

REGULAR COUNCIL MEETING  
JANUARY 23, 2023

Virtual Zoom Meeting  
Irvington, N.J. – Monday Evening  
January 23, 2023 - 7:30 P.M.

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

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

Absent: Vernal Cox

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)

Elouise McDaniel, 214 Nesbit Terrace

5. Hearing of Council Members

President Beasley requested that the Clerk furnish the information requested by Ms. McDaniel regarding the rent control ordinance to her.

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

A. Reports

1. Municipal Court – Weekly Summary Report – January 2, 2023 to January 6, 2023
2. Municipal Court – Weekly Summary Report – January 9, 2023 to January 13, 2023
3. Municipal Court – Mayor’s Monthly Report – December, 2022

7. Reports of Committees

- A. Requests for Proposals Result – Third Party Administrator – Sel Insurance - January 11, 2023
- B. Requests for Proposals Result – Professional Services For Outdoor Recreational Center - January 11, 2023

8. Ordinances, Bills & Claims

A. Ordinances on First Reading

Vick- Brown

1. Amend and Supplement Section 620-11 of the Revised Code – Parking Prohibited at All Time

**AN ORDINANCE AMENDING AND SUPPLEMENTING  
SECTION 620-11 OF THE REVISED CODE  
ENTITLED PARKING PROHIBITED AT ALL TIMES**

Adopted  
Absent: Cox

Vick – Hudley

2. Amend and Supplement Section 535-10B (1) of the Revised Code Entitled Collection Program Established Regarding Containerizing Garbage

**AN ORDINANCE AMENDING SECTION 535-10 OF THE  
REVISED CODE OF THE TOWNSHIP OF IRVINGTON  
ENTITLED “COLLECTION PROGRAM ESTABLISHED”**

Adopted  
Absent: Cox

Vick - Frederic

3. \$9,350,000 Bond Ordinance for Irvington’s Share of The Flood Mitigation Facilities Project of the Joint Meeting

**BOND ORDINANCE PROVIDING FOR PHASES II(b),  
III(b), IV, V AND VI OF THE LOCAL UNIT'S  
ALLOCABLE SHARE 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, STATE OF NEW JERSEY (THE "LOCAL  
UNIT"); APPROPRIATING \$9,350,000 THEREFOR  
AND AUTHORIZING THE ISSUANCE OF \$9,350,000  
BONDS OR NOTES TO FINANCE THE COST  
THEREOF**

Adopted  
Absent: Cox

C. Bills & Claims

Frederic – Vick

1. Bill Lists

RESOLVED THAT THE BILLS AND CLAIMS AGAINST THE TOWNSHIP OF IRVINGTON FOR A PERIOD JANUARY 23, 2023 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**

CALENDAR YEAR 2023	\$1,579,961.52
TOTAL	\$1,579,961.52

Adopted  
Absent: Cox

Frederic - Brown

**2. Payrolls**

January 13, 2023

REGULAR	OVERTIME	OTHER	TOTAL
\$1,676,374.46	\$134,933.51	\$162,370.38	\$1,973,678.35

Adopted  
Absent: Cox

**9. Resolutions and Motions**

**A. Resolutions**

Frederic - Hudley

1. Authorize Donation of \$500.00 to Non-Profit Organization For Community Engagement Program to Provide Community Outreach Services to the Residents of Irvington - All About Motivation and Education

**DONATING \$500.00 TO NON PROFIT ORGANIZATION FOR COMMUNITY ENGAGEMENT PROGRAM**

WHEREAS, the Township of Irvington is in need of Community Outreach service; and

WHEREAS, the Township of Irvington receive a grant for \$25,000.00 from CEPG Grant; and

WHEREAS, line 10 of the Grant budget allocated funds to Stakeholder engagement process; and

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WHEREAS, All About Motivation and Education a Non Profit Corp of PO Box 6932, Hillsborough NJ 08844 has the necessary qualifications and skills to assist the Township with this section of the grant requirement; and

WHEREAS, the Township would like to partner with the Non-Profit organization to provide community engagement programs and donate \$500.00 for materials and supplies for the events; and

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

- (1) The Township approve the donation \$500.00 to All About Motivation and Education.
- (2) The Township authorize All About Motivation and Education to provide Community Outreach services to the residents of Irvington.
- (3) The Township thanks All About Motivation and Education for Partnering with the Township of Irvington to improve the quality of lives of our residents.
- (4) The certification of funds that the required certification of availability of funds C22-0165 in the amount of \$500.00 has been obtained from the Chief Financial Officer, charged to account number G-02-xx-771-022-299.

Adopted  
Absent: Cox

Beasley – Brown

2. Commemoration - Geneva McConnell's 96th Birthday

**COMMEMORATION**

**GENEVA McCONNELL'S 96<sup>TH</sup> BIRTHDAY – JANUARY 19, 2023**

WHEREAS, Geneva McConnell, an Irvington resident residing at 21 Melville Place, will celebrate her 96<sup>th</sup> birthday on January 19, 2023; and

WHEREAS, Geneva McConnell worked for over 30 years with the United States' Postal Service; and

WHEREAS, Geneva McConnell owned her home on Keer Avenue in Newark, New Jersey for over 20 years before moving to West Virginia and returning back home to New Jersey; and

WHEREAS, Geneva McConnell is the mother of three children; one son, Rufus McConnell; two daughters, Beverly Lambert and Colleen McConnell; as well as 10 grandchildren, 12 great-grand-children, and one great great-grandchild; and

WHEREAS, Geneva McConnell has also been a member of Union Gospel Tabernacle Church in Newark, N.J for over 50 years:

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPL COUCIL OF THE TOWNSHIP OF IRVINGTON that the Municipal Council joins in the celebration of Geneva McConnell's 96<sup>th</sup> birthday and wishes her a wonderful and joyous event; and

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BE IT FURTHER RESOLVED that a copy of this resolution be spread upon the minutes of this governing body as a sustaining and lasting tribute to Geneva McConnell's contributions to all those that have been fortunate enough to cross her life's path and to her longevity as a community minded and family oriented individual.

Adopted  
Absent: Cox

Brown - Hudley                      3. Award Professional Services Contract For Architectural Services for the Renovation of 2 Bathrooms in the Public Safety Building - Arcari and Iovino Architects, Not to Exceed \$23,500.00

**RESOLUTION TO AWARD A PROFESSIONAL SERVICES CONTRACT FOR ARCHTECTUAL SERVICES FOR THE RENOVATION OF 2 BATHROOMS IN THE PUBLIC SAFETY BUILDING AT CIVIC SQUARE**

WHEREAS, the Public Safety Building, which houses the Police and Fire Department offices, was constructed in 1970 well in advance of the code requirements for handicapped accessibility and it is necessary to provide these facilities to this structure so that these facilities will be provided in a portion of the Fire Department Office as well as a private bathroom for the Municipal Court; and

WHEREAS, the Township Engineer was directed to prepare a Request for Quotes and solicit quotes from the 4 architectural firms who are on the Township's annual contract for Professional Architectural services as provided in Resolution DPW 22-1212-37 and 2 proposals were received for this project; and

WHEREAS, the Township Engineer has reviewed the 2 proposal received and recommended that a professional Services contract for the Fire Department Bathroom and the private bathroom for the Municipal Court be awarded to the firm of Arcari and Iovino based on their quoted price of \$11,750 for the Fire Department and \$ 11,750 for the Private Municipal Court bathroom;

NOW, THEREFORE, BE IT RESOLVED BY MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that a contract for professional services for the architectural services for the Renovations of the Fire Department Bathroom and Municipal Court Private Bathroom at the Public Safety Building is awarded to Arcari and Iovino Architects, PC at their quoted price not to exceed \$23,500.00.

BE IT FURTHER RESOLVED that pursuant to N.J.A.C. 5:34-5.2, the required Certificates of Availability of Funds No. c23-0010 and c22-0141 for the above work has been obtained from the Chief Financial Officer of the Township of Irvington and the appropriation to be charged for these expenditures is in the amount of \$23,500.00 is Accounts c-04-56-852-019-905 and c-04-56-852-019-905.

Adopted  
Absent: Cox

Vick - Brown                      4. Award Professional Services Contract For Architectural Services for the Renovation of the Municipal Court Public Bathroom - The Musial Group – Not to Exceed \$10,950.00

**RESOLUTION TO AWARD A PROFESSIONAL SERVICES CONTRACT FOR ARCHTECTUAL SERVICES FOR THE RENOVATION OF THE MUNICIPAL COURT PUBLIC BATHROOM IN THE PUBLIC SAFETY BUILDING AT CIVIC SQUARE**

WHEREAS, the Public Safety Building, which houses the Police and Fire Department offices, was constructed in 1970 well in advance of the code requirements for handicapped accessibility and it is necessary to provide these facilities to this structure so that these facilities will be provided in Public Bathroom that serves the Municipal Court; and

WHEREAS, the Township Engineer was directed to prepare a Request for Quotes and solicit quotes from the 4 architectural firms who are on the Township's annual contract for Professional Architectural services as provided in Resolution DPW 22-1212-37 and 2 proposals were received for this project; and

WHEREAS, the Township Engineer has reviewed the 2 proposal received and recommended that a professional Services contract for the Public Bathroom at the Municipal Court be awarded to the firm of The Musial Group based on their quoted price of \$10,950.00 for this work;

NOW, THEREFORE, BE IT RESOLVED BY MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that a contract for professional services for the architectural services for the Renovations of the Public Bathroom for the Municipal Court is awarded to The Musial Group at their quoted price not to exceed \$10,950.00.

BE IT FURTHER RESOLVED that pursuant to N.J.A.C. 5:34-5.2, the required Certificate of Availability of Funds No. c23-0011 for the above work has been obtained from the Chief Financial Officer of the Township of Irvington and the appropriation to be charged for these expenditures is in the amount of \$10,950.00 is Account c-04-56-852-019-905.

Adopted  
Absent: Cox

Brown - Hudley

5. Award Contract for Assessment of Police and Fire Department Based Upon Request for Proposal - The Ambrose Group, LLC - \$250.00 per hour - Amount Not to Exceed \$100,000.00

**AWARDING A CONTRACT FOR ASSESSMENT OF POLICE AND FIRE DEPARTMENTS**

WHEREAS, sealed RFP were received on November 16, 2022 for Assessment of Police and Fire Departments in response to published advertisement for bids in the New Jersey Star Ledger on October 24, 2022; and

WHEREAS, one RFP was received and opened from The Ambrose Group LLC by the Municipal Clerk and Purchasing Agent; and

WHEREAS, said bid was referred to the Township Attorney for recommendation to the Municipal Council; and

**WHEREAS**, the Township Attorney has recommended that the award should be made to The Ambrose Group LLC of 2 Village Park Road, Cedar Grove, NJ 07009 for an amount not to exceed \$100,000.00; and

**NOW THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON** that a contract for Assessment of Police and Fire Department be awarded to The Ambrose Group LLC of 2 Village Park Road, Cedar Grove, NJ 07009 on the basis of their response to the request for proposal for \$250.00 per hour for an amount not to exceed \$100,000.00

**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 C22-0143 in the amount of \$8,333.33 from account number 2-01-20-155-155-256 has been obtained from the Chief Financial Officer and the remaining balance of \$91,666.67 will be certified upon the adoption of the 2023 Municipal budget.

Adopted  
Absent: Cox

Beasley - Evans

6. Authorize Fair And Open Professional Service Contract for Redevelopment Counsel for Calendar Year 2023 - McManimon, Scotland & Baumann, LLC - Not to Exceed \$75,000.00 - January 01, 2023 – December 31, 2023

**RESOLUTION AUTHORIZING FAIR AND OPEN PROFESSIONAL SERVICE CONTRACT FOR REDEVELOPMENT COUNSEL FOR CALENDAR YEAR 2023**

**WHEREAS**, the Request for Proposals for professional redevelopment service was publicly advertised in the New Jersey Star Ledger on October 24, 2022 with a deadline for qualifications to be submitted on November 16, 2022; and

**WHEREAS**, one qualification was received and publicly opened; and

**WHEREAS**, said qualification was referred to the Township Attorney; and

**WHEREAS**, proposals expired on January 16, 2023 and the vendor agrees to extend their proposals for thirty days; and

**WHEREAS**, the qualification satisfied the RFP requirement; and

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

McManimon, Scotland & Baumann, LLC
75 Livingston Ave, Second Floor, Roseland, NJ 07068

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NOW THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that a contract for redevelopment services be awarded to McManimon, Scotland & Baumann, LLC, 75 Livingston Ave, 2nd Floor, Roseland, NJ 07068 on the basis of their response to the request for proposal meeting the selection criteria and qualifications, for an amount not to exceed \$75,000.00 and escrow related work will be billed to escrows on file as per escrow agreements for the calendar year 2023 (January 01, 2023 – December 31, 2023); and

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

BE IT RESOLVED that the required Certification of Availability of Funds C23-0009 in the amount \$10,000.00 has been obtained from the Chief Financial Officer charge to account number 3-01-20-155-155-256 and the remaining balance will be certified upon the adoption of the 2023 Municipal budget.

Adopted  
Absent: Cox

Frederic – Hudley

7. Authorize Fair And Open Professional Service Contract for Bond Counsel Counsel for Calendar Year 2023 - McManimon, Scotland & Baumann, LLC  
- Not to Exceed \$75,000.00 - January 01, 2023 – December 31, 2023

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

WHEREAS, the Request for Proposals for professional Bond Counsel services was publicly advertised in the New Jersey Star Ledger on October 24, 2022 with a deadline for qualifications to be submitted on November 16, 2022; and

WHEREAS, two proposals were received and publicly opened by the Purchasing Agent and Municipal Clerk; and

WHEREAS, proposals expired on January 16, 2023 and the vendor agrees to extend their proposals for thirty days; and

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

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

McManimon, Scotland & Baumann, LLC
Glenn Scotland
75 Livingston Ave, 2nd floor, Roseland, NJ 07068

NOW THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that a contract for Bond Counsel be awarded to McManimon, Scotland & Baumann, LLC, 75 Livingston Ave, 2nd floor, Roseland, NJ 07068, on the basis of their response to the request for proposal



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selection criteria and qualifications, for an amount not to exceed \$75,000.00. The provider will be paid \$115.00 per hour for bond counsel services for one year starting on January 01, 2023 until December 31, 2023; 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 FUTHER RESLOVED that the required Certification of Availability of Funds C23-0005 in the amount \$5,000.00 has been obtained from the Chief Financial Officer charge to account number 3-01-20-130-130-256 and the remaining balance will be charged to Bond Ordinance issuance.

Adopted  
Absent: Cox

Vick - Brown                      8. Authorize Negotiated Contract For Purchase of 2022 Ford Explorer (K8H) Platinum 4WD - Maplecrest Ford Lincoln Not to Exceed \$61,409.81

AUTHORIZING A NEGOTIATED CONTRACT FOR PURCHASE OF 2022 Ford Explorer (K8H) Platinum 4WD

WHEREAS, the Township of Irvington duly advertised for the request for bids for a contract entitled "Lease or Purchase of 2022 Ford Explorer (K8H) Platinum 4WD" which was advertised in the New Jersey Star ledger on August 16, 2022 for receipt of bids on September 15, 2022, no bids were received, and;

WHEREAS, the Township re-advertising for bids for this service on November 07, 2022 and no bid was received on November 30, 2022, and;

WHEREAS, the Administration would like to use the exception under 40A:11-5(3), and negotiate a contract for the purchase of 2022 Ford Explorer (K8H) Platinum 4WD and;

WHEREAS, on December 13, 2022, the Police Department contacted and received a price proposal from Maplecrest Ford Lincoln of 2800 Springfield Ave, Vauxhall, NJ 07088, and;

WHEREAS, the Administration wishes to award a contract to Maplecrest Ford Lincoln of 2800 Springfield Ave, Vauxhall, NJ 07088 to purchase a 2022 Ford Explorer (K8H) Platinum 4WD for an amount not to exceed \$61,409.81;

NOW THEREFORE BE IT RESOLVED by the Municipal Council of Township of Irvington hereby authorize a negotiated contract for purchase a 2022 Ford Explorer (K8H) Platinum 4WD from Maplecrest Ford Lincoln of 2800 Springfield Ave, Vauxhall, NJ 07088 from an amount not to exceed \$61,409.81 and;

BE IT FURTHER RESOLVED, that the required certification of availability of funds C22-0055 in the amount of \$61,409.81 account number C-04-56-853-020-906 has been obtained from the Chief Financial, 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: Cox

Vick - Brown                      9. Authorize Use of \$10,000.00 in Irvington Homebuyers Assistance Program Funds – 4 Banta Place

**HOME OWNERSHIP PROGRAM GRANT AWARD**

**WHEREAS**, the Township of Irvington has obligated funds for the purpose of financing its HUD/HOME Irvington Homebuyer Assistance Program; and

**WHEREAS**, the Township of Irvington has committed funds for its HUD/HOME Irvington Homebuyer Assistance Program in accordance with its “Policy and Procedural Manual for the Homebuyer Program” per application to the Township’s HUD/HOME Program; and

**WHEREAS**, the Township of Irvington’s Department of Economic Development and Grants Oversight Director has certified that the applicant(s) identified herein are eligible for the HUD/HOME Irvington Homebuyer Assistance Program benefits in accordance with HUDs and the Township’s adopted policies and procedures; and

**WHEREAS**, the Mayor has previously authorized the provision of the requested HUD/HOME Irvington Homebuyer Assistance Program benefits in accordance with the provisions of said policy.

**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 the HUD/HOME Irvington Homebuyer Assistance Program funds to the applicant(s) below in the amount set forth in the Irvington Homebuyers Assistance Program Agreement – **Case No. HB-2022-12**, in the amount of **\$10,000**; and

**BE IT FURTHER RESOLVED** that the aforesaid funds are to be used toward Closing Cost for the process of purchasing the premises known as, **4 Banta Place**, IRVINGTON, NEW JERSEY 07111, Sales Contract, Exhibit A; and

**BE IT FURTHER RESOLVED** that the aforesaid funds are to use Irvington Homebuyer Assistance Program funds and are to be paid to **Max Title Agency, LLC** on behalf of **Terrashina T. McMillion** subject to having provided the Department of Economic Development and Grants Oversight with a true copy of their contract of sale, mortgage commitment and appraisal, and whose attorney and title company is properly licensed to practice law and transfer title by the State of New Jersey and the Homebuyer Assistance Program Agreement between the applicant(s); and

**BE IT FURTHER RESOLVED** that any such funds not expended in the Purchase 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/HOME Irvington Homebuyer Assistance Program applicant(s); and

**BE IT FURTHER RESOLVED** that pursuant to N.J.A.C. 5:34-5.2, the required Certification of Funds Req. No. **C23-0007** for the above have been obtained from the Chief Financial Officer of the Township and the appropriation to be charged for the expenditure is Account No. **T-21-4180-17A-805 and T-21-41-850-18A-805** in the amount of \$5000.00 each for a total of **\$10,000.00**

Adopted  
Absent: Cox

Vick - Beasley                      10. Authorize Execution of Memorandum of Agreement (MOA) With the Essex County Division of Community Action as Sub-recipient of the Code Blue Program - Not to Exceed \$40,000.00

WHEREAS, The County of Essex, acting through the Division of Community Action through the Code Blue Program proposes to enter into a Memorandum of Agreement (MOA) with the Township of Irvington/Irvington Neighborhood Improvement Corporation to provide emergency sheltering for persons experiencing homelessness in Essex County during official designated Code Blue Declaration alerts at the cost of \$400.00 per night/day not to exceed \$40,000.00 for a term of three months beginning January 1, 2023– March 31, 2023; and

WHEREAS, said the Memorandum of Agreement (MOA) has been negotiated and approved by the County Executive of Essex County and to the Board of Chosen Freeholders; and

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that the Township of Irvington be and hereby authorized to execute the Memorandum of Agreement (MOA) with the Essex County Division of Community Action as sub-recipient of the Code Blue Program which shall not exceed \$40,000.00.

BE IT FURTHER RESOLVED that the Township of Irvington does hereby accept the Memorandum of Agreement (MOA) of \$40,000.00 for such program.

Adopted  
Absent: Cox

Hudley - Brown                      11. Ratify and Approve the Provision of Lead Safe Irvington Funds in the Amount Not To Exceed \$20,000.00 for 66 Quabeck Avenue

### **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 New Jersey Department of Community Affairs Municipal Lead Abatement Program 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 66 Quabeck Street, 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 Department of Economic Development and Grants Oversight has contacted all the contractors on Resolution Number EDGO 20-1228-53; (2) two contractors EnviroScience Solutions, LLC and Pow R Save provided quotes for the required work; and the other (2) contractors BGI Resources Int. Corp and Apex Development Inc. did not provide a submission before the deadline; and,

**WHEREAS** the contractor selected through a competitive bid to perform the remediation work is EnviroScience Solutions, LLC. , and said funds shall be disbursed to the contractor for the benefit of the applicant; 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 \$20,000.00 for a period of affordability of five (5) years; and

**BE IT FURTHER RESOLVED**, that the aforesaid funds of \$20,000.00 will be disbursed in one (1) installments in the amount of \$20,000.00 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 costs associated with the remediation of the subject property as set forth in Exhibit A (Scope of Work), attached hereto for the premises known as, 66 Quabeck Street, 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 costs 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. C23-0008 in the amount of \$20,000.00 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. G-02-XX-716-20A-188 in the amount of \$20,000.00.

Adopted  
Absent: Cox

Brown - Frederic                      12. Ratify and Approve the Provision of Lead Safe Irvington Funds in  
the Amount Not To Exceed \$15,400.00 for 90 West Allen Street

### **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, Hugael and Rhodin Roberson and who is the owner of 90 West Allen Street

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 Department of Economic Development and Grants Oversight has contacted all (4) four contractors via email noted on resolution number EDGO #22-0314-3 and (2) two contractors provided quotes for the required work EnviroScience Solutions, LLC and Pow R Save (1) contractor BGI Resources International Scope of Work submission was not accepted and (1) one contractor Apex Development Inc., did not provide any submission before the deadline; and

**WHEREAS** the Contractor selected through a competitive BID to perform the Remediation work is EnviroScience Solutions LLC and said funds shall be disbursed to the Contractor for the benefit of the applicant; 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 \$15,400.00 for a period of affordability of five (5) years; and

**BE IT FURTHER RESOLVED** that the aforesaid funds of \$15,400.00 will be disbursed in (1) installment in the amount of \$15,400.00 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 (Lead Abatement Bid Proposal), attached hereto for the premises known as, 90 West Allen Street, Irvington, New Jersey 07111, 1 family unit(s) and owned by Hugael and Rhodin Roberson; 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. C22-0170 in the amount of \$15,400.00 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 \$15,400.00.

Adopted  
Absent: Cox

Brown – Hudley

13. Ratify and Approve the Provision of Lead Safe Irvington Funds in the Amount Not To Exceed \$29,350.00 for 337 - 16<sup>th</sup> Avenue

#### **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, Daisy Marrero and who is the owner of 337 16<sup>th</sup> Avenue, 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 (4) four contractors via email noted on resolution number EDGO #22-0314-3 and (2) two contractors provided quotes for the required work EnviroScience Solutions and Pow R Save the other (2) two contractors BGI Resources International and Apex Development Inc., 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 \$29,350.00 for a period of affordability of five (5) years; and

**BE IT FURTHER RESOLVED** that the aforesaid funds of \$29,350.00 will be disbursed in one (1) installment in the amount of \$29,350.00 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/Bid Proposal), attached hereto for the premises known as, 337 16<sup>th</sup> St, Irvington, New Jersey 07111, 1 family unit(s) and owned by Daisy Marrero; 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. C22-0169 in the amount of \$29,350.00 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 \$29,350.00.

Adopted  
Absent: Cox

Brown - Vick

14. Reimburse Municipal Employee \$118.27 For Payment for  
Township Zoom Meeting Account

**RESOLUTION TO REIMBURSE MUNICIPAL EMPLOYEE \$118.27 FOR PAYMENT OF ZOOM MEETING ACCOUNT**

WHEREAS, all purchases of goods and services must be procured using a purchase order; and

WHEREAS, N.J.S.A 40A:5A-1 et seq. requires that all purchases of goods and services must be encumbered prior to the issuance of said service; and

WHEREAS, N.J.S.A. 40A:11-5(5)(a)(i) requires that all purchases must be procured in a fair, open and competitive manner; and

WHEREAS, N.J.S.A. 54A:7-1.2. requires all vendors that are paid with taxpayers funds are required to have a New Jersey Business Registration Certificate and W-9 form on file with the Municipality for tax and audit purposes; and

WHEREAS, on June 17, 2022, Shonta Watson opted to pay for Zoom meeting software for the purpose of conducting virtual Municipal Council meeting and Municipal Council Committee meetings in 2022; and

WHEREAS, Shonta Watson has submitted a request to be reimbursed for this service, which he paid with a credit card for an amount of \$118.27; and

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON authorize the Qualified Purchasing Agent to reimburse, Shonta Watson the total sum of \$118.27 for Zoom Meeting software; and

BE IT RESOLVED that the required certification of availability of funds C23-0017 in the amount of \$118.27 from account number 2-01-20-110-113-116 has been obtained from the Chief Financial Officer.

Adopted  
Absent: Cox

Beasley – Brown

15. Commemoration – Dr. Martin Luther King, Jr. Day, 2023

**DR. MARTIN LUTHER KING JR. 36TH ANNUAL COMMEMORATIVE TRIBUTE**

WHEREAS, the President and Congress of the United States have designated the third Monday in January of each year as Dr. Martin Luther King, Jr. Day and to commemorate the January 15th birthday of this important leader of the Civil Rights Movement in our Country; and

WHEREAS, there is national recognition and respect for Dr. King's teachings and preachings of the principles of freedom, responsibilities of liberty, ideals of brotherhood, respect for human rights, promotion of social and economic cooperation and the need for international peace and security; and

WHEREAS, New Jersey has also adopted Dr. Martin Luther King, Jr. Day as a State Holiday and created a Commemorative Commission to honor Dr. King to enlighten the population of our State to the teachings and principals of Dr. King to relieve the burdens of illiteracy and poverty while offering the beacon of hope to the needy; and

WHEREAS, the Dr. Martin Luther King, Jr. Commemorative Committee of Irvington works diligently to preserve the name and promote the teachings of Dr. King, and this year will celebrate King its annual tribute:

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that the Township of Irvington joins with all residents of this Country of ours commemorating Dr. Martin Luther King, Jr. Day and proclaiming support for his teachings of freedom; brotherhood; love, not hate; ending poverty; working for peace, not war; and education to increase understanding; and

BE IT FURTHER RESOLVED that certified copies of this resolution be forwarded to the Irvington Public Library for public display and to the Martin Luther King Jr. Commemorative Committee of Irvington to recognize their continuing efforts and programs in commemoration of Dr. King and in keeping the dream alive by acknowledging the annual tribute to Dr. Martin Luther King, Jr.

Adopted  
Absent: Cox

Frederic - Hudley

16. Resolution of Sorrow - Selmot Pierre Paul

#### **RESOLUTION OF SORROW**

#### **SELMOT PIERRE PAUL**

WHEREAS, the Municipal Council of the Township of Irvington wishes to express their deepest sorrow on the passing of Selmot Pierre Paul; and

WHEREAS, Selmot Pierre Paul was born in in the north part of Haiti (l' Artibonite Desdunes) on November 1, 1938, the son of Mr. and Mrs. Pierre Paul; and

WHEREAS, when Selmot was only 28 years old, when he decided to start a family and married his wife Rose Marie Vil, and had five children; and

WHEREAS, Selmot was family-oriented, right after his marriage to Rose Marie Vil, he added his two older children from a previous relationship to his family; and

WHEREASA, Selmot was a leader, an activist, a developer, a socialist, as well as a community father; and

WHEREAS, in 1974, during Selmot's leadership, he created a service called counsel community of Desdunes, transforming Desdunes from a rural town into a community with street roads; and

WHEREAS, Selmot was an evolutionist, creating open roads, street lights, and purified water; an activist in sports and a soccer game called Eagle Rouge, Ban L'Arcanciel; and a socialist involving candidates Charity Louis and Mark Basin; and

WHEREAS, Selmot's last meeting with Senator Samuel Modestin was for a project on writing a book about Desdune's evolution. Senator Samuel said, "Selmot was needed for expression and a quick thinker for the book":



NOW THEREFORE BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that the Township of Irvington hereby mourns the passing of Selmot Pierre Paul, a well-rounded and community active individual, and extends our most sincerest condolences to his family and friends during this period of bereavement; and

BE IT FURTHER RESOLVED that a copy of this resolution be spread upon the minutes of this Governing Body in lasting tribute to Selmot Pierre Paul.

Adopted  
Absent: Cox

Vick - Hudley

17. Authorize Fair And Open Professional Service Contract For Auditing Services For Calendar Year 2023 - Samuel Klein and Company – Not to Exceed \$182,000.00

**RESOLUTION AUTHORIZING FAIR AND OPEN PROFESSIONAL SERVICE CONTRACT  
FOR AUDITING SERVICES FOR CALENDAR YEAR 2023**

WHEREAS, the Request for Proposals for professional auditing service was publicly advertised in the New Jersey Star Ledger on October 24, 2022 with a deadline for proposals to be submitted on November 16, 2022; and

WHEREAS, one qualification was received and publicly opened; and

WHEREAS, proposals expired on January 16, 2023 and the vendor agrees to extend their proposals for thirty days; and

WHEREAS, said qualification was referred to the Chief Financial Officer (CFO); and

WHEREAS, the qualification satisfied the bid requirement and;

WHEREAS, the Chief Financial officer has recommended award should be made to the following firm:

Samuel Klein & Co.

550 Broad Street, 11<sup>th</sup> Floor

Newark, N.J. 07102

NOW THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that a contract for auditing services be awarded to Samuel Klein & Company, 550 Broad Street, Newark, NJ 07102 on the basis of their response to the request for proposal meeting the selection criteria and qualifications, for an amount not to exceed \$182,000.00 for the Statutory Audit \$131,500.00, \$8,750.00 for the review of the Annual Financial Statement, \$1,750.00 for the review of the Annual Debt Service, \$15,000.00 for Assistance with the Budget Preparation and \$25,000.00 for bond/notes sales, a total contract amount not to exceed \$182,000.00 starting on January 01, 2023 until December 31, 2023; and

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

BE IT RESOLVED that the required certification of availability of funds C23-0006 in the amount of \$40,000.00 charged to account number 3-01-20-135-135-298 has been obtained from the Chief Financial Officer and the remaining balance for this contract will be certified upon the adoption of the 2023 budget and the General Capital Account for Bonds/Notes sales.

Adopted  
Absent: Cox

Frederic - Vick                      18. Authorize Annual Sewer Charge for 2023 – \$180.00 Per Unit

**RESOLUTION TO BILL ANNUAL SEWER CHARGE**

**WHEREAS**, the Joint Meeting of Essex and Union County Sewer Commission has forwarded a schedule of assessments to the Chief Financial Officer covering domestic and industrial unit sewer user charges; and

**WHEREAS**, the Chief Financial Officer has analyzed the said schedule and costs of collection attached thereto; and

**WHEREAS**, the Chief Financial Officer has recommended that the domestic unit user charge be \$180.00 for 2023; and

**WHEREAS**, the due date for the annual sewer charge is **March 1**.

**NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON** that the Tax Collector, Supervisor of Sewer User Charges be and is hereby authorized to charge and bill for 2023 at the unit rate of **\$180.00**.

Adopted  
Absent: Cox

Vick - Brown                      19. Authorize Application to Local Finance Board - \$9,350,000 Bond Ordinance for Irvington's Share of The Flood Mitigation Facilities Project of the Joint Meeting

**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.* in connection with the adoption of a Township bond ordinance authorizing Phases II(b), III(b), IV, V AND VI of the Flood Mitigation Facilities Project of the Joint Meeting of Essex and Union Counties;

**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;
- (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 TOWNSHIP 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, 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 findings, recommendations and/or approvals as provided by the applicable New Jersey Statute.

Adopted  
Absent: Cox

10. Communication and Petitions

A. Communications

None

11. Pending Business

None

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ALCOHOLIC BEVERAGE CONTROL BOARD

JANUARY 23, 2023

1. The meeting was called to order

Roll Call

2. New Business

**MINUTES – REGULAR COUNCIL MEETING – JANUARY 23, 2023 - PAGE 20**

Present: Commissioners Beasley, Brown, Evans, Frederic, Hudley, Vick

Absent: Chairman Cox

Hudley – Vick

A. Renewal of Pocket License - 43rd Street Cafe, 1425 Springfield Avenue

**WHEREAS**, the following named corporation, being an applicants for Plenary Retail Consumption License for the year 2022-2023, 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 applicant 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; and

**NOW THEREFORE BE IT RESOLVED BY THE MUNICIPAL COUNCIL ACTING AS THE ALCOHOLIC BEVERAGE CONTROL BOARD OF THE TOWNSHIP OF IRVINGTON** that a permanent Plenary Retail Consumption License be issued to the following named corporation for the sale of alcoholic beverages for consumption on the licensed premises for the year 2022-2023 at the address set opposite their respective name, viz:

LICENSE NUMBER	NAME	ADDRESS
0709-33-063-004	1425 Springfield Avenue T/A 43 <sup>rd</sup> Street Cafe	Pocket License

**BE IT FURTHER RESOVED** that the said licenses 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 released by the ABC Board Secretary to the licensee.

Adopted  
Absent: Cox

3. Adjournment

\*\*\*\*\*

NON-CONSENT AGENDA ITEMS

8. Ordinances, Bills & Claims

B. Ordinances on Second Reading

1. President Beasley: An ordinance amending and supplementing Chapter 472 of the Revised Code regarding Rent Control 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 AMENDING AND SUPPLEMENTING CHAPTER 472 OF THE REVISED CODE OF THE TOWNSHIP OF IRVINGTON ENTITLED RENT CONTROL**

**Chapter 472: Rent Control**

**§ 472-1. Establishment of rents.**

From and after the effective date of this chapter, no landlord in the Township of Irvington shall charge any rent in excess of that which he was charging as of the effective date hereof, except for such increases as are provided herein. Establishment of rents charged on dwelling units to which this chapter is applicable shall hereafter be determined by this chapter. At the expiration of a lease or at the termination of the lease of a periodic tenant, no landlord may request, charge or receive an increase in rent greater than that allowed by Subsection A of this section. A periodic tenant whose lease term is less than one year shall not be caused to pay any increase in any twelve-month period which exceeds that allowed by Subsection A of this section. No tenant shall be caused to pay more than one increase in any twelve-month period.

A. The increase in rents permitted under this section shall be as follows: [Amended 4-9-1985 by Ord. No. MC 2777]

(1) Where the landlord supplies heat to the dwelling unit, the increase in rent shall not exceed 4% of the prior year's rent.

(2) Where the landlord does not supply heat to the dwelling unit, the increase in rent shall not exceed 3% of the prior year's rent.

(3) An individual age 65 or older who is a sole tenant or living with others adults all aged 65 or older within the unit shall be limited to a 2% increase annually regardless of whether the landlord provides heat to the unit.

B. The increase permitted under Subsection A herein shall be computed upon the base rent charged the tenant and not upon the base rent plus any hardship or capital surcharge granted under § 472-4 of this chapter and collected for any specified period of time.

C. A landlord shall not be entitled to request, charge or receive any tax surcharge by reason of increase in municipal property taxes.

Tenants of any residential properties may present a written petition signed by a majority of the tenants and consented to by the landlord of the property agreeing to a specific rent surcharge for a specific purpose or project, and providing for the landlord's permission to permit the tenant's representative to review the expenditures involved for the particular purpose or project surcharge. Each dwelling unit shall be considered a single tenant for the purposes of this subsection. If the aforementioned surcharge is approved by the Rent Leveling Officer, the surcharges shall run for maximum of two years, if so provided. If there are in existence joint agreements which have been in existence for more than two years, they shall expire within 60 days after the effective passage of this amendment. [Amended 2-24-1994 by Ord. No. MC 2991]D. Unbundling. [Added 4-26-1994 by Ord. No. MC 2997]

(1) A landlord shall not be allowed to unbundle service in order to defeat the intent of this chapter.

a. "Unbundling" shall include, but not be limited to, subcontracting or providing for a separate charge for parking. Unbundling shall also include changing the term(s) of any previously received security deposit by increasing the amount to be deposited with the Landlord beyond the amount agreed to in the original lease or in the event of valid rent increases requiring a tenant to deposit more than the proportional increase of deposit which would make the security deposit consistent with the terms of the original lease.

b. Any person or persons residing as a tenant on the effective date of said unbundling shall be entitled to remain in their then-existing status as long as they shall remain as a tenant.

(2) Fines may be levied on a daily basis for anyone found to be in violation of this section. Each day the violation continues to exist can be treated as a separate violation subject to a daily fine. Fines shall be issued by the Rent Leveling Officer and/or designee.

E. Fees for Late Payment of Rent and Bounced Checks. Prospectively, upon renewal of a lease or upon entering a new lease, the landlord shall include a provision in the lease agreement limiting fees for payment of rent by the tenant more than seven (7) days late to a maximum of \$50 and limiting fees for bounced checks to a maximum of \$25.

§ 472-2. Notification of rental increase.

A. Any landlord who shall increase rents as provided in § 472-1 hereof shall give 60 days' written notice to his/her tenants by any reasonable means of said increase; provided, however, that when said notice is not mailed to the tenant's residence, delivery is not considered to have been accomplished unless a signed receipt is obtained from the tenant or his/her representative. If a tenant is notified by mail other than certified or registered mail, the landlord or the landlord's representative shall certify in writing that the landlord mailed the notice to the tenant. Said certification shall be retained for a period of three years.

B. Rent increases for any unit in the entire property shall be prohibited in any calendar year in which the landlord failed to timely file a Rent Registration for the property where landlord seeks to increase any rent.

§ 472-3. Exceptions.

The provisions of this chapter shall not apply to:

A. Motels, hotels and similar dwellings.

B. Dwellings of two units or less.

C. Dwellings of three and four units, at least one of which is occupied by one or more of the owners thereof.

D. Dwellings subject to rent control or stabilization under any state or federal law.

[1] Editor's Note: Former § 151-3E of the 1981 Revised Code, pertaining to dwelling units available for occupancy on or after July 1, 1981, which previously followed this subsection, was repealed 4-9-1985 by Ord. No. MC 2777.

With respect to the unbundling provisions set forth in § 472-1E only, dwellings developed E. pursuant to a general development plan approved by the Planning Board and subject to a redevelopment agreement with the Township.

§ 472-4. Hardship or capital improvement relief.

A. If, as the result of circumstances which the landlord could not reasonably have foreseen or anticipated or which are beyond his/her control, a landlord is unable to earn a fair rate of return on the landlord's investment, the landlord may apply to the Rent Leveling Officer (hereafter "RLO") for an increase in rent in excess of that permitted under § 472-1 hereof, via an application and pay the fee of \$50.00 per unit. In connection with any appeal filed hereunder, the landlord shall prove his/her expenses of operation, including but not limited to payment of the purchase money mortgage or mortgages and any subsequent mortgages, the proceeds of which were used for major capital improvements as defined in Subsection B of this section, fuel, utilities, taxes, sewer user charges, maintenance and repairs, a management fee not to exceed 5% of gross rents, and related charges. Management fees may be allowed as an expense, whether paid to the landlord or a management company. For good cause shown, the RLO may grant either an increase in the rent charged or permit the landlord to receive a surcharge to be collected for a specified period of time only in order to enable the landlord to earn said fair rate of return.

**B. Major capital improvement surcharge.**

(1) A major capital improvement consists of a substantial change in the housing accommodations such as would materially increase the rental value in a normal market and will provide tenants with a benefit or service which they had not previously enjoyed. Replacement of facilities, materials or equipment so as to maintain the same level of services as previously provided or bargained for shall not constitute a major capital improvement.

**(2) Major capital improvement adjustment**

a. A landlord may seek a rent surcharge for a major capital improvement. Any landlord seeking a major capital improvement surcharge shall apply to the Rent Leveling Officer and pay the application fee of \$75.00 per unit, via the above proposed application, which the RLO shall, upon a showing of satisfactory proof, determine if said improvement is a major capital improvement and, if so, shall permit such surcharge. In no event shall any surcharge permitted under this section exceed the annual cost of the capital improvement per room multiplied by the number of rooms occupied by the tenant, or exceed 15% of the tenant's base rent, whichever is the lesser. The surcharge may be granted for the entire premises or the particular units benefited by the improvement.

b. Any major capital improvement surcharge granted by the RLO shall be paid in equal monthly installments over the period set by the RLO.

C. No application filed pursuant to Subsection A or B of this section may be heard by the RLO unless the landlord shall have attached to his/her application proof under oath that he has given notice of same to all affected tenants by posting a copy thereof in the front lobby or entranceway to the premises and by mailing same at least two weeks prior to the first scheduled hearing of the matter by the RLO. Said notice, a copy of which shall be attached to said application, shall clearly set forth the content and basis of the application. Notice of application for relief pursuant to Subsection B of this section shall include the total cost of the completed capital improvement, the number of years of useful life of the improvement as claimed by the landlord for purposes of depreciation for income tax purposes, the actual cost of the improvement, the total number of square feet of the dwelling or unit affected, the total square feet occupied by the tenant, if applicable, and the capital improvement surcharge he is seeking from each tenant.

D. No hardship or capital improvement increase or surcharge may be granted unless the landlord shall have held title to the premises in question for a period of at least one year prior to the date of his/her application for said relief, unless, for good cause shown, the RLO waives this requirement.

**§ 472-5. Compliance.**

No application made pursuant to § 472-4A of this chapter may be heard by the Board unless attached thereto is an informational certificate or report of inspection issued by the New Jersey Department of Community Affairs or the Department of Housing Services pursuant to § 355-26 of this Code not more than 18 months prior to the date of said application. No such application may be approved by the Board unless the Board shall have first determined that there are no substantial violations of the health, safety or housing laws, codes or regulations of the Township of Irvington affecting said premises. In the event that said informational certificate or report of inspection discloses substantial violations of said laws, codes or regulations, the Board may approve such application; conditioned, however, upon the submission by the landlord within 180 days of said conditional approval of an informational certificate or report of inspection indicating that all of said violations have been corrected. Failure to submit said supplemental certificate or report within 180 days shall render any conditional approval void as of the date granted, and any hardship rent increase or surcharge collected during said period of time shall be returned forthwith to the tenant.

**§472-6 Superintendents in Dwellings.**

A. In every dwelling containing five or more dwellings or rooming units, or combination thereof, the owner shall provide and designate a superintendent who shall be licensed by and registered by the State of New Jersey to practice a trade (eg: electrical, plumbing, building). The licensing and registration requirement shall become effective January 1, 2023. The superintendent information shall be submitted as part of the annual rent registration. Whenever a licensed superintendent is no longer associated with and/or responsible for a dwelling, the owner of the dwelling has 45 days to replace the licensed superintendent with another licensed superintendent as prescribed by this Code.

B. In any premises containing 25 or more dwelling units, rooming units or combination thereof, the superintendent shall be a full-time employee and shall reside on the premises. Where more than one building on adjoining premises or premises in close proximity to each other are in common ownership or under common management or maintenance supervision, the requirements contained in this subsection shall apply separately to each building; provided, however, that if premises are commonly owned or managed and are within 200 feet of each other as measured from door to door along public streets between the two, and if the manager or owner thereof can demonstrate to the satisfaction of the Rent Control Officer or his authorized representative that operation of both premises and all essential services and facilities as required under this chapter or other ordinances can be provided for both of such premises by a single resident superintendent, janitor, caretaker or housekeeper who shall reside in one of such premises, the Rent Control Officer may, in his discretion, allow one such person to act for both of such premises, which shall not constitute more than two in number.

C. The owner or operator of premises required to have a licensed superintendent by Subsection A shall register the name, address and telephone number of the licensed superintendent and shall indicate the premises to which he is assigned as well as the duties which the superintendent is normally required to perform. This information shall be posted at all times in a conspicuous place in a common area on the premises and shall have been made available to all tenants. The name, address and telephone number of an alternative individual who shall be responsible for the superintendent's duties in his absence is also subject to the above requirements. No fee is required for registration.

E. The superintendent shall have sufficient knowledge, competence and responsibility and shall have authority from the owner or operator to attend to or arrange for continual operation of all essential services and facilities required under this chapter. The superintendent shall, at all times, maintain the premises in compliance with this chapter and shall be regularly available on the premises to perform his duties. The superintendent shall provide adequate and proper janitorial service at all times for the purpose of keeping the premises in a clean and sanitary condition and shall have removed daily, on a regular schedule, at a reasonable time, all garbage, litter, debris and other household refuse from the premises and place the same out for collection.

§ 472-7. Rent Leveling Officer.

In order to administer the provisions of this chapter, the prior authority exercised under the auspices of the Rent Leveling Board within the Town of Irvington shall be exercised by the Rent Leveling Officer.

§ 472-8. Acts to cause tenant to vacate prohibited.



No landlord of dwelling units to which this chapter is applicable shall do, or cause to be done, any act or thing with the intent to cause a tenant to vacate said dwelling unit in order that said dwelling unit shall become vacant and no longer subject to this chapter as provided by § 151-3E hereof. 2 In any proceeding instituted by a tenant under this section, the reduction of standards of service, maintenance, health and safety conditions, furniture, furnishings or equipment in and for said dwelling unit shall create a rebuttable presumption that the act or thing done or caused to be done by the landlord was done with the intent to cause said tenant to vacate said dwelling unit.

**§ 472-9. Powers of Rent Leveling Officer.**

The Rent Leveling Officer shall have the following powers:

- A. To promulgate such rules and regulations as he/she deems necessary to implement the purposes of this act, which rules and regulations shall be approved by the Township of Irvington Council and have the force of law until revised, repealed or amended from time to time by the resolution of the Township of Irvington Council, in the exercise of his/her discretion
- B. To supply information and assistance to landlords and tenants to enable them to comply with the provisions of this chapter.
- C. To hold hearings and adjudicate applications by landlords for additional rent or surcharges.
- D. To hold hearings and consider complaints by tenants that the premises is not in substantial compliance with the health, safety and housing laws, codes and regulations of the Town of Irvington. In the event that the Board determines that substantial violations of said laws, codes and regulations exist, it may order the return to the tenant of all or any portion of the increase provided for in § 472-1A and B hereof; provided, however, that before ordering any such return of rent, the Board shall afford the landlord 90 days within which to abate such violations.
- E. To hold hearings and consider complaints that a landlord has violated § 472-7 of this chapter. For good cause shown, the Board may order that said dwelling unit shall remain or again become, as the case may be, subject to the provisions of this chapter for such period of time as the Board considers just, the provisions of § 151-3E notwithstanding.[1]
- F. To employ an attorney to attend meetings and advise and represent the RLO, and such other consultants, including a certified or public accountant, as the RLO may deem necessary or advisable upon approval of the Rent Leveling Board.
- G. To issue fines for any violations of Township code, to rescind a Certificate of Habitability, Certificate of Occupancy and/or take any other action permitted under applicable Code Enforcement/Housing/Building Construction State or local laws, rules and regulations. In such instances where the RLO shall pursue fines against a Landlord for violations and/or non-compliance with a ruling of the RLO, the RLO shall seek restitution damages for the Township for any cost(s) incurred outside the normal operations of the RLO and/or any additional staff of the Township of Irvington to address the violation(s) and/or non-compliance.
- H. To afford both landlords and tenants reasonable opportunity to be heard before making any determination.
- I. Landlord Property/Unit Registration
  - (1) Between the first Monday in January and the first Friday in March of each calendar year, all owners and/or landlords of dwellings shall file with the Township of Irvington Department of Housing and Building Construction a new landlord registration statement for each dwelling unit owned. An owner and/or landlord who purchases a dwelling on or after April 1 of any year shall file a landlord registration statement within thirty (30) days of purchase. Owner(s) and/or landlords(s) entitled to an increase in the base rent as a result of improving vacant housing spaces shall immediately file an amended landlord registration statement.

(2) Every owner and/or landlord shall, within 90 days following the effective date of this subsection or the creation of the first tenancy in any dwelling containing five (5) or more housing spaces, whether or not subject to the restriction of rent increases in this chapter, file a landlord registration statement with the Department of Housing and Building Construction containing the following information.

- a. The name and address of the record owner or owners of the dwelling and the record owner or owners of the rental business if not the same person.
- b. If the record owner is a corporation, the name and address of the registered agent and corporate officers of the corporation.
- c. If the address of any record owner or owners is not located in the County of Essex, the name and address of a person who resides in the County of Essex or has an office in the County of Essex and is authorized to accept notices from tenants and to issue receipts for notices from tenants to accept services of process on behalf of the record owner or owners.
- d. The name and address of the managing agent of the dwelling, if any.
- e. The name and address, including the dwelling unit, apartment or room number of the superintendent, janitor, custodian or any other individual employed by the record owner or managing agent to provide regular maintenance service if any.
- f. The name, address and telephone number of any individual representative of the record owner or managing agent who may be called at any time in case of an emergency affecting the dwelling or any housing space within the dwelling, including such emergencies as the failure of any essential service or system, and who has the authority to make emergency decisions concerning the building and any repair to the building or expenditure in connection with the building.
- g. A list of the base monthly rents of each housing space, by apartment or room number, within the dwelling as of the date of registration.
- h. Provided the owner/landlord file the required rent registration between the dates provided in Paragraph 11 there shall be no charge.
- i. If the owner/landlord fails to file the required rent registration on or before the first Friday in March of each calendar year he/she shall be subject to a registration fee of \$300.00 per property to register the rent(s) for the property. If the owner/landlord fails to file the required rent registration on or before the first Monday in July of each calendar year a registration fee of \$500.00 per property shall be charged to file the rent registration.
- j. Landlords are required to conspicuously post the Rent Registration License for each property in a common area(s) of each building. Landlords who fail to conspicuously post the Rent Registration License are subject to a fine of \$100.00 for failing to post the notice.

**J. Non-Registration Penalty**

**A. Failure to Register Fee:**

- a. The Tax Collector shall add a special charge of \$1,000.00 to the annual tax bill as a penalty to any property subject to this ordinance if the owner/landlord fails to file a rent registration for their property on or before the first Friday in March. Failure to pay such special charge(s) shall result in the property being listed on the annual tax sale and a possible lien being attached to the property.
- b. The Tax Collector shall add a special charge of \$1,500.00 to the annual tax bill as a penalty to any property subject to this ordinance if the owner/landlord who fails to file a rent registration for their property on or before the first Friday in July. Failure to pay such special charge(s) shall result in the property being listed on the annual tax sale and a possible lien being attached to the property

**§ 472-10. Appeals.**

Decisions of the RLO may be appealed to the Rent Leveling Board, which shall consist of the seven member Township of Irvington Municipal Council. Any appeal(s) of the RLO must be filed, in writing, with the Council Clerk within 30 days of the date of the written decision. Any appeal upon a decision by

the Municipal Council shall be appealable to the New Jersey Superior Court in Essex County, within 45 days of the date of the Council's written determination, pursuant to its rules governing administrative appeals.

§ 472-11. Fees.

Upon the filing of an application for relief to the Rent Leveling Board, the applicant shall pay the following fees:

- A. For hardship or capital improvement relief, the fee shall be \$5 per dwelling unit, but not less than \$25 nor more than \$200.
- B. For all other applications or complaints, the fee shall be \$10.
- C. The fee for a copy of this chapter shall be \$2.50.
- D. The fee for a copy of the hardship application forms shall be \$2.

§ 472-12. Violations and penalties.

A willful violation of any provision of this chapter, including but not limited to the willful filing with the RLO of any material misstatement of fact, shall be punishable as provided in Chapter 1, Article III. A violation affecting more than one dwelling unit shall be considered a separate violation as to each such dwelling unit. If a landlord has been in violation of the chapter, then the tenants shall have a remedy to receive a refund for an over charge retroactive to two years from the date of the complaint. The RLO (or any designee) shall have the authority to issue all penalties outlined in this chapter for any violation or non-compliance with this chapter.

§ 472-13. Construal.

This chapter, being necessary for the welfare of the inhabitants of the Town of Irvington, shall be liberally construed to effectuate the purposes thereof.

§ 472-14. Complaints.

Any complaint by a tenant respecting a violation of this chapter shall be in writing and filed with the Rent Leveling Board within one year from the date of the violation; provided, however, that complaints filed pursuant to § 472-7 shall be filed within 60 days of the date of the last act or thing alleged to violate said section. Failure to file within the aforesaid periods shall bar the acceptance of the complaint by the Board.

§ 472-15. Repealer.

Ordinance No. MC 2597 is hereby repealed.

All Ordinances or parts of ordinances inconsistent or in conflict with the provisions of the within ordinance are hereby repealed to the extent of ant inconsistencies therewith.

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

The public hearing on this Ordinance is now open.

There were no requests to be heard.

Vick - Beasley

Motion to close public hearing

Adopted  
Absent: Cox

Vick – Beasley

Motion to adopt this ordinance on second reading after public hearing

Adopted  
Absent: Cox

2. President Beasley: An ordinance supplementing 460 of the Revised Code concerning properties in foreclosure will be heard at this time. For the record, this notice is identical to the prior notice read. The Clerk will read the ordinance by title.

**AN ORDINANCE SUPPLEMENTING CHAPTER 460 OF THE REVISED CODE CONCERNING PROPERTIES IN FORECLOSURE**

**BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON** as follows:

SECTION 1. Chapter 460 of the Revised Code of the Township of Irvington is hereby supplemented as follows:

- A. Any creditor filing a summons and complaint in an action to foreclose on a residential or commercial property shall notify and register the property with the vacant property registration program. (See 40:48-2.12s3b(1)).
- B. The notification/registration shall include: 1) the date of the summons and complaint; 2) the court where the action is filed; 3) docket number; 4) whether the property is vacant and/or abandoned; 5) name, address, and telephone of authorized representative to receive service. (See 40:48-2.12s3b(2)).
- C. Any creditor filing a summons and complaint in an action to foreclose on a vacant or abandoned residential or commercial property shall be responsible for the care, maintenance, security, and upkeep of the exterior of the subject property, and if located out-of-state shall be responsible for appointing an in-state representative or agent to act for the foreclosing creditor. (See 40:48-2.12s3b(4-8)).
- D. The public officer or designate is authorized to issue notice to the creditor filing the summons and complaint in an action to foreclose that the creditor has violated the ordinance for failing to provide for the care, maintenance, security, and upkeep of the exterior of the property. Such notice shall require the person or entity to correct the violation within 30 days of receipt of the notice, or within 10 days of receipt of the notice if the violation presents an imminent threat to public health and safety. (See 40:48-2.12s3c)).
- E. An annual registration fee of \$500 shall accompany the registration of a property in foreclosure under this section. (See 40:48-2.12s3e)).
- F. An additional annual registration fee of \$2,000 shall accompany the registration if the property is vacant or abandoned or becomes vacant or abandoned at any time thereafter while the property is in foreclosure. All such annual fees and the due dates thereof shall be identified in the ordinance adopted pursuant to subsection A of this section. (See 40:48-2.12s3e)).
- G. Any out of state creditor failing to appoint an in-state representative or agent found to be in violation by a court of competent jurisdiction shall be subject to a fine of \$2,500.00 for each day of the violation. (See 40:48-2.12s3g(1)).

- H. Any in-state creditor failing to appoint an in-state representative or agent found to be in violation by a court of competent jurisdiction shall be subject to fine of \$1,500.00 for each day of the violation. Any fines imposed pursuant to this paragraph shall commence 31 days following receipt of the notice violation, except if the violation presents an imminent risk to public health and safety, in which case any fines shall commence 11 days following receipt of the notice. (See 40:48-2.12s3g(2)).

SECTION 2. All Ordinances or parts of ordinances inconsistent or in conflict with the provisions of the within ordinance are hereby repealed to the extent of ant inconsistencies therewith.

SECTION 3. This ordinance shall take effect upon final approval and publication according to law.

The public hearing on this Ordinance is now open.

There were no requests to be heard.

Vick – Hudley

Motion to close public hearing

Adopted  
Absent: Cox

Vick - Hudley

Motion to adopt this ordinance on second reading after public hearing

Adopted  
Absent: Cox

3. President Beasley: An ordinance clarifying the language regarding hours of operation of alcoholic beverage establishments will be heard at this time. For the record, this notice is identical to the prior notice read. The Clerk will read the ordinance by title.

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

**WHEREAS**, the Irvington Municipal Council services as the local issuing authority for all ABC licenses; and

**WHEREAS**, the Municipal Council in its capacity as the Alcoholic Control Board for the Township of Irvington find it prudent and in the public interest to clarify and amend **Chapter 158-3, Hours of Sale**.

**WHEREAS**, no retail licensee for **Consumption (31, 32 or 33)** shall sell or serve any alcoholic beverages before 9:00 a.m. and 2:00 a.m. on Monday, Tuesday, Wednesday, Thursday, Friday or Saturday, nor before 12:00 noon and 2:00 am on Sunday. Further, that on New Year's Eve, the licensee may remain open an additional three hours (3) from 2:00 a.m. to 5:00 a.m. Also, please note that the hours mentioned refer to Eastern Standard Time or daylight saving time, whichever time shall be then in effect and shall apply hereto.

**WHEREAS**, by A.B.C. regulation (N.J.A.C. 13:2-38), no retail licensee may sell spirituous liquors in original containers (**Distribution (44) - package goods**) before 9:00 a.m. and after 10:00 p.m. on any day of the week.

**BE IT ORDAINED** that all ordinances or parts or ordinances inconsistent with the provisions of this ordinance are hereby repealed.

**BE IT FURTHER ORDAINED** that the effective date of this ordinance shall be twenty (20) days after its final passage by the Municipal Council and approved by the Mayor at the time and in the manner provided by 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  
Absent: Cox

Frederic - Vick

Motion to adopt this ordinance on second reading after public hearing

Adopted  
Absent: Cox

## 12. Miscellaneous

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

Elouise McDaniel, 214 Nesbit Terrace  
Robert Shaw, 57 Coit Street

President Beasley responded to the above referenced citizens.

## 13. Adjournment

There being no further business, the meeting adjourned at 7:58 P.M.

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Jamillah Z. Beasley, Council President

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Harold E. Wiener, Municipal Clerk