

REGULAR COUNCIL MEETING
JANUARY 9, 2023

Virtual Zoom Meeting
Irvington, N.J. – Monday Evening
January 9, 2023 - 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)

Elouise McDaniel, 214 Nesbit Terrace

5. Hearing of Council Members

There were no requests to be heard.

President Beasley requested that the Clerk furnish the information requested by Ms. McDaniel to her.

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

A. Reports

1. Municipal Court - Weekly Summary Report – December 19, 2022 to December 23, 2022
2. Municipal Court – Mayor’s Monthly Report for November, 2022
3. Municipal Court – Electronic Collections Report – November, 2022
4. St. Hubert’s Animal Welfare Centers – Monthly Intake, Outcome, and Case (Dispatch) Reports for December, 2022

7. Reports of Committees

None

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

8. Ordinances, Bills & Claims

A. Ordinances on First Reading

Cox – Vick

1. Clarify Language for Hours of Operation of Alcoholic Beverage Establishments

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

Adopted

B. Ordinances on Second Reading

None

C. Bills & Claims

Cox – Vick

1. Bill Lists

RESOLVED THAT THE BILLS AND CLAIMS AGAINST THE TOWNSHIP OF IRVINGTON FOR A PERIOD JANUARY 9, 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 2022	\$379,419.97
TOTAL	\$379,419.97

Adopted

Cox - Brown

2. Payrolls

December 30, 2022

REGULAR	OVERTIME	OTHER	TOTAL
\$1,827,979.42	\$277,329.55	\$308,691.58	\$2,414,000.55

Adopted

9. Resolutions and Motions

A. Resolutions

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

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.

[ADJOURNED AT THE CAUCUS MEETING TO THE JANUARY 23, 2023 COUNCIL MEETING]

Hudley – Cox

2. Award Bid – Two Mobile Offices With Rest Rooms - Aries Building Systems, LLC Lowest Responsible, Responsive Bid of \$41,701.00 per Year for Two Years - Amount Not to Exceed \$83,402.00 – January 10, 2023 until January 11, 2025

RESOLUTION AWARDING A BID FOR TWO MOBILE OFFICES WITH RESTROOMS

WHEREAS, sealed bids were received on November 30, 2022 for a two mobile offices with restrooms to published advertisement for bids in the New Jersey Star Ledger on November 07, 2022; and

WHEREAS, one bid was received and opened from Aries Building Systems LLC; and

WHEREAS, said bid was referred to the Public Works Director for recommendation to the Municipal Council; and

WHEREAS, the Public Works Director has recommended that the award should be made to Aries Building Systems LLC of 1913 Atlantic Ave Suite 198A, Manaquan, NJ 08736 on the basis of their lowest responsible, responsive bid of \$41,701.00 per year for two years for a total amount not to exceed \$83,402.00 starting on January 10, 2023 until January 11, 2025; and

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

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

BE IT FURTHER RESOLVED that the required certification of availability of C22-0089 in the amount of \$15,000.00 from account number 2-01-26-290-290-299 has been obtained from the Chief Financial Officer and the remaining balance of \$68,402.00 will be certified upon the adoption of the 2023 and 2024 budgets.

Adopted

Cox – Brown

3. Authorize Purchase of Various Items Over the Bid Threshold of \$44,000.00 Under the Morris County Cooperative Purchasing Program

AUTHORIZING PURCHASES UNDER THE MORRIS COUNTY 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 Morris Cooperative Purchasing Program and,

WHEREAS, the Township of Irvington has the need on a timely basis to purchase goods or services utilizing Morris Cooperative Purchasing Program contracts; and

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WHEREAS, the list of vendors below will exceed the bid threshold of \$44,000.00 for calendar year 2023:-

Name of Vendor	Contract Number	Commodity	Amount
Continental Trading & Hardware	10	Lumber, Insulations, hardware and Paint	\$250,000.00
Jen Electric	37	Traffic signal maintenance and repairs	\$200,000.00
Tilcon New York Inc	6	Road Resurfacing	\$150,000.00
Sherwin Williams	10	Paint	\$95,000.00
Office Concept	16	Office Supplies	\$285,000.00

WHEREAS, the Township of Irvington intends to enter into contracts with Morris County Co-op 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 Co-op 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 Morris County Co-op vendors over the bid threshold of \$44,000.00, pursuant to all the conditions of the individual 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, 2023

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

Beasley – Vick

4. Authorize Purchase of Various Items Over the Bid Threshold of \$44,000.00 Under the State of New Jersey Cooperative Purchasing Program

**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,

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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 2023:

Name of Vendor	State Contract Number	Commodity	Amount
Broadview	85017	Telephone Service	\$280,000.00
AT&T	82584	Telephone Service	\$250,000.00
Samuels Inc DBA Buy Wise	85992	Auto Parts	\$160,000.00
Keer Electrical	T0167	Electrical	\$75,000.00
Pitney Bowes	41258	Postage	\$100,000.00
A.lembo car & Truck	40825	Collision repair	\$80,000.00
Verizon Land Lines	85943	Telephone Service	\$170,000.00
Morton Salt	T0213	Rock Salt	\$150,000.00
Rachel's/Michele's Oil	T0083	Gasoline/Diesel	\$475,000.00
Ricoh USA Inc	40467	Copier	\$95,000.00
Fire Fighter One	T0790	Fire Engine Parts & Equipment	\$180,000.00
Motorola Communications	A83909	Police Radio Equipment	\$85,000.00
SHI International	21-TELE-01360	Computers and Supplies	\$230,000.00
Parts Authority LLC	20-Fleet-00984	Auto parts	\$95,000.00
Limbach Company, LLC	88689	HVAC	\$175,000.00
American Hose & Hydraulic Co.	40866	Auto Parts	\$85,000.00
Fastenal Company	19-Fleet-00678	Auto Parts	\$65,000.00
All hands Fire Equipment	17 Fleet 00812	Fire Apparatus	\$85,000.00
Grainger	19-FLEET-00566	Industrial Supplies	\$100,000.00
Crosstown Plumbing Supply Inc.,	T3027	Plumbing Supplies	\$65,000.0
Fairfield Maintenance	A42264	Fuel Repair	\$100,000.00
Witmer Public Safety Group	17-Fleet-00767	Ammunition	\$100,000.00
Johnston Communications	88766	Telephone Wiring	\$200,000.00

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

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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, 2023

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 – Cox

5. Authorizing Amendment to Resolution Authorizing a Purchase Over The Pay To Play Threshold For Minutes Program Upgrade - General Code - \$11,940.00

AUTHORIZING PURCHASES OVER THE PAY TO PLAY THRESHOLD OF \$17,500.00 TO UPDATE RECORDS FOR MUNICIPAL CLERKS OFFICE

WHEREAS, the Township wishes to update records in the Municipal Clerk Department and the total purchase will exceed the pay to play threshold; and

WHEREAS, the Township has obtained quotes from Filebankinc. General Code and DocuSign; and

WHEREAS, General Code has provided the lowest quote for an amount not to exceed \$13,135.00; and

WHEREAS, in compliance with 19:44a-20.13 et, seq., General Code will exceed the Pay-to-Play threshold of \$17,500.00 for calendar year 2022; and,

WHEREAS, General Code has completed and submitted the Township C-271, elect reports and political disclosure forms. These forms are on file in the Municipal Clerk on December 14, 2022; and

NOW, THEREFORE, BE IT RESOLVED, that the Municipal Council of the Township of Irvington hereby award a contract to General Code over the Pay to Play threshold but under the bid threshold of \$44,000.00 for updating records.

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 that the required certification of availability of funds C22-0159 in the amount of \$13,135.00 from account number 2-01-20-120-120-256 has been obtained from the Chief Financial Officer.

Adopted

Vick – Brown

6. Amend Resolution DA 22-0124-8 Accepting Funding From Community Services Block Grant (CSBG) in the Amount of \$282,750.00 During the 2022 Program Year to Accept the Amended Amount of the Grant of \$288,166.00

**AMENDMENT TO RESOLUTION DA 22-0124-8 ADOPTED ON January 24, 2022.
RESOLUTION ACCEPTING FUNDING FROM COMMUNITY SERVICES BLOCK GRANT (CSBG)**

WHEREAS, Irvington Neighborhood Improvement Corporation seeks to amend resolution number DA 22-0124-8 due to an increase in funding.

WHEREAS, The County of Essex, acting through its Department of Citizens Services, Division of Community Action through the Community Services Block Grant (CSBG) proposes to enter into a sub grant agreement with Irvington Neighborhood Improvement Corporation to service the low-income poverty constituents of Essex County for the contract price of \$282,750.00 during the 2022 program year of January 1, 2022– December 31, 2022 which has been amended to \$288,166.00

WHEREAS, said grant agreement 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 a Grant Agreement with the Essex County Division of Community Action as sub-recipient of Community Services Block Grant funds in the amount of \$288,166.00.

BE IT FURTHER RESOLVED that the Township of Irvington does hereby accept the award of \$288,166.00 for such activities.

Adopted

7. Ratify and Approve the Provision of Lead Safe Irvington Funds in
the Amount Not To Exceed \$20,000.00 for 100 Myrtle 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, Ernst Myrtil and who is the owner of 100 Myrtle Ave, 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 (3) three contractors provided quotes for the required work EnviroScience Solutions LLC, BGI Resources International and Pow R Save

the other (1) one contractor 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 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) installment 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 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, 100 Myrtle Ave Irvington, New Jersey 07111, 1 family unit(s) and owned by Ernst Myrtil 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. C22-0161 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.

[ADJOURNED AT THE CAUCUS MEETING TO THE JANUARY 23, 2023 COUNCIL MEETING]

Beasley – Vick

8. Ratify and Approve the Provision of Lead Safe Irvington Funds in the Amount Not To Exceed \$18,250.00 for 107 Melville

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, Nicketa Nusum and who is the owner of 107 Melville Place, Irvington, New Jersey, 07111 is eligible to receive assistance through the LEAD SAFE Irvington Program per the Township's policies and procedures; and

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

WHEREAS, the Department of Economic Development and Grants Oversight has contacted all the contractors on resolution number EDGO 20-1228-53 and (2) contractors Pow R Save and Enviro Science Solutions LLC provided quotes for the required work and the other (2) two contractors Optimum Environmental and Shade Environmental 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 18,250.00 for a period of affordability of five (5) years; and

BE IT FURTHER RESOLVED that the aforesaid funds of \$18,250.00 will be disbursed in one (1) installment in the amount of \$18,250.00 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), attached hereto for the premises known as, 107 Melville Place Irvington, New Jersey 07111, 1 family unit(s) and owned by Nicketa Nusum; 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. C22-0162 in the amount of \$18,250.00 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 \$18,250.00.

Adopted

Vick - Brown

9. Ratify and Approve the Provision of Lead Safe Irvington Funds in the Amount Not To Exceed \$17,100.00 for 150 Hillside Terrace

RESOLUTION FOR LEAD SAFE IRVINGTON PROGRAM

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

WHEREAS, the Township of Irvington, Department of Economic Development and Grants Oversight has identified that the applicant, Hetage Vertil and who is the owner of 150 Hillside Terrace, Irvington, New Jersey, 07111 is eligible to receive assistance through the LEAD SAFE Irvington Program per the Township's policies and procedures; and

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

WHEREAS, the Department of Economic Development and Grants Oversight has contacted all (4) four contractors via email noted on resolution number EDGO #22-0314-3 and (3) three contractors provided quotes for the required work EnviroScience Solutions, LLC, BGI Resources International and Pow R Save the other (1) one contractor 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 17,100.00 for a period of affordability of five (5) years; and

BE IT FURTHER RESOLVED that the aforesaid funds of \$17,100.00 will be disbursed in one (1) installment in the amount of \$17,100.00 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, 150 Hillside Terrace Irvington, New Jersey 07111, 1 family unit(s) and owned by Hetage Vertil; 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. C22-0160 in the amount of \$17,100.00 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 \$17,100.00.

Adopted

Cox - Brown

10. Authorize Professional Service Contract for Engineering Services in Connection With Road Street Improvements on Glorieux Street in the Area of Chancellor Avenue School - to Pennoni Associates Inc., \$6,500.00.

RESOLUTION TO AWARD A CONTRACT FOR PROFESSIONAL SERVICES FOR THE CONSTRUCTION OF THE INTERSECTION IMPROVEMENTS ON GLORIEUX STREET

WHEREAS, in the interest of the improvement of traffic safety on Glorieux Street, adjacent to the Chancellor Avenue School, plans were prepared by the Township Engineer to construct intersection improvements at the intersections of Glorieux Street and Park Avenue and Glorieux Street and Nesbit Terrace and these plans were publicly bid on December 21, 2022 ; and

WHEREAS, one bid for this work was received at that time from Your Way Construction of Irvington, New Jersey in the amount of \$ 44, 389.15 and that bid has been verified by the Township Engineer; and

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WHEREAS, the Township Engineer has reviewed this bid and recommends the award of a contract for this work to Your Way Construction at their bid amount of \$44,389.15; and

WHEREAS, in order to construct this project, professional engineering services for the construction administration of this project are required and the Township Engineer has solicited proposals from the engineering consultant that are retained on the Township's annual list; and

WHEREAS, in response to this solicitation, three proposals were received for this work and the proposal of Pennoni Associates, Inc. was determined to be the most cost efficient to accomplish this work at their quoted price of \$6,500.00 and the Township Engineer her reviewed these proposals and recommends a professional services contract for Pennoni Associates.

NOW, THEREFORE, BE IT RESOLVED BY MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that a professional serviced contract for the construction of the Intersection Improvements on Glorieux Street is awarded to Pennoni Associates Inc., Newark, New Jersey in the amount of \$6,500.00.

BE IT FURTHER RESOLVED that pursuant to N.J.A.C. 5:34-5.2, the required Certificate of Availability of Funds No. C22-0168 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 \$6,500.00 is Account c-04-56-852-019-905.

Adopted

Cox – Brown

11. Award Bid - Road Street Improvements on Glorieux Street in the Area of Chancellor Avenue School – Your Way Construction, Inc. - \$44,389.15

RESOLUTION TO AWARD A CONTRACT FOR THE CONSTRUCTION OF THE INTERSECTION IMPROVEMENTS ON GLORIEUX STREET

WHEREAS, in the interest of the improvement of traffic safety on Glorieux Street, adjacent to the Chancellor Avenue School, plans were prepared by the Township Engineer to construct intersection improvements at the intersections of Glorieux Street and Park Avenue and Glorieux Street and Nesbit Terrace and these plans were publicly bid on December 21, 2022; and

WHEREAS, one bid for this work was received at that time from Your Way Construction of Irvington, New Jersey in the amount of \$44,389.15 and that bid has been verified by the Township Engineer; and

WHEREAS, the Township Engineer has reviewed this bid and recommends the award of a contract for this work to Your Way Construction at their bid amount of \$44,389.15.

NOW, THEREFORE, BE IT RESOLVED BY MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that a contract for the construction of the Intersection Improvements on Glorieux Street is awarded to Your Way Construction of Irvington, New Jersey in the amount of \$44,389.15.

BE IT FURTHER RESOLVED that pursuant to N.J.A.C. 5:34-5.2, the required Certificate of Availability of Funds No. C22-0167 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 \$44,389.15 is Account c-04-56-852-019-905.

Adopted

Cox - Beasley

12. Authorize Contract For Planning Board Attorney – Eric M. Bernstein & Associates, LLC- \$6,500.00 - January 1, 2023 To December 31, 2023

RESOLUTION AUTHORIZING PROFESSIONAL SERVICE CONTRACT FOR PLANNING BOARD ATTORNEY FOR CALENDAR YEAR 2023

WHEREAS, the Request for Proposals for Planning Board Attorney was publicly advertised in the New Jersey Star Ledger on October 24, 2022 with a deadline for qualification to be submitted on November 17, 2022; and

WHEREAS, one qualification was received and publicly opened; and

WHEREAS, said qualification was referred to the Planning Board; and

WHEREAS, one qualification satisfied the RFP requirement and;

WHEREAS, the Planning Board Secretary has recommended award should be made to the following firm:

ERIC M. BERNSTEIN & ASSOCIATES, LLC ERIC M. BERNSTEIN 34 Mountain Blvd. Building A Warren, NJ 07059

NOW THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that a contract for the Planning Board Attorney be awarded to Eric M. Bernstein & Associates, LLC, 34 Mountain Blvd. Building A, Warren NJ 07059 on the basis of their response to the request for proposal meeting the selection criteria and qualifications, for an amount not to exceed \$6,500.00. The provider will be paid \$115.00 per hour for attorneys, \$60.00 per hour for paralegals and \$500.00 per meeting for one year starting on 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 C22-0172 in the amount \$6,000.00 has been obtained from the Chief Financial Officer charge to account number 2-01-21-180-180-256 and the remaining balance of \$500.00 will be certified upon the adoption of the 2023 budget.

Adopted

Hudley – Cox

13. Authorize Contract For Zoning Board Attorney – Eric M. Bernstein & Associates, LLC- \$12,000.00 - January 1, 2023 To December 31, 2023

RESOLUTION AUTHORIZING PROFESSIONAL SERVICE CONTRACT FOR ZONING BOARD ATTORNEY FOR CALENDAR YEAR 2023

WHEREAS, the Request for Proposals for Zoning Board Attorney was publicly advertised in the New Jersey Star Ledger on October 24, 2022 with a deadline for qualification to be submitted on November 17, 2022; and

WHEREAS, one qualification was received and publicly opened; and

WHEREAS, said qualification was referred to the Zoning Board; and

WHEREAS, one qualification satisfied the RFP requirement and;

WHEREAS, the Zoning Board Secretary has recommended award should be made to the following firm:

ERIC M. BERNSTEIN & ASSOCIATES, LLC ERIC M. BERNSTEIN
<u>34 Mountain Blvd. Building A Warren, NJ 07059</u>

NOW THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that a contract for the Zoning Board Attorney be awarded to Eric M. Bernstein & Associates, LLC, 34 Mountain Blvd. Building A, Warren NJ 07059 on the basis of their response to the request for proposal meeting the selection criteria and qualifications, for an amount not to exceed \$12,000.00 The provider will be paid \$115.00 per hour for attorneys, \$60.00 per hour for paralegals and \$500.00 per meeting for one year starting on 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 number C22-0173 in the amount not to exceed \$1000.00 has been obtained from the Chief Financial Officer charge to account number 3-01-21-185-185-256 and the remaining balance of \$11,000.00 will be certified upon the adoption of the 2023 budget.

Adopted

Hudley - Vick

14. Authorize Legal Settlement – Tax Court

WHEREAS, on or about September 20, 2022, the Director, Division of Taxation, Department of the Treasury, certified the Table of Equalized Valuations for the tax year 2022 to the State Commissioner of Education for use in the determination of the amount of State school aid for the school year under N.J.S.A. 54:1-35.1, et seq; and

WHEREAS, the ratio of assessed valuation to true value of real property for the Township of Irvington contained in the Table of Equalized Valuations is 61.31%; and

WHEREAS, the Township of Irvington, through its Tax Appeals Counsel, Inglesino, Webster, Wyciskala & Taylor, LLC, filed a complaint with the Tax Court of New Jersey; and

WHEREAS, the complaint challenged forty-five (45) sales that should not have been included in determining the Township of Irvington ratio of assessed valuation to true value of real property, pursuant to N.J.S.A. 54:1-35.1 et seq. and N.J.A.C. 18:12-1.1.;

WHEREAS, the improper inclusion of said sales resulted in an incorrect ratio of assessed valuation to true value of real property for the Township of Irvington; and

WHEREAS, the parties thereafter engaged in discovery and settlement negotiations; and

WHEREAS, as a result of said discovery and settlement negotiations, the Director of the Division of Taxation has agreed that thirty-three (33) of the challenged sales should be excluded from the Township of Irvington's ratio of assessed valuation to true value of real property; and

WHEREAS, by excluding the agreed upon sales, the Township of Irvington's ratio of assessed valuation to true value contained in the Table of Equalized Valuations for the tax year 2022 has increased from 61.31% to 62.44%; and

WHEREAS, as a result of said discovery and settlement negotiations, the Township of Irvington's Tax Appeals Counsel and Municipal Tax Assessor recommend that the remaining twelve (12) challenged sales should not be excluded from the Township of Irvington's ratio of assessed valuation to true value of real property and should be withdrawn from the Complaint; and

WHEREAS, the Tax Appeals Counsel, Township Attorney and the Municipal Tax Assessor all recommend said settlement to the Township Council; and

WHEREAS, the Township Council is of the opinion that said settlement is in the best interests of the Township of Irvington;

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that the settlement in this matter as set forth herein above, be and the same is approved; and

BE IT FURTHER RESOLVED that Irvington Township's Tax Appeals Counsel and Municipal Tax Assessor are hereby authorized to take all appropriate actions as may be necessary to finalize the effectuate the settlement and to implement the terms of this resolution.

Adopted

10. Communication and Petitions

A. Communications

None

11. Pending Business

None

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

Samuel Cherilus, 90 – 40th Street

President Beasley addressed the issues raised by the above referenced citizens and indicated that members of the Administration would be contacted to further respond to their concerns.

13. Adjournment

There being no further business, the meeting adjourned at 7:52 P.M.

Jamillah Z. Beasley, Council President

Harold E. Wiener, Municipal Clerk