

REGULAR COUNCIL MEETING
MAY 22, 2023

Virtual Zoom Meeting
Irvington, N.J. – Monday Evening
May 22, 2023 - 7:30 P.M.

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

Present: Vernal Cox, Sean C. Evans, Charnette Frederic, October Hudley, Jamillah Z. Beasley, President

Absent: Darlene Brown, Orlander G. Vick

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

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

There were no requests to be heard.

5. Hearing of Council Members

There were no requests to be heard.

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

A. Reports

1. Municipal Court - Weekly Summary Report For The Week Of May 1, 2023 to May 5, 2023
2. Municipal Court - Weekly Summary Report For The Week Of May 8, 2023 to May 12, 2023
3. Joint Meeting – Annual Audit Report & Compliance Resolution For Fiscal Year Ending December 31, 2021

7. Reports of Committees

- A. Request for Proposals - Various Professional Services - May 3, 2023
- B. Bid Results – 2023 Summer Food Program – May 11, 2023

8. Ordinances, Bills & Claims

A. Ordinances on First Reading

Evans – Beasley

1. Ordinance Regarding Sanitary Sewer Connections

AN ORDINANCE REGARDING SANITARY SEWER CONNECTIONS

Adopted
Absent: Brown, Vick

Hudley – Beasley 2. Revisions to Flood Plain Ordinance

**ORDINANCE FOR ADOPTION OF THE FLOODPLAIN MANAGEMENT REGULATIONS
OF THE TOWNSHIP OF IRVINGTON**

Adopted
Absent: Brown, Vick

Cox – Beasley 3. Ordinance to Exceed The Municipal Budget Appropriation Limits And To
Establish A CAP Bank – Calendar Year 2023

**CALENDAR YEAR 2023
MODEL ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO
ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14)**

Adopted
Absent: Brown, Vick

Cox – Beasley 4. Amendment To An Ordinance Creating An Abandoned Property List To
Authorize The Abandoned Property Public Officer And The Designation Of
Qualified Rehabilitation Entities

**AMENDMENT TO AN ORDINANCE CREATING AN ABANDONED PROPERTY LIST TO AUTHORIZE
THE ABANDONED PROPERTY PUBLIC OFFICER AND THE DESIGNATION OF QUALIFIED
REHABILITATION ENTITIES**

Adopted
Absent: Brown, Vick

C. Bills & Claims

Frederic – Evans 1. Bill Lists

**RESOLVED THAT THE BILLS AND CLAIMS AGAINST THE
TOWNSHIP OF IRVINGTON FOR A PERIOD MAY 22, 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

	\$3,323,695.25
SUPPLEMENTAL	\$ 16,500.00
TOTAL	\$3,340,195.25

Adopted
Absent: Brown, Vick

Cox - Beasley 2. Payrolls

May 5, 2023

TOTAL	\$2,247,228.60
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Adopted
Absent: Brown, Vick

9. Resolutions and Motions

A. Resolutions

Hudley – Beasley 1. Authorize Contract for Legal Counsel Services - Michael A. D'Aquanni, LLC - Matter of Raecharise Young v. Irvington Public Library - Not to Exceed \$3,500.00

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

WHEREAS, resolution number TA 22-1024-32 qualified six firms to provide litigation/defense counsel services for the Township of Irvington from November 01, 2022 until October 31, 2023; and

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

WHEREAS, the Township Attorney has determined that Law Office of Michael A. D'Aquanni, LLC has the most experience to defend the Township of Irvington in the matter Raecharise Young v. Irvington Public Library, et als, Docket No. L-2584-23; and

WHEREAS, the Township Attorney has recommended that a contract be awarded to Law Office of Michael A. D'Aquanni, LLC, 1481 Oak Tree Rd, Iselin, New Jersey, 08830; and

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NOW THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that a contract for Litigation/Defense counsel services be awarded to Law Office of Michael A. D'Aquanni, LLC, 1481 Oak Tree Rd, Iselin, New Jersey, 08830 for a contract amount not to exceed \$3,500.00. The billing rate for this contract is \$150.00 per hour; and

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

BE IT FURTHER RESOLVED, that funds for this service will paid from the Insurance fund for a contract amount not to exceed \$3,500.00. The billing rate for this contract is \$150.00 per hour.

Adopted
Absent: Brown, Vick

Cox – Hudley

2. Reject Request for Proposals and Request for Qualifications –
Workers Compensation and Budget Consultant – Fatal Errors in Bid Submission
and Failure to Submit Required Bid Documents

REJECTING RFQ FOR WORKERS COMPENSATION AND RFP BUDGET CONSULTANT SERVICES

WHEREAS, on May 03, 2023, the Township of Irvington accepted and opened RFQ for Workers Compensation and RFP Budget Consultant services; and

WHEREAS, the Township received seven RFQ and one RFPs for these services; and

WHEREAS, Administration wishes to reject all bids on the basis that bids received has fatal errors and the vendors did not submit the required documents; and

WHEREAS, the Local Public Contract Law, 40A:11-13.2. provides that a municipality may reject all bids for fatal errors; and

NOW THEREFORE BE IT RESOVED by the Council of Township of Irvington, in the County of Essex, that all RFP and RFQ received for Workers Compensation and Budget Consultant Services are hereby rejected in accordance with the Local Public Contracts Law, NJSA40A:11-13.2..

Adopted
Absent: Brown, Vick

Hudley – Cox

3. Authorize Contract for Labor Counsel - Florio, Perrucci, Steinhardt & Fader – One Year - Not to Exceed \$75,000.00

RESOLUTION AUTHORIZING FAIR AND OPEN PROFESSIONAL SERVICE CONTRACT FOR LABOR COUNSEL

WHEREAS, the Request for Proposals for professional Labor counsel services was publicly advertised in the New Jersey Star Ledger on April 12, 2023 with a deadline for proposals to be submitted on May 03, 2023; and

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WHEREAS, two qualifications were received and publicly opened; and

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

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

Florio, Perrucci, Steinhardt & Fader
218 RT. 17N, Suite 410
Rochelle Park, NJ 07662

NOW THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that a contract for Labor Attorney be awarded to Florio, Perrucci, Steinhardt & Fader, 218 RT. 17N, Suite 410, Rochelle Park, NJ 07662, on the basis of their response to the request for proposal selection criteria and qualifications, for an amount not to exceed \$75,000.00. The provider will be paid \$6,250.00 per month for all labor related work for one year July 01, 2023 until June 30, 2024; 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, certification number C23-0095 for the two month of services was obtained from the Chief Financial Officer and the appropriation to be charged for this expenditure is 3-01-20-155-155-299 in the amount of \$12,500.00 and the remaining balance of \$62,500.00 will be certified on the adoption of the Calendar 2023 and 2024 budgets.

Adopted
Absent: Brown, Vick

Hudley – Beasley

4. Qualify 2 Legal Firms as Foreclosure Counsel

RESOLUTION AUTHORIZING QUALIFYING LIST OF FORECLOSURE COUNSELS

WHEREAS, the Request for Qualifications for professional Foreclosure counsel services was publicly advertised in the New Jersey Star Ledger on April 12, 2023 with a deadline for qualifications to be submitted on May 03, 2023; and

WHEREAS, two qualifications were received and publicly opened; and

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

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

Goldenberg, Mackler, Sayeih GMS Law
Keith A. Bonchi
660 New Road, Suite 1A Northfield, NJ 08225

Eric M. Bernstein & Associates LLC
Eric M. Bernstein
34 Mountain Blvd, Warren, NJ 07059

NOW THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that the above vendor is qualified for the services of professional foreclosure services and the Township Attorney will prepare separate resolutions for all cases assigned to the above vendor.

BE IT FURTHER RESOLVED, that this qualification is for one year starting on July 01, 2023 and ending on June 30, 2024; 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.

Adopted
Absent: Brown, Vick

Hudley – Cox 5. Authorize Contract for Legal Counsel Services – Murphy Orlando, LLC -
Matter of Oenga C. Uchime v. Township of Irvington - Not to Exceed
\$2,500.00

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

WHEREAS, resolution number TA 22-1024-32 qualified six firms to provide litigation/defense counsel services for the Township of Irvington from November 01, 2022 until October 31, 2023; and

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

WHEREAS, the Township Attorney has determined that Murphy Orlando LLC has the most experience to defend the Township of Irvington in the matter of Oenga C. Uchime v. Township of Irvington, Docket No. DC-002614-23; and

WHEREAS, the Township Attorney has recommended that a contract be awarded to Murphy Orlando LLC, 30 Montgomery Street, 11th Floor, Jersey City, NJ, 07302; and

NOW THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that a contract for Litigation/Defense counsel services be awarded to Murphy Orlando LLC, 30 Montgomery Street, 11th Floor, Jersey City, NJ, 07302 for a contract amount not to exceed \$2,500.00. The billing rate for this contract is \$150.00 per hour; and

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

BE IT FURTHER RESOLVED, that funds for this service will be paid from the Insurance fund for a contract amount not to exceed \$2,500.00. The billing rate for this contract is \$150.00 per hour.

Adopted
Absent: Brown, Vick

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Hudley – Beasley 6. Authorize Amendment to Non-Fair and Open Contract for Litigation Service
- O’Connor v. Irvington et. al - Critchley, Kinum & Luria LLC – Rate of
\$390.00 Per Hour For An Amount Not To Exceed \$50,000.00 For One Year,
Effective April 24, 2023

**AMENDING RESOLUTION AUTHORIZING A NON-FAIR AND OPEN CONTRACT FOR LITIGATION
SERVICE IN THE MATTER OF RYAN O’CONNOR V TOWNSHIP OF IRVINGTON ET. AL**

WHEREAS, resolution number TA 23-0424-19 was adopted by the Municipal Council on April 24, 2023; and

WHEREAS, the Township Attorney advised on May 09, 2023 that the firm’s rate for required litigation work is
\$390.00 per hour.

NOW THEREFORE, BE IT RESOLVED that the Municipal Council of the Township of Irvington amends the
award of a non-fair and open contract to Critchley, Kinum & Luria LLC at an hourly rate of \$390.00 per hour
for an amount not to exceed \$50,000.00

BE IT FURTHER RESOLVED that the required certification of availability of funds C23-0052 in the amount of
\$4,166.66 from account number 3-01-20-155-155-256 has been obtained from the Chief Financial Officer and
the remaining balance of \$45,833.34 will be certified upon the adoption of the 2023/2024 budget.

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

BE IT FURTHER RESOLVED, notice of this action shall be published in newspapers as required by law by the
Municipal Clerk.

Adopted
Absent: Brown, Vick

Hudley – Beasley 7. Authorize Purchase of Advertising and Display Marketing
Services to Post Opioids Awareness Information Around the Township
Out Front Media - \$83,448.00

**RESOLUTION TO PURCHASE ADVERTISING AND DISPLAY MARKETING SERVICE TO POST
OPIOIDS AWARENESS INFORMATION AROUND THE TOWNSHIP**

WHEREAS, the Office of Mayor is in need of display and advertising services to post Opioids Awareness
information to residents; and

WHEREAS, Out Front Media of 185 Route 46, Fairfield, NJ 07004 owns, markets and operates all billboards in
the Township of Irvington; and

WHEREAS, the total cost of this service will exceed the bid threshold; and

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

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WHEREAS, the Township would like to take advantage of provisions of NJSA 40:11-5 (aa) and award a service contract to Out Front Media of 185 Route 46, Fairfield, NJ 07004 for the total sum of \$83,448.00

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON hereby authorizes a service contract to Out Front Media of 185 Route 46, Fairfield, NJ 07004 under provisions of NJSA 40:11-5aa to purchase proprietary service for the total sum of \$83,448.00; 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 Certification of Funds number C23-0091 has been obtained from the Chief Financial Officers for the total sum of \$83,448.00 charged to budget account number G-02-xx-910-22A-299.

Adopted
Absent: Brown, Vick

~~8. Accept a Cash Donation in the Amount of \$19,921.00 From Ryder Around LLC and Designating the Funds to be used for The Irvington Golden Knights Youth Mentoring Program And Irvington Unity Day Celebration~~
[QPA REQUESTED THAT ITEM BE MOVED TO 6-12-23 AGENDA]

Hudley – Beasley

9. Authorize Contract for Legal Counsel Services - Antonelli Kantor, PC - Matter of Steven Jordan v. Irvington Police Department - Not to Exceed \$2,500.00

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

WHEREAS, resolution number TA 22-1024-32 qualified six firms to provide litigation/defense counsel services for the Township of Irvington from November 01, 2022 until October 31, 2023; and

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

WHEREAS, the Township Attorney has determined that Antonelli Kantor, PC has the most experience to defend the Township of Irvington in the matter of Steven Jordan v. Irvington Police Department Docket No. SC-500-23; and

WHEREAS, the Township Attorney has recommended that a contract be awarded to Antonelli Kantor, PC, 354 Eisenhower Parkway, Suite 1000, Livingston, NJ, 07039; and

NOW THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that a contract for Litigation/Defense counsel services be awarded to Antonelli Kantor, PC, 354 Eisenhower Parkway, Suite 1000, Livingston, NJ, 07039 for a contract amount not to exceed \$2,500.00. The billing rate for this contract is \$150.00 per hour; and

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

BE IT FURTHER RESOLVED, that funds for this service will paid from the Insurance fund for a contract amount not to exceed \$2,500.00. The billing rate for this contract is \$150.00 per hour.

Adopted
Absent: Brown, Vick

Cox – Evans 10. Award Bid – 2023 Summer Food Service - Karson Food Services -
Lot Responsible, Responsive Bid of \$336,597.75

RESOLUTION AWARDING A CONTRACT FOR THE 2023 SUMMER FOODS PROGRAM SERVICES

WHEREAS, sealed bids were received on May 11, 2023 for the 2023 Summer Food Services in response to published advertisement for bids in the New Jersey Star Ledger on April 27, 2023; and

WHEREAS, three bids were received and opened from Whitsons Food Service, Karson Food Service, Prime Riv. DBA Riviera; and

WHEREAS, said bids were referred to the Recreation Director and the Summer Foods Services Director for recommendation to the Municipal Council; and

WHEREAS, the Recreation Director and the Summer Foods Services Director have recommended that the award should be made to Karson Food Services Inc, 3409 Rose Ave, Ocean, NJ 07112 on the basis of their lowest responsible, responsive bid of \$336,597.75; 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 FUTHER RESLOVED, that the required certification of availability of funds C23-0096 in the amount of \$336,597.00 from account number G-02-xx-714-22A-299 has been obtained from the Chief Financial Officer.

Adopted
Absent: Brown, Vick

~~11. Calendar Year 2023 Cash Management Plan~~
[5-19-23 REMOVED BY FINANCE COMMITTEE]

Beasley–Hudley 12. Authorize The Issuance Of Not To Exceed \$10,500,000.00 in
Tax Anticipation Notes for the Calendar Year 2023

**RESOLUTION AUTHORIZING THE ISSUANCE OF NOT EXCEEDING \$10,500,000 TAX
ANTICIPATION NOTES OF CY 2023
OF THE TOWNSHIP OF IRVINGTON, IN THE COUNTY OF ESSEX, NEW JERSEY.**

BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF IRVINGTON, IN THE COUNTY OF ESSEX, NEW JERSEY (not less than the majority of the full membership of the governing body) AS FOLLOWS:

Section 1. In anticipation of the collection of taxes during the current fiscal year, we are hereby authorized to be issued tax anticipation notes of the Township, each to be known as "Tax Anticipation Note of CY-2023," in amounts not exceeding \$10,500,000.00. The proceeds of such notes shall be applied only to purposes provided for in the budget or for which taxes are levied for the current year.

Section 2. The following certificate has been prepared by the Chief Financial Officer and is filed in the office of the Township Clerk:

CERTIFICATE WITH RESPECT TO TAX ANTICIPATION NOTES

I, Faheem J. Ra'Oof, Chief Financial Officer of the Township of Irvington, in the County of Essex, New Jersey HEREBY CERTIFY as follows:

1. The gross borrowing power in respect to tax anticipation notes for the calendar fiscal year of 2023, being 30 percent of the tax levy for all purposes of the calendar fiscal year of 2022, plus 30 percent of the amount of miscellaneous revenues realized in cash during the calendar fiscal year of 2022, is \$43,860,826.68.

2. The amount of notes outstanding in anticipation of the collection of taxes of the calendar fiscal year of 2022, except such notes as will be renewed by or paid from the proceeds of the notes to be issued, is \$ - 0-.

3. The net borrowing power, being the excess of the first over the second of the two above amounts, is \$43,860,826.68.

4. This certificate is made with respect to \$10,500,000.00 Tax Anticipation Notes of CY-2023 about to be authorized by the Township Council of the Township of Irvington.

IN WITNESS WHEREOF, I have hereunto set my hand this 24th day of May, 2023.

Faheem J. Ra'Oof, Chief Financial Officer

Section 3. The following matters in connection with the notes are hereby determined:

(a) All notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer, provided that no note shall mature later than 120 days following the end of the calendar fiscal year.

(b) All notes issued hereunder shall bear interest at such rate or rates as may be determined by the Chief Financial Officer.

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(c) All notes shall be in the form prescribed by the Local Budget Law and otherwise as determined by the Chief Financial Officer and such officer's signature upon the notes shall be conclusive as to such determination;

(d) Notes issued hereunder may be renewed from time to time, provided, however, that no renewal note shall be issued later than the last day of the fiscal year.

(e) All notes shall be executed by the Mayor and the Chief Financial Officer and attested by the Township Clerk.

Section 4. The Chief Financial Officer is authorized and directed to determine all matters in connection with the notes not determined by this or by a subsequent resolution and such officer's signature upon the notes shall be conclusive as to such determination.

Section 5. The Chief Financial Officer is hereby authorized to sell the notes from time to time at public or private sale in such amounts as such officer may determine at not less than par and to deliver them from time to time to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof and payment therefore.

Section 6. Any instrument issued pursuant to this resolution shall be a general obligation of the Township, and the full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and the interest on the obligations.

Section 7. The Chief Financial Officer is authorized and is directed to report in writing to the Township Council at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this resolution is made, such report to include the amount, the description, the interest rate and the maturity of the notes sold, the price obtained and the name of the purchaser.

Section 8. The Chief Financial Officer, in connection with other professionals of the Township acting under his direction, is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document for the Township, as it may be so updated from time to time, to be distributed in connection with the sale of obligations of the Township. The Chief Financial Officer is hereby authorized to execute such disclosure document on behalf of the Township.

Section 9. (a) Solely for purposes of complying with Rule 15c2-12 of the Securities and Exchange Commission (the "Rule"), and provided that an issue of notes authorized by this resolution is not exempt from the Rule and provided that an issue of notes is not exempt from the following requirements in accordance with paragraph (d) of the Rule, for so long as an issue of notes of the Issuer remains outstanding (other than an issue of notes which has been wholly defeased), the Township shall provide in a timely manner to each nationally recognized municipal securities information repository ("National Repositories") or to the Municipal Securities Rulemaking Board, and to the appropriate State information depository, if any, ("State Depository," and together with the National Repositories, the "Repositories") notice of the following events with respect to an issue of notes, if material (herein "Material Events"):

- (1) Principal and interest payment delinquencies;
- (2) Non-payment related defaults;
- (3) Unscheduled draws on debt service reserves reflecting financial difficulties;
- (4) Unscheduled draws on credit enhancements reflecting financial difficulties;
- (5) Substitution of credit or liquidity providers, or their failure to perform;

- (6) Adverse tax opinions or events affecting the tax-exempt status of the security;
- (7) Modifications to rights of security holders;
- (8) Bond calls;
- (9) Defeasances;
- (10) Release, substitution, or sale of property securing repayment of the securities; and
- (11) Rating changes.

(b) The covenants and undertakings contained in this Section are made for the benefit of the holders or beneficial owners of the notes issued under this resolution.

(c) The Chief Financial Officer shall determine, in consultation with Bond Counsel, the application of the Rule or the exemption from the Rule for each issue of notes prior to their offering. Such officer is hereby authorized to enter into written contracts or undertaking to implement this resolution and is further authorized to amend such contracts or undertakings as needed to comply with the Rule or upon the advice of Bond Counsel.

(d) In the event that the Township fails to comply with this resolution or the written contract or undertaking, the Township shall not be liable for monetary damages, remedy of the holders or beneficial owners of the notes being hereby specifically limited to specific performance of the covenants contained in this resolution or the written contract or undertaking.

Section 10. This resolution shall take effect immediately.

CERTIFICATE

I, Harold E. Wiener, Clerk of the Township of Irvington, in the County of Essex, State of New Jersey, HEREBY CERTIFY that the foregoing annexed extract from the minutes of a meeting of the governing body of the Township duly called and held on May 24, 2023 has been compared by me with the original minutes as officially recorded in my office in the Minute Book of the governing body and is a true, complete and correct copy thereof and of the whole of the original minutes so far as they relate to the subject matters referred to in the extract.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the Township this 24th day of May, 2023.

Harold E. Wiener, Clerk

(SEAL)

Adopted
Absent: Brown, Vick

Cox – Beasley

13. Authorize Issuance of 3rd Quarter Estimated Tax Bills

Preparation of Estimated Tax Bills

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WHEREAS, the Township of Irvington will be unable to issue final tax bills by June 14, 2023 as required by law, due to the delay to strike a tax rate, and

WHEREAS, the Governing Body has determined that there will be insufficient cash flow to support operations in late July 2023 unless third quarter revenue is received on time, and

WHEREAS, the Municipal Tax Collector and the Chief Financial Officer have reviewed and computed an estimated tax levy in accordance with N.J.S.A. 54: 4-66.3,

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Township of Irvington, County of Essex, State of New Jersey, hereby authorizes that:

1. The Municipal Tax Collector is directed to prepare and issue estimated tax bills for the Township of Irvington for the third quarter 2023, in accordance with the provisions of N.J.S.A. 54:4-66.2et seq.
2. The entire estimated tax levy for 2023 is hereby set at \$114,121,595.69.
3. The Township of Irvington takes any additional steps necessary to immediately implement this resolution.

Adopted
Absent: Brown, Vick

Hudley – Beasley 14. Authorize The Purchase Of Proprietary Software – Upgrade The Finance And Tax Software Program – Edmunds And Associates, Inc. – \$52,079.68

RESOLUTION AUTHORIZING THE PURCHASE OF PROPRIETARY SOFTWARE

WHEREAS, the Department of Finance and Revenue needs to upgrade the Finance and Tax Software program; and

WHEREAS, the system maintenance and hosting training is needed for calendar year 2023; and

WHEREAS, pursuant to N.J.S.A. 40A:11-5(1)(d)(d), the software and hardware being purchase is a sole source product and only can be purchased from Edmunds and Associates, Inc., 301 A Tilton Road, Northfield, NJ 08225; and

WHEREAS, the total cost for the system maintenance and hosting is \$52,079.68; and

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 Qualified Purchasing Agent is authorized to purchase sole source software from Edmunds an Associates Inc., of 301 A Tilton Road, Northfield, NJ 08225 for an amount not to exceed \$52,079.68; and.

BE IT FURTHER RESOLVED that the Township Attorney is hereby directed to prepare the necessary contracts and the Mayor and Township Clerk is hereby directed to sign the same.

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BE IT FURTHER RESOLVED that the required certification of availability of funds, C23-0101 in the amount of \$52,079.68 was obtained from the Chief Financial Officer charged to account numbers 3-01-20-130-130-183 and 3-01-20-145-145-183.

Adopted
Absent: Brown, Vick

Cox – Beasley 15. Amend Resolution Authorizing Local Support to Organic Fusion LLC
For Cannabis License Application – Amend Address – 1114 Springfield
Avenue

**RESOLUTION OF THE TOWNSHIP OF IRVINGTON AUTHORIZING LOCAL SUPPORT FOR
ORGANIC FUSION LLC
FOR CANNABIS LICENSE APPLICATION(S) TO THE NEW JERSEY CANNABIS REGULATORY
COMMISSION
(AMENDED)**

WHEREAS, in 2020, New Jersey voters approved Public Question No. 1, which amended the New Jersey Constitution to allow for the legalization of a controlled form of marijuana called "cannabis" for adults at least 21 years of age; and

WHEREAS, on February 22, 2021, Governor Murphy signed into law P.L. 2021, c. 16, known as the "New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act" (the "Act"), which legalizes the recreational use of marijuana by adults 21 years of age or older, and establishes a comprehensive regulatory and licensing scheme for commercial recreational (adult use) cannabis operations, use and possession; and

WHEREAS, the Act establishes six marketplace classes of licensed businesses, including Class 1 Cannabis Cultivator License, for facilities involved in growing and cultivating cannabis and Class 2 Cannabis Manufacturer License, to produce recreational use cannabis products; and

WHEREAS, in accordance with the regulations established by the Act, N.J.A.C. 17:30-5.1, an applicant for an annual cannabis business license shall include proof of local support in their applications, which shall be submitted as a resolution adopted by the governing body.

NOW, THEREFORE, BE IT RESOLVED by the Township Council for the Township of Irvington that the Township of Irvington hereby supports the applicant, Organic Fusion LLC, whose proposed site of operation is 1114 Springfield Avenue, Irvington, New Jersey for the type of cannabis business licenses being sought to operate within the Township of Irvington's jurisdiction in accordance with the Township Code of the Township of Irvington.

Adopted
Absent: Brown, Vick

A. Ordinances on Second Reading

1. President Beasley: An ordinance allowing parking on the west side of Washington Avenue, between Madison Avenue and Springfield Avenue, from a point 510 feet north of Springfield Avenue Thursdays from 12 PM to 2 PM

will be heard a time. The Clerk will read then notice of hearing.

The Clerk will read the ordinance by title

AN ORDINANCE AMENDING SECTION 620-97, OF THE GENERAL ORDINANCES OF THE TOWNSHIP OF IRVINGTON ENTITLED "PARKING TIME LIMITED"

BE IR ORDAINED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON as follow:

SECTION 1. Section 620-97 of the Revised Code of the Township of Irvington is hereby supplemented by adding the following provision:

Paring shall hereby be permitted on the west side of Washington Avenue, between Madison Avenue and Springfield Avenue from a point 510 feet north of Springfield Avenue

Street	Location	Day	Time
Washington Avenue	West Side	Thursdays	12 pm to 2 pm

SECTION 2. All ordinances or parts of ordinances inconsistent or in conflict with the provisions of the within ordinance 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

Beasley – Cox Motion to close public hearing

Adopted
Absent: Brown, Vick

Beasley – Cox Motion to adopt this ordinance on second reading after public hearing

Adopted
Absent: Brown, Vick

2. President Beasley: An ordinance regulating short term rental properties will be heard a time. For the record, this notice is identical to the prior notice read. The Clerk will read the ordinance by title.

AN ORDINANCE TITLED “SHORT-TERM RENTAL PROPERTY REGULATIONS” CREATING CHAPTER 46 UNDER ARTICLE II- SHORT-TERM RENTAL PROPERTY REGULATION, SO AS TO REGULATE THE SHORT-TERM RENTAL OR LETTING OF ANY RESIDENTIAL PREMISES OR PARTS THEREOF EXCEPT CERTAIN LICENSED HOTELS OR MOTELS

WHEREAS, the New Jersey Legislature has, pursuant to N.J.S.A. 40:52-1(d) and (n), specifically authorized municipal corporations, including the Township of Irvington to regulate and “furnished and unfurnished rented housing or living units and all other places and buildings used for sleeping and lodging purposes, and

the occupancy thereof” and the “rental of real property for a term of less than 175 consecutive days for residential purposes by a person having a permanent place of residence”; and

WHEREAS, in recent years, there has been a proliferation of internet and other media advertising often on websites dedicated to the rental of Dwelling Units for short terms and for a period of less than thirty (30) days (“Short-Term Rental”); and

WHEREAS the Township additionally seeks to stop the use of cyber-social advertising whereby any Owner rents residential Dwelling Unit(s) on various websites, as well as listing of Short-Term Rental(s) by website businesses, of any Dwelling Unit(s) that constitute an illegal business operating in violation of the Township’s Zoning Code and other public nuisance ordinances; and

WHEREAS the Municipal Council of the Township of Irvington recognizes that unregulated short-term rental can create significant impact on the community at large related to their size, excessive occupancy, and lack of proper facilities; and

WHEREAS, the Municipal Council of the Township of Irvington also finds and declares that short-term rentals frequently result in public nuisance, noise complaints, sanitation issues, poor maintenance of the inside and outside of the property and illegal parking within residential neighborhoods.

WHEREAS the Municipal Council declares that there is a substantial interest in furthering the public health, safety, and welfare by controlling overcrowding, by protecting the residential character of areas designed for residential use, and by preserving the long-term housing market within the Township.

NOW, THEREFORE, BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON, as follows:

DEFINITIONS.

ADVERTISE OR ADVERTISING

Shall include any form of solicitation, promotion, and communication for marketing that is used to solicit, encourage, persuade, or manipulate viewers, readers, or listeners into contracting for goods and/or services in violation of this Ordinance. This includes the use of media, and includes, but is not limited to the use of newspapers, magazines, flyers, handbills, pamphlets, direct mail, internet websites or text or other electronic messages for the purpose of establishing occupancies or uses of rental property, for payment, which is prohibited by this Ordinance.

CONSIDERATION

Shall include soliciting any money, charging, or demanding same, receiving, or accepting any form of consideration including a promise or benefit, a quid-pro-quo, rent, fees, other forms of payment or thing of value.

DWELLING UNIT

Any structure or portion thereof, furnished, or unfurnished, which is occupied in whole or in part, or intended, arranged, or designed to be occupied, for sleeping, dwelling, cooking, gathering and/or entertaining, as residential occupancy, by one or more persons. This includes an apartment, condominium, building, co-operative, converted space or portions thereof used for accommodations, lodging, cooking, sleeping, gathering and/or entertaining of Occupants and/or guest(s) for consideration, for a period of thirty (30) days or less.

OCCUPANT

Any individual using, inhabiting, living, gathering, entertaining, being entertained as a guest, or sleeping in a Dwelling Unit, or portion thereof, or having other permission or possessory right(s) within a Dwelling Unit.

OWNER

Any person(s) or entity(s), association, limited liability company, corporation, or partnership, or any combination, who legally use, possess, own, lease, sub-lease or license (including an operator, principal, shareholder, director, agent, or employee, individually or collectively) that has charge, care, control, or participates in the expenses and/or profit of a Dwelling Unit pursuant to a written or unwritten agreement, rental, lease, license, use, occupancy agreement or any other agreement.

PERSON

An individual, firm, corporation, association, partnership, limited liability company, association, entity, and any person(s) and/or entity(s) acting in concert or any combination therewith.

HOUSEKEEPING UNIT

Shall mean a family-type situation, involving one or more persons, living together that exhibit the kind of stability, permanency, and functional lifestyle equivalent to that of a traditional family unit, as further described in the applicable reported and unreported decisions of the New Jersey Superior Court.

SHORT TERM RENTAL

Rental of a dwelling unit, or any part of a dwelling unit, including any accessory building, structure or use to the dwelling unit including but not limited to, a vehicle parked on the property, for 30 consecutive days or less excluding community residences, shelters, adult family care homes, a residence temporarily occupied by the owner or another residential property within the Township then undergoing construction activity, or the extension of a month-to-month basis, of any existing lease with a term of at least six months duration, by the existing tenant.

SHORT TERM RENTAL PROPERTY PROHIBITION

- A.** No residential premises including dwelling houses, apartments, rooming houses or boarding houses or any parts thereof or rooms therein, except by duly licensed hotels and motels, shall be rented or let for occupancy by any person or persons for a period or term of less than thirty (30) days.
- B.** Notwithstanding anything to the contrary contained in the Township Code, it shall be unlawful for an Owner, lessor, sub-lessor, any other person(s) or entity(s) with possessory or use right(s) in a Dwelling Unit, their principals, partner or shareholders, or their agents, employees, representatives and other person(s) or entity(s), acting in concert or a combination thereof, to receive or obtain actual or anticipated Consideration for soliciting, advertising, offering, and/or permitting, allowing, or failing to discontinue the use or occupancy of any Dwelling Unit, as defined herein, for a period of less than thirty (30) days.
- C.** Nothing in this Ordinance prevents formation of an otherwise lawful occupancy of a Dwelling Unit for a rental period of more than thirty (30) days.
- D.** Nothing in this Ordinance will prevent formation of an otherwise lawful occupancy of a Dwelling Unit that has previously been engaged in a lawful lease and continues to be rented on a month-to-month basis.

Permitted Uses.

The residential occupancy of an otherwise lawful and lawfully occupied Dwelling Unit for a period of thirty (30) days or less by any person who is a member of the Housekeeping Unit of the Owner, without Consideration, such as house guests, is permitted.

Advertising Prohibited.

It shall be unlawful to advertise, solicit or promote by any means actions in violation of this Ordinance.

Enforcement; Violations and Penalties

- A. The provisions of this Ordinance shall be enforced by the Building Code Official, Fire Official, Health Department, or other Sub-Code or Code Official, as their jurisdiction may arise, including legal counsel for the Township or other designated by the Township of Irvington, to issue municipal citations for infractions against alleged violators of this ordinance and/or to appear in court or to file civil complaints.
- B. Violation of this Ordinance is hereby declared by the Municipal Council to be a public nuisance, a nuisance per se, and is hereby further found to be offensive to the public health, safety, and welfare.
- C. Any person found to be in violation of any provisions of this Ordinance, without regard to intent or knowledge, shall be liable for the maximum penalty, upon adjudicated violation or admission, of a fine not exceeding \$1000. Each day of such violation shall be a new and separate violation of this Ordinance.

This Ordinance shall supersede and replace any other provisions of the Code of the Township of Irvington, now or later enacted, which have or may be construed to have differing or contrary terms or conditions regarding this Ordinance. This Ordinance is not intended to alter the current or later enacted amendments to the Township of Irvington's Zoning Code.

- 1. Repeal of Inconsistent Provisions. All ordinances or parts thereof in conflict or inconsistent with this Ordinance are hereby repealed to the extent of such conflict or inconsistent.
- 2. Severability. If any provision, section, subsection, sentence, clause or phrase is held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining sections, subsections, clauses and phrases of this Ordinance.
- 3. Effective Date. This Ordinance shall take effect immediately upon passage and publication as provided by law.

The public hearing on this ordinance is now open

Beasley – Hudley

Motion to close public hearing

Adopted
Absent: Brown, Vick

Beasley – Hudley

Motion to adopt this ordinance on second reading after public hearing

Adopted
Absent: Brown, Vick

ALCOHOLIC BEVERAGE CONTROL BOARD MAY

22, 2023

1. Chairman Cox calls the Meeting to Order

Roll Call

2. New Business

Cox – Beasley

A. Denial of Application for the Transfer of a Consumption License and Authorizing a Refund of 90% of the Transfer Application Fee per Regulation of the State ABC – Patrick A. Yunga

WHEREAS, on September 21, 2022, Patrick A. Yunga completed a 12 page application for a Person to Person Transfer- Pocket License Number 0709-33-027-008- Kim McGuire. He was also presented the ABC Liquor License Questionnaire. Once his background check and finger prints were received, the Police Department determined that his application was being denied due to the financial documentation received; and

WHEREAS, pursuant to NJAC 13:2-2.11, if an application for new or renewal license is denied for any reason whatsoever or withdrawn, a statutory refund of 90 percent of the fee deposited with the municipality shall be made by the municipality to the applicant. The remaining 10 percent shall be deemed an investigation and processing fee and shall be retained by the municipality. The State filing fee required to accompany such applications shall be retained by the Director as a processing fee:

NOW THEREFORE BE IT RESOLVED by the Municipal Council, Acting as the Alcoholic Beverage Control Board of the Township of Irvington, that the ABC application for Patrick A. Yunga, 74 Sherman Place, 3rd Floor, Irvington, NJ 07111, be denied and Mr. Yunga shall be refunded \$205.02, which is 90 percent of his payment to the municipality of \$227.80.

Adopted
Abstain: Frederic
Absent: Brown, Vick

3. Adjournment

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)

Reggie Torain, 74 Berkshire Place
Samuel Cherilus, 90 40th Street

Council President Beasley, Council Member Hudley, Council Member Cox and Council Member Frederic responded to the above referenced citizens in support of Nashawn Brooks Day – June 10, 2023.

There being no further business, the meeting adjourned at 7:48 P.M.

Jamillah Z. Beasley, Council President

Shawna Supel, Assistant Municipal Clerk