

REGULAR COUNCIL MEETING
AUGUST 9, 2021

Virtual Zoom Meeting
Irvington, N.J. – Monday Evening
August 9, 2021 - 7:30 P.M.

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

Present: Vernal C. Cox, Charnette Frederic, October Hudley, Orlander G. Vick, Renee C. Burgess

Absent: Jamillah Z. Beasley, Sean C. Evans

President Burgess read the Statement of Proper Notice pursuant to the Sunshine Law.

4. Hearing of Citizens on Agenda Items Only limited to three minutes per person and thirty minutes total

There were no requests to be heard.

5. Hearing of Council Members

There were no requests to be heard.

6. Reports & Recommendations of Township Officers, Boards & Commissions

A. Reports

1. St. Hubert's Animal Welfare Centers – Monthly Intake, Outcome, and Case (Dispatch)
Reports for June, 2021
2. Municipal Court – Electronic Collections Report for June, 2021
3. Municipal Court – Monthly Report for June, 2021
4. Municipal Court - Weekly Summary Report – July 5, 2021 to July 9, 2021
5. Municipal Court - Weekly Summary Report – July 12, 2021 to July 16, 2021
6. Municipal Court - Weekly Summary Report – July 19, 2021 to July 23, 2021
7. Municipal Court - Weekly Summary Report – July 26, 2021 to July 30, 2021
8. St. Hubert's Animal Welfare Centers – Monthly Intake, Outcome, and Case (Dispatch)
Reports for June, 2021

7. Reports of Committees

None

ALL ITEMS LISTED ON THE CONSENT AGENDA ARE CONSIDERED ROUTINE BY THE MUNICIPAL COUNCIL AND HAVE BEEN LISTED FOR ONE ROLL CALL VOTE FOR ADOPTION OF ALL ITEMS

8. Ordinances, Bills & Claims

A. Ordinances on First Reading

Hudley – Frederic

1. Provide For Residential Permit Parking On Ellery Avenue Between Clinton Avenue and Laurel Avenue, 24 Hours Per Day, Seven Days A Week

AN ORDINANCE PROVIDING FOR RESIDENTIAL PARKING PERMITS ON THE ELLERY AVENUE FROM CLINTON AVENUE TO LAUREL AVENUE 24 HOUR PER DAY, SEVEN DAYS A WEEK.

Adopted

Absent: Beasley, Evans

Burgess – Hudley

2. Provide For Residential Permit Parking on Welland Avenue from Normandy Place to Chester Avenue From 6 PM to 3 AM

AN ORDINANCE PROVIDING FOR RESIDENTIAL PARKING PERMITS ON WELLAND AVENUE FROM NORMANDY PLACE TO CHESTER AVENUE FROM 6:00 P.M. to 3:00 A.M.

Adopted

Absent: Beasley, Evans

Vick – Burgess

3. Redevelopment Bond Ordinance - 21st Street Project - \$500,000.00

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.

Adopted

Absent: Beasley, Evans

Cox – Frederic

4. Amend Fees For Annual Plenary Retail Consumption, Distribution and License Certificate

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 158 (ALCOHOL BEVERAGE CONTROL) OF THE CODE OF THE TOWNSHIP OF IRVINGTON

Adopted

Absent: Beasley, Evans

B. Ordinances on 2nd Reading

1. Ordinance Regulating Cannabis In The Township Of Irvington

AN ORDINANCE TO REGULATE CANNABIS IN THE TOWNSHIP OF IRVINGTON

BE IT ORDAINED BY THE TOWNSHIP OF IRVINGTON AS FOLLOWS:

CANNABIS OPERATORS

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

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

CANNABIS

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

CANNABIS DELIVERY SERVICE

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

CANNABIS EXTRACT

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

CANNABIS FLOWER

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

CANNABIS OPERATOR

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

CANNABIS ITEM

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

CANNABIS LEAF

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

CANNABIS MANUFACTURER

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

CANNABIS PERMIT OR LICENSE

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

CANNABIS PERMITTING AUTHORITY

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

CANNABIS PRODUCT

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

CANNABIS RESIN

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

CANNABIS RETAILER

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

CANNABIS WHOLESALE

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

CONSUMER

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

CONSUMPTION

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

CREAMMA

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

DELIVERY

The transportation of cannabis items and related supplies to a consumer. “Delivery” also includes the use by a licensed cannabis retailer of any third party technology platform to receive, process, and fulfill orders by consumers, provided that any physical acts in connection with fulfilling the order and delivery shall be accomplished by a cannabis handler certified in accordance with N.J.S.A. 24:6I-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".

Burgess - Vick

Motion to Adopt on Second Reading

Adopted

Absent: Beasley, Evans

C. Bills & Claims

Burgess – Hudley

1. Bill Lists

RESOLVED THAT THE BILLS AND CLAIMS AGAINST THE TOWNSHIP OF IRVINGTON FOR A PERIOD AUGUST 9, 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 \$5,536,869.90

Adopted
Absent: Beasley, Evans

Cox – Frederic 2. Payrolls

July 16, 2021

| REGULAR | OVERTIME | OTHER | TOTAL |
|----------------|--------------|--------------|----------------|
| \$1,572,023.54 | \$226,541.91 | \$270,758.68 | \$2,069,324.13 |

Adopted
Absent: Beasley, Evans

9. Resolutions and Motions

A. Resolutions

Frederic – Burgess 1. Authorize Grant Agreement with the Essex County Division of Community Action as Sub-Recipient of Social Services for the Homeless Funds in the Amount of \$1,595,000.00

WHEREAS, The County of Essex, acting through its Department of Citizens Services, Division of Community Action proposes to enter into a sub grant agreement with Irvington Neighborhood Improvement Corporation to provide Emergency Rental and Utility services to Essex County individual and families who were financially impacted by the COVID-19 Pandemic under the Emergency Rental Assistance Program (ERAP) at a contract price of \$1,595,000.00 for the period of June 1, 2021 – December 31, 2021; and

WHEREAS, said grant agreement has been negotiated by the County Executive of Essex County and presented to the Board of Chosen Freeholders for Its approval: and

BE IT FURTHER RESOLVED that the Mayor of the Township of Irvington be and hereby is authorized to execute a Grant Agreement with the Essex County Division of Community Action as sub-recipient of Social Services for the Homeless funds in the amount of \$1,595,000.00

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that the Township of Irvington does hereby accept the award of \$1,595,000.00 for such activities.

Adopted

Absent: Beasley, Evans

Burgess – Frederic

2. Authorize Award of \$10,000.00 in CDBG CARES Act (COVID-19) Business Economic Relief Grant to Destined For Greatness Martial Arts, Inc.

Resolution to Award CDBG CARES Act (COVID-19) Business Economic Relief Grant to Destined For Greatness Martial Arts, INC

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

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

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

WHEREAS, the Township of Irvington wishes to award Business Economic Relief Grant Funds in the amount **\$10,000.00** to **Destined for Greatness Martial Arts, INC.** a Liability Limited Company under the laws of the State of New Jersey with a principal business located at **2 Union Avenue, Irvington, NJ;**

WHEREAS, the DEDGO has allocated sufficient CDBG Cares Act funds to fund a proposed grant agreement in the amount of **\$10,000.00** with the **Destined for Greatness Martial Arts, INC;** and,

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

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

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

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

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

1. The Mayor and the Township Clerk are hereby authorized and directed to execute an agreement with **Destined for Greatness Martial Arts, INC awarded COVID-19 Small Business Economic Relief Grant in the amount of \$10,000.00.**
2. Pursuant to N.J.A.C. 5:34-5.2, the required certificate of Availability of Funds No. **C2100084** in the amount of **\$10,000.00** for the above has been obtained from the Chief Financial Officer of the Township of Irvington. The appropriation to be charged for this expenditure is Account No. **T-21-41-850-20G-801.**

Adopted
Absent: Beasley, Evans

- Burgess – Frederic
3. Authorize Purchases Over The Pay To Play Threshold of \$17,500.00 But Under The Bid Threshold Of \$44,000.00 For Food For INIC – Metropolitan Foods DBA Driscoll Foods

AUTHORIZING PURCHASES OVER THE PAY TO PLAY THRESHOLD OF \$17,500.00 BUT UNDER THE BID THRESHOLD OF \$44,000.00 FOR GROCERIES FOR INIC

WHEREAS, the Township wishes to purchase groceries for the Food pantry, Soup Kitchen and Grab and Go meals and the total purchase will exceed the pay to play threshold; and

WHEREAS, the Township has obtained two quotes from Trooper Foods and Metropolitan Foods DBA Driscoll Foods herein attached; and

WHEREAS, Metropolitan Foods DBA Driscoll Foods has provided the lowest quote for this service; and

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

WHEREAS, Metropolitan Foods DBA Driscoll Foods 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 RESOLVED, that the Municipal Council of the Township of Irvington hereby authorizes the Qualified Purchasing Agent to purchase groceries from Metropolitan Foods DBA

Food Driscoll 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 additional vendors exceeding the bid threshold of \$17,500.00.

Adopted
Absent: Beasley, Evans

Hudley – Frederic 4. Authorizing Purchases Over The Pay To Play Threshold Of \$17,500.00
But Under The Bid Threshold Of \$44,000.00 For Office Furniture –
National Business Furniture

**AUTHORIZING PURCHASES OVER THE PAY TO PLAY THRESHOLD OF \$17,500.00 BUT
UNDER THE BID THRESHOLD OF \$44,000.00 FOR
OFFICE FURNITURE**

WHEREAS, the various departments are in need of office furniture; and

WHEREAS, the Township has obtained three quotes for this service from National Business Furniture, 770 S/ 70th Street, Milwaukee, WI 53214., National Business Furniture and Modern Office herein attached; and

WHEREAS, National Business Furniture of 770 S/ 70th Street, Milwaukee, WI 53214 has provided the lowest quote for this service; and

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

WHEREAS, National Business Furniture 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 RESOLVED, that the Municipal Council of the Township of Irvington hereby authorizes the Qualified Purchasing Agent to pay National Business Furniture in excess of the pay to play threshold \$17,500.00 but under the bid threshold of \$44,000.00; and

BE IT FURTHER RESOLVED that the duration of this authorization shall be until December 31, 2021

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

Adopted

Absent: Beasley, Evans

Hudley – Frederic

5. Authorize Change Order For Professional Engineering Inspection Services For A Sewer Extension For Union Beverage - T & M Associates in the amount of \$666.72 - Final Contract Amount - \$5,132.72 - A Change of 15%.

RESOLUTION TO AWARD A CHANGE ORDER TO THE PROFESSIONAL SERVICES CONTRACT FOR PROFESSIONAL ENGINEERING INSPECTION SERVICES FOR A SEWER EXTENSION FOR UNION BEVERAGE

WHEREAS, the Township of Irvington received a request from Union Beverage, Hillside, NJ to construct a private sewer line in the rights of way of North Union Avenue and Mill Road to connect to the Joint Meeting of Essex and Union County's (JMEUC) truck sewer located in Mill Road; and

WHEREAS, the Municipal Council of the Township of Irvington approved this construction with the approval of a Treatment Works Approval for this work, as the Township of Hillside lacked the sewer capacity to accommodate this request and the proposed construction would not adversely impact the Irvington sanitary sewer flow as this private sewer line would not be connected to the Irvington system but would tie directly into the JMEUC system;

WHEREAS, as part of this process the Township of Irvington entered into an agreement with Union Beverage for the posting of engineering inspection fees in an escrow account to assure the proper construction of this sewer line; and

WHEREAS, the Municipal Council of the Township of Irvington, after the receipt of quotes and a recommendation by the Township Engineer, approved by Resolution DPW 21-0222-5, a contract with the firm of T & M Associates in the amount of \$ 4, 4666.00 to provide the necessary professional services to complete this work; and

WHEREAS, that work has now been completed but due to weather conditions, additional time was required in the amount of \$ 666.72 to complete this work and the Township Engineer has reviewed these charges and finds that these charges are reasonable and approves same resulting in a Change Order in the amount of \$ 666.72 to the professional service contract of T & M Associates and that said amount should be drawn from the trust account escrow established for this project

NOW, THEREFORE, BE IT RESOLVED BY MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that a Change Order (No. 1 and Final) to the contract for professional services for the construction administration and inspection of the private sewer for Union Beverage be awarded to T & M Associates in the amount of \$ 666.72 so tht the final amount of this contract will be \$ 5,132.72 or a change of 15%.

BE IT FURTHER RESOLVED that pursuant to N.J.A.C. 5:34-5.2, the required Certificate of Availability of Funds No. C210096 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 \$ 666.72 is Account No. T-18-56-860-000-052.

Adopted

Absent: Beasley, Evans

Burgess – Vick

6. Award Bid For Asbestos Abatement Of Heating System Pipes, Tunnels And Crawl Space - VMC Company Inc. - Lowest Responsible, Responsive Bid Of \$133,000.00

RESOLUTION AWARDING A BID FOR ASBESTOS ABATEMENT OF HEATING SYSTEM PIPES, TUNNELS AND CRAWL SPACE

WHEREAS, sealed bids were received on June 16, 2021 for asbestos abatement of heating system pipes, tunnels and crawl space to published advertisement for bids in the New Jersey Star Ledger on May 25, 2021; and

WHEREAS, nine bids were received and opened by the Purchasing Agent and Municipal Clerk; and

WHEREAS, said bids were referred to the Public Works Director for recommendation to the Municipal Council; and

WHEREAS, the Public Works Director has recommended that the award should be made to VMC Company Inc., of 208 Piaget Ave, Clifton, NJ 07011 on the basis of their lowest responsible, responsive bid of \$133,000.00; and

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

BE IT FURTHER RESOLVED, that 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 RESOLVED that the required certification of availability of funds C2100071 in the amount of \$133,000.00 from account numbers 01-01-21-165-165-299 and C-04-56-852-019-905 has been obtained from the Chief Financial Officer.

Adopted

Absent: Beasley, Evans

Cox – Frederic

7. Authorize Calendar Year 2021 Municipal Budget to Be Read By Title

WHEREAS, N.J.S.A. 40A:4-8 provides that the budget as advertised shall be read in full at the public hearing, or that it may be read by its title only if:

1. At least one week prior to the date of the hearing a complete copy of the approved budget,

(a) shall be made available for public inspection.

(b) copies are made available to each person requesting same, during said week and during the public hearing:

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that it is hereby declares that the conditions of N.J.S.A. 40A:4-8 1 (a) and 1 (b), have been met and therefore the Calendar Year 2021 municipal budget shall be read by title only.

Adopted
Absent: Beasley, Evans

Frederic – Burgess 8. Authorize the Execution of a Memorandum of Understanding Between the Township of Irvington and Learning for Life - To Provides Screening, Education Resources And Training For A Supportive Learning Leadership Program For Young Adults

Authorize the Execution of a Memorandum of Understanding between the Township of Irvington and Learning for Life

WHEREAS, the Township of Irvington would like to create a supportive learning leadership program for young adults; and

WHEREAS, Learning for Life, a nonprofit Organization provides screening, education resources and training for such programs; and

WHEREAS, the wages structure for this program will be funded by Community Development Block Grant availability of funding; and

WHEREAS, a copy of the Memorandum of Understanding is attached and is made part of this resolution; and

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that the attached memorandum of understanding is hereby approved.

BE IT FURTHER RESOLVED that the Township Attorney is hereby authorized and directed to review and approve the memorandum of understanding and the Mayor and the Township Clerk are authorized and directed to sign the same.

Adopted
Absent: Beasley, Evans

Hudley – Vick 9. Authorize Negotiated Contract For Payroll Services – Balance Point – Two Years - \$199,699.36 - August 09, 2021 until August 8, 2023

AUTHORIZING A NEGOTIATED CONTRACT FOR PAYROLL SERVICE

WHEREAS, the Township of Irvington duly advertised for the request for proposals for a contract entitled "Payroll Service" which was advertised in the New Jersey Star ledger on November 02, 2020 for receipt of RFPs on November 25, 2020 and RFP were rejected for fatal errors, and;

WHEREAS, the Township re-advertising for RFPs for this service on April 26, 2021 and RFPs were received on May 21, 2021 and rejected for fatal error and;

WHEREAS, the Administration would like to use the exception under 40A:11-5(3), and negotiate a contract for Payroll Services for two year, and;

WHEREAS, on June 28, 2021, the Qualified Purchasing Agent contacted Balance Point, Ultimate Kronos Group and Prime Point for a price proposal for a two year contract, and;

WHEREAS, only two price proposal was received on July 14, 2021 for this service, submitted by Ultimate Kronos Group and Balance Point and forward to the Business Administrator for review and evaluation, and;

WHEREAS, the Business Administrator wishes to award a contract to Balance Point of 65 Harristown Road, Glen Rock, NJ 07452 for two years starting on August 09, 2021 until August 8, 2023, and;

WHEREAS, the vendor will charge the Township a fee of \$199,699.36 for two year, and;

NOW THEREFORE BE IT RESOLVED by the Municipal Council of Township of Irvington hereby authorize a negotiated contract for payroll service to Balance Point of 65 Harristown Road, Glen Rock, NJ 07452 for a total contract amount not to exceed \$199,699.36 for two year, and;

BE IT FUTHER RESOLVED, that the required certification of availability of funds C2100098 in the amount of \$5,000.00 from account number 1-01-20-130-130-256 has been obtained from the Chief Financial Officer and the remaining balance of \$194,699.36 will be certified upon the adoption of the 2021, 2022 and 2023 Municipal Budget, 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 FURTHER RESOLVED, notice of this action shall be published in newspapers as required by law by the Municipal Clerk.

Adopted
Absent: Beasley, Evans

Vick – Frederic

10. Award Contract Over The Pay To Play Threshold For Truck Rental Service For The Department Of Public Works - Rubbish Removal Inc. DBA F. Basso - \$44,000.00

AWARDING A CONTRACT OVER THE PAY TO PLAY THRESHOLD FOR TRUCK RENTAL SERVICE FOR THE DEPARTMENT OF PUBLIC WORKS

WHEREAS, the Department of Public Works wishes to rent trucks, and;

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

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

WHEREAS, Rubbish Removal Inc. DBA F.Basso, has provided the lowest quote for this service, and;

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WHEREAS, pursuant to the provisions of N.J.S.A. 19:44A-20.4 the vendor has completed the required Pay to Plays forms; and

WHEREAS, the C-271 Political Contribution Disclosure forms were on file in the Office of the Municipal Clerk and Purchasing Agent on June 07/16/2021; and

NOW THEREFORE, BE IT RESOLVED that the Municipal Council of the Township of Irvington authorizes the award of a contract to Rubbish Removal Inc. DBA F.Basso of 55-93 South 20 street, Irvington, NJ 07111 in the amount of \$44,000.00 to rent trucks for the Department of Public Works; and,

BE IT FURTHER RESOLVED that the required certification of availability of funds C2100094 in the amount of \$44,000.00 from account number 1-01-32-465-465-118 has been obtained from the Chief Financial Officer.

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: Beasley, Evans

Hudley – Burgess 11. Authorize The Purchase Of Body Armor Vest From State Contract Vendor Atlantic Uniform Company - To Exceed \$110,579.15

RESOLUTION AUTHORIZING THE PURCHASE OF BODY ARMOR VEST FROM STATE CONTRACT VENDOR ATLANTIC UNIFORM COMPANY FOR AN AMOUNT NOT TO EXCEED \$110,579.15

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 Township wishes to purchase a body armor vest from Atlantic Uniform, State of New Jersey Contract number 17-FLEET-00763; and

WHEREAS, the Township of Irvington intends to enter into contracts with Atlantic Uniform through this resolution and properly executed purchase orders; and

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON hereby authorizes a service contract with Atlantic Uniform of 468 Washington Ave, Belleville, NJ 07109 for an amount not to exceed \$110,579.15 and;

BE IT FURTHER RESOLVED, that the Township Attorney is directed to prepare the appropriate contract for such goods and services and the Mayor and Municipal Clerk is authorized to sign the same; and

BE IT FURTHER RESOLVED that the required certification of availability of funds C2100099 in the amount of \$110,579.15 from account number G-02-XX-710-21A-299 and G-02-XX-710-19A-299 has been obtained from the Chief Financial Officer.

Adopted
Absent: Beasley, Evans

Burgess – Vick

12. Authorizing The Execution Of An Escrow Agreement With Brisa Builders Development LLC For The Redevelopment Of Property Identified As Block 81, Lots 14, 15, 16, 20, 21 & 22 12 Smith Street And 17 Orange Avenue

RESOLUTION OF THE TOWNSHIP OF IRVINGTON AUTHORIZING THE EXECUTION OF AN ESCROW AGREEMENT WITH BRISA BUILDERS DEVELOPMENT LLC FOR THE REDEVELOPMENT OF PROPERTY IDENTIFIED AS BLOCK 81, LOTS 14, 15, 16, 20, 21 & 22 ON THE TAX MAPS OF THE TOWNSHIP

WHEREAS, the Municipal Council (the “**Township Council**”) of the Township of Irvington (the “**Township**”) 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 located therein constitute areas in need of redevelopment or rehabilitation and to create redevelopment plans which provide development controls for any area so designated; 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.*; and

WHEREAS, the Township Council designated certain properties within and contiguous to the UEZ as an area in need of rehabilitation (the “**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 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, the Township is the owner of certain property located within the Rehabilitation Area identified as Block 81, Lots 14, 15, 16, 20, 21 & 22 on the official Tax Maps of the Township and identified in the Township tax records as 12 Smith & 17 Orange (the “**Property**”); and

WHEREAS, Brisa Builders Development LLC (the “**Proposed Redeveloper**”) proposes to acquire the Property and to redevelop same by constructing thereon a mixed-use, mixed income building, consisting of 3,500 square feet of ground floor retail space and fifty-four (54) residential units (comprised of three (3) studio units, twelve (12) one-bedroom units, twenty-seven (27) two-bedroom units and twelve (12) three-bedroom units), onsite parking together with certain other on-site and off-site improvements (the “**Project**”); and

WHEREAS, the Proposed Redeveloper has requested that the Township, in its capacity as redevelopment entity, enter into negotiations for a Redevelopment Agreement and other related agreements with respect to the redevelopment of the Property; and

WHEREAS, the Proposed Redeveloper has agreed to defray certain costs incurred by or on behalf of the Township arising out of or in connection with the redevelopment of the Property; and

WHEREAS, the Township and the Proposed Redeveloper wish to enter into an escrow and funding agreement establishing the mechanism for the deposit and disposition of funds to cover the Township's costs,

NOW, THEREFORE, BE IT RESOLVED by the Municipal Council Township of Irvington as follows:

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

Section 2. Execution of Agreement. The Township Council hereby authorizes the Mayor to execute the escrow and funding agreement substantially in the form attached hereto as Exhibit A, with such changes, deletions, and modifications in consultation with counsel as may be necessary or desirable to effect the transaction contemplated by this resolution. However, neither the adoption of this resolution, nor the execution of the escrow and funding agreement authorized hereby, shall be construed in any way to bind the Township to execute one or more definitive agreements with respect to the Project.

Section 3. Severability. If any part of this Resolution shall be deemed invalid, such parts shall be severed and the invalidity thereby shall not affect the remaining parts of this Resolution.

Section 4. Availability of the Resolution. A copy of this resolution shall be available for public inspection at the office of the Municipal Clerk.

Section 5. Effective Date. This resolution shall take effect immediately.

Exhibit A

ESCROW AGREEMENT

Adopted
Absent: Beasley, Evans

Burgess – Vick

13. Authorizing The Execution Of An Escrow Agreement 750-780
Chancellor Ave, LLC For The Redevelopment Of Property
Identified As Block 300, Lot 2, 750-780 Chancellor Avenue

**RESOLUTION OF THE TOWNSHIP OF IRVINGTON AUTHORIZING THE
EXECUTION OF AN ESCROW AGREEMENT WITH 750-780 CHANCELLOR
AVE LLC FOR THE REDEVELOPMENT OF PROPERTY IDENTIFIED AS**

**BLOCK 300, LOT 2 ON THE TAX MAPS OF THE TOWNSHIP AND
COMMONLY KNOWN AS 750 CHANCELLOR AVENUE**

WHEREAS, the Municipal Council (the “**Township Council**”) of the Township of Irvington (the “**Township**”) 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 located therein constitute areas in need of redevelopment or rehabilitation and to create redevelopment plans which provide development controls for any area so designated; 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.*; and

WHEREAS, the Township Council designated certain properties within and contiguous to the UEZ as an area in need of rehabilitation (the “**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 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, to realize the redevelopment of Rehabilitation Area, the Township determined to exercise the powers of redevelopment and serve as the “redevelopment entity” responsible for carrying out redevelopment projects in accordance with the Redevelopment Law; and

WHEREAS, 750-780 Chancellor Ave, LLC (the “**Proposed Redeveloper**”) is the owner of certain property within the Rehabilitation Area identified in the Township tax records as 750 Chancellor Avenue, comprising Block 300, Lot 2 on the Official Tax Maps of the Township (the “**Project Area**”); and

WHEREAS, the Proposed Redeveloper proposes to redevelop the Project Area by constructing thereon, a ten-story, mixed-use development with a multi-story parking deck (the “**Project**”); and

WHEREAS, the Proposed Redeveloper has requested that the Township, in its capacity as redevelopment entity, enter into negotiations for a Redevelopment Agreement and/or Financial Agreement, as may be applicable or appropriate for the redevelopment of the Project Area (each, an “**Agreement**”); and

WHEREAS, the Proposed Redeveloper has agreed to defray certain costs incurred by or on behalf of the Township arising out of or in connection with the redevelopment of the Project Area; and

WHEREAS, the Township and the Proposed Redeveloper wish to enter into an escrow and funding agreement establishing the mechanism for the deposit and disposition of funds to cover the Township’s costs,

NOW, THEREFORE, BE IT RESOLVED by the Municipal Council Township of Irvington as follows:

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

Section 2. Execution of Agreement. The Township Council hereby authorizes the Mayor to execute the escrow and funding agreement substantially in the form attached hereto as Exhibit A, with such changes, deletions, and modifications in consultation with counsel as may be necessary or desirable to effect the transaction contemplated by this resolution. However, neither the adoption of this resolution, nor the execution of the escrow and funding agreement authorized hereby, shall be construed in any way to bind the Township to execute one or more definitive agreements with respect to the Project.

Section 3. Severability. If any part of this Resolution shall be deemed invalid, such parts shall be severed and the invalidity thereby shall not affect the remaining parts of this Resolution.

Section 4. Availability of the Resolution. A copy of this resolution shall be available for public inspection at the office of the Municipal Clerk.

Section 5. Effective Date. This resolution shall take effect immediately.

Exhibit A

ESCROW AGREEMENT

Adopted
Absent: Beasley, Evans

Vick – Burgess 14. Authorize Local Finance Board Application - Redevelopment Bond Ordinance - 21st Street Project - \$500,000.00

RESOLUTION OF THE TOWNSHIP OF IRVINGTON, IN THE COUNTY OF ESSEX, NEW JERSEY, MAKING APPLICATION TO THE LOCAL FINANCE BOARD PURSUANT TO N.J.S.A. 40A:3-1 ET SEQ.

WHEREAS, the Township of Irvington, in the County of Essex, New Jersey (the "Township"), desires to make application to the Local Finance Board pursuant to N.J.S.A. 40A:3-1 *et seq.* for its review and approval of a bond ordinance authorizing debt obligations for the Township's acquisition of property located in the East Ward/East Springfield Avenue Redevelopment Area;

WHEREAS, the Township believes that:

- (a) it is in the public interest to accomplish such purpose;
- (b) said purpose or improvements are for the health, welfare, convenience or betterment of the inhabitants of the local unit;
- (c) the amounts to be expended for said purpose or improvements are not unreasonable or exorbitant;
and

- (d) the proposal is an efficient and feasible means of providing services for the needs of the inhabitants of the local unit and will not create an undue financial burden to be placed upon the local unit;

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON, IN THE COUNTY OF ESSEX, NEW JERSEY, AS FOLLOWS:

Section 1. The application to the Local Finance Board is hereby approved, and the Township's Bond Counsel and Auditor, along with other representatives of the Township, are hereby authorized to prepare such application and to represent the Township in matters pertaining thereto.

Section 2. The Clerk of the Township is hereby directed to prepare and file a copy of the proposed bond ordinance and this resolution with the Local Finance Board as part of such application.

Section 3. The Local Finance Board is hereby respectfully requested to consider such application and to record its approval as provided by the applicable New Jersey statute.

Adopted
Absent: Beasley, Evans

Hudley – Burgess

15. Authorize Submission of Second Annual Action Plan to HUD

RESOLUTION TO AUTHORIZE THE SUBMISSION OF THE FISCAL YEAR 2021-2022 SECOND ANNUAL ACTION PLAN OF THE TOWNSHIP OF IRVINGTON PURSUANT TO THE REQUIREMENTS OF FEDERAL REGULATION 24 CFR PART 91 AND PART 92

WHEREAS, Title I of the Housing and Community Development Act of 1974 as amended provides for a program of Community Development Block Grants and Title II of the Cranston-Gonzalez National Affordable Housing Act, as amended provides for a program of HOME Investment Partnerships; and

WHEREAS, the Township of Irvington (“the Township”) is an entitlement and formula city as defined under said Acts, and is entitled to financial assistance; and

WHEREAS, the Township anticipates that the United States Department of Housing and Urban Development (“HUD”) will make available to the Township the minimum sum of \$1,227,869 under the Fiscal Year 2021-2022 Community Development Block Grant Program and \$480,162 under the HOME Investment Partnerships Program; and

WHEREAS, the Township understands that the stated amount may decrease or increase when HUD officially makes its allocations of the subject funds for Fiscal Year 2021-2022; and

WHEREAS, the Township desires to receive said funds to conduct housing rehabilitation, economic development, physical improvements, slum clearance and public service activities in the Township of Irvington; and

WHEREAS, federal regulations at 24 CF Part 91 and Part 92 require that the Township prepare and submit a Second Year Action Plan as a prerequisite to receipt of entitlement Community Development Block Grant funds and formula HOME Investment Partnerships Program funds; and

WHEREAS, the township of Irvington, pursuant to the requirements of federal regulation 24 CFR Part 91 and Part 92, has given citizens an opportunity to express their opinions regarding the Township and has held a virtual public meeting; and

WHEREAS, said public meetings were for the purpose of considering and obtaining the views of the citizens of the Township on community development and housing needs, and for the purpose of providing citizens with the opportunity to participate in the development of the Second Year Annual Action Plan; and

WHEREAS, said Second Year Action Plan for federal assistance requires certain certifications to be submitted along with and as a part of said plans;

NOW THEREFORE BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON, ESSEX COUNTY NEW JERSEY:

SECTION 1

That the Mayor be and is authorized and directed to submit the final version of the Township of Irvington Second Program Year Annual Action Plan to the U.S. Department of Housing and Urban Development, as required by federal regulation 24 CFR Part 91 and Part 92, including all understandings and certifications contained therein, to act as the authorized representative of the Township of Irvington and to provide such additional information as may be required.

SECTION 2

That the Township's Second Program Year Annual Action Plan shall request funding to the fullest extent of funding allowed and determined by the United State Department of Housing and Urban Development Act of 1974, as amended and Title II of the Cranston-Gonzales National Affordable Housing Act, as amended.

SECTION 3

That the Mayor and other authorized, appropriate and responsible officials be and they are hereby authorized and directed to duly consider the comments and recommendations received, if any, as part of the citizen participation process and to incorporate those comments and recommendations in the plan to the extent feasible and to provide a full and written response to all comments and recommendations as part of the Second Program Year Annual Action Plan submission.

SECTION 4

That the Mayor and other authorized, appropriate and responsible officials be and they are hereby authorized and directed to execute on behalf of the Township of Irvington such certifications and other documentation as may be required by the U.S. Department of Housing and Urban Development.

Adopted
Absent: Beasley, Evans

Hudley – Frederic

16. Authorize the Use of \$10,000.00 in Cares Act Covid Business
Economic Relief Funds to Nail 3000

**Resolution to Award CDBG CARES Act (COVID-19) Business Economic Relief Grant to Nail
3000**

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

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

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

WHEREAS, the Township of Irvington wishes to award Business Economic Relief Grant Funds in the amount **\$10,000.00** to **Nail 3000** a Liability Limited Company under the laws of the State of New Jersey with a principal business located at **1091C Springfield Ave. Irvington, NJ**;

WHEREAS, the DEDGO has allocated sufficient CDBG Cares Act funds to fund a proposed grant agreement in the amount of **\$10,000.00 with the Nail 3000**; and,

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

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

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

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

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

1. The Mayor and the Township Clerk are hereby authorized and directed to execute an agreement with **Nail 3000** awarded **COVID-19 Small Business Economic Relief Grant in the amount of \$10,000.00**.

2. Pursuant to N.J.A.C. 5:34-5.2, the required certificate of Availability of Funds No. **C2100093** in the amount of **\$10,000.00** for the above has been obtained from the Chief Financial Officer of the Township of Irvington. The appropriation to be charged for this expenditure is Account No. **T-21-41-850-20G-801**

Adopted
Absent: Beasley, Evans

Burgess – Hudley 17. Establish Handicapped Parking Space in Front of 71 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, a request has been made for restricted parking space(s) in front of 71 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 71 Sheridan Street; and

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

Adopted
Absent: Beasley, Evans

Burgess – Cox 18. Approve Legal Settlement – Antonelli Kantor,P.C. - Tax Counsel Legal Services - \$125,000.00

RESOLUTION APPROVING THE SETTLEMENT AGREEMENT BETWEEN ANTONELLI KANTOR, P.C. (THE “FIRM”) AND THE TOWNSHIP OF IRVINGTON

WHEREAS, the Firm has been providing Legal Services as Tax Counsel for the Township; and

WHEREAS, there are monies due and owing from the Township to the Firm in connection with the Legal Services provided; and

WHEREAS, in consideration for the Settlement Terms and the terms contained in the Settlement Agreement, the Firm agrees to settle and waive any and all claims that it could have been asserted against the Township; and

WHEREAS, the parties have agreed to settle any and all claims that could have been asserted without any admission of liability; and

WHEREAS, the parties wish to avoid the expense and uncertainties of litigation, and wish to resolve and settle all disputes and claims between them; and have agreed to an amount of \$125,000 as full settlement; and

BE IT FURTHER RESOLVED that execution of the attached Settlement Agreement is hereby approved and payment of \$125,000 shall be made as per the Settlement Agreement.

Adopted
Absent: Beasley, Evans

Hudley – Cox 19. Authorize Contract for Legal Services in the Matter of Chantel
Ulmer v. Irvington – Eric M. Bernstein & Associates – Not To
Exceed \$5,000.00

**RESOLUTION RATIFYING PROFESSIONAL SERVICES CONTRACT
FOR LITIGATION/DEFENSE COUNSEL SERVICES**

WHEREAS, resolution number TA 20-1109-32 qualified seventeen firms to provide litigation/defense counsel services for the Township of Irvington from November 01, 2020 until October 31, 2021; and

WHEREAS, the resolution requires that all cases assigned to counsel for this purpose must be approved by the Municipal Council; and

WHEREAS, the Township Attorney has determined that Eric M. Bernstein & Associates, LLC has the most experience to defend the Township of Irvington in the matter of Chantel Ulmer v. Township of Irvington, Docket No. F-005561-19; and

WHEREAS, the Township Attorney has recommended that a contract be awarded to Eric M. Bernstein & Associates, LLC, 34 Mountain Blvd., Bldg. A, P.O. Box 4922, Warren, NJ, 07059; and

NOW THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that a contract for Litigation/Defense counsel services be awarded to Eric M. Bernstein & Associates, LLC, 34 Mountain Blvd., Bldg. A, P.O. Box 4922, Warren, NJ, 07059 for a contract amount not to exceed \$5,000.00. The billing rate for this contract is \$150.00 per hour; and

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

BE IT FURTHER RESOLVED, that funds for this service will be paid from the Insurance fund for a contract amount not to exceed \$5,000.00. The billing rate for this contract is \$150.00 per hour.

Adopted
Absent: Beasley, Evans

Cox – Hudley 20. Authorize Contract for Legal Services in the Matter of Eric
Williams v. Janet Salazar, et als. -- Eric M. Bernstein & Associates

– Not To Exceed \$5,000.00

**RESOLUTION RATIFYING PROFESSIONAL SERVICES CONTRACT
FOR LITIGATION/DEFENSE COUNSEL SERVICES**

WHEREAS, resolution number TA 20-1109-32 qualified seventeen firms to provide litigation/defense counsel services for the Township of Irvington from November 01, 2020 until October 31, 2021; and

WHEREAS, the resolution requires that all cases assigned to counsel for this purpose must be approved by the Municipal Council; and

WHEREAS, the Township Attorney has determined that Eric M. Bernstein & Associates, LLC has the most experience to defend the Township of Irvington in the matter of Eric Williams v. Janet Salazar, et als, Docket No. ESX-L-005113-21; and

WHEREAS, the Township Attorney has recommended that a contract be awarded to Eric M. Bernstein & Associates, LLC, 34 Mountain Blvd., Bldg. A, P.O. Box 4922, Warren, NJ, 07059; and

NOW THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that a contract for Litigation/Defense counsel services be awarded to Eric M. Bernstein & Associates, LLC, 34 Mountain Blvd., Bldg. A, P.O. Box 4922, Warren, NJ, 07059 for a contract amount not to exceed \$5,000.00. The billing rate for this contract is \$150.00 per hour; and

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

BE IT FURTHER RESOLVED, that funds for this service will paid from the Insurance fund for a contract amount not to exceed \$5,000.00. The billing rate for this contract is \$150.00 per hour.

Adopted
Absent: Beasley, Evans

Hudley - Frederic 21. Establish Handicapped Parking Space in Front of 708 – 18th Avenue,
1st Floor, Right

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, a request has been made for restricted parking space(s) in front of 708 – 18th Avenue, 1st floor, right:

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 708 – 18th Avenue, 1st floor, right; and

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

Adopted
Absent: Beasley, Evans

Burgess – Hudley 22. Authorize Contract for Legal Services in the Matter of Pro Cap, FirstTrust by its Custodian US Bank v. Grace Street Properties, et al – Eric M. Bernstein & Associates – Not To Exceed \$2,500.00

**RESOLUTION RATIFYING PROFESSIONAL SERVICES CONTRACT
FOR LITIGATION/DEFENSE COUNSEL SERVICES**

WHEREAS, resolution number TA 20-1109-32 qualified seventeen firms to provide litigation/defense counsel services for the Township of Irvington from November 01, 2020 until October 31, 2021; and

WHEREAS, the resolution requires that all cases assigned to counsel for this purpose must be approved by the Municipal Council; and

WHEREAS, the Township Attorney has determined that Eric M. Bernstein & Associates, LLC has the most experience to defend the Township of Irvington in the matter of Pro Cap, FirstTrust by its Custodian US Bank v. Grace Street Properties, et al, Docket No. F-2686-21; and

WHEREAS, the Township Attorney has recommended that a contract be awarded to Eric M. Bernstein & Associates LLC, 34 Mountain Blvd., Bldg. A, P.O. Box 4922, Warren, NJ, 07059; and

NOW THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that a contract for Litigation/Defense counsel services be awarded to Eric M. Bernstein & Associates LLC, 34 Mountain Blvd., Bldg. A, P.O. Box 4922, Warren, NJ, 07059 for a contract amount not to exceed \$2,500.00. The billing rate for this contract is \$150.00 per hour; and

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

BE IT FURTHER RESOLVED, that funds for this service will paid from the Insurance fund for a contract amount not to exceed \$2,500.00. The billing rate for this contract is \$150.00 per hour.

Adopted
Absent: Beasley, Evans

Burgess – Hudley 23. Authorize Legal Settlement – Shauger Property Services, Inc. and the Township of Irvington - \$85,840.00

**RESOLUTION APPROVING THE SETTLEMENT AGREEMENT BETWEEN
SHAUGER PROPERTY SERVICES, INC., AND THE TOWNSHIP OF IRVINGTON**

WHEREAS, Shauger Property Services, Inc., provided Street Sweeping Services for the Township from May 2019 to November of 2020; and

WHEREAS, there are monies due and owing from the Township to the Shauger Property Services, Inc., in connection with the Street Sweeping Services provided; and

WHEREAS, in consideration for the Settlement Terms and the terms contained in the Settlement Agreement, Shauger Property Services, Inc., agrees to settle and waive any and all claims that it could have been asserted against the Township; and

WHEREAS, the parties have agreed to settle any and all claims that could have been asserted without any admission of liability; and

WHEREAS, the parties wish to avoid the expense and uncertainties of litigation, and wish to resolve and settle all disputes and claims between them; and have agreed to an amount of \$85,840 as full settlement; and

BE IT FURTHER RESOLVED that execution of the attached Settlement Agreement is hereby approved and payment of \$85,840 shall be made as per the Settlement Agreement.

Adopted

Absent: Beasley, Evans

Cox – Hudley

24. Authorize Legal Settlement – Bill Leary Air Conditioning and Heating
- \$102,782.54

**RESOLUTION APPROVING THE SETTLEMENT AGREEMENT BETWEEN THE
TOWNSHIP OF IRVINGTON AND WHL ENTERPRISES INC. T/A BILL LEARY AIR
CONDITIONING & HEATING FOR EMERGENCY BOILER REPAIR**

WHEREAS, BILL LEARY AIR CONDITIONING & HEATING provided services to replace a Boiler in the Public Safety Department on an Emergency Basis, as declared by the Mayor on March 3, 2021, for the Township; and

WHEREAS, there are monies due and owing from the Township to BILL LEARY AIR CONDITIONING & HEATING in connection with the services provided; and

WHEREAS, the parties have agreed to settle any and all claims that could have been asserted without any admission of liability; and

WHEREAS, the parties wish to avoid the expense and uncertainties of litigation, and wish to resolve and settle all disputes and claims between them have agreed to an amount of **\$102,782.54**; and

BE IT FURTHER RESOLVED that execution of the attached Expedited Settlement Agreement is hereby approved and payment of \$102,782.54 shall be made as per the Settlement Agreement. .

Adopted
Absent: Beasley, Evans

Cox – Vick

25. Authorize the Execution of the Property Conveyance Settlement Agreement and the Redevelopment Agreement by and Between the Township of Irvington and Kosher Mayim, LLC. and Authorize the Transfer of the Property in Connection 563 Lyons Ave/Block 223, Lot 6 And 1222 Grove Street/Block 223, Lot 7

RESOLUTION OF THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON, COUNTY OF ESSEX, NEW JERSEY AUTHORIZING THE EXECUTION OF THE PROPERTY CONVEYANCE SETTLEMENT AGREEMENT AND THE REDEVELOPMENT AGREEMENT BY AND BETWEEN THE TOWNSHIP OF IRVINGTON AND KOSHER MAYIM, LLC. AND AUTHORIZING THE TRANSFER OF THE PROPERTY IN CONNECTION THEREWITH

WHEREAS, the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1 et seq.*, (the “**Redevelopment Law**”) authorizes municipalities to determine whether certain parcels of land located therein constitute areas in need of redevelopment or rehabilitation and to create redevelopment plans which provide development controls for any area so designated; and

WHEREAS, in accordance with the requirements of the Redevelopment Law, by Resolution dated July 14, 2015 the Municipal Council (the “**Council**”) of the Township of Irvington (the “**Township**”) designated the entire Township as an area in need of rehabilitation (the “**Rehabilitation Area**”); and

WHEREAS, by Ordinance MC No. 3549 dated August 11, 2015, the Council duly adopted a redevelopment plan to govern the redevelopment of the Rehabilitation Area, entitled the Township-Wide Area in need of Rehabilitation Redevelopment Plan (the “**Redevelopment Plan**”); and

WHEREAS, the Redevelopment Law authorizes the City to arrange or contract for the planning, construction or undertaking of any development project or redevelopment work in an area designated as an “area in need of rehabilitation”, all pursuant to N.J.S.A. 40A:12A-8 and a redevelopment plan; and

WHEREAS, to realize the redevelopment of Rehabilitation Area, the Township determined to exercise the powers of redevelopment and serve as the “redevelopment entity” responsible for carrying out redevelopment projects in accordance with the Redevelopment Law; and

WHEREAS, Kosher Mayim (the “**Former Owner**”), was the previous property owner of two (2) parcels of land located within the Rehabilitation Area; specifically, (i) 563 Lyons Ave/ Block 223, Lot 6 and (ii) 1222 Grove Street/ Block 223, Lot 7, which Block and Lot designations are reflected on the official tax map of the Township (hereinafter referred to as the “**Property**”); and

WHEREAS, the Township currently owns the Property pursuant to a final order dated February 3, 2020, resulting from an in rem tax foreclosure proceeding filed by the Township resulting from Former Owners failure to satisfy the Property real property tax obligation; and

WHEREAS, the Former Owner desires to re- acquire and continue to operate its business at the Property and in connection therewith and in consideration for such re - acquisition, to pay delinquent taxes and other amounts owing to the Township, including Township Costs as defined in the Redevelopment Agreement (the “**Purchase Price**”) and also to redevelop the Property by making on-site improvements thereon and off-site improvements that benefit the Property and the area (the “**Project**”) ; and

WHEREAS, to facilitate the aforementioned, the Township and the Former Owner desire to enter into the Property Conveyance Settlement Agreement (the “Settlement Agreement”) and the Redevelopment Agreement and Land Disposition Agreement (the “Redevelopment Agreement”, together with the Settlement Agreement, the “Agreements”), which Redevelopment Agreement is referenced in and attached to the Settlement Agreement as Schedule A; and

WHEREAS, in order to effectuate the Redevelopment Plan and the Project, the Township has determined to enter into the Agreements, which establishes the Former Owner as the “redeveloper” of the Project, as that term is defined in the Redevelopment Law, and which specifies the respective rights and responsibilities of the parties with respect to the Project and the terms and conditions of the conveyance of the Property,

NOW THEREFORE, BE IT RESOLVED by the Irvington Municipal Council as follows:

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

Section 2. Redeveloper Designated; Execution of Agreements Authorized.

- (a) The Mayor is hereby authorized to execute the Agreements, substantially in the form attached hereto as **Exhibit A**, subject to modification or revision deemed necessary or desirable in consultation with counsel, and to take all other necessary or desirable action to effectuate such Agreements.
- (b) The Municipal Clerk is hereby authorized and directed, upon the execution of the Agreements in accordance with the terms of Section 2(a) hereof, to attest to the signature of the Mayor upon such documents and is hereby further authorized and directed to affix the corporate seal of the Township upon such documents.
- (c) Upon execution of the Redevelopment Agreement, and so long as the Redevelopment Agreement remains in full force and effect, Kosher Mayim LLC is hereby designated as redeveloper (the “Redeveloper”) for the Project in accordance with the Redevelopment Law.

Section 3. Conveyance of Property Authorized.

- (a) The Council hereby approves the conveyance of the Property; and authorizes the Mayor, upon the execution of the Agreements, in accordance with the terms of Section 2(a) hereof, to execute a deed conveying the Property to Redeveloper, together with any other necessary documents and/or agreements between the Redeveloper and the Township, subject to modification or revision in consultation with counsel, deemed necessary or desirable to effectuate same. Said authorization

includes delivery of the deed to the Property and any and all associated documents required to effectuate the conveyance of the Property.

(b) The Mayor and other necessary city officials and professionals are each hereby authorized and directed to execute and deliver such documents as are necessary to facilitate the transactions contemplated hereby and in the Agreements, and to take such actions or refrain from such actions as are necessary to facilitate the transactions contemplated hereby, in consultation with, as applicable, counsel to the Township, and any and all actions taken heretofore with respect to the transactions contemplated hereby are hereby ratified and confirmed.

(c) Upon the execution of the deed, together with any other necessary documents and/or agreements between the Redeveloper and the Township, in accordance with the terms of Section 3(a), the Municipal Clerk is hereby authorized and directed to attest to the signature of the Mayor upon such documents and is hereby further authorized and directed to affix the corporate seal of the Township upon such documents.

Section 4. Severability. If any part of this Resolution shall be deemed invalid, such parts shall be severed and the invalidity thereby shall not affect the remaining parts of this Resolution.

Section 5. Availability of the Resolution. A copy of this resolution shall be available for public inspection at the office of the Municipal Clerk.

Section 6. Effective Date. This resolution shall take effect immediately.

Adopted
Absent: Beasley, Evans

10. Communication and Petitions

A. Communications

1. Essex County Board of Commissioners - Resolution Designating June, 2021 as Adopt a Cat Month

11. Pending Business

None

NON-CONSENT AGENDA ITEMS

9. Resolutions and Motions (Continued)

A. Resolutions

26. President Burgess: The Calendar Year 2021 Municipal Budget was

introduced on June 28, 2021, published in summary form in the Irvington Herald on July 15, 2021, and public hearing set for this date, time and place. The Clerk will read the notice of hearing.

The Clerk read the Notice of Hearing.

The Clerk will read the 2021 Calendar Year Municipal Budget by title

BE IT RESOLVED that the following Statement of Revenues and Appropriations shall constitute the Calender Year 2021 Municipal Budget

| | |
|------------------------|------------------|
| Total General Revenues | \$125,796,883.80 |
|------------------------|------------------|

| | |
|------------------------------|------------------|
| Total General Appropriations | \$125,796,883.80 |
|------------------------------|------------------|

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

There were no requests to be heard.

Cox – Frederic Motion to closing public hearing.

Adopted
Absent: Beasley, Evans

Cox – Frederic Motion to adjourn further deliberations on the Calendar Year 2021
Municipal Budget

Adopted
Absent: Beasley, Evans

ALCOHOLIC BEVERAGE CONTROL BOARD

AUGUST 9, 202

1. Chair Cox calls the Meeting to Order
2. Roll Call

Present: Commissioners Beasley, Burgess, Frederic, Dr. Hudley, Vick, Cox, Chair

Absent: Commissioner Evans

- ### 3. New Business

Frederic – Burgess A. Renewal of Pocket Consumption License for the 2020-2021 Licensing Year

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With Special State 12:30 Ruling – P.S. Clervoyant

WHEREAS, the following named individuals, partnerships or corporations, being applicants for Plenary Retail Consumption Licenses for the year 2020-2021, to sell alcoholic beverages under the provisions of N.J.S.A. Title 33 having been investigated as required by said Law, and the Alcoholic Beverage Control Board being satisfied that said applicants in all things have met the requirements of the law and are suitable and proper individuals, partnerships or corporation to whom Plenary Retail Consumption Licenses for the sale of alcoholic beverages should be issued:

NOW THEREFORE BE IT RESOLVED BY THE MUNICIPAL COUNCIL ACTING AS THE ALCOHOLIC BEVERAGE CONTROL BOARD OF THE TOWNSHIP OF IRVINGTON that permanent Plenary Retail Consumption Licenses be issued to the following named individual, partnerships and corporations for the sale of alcoholic beverages in original containers for consumption off the licensed premises for the year 2020-2021 at the address set opposite their respective name, viz:

| LICENSE NUMBER | NAME | ADDRESS |
|-----------------|----------------------|--|
| 0709-33-068-006 | P.S. Clervoyant, LLC | (Pocket With Special 12:39 State ABC Ruling) |

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

Adopted
Absent: Evans

Frederic – Burgess B. Renewal of Pocket Consumption License for the 2021-2022 Licensing Year
With Special State 12:30 Ruling – P.S. Clervoyant

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

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

| LICENSE NUMBER | NAME | ADDRESS |
|-----------------|----------------------|--|
| 0709-33-068-006 | P.S. Clervoyant, LLC | (Pocket With Special 12:39 State ABC Ruling) |

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

Adopted
Absent: Evans

Frederic – Burgess C. Renewal of Pocket Consumption License for the 2020-2021 Licensing Year
With Special State 12:30 Ruling – JeJosa Enterprises Corp

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

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

| LICENSE NUMBER | NAME | ADDRESS |
|-----------------|--------------------------|--|
| 0709-33-013-003 | Jejosa Enterprises Corp. | (Pocket With Special 12:39 State ABC Ruling) |

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

Adopted
Absent: Evans

4. Adjournment

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12. Miscellaneous

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

Elice Fitz, 35 Elmwood Terrace
Doris Sherrill, 35 Augusta Street

Council President Burgess addressed the issues raised by the above citizens.

13. Adjournment

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

Renee C. Burgess, Council President

Harold E Wiener, Municipal Clerk