

REGULAR COUNCIL MEETING
SEPTEMBER 26, 2022

Virtual Zoom Meeting
Irvington, N.J. – Monday Evening
September 26, 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 September 6, 2022 to September 9, 2022
2. Municipal Court – Weekly Summary Report for the Week Of September 12, 2022 to September 16, 2022
3. Municipal Court – Mayor’s Monthly Report for August 2022

7. Reports of Committees

- A. Bid Results - Printing and Marketing 9-15-22
- B. RFQ Results - for October 2022 Various Professional Service - September 15, 2022

8. Ordinances, Bills & Claims

Ordinances on First Reading

1. None

C. Bills & Claims

Evans – Frederic

1. Bill Lists

RESOLVED THAT THE BILLS AND CLAIMS AGAINST THE TOWNSHIP OF IRVINGTON FOR A PERIOD SEPTEMBER 26, 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	\$1,321,489.91
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Adopted

Evans - Frederic

2. Payrolls

September 9, 2022

REGULAR	OVERTIME	OTHER	TOTAL
\$1,681,742.72	\$267,175.16	\$109,986.98	\$2,058,904.86

Adopted

9. Resolutions and Motions

A. Resolutions

Evans – Vick

1. Authorize the Purchase of Meat and Groceries for INIC Over the Pay to Play Threshold But Under the Bid Threshold - 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 MEAT AND GROCERIES FOR INIC

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

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WHEREAS, the Township has obtained two quotes from Metropolitan Foods DBA Driscoll Foods and Trooper 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 Foods DBA Driscoll Foods will exceed the Pay-to-Play threshold of \$17,500.00 for calendar year 2022; 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 meat and groceries from Metropolitan Foods DBA Driscoll Foods 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, 2022

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

Adopted

Vick - Frederic

2. Award Bid - On Line Tax Sale Hosting Services

AWARDING A CONTRACT FOR ONLINE TAX SALE HOSTING SERVICE

WHEREAS, sealed RFP were received on August 31, 2022 for Online Tax Sale Hosting in response to published advertisement for bids in the New Jersey Star Ledger on August 11, 2022; and

WHEREAS, one RFP was received and opened from Realauction.com LLC by the Municipal Clerk and Purchasing Agent; and

WHEREAS, said bid was referred to the Tax Collector for recommendation to the Municipal Council; and

WHEREAS, the Tax Collector has recommended that the award should be made to Realauction.com LLC, 861 SW 78th Avenue, Suite 102, Plantation, FL 33324 for an amount not to exceed \$15.00 per property for all properties that are sold at the annual tax sale; and

NOW THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that a contract for online tax sale hosting service be awarded to

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Realauction.com LLC, 861 SW 78th Avenue, Suite 102, Plantation, FL 33324 on the basis of their response to the request for proposal for \$15.00 per property for all properties that are sold at the annual tax sale.

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 FURTHER RESOLVED that the required certification of availability of funds C22-0116 in the amount of \$40,000.00 from account numbers 2-01-20-130-130-256 and 2-01-20-145-145-256 has been obtained from the Chief Financial Officer.

Adopted

Evans - Hudley

3. Authorize Disposal Of Old/Unused Equipment With Municibid

AUTHORIZE DISPOSAL OF OLD/UNUSED EQUIPMENT WITH MUNICIBID

WHEREAS, the Township of Irvington is the owner of certain equipment that is no longer being used; and

WHEREAS, the Township of Irvington is desirous of selling said equipment in an "as is" condition without express or implied warranties.

NOW THEREFORE BE IT RESLOVED, by the Township of Irvington, in the County of Essex, as follows:

- (1) The sale of old/used equipment shall be conducted through Municibid pursuant to State of Contract T2581 in accordance with the terms and conditions of the State Contract. The terms and conditions of the agreement entered into with Municibid is available online at Municibid.com and also available in the Division of Purchasing.
- (2) The sale will be conducted online and the address of the auction site is Municibid.com
- (3) The sale is being conducted pursuant to Local Finance Notice 2008-9.
- (4) A complete list of the old/used equipment is attached to this resolution, herein apart of the record.
- (5) The equipment on the attached list shall be sold in an "as is" condition without express or implied warranties with the successful bidder required to executed a Hold Harmless and Indemnification agreement concerning use of said surplus property.
- (6) The Township of Irvington reserves the right to accept or reject any bid submitted.
- (7) In the event that no bids are received, the Purchasing Agent is authorized to dispose of same for the benefit of the Township.

Adopted

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Vick – Frederic

4. Ratify Mayor's Appointment of Council President Jamillah Z. Beasley as a Voting Member of the Springfield Avenue Center Special Improvement District Board of Directors/Business Development Corporation

RESOLUTION APPOINTING ONE VOTING MUNICIPAL AGENCY HEAD OR DESIGNEE BY THE MAYOR TO THE SPRINGFIELD AVENUE CENTER BUSINESS IMPROVEMENT DISTRICT

WHEREAS, Municipal Ordinance MC 3084 created the Springfield Ave Center Business Improvement District; and

WHEREAS, said Ordinance provides that the Mayor may appoint one voting member; and

WHEREAS, Mayor wishes to appoint, Jamillah Z. Beasley to the Springfield Ave Center Business Improvement District Board of Directors.

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that Jamillah Z. Beasley is hereby appointed to the Springfield Ave Center Business Improvement District Board of Director as a voting member.

Adopted

Frederic – Vick

5. Authorizing Purchases Under The State Of New Jersey Cooperative Purchasing Program Over The Bid Threshold Of \$44,000.00

**AUTHORIZING PURCHASES UNDER THE STATE OF NEW JERSEY COOPERATIVE PURCHASING PROGRAM
OVER THE BID THRESHOLD OF \$44,000.00**

WHEREAS, the Township of Irvington, pursuant to N.J.S.A. 40A:11-12(a) 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 for any State contracts entered into on behalf of the State by the Division of Purchase and Property in the Department of Treasury; and,

WHEREAS, the Township of Irvington has the need on a timely basis to purchase goods or Services utilizing State contracts; and

WHEREAS, the list of vendors below will exceed the bid threshold of \$44,000.00 for calendar year 2022:-

Name of Vendor	State Contract Number	Commodity	Amount
Broadview	85017	Telephone Service	\$250,000.00
All hands Fire Equipment	17 Fleet 00812	Fire Apparatus	\$85,000.00
American Hose & Hydraulic Co.	40866	Auto Parts	\$65,000.00
Crosstown Plumbing Supply, Inc	T3027	Plumbing Supplies	\$60,000.00
Fastenal Company	19-FLEET-00678	Auto Parts	\$55,000.00
Limbach Company, LLC	88689	HVAC	\$185,000.00

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SHI International Corp.	21-TELE-01360	Computers and Supplies	\$250,000.00
Witmer Public Safety Group	17-FLEET-00767	Ammunition	\$60,000.00

WHEREAS, the Township of Irvington intends to enter into contracts with State contract vendors over the bid threshold of \$44,000.00 through this resolution and properly executed purchase orders, which shall be subject to all the conditions applicable to current State contracts.

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of Irvington authorizes the purchase of certain goods and services from those approved New Jersey State contract vendors over the bid threshold of \$44,000.00, pursuant to all the conditions of the individual State contracts; and

BE IT FURTHER RESOLVED by the Township Council that, pursuant to the N.J.A.C. 5:30-5.5(b), the certification of available funds and resolutions shall be certified at such time as the goods or services are called for prior to placing the order for good or service in excess of \$44,000.00, and a certification of availability of funds is made by the Chief Financial Officer via an authorized purchase order; and

BE IT FURTHER RESOLVED that the duration of this authorization shall be until December 31, 2022

BE IT FURTHER RESOLVED a separate resolution will be submitted to the Municipal Council for all addition vendors exceeding the bid threshold of \$44,000.00.

Adopted

Vick – Evans

6. Authorize Second Amendment of the Redevelopment And Land Disposition Agreement By and Between the Township Of Irvington and Chester Property Care LLC for Properties: 446 14th Avenue, Block 144, Lot 8, 30 22nd Street, Block 137, Lot 9, 344 16th Avenue, Block 151, Lot 14, 215 21st Street, Bock 151, Lot 28, 125-127 21st Street, Block 156, Lot 19, 396 14th Avenue, Block 158, Lot 12

RESOLUTION OF THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON, COUNTY OF ESSEX, NEW JERSEY AUTHORIZING THE 2ND AMENDMENT OF THE REDEVELOPMENT AND LAND DISPOSITION AGREEMENT BY AND BETWEEN THE TOWNSHIP OF IRVINGTON AND CHESTER PROPERTY CARE LLC

WHEREAS, 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., as amended and supplemented (the “**Redevelopment Law**”) to determine whether certain parcels of land within the Township constitute an area in need of rehabilitation and/or an area in need of redevelopment; and

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

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WHEREAS, by Ordinance No. MC 3549 dated August 11, 2015, the Township 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 “**Township Wide Redevelopment Plan**”); and

WHEREAS, the Township is the owner of certain properties located within the Rehabilitation Area, which properties are designated on the official tax maps of the Township as:

BLOCK	LOT	LOCATION
114	8	446 14 th Avenue
137	9	30 22nd Street
151	14	344 16th Avenue
151	28	215 21st Street
156	19	125-127 21st Street
158	12	396 14 th Avenue

(collectively, the “**Original Property**”); and

WHEREAS, to realize the redevelopment of the Original Property, 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 relevant Redevelopment Plan, pursuant to *N.J.S.A. 40A: 12A-4(c)*; and

WHEREAS, in furtherance of the redevelopment of the Original Property, the Township Council designated Chester Property Care LLC (the “**Redeveloper**”) as the “redeveloper” (as defined in the Redevelopment Law) of the Original Property; and by Resolution No. OCDP 21-0628-16, authorized the execution of that certain Redevelopment and Land Disposition Agreement (the “**Redevelopment Agreement**”), with respect to the acquisition of the Original Property by Redeveloper and the design, financing, development and maintenance of same; and

WHEREAS, the Township and the Redeveloper have determined to revise the boundaries of the Original Property through the removal of the parcel designated as Block 137, Lot 9 on the official tax maps of the Township and identified in the Township tax records as 30 22nd Street; such that “**Property**” shall be defined in the Redevelopment Agreement as:

BLOCK	LOT	LOCATION
114	8	446 14 th Avenue
151	14	344 16th Avenue
151	28	215 21st Street
156	19	125-127 21st Street
158	12	396 14 th Avenue

; and

WHEREAS, the removal of the parcel identified in the Township tax records as 30 22nd Street from the Original Property will require the Parties to make certain amendments to the Agreement, including amendments to the Property Description, the Purchase Price, the Project Description and the Development Timetable; and

WHEREAS, the Township and Redeveloper desire to make the necessary amendments to the Agreements in order to effectuate the prompt transfer and redevelopment of the Property by authorizing the execution of the First Amendment to the Redevelopment Agreement (the “**Amendment Agreement**”) substantially in the form attached hereto,

NOW, THEREFORE, BE IT RESOLVED by the Municipal Council of the 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 the Amendment Agreement Authorized.

- a. The Mayor is hereby authorized to execute the First Amendment to the Redevelopment Agreement, substantially in the form attached hereto as Exhibit A, subject to modification or revision deemed necessary and appropriate in consultation with counsel, and to take all other necessary and appropriate action to effectuate the Agreement, as amended.
- b. The Municipal Clerk is hereby authorized and directed, upon the execution of the Amendment Agreement, to attest to the signature of the Mayor upon each such document and is hereby further authorized and directed to affix the corporate seal of the Township upon each such document.

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 offices of the Township.

SECTION 5. Effective Date. This Resolution shall take effect immediately.

EXHIBIT A

First Amendment to the Redevelopment Agreement

[AVAILABLE IN THE OFFICE OF COMMUNITY DEVELOPMENT AND PLANNING]

Adopted

Vick – Frederic

7. Authorize Professional Service Contract for Foreclosure Counsel Services for Eleven (11) Foreclosure Matters– Goldenberg, Mackler, Sayegh, Mintz, Pfeffer, Bonchi & Gill - Not to Exceed \$20,000.00

**RESOLUTION RATIFYING PROFESSIONAL SERVICES CONTRACT
FOR FORECLOSURE COUNSEL SERVICES**

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WHEREAS, resolution number TA-22-0531-6 qualified three firms to foreclosure counsel services for the Township of Irvington from July 1, 2022 until June 30, 2023; 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 assigned Goldenberg, Mackler, Sayegh, Mintz, Pfeffer, Bonchi & Gill to represent the Township in the eleven (11) foreclosure matter as 475 Stuyvesant Avenue (Block 17, Lot 62); 50 Smith Street (Block 81, Lot 29); 16-18 Orange Avenue (Block 38, Lot 31); 49 Oak Avenue (Block 110, Lot 11); 13 Highland Terrace (Block 122, Lot 20); 9-15 Bryant Court (Block 224, Lot 16.01); 11 May Street (Block 218, Lot 18); 178 Linden Avenue (Block 91, Lot 3); 85 Hopkins Place (Block 166, Lot 38.01); 89 Hopkins Place (Block 166, Lot 39.01); and 58 Oak Ave (Block 115, Lot 5 and;

WHEREAS, the Township Attorney has recommended that a contract be awarded to Goldenberg, Mackler, Sayegh, Mintz, Pfeffer, Bonchi & Gill, 660 New Road, Suite 1A, Northfield, NJ, 08225; and

NOW THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that a contract for Foreclosure Counsel services be awarded to Goldenberg, Mackler, Sayegh, Mintz, Pfeffer, Bonchi & Gill, 660 New Road, Suite 1A, Northfield, NJ, 08225 for a contract amount not to exceed \$20,000.00. The billing rate shall not exceed \$20,000.00 per foreclosure complaint and \$150.00 per hour for any contested matters; 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 RESOLVED that the required Certification of Availability of Funds, certification number C22-0106 was obtained from the Chief Financial Officer and the appropriation to be charged for this expenditure is T-18-56-860-000-063 in the amount of \$20,000.00.

Adopted

Vick – Beasley

8. Authorize Professional Service Contract for Foreclosure Counsel Services for Thirty-One (31) Foreclosure Matters– Goldenberg, Mackler, Sayegh, Mintz, Pfeffer, Bonchi & Gill - Not to Exceed \$50,000.00

**RESOLUTION RATIFYING PROFESSIONAL SERVICES CONTRACT
FOR FORECLOSURE COUNSEL SERVICES**

WHEREAS, resolution number TA-22-0531-6 qualified three firms to foreclosure counsel services for the Township of Irvington from July 1, 2022 until June 30, 2023; and

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

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Block	Lot	Address
44	39	86 W Allen Street
59	11	207 Munn Avenue
79	36	90 Cummings Street
87	4	41 Washington Avenue
115	18	497 Grove Street
116	25	587 Grove Street
119	7	749 15 th Avenue
124	7	47 Breakenridge Terr
126	24	615 Grove Street
127	9	45 Grove Terrace
127	10	41 Grove Terrace
137	19	9 20 th Avenue
139	22	265 Ellis Avenue
140	2	710 Grove Street
141	10	324 Ellis Avenue
143	10	296 21 st Street
156	28	14-16 Roosevelt Terrace
173.01	1	14-24 S. 20 th Street
185	8	479-487 Chancellor Ave
209	19	4 Bruen Avenue
212	15	1048 Clinton Avenue
213	21	11 Grace Street
214	33	145-147 Maple Avenue
219	16	70 Grace Street
219	28	171 Maple Avenue
224	1	71-75 Mt Vernon Ave
251	19	674-80 Chancellor Ave
262	19	21 Osborne Place
267	32	64 Fern Avenue
315	22	994 Stuyvesant Avenue
378	21	72 Elmwood Terrace

and;

WHEREAS, the Township Attorney has recommended that a contract be awarded to Goldenberg, Mackler, Sayegh, Mintz, Pfeffer, Bonchi & Gill, 660 New Road, Suite 1A, Northfield, NJ, 08225; and

NOW THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that a contract for Foreclosure Counsel services be awarded to Goldenberg, Mackler, Sayegh, Mintz, Pfeffer, Bonchi & Gill, 660 New Road, Suite 1A, Northfield, NJ, 08225 for a contract amount not to exceed \$50,000.00. The billing rate shall not exceed \$50,000.00 per foreclosure complaint and \$150.00 per hour for any contested matters; 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 RESOLVED that the required Certification of Availability of Funds, certification number C22-0107 was obtained from the Chief Financial Officer and the appropriation to be charged for this expenditure is T-18-56-860-000-065 in the amount of \$20,000.00.

Adopted

Vick – Beasley

9. Resolution Authorizing the Third Amendment Of The Redevelopment Agreement by and Between the Township of Irvington and Redevelopment Capital Partners, LLC for Properties: 585 Grove Street, Block 116, Lot 24, 34 Grove Terrace, Block 116, Lot 38, 36 Grove Terrace, Block 116, Lot 39, 555 Grove Street, Block 118, Lot 13, 43 Oak Avenue, Block 119, Lot 11, 35-39 22nd Street, Block 136, Lot 24, 21-23 22nd Street, Block 136, Lot 29, 36-38 22nd Street, Block 137, Lot 11, 127 22nd Street, Block 141, Lot 17, 130 22nd Street, Block 142, Lot 7, 332 21st Street, Block 144, Lot 1, 95 22nd Street, Block 148, Lot 23, 566 Grove Street, Block 150, Lot 10, 97 21st Street, Block 157, Lot 28, 78 21st Street, Block 158, Lot 11, 156 21st Street, Block 159, Lot 4, 138 21st Street, Block 159, Lot 10

RESOLUTION OF THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON, COUNTY OF ESSEX, NEW JERSEY AUTHORIZING THE THIRD AMENDMENT OF THE REDEVELOPMENT AGREEMENT BY AND BETWEEN THE TOWNSHIP OF IRVINGTON AND REDEVELOPMENT CAPITAL PARTNERS, LLC

WHEREAS, 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., as amended and supplemented (the "Redevelopment Law") to determine whether certain parcels of land within the Township constitute an area in need of rehabilitation and/or an area in need of redevelopment; and

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

WHEREAS, by Ordinance No. MC 3549 dated August 11, 2015, the Township 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 “Township Wide Redevelopment Plan”); and

WHEREAS, to realize the redevelopment of the Property, 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 relevant Redevelopment Plan, pursuant to N.J.S.A. 40A:12A-4(c); and

WHEREAS, in furtherance of the redevelopment of certain properties located within the Rehabilitation Area, identified in the Township tax records and on the official tax maps of the Township as:

BLOCK

LOT

LOCATION

116

24

585 Grove Street

116

38

34 Grove Terrace

116

39

36 Grove Terrace

118

13

555 Grove Street

119

11

43 Oak Ave

136

24

35-39 22nd Street

136

29

21-23 22nd Street

137

11

36-38 22nd Street

141

17

127 22nd Street.

142

7

130 22nd Street

144

1

332 21st Street

148
23
95 22nd Street
150
10
566 Grove Street
157
28
97 21st Street
158
11
78 21st Street
159
4
156 21st Street
159
10
138 21st Street

(collectively, the “Property”); and

WHEREAS, the Township and Redevelopment Capital Partners, LLC, (the “Redeveloper”) entered into that certain Redevelopment Agreement dated March 11, 2020, (as subsequently amended by the First Amendment to Redevelopment Agreement dated March 11, 2020 and the Second Amendment to Redevelopment Agreement dated April 17, 2020, collectively, the “Redevelopment Agreement”), with respect to the acquisition of the Property by Redeveloper; and the development of up to sixty-five (65) residential rental units through the rehabilitation or construction of two-family, three-family and multi-family dwellings on the Property, each containing a mix of one, two and three bedroom units (the “Project”); and

WHEREAS, the Redeveloper has requested that the Township modify and update the Project Description, Schedule B of the Redevelopment Agreement and the Development Timetable, Schedule C of the Redevelopment Agreement (the “Third Amendment”); and

WHEREAS, the Township and Redeveloper have determined to enter into this Third Amendment for the purpose of amending the Schedules B & C of the Redevelopment Agreement, substantially in the form attached hereto,

NOW, THEREFORE, BE IT RESOLVED by the Municipal Council of the 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 the Amendment Agreement Authorized.

a. The Mayor is hereby authorized to execute the Third Amendment to the Redevelopment Agreement, substantially in the form attached hereto as Exhibit A, subject to modification or revision deemed necessary and appropriate in consultation with counsel, and to take all other necessary and appropriate action to effectuate the Agreement, as amended.

b. The Municipal Clerk is hereby authorized and directed, upon the execution of the Second Amendment, 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 document.

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 offices of the Township.

SECTION 5. Effective Date. This Resolution shall take effect immediately.

EXHIBIT A

Third Amendment to the Redevelopment Agreement.

[ON FILE IN THE OFFICE OF COMMUNITY DEVELOPMENT & PLANNING]

Adopted

Vick – Frederic

10. Resolution Authorizing the Execution of an Escrow Agreement With Irvington Redevelopment 2022 LLC for the Redevelopment Of Certain Properties: 9 20th Avenue, Block 137, Lot 19, 350 17th Avenue, Lot 17, Block 149, 346 17th Avenue, Block 149, Lot 18, 344 17th Avenue, Block 149, Lot 19, 342 17th Avenue, Block 149, Lot 20, 205 22nd Street (REAR), Block 149, Lot 21, 201 22nd Street, Block 149, Lot 22, 199 22nd Street, Block 149, Lot 23, 183 22nd Street, Block 149, Lot 28, 244 22nd Street, Block 151, Lot 3, 258 22nd Street, Block 151, Lot 7, 260 22nd Street, Block 151, Lot 8, 266 22nd Street, Block 151, Lot 10, 211 21st Street, Block 151, Lot 27

RESOLUTION OF THE TOWNSHIP OF IRVINGTON AUTHORIZING THE EXECUTION OF AN ESCROW AGREEMENT WITH IRVINGTON REDEVELOPMENT 2022 LLC FOR THE REDEVELOPMENT OF CERTAIN PROPERTY IN 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, in accordance with the Redevelopment Law, on July 14, 2015, by resolution No. UEZ 15-0714-11, the Township Council adopted a resolution designating the entire Township as an area in need of rehabilitation (the “Rehabilitation Area”); and

WHEREAS, on August 11, 2015, the Township Council duly adopted Ordinance MC. 3549, enacting a redevelopment plan for the Rehabilitation Area entitled the Township-Wide Area in need of Rehabilitation Redevelopment Plan (the “Township-Wide Redevelopment Plan”), pursuant to the Redevelopment Law and in accordance with the procedures set forth therein; and

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

WHEREAS, Irvington Redevelopment 2022 LLC (the “Company”) and the Township, in its capacity as redevelopment entity, intend to pursue pre-development activities, including, but not limited to a review of the Company’s proposal, the acquisition and conveyance of certain properties within the Township, the negotiation in good faith and preparation of a redevelopment agreement, and other related actions; and

WHEREAS, the Company proposes to explore the acquisition of certain properties identified on the official tax maps of the Township and identified in the Township tax records as:

Block	Lot	Address
137	19	9 20 th Avenue
149	17	350 17 th Avenue
149	18	346 17 th Avenue
149	19	344 17 th Avenue
149	20	342 17 th Avenue
149	21	205 22 nd Street (REAR)
149	22	201 22 nd Street
149	23	199 22 nd Street
149	28	183 22 nd Street
151	3	244 22 nd Street
151	7	258 22 nd Street
151	8	260 22 nd Street
151	10	266 22 nd Street
151	27	211 21 st Street

(collectively, the “**Property**”) and to undertake the rehabilitation or redevelopment of same (the “**Project**”); and

WHEREAS, the Company has agreed to defray certain costs incurred by or on behalf of the Township arising out of or in connection with the development of the proposed Project; and

WHEREAS, the Township and the Company 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 of the 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

[ON FILE IN THE OFFICE OF COMMUNITY DEVELOPMENT & PLANNING]

Adopted

Vick – Frederic	11. Amended Resolution Designating Black Union LLC as Redeveloper for the Redevelopment of Certain Property Identified as Block 264, Lot 9, 178 Union Avenue, and Authorizing the Execution of the Amended and Restated Redevelopment and Land Disposition Agreement and the Transfer of 178 Union Avenue
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AMENDED RESOLUTION OF THE TOWNSHIP OF IRVINGTON DESIGNATING BLACK UNION LLC AS REDEVELOPER FOR THE REDEVELOPMENT OF CERTAIN PROPERTY IDENTIFIED AS BLOCK 264, LOT 9 ON THE OFFICIAL TAX MAPS OF THE TOWNSHIP AND IDENTIFIED IN THE TOWNSHIP TAX RECORDS AS 178 UNION AVENUE, AND AUTHORIZING THE EXECUTION OF

**THE AMENDED AND RESTATED REDEVELOPMENT AND LAND DISPOSITION AGREEMENT
AND THE TRANSFER OF 178 UNION AVENUE 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 Township Council 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 Township 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, pursuant to the Redevelopment Law, including Section 8 thereof (N.J.S.A. 40A:12A-8), a municipality is permitted to contract with a redeveloper to undertake redevelopment projects pursuant to a redevelopment plan within the area designated in that 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, the Township is the owner of certain property located within the Rehabilitation Area identified as Block 264, Lot 9 on the tax maps of the Township and identified in the Township tax records as 178 Union Avenue (the “Property”); and

WHEREAS, the Township hereby determines that the Property is no longer needed for public use, and that the redevelopment thereof in accordance with applicable provisions of the Redevelopment Plan will contribute to the rehabilitation and reinvigoration of the Township and to the social and economic improvement of the Township in accordance with the objectives of the Redevelopment Law; and

WHEREAS, Black Union LLC (the “Redeveloper”) proposed the acquisition of the Property from the Township and the design, development, financing, conversion, rehabilitation and maintenance thereon of a six (6) unit commercial building to be redeveloped to market rate residential units consisting of 2-3 bedrooms and 1-2 bathrooms (with the potential to expand to a seventh residential (7th) unit, depending on final approved designs) as well as certain other on-site and off-site improvements (collectively, the “Project”); and

WHEREAS, the Township has determined that Redeveloper possesses the proper qualifications and experience to implement and complete the Project in accordance with the Redevelopment Plan, and desires to convey the Property to Redeveloper to effect the same; and

WHEREAS, in order to effectuate the Redevelopment Plan, on November 9, 2020 the Township Council adopted Resolution #OCDP 20-1109-25 authorizing the execution of a redevelopment agreement

in order to designate the Redeveloper as the “redeveloper”, as that term is used in the Redevelopment Law, to redevelop the Property, and to set forth the terms and conditions with respect to such development (the “Original Agreement”, which was not executed); and

WHEREAS, in order to effectuate the Redevelopment Plan and the Project, the Township has determined to modify the Amended Agreement and to enter into a redevelopment and land disposition agreement with the Redeveloper, (the “Redevelopment Agreement”), which establishes Redeveloper 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 Township and the Redeveloper with respect to the Project and the terms and conditions of the conveyance of the Property,

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. Redeveloper Designated; Execution of Redevelopment Agreement Authorized.

(a) The Mayor is hereby authorized to execute the Amended Redevelopment Agreement, 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 Redevelopment Agreement.

(b) The Municipal Clerk is hereby authorized and directed, upon the execution of the Redevelopment Agreement in accordance with the terms of Section 2(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) Upon execution of the Redevelopment Agreement, and so long as the Redevelopment Agreement remains in full force and effect, Redeveloper is hereby designated as “redeveloper” for the Project in accordance with the Redevelopment Law.

Section 3. Conveyance of Property Authorized.

(a) The Township Council hereby approves the conveyance of the Property; and authorizes the Mayor, upon the execution of the Redevelopment Agreement, 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 Redevelopment Agreement, 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 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.

Exhibit A

FORM OF REDEVELOPMENT AGREEMENT

[OF FILE IN THE OFFICE OF COMMUNITY DEVELOPMENT]

Adopted

Hudley – Frederic	12. Change Order # 1 and Final for the 2020 Capital Resurfacing Project - J. A. Alexander, Inc.- \$193,321.16 - net change of 13.6% - Final Amount of Contract \$1,661,682.96
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**RESOLUTION TO APPROVE CHANGE ORDER NUMBER 1 (AND FINAL)
FOR THE 2020 CAPITAL RESURFACING PROJECT**

WHEREAS, a contract for 2020 Capital Resurfacing Project was awarded to J. A. Alexander, Inc. of Bloomfield New Jersey as Resolution DPW 21-00826-28 in the amount of \$ 1,423,361.80; and

WHEREAS, this project is now complete and has been inspected by the township's engineering consultant for this project, Harbor Consultants, and all the necessary corrections have been made to the project so that it is now complete; and

WHEREAS, during the course of the project certain field changes were necessary resulting in a net change to the contract in the amount of \$ 193, 321.16 as more specifically detailed in a memorandum from the Township Engineer dated September 19, 2022 so that the final amount of the contract is \$1,661,682.96 for a net change of 13.6 %; and

NOW, THEREFORE, BE IT RESOLVED BY MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that a change order, Change Order No. 1 and Final to the contract for the 2020 Capital Resurfacing Project is granted in the amount of \$ 193,321.16 to J. A. Alexander, Inc. of Bloomfield New Jersey so that the final amount of the contract is \$1,661. 682.96 for a net change of 13.6%.

BE IT FURTHER RESOLVED that pursuant to N.J.A.C. 5:34-5.2, the required Certificate of Availability of Funds No. C22-0081 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 \$ 193,321.16 is Account No. C-04-56-852-019-901.

Adopted

Vick – Frederic

13. Resolution Authorizing Township Attorney To Hire Legal Counsel To Defend Township Of Irvington Elected Officials In Lawsuits

Resolution Authorizing Township Attorney To Hire Legal Counsel To Defend Township Of Irvington Elected Officials In Lawsuits

WHEREAS the Mayor and Municipal Council are elected officials within the Township of Irvington;

WHEREAS the Township's elected officials may be named or referenced in lawsuits and complaints filed by private parties and are entitled to legal representation by the Township;

WHEREAS the Township Attorneys in the legal department are obligated to provide a defense for Township employees with respect to legal action that is taken against them;

NOW THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that the Township Attorney's Office is hereby authorized to hire legal counsel to represent the Township's elected officials, which includes the Mayor and the Municipal Council, by way of contract for such representation not to exceed \$100,000 per case.

Adopted

10. Communication and Petitions

A. Communications

1. Council Member-At-Large Burgess - Resignation As Council Member-At-Large - September 12, 2022, Effective 12 AM Midnight Which Is Considered Monday Morning 9-12-22

2. Mayor Vauss – Appointment – Voting Member of the Springfield Avenue Center Special Improvement District Board of Directors/District Management Corporation – Council President Jamillah Z. Beasley

11. Pending Business

None

NON-CONSENT AGENDA ITEMS

8. Ordinances, Bills & Claims

A. Ordinances on Second Reading

1. Council President Beasley: An Ordinance providing for residential permit parking on Elmwood Terrace between Elmwood Avenue and Laurel 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

AN ORDINANCE PROVIDING FOR RESIDENTIAL PARKING PERMITS ON ELMWOOD TERRACE BETWEEN ELMWOOD AVENUE AND LAUREL AVENUE FROM 6 PM TO 6 AM.

WHEREAS, the Township of Irvington, in response to the complaints of its residents concerning the availability of resident parking between the hours of 6:00 P.M. and 6:00 A.M. on Elmwood Terrace between Elmwood Avenue and Laurel Avenue, desires to establish residential permit parking only for that area during those times; and

WHEREAS, the difficulty of the residents in this area to locate parking at or near their homes has caused undue hardship on the residents of this area.

NOW, THEREFORE, BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that parking shall be restricted and a parking permit required for residents parking between the hours of 6:00 P.M. and 6:00 A.M. on Elmwood Terrace between Elmwood Avenue and Laurel Avenue; and

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

Vehicles parked in violation of this ordinance will be subject to towing and the vehicle owners shall be subject to a fine as set forth in Chapter 1, General Provisions, Article III.

All ordinances or parts thereof that are inconsistent herewith are hereby repealed.

This ordinance shall take effect upon final passage and publication according to law.

The public hearing on this Ordinance is now open

There were no requests to be heard.

Vick - Frederic

Motion to close public hearing

Adopted

Vick - Frederic

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)

Samuel Cherlilus, 90 – 40th Street

Dennis Jenkins, dennissha2@gmail.com

President Beasley responded to the concerns raised by the above referenced citizens.

There being no further business, the meeting adjourned at 7:43 P.M.

Jamillah Z. Beasley, Council President

Harold E. Wiener, Municipal Clerk