsible, responsive bid of \$313,087.60; 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 Toter LLC of 841 Meacham Road, Statesville, NC 28677 in the amount of \$313,087.60 for Waste Receptacles

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 FUTHER RESLOVED that the required certification of availability of C2100090 in the amount of \$313,087.60.00 from account number 1-01-32-465-465-299 has been obtained from the Chief Financial Officer.

Adopted
Absent: Evans, Frederic

Cox – Beasley 13. Resolution Authorizing the Appointment of Special Law Enforcement
Officer Class III & Police Officer Training – March 1, 2021 to June 30,
2021

Resolution for the Appointment of Special Law Enforcement Officer Class III & Police Officer Training

WHEREAS, under Township Ordinance 7-143 POWERS AND DUTIES OF THE PUBLIC SAFETY DIRECTOR, subsection L. The Director may employ Special Law Enforcement Officers in accordance with N.J.S.A. 40A:14-146.8 et. Seq. Special Law Enforcement Officers' Act. The Public Safety Director recommends the appointment of Special Law Enforcement Officer Class II for a term commencing March 1, 2021 and ending June 30, 2021.

BE IT RESOLVED, the Township of Irvington in accordance with N.J.S.A 40A:14-146.8 et. Seq. shall appoint the listed SLEO III Police Officers for a term commencing March 1, 2021 and ending June 30, 2021:

Special Law Enforcement Officer Class III Marcus Smith
Special Law Enforcement Officer Class III Maurice Gattison

Adopted
Absent: Evans, Frederic

Cox – Beasley 14. Resolution Authorizing the Appointment of Special Law Enforcement Officer Class III & Police Officer Training – July 1, 2021 to June 30, 2022

Resolution for the Appointment of Special Law Enforcement Officer Class III & Police Officer Training

WHEREAS, under Township Ordinance 7-143 POWERS AND DUTIES OF THE PUBLIC SAFETY DIRECTOR, subsection L. The Director may employ Special Law Enforcement Officers in accordance with N.J.S.A. 40A:14-146.8 et. Seq. Special Law Enforcement Officers' Act. The Public Safety Director recommends the appointment of Special Law Enforcement Officer Class II for a term commencing July 1, 2021 and ending June 30, 2022.

BE IT RESOLVED, the Township of Irvington in accordance with N.J.S.A 40A:14-146.8 et. Seq. shall appoint the listed SLEO III Police Officers for a term commencing July 1, 2021 and ending June 30, 2022:

Special Law Enforcement Officer Class III Marcus Smith
Special Law Enforcement Officer Class III Maurice Gattison

Adopted
Absent: Evans, Frederic

Cox – Beasley 15. Ratify An Agreement With Union County To Permit Irvington Police

Recruits To Attend The Union County John H. Stamler Police Academy -
Maximum of Eight (8) Police Recruits For A Total Cost Of Sixteen
Thousand Six Hundred And Forty Dollars (\$16, 640.00)

RESOLUTION OF THE TOWNSHIP OF IRVINGTON, N.J.

**RESOLUTION RATIFYING AN AGREEMENT WITH UNION COUNTY TO PERMIT
IRVINGTON POLICE RECRUITS TO ATTEND THE UNION COUNTY JOHN H. STAMER
POLICE ACADEMY.**

WHEREAS, the Township of Irvington is hiring eight (8) Police Recruits who will begin in-service training on July 23, 2021; and

WHEREAS, it is necessary for the new Police Recruits to attend a training academy certified by the State of New Jersey; and

WHEREAS, the Union County John H. Stamler Police Academy located at 1776 Raritan Road, Scotch Plains, NJ 07076 has the facilities to satisfy the Township's training needs; and

WHEREAS, the cost of training is two thousand eighty dollars (\$2,080) per police recruit [Out-of-County]; and

WHEREAS, the number of Police Recruits training at the Academy does not exceed a maximum of eight (8) Police Recruits for a total cost of sixteen thousand six hundred and forty dollars (\$16, 640.00); and

WHEREAS, the Police Recruits will commence training at the Academy on July 23, 2021;

WHEREAS, the N.J.S.A. 40A:11-5(2) authorizes agreements between government agencies without public advertising.

Adopted
Absent: Evans, Frederic

10. Communication and Petitions

A. Communications

None

11. Pending Business

None

NON-CONSENT AGENDA ITEMS

9. Resolutions and Motion

A. Resolutions

Cox – Beasley

16. Authorize Fair and Open Contract for Lease of Office Space at 660 Stuyvesant Avenue – BSR Group – Not to Exceed \$45,000.00 From July 1, 2021 Through June 30, 2022

RESOLUTION AUTHORIZING THE AWARD OF A FAIR AND OPEN CONTRACT FOR THE LEASE OF OFFICE SPACE

WHEREAS, sealed bids were received on May 26, 2021 for Lease of Office Space in response to published advertisement for bids in the New Jersey Star Ledger on May 08, 2021; and

WHEREAS, one bid was received and opened by the Municipal Clerk and the Purchasing Agent; and

WHEREAS, the bid received was reviewed according to the New Jersey Local Public Contract law, and referred to the Business Administration for review and recommendation; and

WHEREAS, the Township Administrator has recommend that an award be made to The BSR Group LLC of 660 Stuyvesant Ave, Irvington, NJ 07111 for the lease of office space; and

WHEREAS, this lease agreement is for one year starting July 01, 2021 until June 30, 2022; and,

WHEREAS, the landlord, The BSR Group LLC will be paid a monthly sum of \$3,750.00 for the rental of the office space and the Township; and,

NOW THEREFORE, BE IT RESOLVED that the Municipal Council of the Township of Irvington authorizes the award of a and open contract to The BSR Group LLC of 660 Stuyvesant Ave, Irvington, NJ 07111 for a yearly amount not to exceed \$45,000.00; and,

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

BE IT RESOLVED that the required Certification of Availability of Funds, certification number C2100083 was obtained from the Chief Financial Officer for the first two months of service for an amount of \$7,200.00 and the appropriation to be charged for this expenditure is 1-01-20-100-100-299 and the remaining balance of \$37,800.00 will be obtained from the Chief Financial Officer upon the adoption of the 2021 and 2022 Municipal Budget.

Adopted

Abstain: Beasley

Absent: Evans, Frederic

B. Ordinances on Second Reading

1. President Burgess: A redevelopment bond ordinance for a 21st Street project in the amount of \$500,000.00 will be heard at this time. The Clerk will read the notice of hearing.

The Clerk will read the ordinance by title.

BOND ORDINANCE PROVIDING FOR THE ACQUISITION OF PROPERTY LOCATED IN THE EAST WARD/EAST SPRINGFIELD AVENUE REDEVELOPMENT AREA IN FURTHERANCE OF THE EAST WARD/EAST SPRINGFIELD AVENUE REDEVELOPMENT PLAN IN AND BY THE TOWNSHIP OF IRVINGTON, IN THE COUNTY OF ESSEX, NEW JERSEY, APPROPRIATING \$500,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$500,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE THE COST THEREOF.

WHEREAS, in 2002, the Township Council of the Township of Irvington, in the County of Essex, New Jersey (the "Township"), designated certain properties within the Township, consisting of Blocks 132-137, Block 138, Lots 1 through 13, Block 139, Lots 1 through 38, Block 140, Lots 1 through 10 and Lots 12 through 26, Block 141, Lots 1 through 25, Block 142, Lots 1 through 30, Block 143, Lots 1 through 17, Block 144, Lots 1 through 12, Block 145, Lots 1 through 12, Block 146, Lots 1 through 12, Block 147, Lots 1 through 40, Blocks 148, Lots 1 through 40, Block 162, Lots 7 through 32, Block 164, Lots 1 through 8, Block 206, Lots 6 through 25, Block 207, Lots 12 through 28, Block 208, Lots 8 through 24, Block 209, Lots 14 through 34 and Block 210, Lots 23 through 42 as an area in need of redevelopment (the "Original Redevelopment Area"), in accordance with the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq., as amended and supplemented (the "Redevelopment Law"); and

WHEREAS, by Resolution No. OCDP 20-1123-30 adopted on November 23, 2020, the Township Council of the Township designated certain properties within the Township, consisting of Block 162, Lots 1 through 6, Block 166, Lots 1 through 19 and Lot 39.01, Block 165, Lots 15 and 16, Block 149, Lots 1 through 37, Block 207, Lots 21, 22, 23.01, 23.02 and Lots 24 through 48 on the official Tax Maps of the Township, as a non-condemnation area in need of redevelopment (the "Additional Redevelopment Area" and, together with the Original Redevelopment Area, the "Redevelopment Area") in accordance with the Redevelopment Law; and

WHEREAS, pursuant to N.J.S.A. 40A:12A-7, by Ordinance No. MC3766 adopted on May 18, 2021, the Township Council of the Township has duly adopted, as amended from time to time, the "East Ward/East Springfield Avenue Redevelopment Plan" (collectively, and as the same may be further amended, the "Redevelopment Plan"), which sets forth the Township's plan for the redevelopment of the Redevelopment Area; and

WHEREAS, pursuant to the Redevelopment Law, the Township has elected to act as redevelopment entity (the "Redevelopment Entity") to implement the Redevelopment Plan and carry out the hereinafter defined Redevelopment Project described therein, within the Redevelopment Area.

BE IT ORDAINED 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:

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Section 1. The recitals to this bond ordinance are hereby incorporated as if set forth in full herein.

Section 2. The improvements described in Section 4 of this bond ordinance are hereby authorized to be undertaken by the Township as general improvements. For the improvements or purposes described in Section 4, there is hereby appropriated the sum of \$500,000. No down payment is required pursuant to N.J.S.A. 40A:12A-37(c) as this bond ordinance authorizes obligations for the purpose of aiding the Redevelopment Entity with respect to the Redevelopment Project within the Township.

Section 3. In order to finance the cost of the improvements or purposes, negotiable bonds are hereby authorized to be issued in the principal amount of \$500,000 pursuant to the Redevelopment Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Redevelopment Law.

Section 4. (a) The improvements hereby authorized and the purposes for which the bonds are to be issued is to aid in the redevelopment project described in the Redevelopment Plan, including, but not limited to, acquisition of land within the Redevelopment Area, including the properties identified on the official Tax Maps of the Township as Block 144, Lots 5, 6 and 10 through 12, Block 145, Lots 3, 6, 8 and 11, Block 146, Lots 1, 3, 4, 6, 11 and 12 and Block 147, Lots 1 through 3, 6 through 10, 16, 18, 19, 24, 27 through 30, 34 and 40, including all costs and expenses necessary therefor and incidental thereto (collectively, and as further described in the Redevelopment Plan, the "Redevelopment Project").

(b) The estimated maximum amount of bonds or bond anticipation notes to be issued for the improvement or purpose is as stated in Section 3 hereof.

(c) The estimated cost of the improvement or purpose is equal to the amount of the appropriation herein made therefor.

Section 5. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the Township's chief financial officer; provided that no bond anticipation note shall mature later than one year from its date. The bond anticipation notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with bond anticipation notes issued pursuant to this bond ordinance, and the chief financial officer's signature upon the bond anticipation notes shall be conclusive evidence as to all such determinations. All bond anticipation notes issued hereunder may be renewed from time to time subject to the provisions of the Redevelopment Law. The chief financial officer is hereby authorized to sell part or all of the bond anticipation notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the bond anticipation notes pursuant to this bond ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the bond anticipation notes sold, the price obtained and the name of the purchaser.

Section 6. The Township hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Township is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the

adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

Section 7. The following additional matters are hereby determined, declared, recited and stated:

(a) The purposes described in Section 4 of this bond ordinance are not current expenses. They are improvements or purposes that the Township may lawfully undertake as general improvements described in the Redevelopment Plan, and no part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) Pursuant to N.J.S.A. 40A:12A-37(c), the obligations authorized herein shall mature in annual installments ending not more than forty years from the date of issuance.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Township as defined in the Local Bond Law is increased by the authorization of the bonds and bond anticipation notes provided in this bond ordinance by \$500,000, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An amount not exceeding \$50,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purposes or improvements.

(e) The obligations of the Township authorized by this bond ordinance shall bear interest at a maximum rate of not to exceed six (6.00%) per centum per annum.

Section 8. Any grant moneys received for the purposes described in Section 4 hereof shall be applied either to direct payment of the cost of the improvements or to payment of the obligations issued pursuant to this bond ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

Section 9. The Township hereby declares the intent of the Township to issue the bonds or bond anticipation notes in the amount authorized in Section 3 of this bond ordinance and to use proceeds to pay or reimburse expenditures for the costs of the purposes described in Section 4 of this bond ordinance. This Section 9 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 10. The chief financial officer of the Township is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Township and to execute such disclosure document on behalf of the Township. The chief financial officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Township pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Township and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Township fails to comply with its undertaking, the Township shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

Section 11. 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 authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Township, and the Township shall be obligated to levy ad valorem taxes upon all the taxable real property within the Township for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 12. The Mayor, Deputy Mayor, Township Administrator, Township Clerk and Township Attorney of the Township, as the case may be, are each authorized pursuant to the Redevelopment Law, N.J.S.A. 40A:12-1 et seq., and any other applicable law, to negotiate, prepare, execute and deliver any and all necessary documentation to effectuate the acquisition of the properties described in Section 4 hereof, including, but not limited to, a purchase and sale agreement and any other contracts or amendments thereto and all closing documents necessary to effectuate the purposes of this bond ordinance.

Section 13. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption.

The public hearing on this ordinance is now open.

There were no requests to be heard.

Vick – Hudley Motion to close public hearing

Adopted
Absent: Evans, Frederic

Vick – Hudley Motion to adopt this Ordinance after public hearing.

Adopted
Absent: Evans, Frederic

2. President Burgess: An ordinance establishing resident permit parking on the full length of Dupont Place, both sides, of from 6 pm to 6 am, seven days a week will be heard at this time. The clerk will read the notice of hearing.

The Clerk will read the ordinance by title.

AN ORDINANCE PROVIDING FOR RESIDENTIAL PARKING PERMITS ON THE ENTIRE LENGTH OF DUPONT PLACE BETWEEN PAINE AVENUE AND CHESTNUT AVENUE

WHEREAS, the Township of Irvington in response to the complaints of its residents concerning the availability of resident parking between the hours of 6:00 P.M. and 6:00 A.M. on Dupont Place between Paine Avenue and Chestnut Avenue 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 6:00 P.M. and 6:00 A.M. on Dupont Place between Paine Avenue and Chestnut Avenue 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.

There were no requests to be heard.

Beasley - Vick Motion to close public hearing

Adopted
Absent: Evans, Frederic

Beasley - Vick Motion to adopt this Ordinance after public hearing.

Adopted
Absent: Evans, Frederic

3. President Burgess: An ordinance establishing resident permit parking on both sides of Yale Avenue from Nesbit Terrace to Stuyvesant Avenue, 24 hours per day, seven days a week will be heard at this time. For the record, this notice of hearing is identical to the prior notice read.

The Clerk will read the ordinance by title.

AN ORDINANCE PROVIDING FOR RESIDENTIAL PARKING PERMITS ON YALE AVENUE BETWEEN NESBIT TERRACE AND STUYVESANT AVENUE, SEVEN DAYS A WEEK, 24 HOURS PER DAY.

WHEREAS, the Township of Irvington has received concerns from its residents concerning the availability of resident parking on Yale Avenue between Nesbit Terrace and Stuyvesant Avenue, seven days a week, 24 hours a day; and

WHEREAS, the difficulty of the residents in these 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 of Yale Avenue between Nesbit Terrace and Stuyvesant Avenue, seven days a week, 24 hours a day.

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

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; and

All ordinances or parts thereof that are inconsistent herewith are hereby repealed; and

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.

Cox - Vick Motion to close public hearing

Adopted
Absent: Evans, Frederic

Cox - Vick Motion to adopt this Ordinance after public hearing.

Adopted
Absent: Evans, Frederic

4. President Burgess: An ordinance cannabis in The Township Of Irvington will be heard at this time. For the record, this notice of hearing is also identical to the prior notice read.

The Clerk will read the ordinance by title.

AN ORDINANCE TO REGULATE CANNABIS IN THE TOWNSHIP OF IRVINGTON

BE IT ORDAINED BY THE TOWNSHIP OF IRVINGTON AS FOLLOWS:

CANNABIS OPERATORS

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

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

CANNABIS

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

CANNABIS DELIVERY SERVICE

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

CANNABIS EXTRACT

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

CANNABIS FLOWER

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

CANNABIS OPERATOR

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

CANNABIS ITEM

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

CANNABIS LEAF

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

CANNABIS MANUFACTURER

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

CANNABIS PERMIT OR LICENSE

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

CANNABIS PERMITTING AUTHORITY

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

CANNABIS PRODUCT

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

CANNABIS RESIN

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

CANNABIS RETAILER

Any licensed person or entity that purchases or otherwise obtains usable cannabis from cannabis cultivators and cannabis items from cannabis manufacturers or cannabis wholesalers, and sells these to consumers from a retail store, and may use a cannabis delivery service or a certified cannabis handler as set forth in N.J.S.A. 24:6I-44 for the off-premises delivery of cannabis items and related supplies to consumers. A cannabis retailer shall also accept consumer purchases to be

fulfilled from its retail store that are presented by a cannabis delivery service which will be delivered by the cannabis delivery service to that consumer. This person or entity shall hold a Class 5 Cannabis Retailer license issued pursuant to CREAMMA.

CANNABIS WHOLESALER

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

CONSUMER

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

CONSUMPTION

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

CREAMMA

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

DELIVERY

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

HONIG ACT

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

PREMISES OR LICENSED PREMISES

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

PUBLIC PLACE

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

USABLE CANNABIS

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

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

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

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

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

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

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

Table 1: Permitted Uses in Commercial and Industrial Districts

	B-1	B-2	B-3	B-4	CBD	M-1	M-2	M-3
Principal Use								
Manufacturing	-	-	-	-	-	C	C	C
Wholesale	-	-	-	-	-	C	C	C

Cannabis Retailer and Dispensary (Recreational)	-	-	C	C	C	-	-	-
Cannabis Dispensary (Medicinal)	C	C	C	C	C	-	-	-

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

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

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

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

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

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

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

(2) Performance standards.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The public hearing on this ordinance is now open.

There were no requests to be heard.

Beasley - Vick Motion to close public hearing

Adopted
Absent: Evans, Frederic

Beasley - Vick Motion to adjourn adoption of this Ordinance until August 9, 2021.

Adopted
Absent: Evans, Frederic

12. Miscellaneous

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

Charlisse Jones, 120 Grace Street
Susi and Ebony Shaw, 57 Coit Street

Council President Burgess, Council Member Beasley and Council 2nd Vice President Dr. Hudley addressed the issues raised by the above citizens.

13. Adjournment

There being no further business, the meeting was adjourned at 7:55 P.M.