

REGULAR COUNCIL MEETING
FEBRUARY 27, 2023

Virtual Zoom Meeting
Irvington, N.J. – Monday Evening
February 27, 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
Robert Shaw, 57 Coit Street

5. Hearing of Council Members

Council President Beasley addressed the above referenced citizens regarding the agenda items that were mentioned by them.

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

A. Reports

1. Municipal Court - Weekly Summary Report for the Week of February 6, 2023 to February 10, 2023
2. Municipal Court - Weekly Summary Report for the Week of February 13, 2023 to February 17, 2023

7. Reports of Committees

None

8. Ordinances, Bills & Claims

A. Ordinances on First Reading

None

C. Bills & Claims

Vick – Brown

1. Bill Lists

RESOLVED THAT THE BILLS AND CLAIMS AGAINST THE TOWNSHIP OF IRVINGTON FOR A PERIOD FEBRUARY 27, 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	\$1,511,938.55
TOTAL	\$1,511,938.55

Adopted

Evans – Brown

2. Payrolls

February 10, 2023

REGULAR	OVERTIME	OTHER	TOTAL
\$1,716,584.19	\$171,522.40	\$238,781.39	\$2,126,887.98

Adopted

2. Payrolls

9. Resolutions and Motions

A. Resolutions

Vick - Evans

1. Commemorate February, 2023 as African American History Month

COMMEMORATION - 2023

**AFRICAN AMERICAN HISTORY MONTH
97th ANNUAL OBSERVANCE**

WHEREAS, February is AFRICAN AMERICAN HISTORY MONTH and marks the 97th annual observance since inaugurated as Negro History Week in February 1926 by Dr. Carter G. Woodson, Jr., a Ph.D. from Harvard University, born to parents who were former slaves; and

WHEREAS, history is filled with the far reaching accomplishments of African Americans such as W.E.B. DuBois, Frederick Douglas, Paul Robeson, Harriet Tubman, Booker T. Washington, Hank Aaron, Ralph Bunch, Benjamin Banneker and more recently Colin Powell, Clarence Thomas, Condoleeza Rice and President Barack H. Obama and many others whose efforts continue to contribute to the growth of this nation; and

WHEREAS, America and the world continues to benefit from the achievements of African Americans, such as Dr. Martin Luther King, Jr., Nelson Mandela, Coretta Scott King, Fannie Lou Hamer, Stokeley Carmichael, Gloria Richardson and Angela Davis who strove to make America a better place for all Americans no matter what their race, color, creed or economic status; and

WHEREAS, America continues to benefit from the struggle of African Americans for equality, and progress is made manifest through the presence of persons of African American heritage in all branches of government and public life including the Congress of the United States, the New Jersey State Legislature, as Mayors of various cities, the Irvington Municipal Council, the Irvington Chamber of Commerce, and the Irvington Board of Education, as well as other numerous commissions, committees and local agencies.

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that February, 2023 is hereby proclaimed as African American History Month in the Township of Irvington in recognition of the many contributions to the struggle for dignity and equality made by African American people.

BE IT FURTHER RESOLVED that certified copies of this resolution be forwarded to the Irvington Public Library, the African American Heritage Committee and to the local branch of the N.A.A.C.P.

Adopted

Vick – Cox 2. Cancel and Refund Tax Sale Certificate On Property Taxes -
1433 - 1435 Clinton Avenue, Block 13, Lot 29

RESOLUTION TO CANCEL AND REFUND TAX SALE CERTIFICATE ON PROPERTY TAXES
1433 - 1435 Clinton Ave., Block 13 Lot 29

WHEREAS, Augusto B. Giron is the owner of 1433 - 1435 Clinton Ave., Block 13 Lot 29 and is a 100% disabled veteran; and

WHEREAS, Augusto B. Giron has filed an application for 100% tax exemption with the Tax Assessor, Silvia Forbes, and said application has been approved for the property tax exemption on December 5, 2022; and

WHEREAS, the 2022 taxes on 1433 - 1435 Clinton Ave. were billed in the amount of \$17,435.93 and the exempt portion of taxes is \$1,242.02, leaving an unpaid principal balance in the amount of \$2,978.02 to be paid by Mr. Giron; and

WHEREAS, Certificate of Sale #22-00035 was erroneously issued to Evolve Bank & Trust for delinquent taxes on said block and lot, at a Tax Sale held on December 15, 2022; and

WHEREAS, the Tax Collector became aware of the exemption status after the date of tax sale and requests authorization to cancel and refund tax sale certificate # 22-00035 in the amount of \$4,497.44 due to Mr. Giron's 100% tax exemption that was granted as of December 5, 2022; and

WHEREAS, the Tax Collector requests authorization to refund the lien holder, Evolve Bank & Trust, in the amount of \$4,497.44; and

WHEREAS, the Tax Collector requests authorization to assess interest on said balance due as of the date of the approved tax exemption application, December 5, 2022, for the total amount of \$3,014.48 if paid on or before March 10, 2023.

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that the Tax Collector's office is authorized and directed to perform the following:

1. Cancel the exempt portion of taxes in the amount of \$1,242.02.
2. Assess interest on said balance due as of the date of the approved 100% Disabled Veteran tax exemption application, December 5, 2022, for the total amount of \$3,014.48 if paid on or before March 10, 2023.
3. Refund the lien holder, Evolve Bank & Trust, in the amount of \$4,497.44

Adopted

Vick - Cox 3. Refund Overpayment of Property Taxes -76 Hillside Terrace, Block 17,
Lot 39

RESOLUTION TO REFUND OVERPAYMENT OF PROPERTY TAXES
76 Hillside Terr., Block 17 Lot 39

WHEREAS, Kameko Zayas-Bazan, the owner of 76 Hillside Terr., Block 17 Lot 39 and is a 100% disabled veteran; and

WHEREAS, Kameko Zayas-Bazan filed an application for 100% tax exemption with the Tax Assessor, Silvia Forbes, and said application has been approved for the property tax exemption on June 11, 2021; and

WHEREAS, the 2022 taxes on 76 Hillside Terr. were billed and paid in the amount of \$14,461.39 and the exempt portion of taxes is \$14,461.39; and

WHEREAS, the 2023 taxes on 76 Hillside Terr. were paid in the amount of \$3,615.35 for the first quarter and the exempt portion of taxes is \$3,615.35; and

WHEREAS, the Tax Collector requests authorization to refund the overpayment of taxes as of the date of the approved tax exemption application, June 11, 2021, for the total amount of \$18,076.74.

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that the Tax Collector's office is authorized and directed to cancel and refund the overpaid exempt portion of taxes to Kameko Zayas-Bazan in the amount of \$18,076.74 due to the approved 100% Disabled Veteran tax exemption.

Adopted

Vick - Cox 4. Refund Overpayment of Property Taxes - 7-11 Oakland St., Block 46,
Lot 18

**RESOLUTION TO REFUND OVERPAYMENT OF PROPERTY TAXES
7-11 Oakland St., Block 46 Lot 18**

WHEREAS, John Beasley and Clara J. Beasley, the owners of 7-11 Oakland St., Block 46 Lot 18 and is a 100% disabled veteran; and

WHEREAS, John Beasley filed an application for 100% tax exemption with the Tax Assessor, Silvia Forbes, and said application has been approved for the property tax exemption on July 15, 2021; and

WHEREAS, the 2021 taxes on 7-11 Oakland St. were billed and paid in the amount of \$7,461.79 and the exempt portion of taxes is \$3,454.36; and

WHEREAS, the 2022 taxes on 7-11 Oakland St. were billed and paid in the amount of \$3,730.90 and the exempt portion of taxes is \$3,730.90; and

WHEREAS, the Tax Collector requests authorization to refund the overpayment of taxes as of the date of the approved tax exemption application, July 15, 2021, for the total amount of \$7,185.26.

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that the Tax Collector's office is authorized and directed to cancel and refund the overpaid exempt portion of taxes to John Beasley in the amount of \$7,185.26 due to the approved 100% Disabled Veteran tax exemption.

Adopted

Cox - Vick 5. Refund Overpayment of Property Taxes – 37 Cummings St., Block 78,
Lot 60

**RESOLUTION TO REFUND OVERPAYMENT OF PROPERTY TAXES
37 Cummings St., Block 78 Lot 60**

WHEREAS, Baseem Abdul-Azizis the owner of 37 Cummings St., Block 13 Lot 29 and is a 100% disabled veteran; and

WHEREAS, Baseem Abdul-Azizhas filed an application for 100% tax exemption with the Tax Assessor, Silvia Forbes, and said application has been approved for the property tax exemption on September 29, 2022; and

WHEREAS, the 2022 taxes on 37 Cummings St. were billed and paid in the amount of \$5,740.81 and the exempt portion of taxes is \$1,478.62; and

WHEREAS, the 2023 taxes on 37 Cummings St. were paid in the amount of \$1,435.21 for the first quarter and the exempt portion of taxes is \$1,435.21; and

WHEREAS, the Tax Collector requests authorization to refund the overpayment of taxes as of the date of the approved tax exemption application, September 29, 2022, for the total amount of \$2,913.83.

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that the Tax Collector's office is authorized and directed to refund the overpaid exempt portion of taxes to Baseem Abdul-Azizis in the amount of \$2,913.83 due to the approved 100% Disabled Veteran tax exemption.

Adopted

Cox - Vick

6. Refund Overpayment of Property Taxes - 129 Linden Ave., Block 79
Lot 58

**RESOLUTION TO REFUND OVERPAYMENT OF PROPERTY TAXES
129 Linden Ave., Block 79 Lot 58**

WHEREAS, General L. Williams the owner of 129 Linden Ave., Block 79 Lot 58 and is a 100% disabled veteran; and

WHEREAS, General L. Williams filed an application for 100% tax exemption with the Tax Assessor, Silvia Forbes, and said application has been approved for the property tax exemption on March 15, 2022; and

WHEREAS, the 2022 taxes on 129 Linden Ave. were billed and paid in the amount of \$6,533.26 and the exempt portion of taxes is \$5,208.90; and

WHEREAS, the 2023 taxes on 129 Linden Ave. were paid in the amount of \$1,633.32 for the first quarter and the exempt portion of taxes is \$1,633.32; and

WHEREAS, the Tax Collector requests authorization to refund the overpayment of taxes as of the date of the approved tax exemption application, March 15, 2022, for the total amount of \$6,842.22.

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that the Tax Collector's office is authorized and directed to refund the overpaid exempt portion of taxes to General L. Williams in the amount of \$6,842.22 due to the approved 100% Disabled Veteran tax exemption.

Adopted

Cox - Vick

7. Authorize the Cancellation of Tax Sale Certificate Of an Active Military
Service Person, 68 Chester Avenue, Block 224, Lot 9, Tsc#22-00832

**Resolution Authorizing Cancellation of Tax Sale Certificate
Of an Active Military Service Person Block 224 Lot 9 Tsc#22-00832**

WHEREAS, Certificate of Sale #22-00832 was issued to Pro Cap 8 FBO Firsttrust Bank for delinquent taxes on Block 224 Lot 9 commonly known as 68 Chester Ave., at a Tax Sale held on December 15, 2022; and

WHEREAS, In accordance with PL 2015, c. 277 and PL 2016, c. 63, deferment from property taxes that will be due while a NJ resident serviceperson is deployed for active service in time of war is permitted. The deferment allows for tax payments to accrue while the deferment is in effect but they will not be due until after the serviceperson's deployment has ended; and

WHEREAS, Ms. Cathy-Ann M. Alexander, assessed owner of Block 224 Lot 9 commonly known as 68 Chester Ave., has been on active military deployment from the time period of October 28, 2020 through October 28, 2023 and has applied for the Active Military Service Property Tax Deferment Program on February 3, 2023.

WHEREAS, the serviceperson, Ms. Cathy-Ann M. Alexander, acknowledges that any taxes deferred will be due in full, without interest, within a 90-day grace period after the last date of her deployment. Ms. Cathy-Ann M. Alexander further acknowledges that if the deferred tax payments are not paid in full by the end of the 90-day grace period interest will be assessed back to the date the tax payments were originally due.

WHEREAS, the Tax Collector requests permission to cancel Certificate of Sale #22-00832 due to the sale of taxes on an active military service person that meets the eligibility requirements for deferment; and

WHEREAS, the Tax Collector request to refund the lienholder, Pro Cap 8 FBO Firsttrust Bank, the charges paid on lien in the amount of \$1,782.76 as well as refund the paid premium in the amount of \$5,900.00.

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that the Tax Collector's office is authorized and directed to cancel Certificate of Sale #22-00832 and refund the lienholder, Pro Cap 8 FBO Firsttrust Bank, the charges paid for the purchase of lien in the amount of \$1,782.76 as well as refund the paid premium in the amount of \$5,900.00.

Adopted

Vick - Cox

8. Refund Overpayment of Property Taxes - 55 Fern Avenue, Block 268, Lot 10

**RESOLUTION TO REFUND OVERPAYMENT OF PROPERTY TAXES
55 Fern Ave., Block 268 Lot 10**

WHEREAS, Kantie C Desroses, the owners of 55 Fern Ave., Block 268 Lot 10 and is a 100% disabled veteran; and

WHEREAS, Kantie C Desroses filed an application for 100% tax exemption with the Tax Assessor, Silvia Forbes, and said application has been approved for the property tax exemption on July 15, 2021; and

WHEREAS, the 2021 taxes on 55 Fern Ave. were billed and paid in the amount of \$12,017.79 and the exempt portion of taxes is \$5,565.17; and

WHEREAS, the 2022 taxes on 55 Fern Ave. were billed and paid in the amount of \$6,008.90 for the first quarter and the exempt portion of taxes is \$6,008.90; and

WHEREAS, the Tax Collector requests authorization to refund the overpayment of taxes as of the date of the approved tax exemption application, July 15, 2021, for the total amount of \$11,574.07.

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that the Tax Collector's office is authorized and directed to cancel taxes and refund the overpaid exempt portion of taxes to Kantie C Desroses in the amount of \$11,574.07 due to the approved 100% Disabled Veteran tax exemption.

Adopted

Cox - Hudley

9. Authorize Cancellation and Refund of Tax Sale Certificate # 20-01194
Due to Invalid Tax Sale Certificate on 34 Maple Place, Block 290 Lot 15

**Resolution Authorizing Cancellation and Refund of Tax Sale Cert # 20-01194
due to Invalid Tax Sale Certificate on Block 290 Lot 15, 34 Maple Pl**

WHEREAS, Certificate of Sale #20-01194 was issued to Pro Cap 8 FBO Firsttrust Bank for delinquent sewer charges on Block 290 Lot 15 commonly known as 34 Maple Pl, at a Tax Sale held on December 29, 2020; and

WHEREAS, Wells Fargo Bank remitted a payment in the amount of \$256.92 on 12/21/2020 to cover the delinquent charges and avoid the tax sale; and

WHEREAS, said payment was erroneously applied to the wrong property on Block 29 Lot 15 located at 607 Stuyvesant Avenue; and

WHEREAS, due to the invalid tax lien certificate sold, the Tax Collector requests to cancel Certificate of Sale #20-01194 that was issued to Pro Cap 8 FBO Firsttrust Bank on said parcel; and

WHEREAS, the Tax Collector requests to refund tax sale certificate # 20-01194 in the amount of \$561.79 and a Premium amount of \$900.00 to Pro Cap 8 FBO Firsttrust Bank, upon receipt of duly endorsed tax sale certificate for cancellation, and change lien account status to canceled.

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON, COUNTY OF ESSEX, STATE OF NEW JERSEY that the Township of Irvington Tax Collector is authorized to cancel and refund tax sale certificate # 20-01194 in the amount of **\$1,461.79** to Pro Cap 8 FBO Firsttrust Bank and change lien account status to canceled.

Adopted

Cox - Hudley 10. Refund Property Taxes- 33 Durand Place, Block 344, Lot 23

**RESOLUTION TO REFUND PROPERTY TAXES
33 Durand Pl, Block 344 Lot 23**

WHEREAS, an accelerated tax sale was held on 12/27/2019 for unpaid municipal charges; and

WHEREAS, a lien was placed on 33 Durand Pl, Block 344 Lot 23 for delinquent 2019 taxes and sewer charges; and

WHEREAS, the lienholder of TSC# 19-01214, US Bank Cust for Pro Cap 8, filed for foreclosure under the Abandoned Properties Act; and

WHEREAS, Title Experts, LLC and Dumarsais remitted a cashier's check in the amount of \$11,485.70 on 11/6/2020 to redeem the lien and change title; and

WHEREAS, the lienholder US Bank Cust for Pro Cap 8 declined the redemption payment because the redeeming party was not listed in the chain of title; and

WHEREAS, Title Experts, LLC has requested a refund of the lien redemption payment in the amount of \$11,485.70.

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that the Tax Collector's office is authorized and directed to issue a refund in the amount of **\$11,485.70** to Title Experts, LLC, 1547 Lindy Terrace, Union, NJ 07083.

Adopted

Cox - Hudley 11. Cancel Property Taxes - 14-16 Park Place, Block 337, Lot 7

**RESOLUTION TO CANCEL PROPERTY TAXES
14-16 Park Pl., Block 337 Lot 7**

WHEREAS, Affraz U. Mohammed is the owner of 14-16 Park Pl., Block 337 Lot 7 and is a 100% disabled veteran; and

WHEREAS, Affraz U. Mohammed has filed an application for 100% tax exemption with the Tax Assessor, Silvia Forbes, and said application has been approved for the property tax exemption on December 1, 2021; and

WHEREAS, the 2021 taxes on 14-16 Park Pl. were billed and paid in the amount of \$8,628.82 and the exempt portion of taxes to be refunded is \$709.20; and

WHEREAS, the 2022 taxes on 14-16 Park Pl. were billed in the amount of \$8,852.09 and the exempt portion of taxes to be canceled is \$8,852.09; and

WHEREAS, the Tax Collector requests authorization to cancel the property taxes in the amount of \$709.20 for tax year 2021 and \$8,852.09 for tax year 2022 from the date of the approved tax exemption application; and

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that the Tax Collector's office is authorized and directed to cancel and refund the overpaid exempt portion of taxes to Affraz U. Mohammed in the amount of \$709.20 due to the approved 100% Disabled Veteran tax exemption.

Adopted

Vick - Cox 12. Refund Overpayment of Property Taxes -114 Elmwood Avenue., Block 376, Lot 13

**RESOLUTION TO REFUND OVERPAYMENT OF PROPERTY TAXES
114 Elmwood Ave., Block 376 Lot 13**

WHEREAS, Avionne Lynch and Dwayne King, the owners of 114 Elmwood Ave., Block 376 Lot 13 and is a 100% disabled veteran; and

WHEREAS, Dwayne King filed an application for 100% tax exemption with the Tax Assessor, Silvia Forbes, and said application has been approved for the property tax exemption on August 5, 2022; and

WHEREAS, the 2022 taxes on 114 Elmwood Ave. were billed and paid in the amount of \$7,820.83 and the exempt portion of taxes is \$3,193.07; and

WHEREAS, the 2023 taxes on 114 Elmwood Ave. were paid in the amount of \$1,955.21 for the first quarter and the exempt portion of taxes is \$1,955.21; and

WHEREAS, the Tax Collector requests authorization to refund the overpayment of taxes as of the date of the approved tax exemption application, August 5, 2022, for the total amount of \$5,148.28.

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that the Tax Collector's office is authorized and directed to refund the overpaid exempt portion of taxes to Wells Fargo Bank, N.A. in the amount of \$5,148.28 due to the approved 100% Disabled Veteran tax exemption.

Adopted

Cox - Vick 13. Authorize Service Agreement to Repair Sole Source Ravo Street
Sweeper – Northeast Sweepers February 27, 2022 until February 28, 2023
– Not to Exceed \$80,000.00

AUTHORIZE SERVICE AGREEMENT TO REPAIR SOLE SOURCE RAVO STREET SWEEPER

WHEREAS, Public Works leased two Ravo Street Sweepers to clean various streets in the Township; and

WHEREAS, the maintenance and repair agreement does not include routine repairs and collusion damage; and

WHEREAS, pursuant to N.J.S.A. 40A:11-5(1)(d)(d), parts and services can only be purchased from Northeast Sweepers, 20 Montesano Road, Fairfield, NJ 07004

WHEREAS, the Administration would like to request a sole source exemption for parts and service of the two Ravo Street Sweepers; and

WHEREAS, the Administration will like to award a contract to Northeast Sweepers, 20 Montesano Road, Fairfield, NJ 07004 for an amount not to exceed \$80,000.00

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Irvington in the County of Essex, and State of New Jersey, that Public Works is authorized to purchase parts and service from Northeast Sweepers, 20 Montesano Road, Fairfield, NJ 07004 starting on February 27, 2022 until February 28, 2023 for an amount not to exceed \$80,000.00.

BE IT FUTHER RESLOVED that the required certification of availability of funds C23-0031 in the amount of \$80,000.00 from account number C-04-56-852-019-905 has been obtained from the Chief Financial Officer.

Adopted

Evans – Brown

14. Award Contract Over The Pay To Play Threshold for Inflatables
Equipment for Various Township Events - N-Flatables, DBA/Great Air Inc.

**AWARDING A CONTRACT OVER THE PAY TO PLAY THRESHOLD FOR INFLATABLES
EQUIPMENT FOR VARIOUS TOWNSHIP EVENTS**

WHEREAS, the Mayor Office wishes to purchase inflatables equipment to use at various Township events, and;

WHEREAS, the Mayors Office has obtained three quotes for this service, herein attached.

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

WHEREAS, N-Flatables, DBA/Great Air Inc, has provided the lowest quote for this service, and;

WHEREAS, in compliance with 19:44a-20.13 et., seq., N-Flatables, DBA/Great Air Inc will exceed the Pay-to-Play threshold of \$17,500.00 for calendar year 2023; and,

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

WHEREAS, all purchases to the above vendor will not exceed the bid threshold of \$44,000.00; and

NOW, THEREFORE, BE IT RESOLVED, that the Municipal Council of the Township of Irvington hereby authorizes the Qualified Purchasing Agent to pay N-Flatables, DBA/Great Air Inc in excess of the pay to play threshold \$17,500.00 but under the bid threshold of \$44,000.00; and

BE IT FUTHER RESOLVED, that the required certification of availability of funds C23-0040 in the amount of \$43,383.00 from account number C-04-56-848-012-901 has been obtained from the Chief Financial Officer, 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 additional vendors exceeding the bid threshold of \$17,500.00.

Adopted

Vick – Cox

15. Authorize a Service Contract For Proprietary Software for the Public Safety Department - Power DMS Incorporated - \$17,337.54

**RESOLUTION TO PURCHASE PROPERITARY SOFTWARE TECHNOLOGY
FOR THE PUBLIC SAFETY DEPARTMENT**

WHEREAS, the Public Safety Department is required to use a document management program to distribute administration polices, general orders, memos and other vital documents to all members; and

WHEREAS, the technology and maintenance are proprietary software for Power DMS Incorporated; and

WHEREAS, the total cost of this software will exceed the quote threshold; and

WHEREAS, under New Jersey Local Public Contract (NJSA 40A:11-5dd), the Township may award a contract for proprietary software in lieu of bidding; and

WHEREAS, the Township would like to take advantage of provisions of NJSA 40:11-5 (dd) and award a service contract to Power DMS, INC for the total sum of \$17,337.54.

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON hereby authorizes a service contract to for Power DMS Incorporated, 2120 Park Place, Suite 100, El Segundo, CA 90245 under provisions of NJSA 40:11-5dd to purchase proprietary software for the total sum of \$17,337.54; and

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

BE IT FURTHER RESOLVED that the required availability of funds C23-0030 in the amount of \$8,689.57 charged to budget account number 3-01-25-240-240-118 and C23-0035 charged to account number 3-01-25-265-265-140 has been obtained from the Chief Financial Officer,

Adopted

Frederic – Vick

16. Constable Appointment - Delworth Wilson

BE AND IT IS HEREBY RESOLVED by the Municipal Council of the Township of Irvington, New Jersey that Delworth Wilson, 15 – 17 Robert Place, in the Township of Irvington, be and he is hereby appointed to the Office of Constable for a term of three years from the date of February 14, 2023; and

BE IT FURTHER RESOLVED THAT the above named person shall be notified of his appointment for the term aforesaid by the Township Clerk and directed to present himself to him and take and subscribe to the oath as provided by law, and to file with the Township Clerk at the same time a surety bond in the sum of \$1,000.00 to remain in force for the full term set forth, the surety on said bond being a surety company duly authorized to do business in the State of New Jersey, said bond to be conditioned as provided by law, and that said bond be approved as to form by the Township Attorney.

Adopted

Cox - Hudley

17. Constable Appointment - Khamil Bowman

BE AND IT IS HEREBY RESOLVED by the Municipal Council of the Township of Irvington, New Jersey that Khamil Bowman, 264 – 21st Street, #3, in the Township of Irvington, be and he is hereby appointed to the Office of Constable for a term of three years from the date of February 14, 2023; and

BE IT FURTHER RESOLVED THAT the above named person shall be notified of his appointment for the term aforesaid by the Township Clerk and directed to present himself to him and take and subscribe to the oath as provided by law, and to file with the Township Clerk at the same time a surety bond in the sum of \$1,000.00 to remain in force for the full term set forth, the surety on said bond being a surety company duly authorized to do business in the State of New Jersey, said bond to be conditioned as provided by law, and that said bond be approved as to form by the Township Attorney.

Adopted

Cox - Vick

18 Authorize Purchases Under The Essex County Co-Op Of New Jersey Cooperative Purchasing Program Over The Bid Threshold Of \$44,000.00 – Advanced Enterprises Recycling DBA Dart - Disposal of Type 13 Solid Waste - Not to Exceed \$650,000.00 for the Year

AUTHORIZING PURCHASES UNDER THE ESSEX COUNTY CO-OP 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 Essex County Cooperative Purchasing Program on behalf of their members; and

WHEREAS, Essex County Co-op has awarded solid waste transfer fee for type 13 solid waste to Advanced Enterprises Recycling DBA Dart; and,

WHEREAS, Advanced Enterprises Recycling DBA Dart located at 540 Doremus Ave Newark, NJ 07105 will exceed the bid threshold of \$44,000.00 for calendar year 2023; and

WHEREAS, based on the estimated tonnage, the total amount that will be paid to this vendor is an amount not to exceed \$650,000.00 for the year; and

WHEREAS, the Township of Irvington intends to enter into this contract with Advanced Enterprises Recycling DBA Dart over the bid threshold of 44,000.00 through this resolution and properly executed purchase orders for disposal of type 13 solid waste for an amount not to exceed \$650,000.00.

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of Irvington authorizes the purchasing agent to pay this vendor over the bid threshold of \$44,000.00 pursuant to all the conditions of Essex County Co-op contract; and

BE IT FURTHER RESOLVED, that the total payments to this vendor for calendar year 2023 shall not exceed \$650,000.00

BE IT FURTHER RESOLVED that the duration of this authorization shall be until December 31, 2023

BE IT FURTHER RESOLVED that the required certification of availability of funds, C23-0029 in the amount of \$200,000.00 was obtained from the Chief Financial Officer from account number 3-01-32-465-465-118 and the remaining balance of \$450,000.00 will be certified upon the adoption of the 2023 budget.

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

Hudley - Cox

19. Authorize a Shared Services Agreement with the Township Of Irvington and Irvington Library for the Provision Of Security Guard Services – May 1, 2023 – April 30, 2026 - \$2,666.67 per month for 10 Months and \$1,333.33 for months of July and August Plus \$100.00 Per Event for Special Events

A SHARED SERVICES AGREEMENT WITH THE TOWNSHIP OF IRVINGTON AND IRVINGTON LIBRARY FOR THE PROVISION OF SECURITY GUARD SERVICES

WHEREAS, the Township of Irvington, has been in discussions to share services with the Irvington Public Library so as to mutually and respectively reduce the cost of providing such services between the Township and Irvington Public Library; and

WHEREAS, the Irvington Public Library is in need of unarmed Community Service Officers to provide security and protection of residents while during the Library; and

WHEREAS; the Township of Irvington, Police Department has unarmed Community Service Officers that provide this service to the Irvington Public Library; and

WHEREAS, the Irvington Municipal Council finds that it is the public interest to enter a shared service agreement, pursuant to the provisions of NJSA 40A:65-1 et seq., the Uniformed Shared Services and Consolidation Act, to enter such an agreement for security services to be provided by the Township; and

NOW THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that a shared-service agreement between the Township and Irvington Public Library is hereby authorized for security services for three years from May 01, 2023 to April 30, 2026; and.

BE IT RESOLVED Attorney is hereby authorized and directed to review and approve shared-service agreement and the Mayor and Township Clerk are authorized and directed to sign the same; and

BE IT RESOLVED the Township of Irvington will invoice the Library on a monthly basis for this contract and the Library shall remit payment to the Township on a monthly basis.

Adopted

Cox - Hudley 20. Authorize Acceptance of \$10,000.00 in Funding From the New Jersey Department of Law and Public Safety, Office of Attorney General With No Match Requirement to Enhance the Emergency Management Program - July 1, 2022 through June 30, 2023

WHEREAS, on November 7, 2022, the New Jersey Department of Law and Public Safety Office of the Attorney General has made funding available through the Irvington Township of Emergency Management for the Department of Public Safety to enhance their Emergency Management Program; and

WHEREAS, the OEM Coordinator, John F. Brown, of the Township of Irvington has agreed in accordance with grant award, Subaward Number: FY20-EMPG-EMAA-0709, Emergency Management Performance Grant-EMPG/Emergency Management Assistance-EMAA, that funds shall be used to enhance the Emergency Management Program and shall be aligned with the scope for approved Department of Public Safety activities; and

WHEREAS, said assistance is to be utilized for the subaward period from July 1, 2022, through June 30, 2023, and is designated for the Irvington Department of Public Safety Division to enhance the Emergency Management Program and the funds will be used for said purposes:

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that the Mayor be and is hereby authorized to accept funding from the New Jersey Department of Law and Public Safety Office of Attorney General to enhance the Emergency Management Program and the funds will be used for Emergency Management purposes in the amount of \$10,000.00 from July 1, 2022 through June 30, 2023; and

BE IT FURTHER RESOLVED it is understood that the award has a No Match Requirement.

Adopted

10. Communication and Petitions

A. Communications

None

11. Pending Business

None

NON-CONSENT AGENDA ITEMS

9. Resolutions (Continued)

President Beasley: The public hearing, which has been properly advertised, on the Township's funding application through the State of NJ Green Acres Program and Urban Parks for improvements at Center Playground (Civic Park) located at Civic Square, Irvington, NJ between Springfield Avenue and Clinton Avenue will be heard at this time. The public is encouraged to ask questions or provide comments on the concept plan, which is available at www.irvington.net. Information pertaining to the proposed project, including the concept plan, is also available in tonight's Zoom Chat Room. Is there anyone that would like to be heard on this matter?

There were no requests to be heard.

Cox – Evans

Motion to close public hearing.

Adopted

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

NO: None

Frederic - Cox

21. Green Acres Enabling Resolution

**CENTER PLAYGROUND RENOVATIONS –
STATE OF NEW JERSEY
DEPARTMENT OF ENVIRONMENTAL PROTECTION**

GREEN ACRES ENABLING RESOLUTION

WHEREAS, the New Jersey Department of Environmental Protection, Green Acres Program ("State"), provides loans and/or grants to municipal and county governments and grants to nonprofit organizations for assistance in the acquisition, development, and stewardship of lands for outdoor recreation and conservation purposes; and

WHEREAS, the Township of Irvington desires to further the public interest by obtaining funding in the amount of

\$ 776,310.00 in the form of a \$ 776,310.00 matching grant and, if available, a \$ 776,310.00 loan, from the State to fund the following project(s): Center Playground (Civic Park) Renovations at a project cost of \$ 776,310.00;

WHEREAS, the State shall determine if the application is complete and in conformance with the scope and intent of the Green Acres Program, and notify the applicant of the amount of the funding award; and

WHEREAS, the applicant is willing to use the State's funds in accordance with such rules, regulations and applicable statutes, and is willing to enter into an agreement with the State for the above-named project;

NOW, THEREFORE, the governing body/board resolves that:

1. Musa Malik or the successor to the office of Business Administrator is hereby authorized to:
 - (a) make application for such a loan and/or such a grant,
 - (b) provide additional application information and furnish such documents as may be required, and
 - (c) act as the authorized correspondent of the above-named applicant;
2. The applicant agrees to provide its matching share to the Green Acres funding request, if a match is required, In the amount of \$776,310.00;
3. In the event the State's funds are less than the total project cost specified above, the applicant has the balance of funding necessary to complete the project;
4. The applicant agrees to comply with all applicable federal, state, and local laws, rules, and regulations in its performance of the project; and
5. This resolution shall take effect immediately.

CERTIFICATION

I, Harold E. Weiner, Municipal Clerk of the Township of Irvington do hereby certify that the foregoing is a true copy of a resolution adopted by the Municipal Council of the Township of Irvington at a meeting held on the _____ day of _____, 2023.

IN WITNESS WHEREOF, I have hereunder set my hand and the official seal of this body this _____ day of _____, 2023.

Harold E. Weiner, Municipal Clerk of the Township of Irvington

Adopted

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

NO: None

Frederic - Hudley

22. Urban Parks Enabling Resolution

**CENTER PLAYGROUND RENOVATIONS –
STATE OF NEW JERSEY
DEPARTMENT OF ENVIRONMENTAL PROTECTION
URBAN PARKS**

ENABLING RESOLUTION

WHEREAS, the New Jersey Department of Environmental Protection, Green Acres Program (“State”), is providing grants through the Urban Parks initiative; and

WHEREAS, the Township of Irvington desires to further the public interest by obtaining grant funding in the amount of \$776,310.00 from the state to fund the following project: Center Playground (Civic Park) Renovations at a project cost of \$ 776,310.00;

WHEREAS, the State shall determine if the application is complete and in conformance with the scope and intent of the Urban Parks initiative, and notify the applicant of the amount of the funding award; and

WHEREAS, the applicant is willing to use the State’s funds in accordance with applicable policies and laws, and is willing to enter into an agreement with the State for the above-named project;

NOW, THEREFORE, the governing body/board resolves that:

1. Musa Malik or the successor to the office of Business Administrator is hereby authorized to:
 - (a) make application for such a loan and/or such a grant,
 - (b) provide additional application information and furnish such documents as may be required, and
 - (c) act as the authorized correspondent of the above-named applicant;
2. In the event the State’s funds are less than the total project cost specified above, the applicant has the balance of funding necessary to complete project;
3. The applicant agrees to comply with all applicable federal, state, and local laws, rules, and regulations in its performance of the project and
4. This resolution shall take effect immediately.

CERTIFICATION

I, Harold E. Weiner, Municipal Clerk of the Township of Irvington do hereby certify that the foregoing is a true copy of a resolution adopted by the Municipal Council of the Township of Irvington at a meeting held on the _____ day of _____, 2023.

IN WITNESS WHEREOF, I have hereunder set my hand and the official seal of this body this _____ day of _____, 2023.

Harold E. Weiner, Municipal Clerk of the Township of Irvington

Adopted

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

NO: None

Cox – Evans

23. Award Professional Services Contract for the Conversion of the
Concept Plan for Center Playground to Autocad Software - Arcari &
Iovino - Not To Exceed \$ 250.00

**RESOLUTION TO AWARD A PROFESSIONAL SERVICES CONTRACT
FOR PROFESSIONAL SERVICES FOR THE PREPARATION OF A GRANT APPLICATION FOR THE
CENTER PLAYGROUND**

WHEREAS, the Township of Irvington desires to submit a grant application of Center Playground as part of the New Jersey department of Environmental Protection's Urban Parks Grant Program; and

WHEREAS, the application requires that all plans submitted under this grant be prepared with the use of AutoCAD software, which is currently not available in the township's software inventory; and

WHEREAS, in order to accomplish this task the Township Engineer solicited quotes from the 4 architectural firms and 6 engineering firms that are under the township's annual contracts for professional services and the Township Engineer received 6 responses to this request; and

WHEREAS, the Township Engineer has reviewed these six (6) quotes and determined that the quote of the firm of Arcari & Iovino of \$ 250.00 to perform these services is the most cost effective quote received and recommends an award of a professional services contract to that firm for this work.

NOW, THEREFORE, BE IT RESOLVED BY MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that a contract for professional services for the conversion of the concept plan for Center Playground is awarded to Arcari & Iovino at their proposed price not to exceed \$ 250.00.

BE IT FURTHER RESOLVED that pursuant to N.J.A.C. 5:34-5.2, the required Certificate of Availability of Funds No C23-0042 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 \$ 250.00 is Account 3-01-20-100-100-299.

Adopted

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

NO: None

8. Ordinances, Bills & Claims

B. Ordinances on Second Reading

1. President Beasley: The public hearing on a \$9,350,000 Bond Ordinance for Irvington's share of the Flood mitigation facilities project of the Joint Meeting was held on February 14, 2023 and final adoption adjourned until this date. The Clerk will read the Ordinance by title.

**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

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

SECTION 1. The improvements described in Section 3 of this bond ordinance are hereby authorized to be undertaken by the Joint Meeting of Essex and Union Counties (the "Joint Meeting") on behalf of the Township of Irvington, in the County of Essex, State of New Jersey (the "Local Unit"), as general improvements. For the said improvements stated in Section 3, there is hereby appropriated the amount of \$9,350,000. Pursuant to the provisions of N.J.S.A. 40A:2-11(c) of the Local Bond Law, N.J.S.A. 40A:2-1 *et seq.*, as amended and supplemented (the "Local Bond Law"), no down payment is required as this bond ordinance authorizes obligations for environmental infrastructure projects that are to be funded by loans from the New Jersey Infrastructure Bank (the "I-Bank") and the State of New Jersey, acting by or through the Department of Environmental Protection.

SECTION 2. For the financing of said improvements or purposes described in Section 3 hereof and to meet the \$9,350,000 appropriation, negotiable bonds of the Local Unit are hereby authorized to be issued in the principal amount of \$9,350,000 pursuant to, and within all limitations prescribed by, the Local Bond Law and the Municipal Qualified Bond Act, N.J.S.A 40A-3-1 *et seq.*, as amended and supplemented. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable notes of the Local Unit in a principal amount not exceeding \$9,350,000 are hereby authorized to be issued pursuant to, and within the limitations prescribed by, said Local Bond Law.

SECTION 3. The improvements hereby authorized and purposes for the financing of which said debt obligations are to be issued are for the Local Unit's allocable share of capital improvement projects being undertaken by the Joint Meeting for (a) the unfunded portion of Phase II of the Flood Mitigation

Facilities Project (Co-Generation Upgrade), consisting of (i) upgrades to the existing Co-Generation Facility to power an Effluent Pumping Station, two stormwater pumping stations and the Sludge Dewatering Facility, (ii) the acquisition and installation of two engine generator sets and associated equipment including all required electrical and instrumentational connections to integrate the new engines into the existing systems, (iii) the acquisition and installation of digester gas and natural gas piping to the new engines, (iv) construction of a new substation at the Sludge Dewatering Facility, and (v) the installation of medium voltage connections to the Co-Generation grid ("Phase II(b)"); (b) the unfunded portion of Phase III of the Flood Mitigation Facilities Project (Main Treatment Plant Walls), consisting of, but not limited to, the construction of reinforced concrete flood protection walls around the Main Treatment Plant site, including, but not limited to, the installation of four flood protection swing gates, the demolition of the existing guard house and the construction of a new guard house, the construction of five storm sewer isolation chambers with sluice gates and electric actuators, the realignment and repaving of various treatment plant roadways, the construction of a new emergency access roadway, the relocation and protection of existing utilities and associated grading and site restoration ("Phase III(b)"); (c) Phase IV of the Flood Mitigation Facilities Project (Stormwater Pumping Station), consisting of the rehabilitation of the existing Army Corps of Engineers (ACOE) Stormwater Pumping Station including the removal of existing equipment, modifications to the existing pumping station structure, installation of three new storm water pumps and discharge piping, replacement of two existing sluice gates, installation of two new sluice gates, modifications to the existing storm water piping influent to the pumping station, replacement of storm water inlet gratings, installation of a new seal water service to the pumping station, installation of new electrical power to the pumping station and site restoration ("Phase IV"); (d) Phase V of the Flood Mitigation Facilities Project (Biosolids Site Wall), consisting of the construction of reinforced concrete flood walls on piles with steel sheeting subsurface cut-off walls around the four sides of the Biosolids Facilities Site including installation of flood gates for vehicular access, modifications to the existing entrance roadways,

construction of stormwater facilities to redirect on-site stormwater to the proposed Biosolids Stormwater Pumping Station and coordination with and/or relocation of various utilities within the project area ("Phase V"); and (e) Phase VI of the Flood Mitigation Facilities Project (Biosolids Stormwater Pumping Station), consisting of a below ground reinforced concrete stormwater pumping station for the Biosolids Facilities Site including modifications to the site stormwater collection system to redirect the flow of on-site stormwater into the pumping station, installation of submersible stormwater pumps and associated piping, valves, electrical and instrumentation equipment and site restoration ("Phase VI"; and together with Phase II(b), Phase III(b), Phase IV and Phase V, the "Project").

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

b. The aggregate estimated maximum amount of bonds or notes to be issued by the Local Unit for said improvements or purposes is \$9,350,000.

c. The aggregate estimated cost of said improvements or purposes to be paid by the Local Unit is \$9,350,000.

SECTION 4. In the event the United States of America (including the Federal Emergency Management Agency ("FEMA")), the State of New Jersey and/or the County of Essex make a loan, contribution or grant-in-aid to the Local Unit for the improvements authorized hereby and the same shall be received by the Local Unit prior to the issuance of the bonds or notes authorized in Section 2 hereof, then the amount of such bonds or notes to be issued shall be reduced by the amount so received from the United States of America (including FEMA), the State of New Jersey and/or the County of Essex. In the event, however, that any amount so loaned, contributed or granted by the United States of America (including

FEMA), the State of New Jersey and/or the County of Essex shall be received by the Local Unit after the issuance of the bonds or notes authorized in Section 2 hereof, then such funds shall be applied to the payment of the bonds or notes so issued and shall be used for no other purpose. This Section 4 shall not apply, however, with respect to any contribution or grant-in-aid received by the Local Unit as a result of using such funds from this bond ordinance as "matching local funds" to receive such contribution or grant-in-aid.

SECTION 5. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer of the Local Unit, provided that no bond anticipation note shall mature later than one year from its date, unless such bond anticipation notes are permitted to mature at such later date in accordance with the provisions of the New Jersey Infrastructure Trust Act, N.J.S.A. 58:11B-1 *et seq.* (the "NJIT Act"). The bond anticipation notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer of the Local Unit shall determine all matters in connection with the bond anticipation notes issued pursuant to this bond ordinance, and the signature of the Chief Financial Officer upon the bond anticipation notes shall be conclusive evidence as to all such determinations. All bond anticipation notes issued hereunder may be renewed from time to time in accordance with the provisions of Section 8.1 of the Local Bond Law and, as applicable, the provisions of the NJIT Act. The Chief Financial Officer is hereby authorized to sell part or all of the bond anticipation notes from time to time at public or private sale at not less than par and to deliver them to the purchaser thereof upon receipt of payment of the purchase price and accrued interest thereon from their dates to the date of delivery thereof. The Chief Financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the bond anticipation notes pursuant to this bond ordinance is made. Such report must include the principal amount, the description, the interest rate and the maturity schedule of the bond anticipation notes so sold, the price obtained and the name of the purchaser.

SECTION 6. The Local Unit hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Local Unit is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

SECTION 7. The following additional matters are hereby determined, declared, recited and stated:

a. The purposes described in Section 3 of this bond ordinance are not current expenses and are improvements that the Local Unit may lawfully undertake as general improvements, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

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

c. The supplemental debt statement required by the Local Bond Law has been duly made and filed in the Office of the Clerk of the Local Unit and a complete executed duplicate thereof has been filed in the Office of the Director of the Division of Local Government Services within the Department of Community Affairs of the State of New Jersey, and such statement shows that, while the net debt of the Local Unit determined as provided in said Local Bond Law is not increased by this bond ordinance, the gross debt of the Local Unit, as defined in the Local Bond Law, is increased by the authorization of the bonds and notes provided for in this bond ordinance by \$9,350,000 and the said obligations authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

d. An aggregate amount not exceeding \$1,507,302 for items of expense listed in and permitted under Section 20 of the Local Bond Law is included in the estimated cost indicated herein for the improvements hereinbefore described.

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

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

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

SECTION 10. The Local Unit covenants to maintain the exclusion from gross income under Section 103(a) of the Internal Revenue Code of 1986, as amended, of the interest on all bonds and notes issued under this ordinance on a tax-exempt basis.

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

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

The Chair recognizes Council Member Vick.

Vick - Frederic

Motion to adopt this ordinance on second reading after public hearing

Adopted

2. President Beasley: An ordinance supplementing Section 462-3 of the Revised Code regarding fees 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 SECTION 462-3 OF THE REVISED CODE REGARDING FEES FOR MOTOR VEHICLE ACCIDENT REPORTS

BE IT ORDAINED BY THE MUNICIPAL COUNCIL as follows:

SECTION 1. Section 462-3 of the Revised Code is hereby amended and supplemented as follows:

462-3 O. Accident Reports (with respect to emailed or faxed reports):

If copies of reports are requested other than in person, an additional fee of up to \$5.00 may be added to cover the administrative costs of the report.

SECTION 2. All ordinances or parts thereof that are inconsistent herewith are hereby repealed.

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

The public hearing on this Ordinance is now open

There were no requests to be heard.

Brown – Vick

Motion to close public hearing

Adopted

Brown – Vick

Motion to adopt this ordinance on second reading after public hearing

Adopted

3. President Beasley: An ordinance regarding beekeeping 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 for Beekeeping in the Township of Irvington

Purpose: The purpose of this section is to encourage persons who keep bees in the Township of

Irvington to properly maintain hives, comply with state regulatory requirements and be considerate of neighbors and other residents of the Township by managing bees so that they do not become a nuisance to neighbors or other residents of the Township of Irvington.

Definitions

As used in this chapter, the following words shall have the following meanings:

Adequate source of water means a constant and continuous source(s) of water provided by the beekeeper, or naturally available on the same property as the hives.

Adjoining property means any property that shares any boundary with the property upon which the subject apiary is located.

Apiary means one or more hives (each containing a colony) of honeybees that are kept at a single location. The property where the hive(s) are located may or may not be owned by the owner of the hives. If used for overwintering hives, apiaries must be registered pursuant to N.J.A.C. 2:24-3.1.

Bee means members of the genus *Apis*.

Beekeeper means any person or entity who owns and engages in the breeding or keeping of honeybee hive or hives.

Colony means an aggregate of bees, the hive, and associated equipment, including honeybees, comb, pollen, and brood.

Department means the New Jersey Department of Agriculture.

Governing Authority means the Department or its designee or, if the Department delegates authority to a municipality, the governing body of the municipality or its designee as approved by the Department pursuant to N.J.A.C. 2:24-7.4. **“Hive”** means the manmade structure with removable frames intended for the housing of and that contain a colony of bees.

Whereas the Township of Irvington seeks to implement practices for beekeepers that reduce any potential conflicts with neighboring property owners, residents, and guests of the Township.

THEREFORE, The Municipal Council of the Township of Irvington Ordains

SECTION I Compliance with all New Jersey Department of Agriculture Rules and Regulations.

Any person who is a beekeeper in the Township of Irvington must comply with all rules and regulations promulgated by the Department of Agriculture including but not limited to Title 4 Agriculture and Domestic Animals Chapter 6 4:6 et seq.

SECTION II Colony Density

Pursuant to N.J.A.C 2:24-7.2 the colony density shall be as follows:

<u>Tract of Land Size</u>	<u>Number of Colonies Allowed</u>
up to ¼ Acre	3
½ Acre	6
¾ Acre	9
1 Acre	12
Over 1 Acre	3 per ¼ acre not to exceed 40 hives

SECTION III Requirements for beekeeping within the Township

1. There must be no more than three (3) hives of honeybees per lot size of one-quarter acre or less.
2. When a colony is situated less than 10 feet from a property line, the beekeeper must establish a flyway barrier. This should be at least 6 feet tall and extend 10 feet beyond the colony on either side. It can be solid, vegetative or any combination of the two, that forces the bees to cross the property line at a height of 6 feet.
3. All beekeeping equipment and hives must be maintained in good condition.
4. All colonies must be kept in movable frame hives in accordance with N.J.S.A. 4:6-10.
5. All hives shall be placed at ground level or securely attached to an anchor or stand. If the hive is securely attached to an anchor or stand, the Township may permit the anchor or stand to be permanently attached to a roof surface.
6. All apiaries must have on site an adequate source of clean water within 25 feet of the hive(s) at all times (especially between March 1st and October 31st).
7. All colonies must be located at least 25 feet from a public sidewalk, alley, street, or road.
8. All colonies must be inspected by the beekeeper or his delegate no less than three times between March 1st and October 1st of each year.
9. A substantial barrier/fence must be erected to prevent animals and children from coming into close contact with the hives.

SECTION IV Permit

1. It shall be unlawful for any person to keep bees within the Township of Irvington without first obtaining a permit.
2. Permit. The initial fee for obtaining a permit for beekeeping shall be \$.00 for the first year and shall be renewable each year in accordance with the fee schedule set by the Township of Irvington.

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

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

The public hearing on this Ordinance is now open

There were no requests to be heard.

Vick - Brown

Motion to close public hearing

Adopted

Vick - Brown

Motion to adopt this ordinance on second reading after public hearing

Adopted

4. President Beasley: An ordinance prohibiting All-Terrain Vehicles (ATVs) on public streets and authorizing unregistered ATVs and dirt bikes abandoned, stored or parked on a public street, sidewalk or alley to be impounded or destroyed will be heard at this time. For the record, this notice is identical to the first notice read. The Clerk will read the ordinance by title.

An Ordinance Amending and Supplementing Chapter 620. Vehicles and Traffic Article XXV Pocket Bikes to prohibit use of All Terrain Vehicles, or Dirt Bikes in the Township of Irvington and subjecting (the illegal use) same to seizure and forfeiture

Whereas N.J.S.A. 39:3C-35 authorizes a municipality to declare, by ordinance, that an all-terrain vehicle (“ATV”) or dirt bike operated on any public street, highway, or right of way in violation of N.J.S.A. 39:3C-17 poses an immediate threat to the public health, safety, or welfare and designate such ATV’s or dirt bikes operated in a such manner contraband subjected to forfeiture in accordance with N.J.S.S. 2C:64-1 et seq.; and

Whereas an all-terrain vehicle or dirt bike operated on any public street, highway, or right of way in violation of section 17 of P.L.1973, c307 (C.39:3C-17) poses an immediate threat to the public health, safety, or welfare of the residents of the Township of Irvington; and

Whereas the Municipal Council of the Township of Irvington hereby declares that any all-terrain vehicle or dirt bike operated on a public street, highway, or right-of-way is contraband subject to forfeiture in accordance with the provisions of N.J.S.A. 2C:64-1 et seq.; and

NOW THEREFORE, BE IT ORDAINED by the Municipal Council of the Township of Irvington that Chapter 620. Vehicles and Traffic, Article XXV Pocket Bikes shall be amended and supplemented as follows:

Definitions

All-Terrain Vehicle or ATV means a motor vehicle, designed and manufactured for off-road use only, of a type possessing between three or six non-highway tires, but shall not include golf carts or an all-terrain vehicle operated by an employee or agent of the State, County, a municipality, or a fire district, or a member of an emergency service organization or an emergency medical technician which is used while in the performance of the employee’s, agent’s, member’s or technician’s official duties.

Dirt Bike means any two-wheeled motorcycle that is designated and manufactured for off-road use only and that does not comply with Federal Motor Vehicle Safety Standards or United States Environmental Protection Agency on-road emissions standards.

Section I:

No person shall operate a all-terrain vehicle or dirt bike as defined by N.J.S.A. 39:3C-1, on any public street, highway, or right-of-way in the Township of Irvington in violation of section 17 of P.L. 1973, c307 (C.39:3C-17). Any all-terrain vehicle or dirt bike operated on a public street, highway, or right-of-way in such a manner is declared contraband subject to forfeiture in accordance with N.J.S.A. 2C:64-1 et seq.

Section 2: In addition, hereto, any unregistered or uninsured all-terrain vehicle or dirt bike as defined pursuant to N.J.S.A. 39:3C-1 abandoned, stored, or parked on a public street, sidewalk or in an alley shall be subject to impoundment in accordance with the provisions of N.J.S.A. 2C:64-6 or may be destroyed.

Section 3: If any portion of clause of this ordinance is declared invalid for any reason, it shall not affect the validity or constitutionality of any other part or portion of this ordinance.

Section 4: All ordinances or parts of ordinances inconsistent with the provisions of this ordinance are hereby repealed.

The public hearing on this Ordinance is now open

There were no requests to be heard.

Cox - Vick

Motion to close public hearing

Adopted

Cox - Vick

Motion to adopt this ordinance on second reading after public hearing

Adopted

5. President Beasley: An ordinance to regulate retail food establishments, temporary retail food establishments, temporary mobile retail food establishments and provide for penalties for violations will be heard at this time. For the record, this notice is identical to the first notice read. The Clerk will read the ordinance by title.

**AN ORDINANCE AMENDING CHAPTER 34, ARTICLE I THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF IRVINGTON
(Retail Food Establishment Licensing)**

BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON, NEW JERSEY that Article I of the Chapter 34 of the Revised General Ordinances of the Township of Irvington be and are hereby amended as follows:

I. PURPOSE

The purpose of this ordinance is to revise the municipal code section governing licensing for retail food establishments to incorporate inspection and fee provisions for the operation of ancillary food delivery vehicles within the Township of Irvington.

II. CHAPTER 34, ARTICLE I SHALL BE AND HEREBY IS AMENDED AND SUPPLEMENTED TO INCORPORATE THE FOLLOWING:

324-1 Adoption of Standards.

The standards in N.J.A.C. 8:24, Sanitation in Retail Food Establishments and Food and Beverage Vending Machines, as amended, apply in the Township.

324-2 Definitions.

ANCILLARY FOOD DELIVERY VEHICLE

A vehicle that transports food prepared at a retail food establishment to a location pre-determined by the customer, contains refrigerated storage, hot holding and/or heating equipment and handwashing and warewashing/sanitizing facilities for the purposes of meal delivery, and does not accept payment for goods purchased or otherwise process sales transactions.

324-3 License required.

A. No person shall operate a retail food establishment or temporary retail food establishment unless a license to operate the same shall have been issued by the Division of Licensing following approval thereof from the health authority as defined in N.J.A.C. 8:24-1.5.

B. No person shall operate a retail food establishment that has been found to be "Unsatisfactory," as defined by N.J.A.C. 8:24-8.11, until the Department of Health has issued a "Satisfactory" rating pursuant to N.J.A.C. 8:24-8.11.

C. No person shall operate a newly constructed, remodeled, converted or altered retail food establishment without first obtaining approval of plans and specifications related to proposed construction, remodeling, conversion or alteration as required by N.J.A.C. 8:24-9.1 and has been inspected as required by N.J.A.C. 8:24-9.2 and receives a "Satisfactory" rating pursuant to N.J.A.C. 8:24-8.11.

D. Upon receipt of said application, the Department of Health shall conduct an investigation into the plans for preparation and serving the food, including source of food and type of equipment to be used. Upon satisfactory evidence, based upon N.J.A.C. 8:24, the Department of Health shall approve the application and allow the applicant to obtain a license from the Division of Licensing. Upon receipt of said application, the Department of Health shall inspect every retail food establishment and any and all ancillary food delivery vehicles utilized by same. The person operating a retail food establishment shall permit access to all parts of the establishment and/or ancillary food delivery vehicles and shall make available all records of food purchases on demand, and upon the request of the enforcing official. Upon satisfactory evidence, based upon N.J.A.C. 8:24, the Department of Health shall approve the application and allow the applicant to obtain a license from the Division of Licensing.

324-4 License fees.

There shall be a charge for the license required by § 324-2 as follows:

A. The annual fee for a license to operate a retail food establishment shall be \$1 per square foot of the establishment not to exceed \$1,000 initially and 1/3 of the initial fee annually thereafter. A minimum annual fee of \$300 for a license to operate a retail food establishment is hereby established. Retail food establishments that utilize ancillary food delivery vehicles shall pay an annual fee of \$75 for each vehicle.

B. The fee for a license to operate a temporary retail food establishment commencing business for less than five days shall be \$50.

C. The fee for a license to operate a temporary retail food establishment commencing business for more than five days, the licensing fee for a period of four months shall be 25% of the established annual licensing fee for that calendar year.

D. Late fees for licenses and permits.

(1) A monthly late fee of \$25, not to exceed \$300 per year, is hereby established for all licenses purchased after the conclusion of the grace period.

(2) For those new establishments commencing business from October 1 through December 31 of the year, the licensing fee shall be 25% of the established annual licensing fee for that calendar year.

(3) A five-day period of grace following the established license deadline is hereby established

324-5 Display of license.

A. Licenses issued under the provisions of this article shall be displayed in a conspicuous place near the public entrance in such a manner that the public may view the license.

B. Pursuant to N.J.A.C. 8:24-8.12, the placard rating of the most recent inspection of the retail food establishment shall be posted in a conspicuous place near the public entrance in such a manner that the public may view the rating.

324-6 Expiration date; renewal.

Licenses, other than for temporary retail food establishments, issued or approved under the provisions of this article shall expire annually on December 31 of each year, and application for renewal thereof shall be submitted, together with the required fee, from December 1 to December 31 of each year. Temporary retail food establishment licenses shall be in effect for the duration of the event.

324-7 Suspension or revocation of license.

A. A license issued under the provisions of this article may be revoked or suspended, and a request for a license may be denied, based upon just cause which shall include:

- (1) The violation of any of the provisions of this article;
- (2) The violation of any of the provisions of any other ordinance of the Township of Irvington;
- (3) The violation of any statute, regulation or code of the State of New Jersey dealing with health, disease control, sanitary practices or environmental control;
- (4) A misrepresentation of a material fact related to the source of food supplies, the medical records of food handlers or epidemiological information relating to investigation of a foodborne disease; or
- (5) Failure to comply with a lawful directive of the Health Officer or his duly appointed designee.

B. An owner or operator of a retail food establishment may appeal the suspension, revocation or denial of a license to operate and request a hearing thereon before the Health Officer by filing a written request with the Health Officer within five business days from the date of receipt of such notice of suspension, revocation or denial. Such appeal, which shall state in detail why the suspension, revocation or denial should be reversed, shall be acted upon and a hearing held within 10 business days of its receipt.

324-8 Temporary retail or temporary mobile retail food establishments; itinerant establishments.

A. Definitions. As used in this section, the following terms shall have the meanings indicated:

TEMPORARY MOBILE RETAIL FOOD ESTABLISHMENT

Any movable restaurant, truck, van, trailer, cart, bicycle, watercraft, or other movable unit, including a hand-carried, portable container in or on which food or beverages are transported, stored, or prepared for retail sale or given away at temporary locations.

TEMPORARY RETAIL OR TEMPORARY MOBILE RETAIL FOOD ESTABLISHMENT

Any retail food establishment which operates at a fixed location within the Township of Irvington municipal boundaries for a period of no more than five consecutive days in connection with a fair, carnival, circus, public exhibitions or similar transitory gatherings or meetings open to the general public.

B. No such temporary retail or temporary mobile retail food establishment shall operate without first filing an application to operate with the Department of Health. The application must be completed and submitted for approval no later than 15 days prior to the event(s).

324-9 Meat packaging.

The Township shall comply with all state and federal regulations regarding meat packaging.

324-10 Violations and penalties; schedule of fines.

A. Except as otherwise provided in this article, the penalties for violations of this article are as follows:

B.

Section	Short Description	1st Offense	2nd Offense	3rd Offense	4th Offense Maximum Fine; Court Appearance

					Required
§ 324-2	Current retail food establishment license required	\$250	\$500	\$750	\$1,000
324-4	Display of retail food establishment license	\$50	\$100	\$250	\$500
§ 324-7	Temporary retail food establishment license required	\$50	\$100	\$250	\$500

B. Any person, firm or corporation found guilty of a violation of any other terms of this article shall be subject to the penalty set forth in Chapter 1, Article III, Penalties, of the Township Code.

III. REPEAL OF CONFLICTING ORDINANCES

Any Ordinances of the Township which are in conflict with this Ordinance are hereby repealed to the extent of such conflict.

IV. SEVERABILITY

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

V. EFFECTIVE DATE

This Ordinance shall take effect upon final passage and publication in accordance with the law.

The public hearing on this Ordinance is now open

There were no requests to be heard.

Brown – Hudley

Motion to close public hearing

Adopted

Brown – Hudley

Motion to adopt this ordinance on second reading after public hearing

Adopted

12. Miscellaneous

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

Samuel Cherilus, 90 – 40th Street
 Elouise McDaniel, 214 Nesbit Terrace
 Jamar Ross, 30 Melville Place

Council President Beasley addressed the concerns raised by the above referenced citizens.

13. Adjournment

There being no further business, the meeting adjourned at 8:06 P.M.

Jamillah Z. Beasley, Council President

Harold E. Wiener, Municipal Clerk