

REGULAR COUNCIL MEETING
NOVEMBER 14, 2022

Virtual Zoom Meeting
Irvington, N.J. – Monday Evening
November 14, 2022 - 7:30 P.M.

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

Present: Darlene Brown, Vernal Cox, Sean C. Evans, Charnette Frederic October Hudley, Orlander G. Vick, Jamillah Z. Beasley, President

Absent: None

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

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

There were no requests to be heard.

5. Hearing of Council Members

There were no requests to be heard.

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

A. Reports

1. Municipal Court – Weekly Summary Report for the Week Of October 17, 2022 to October 21, 2022
2. Municipal Court – Mayor’s Monthly Report For The Month Of September, 2022
3. Municipal Court – Weekly Summary Report for the Week Of October 24, 2022 to October 28, 2022
3. Municipal Court – Weekly Summary Report for the Week Of October 31, 2022 to November 4, 2022

7. Reports of Committees

A. None

8. Ordinances, Bills & Claims

A. Ordinances on First Reading

Evans – Beasley

1. Establishing License Requirements And Regulations For Mobile Retail Food Trucks

AN ORDINANCE ESTABLISHING LICENSE REQUIREMENTS AND REGULATIONS FOR MOBILE RETAIL FOOD TRUCKS

Adopted

Hudley - Brown

2. Amend Chapter 324 Of The Health Code “License Fees” to Include A Re-Opening Fee For a Conditional Satisfactory Rating And an Unsatisfactory Rating Closure

AN ORDINANCE AMENDING CHAPTER 324 OF THE HEALTH CODE OF THE CITY OF IRVINGTON, IN THE COUNTY OF ESSEX, NEW JERSEY, “LICENSE FEES” TO INCLUDE A RE-OPENING FEE FOR A CONDITIONAL SATISFACTORY RATING AND AN UNSATISFACTORY RATING CLOSURE

Adopted

Vick – Hudley

3. Amend and Supplement Section 550-2 of The Revised Code Entitled Stormwater Management, Definitions

AN ORDINANCE AMENDING AND SUPPLEMENTING SECTION 550-2 OF THE REVISED CODE ENTITLED STORMWATER MANAGEMENT, DEFINITIONS

Adopted

Vick - Brown

4. Authorize an Hourly Range or Attorneys’ Fees

ORDINANCE APPROVING A RANGE FOR ATTORNEYS FEES

Adopted

Vick - Beasley

5. Amend Chapter 380 of Revised Code Entitled Litter Regarding Handbills

AN ORDINANCE AMENDING CHAPTER 380 OF THE REVISED CODE OF THE TOWNSHIP OF IRVINGTON ENTITLED LITTER PERTAINING TO HANDBILLS

Adopted

C. Bills & Claims

Frederic – Vick

1. Bill Lists

RESOLVED THAT THE BILLS AND CLAIMS AGAINST THE TOWNSHIP OF IRVINGTON FOR A PERIOD NOVEMBER 14, 2022 AS ENUMERATED ON THIS LIST FOR MATERIALS, SUPPLIES

AND SERVICES FURNISHED, DELIVERED AND/OR PERFORMED HAVE BEEN CERTIFIED BY THE DEPARTMENTS AS CORRECT, EACH CLAIM AND PURCHASE ORDER HAVE BEEN VERIFIED AND REVIEWED FOR THE AVAILABILITY OF FUNDS, ACCURACY OF ACCOUNT CODING AND COMPLETENESS BY THE AMINISTRATION, THEREFORE:

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

BILL LIST

CALENDAR YEAR 2022	\$1,593,897.25
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TOTAL	\$1,593,897.25
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Adopted

Frederic - Evans

2. Payrolls

November 14, 2022

REGULAR	OVERTIME	OTHER	TOTAL
\$1,672,047.94	\$270,395.13	\$265,756.75	\$2,208,199.82

Adopted

9. Resolutions and Motions

A. Resolutions

Hudley - Frederic

1. Relax Holiday Parking Restrictions for 2022 Holiday Season

WHEREAS, N.J.S.A 39:4-8 c (1) provides that a municipality may, by resolution prohibit general parking; and

WHEREAS, the Municipal Council is desirous of relaxing metered parking restrictions and in municipal lots during the holiday season in an effort to promote the economic well being of the community and the help offset any down turn that may occur in the nation's economic climate:

NOW, THEREFORE BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that metered parking restrictions shall be relaxed during the holiday season from November 18, 2022 through January 3, 2023; and

BE IT FURTHER RESOLVED that the Clerk is hereby authorized and directed to forward a copy of this resolution to the Public Safety Director and that the Public Safety Director is hereby authorized and directed to enforce the provisions of this resolution with the full force and effect of law.

Adopted

Vick - Frederic

2. Amend Resolution Ratifying IAFF Local 2004 Deputy Fire Chiefs Labor Contract from July 1, 2022 Through June 30, 2027 to Correct Error Regarding Contract Years and Replace Proper Memorandum of Understanding and Rescind Resolution DA 22-0531-3

WHEREAS, on May, 31, 2022, the Municipal Council adopted Resolution DA 22-0531-3 ratifying and approving the terms and conditions of a Memorandum of Understanding between the Township of Irvington and the IAFF Local 2004 - Irvington Deputy Fire Chiefs Association, the (DFCA); and

WHEREAS, the resolution contained incorrect dates and the attachment thereto contained the incorrect Memorandum of Understanding; and

WHEREAS, the Township of Irvington and the IAFF Local 2004 - Irvington Deputy Fire Chiefs Association, the (DFCA), have engaged in labor negotiations for the purpose of establishing salaries and other conditions of employment for members of the said association of the Township of Irvington; and

WHEREAS, the Township of Irvington and the IAFF Local 2004 - Irvington Deputy Fire Chiefs Association, the (DFCA), have mutually agreed to the salaries and other conditions of employment for the period beginning July 1, 2022 and ending June 30, 2027:

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that they hereby ratify and approve the terms and conditions of the Memorandum of Agreement attached hereto and made a part hereof; and

BE IT FURTHER RESOLVED that the Mayor and the Township Clerk are authorized and empowered to execute said Memorandum of Agreement; and

BE IT FURTHER RESOLVED that Resolution DA 22-0531-3 is hereby rescinded in its entirety.

Adopted

Frederic – Hudley

3. Authorize Use of \$11,950.00 Under the Lead Safe Irvington Program – Pow R Save, Inc. - 42 Breakenridge Terrace

RESOLUTION FOR LEAD SAFE IRVINGTON PROGRAM

WHEREAS, the Township of Irvington has been awarded Office of Lead Hazard Control and Healthy Homes (OLHCHH) funds by the Department of Housing and Urban Development (HUD) and it has obligated funds for the purpose of financing its LEAD SAFE Irvington Program administered by the Department of Economic Development and Grants Oversight; and

WHEREAS, the Township of Irvington, Department of Economic Development and Grants Oversight has identified that the applicant, who is the owner of 42 Breakenridge Terrace, Irvington, New Jersey, 07111 is eligible to receive assistance through the LEAD SAFE Irvington Program per the Township's policies and procedures; and

WHEREAS the Contractor selected through a competitive BID to perform the Remediation work is Pow R Save, Inc. and said funds shall be disbursed to the Contractor for the benefit of the applicant; and,

WHEREAS, the Department of Economic Development and Grants Oversight has contacted all the contractors on resolution number EDGO 22-0314-3 and three contractors provided quotes for the required work and the other one contractor did not provide any submission before the deadline; and,

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that the Township of Irvington does ratify and approve the provision of LEAD SAFE Irvington funds to the applicant(s) in the amount not to exceed \$11,950.00 for a period of affordability of five (5) years; and

BE IT FURTHER RESOLVED that the aforesaid funds of \$11,950.00 will be disbursed in three (3) installments in the amount of \$3,983.33 each installment after review of work performed and proof of funds expended to facilitate the remediation; and

BE IT FURTHER RESOLVED that the aforesaid funds are to be used for the remediation of the subject property and related soft cost associated with the remediation of the subject property as set forth in Exhibit A (Scope of Work), attached hereto for the premises known as, 42 Breakenridge Terrace Irvington, New Jersey 07111, single family unit(s) and owned by homeowner; and

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

BE IT FURTHER RESOLVED that pursuant to N.J.A.C. 5:34-5.2, the required Certificate of Fund Req. No. C22-0111 in the amount of \$11,950.00 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. G-02-XX-716-19A-250 in the amount of \$11,950.00.

Adopted

4. Authorizing Purchase Over The Pay To Play Threshold For General Code

[REMOVED AT CAUCUS MEETING]

Vick - Frederic

5. Waive 20 Day Time Period For Effective Date or Ordinance Adopting the Sixth Amendment to the Redevelopment Plan for the Urban Enterprise Zone Rehabilitation Area

WHEREAS, an ordinance entitled “AN ORDINANCE OF THE TOWNSHIP OF IRVINGTON, IN THE COUNTY OF ESSEX, STATE OF NEW JERSEY RESCINDING AND REPLACING ORDINANCE MC 3800 AND ADOPTING THE SIXTH AMENDMENT TO THE REDEVELOPMENT PLAN FOR THE URBAN ENTERPRISE ZONE REHABILITATION AREA” was duly passed on first reading by the Municipal Council on October 11, 2022 and duly adopted by the Municipal Council on second reading after public hearing on October 24, 2022; 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 OF THE TOWNSHIP OF IRVINGTON, IN THE COUNTY OF ESSEX, STATE OF NEW JERSEY RESCINDING AND REPLACING ORDINANCE MC 3800 AND ADOPTING THE SIXTH AMENDMENT TO THE REDEVELOPMENT PLAN FOR THE URBAN ENTERPRISE ZONE REHABILITATION AREA” shall become effective immediately upon its approval by the Mayor.

Adopted

Brown – Hudley 6. Establish Handicapped Parking Spaces in Front of 188 Park Place, 104 Prospect Avenue, 36 Wilson Place, 47 West Stratford Place and 26 Temple Place and 54 Welland Avenue

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 188 Park Place, 104 Prospect Avenue, 36 Wilson Place, 47 West Stratford Place, 54 Welland Avenue and 26 Temple Place:

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 188 Park Place, 104 Prospect Avenue, 36 Wilson Place, 47 West Stratford Place, 54 Welland Avenue and 26 Temple Place; and

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

Adopted

Cox – Hudley 7. Establish Handicapped Parking Spaces in Front of 395 Union Avenue,

Apt. 31B, 35 42nd Street, 16 Cummings Street, 900 Stuyvesant Avenue, 15 Osborne Place, 380 Union Avenue, Apt.107, 25-27 Essex Street and & 9 Ruth Street

WHEREAS, N.J.S.A. 39:4-197.5 provides that a Municipality may by resolution provide for restricted parking space(s) in front of residence(s) for use by any person who has been issued a special vehicle identification card pursuant to the provisions of N.J.S.A. 39:4-205, when using a motor vehicle on which is displayed a certificate, for which a special vehicle identification card has been issued pursuant to N.J.S.A. 39:4-206; and

WHEREAS, request(s) have been made for restricted parking space(s) in front of **395 UNION AVENUE, APT. 31B, 35 42ND STREET, 16 CUMMINGS STREET, 900 STUYVESANT AVENUE, 15 OSBORNE PLACE, 380 UNION AVENUE, APT.107, 25-27 ESSEX STREET & 9 RUTH 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 **395 UNION AVENUE, APT. 31B, 35 42ND STREET, 16 CUMMINGS STREET, 900 STUYVESANT AVENUE, 15 OSBORNE PLACE, 380 UNION AVENUE, APT.107, 25-27 ESSEX STREET & 9 RUTH STREET** and

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

Adopted

Hudley - Vick

8. Authorize Additional Funding for Professional Legal Services in the Matter of For Us Bank V. 21st St. Homes - Lamb Kretzer – Total Contract Amount - \$20,250.00

**RESOLUTION APPROVING ADDITIONAL FUNDS FOR
US BANK, CUSTODIAN FOR PC7, LLC FIRST TRUST BANK
V. 21ST STREET HOMES, LLC.
DOCKET NO. F. 8709-20**

WHEREAS, on December 14, 2020 the law firm of Lamb Kretzer was awarded a contract for Litigation Counsel Services for an amount not to exceed \$5,500.00 by resolution number TA 20-1214-42; and

WHEREAS the law firm of Lamb Kretzer has submitted an estimated budget in the amount of \$20,250.00 to litigate this matter;

WHEREAS, the Township seeks to pay the law firm of Lamb Kretzer for services provided within the scope of the contract, during the contract period but in excess of the contract amount;

WHEREAS, the total contract amount for this matter is hereby increased to an amount not to exceed \$20,250.00.

NOW THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that the services performed by the firm of Lamb Kretzer in excess of the contract amount is hereby ratified and confirmed for an amount not to exceed \$20,250.00; and

BE IT FURTHER RESOLVED, that total contract amount for this matter is hereby increased to an amount not to exceed \$20,250.00; and

BE IT FURTHER RESOLVED, that the Mayor and Municipal Clerk is hereby authorized to sign and execute an amended contract for Litigation Counsel Service; and

BE IT RESOLVED, that funds for this service will be paid from the Insurance Fund for a contract amount not to exceed \$20,250.00.

Adopted

Hudley - Vick

9. Authorize Additional Funding for Professional Legal Services in the Matter of Jacqueline Henry V. Antone Chambers, et al. - Lamb Kretzer – Total Contract Amount - \$12,850.00

**RESOLUTION APPROVING ADDITIONAL FUNDS FOR
JACQUELINE HENRY V. ANTONE CHAMBERS, ET AL.
DOCKET NO. ESX-L-586-20**

WHEREAS, on May 18, 2020 the law firm of Lamb Kretzer was awarded a contract for Litigation Counsel Services for an amount not to exceed \$5,000.00 by resolution number TA 20-0518-20; and

WHEREAS the law firm of Lamb Kretzer has submitted an estimated budget in the amount of \$12,850.00 to litigate this matter;

WHEREAS, the Township seeks to pay the law firm of Lamb Kretzer for services provided within the scope of the contract, during the contract period but in excess of the contract amount;

WHEREAS, the total contract amount for this matter is hereby increased to an amount not to exceed \$12,850.00.

NOW THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that the services performed by the firm of Lamb Kretzer in excess of the contract amount is hereby ratified and confirmed for an amount not to exceed \$12,850.00; and

BE IT FURTHER RESOLVED, that total contract amount for this matter is hereby increased to an amount not to exceed \$12,850.00; and

BE IT FURTHER RESOLVED, that the Mayor and Municipal Clerk is hereby authorized to sign and execute an amended contract for Litigation Counsel Service; and

BE IT RESOLVED, that funds for this service will be paid from the Insurance Fund for a contract amount not to exceed \$12,850.00.

Adopted

Frederic – Cox

10. Authorize Professional Legal Services Contract In The Matter Of Samir Halabi, D& S Housing LLC v. Township of Irvington - Antonelli Kantor, PC
- \$150.00 Per Hour Not To Exceed \$3,500.00

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

WHEREAS, resolution number TA 21-1012-24 qualified six firms to provide litigation/defense counsel services for the Township of Irvington from November 01, 2021 until October 31, 2022; 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 Antonelli Kantor, PC has the most experience to defend the Township of Irvington in the matter of Samir Halabi, D& S Housing LLC v. Township of Irvington, Docket No. ESX-L-003911-22; and

WHEREAS, the Township Attorney has recommended that a contract be awarded to Antonelli Kantor, PC, 354 Eisenhower Parkway, Suite 1000, Livingston, NJ, 07039; 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 Antonelli Kantor, PC, 354 Eisenhower Parkway, Suite 1000, Livingston, NJ, 07039 for a contract amount not to exceed \$3,500.00. 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 be paid from the Insurance fund for a contract amount not to exceed \$3,500.00. The billing rate for this contract is \$150.00 per hour.

Adopted

Cox - Brown

11. Ratify Mayor's Nomination of Cassandra Chatman as Director of Public Works

WHEREAS, N.J.S.A. 40:69A-36 (b) requires that the exercise of advice and consent to actions by the Mayor be by resolution of the Municipal Council; and

WHEREAS, the Mayor has submitted the nomination of Cassandra Chatman as Director of the Department of Public Works, to be effective immediately, and to expire on June 30, 2026 for the advice and consent of the Municipal Council:

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that the nomination by the Mayor of Cassandra Chatman as Director of the Department of Public Works, to be effective immediately, and to expire on June 30, 2026 be confirmed.

Adopted
No: Vick

Vick – Frederic 12. Authorize Professional Legal Services Contract In The Matter Of
Ronald Morrison v. Grand Essex, LLC - Antonelli Kantor, PC -
\$150.00 Per Hour Not To Exceed \$7,500.00

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

WHEREAS, resolution number TA 21-1012-24 qualified six firms to provide litigation/defense counsel services for the Township of Irvington from November 01, 2021 until October 31, 2022; 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 Antonelli Kantor, PC has the most experience to defend the Township of Irvington in the matter of Ronald Morrison v. Grand Essex, LLC., Docket No. ESX-L-002562-22; and

WHEREAS, the Township Attorney has recommended that a contract be awarded to Antonelli Kantor, PC, 354 Eisenhower Parkway, Suite 1000, Livingston, NJ, 07039; 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 Antonelli Kantor, PC, 354 Eisenhower Parkway, Suite 1000, Livingston, NJ, 07039 for a contract amount not to exceed \$7,500.00. 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 \$7,500.00. The billing rate for this contract is \$150.00 per hour.

Adopted

Frederic - Vick 13. Authorize Assignment of Tax Sale Certificate - 537 21st Street

RESOLUTION AUTHORIZING ASSIGNMENT

WHEREAS, N.J.S.A. 54:5-112 and 54:5-113, provide the Mayor and Council with the authority to sell real estate tax liens held by the municipality at a private sale for sums not less than the amount of municipal liens charged against same, and,

WHEREAS, the Tax Collector has notified the owner of record as appearing on the most recent Tax Duplicate at least five days prior to the affirmation of this resolution and a public notice of the pending sale was posted in three (3) public places within the Township of Irvington, and advertised once in the Irvington Herald.

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that the Mayor and Council hereby assign municipal held liens recorded as:

Block/Lot	Owner Property Address	Cert No.	Sale Date	Amount of Sale	Amount As of December 12, 2022
165 / 27.01	Okoro, Vivian & Nnamdi 537 21 st Street	101078	07/12/2010	\$752.29	\$20,885.90

together with subsequent liens thereon, at private sale to:

Mecca Property Development
71 South Orange Ave., Ste. 148
South Orange, NJ 07111

Adopted

Frederic - Vick 14. Authorize Cancellation of Payroll Vendor Balance Point's Contract
Effective January 31, 2023

RESOLUTION TO CANCEL PROFESSIONAL SERVICE CONTRACT FOR PAYROLL SERVICES

WHEREAS, the Township of Irvington and Balance Point entered into a professional service contract on August 9, 2021 for Payroll Services by resolution number DA-21-0809-32; and

WHEREAS, on November 2, 2022, the Township Attorney notified Balance Point that the Township would be terminating their services effective January 31, 2023; and

WHEREAS, Balance Point will be paid for services rendered under this contract from November 02, 2022 until January 31, 2023.

NOW THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that the contract for Payroll Services is hereby cancelled effective January 31, 2023.

Adopted

Frederic – Cox 15. Ratify the 2022 Best Practices Checklist

WHEREAS, Local Finance Notice 2022-17 requires that the governing body of each municipality receiving ETR or CMPTRA state aid discuss the CY 2022 Best Practice Inventory as prepared by the Chief Financial Officer at a public meeting; and

WHEREAS, the Chief Financial Officer has submitted the CY 2022 Best Practices Inventory to the Municipal Council for the review and discussion; and

WHEREAS, the Municipal Council has reviewed and discussed the CY 2022 Best Practice Inventory at their October 24, 2022 public meeting:

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that the Municipal Clerk is hereby authorized and directed to execute the CY 2022 Best Practice Public Meeting Certification Plan and forward same to the Director of the Division of Local Government Services along with a certified copy of this resolution as evidence that the governing body has complied with the provisions of Local Finance Notice 2022-17.

Adopted

16. Resolution Permitting the Township To Purchase Items Using Sourcewell

NEVER SUBMITTED BY THE ADMINISTRATION

10. Communication and Petitions

A. Communications

1. Board of Adjustment Secretary – Pending Expiration of Term of Office – Zoning Board of Adjustment Member Vincent Taylor - December 10, 2022

2. Planning Board Secretary – Pending Expiration of Term of Office – Planning Board Member Patricia Wilson – December 31, 2022

3. N.J. League of Municipalities – Legislative Bulletin No. 1

4. Mayor Vauss - Appointment - Deputy Director of Public Works - Joseph Ouseley

11. Pending Business

None

NON-CONSENT AGENDA ITEMS

8. Ordinances, Bills & Claims

A. Ordinances on Second Reading

1. Council President Beasley: An ordinance authorizing the execution of a financial agreement with 124-130 Ellis Avenue Urban Renewal LLC, and granting tax exemption with respect to Block 162, Lots 5-7, 124-130 Ellis Avenue will be heard at this time. The Clerk will read the notice of hearing.

The Clerk read the notice of hearing.

The Clerk will read the ordinance by title

ORDINANCE OF THE TOWNSHIP OF IRVINGTON, IN THE COUNTY OF ESSEX, AUTHORIZING THE EXECUTION OF A FINANCIAL AGREEMENT WITH 124-130 ELLIS AVENUE URBAN RENEWAL LLC, AND GRANTING A TAX EXEMPTION WITH RESPECT TO CERTAIN PROPERTY IDENTIFIED ON THE TOWNSHIP'S TAX MAP AS BLOCK 162, LOTS 5-7 AND IDENTIFIED IN THE CITY TAX RECORDS AS 124-130 ELLIS AVENUE, IRVINGTON, NEW JERSEY

WHEREAS, the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1 et seq.*, as amended and supplemented (the “**Redevelopment Law**”), authorizes municipalities to determine whether certain parcels of land in the municipality constitute areas in need of rehabilitation or redevelopment; and

WHEREAS, in accordance with the Redevelopment Law, on August 13, 2002, by resolution No. UEZ 02-0813-14, the Municipal Council (the “**Township Council**”) of the Township of Irvington (the “**Township**”) adopted a resolution designating certain properties within the east ward of the Township as an area in need of redevelopment (the “**Redevelopment Area**”); and

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

WHEREAS, the Entity is the owner of certain property located within the Redevelopment Area, which property is designated on the official tax map of the Township as Block 162, Lot 5-7; and identified in the Township tax records as 124-130 Ellis Avenue (collectively, the “**Property**”); and

WHEREAS, the Entity proposes to undertake, on the Property, the design, development, financing, maintenance and construction of a five (5) story residential building consisting of 33 market-rate residential units (5 studios, 14 one-bedrooms, 13 two-bedrooms, and 1 three-bedroom) and 4 affordable residential units (3 two-bedrooms and 1 three-bedroom). The development will also include 36 off-street parking spaces located on the ground floor.), together with certain other on-site and off-site improvements (the “**Project**”); and

WHEREAS, in order to ensure the financial feasibility of the Project, the Entity made application to the Township requesting a long-term tax exemption and financial agreement pursuant to the Long-Term Tax Exemption Law, *N.J.S.A. 40A:20-1 et seq.*, which application is on file with the Township Clerk (the “**Application**”); and

WHEREAS, the Entity has represented to the Township that the Project would not be feasible in its intended scope but for the provision of financial assistance by the Township; and

WHEREAS, after review of the Application, the Mayor recommended that the Application be approved; and

WHEREAS, after review of the Application, the Township Council now desires to approve the Application and to authorize the execution of the proposed form of financial agreement (the “**Financial Agreement**”) in substantially the form attached hereto as Exhibit A, and by this reference incorporated herein as may be modified in consultation with counsel as set forth herein; and

WHEREAS, the Township hereby determines that the assistance provided to the Project pursuant to the Financial Agreement will be a significant inducement for the Entity to proceed with the Project and that based on information set forth in the Application, the Project would not be feasible without such assistance,

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

I. GENERAL

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

II. APPLICATION FOR EXEMPTION APPROVED

The Application, which is on file with the Township Clerk and which has been recommended for approval to the Township Council by the Mayor, is hereby accepted and approved.

III. EXECUTION OF FINANCIAL AGREEMENT AUTHORIZED

- (a) The Mayor is hereby authorized to execute the Financial Agreement, substantially in the form attached hereto as Exhibit A, subject to modification or revision deemed necessary or appropriate by the Township in consultation with counsel, and to take all other necessary or appropriate action to effectuate such Financial Agreement.
- (b) The Township Clerk is hereby authorized and directed, upon the execution of the Financial Agreement in accordance with the terms of Section III(a) hereof, to attest to the signature of the Mayor upon such document and is hereby further authorized and directed to affix the corporate seal of the Township upon such document.
- (c) In accordance with P.L. 2015, c. 247, within ten (10) calendar days following the later of the effective date of this Ordinance or the execution of the Financial Agreement by the Entity, the Township Clerk shall transmit a certified copy of this Ordinance and the Financial Agreement to the chief financial officer of Essex County and to the Essex County Counsel for informational purposes, as well as to the Tax Assessor of the Township.

IV. SEVERABILITY

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

V. AVAILABILITY OF THE ORDINANCE

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

VI. EFFECTIVE DATE

This Ordinance shall take effect according to law.

EXHIBIT A

Form of Financial Agreement

The public hearing on this Ordinance is now open

There were no requests to be heard.

Vick – Cox

Motion to close public hearing

Adopted

Vick – Cox

Motion to adopt this ordinance on second reading after public hearing

Adopted

2. Council President Beasley: a bond ordinance funding an emergency appropriation providing for the Township's allocable share of the unfunded portion of phase I of the flood mitigation facilities project of the Joint Meeting of Essex and Union Counties, appropriating \$3,945,000.00 therefor and authorizing the issuance of \$3,945,000.00 bonds or notes to finance the cost thereof will be heard at this time. The Clerk will read the notice of hearing.

The Clerk read the notice of hearing.

Clerk will read the ordinance by title

**BOND ORDINANCE FUNDING AN EMERGENCY
APPROPRIATION PROVIDING FOR THE TOWNSHIP'S
ALLOCABLE SHARE OF THE UNFUNDED PORTION OF PHASE I
OF THE FLOOD MITIGATION FACILITIES PROJECT OF THE
JOINT MEETING OF ESSEX AND UNION COUNTIES, BY AND IN
THE TOWNSHIP OF IRVINGTON, IN THE COUNTY OF ESSEX,
NEW JERSEY; APPROPRIATING \$3,945,000 THEREFOR AND**

**AUTHORIZING THE ISSUANCE OF \$3,945,000 BONDS OR NOTES
TO FINANCE THE COST THEREOF**

BE IT ORDAINED AND ENACTED BY THE GOVERNING BODY OF THE TOWNSHIP OF IRVINGTON, IN THE COUNTY OF ESSEX, NEW JERSEY (not less than two-thirds of all the members thereof affirmatively concurring), AS FOLLOWS:

SECTION 1. The improvements described in Section 3 of this bond ordinance are hereby authorized to be undertaken by the Joint Meeting of Essex and Union Counties (the "Joint Meeting") on behalf of the Township of Irvington, in the County of Essex, New Jersey (the "Township"), as general improvements. For the improvements stated in Section 3, there is hereby appropriated the amount of \$3,945,000. Pursuant to the provisions of N.J.S.A. 40A:2-11(c) of the Local Bond Law, N.J.S.A. 40A:2-1 *et seq.*, as amended and supplemented (the "Local Bond Law"), no down payment is required as this bond ordinance authorizes obligations for environmental infrastructure projects that are funded by loans from the New Jersey Infrastructure Bank (the "I-Bank") and the State of New Jersey, acting by or through the Department of Environmental Protection.

SECTION 2. For the financing of said improvements or purposes described in Section 3 hereof and to meet the \$3,945,000 appropriation, negotiable bonds of the Township are hereby authorized to be issued in the principal amount of \$3,945,000 pursuant to, and within all limitations prescribed by, the Local Bond Law and the provisions of the Municipal Qualified Bond Act, P.L. 1976, c. 38, as amended. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable notes of the Township in a principal amount not exceeding \$3,945,000 are hereby authorized to be issued pursuant to, and within the limitations prescribed by, said Local Bond Law.

SECTION 3. The improvements hereby authorized and the purposes for the financing of which said debt obligations are to be issued are to fund an emergency appropriation previously adopted by the Township to fund the Township's allocable share of the unfunded portion of Phase I of the Joint Meeting's

Flood Mitigation Facilities Project consisting of the construction of an Effluent Pumping Station, which will be connected to the existing twin outfall channels to the Arthur Kill.

a. All improvements shall include, as applicable, all work, materials, equipment, engineering services and design, architectural services and design, surveying, environmental consulting work, environmental remediation, preparation of plans and specifications, governmental permits, bid documents, conducting and preparation of reports, plans, analysis and studies, equipment rental, labor and appurtenances necessary therefor or incidental thereto.

b. The aggregate estimated maximum amount of bonds or notes to be issued for said improvements or purposes is \$3,945,000.

c. The aggregate estimated cost of said improvements or purposes is \$3,945,000.

SECTION 4. In the event the United States of America, the State of New Jersey and/or the County of Essex make a loan, contribution or grant-in-aid to the Township for the improvements authorized hereby and the same shall be received by the Township prior to the issuance of the bonds or notes authorized in Section 2 hereof, then the amount of such bonds or notes to be issued shall be reduced by the amount so received from the United States of America, the State of New Jersey and/or the County of Essex. In the event, however, that any amount so loaned, contributed or granted by the United States of America, the State of New Jersey and/or the County of Essex shall be received by the Township after the issuance of the bonds or notes authorized in Section 2 hereof, then such funds shall be applied to the payment of the bonds or notes so issued and shall be used for no other purpose. This Section 4 shall not apply, however, with respect to any contribution or grant-in-aid received by the Township as a result of using such funds from this bond ordinance as "matching local funds" to receive such contribution or grant-in-aid.

SECTION 5. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer of the Township, provided that no bond anticipation note shall mature later than one year from its date, unless such bond anticipation notes are permitted to mature at such

later date in accordance with the provisions of the New Jersey Infrastructure Trust Act, N.J.S.A. 58:11B-1 *et seq.* (the "NJIT Act"). 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 of the Township shall determine all matters in connection with the bond anticipation notes issued pursuant to this bond ordinance, and the signature of the Chief Financial Officer 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 in accordance with the provisions of Section 8.1 of the Local Bond Law and, as applicable, the provisions of the NJIT Act. 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 purchaser thereof upon receipt of payment of the purchase price and accrued interest thereon 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 principal amount, the description, the interest rate and the maturity schedule of the bond anticipation notes so 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 3 of this bond ordinance are not current expenses and are improvements that the Township may lawfully undertake as general improvements, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

b. The average period of usefulness of said improvements or purposes within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is 30 years.

c. The supplemental debt statement required by the Local Bond Law has been duly made and filed in the Office of the Clerk of the Township and a complete executed duplicate thereof has been filed in the Office of the Director of the Division of Local Government Services within the Department of Community Affairs of the State of New Jersey, and 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 notes provided for in this bond ordinance by \$3,945,000 and the obligations authorized by this bond ordinance will be within all debt limitations prescribed by the Local Bond Law.

d. An aggregate amount not exceeding \$111,943.46 for items of expense listed in and permitted under Section 20 of the Local Bond Law is included in the estimated cost indicated herein for the improvements hereinbefore described.

e. In accordance with N.J.S.A. 40:63-134, bonds authorized and issued by the Township to finance improvements or works for the Joint Meeting shall not be taken to be included within or governed by any limitation fixed by law to the amount of bonds authorized to be issued by the Township.

SECTION 8. The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and interest on the debt obligations authorized by this bond ordinance. The debt obligations shall be direct, unlimited obligations of the Township, and the Township shall be obligated to levy *ad valorem* taxes upon all the taxable property located within the Township for the payment of the principal of and the interest thereon without limitation as to rate or amount.

SECTION 9. The Township reasonably expects to reimburse any expenditures toward the costs of the improvements or purposes described in Section 3 hereof and paid prior to the issuance of any bonds or notes authorized by this bond ordinance with the proceeds of such bonds or notes. This Section 9 is intended to be and hereby is a declaration of the Township's official intent to reimburse any expenditure toward the costs of the improvements or purposes described in Section 3 hereof to be incurred and paid prior to the issuance of bonds or notes authorized herein in accordance with Treasury Regulations Section 150-2.

SECTION 10. The Township covenants to maintain the exclusion from gross income under Section 103 of the Internal Revenue Code of 1986, as amended, of the interest on all bonds and notes issued under this ordinance.

SECTION 11. Upon adoption hereof, the Clerk of the Township shall forward certified copies of this bond ordinance to Everett M. Johnson, Esq., Wilentz, Goldman & Spitzer, P.A., bond counsel to the Joint Meeting, and Richard T. Nolan, Esq., McCarter & English, LLP, bond counsel to the I-Bank.

SECTION 12. This bond ordinance shall take effect 20 days after the first publication hereof after final adoption, as provided by the Local Bond Law.

The public hearing on this Ordinance is now open

There were no requests to be heard.

Frederic - Vick

Motion to close public hearing

Adopted

Frederic - Vick

Motion to adopt this ordinance on second reading after public hearing

Adopted

12. Miscellaneous

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

Doris Sherrill, 35 Augusta Street
Samuel Cherilus, 90 – 40th Street

Council President Beasley addressed the concerns raised by Mr. McPherson and Mr. Cherilus and thanked Ms. Sherrill for her community spirit and involvement.

13. Adjournment

There being no further business, the meeting adjourned at 7:50 P.M.

Jamillah Z. Beasley, Council President

Harold E. Wiener, Municipal Clerk