

REGULAR COUNCIL MEETING  
JULY 10, 2023

Virtual Zoom Meeting  
Irvington, N.J. – Monday Evening  
July 10, 2023 - 7:30 P.M.

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

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

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)

1. Elouise McDaniel, 214 Nesbit Terrace  
Response: Council President Beasley

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 June 19, 2023 to June 23, 2023
2. Municipal Court - Weekly Summary Report For The Week Of June 26, 2023 to June 30, 2023

7. Reports of Committees

None

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

8. Ordinances, Bills & Claims

A. Ordinances on First Reading

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Vick – Hudley

1. Amend Section 620-19.1 Regarding Parking Too Close To A Driveway -  
Add Headley Terrace

AN ORDINANCE AMENDING SECTION 620-19.1 OF THE REVISED CODE REGARDING  
PARKING TOO CLOSE TO A DRIVEWAY BY ADDING HEADLEY TERRACE

Adopted

C. Bills & Claims

Frederic – Evans

1. Bill Lists

RESOLVED THAT THE BILLS AND CLAIMS AGAINST THE  
TOWNSHIP OF IRVINGTON FOR A PERIOD JULY 10, 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

	\$796,746.75
TOTAL	\$796,746.75

Adopted

Cox – Evans

2. Payrolls

	June 2, 2023	
TOTAL		\$2,115,214.46

Adopted

9. Resolutions and Motions

A. Resolutions

Cox – Frederic

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

AUTHORIZING PURCHASES UNDER THE STATE OF NEW JERSEY COOPERATIVE PURCHASING  
PROGRAM

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OVER THE BID THRESHOLD OF \$44,000.00

WHEREAS, the Township of Irvington, pursuant to N.J.S.A. 40A:11-12(a) and N.J.A.C. 5:34-7.29(c) may by resolution and without advertising for bids, purchase any goods or services under the State of New Jersey Cooperative Purchasing Program for any State contracts entered into on behalf of the State by the Division of Purchase and Property in the Department of Treasury; and,

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

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

Name of Vendor	State Contract Number	Commodity	Amount
Campbell Supply Co.	89264	Fire Apparatus	\$280,000.00
Dell Marketing LP	89850/T3121	Computers	\$100,000.00

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

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

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

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

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

Adopted

Hudley – Frederic

2. Qualify Certified and Licensed Lead Contractors to Remediate Lead Hazardous Residential Properties

**RESOLUTION QUALIFYING CERTIFIED AND LICENSED LEAD CONTRACTORS TO REMEDIATE LEAD HAZARDOUS RESIDENTIAL PROPERTIES**

WHEREAS, the Request for Qualifications for certified and licensed lead contractors to remediate lead hazardous residential properties was publicly advertised in the New Jersey Star Ledger on May 12, 2023 with a deadline for qualifications to be submitted on May 31, 2023; and

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WHEREAS, four qualifications were received and publicly opened by the Township Clerk and the Purchasing Agent; and

WHEREAS, said qualifications were referred to the Director of Economic Development; and

WHEREAS, the Economic Development Director has recommended that a list be created for this service for one year with the following firm(s):-

Enviro Science Solution LLC  
28 North day Street, Orange, NJ 07050

Absolute JM Service LLC  
144 Elm Street, Unit 6, Orange, NJ 07050

Optimum Environmental Solutions LLC  
80 Mill Road, Irvington, NJ 07111

A-Arcalene LLC  
571 Pleasant Valley Way, West Orange, NJ 07052

NOW THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that the above vendors are qualified for the services of certified and licensed lead contractor service and the Economic Development Director will prepare separate resolutions with quotes for all projects assigned to the above vendors.

BE IT FURTHER RESOLVED, that this qualification is for one year starting on July 11, 2023 until July 12, 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

Adopted

Cox – Hudley                      3. Purchase Proprietary Software Technology for the Public Safety  
Department, Fire Division to Manage Permits and Inspections - Alpine  
Software Corporation - \$18,500.00

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

WHEREAS, the Public Safety Department is in need of a software program to manage permit and inspections; and

WHEREAS, the technology and maintenance are proprietary software for Alpine Software Corporation; and

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

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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 Alpine Software Corporation, P O Box 281, Pittsford, NY 14534

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON hereby authorizes a service contract to Alpine Software Corporation, P O Box 281, Pittsford, NY 14534 under provisions of NJSA 40:11-5dd to purchase proprietary software for the total sum of \$18,500.00; 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 the required availability of funds C23-0098 in the amount of \$18,500.00 has been obtained from the Chief Financial Officer, charged to budget account number 3-01-25-265-265-299.

Adopted

Hudley – Cox

4. Qualify Five Law Firms Pursuant to a Fair and Open Process for Workers Compensation Counsel

**QUALIFYING LAW FIRMS PURSUANT TO A FAIR AND OPEN  
PROCESS FOR WORKERS COMPENSATION COUNSEL**

WHEREAS, the Request for Qualifications for Professional Workers Compensation Counsel services was publicly advertised in the New Jersey Star Ledger on May 31, 2023 with a deadline for qualifications to be submitted on June 14, 2023; and

WHEREAS, such services are to be acquired through a fair and open process pursuant to the provisions of N.J.S.A. 19:44A-20.4; and

WHEREAS, six qualifications were received and publicly opened; and

WHEREAS, One qualification was deem non responsive for missing form; and

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

WHEREAS, the Township Attorney, Ramon Rivera, has recommended that the following firms are qualified:

John Watson  
63 Washington Street, East Orange, NJ 07017

Glazer & Kamel  
1207 East Grand Street 3rd Floor Elizabeth, NJ 07201

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Eric M. Bernstein & Associates LLC  
34 Mountain Blvd, Building A, PO Box 4922, Warren, NJ 07059

Ronald Thompson, P.A.  
69 Valley Street South Orange, NJ 07079

Chasan Lamparello Mallon & Cappuzzo  
300 Lighting Way suite 200, Secaucus, NJ 07094

WHEREAS, from the list of qualified firms above, from time to time, and as needed, the Township Attorney may enter into a contract not to exceed one year, with respect to particular matters by separate resolutions pursuant to the terms of this resolution and the request for proposals;

NOW THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON:

1. The Township Attorney will provided separate resolutions with respect to particular matters to the Municipal Council.
2. The Township Attorney will prepare the appropriate contract for this service.
3. The above vendors are qualified for one year from July 13, 2023 through July 14, 2024
4. The vendors will be paid an amount not to exceed \$115.00 per hour.

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

Adopted

Hudley – Brown                      5. Ratify and Approve the Provision of Lead Safe Irvington Funds in  
the Amount Not To Exceed \$20,000.00 for 1055 Grove Street –  
EnviroScience Solutions LLC

**RESOLUTION FOR LEAD SAFE IRVINGTON PROGRAM**

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

WHEREAS, the Township of Irvington, Department of Economic Development and Grants Oversight has identified that the applicant, who is the owner of 1055 Grove Street, Irvington, New Jersey, 07111 is eligible to receive assistance through the LEAD SAFE Irvington Program per the Township's policies and procedures; and

WHEREAS, the Department of Economic Development and Grants Oversight has contacted all the contractors on resolution number EDGO 22-0314-3 and (1) Contractor submitted an acceptable Bid package. (3) Three Contractors did not submit a Bid package before the deadline.

WHEREAS the Contractor selected through a BID to perform the Remediation work is EnviroScience Solutions LLC and said funds shall be disbursed to the Contractor for the benefit of the applicant; in this specific case the bid of \$20,000.00 was the only BID submitted. Mitigating circumstances whereas the

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contractor Pow R Save was unable to gain access to the property and was unable to submit a Bid for this property within the allotted bidding time period. The BGI Resources Intl did not submit a bid and the Apex Company has been dormant for the entire year and has not responded to any bid request.

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that the Township of Irvington does ratify and approve the provision of LEAD SAFE Irvington funds to the applicant(s) in the amount not to exceed \$20,000.00 for a period of affordability of five (5) years; and

BE IT FURTHER RESOLVED that the aforesaid funds of \$20,000.00 will be disbursed in (1) installment of \$20,000 after review of work performed and proof of funds expended to facilitate the remediation; and

BE IT FURTHER RESOLVED that the aforesaid funds are to be used for the remediation of the subject property and related soft cost associated with the remediation of the subject property as set forth in Exhibit A (Scope of Work), attached hereto for the premises known as, 1055 Grove Street, Irvington, New Jersey 07111, single family unit(s) and owned by homeowner; and

BE IT FURTHER RESOLVED that any such funds not expended in the remediation and related soft cost associated with the remediation of the subject property in accordance with adopted policy and procedures shall be recaptured by the TOWNSHIP OF IRVINGTON for use in assisting other HUD/OLHCHH Program applicant(s); and

BE IT FURTHER RESOLVED that pursuant to N.J.A.C. 5:34-5.2, the required Certificate of Fund Req. No. C23-0109 in the amount of \$20,000.00 for the above has been obtained from the Chief Financial Officer of the Township of Irvington. The appropriation to be charged for this expenditure is Account No. G-02-XX-716-19A-250 in the amount of \$20,000.00.

Adopted

Frederic – Hudley                      6. Authorize Use of CDBG Funds for 2021-2022 - C.O.M.B.A.T.T. -  
Grant Amount - 19,000.00

C.O.M.B.A.T.T.

(Community Organization Making Better Alternatives Today for Tomorrow, Inc.)

WHEREAS, the Township of Irvington is a recipient of 2021-2022 Community Development Block Grant (CDBG) Program funds administered by the U.S. Department of Housing and Urban Development; and

WHEREAS, the Township of Irvington wishes to award CDBG grant funds in the amount \$19,000.00 to C.O.M.B.A.T.T. (Community Organization Making Better Alternatives Today for Tomorrow, Inc., a private Non-Profit corporation of the State of New Jersey with principal offices 1763 SIXTH STREET, EWING, NEW JERSEY 08638 for the provision of public services, which constitute an eligible CDBG activity; and,

WHEREAS, the Township of Irvington has allocated sufficient CDBG funds to fund a proposed grant agreement in the amount of \$19,000.00 with the C.O.M.B.A.T.T. (Community Organization Making Better Alternatives Today for Tomorrow, Inc., a private Non-Profit Corporation of the State of New Jersey; and

WHEREAS, the U.S. Department of Housing and Urban Development has issued federal regulations which revise 24 CFR 570 Sub-Part J, requiring all CDBG recipients to enter into formal legal agreements with private non-

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profit organizations, called "CDBG sub-recipients", in order for these organizations to receive CDBG funding from the Township of Irvington; and

WHEREAS, the Township of Irvington is also subject to the provisions of federal OMB Circular A-102 Attachment 0, "Procurement Standards" which apply the Township's procurement of services, supplies and property with CDBG funds; and

WHEREAS, OMB Circular A-102 also requires the Township to conform to all applicable state and local laws relating to formal legal agreements by municipal government procurement of goods and services; and

WHEREAS, the governing body of the Township of Irvington is required under state law (N.J.S.A. 40A:11-1 et seq.) to authorize the execution of formal grant agreements and procurement contracts (in excess of \$8,500.00) with private contractors:

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

1. The Mayor and the Township Clerk are hereby authorized and directed to execute an agreement with C.O.M.B.A.T.T. (Community Organization Making Better Alternatives Today for Tomorrow, Inc., for an after-school behavior modification project, an educational, social and recreational experience to at-risk youths who reside in Irvington, New Jersey.

2. Pursuant to N.J.A.C. 5:34-5.2, the required certificate of Availability of Funds No. C22-0154 in the amount of \$19,000.00 for the above has been obtained from the Chief Financial Officer of the Township of Irvington. The appropriation to be charged for this expenditure is Account No. T-21-41-850-22C-805.

Adopted

Frederic – Hudley

7. Authorize Use of CDBG Funds for 2022-2023 – Irvington Golden Knights - Grant Amount - 15,000.00

### **IRVINGTON GOLDEN KNIGHTS MENTORING PROGRAM**

WHEREAS, the Township of Irvington is a recipient of 2022-2023 Community Development Block Grant (CDBG) Program funds administered by the U.S. Department of Housing and Urban Development; and

WHEREAS, the Township of Irvington wishes to award CDBG grant funds in the amount \$15,000.00 to Irvington Knights Mentoring Program, a private Non-Profit corporation of the State of New Jersey with principal offices 33-43<sup>rd</sup> Street, Irvington, NJ 07111 for the provision of public services, which constitute an eligible CDBG activity; and,

WHEREAS, the Township of Irvington has allocated sufficient CDBG funds to fund a proposed grant agreement in the amount of \$15,000.00 with the Irvington Golden Knights Mentoring Program, a private Non-Profit Corporation of the State of New Jersey; and

WHEREAS, the U.S. Department of Housing and Urban Development has issued federal regulations which revise 24 CFR 570 Sub-Part J, requiring all CDBG recipients to enter into formal legal agreements with private non-profit organizations, called "CDBG sub-recipients", in order for these organizations to receive CDBG funding from the Township of Irvington; and



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WHEREAS, the Township of Irvington is also subject to the provisions of federal OMB Circular A-102 Attachment 0, "Procurement Standards" which apply the Township's procurement of services, supplies and property with CDBG funds; and

WHEREAS, OMB Circular A-102 also requires the Township to conform to all applicable state and local laws relating to formal legal agreements by municipal government procurement of goods and services; and

WHEREAS, the governing body of the Township of Irvington is required under state law (N.J.S.A. 40A:11-1 et seq.) to authorize the execution of formal grant agreements and procurement contracts (in excess of \$8,500.00) with private contractors:

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

1. The Mayor and the Township Clerk are hereby authorized and directed to execute an agreement with Irvington Golden Knights Mentoring Program, which provides youth with afterschool and weekend positive activities while inspiring participants to perform adequately in the classroom.
2. Pursuant to N.J.A.C. 5:34-5.2, the required certificate of Availability of Funds No. C23-0117 in the amount of \$15,000.00 for the above has been obtained from the Chief Financial Officer of the Township of Irvington. The appropriation to be charged for this expenditure is Account No. T-21-41-850-23C-807.

Adopted

~~8. Repair Chancellor Park 2 Tennis Courts and 1 Basketball Court Playing Surfaces—Dimilia Inc. \$43,975.99~~ **[REMOVED BY EDGO AND QPA]**

**RESOLUTION TO REPAIR CHANCELLOR PARK 2 TENNIS COURTS AND 1 BASKETBALL COURT PLAYING SURFACES**

WHEREAS, the Township owns and operates the Chancellor Park, which is located in Irvington, NJ. Being a public place that operates all year around, weather permitting, it is desired to repair the playing surfaces of the (2) two tennis courts and (1) on basketball court located within the Chancellor Park grounds.

WHEREAS, (3) three contractors were contacted and 3 bids were received. The Dimilia Inc. submitted the lowest bid in the amount of \$43,975.99.

NOW, THEREFORE, BE IT RESOLVED BY MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that a contract for the repair of the Chancellor Park Tennis & Basketball surfaces is awarded to the Dimilia Inc. at the proposed price not to exceed \$43,975.99.

BE IT RESOLVED that the required Certification of Availability of Funds c23-0125 in the amount of \$43,975.99 from account numbers T-21-41-850- 18D-805, T-21-41-850- 18E-805, T-21-41-850- 20E-805, T-21-41-850- 21E-805.

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Vick – Frederic                      9. Accept a New Jersey Department of Environmental Protection Stormwater Assistance Grant - \$25,000.00

**RESOLUTION TO ACCEPT A NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION  
THE AWARD OF STORMWATER ASSISTANCE GRANT**

WHEREAS, on June 29, 2023 the Bureau of NJPDES Stormwater Permitting and Water Quality Management of the New Jersey Department of Environmental Protection (NJDEP) approved a grant in the amount of \$25,000.00. This grant is in response to the new NJDEP regulations promulgated for the Township's Tier a MS4 Stormwater Permit; and

WHEREAS, the funding provided by the grant are to assist the Township in compiling digital mapping of the Township's storm sewer system.

NOW, THEREFORE BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that the Mayor and Chief Financial Officer are hereby authorized to accept and utilize the funding provided by the New Jersey Department of Environmental Protection for the Stormwater Assistance Grant.

Adopted

Beasley – Cox                      10. Resolution of Commemoration - Retirement of Municipal Clerk Harold E. Wiener

**RESOLUTION OF COMMEMORATION UPON RETIREMENT  
MASTER MUNICIPAL CLERK HAROLD EDWARD WIENER  
OVER 43 YEARS OF SERVICE  
WITH THE TOWNSHIP OF IRVINGTON**

WHEREAS, the Municipal Council of the Township of Irvington wishes to express their congratulations and best wishes to Harold E. Wiener upon his retirement as Municipal Clerk on July 1, 2023; and

WHEREAS, Harold was born, raised and educated in the Township of Irvington, having graduated from Union Avenue Elementary School and Irvington High School; and

WHEREAS, he received a Master of Arts degree in Teaching the Social Sciences in 1986 and Bachelor of Arts degree in Psychology/Sociology in 1979 both from Montclair State University; and

WHEREAS, Harold commenced employment with the Township of Irvington on June 16, 1980 and has served the residents of this great township for over forty-three remarkable years and as the Municipal Clerk for over to thirty-five years during that time; and

WHEREAS, he worked his way up in the Office of the Municipal Clerk until he was graciously appointed Municipal Clerk on November 24, 1987. During his tenure with the township, Harold has faithfully, impartially and justly tended to the duties of the Municipal Clerk with commitment, dedication, honor and prestigious professionalism; and

WHEREAS, from 1982 until June 12, 2007, Harold attended every Municipal Council Caucus and Regular Meeting, accumulating in more than one thousand appearances, until he fell ill; and

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WHEREAS, Harold received his state-licensed Registered Municipal Clerk Certificate (RMC) in 1986, became a Certified Municipal Clerk (CMC) in 1991 and achieved the distinguished honor of Master Municipal Clerk (MMC) in 2005; and

WHEREAS, he is a long-time member of the Municipal Clerks' Association of Essex County, serving on numerous committees over the years and served as President of that organization for three years. Harold is a long-time member of the Municipal Clerks' Association of New Jersey, serving on and chairing several committees. He is also a long-time member of the International Institute of Municipal Clerks; and

WHEREAS, Harold's crowning achievement occurred when he was named the "Municipal Clerk of the Year" by the Municipal Clerks' Association of New Jersey in 2010 in recognition of his dedication and professionalism to the Office of the Municipal Clerk; and

WHEREAS, known for his impartiality and fairness, Harold has served under 7 Mayors and 60 individual Council Members during his tenure with the Township of Irvington; and

WHEREAS, Harold affectionately called "the Wizard" by his staff due to his wisdom of the field, has become a mentor to his staff and statewide to other Clerks entering the profession. His Knowledge, Resourcefulness, Leadership, Enthusiasm, Work Ethics, Team Spirit and Kindness had a profound impact to his staff, those he served and assisted during his tenure as the Municipal Clerk:

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON hereby extends their sincere and grateful appreciation to our dear friend and consummate Municipal Clerk Harold E. Wiener for his over forty-three years of dedication and outstanding public service to the Township of Irvington, congratulates him on his well-earned retirement, and wishes him happiness and good health in the years to come.

BE IT FURTHER RESOLVED that a copy of this resolution be spread upon the minutes of this Governing Body as a lasting tribute to Harold E. Wiener.

Adopted

Hudley – Brown                      11. Appointment of Municipal Clerk - Shawna M. Supel

**APPOINTMENT OF  
SHAWNA M. SUPEL AS MUNICIPAL CLERK  
FOR THE TOWNSHIP OF IRVINGTON**

WHEREAS, pursuant to N.J.S.A. 40A:9-133, the Municipal Council of the Township of Irvington is vested with the authority to appoint a Municipal Clerk for a term of three (3) years; and

WHEREAS, a vacancy exists in the Office of Municipal Clerk due to the retirement of Municipal Clerk, Harold E. Wiener; and

WHEREAS, Shawna M. Supel, Assistant Municipal Clerk, has been qualified by training and experience to fulfill the duties of the office as required by N.J.S.A. 40:69A-38 and N.J.S.A. 40A:9-133 and attaining Registered Municipal Clerk Certificate No. 1504 from the Department of Community Affairs pursuant to N.J.S.A. 40A:9-133.3:

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NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that Shawna M. Supel, R.M.C., is hereby appointed Municipal Clerk for the Township of Irvington for a term of three (3) years commencing July 10, 2023 and the salary for said position shall be \$150,000.00 per year; and

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Division of Local Government Services.

Adopted

Brown – Cox 12. Appointment of Assistant Municipal Clerk - Shonta' D. Watson

APPOINTMENT OF  
SHONTA' D.WATSON AS ASSISTANT MUNICIPAL CLERK  
FOR THE TOWNSHIP OF IRVINGTON

WHEREAS, the New Jersey Civil Service Commission recognizes the classified title of Assistant Municipal Clerk; and

WHEREAS, a vacancy exists in the Office of Municipal Clerk due to the appointment of Assistant Municipal Clerk, Shawna M. Supel to Municipal Clerk; and

WHEREAS, Shonta D. Watson, Keyboarding Clerk III, has served for over nine years in the Irvington Municipal Clerk's Office holding several titles and carrying out many of the job responsibilities performed by the office. She currently holds a Registered Municipal Clerk's Certificate No. 2132 issued by the Division of Local Government Services in the Department of Community Affairs; and

WHEREAS, the Irvington Municipal Council recognizes the need for competent professionals in the Municipal Clerk's Office to effectively carry out the people's business:

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that Shonta D. Watson, R.M.C., is hereby appointed as Assistant Municipal Clerk, at the salary range of \$83,054.98 (Minimum) to \$106,742.16 (Maximum) effective July 10, 2023.

Adopted

Vick – Cox                      13. Authorize Leave of Absences Without Pay from Permanent Titles Due to Appointments - Shawna M. Supel and Shonta' D. Watson

WHEREAS, pursuant to N.J.S.A 11A:6-1 Leaves of Absence, Without Pay, for a period of one year may be approved by a Municipality.

NOW THEREFORE BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that the request for a one year Leave of Absence, Without Pay, submitted by the appointing authority for the following employee of the Township of Irvington is hereby approved:

NAME	TITLE	EFFECTIVE DATE	TYPE OF LEAVE
Shawna M. Supel	Assistant	07/10/23	Leave of Absence

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(Currently serving as Municipal Clerk)      Municipal Clerk      Without Pay

Shonta' D. Watson      Keyboarding      07/10/23      Leave of Absence  
(Currently serving as Assistant Municipal Clerk)      Clerk III      Without Pay

Adopted

Vick – Frederic      14. Authorize Emergency Temporary Appropriation to Extend the CY 2023 Temporary Municipal Budget

<b><u>APPROPRIATIONS WITHIN "CAPS"</u></b>	
	<b><u>CY-23</u></b>
<b><u>OFFICE OF THE MAYOR</u></b>	<b><u>Emerg Budget #2</u></b>
Mayor's Office:	
Salaries and Wages	247,665.47
Other Expenses	36,650.00
Irvington Mental Health Center:	-
Other Expenses	2,250.00
Planning Board:	-
Salaries and Wages	7,918.22
Other Expenses	6,475.00
Office of Emergency Management:	-
Salaries and Wages	8,925.00
Other Expenses	-
Community Planning & Development	-
Salaries and Wages	79,693.78
Other Expenses	12,500.00
<b>Total Office of the Mayor</b>	<b>402,077.46</b>
<b><u>OFFICE OF THE TOWNSHIP CLERK</u></b>	<b><u>-</u></b>
Township Clerk's Office:	
Salaries and Wages	134,544.04
Other Expenses	13,500.00
Elections:	-
Salaries and Wages	5,000.00
Other Expenses	10,000.00
Council's Office:	-
Salaries and Wages	85,392.52
Other Expenses	14,250.00
	-
Board of Adjustment:	-
Salaries and Wages	14,836.69

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Other Expenses	5,650.00
Rent Leveling Board:	-
Salaries and Wages	12,500.00
Other Expenses	-
<b>Total Office of the Township Clerk</b>	<b>295,673.25</b>

<b><u>OFFICE OF THE TAX ASSESSOR</u></b>	-
Municipal Tax Assessor:	
Salaries and Wages	50,037.70
Other Expenses	5,250.00
<b>Total Office of the Tax Assessor</b>	<b>55,287.70</b>

<b><u>ATTORNEY TO TOWNSHIP COUNCIL</u></b>	-
Legislative Research Officer:	
Salaries and Wages	12,409.08
Other Expenses	400.00
<b>Total Attorney to Township Council</b>	<b>12,809.08</b>

<b><u>OFFICE OF THE TOWNSHIP ATTORNEY</u></b>	-
Township Attorney:	
Salaries and Wages	194,411.12
Other Expenses	117,331.00
<b>Total Office of the Township Attorney</b>	<b>311,742.12</b>

<b><u>DEPARTMENT OF ADMINISTRATION</u></b>	-
Office of the Business Administrator:	
Salaries and Wages	195,441.25
Other Expenses	64,500.00
Other Expenses - Postage	25,000.00
<b>Total Department of Administration</b>	<b>284,941.25</b>

<b><u>DEPARTMENT OF POLICE</u></b>	-
Police:	
Salaries and Wages	5,173,703.13
Other Expenses	299,946.75
<b><u>APPROPRIATIONS WITHIN "CAPS"(continue)</u></b>	-
School Guards:	-
Salaries and Wages	162,109.60
Other Expenses	125.00
Chaplains and Surgeons:	-
Salaries and Wages	637.50

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Parking Division:	-
Other Expenses	1,725.00
<b>Total Department of Police</b>	<b>5,638,246.97</b>
<b><u>DEPARTMENT OF FIRE</u></b>	<b>-</b>
Fire:	
Salaries and Wages	3,191,387.21
Other Expenses	140,206.25
Uniform Fire Safety	-
Salaries and Wages	2,500.00
Other Expenses	1,250.00
<b>Total Department of Fire</b>	<b>3,335,343.46</b>
<b><u>DEPARTMENT OF REVENUE AND FINANCE</u></b>	<b>-</b>
Division of Finance:	
Salaries and Wages	147,153.89
Other Expenses:	-
Administration of Finance	40,250.00
Auditing	76,537.50
Insurance:	-
General Liability	467,343.75
Workers Comp	337,850.00
Employers Group Health	1,958,424.94
Division of Revenue-Tax Collection:	-
Salaries and Wages	140,746.65
Other Expenses	17,525.00
Division of Licenses:	-
Salaries and Wages	25,672.50
Other Expenses	2,000.00
Division of Central Purchasing:	-
Salaries and Wages	89,068.77
Other Expenses	7,525.00
<b>Total Department of Revenue and Finance</b>	<b>3,310,097.99</b>
<b><u>DEPARTMENT OF PUBLIC WORKS</u></b>	<b>-</b>
Division of Engineering:	
Salaries and Wages	121,465.72
Other Expenses	106,250.00
Land Rental, Refuse Dumping:	-
Other Expenses	1,636,750.00
Division of Streets and Sewers:	-
Salaries and Wages	282,610.66

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Other Expenses	119,250.00
Snow Removal:	-
Salaries and Wages	-
Other Expenses	-
Division of Motorized Equipment:	-
Salaries and Wages	74,487.82
Other Expenses	78,750.00
Division of Public Property:	-
Salaries and Wages:	-
Public Buildings	288,779.84
Shade Tree	68,675.69
Other Expenses:	-
Public Buildings	90,000.00
Shade Tree	13,750.00
<b>Total Department of Public Works</b>	<b>2,880,769.71</b>

<b><u>DEPARTMENT OF HEALTH AND WELFARE</u></b>	<b>-</b>
Division of Health:	
Salaries and Wages:	
Health Administration	55,678.76
Environmental Health	23,332.33
Nursing	2,500.10
Other Expenses:	-
Health Administration	16,500.00
Environmental Health	32,125.00
Nursing	7,500.00
Senior Citizen Center:	-
Salaries and Wages	21,439.35
Other Expenses	12,250.00
<b>Total Department of Health and Welfare</b>	<b>171,325.54</b>
<b><u>DEPARTMENT OF PARKS AND RECREATION</u></b>	<b>-</b>
Division of Park Maintenance:	
Salaries and Wages	243,115.11
Other Expenses	91,500.00
Division of Recreation:	-
Salaries and Wages	85,000.00
Other Expenses	16,300.00
Public Events and Celebration:	-
Other Expenses	7,500.00
Irvington Municipal Pool:	-
Salaries and Wages	35,250.00



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Other Expenses	24,000.00
<b>Total Department of Parks and Recreation</b>	<b>502,665.11</b>
<b><u>DEPARTMENT OF HOUSING</u></b>	<b>-</b>
Housing Services:	
Salaries and Wages	148,715.21
Other Expenses	4,125.00
<b>Total Department of Housing Services</b>	<b>152,840.21</b>
<b><u>MUNICIPAL COURT</u></b>	<b>-</b>
Municipal Court	
Salaries and Wages	406,468.79
Other Expenses	31,800.00
<b>Total Municipal Court</b>	<b>438,268.79</b>
<b><u>PUBLIC DEFENDER</u></b>	<b>-</b>
Public Defender	
Salaries and Wages	19,987.50
Other Expenses	1,875.00
<b>Total Public Defender</b>	<b>19,987.50</b>
<b><u>UNIFORM CONSTRUCTION CODE</u></b>	<b>-</b>
Construction Code Official:	
Salaries and Wages	127,743.34
Other Expenses	4,375.00
<b>Total Construction Services</b>	<b>132,118.34</b>
<b><u>UNCLASSIFIED</u></b>	<b>-</b>
Utilities:	
Electricity, Gas	162,500.00
Telephone and Telegraph	160,000.00
Telephone Lease System	-
Fire Hydrants	131,950.00
Water	16,493.75
Gasoline	125,000.00
Street Lighting	187,500.00
Prior Year Salary Adjustments	-
Emergency Dispatch Services (Transportation)	46,250.00
Tax Appeals'	-
<b>Total Unclassified</b>	<b>829,693.75</b>
<b>Total Operations Within "CAPS"</b>	<b><u>18,773,888.22</u></b>

<b><u>Deferred Charges &amp; Statutory Expenditures</u></b>	<b>-</b>
Social Security System (OASI)	488,468.75
State Unemployment Insurance Fund	87,500.00
Fund Administrative Cost	-
Public Employees Retirement System	-
Police & Firemen's Retirement System	-
DCRPS	29,327.15
Judgments	-
Deferred Charges Grants Over	-
Expenditures W/O Approp.	-
Grant Expenditures W/O Approp.	-
Deferred Charges - WC & GL	-
Cash Deficit Preceding Year	-
<b>Total Deferred Charges &amp; Statutory Exp</b>	<b>605,295.90</b>
<b>Total Appropriations Within "CAPS"</b>	<b>19,379,184.12</b>
<b><u>APPROPRIATIONS EXCLUDED FROM "CAPS"</u></b>	<b>-</b>
<b><u>OTHER OPERATIONS</u></b>	<b>-</b>
Joint Sewer Maintenance	1,124,034.50
Maintenance of Free Public Library	306,350.00
911 Dispatch Services	93,750.00
	-
<b>Total Other Operations</b>	<b>1,524,134.50</b>
<b><u>APPROPRIATIONS EXCLUDED from "CAPS"(continue)</u></b>	<b>-</b>
State Summer Food Program	336,597.75
NJACCHO - 2023 Grant	491,464.00
NJ - Health - Capacity Grant - 2024	495,411.00
NJ - Health CLEP Grant - 2023	1,112,554.00
EMAA Fire Grant - 2023	10,000.00
Essex County - CSBG - 2023	245,000.00
Essex County - SSH/TANF - 2023	145,190.00
HPOWA Grant 22- 2023	335,000.00
<b>Total Grants</b>	<b>1,847,744.00</b>
<b>Total Operations Excluded from "CAPS"</b>	<b>3,371,878.50</b>
<b><u>MUNICIPAL DEBT SERVICE</u></b>	<b>-</b>

Total General Appropriations	<u>22,751,062.62</u>
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Adopted

Cox – Vick                      15. Rescind UEZ-23-0327-1, Authorizing The Submission Of An Application, Acceptance Of A Grant, Execution Of An Agreement And Expenditure Of Funds For Clean Sweep And Safe Streets Program To The NJ Urban Enterprise Zone Authority

A RESOLUTION RESCINDING RESOLUTION UEZ-23-0327-1, AUTHORIZING THE SUBMISSION OF AN APPLICATION, ACCEPTANCE OF A GRANT, EXECUTION OF AN AGREEMENT AND EXPENDITURE OF FUNDS FOR CLEAN SWEEP AND SAFE STREETS PROGRAM TO THE NJ URBAN ENTERPRISE ZONE AUTHORITY

WHEREAS, on March 27, 2023. the Municipal Council approved the submission of an application, acceptance of a grant, execution of an agreement and expenditure of funds for the Clean Sweep and Safe Street program to the NJ Urban Enterprise Zone Authority under resolution UEZ-23-0327-1; and

WHEREAS, the Township of Irvington has determined that Resolution No. UEZ-23-0327-1

NOW THEREFORE, BE IT RESOLVED, by the Municipal Council of the Township of Irvington, that Resolution No. UEZ-23-0327-1 approved on March 27, 2023 is hereby rescinded.

Adopted

Vick – Frederic                      16. Authorize The Submission Of An Application, Acceptance Of A Grant, Execution Of An Agreement And Expenditure Of Funds For Clean Sweep Program To The NJ Urban Enterprise Zone Authority - \$692,664.00

A RESOLUTION AUTHORIZING THE SUBMISSION OF AN APPLICATION, ACCEPTANCE OF A GRANT, EXECUTION OF AN AGREEMENT AND EXPENDITURE OF FUNDS FOR CLEAN SWEEP PROGRAM TO THE NJ URBAN ENTERPRISE ZONE AUTHORITY

WHEREAS, the Township of Irvington Urban Enterprise Zone (IUEZ), in the County of Essex and State of New Jersey, desires to apply for and obtain a grant from the NJ Department of Community Affairs for approximately \$692,664.00 to fund an effort to keep the business corridors of the Township cleaner; and

WHEREAS, the cleaning and maintenance of the commercial corridors is an activity referenced in the UEZ legislation and is highly valued by the Irvington business community;

WHEREAS, the UEZA also requires the municipal approval of the submission, acceptance and expenditure of grant funds; and

WHEREAS, the IUEZ Clean Sweep Program will employ workers to keep the commercial corridors clean. The IUEZ realizes additional measures are needed to improve the Township's litter abatement efforts therefore, the

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IUEZ is requesting the funds be used for equipment and personnel. IUEZ is requesting from the NJ Urban Enterprise Zone Authority \$692,664.00 of Enterprise Zone Assistance funds; and,

NOW THEREFORE, BE IT RESOLVED, by the Municipal Council of the Township of Irvington that the Council consents to the submission of The Clean Sweep project as proposed by the Irvington UEZ.

Adopted

Vick – Evans

17. Authorize The Execution Of An Escrow Agreement With Twenty First Redevelopment LLC For The Redevelopment Of Property Identified On The Tax Maps Of The Township As Blocks 144, 145, 146 And 147

RESOLUTION OF THE TOWNSHIP OF IRVINGTON AUTHORIZING THE EXECUTION OF AN ESCROW AGREEMENT WITH TWENTY FIRST REDEVELOPMENT LLC FOR THE REDEVELOPMENT OF PROPERTY IDENTIFIED ON THE TAX MAPS OF THE TOWNSHIP AS BLOCKS 144, 145, 146 AND 147

WHEREAS, the Municipal Council (the “Township Council”) of the Township of Irvington (the “Township”) is authorized pursuant to the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1 et seq.* (the “Redevelopment Law”), to determine whether certain parcels of land located therein constitute areas in need of redevelopment or rehabilitation and to create redevelopment plans which provide development controls for any area so designated; and

WHEREAS, on August 13, 2002, in accordance with the Redevelopment Law, the Township Council designated certain properties within its borders, including, but not limited to, the properties identified as Blocks 144, 145, 146 and 147 on the tax maps of the Township (the “Property”) as an “area in need of redevelopment” (the “Redevelopment Area”); and

WHEREAS, pursuant to *N.J.S.A. 40A:12A-7* of the Redevelopment Law and in accordance with the procedures set forth therein, the Township Council duly adopted the East Ward/East Springfield Avenue Redevelopment Plan (the “Redevelopment Plan”) for the Redevelopment Area; and

WHEREAS, to realize the redevelopment of Redevelopment Area, the Township determined to exercise the powers of redevelopment and serve as the “redevelopment entity” responsible for carrying out redevelopment projects in the Redevelopment Area in accordance with the Redevelopment Law; and

WHEREAS, on November 9, 2020, by resolution No. OCDP 20-1109-27, the Township Council conditionally designated Twenty First Street Redevelopment LLC as the redeveloper of the Property; and

WHEREAS, the conditional designation of Twenty First Street Redevelopment LLC for the Property has expired; and

WHEREAS, Twenty First Redevelopment LLC (the “Proposed Redeveloper”) proposes to acquire the Property and redevelop same by constructing thereon a Planned Urban Development that will include mixed income rental housing units, duplex units, home ownership units, a community center, an urban farm, community retail and outdoor space (the “Project”) in accordance with the Redevelopment Plan; and

WHEREAS, the Proposed Redeveloper has requested that the Township, in its capacity as redevelopment entity, enter into negotiations for a Redevelopment Agreement and other related agreements with respect to the redevelopment of the Property; and

WHEREAS, the Proposed Redeveloper has agreed to defray certain costs incurred by or on behalf of the Township arising out of or in connection with the redevelopment of the Property; and

WHEREAS, the Township and the Proposed Redeveloper wish to enter into an escrow and funding agreement establishing the mechanism for the deposit and disposition of funds to cover the Township's costs,

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

Section 1. Generally. The aforementioned recitals are incorporated herein as though fully set forth at length.

Section 2. Execution of Agreement. The Township Council hereby authorizes the Mayor to execute the escrow and funding agreement substantially in the form attached hereto as Exhibit A, with such changes, deletions, and modifications in consultation with counsel as may be necessary or desirable to effect the transaction contemplated by this resolution. However, neither the adoption of this resolution, nor the execution of the escrow and funding agreement authorized hereby, shall be construed in any way to bind the Township to execute one or more definitive agreements with respect to the Project.

Section 3. Severability. If any part of this Resolution shall be deemed invalid, such parts shall be severed and the invalidity thereby shall not affect the remaining parts of this Resolution.

Section 4. Availability of the Resolution. A copy of this resolution shall be available for public inspection at the office of the Municipal Clerk.

Section 5. Effective Date. This resolution shall take effect immediately.

Exhibit A

ESCROW AGREEMENT

Adopted

10. Communication and Petitions

A. Communications

1. New Jersey State League of Municipalities – Legislative Bulletin – 2022-2023 Legislative Session

2. Mayor Vauss - Appointment - Planning Board 2<sup>nd</sup> Alternate – Terrance Adams

11. Pending Business

None

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NON-CONSENT AGENDA

B. Ordinances on Second Reading

Vick – Brown

1. President Beasley: An ordinance amending Cannabis Regulations will be heard a time. The Clerk will read then notice of hearing.

The Clerk will read the ordinance by title

**AN ORDINANCE AMENDING MC 3779  
TO REGULATE CANNABIS IN THE TOWNSHIP OF IRVINGTON**

§ 650-47.1

**CANNABIS OPERATORS**

[Added 8-9-2021 by Ord. No. MC 3773; amended 9-27-2021 by Ord. No. MC 3779]

- A. Enabling authority. The requirements of this section are subject to the enabling authority of the State of New Jersey and are subject to compliance with all statutes and/or regulations adopted by the State of New Jersey or its instrumentalities. If any provision of this section is inconsistent with the statutes and/or regulations of the State of New Jersey, the state statutes and/or regulations shall govern.

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

**CANNABIS**

All parts of the plant Cannabis sativa L., whether growing or not, the seeds thereof, and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its seeds, except those containing resin extracted from the plant, which are cultivated and, when applicable, manufactured in accordance with P.L. 2021, c. 16 (N.J.S.A. 24:6I-31 et seq.), for use in cannabis products as set forth in this act, but shall not include the weight of any other ingredient combined with cannabis to prepare topical or oral administrations, food, drink, or other product. "Cannabis" does not include: medical cannabis dispensed to registered qualifying patients pursuant to the Jake Honig Compassionate Use Medical Cannabis Act, P.L. 2009, c. 307 (N.J.S.A. 24:6I-1 et seq.), and P.L. 2015, c. 158 (N.J.S.A. 18A:40-12.22 et seq.); marijuana as defined in N.J.S.A. 2C:35-2 and applied to any offense set forth in Chapters 35, 35A, and 36 of Title 2C of the New Jersey Statutes, or P.L. 2001, c. 114 (N.J.S.A. 2C:35B-1 et seq.), or marihuana as defined in Section 2 of P.L. 1970, c. 226 (N.J.S.A. 24:21-2), and applied to any offense set forth in the New Jersey Controlled Dangerous Substances Act, P.L. 1970, c. 226 (N.J.S.A. 24:21-1 et seq.); or hemp or a hemp product cultivated, handled, processed, transported, or sold pursuant to the New Jersey Hemp Farming Act, P.L. 2019, c. 238 (N.J.S.A. 4:28-6 et seq.).

**CANNABIS DELIVERY SERVICE**

Any licensed person or entity that provides courier services for consumer purchases of cannabis items and related supplies fulfilled by a cannabis retailer in order to make deliveries of the cannabis items and related supplies to that consumer, and which services include the ability of a consumer to purchase the cannabis items directly through the cannabis delivery service, which after presenting the purchase order to the cannabis retailer for fulfillment, is delivered to that consumer. This person or entity shall hold a Class 6 cannabis delivery license issued pursuant to CREAMMA.

**CANNABIS EXTRACT**

A substance obtained by separating resins from cannabis by: 1) a chemical extraction process using a hydrocarbon-based solvent, such as butane, hexane, or propane; 2) a chemical extraction process using the hydrocarbon-based solvent carbon dioxide, if the process uses high heat or pressure; or 3) any other process identified by the Cannabis Regulatory Commission by rule or regulation.

#### **CANNABIS FLOWER**

The flower of the plant *Cannabis sativa* L. within the plant family Cannabaceae.

#### **CANNABIS ITEM**

Any usable cannabis, cannabis product, cannabis extract, and any other cannabis resin. "Cannabis item" does not include: any form of medical cannabis dispensed to registered qualifying patients pursuant to the Jake Honig Compassionate Use Medical Cannabis Act, P.L. 2009, c. 307 (N.J.S.A. 24:6I-1 et seq.), and P.L. 2015, c. 158 (N.J.S.A. 18A:40-12.22 et seq.); or hemp or a hemp product cultivated, handled, processed, transported, or sold pursuant to the New Jersey Hemp Farming Act, P.L. 2019, c. 238 (N.J.S.A. 4:28-6 et seq.).

#### **CANNABIS LEAF**

The leaf of the plant *Cannabis sativa* L. within the plant family Cannabaceae.

#### **CANNABIS MANUFACTURER**

Any licensed person or entity that processes cannabis items in this state by purchasing or otherwise obtaining usable cannabis, manufacturing, preparing, and packaging cannabis items, and selling, and optionally transporting, these items to other cannabis manufacturers, cannabis wholesalers, or cannabis retailers, but not to consumers. This person or entity shall hold a Class 2 cannabis manufacturer license issued pursuant to CREAMMA.

#### **CANNABIS OPERATOR**

A person or entity that is authorized to conduct operations as a retailer or manufacturer in accordance with a cannabis permit issued by a cannabis permitting authority and pursuant to CREAMMA and its implementing regulations.

#### **CANNABIS PERMIT OR LICENSE**

The document or documents, also referred to as a license, issued by the Division of Medicinal Marijuana within the New Jersey Department of Health, or the New Jersey Cannabis Regulatory Commission, or other state agency or entity or successor state agency or entity authorized to issue a medical cannabis dispensary permit/license or adult-use cannabis dispensary permit/license.

#### **CANNABIS PERMITTING AUTHORITY**

The Division of Medicinal Marijuana within the New Jersey Department of Health and/or New Jersey Cannabis Regulatory Commission and/or any other state agency or entity or successor state agency or entity with the statutory and regulatory authority to issue medical cannabis dispensary permits or permit endorsements.

#### **CANNABIS PRODUCT**

A product containing usable cannabis, cannabis extract, or any other cannabis resin and other ingredients intended for human consumption or use, including a product intended to be applied to the skin or hair, edible cannabis products, ointments, and tinctures. "Cannabis product" does not include: 1) usable cannabis by itself; or 2) cannabis extract by itself; or 3) any other cannabis resin by itself.

#### **CANNABIS RESIN**

The resin extracted from any part of the plant *Cannabis sativa* L., including cannabis extract and resin extracted using nonchemical processes, processed and used in accordance with P.L. 2021, c. 16 (N.J.S.A. 24:6I-31 et seq.). "Cannabis resin" does not include: any form of medical cannabis dispensed to registered qualifying patients pursuant to the Jake Honig Compassionate Use Medical Cannabis Act, P.L. 2009, c. 307 (N.J.S.A. 24:6I-1 et seq.), and P.L. 2015, c. 158 (N.J.S.A. 18A:40-12.22 et seq.); hashish as defined in N.J.S.A. 2C:35-2 and applied to any offense set forth in Chapters 35, 35A, and 36 of Title 2C of the New Jersey Statutes, or P.L. 2001, c. 114 (N.J.S.A. 2C:35B-1 et seq.), or as defined in Section 2 of P.L. 1970, c. 226 (N.J.S.A. 24:21-2), and applied to any offense of the New Jersey Controlled Dangerous Substances Act, P.L. 1970, c. 226 (N.J.S.A. 24:21-1 et seq.); or hemp or a hemp product cultivated, handled, processed, transported, or sold pursuant to the New Jersey Hemp Farming Act, P.L. 2019, c. 238 (N.J.S.A. 4:28-6 et seq.).

### **CANNABIS RETAILER**

Any licensed person or entity that purchases or otherwise obtains usable cannabis from cannabis cultivators and cannabis items from cannabis manufacturers or cannabis wholesalers, and sells these to consumers from a retail store, and may use a cannabis delivery service or a certified cannabis handler as set forth in N.J.S.A. 24:6I-44 for the off-premises delivery of cannabis items and related supplies to consumers. A cannabis retailer shall also accept consumer purchases to be fulfilled from its retail store that are presented by a cannabis delivery service which will be delivered by the cannabis delivery service to that consumer. This person or entity shall hold a Class 5 cannabis retailer license issued pursuant to CREAMMA.

### **CANNABIS WHOLESALE**

Any licensed person or entity that purchases or otherwise obtains, stores, sells or otherwise transfers, and may transport, cannabis items for the purpose of resale or other transfer to either another cannabis wholesaler or to a cannabis retailer, but not to consumers. This person or entity shall hold a Class 3 cannabis wholesaler license issued pursuant to CREAMMA.

### **CANNABIS CULTIVATOR (GROWER)**

Any licensed person or entity that grows, packages and/or sells cannabis.

### **CONSUMER**

A person 21 years of age or older who purchases, directly or through a cannabis delivery service, acquires, owns, holds, or uses cannabis items for personal use by a person 21 years of age or older, but not for resale to others.

### **CONSUMPTION**

The act of ingesting, inhaling, or otherwise introducing cannabis items into the human body.

### **CREAMMA**

The New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act (Approved February 22, 2021).

### **DELIVERY**

The transportation of cannabis items and related supplies to a consumer. "Delivery" also includes the use by a licensed cannabis retailer of any third-party technology platform to receive, process, and fulfill orders by consumers, provided that any physical acts in connection with fulfilling the order and delivery shall be accomplished by a cannabis handler certified in accordance with N.J.S.A. 24:6I-44 performing work for or on behalf of the licensed cannabis retailer, which includes a certified cannabis handler employed or otherwise working on behalf of a cannabis delivery service making off-premises deliveries of consumer purchases fulfilled by that cannabis retailer.



## **HONIG ACT**

The Jake Honig Compassionate Use Medical Cannabis Act (approved July 2, 2019), P.L. 2019, c. 153, revising and supplementing P.L. 2009, c. 307: N.J.S.A. 24:61-1 et seq.

## **MICROBUSINESS**

**The holder of a license with a smaller footprint than a standard license holder. It can be a distributor, delivery service and the Township sets the perimeters for same. Ex; employ no more than x-number of employees; establishment occupies an area of no more than x— square feet; possess no more than x-amount of cannabis plants each month; if a manufacturer no more than x amount of pounds of usable cannabis per month**

## **PREMISES or LICENSED PREMISES**

Includes the following areas of a location licensed under P.L. 2021, c. 16 (N.J.S.A. 24:6I-31 et seq.): all public and private enclosed areas at the location that are used in the business operated at the location, including offices, kitchens, rest rooms, and storerooms; all areas outside a building that the Cannabis Regulatory Commission has specifically licensed for the production, manufacturing, wholesaling, distributing, retail sale, or delivery of cannabis items; and, for a location that the commission has specifically licensed for the production of cannabis outside a building, the entire lot or parcel that the licensee owns, leases, or has a right to occupy.

## **PUBLIC PLACE**

Any place to which the public has access that is not privately owned; or any place to which the public has access where alcohol consumption is not allowed, including, but not limited to, a public street, road, thoroughfare, sidewalk, bridge, alley, plaza, park, playground, swimming pool, shopping area, public transportation facility, vehicle used for public transportation, parking lot, public library, or any other public building, structure, or area.

## **USABLE CANNABIS**

The dried leaves and flowers of the female plant *Cannabis sativa* L., and does not include the seedlings, seeds, stems, stalks, or roots of the plant.

C. General. Standards and guidelines set forth in this section shall supersede other requirements of the zone district in which the dispensary is to be located to the extent they are inconsistent with the requirements for cannabis operators set forth herein. Where bulk regulations, parking requirements, or other provisions of the Zoning Code are not specifically stated, the underlying zoning standards and guidelines shall prevail.

D. Required approvals. Prior to the operation of any cannabis operator in the Township of Irvington the following shall be required:

(1) The applicant shall submit proof that the applicant has or will have lawful possession of the premises proposed for the cannabis retailer, which proof may consist of: a deed, a lease, a real estate contract contingent upon successful licensing, or a binding letter of intent by the owner of the premises indicating an intent to lease the premises to the entrant contingent upon successful licensing.

(2) The location proposed for licensing by the applicant shall comply with all applicable municipal zoning laws and the location restrictions set forth in this Code.

(3) The applicant shall submit all required fees for the application and conditional license in accordance with the fee schedule set forth below. All fees shall be nonrefundable except as expressly provided herein.

<b>Type of License</b>	<b>Application Fee (Initial)</b>	<b>Application Fee (Renewal)</b>	<b>Annual Registration Fee</b>
Retailer	\$10,000.00	\$10000.00	\$5000.00
Manufacturer	\$10,000.00	\$10000.00	\$7500.00
Grower	\$10,000.00	\$10000.00	\$7500.00
Distributor	\$10,000.00	\$10000.00	\$7500.00
Distributor	\$10,000.00	\$10000.00	\$7500.00
Delivery Service	\$10,000.00	\$10000.00	\$5000.00
Micro Retailer	\$5000.00	\$5000.00	\$2500.00

(4) A cannabis operator must obtain a Class 1 (Cultivator), Class 2 (Manufacturer), Class 3 (Wholesaler), Class 4 (Distributor), or Class 5 (Retailer) license issued by the state's Cannabis Regulatory Commission;

(5) A state and local consumption endorsement must be obtained pursuant to CREAMMA;

(6) Site plan approval shall be obtained from the Township of Irvington Planning Board or Board of Adjustment, as the case may be;

(7) A first certificate of zoning compliance shall be obtained along with all necessary building permits for build-out of the cannabis operator in accordance with the approved site plan; and

(8) A final certificate of zoning compliance and certificate of occupancy must be issued.

(9) Any local license issued pursuant to this chapter shall be valid for a period of three years from the date of issuance, subject to payment of the annual registration fee, and shall be in accordance with the provisions of this chapter.

E. Compliance requirements. A cannabis operator established pursuant to this section shall, at all times, operate in complete compliance with the terms and conditions of its cannabis permit(s) and any conditions set forth in its site plan approval, and all applicable codes and standards set forth in state codes and the Municipal Code of the Township of Irvington.

F. Permitted zone districts. Cannabis operators shall be conditionally permitted, as a conditional use, only in the following districts:

(1) Recreational cannabis retailer and dispensary shall be conditionally permitted in the following districts: B-3 Limited Business; B-4 General Business; and CBD Central Business District, Downtown Mixed-Use.

(2) Medicinal cannabis retailer and dispensary shall be conditionally permitted in the following districts: B-1 Neighborhood Business District; B-2 Shopping Center; B-3 Limited Business; B-4 General Business; and CBD Central Business District, Downtown Mixed-Use.

(3) Cultivating, manufacturing, wholesale, and distributing shall be conditionally permitted in the following districts: M-1 Special Industrial Manufacturing District; M-2 Light Industrial Manufacturing District; M-3 Heavy Industrial Manufacturing District.

(4) In addition to the permitted zone districts, no cannabis operator shall operate within 1000 feet of a school or place of worship.

G. Hours of operation. It shall be unlawful for any person to sell (or dispense) cannabis or cannabis products at a cannabis operator within the Township of Irvington at any time other than between the hours of ~~8:00 a.m.~~ 9:00am and 8:00 p.m. ~~daily~~. Monday through Saturday. On Sunday, hours of operation shall be permissible between 12:00pm and 6:00pm.

H. No cannabis operator shall be allowed as a home occupation as defined in §650-4.

I. No cannabis operator shall be housed in a vehicle or any movable or mobile structure.

J. Site plan approval; minimum requirements; performance standards.

(1) Minimum requirements. In addition to other requirements established by the Township of Irvington, the applicant shall include, at minimum, the following documents as evidence of compliance and good standing in the state and with the municipality.

(a) A letter from the Township of Irvington Director of Public Safety, or his or her designee, stating that the department has reviewed the applicant's safety and security protocols included in the pending application and has found them to be satisfactory.

(2) Performance standards.

(a) Building use. A cannabis operator shall only be located on the ground floor (i.e., street level) of any building in which it has been approved to be located unless the medical cannabis dispensary occupies the entire building on the property. Any such medical cannabis dispensary shall be accessible directly from the right-of-way through a separate entrance, independent from any other retail or residential ingress to the building. Only a secured, one-way emergency exit from the establishment may be integrated with common egress.

(b) Bulk and area requirements. Bulk and area requirements shall follow those of the underlying zoning district.

(c) Product display and storage. No cannabis products shall be visible from a public sidewalk, public street or right-of-way, or any other public place. All cannabis products shall be stored securely indoors and on site.

(d) Consumption. Consumption of cannabis products including smoking, ingestion of edibles or by any other means of consumption shall be not permitted on the premises or adjacent ground of a cannabis operator. Consumption shall not be permitted at any public place.

(e) Odor. A cannabis operator shall have equipment to mitigate cannabis-related odor. The building shall be equipped with a ventilation system with carbon filters or other filters sufficient in type and capacity to eliminate cannabis odors emanating from the interior of the premises. The filters are required to be replaced regularly for the best effectiveness to mitigate odor. The ventilation system must be approved by the Township of Irvington Health Department and Building Department or designated vendor and may be subject to periodic inspection.

(f) Noise. Outside generators and other mechanical equipment used for any kind of power supply, cooling or ventilation shall be enclosed and have appropriate baffles, mufflers, and/or other noise reduction systems to mitigate noise pollution.

(g) Security. All cannabis operators shall be secured and shall have full-time security protocols. Security protocols shall be submitted to the Township of Irvington Police Department for compliance review with all safety and security standards established by the State of New Jersey for cannabis operators. The Township of Irvington Police Department may, at its discretion and upon review of the proposed location, recommend or require additional safety and security measures. At minimum, the following shall apply:

[1] A video recording security system shall be employed covering all areas of the cannabis operator and the adjacent exterior of the building with a 24/7 recording system that records for a minimum thirty-day archive.

[2] The Township of Irvington Police Department and Zoning Officer shall be provided the name and twenty-four-hour phone number of the responsible staff person to notify during suspicious activity or emergency.

[3] Outside areas of the premises shall be well-illuminated for safety and security, but not in a way that is counter to Code requirements for outdoor lighting and screening or obtrusive to pedestrians, drivers or other users of the public right-of-way.

[4] The premises and right-of-way adjacent to the cannabis operator shall be monitored by staff of the medical cannabis dispensary and kept free of loitering, litter and other debris, and the sidewalks shall be swept and cleaned on a regular basis.

[5] Consumers shall be screened and demonstrate identification confirming they are ages 21 years old or older.

[6] Capacity. A cannabis retailer shall permit a maximum of 30 patrons per 1,500 square feet of gross floor area.

(h) Parking. Cannabis operators shall adhere to the following parking space requirements:

[1] Recreational retailer and dispensary: Any recreational retailer with a gross floor area of 1,500 square feet or less: none; any recreational retailer with a gross floor area exceeding 1,500 square feet: one space per 500 square feet of gross floor area.

[2] Medicinal dispensary: shall adhere to the parking requirements of banks, financial and business offices and professional and commercial offices (§ 650-33D).

[3] Cultivating, manufacturing wholesale or distributing: shall adhere to the parking requirements of industrial manufacturing establishments (§ 650-33N).

(i) Cannabis operator shall enter into a community benefit agreement.

(j) Records: Records of all cannabis purchased and sold must be made available upon 14 days' advance notice when called for by the Township, or any other authorized person or entity.

K. Penalty for violation. Any violation of the provisions of this subsection or the conditions of the zoning permit granted, inclusive of any agreements or conditions imposed by the Planning Board or Board of Adjustment, as the case may be, shall be punishable by a civil fine; minimum fine shall be \$2,500.00, maximum fine shall be \$5000.00. Each day that a violation is committed, exists or continues shall be deemed a separate and distinct offense. In addition, ongoing or repeat offenses may result in suspension of the certificate of occupancy for a period to be determined by the Zoning Officer. All violations will be reported to the appropriate cannabis permitting authority or designated state authority.

L. Suspension of use. The Municipal Council may suspend or revoke any license the corresponding state license or permit for the subject location is expired, surrendered, suspended, or revoked. Following the commencement of retail sales of cannabis or cannabis products, the Irvington Municipal Council may suspend or revoke any license if the licensed premises have been inactive or unoccupied by the licensee for at least six months Any subsequent application for use or occupancy of the premises as a cannabis operator, including reoccupation by the previous operator, shall be referred to the original land use board of jurisdiction as a new application.

M. Signage. The following signage regulations shall be enforced:

(1) One sign shall be permitted per cannabis operator.

(2) Signage shall not be illuminated at any time.

(3) Signage shall comply with the requirements of § 650-31 of the Township's Zoning Ordinance.

(4) The following words shall be prohibited: "cannabis," "marijuana," and "weed."

N. **No Transfer of License is Permitted:** It cannot be transferred in whole or in part, without the prior written approval of the Township of Irvington. No successor in interest of a licensee shall acquire any rights or powers without the prior written consent of the Township. For purposes of this chapter, any change in control of the licensee resulting from a merger, consolidation, stock transfer, or asset sale shall be deemed an assignment or transfer that requires the prior written consent of the Township.

The public hearing on this ordinance is now open

1. Jason Dauphine, 60 – 41<sup>st</sup> Street  
Response: Council President Beasley

Vick – Brown Motion to close public hearing

Vick – Brown Motion to adopt this ordinance on second reading after public hearing

Adopted

Brown – Hudley 2. President Beasley: An ordinance amending Section 7-147 of the revised code regarding fees for copies and other services for the Public Safety Department 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 AMENDING SECTION 7-147 OF THE GENERAL ORDINANCES OF THE TOWNSHIP OF IRVINGTON ENTITLED “FEES FOR COPIES AND OTHER SERVICES”

BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON, NEW JERSEY as follows:

SECTION 1. Section 7-147 of the Revised Code is hereby amended and supplemented as follows:

§ 7-147 **Fees for copies and other services.**

A. The following fees shall be charged by the Public Safety Department, Division of Police:

- (1) For clearance visas and letters of good conduct, the fee shall be \$27.
- (2) For fingerprints, the fee shall be \$85. For any application that requires a police investigation, the individual shall get a refund of \$60 if that applicant is selected for employment.
- (3) For a photograph, the fee shall be \$39.
- (4) For each search to verify information authorized for release by the rules and regulations established pursuant to § 7-145, the fee shall be \$27.
- (5) For the copies of motor vehicle accident reports, the fee shall be \$1 per page if obtained in person. For copies of all other reports authorized for release by the rules and regulations established pursuant to § 7-145, the fee shall be \$9 if obtained in person. For copies of such reports requested other than in person, the fee shall be \$26 per report. A fee of \$24 will be charged for each report searched for and not found.

(6) The fees for motor vehicle releases shall be \$25.00 per release.

(7) Fees for special detail assignments for off-duty law enforcement personnel in the Department of Public Safety shall be as follows:

- (a) The rate is \$40 per hour, and with a patrol car is an additional \$10 per hour, gross before taxes.

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- (b) The rate of compensation for a law enforcement personnel in the Department of Public Safety for construction is \$85 per hour, and with a patrol car is an additional \$10 per hour, gross before taxes.
- (c) The rate for traffic duty with a patrol car is \$50 per hour, gross before taxes.
- (d) The rate for strike duty is \$40 per hour, gross before taxes.
- (e) Any detail involving the services of four or more officers will require a supervisor who shall receive compensation at an additional \$2 per hour, gross pay before taxes, above the hourly rate of law enforcement personnel in the Department of Public Safety assigned to said details.
- (f) An additional fee of 10% per officer hour is hereby established to cover the administrative costs, overhead and out-of-pocket expense of the Township of Irvington. This fee shall not apply to the Township of Irvington Board of Education.
- (7) The fees provided herein are exclusive of fees charged by other authorities.
- B. The following fees shall be charged by the Public Safety Department, Division of Fire. The following fees for searching or obtaining photocopies of certain information authorized to be released are hereby established:
  - (1) For search or verification of certain information, the fee shall be \$9 for each such search or verification.
  - (2) For a photocopy of the first page or portion thereof, the fee shall be \$9 for the first page and \$2.50 for each page thereafter, to a maximum fee of \$64.
  - (3) No fee shall be charged for any requested search or photocopy by a federal, state, county or municipal duly constituted agency or department.
  - (4) Any person having a lawful interest in the subject matter shall be allowed to hand-copy such released information under the supervision of a Bureau employee without charge.
  - (5) A receipt shall be given in triplicate for all moneys received in connection with the making of a search or for such photocopies aforesaid. The original of such receipt shall be given to the person making the payment for such search or photocopies, the duplicate to be attached to the form made out for all such services performed or rendered and the triplicate to remain in chronological order in the Bureau of Fire Prevention for audit. The aforesaid receipt shall be identified by a corresponding number on the original and both copies of such receipt. All such moneys shall be forwarded monthly to the Department of Revenue and Finance.

### **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

Brown – Hudley                      Motion to close public hearing

Brown - Hudley                      Motion to adopt this ordinance on second reading after public hearing

Adopted

3. President Beasley: An ordinance amending Chapter 439, Section 18 regarding drinking alcoholic beverages on public grounds ~~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 AMENDING CHAPTER 439, SECTION 18 OF THE TOWNSHIP CODE  
ENTITLED: DRINKING ALCOHOLIC BEVERAGES ON PUBLIC GROUNDS**

WHEREAS, the Township of Irvington, in the County of Essex, is committed to providing a uniform set of regulations for the consumption of alcoholic beverages in the Township of Irvington; and

WHEREAS, No person shall place, carry or have in his/her possession in a public place, as hereinafter defined, any alcoholic beverage as the same is defined in the Alcoholic Beverage Control Law of the State of New Jersey (NJSA 33:1-1 et seq.) for the purpose of drinking or consuming the same therein, nor shall any person drink or consume any such alcoholic beverage in any such public place; and

WHEREAS, for the purpose of this article, a “public place” shall mean any street, thoroughfare or alley, any park, recreational area, playground and properties owned by the Township of Irvington; and

WHEREAS, all public places, as defined in this article, are alcohol-free. Exceptions include:

- (1) A State of New Jersey Social Affairs Permit or a State of New Jersey Catering Permit is granted.
- (2) The Director of Parks and Recreation has issued a Special Permit with a refundable deposit in the amount of \$1,000.00 for the consumption of alcoholic beverages at a picnic or other activity sponsored by a non-profit corporation or organization.
- (3) The ABC Board, at their discretion, may charge a cleaning fee, which will be determined at the time of booking, The ABC Board may also waive the Special Permit Fee.

NOW THEREFORE, BE IT ORDAINED that all ordinances or parts of ordinances inconsistent with the provisions of this ordinance be and the same are hereby repealed. This ordinance shall take effect upon final adoption and publication in accordance with the law.

**COX – BEASLEY                      [MOTION TO TABLE] – Roll Call**

~~The public hearing on this ordinance is now open~~

~~Vick – Frederic                      Motion to close public hearing~~

~~Vick – Frederic                      Motion to adopt this ordinance on second reading after public hearing~~

Vick – Brown

4. President Beasley: An ordinance creating an Informal Review Committee 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 CREATING AN INFORMAL REVIEW COMMITTEE

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

SECTION 1.

I. Informal Review Committee

The Informal Review Committee will consist of one (1) member of the municipal council from the redevelopment committee appointed by the Mayor or designee, one (1) member of either the Planning Board or the Zoning Board of Adjustment, depending on the nature of the application, and the Township Planner. The Informal Review Committee will review all applications not requiring site plan approval under § 560-40 specifically for one and two family dwellings.

II. Informal Review Procedure

A. The development types, as noted below, may be considered exempt, at the discretion of the Township, from formal site plan review and approval by the Planning Board. However they will be, at the discretion of the Township, eligible for administrative review and approval by the Informal Review Committee upon the jurisdictional recommendation of the Planning Board. Permitted development types are limited to the following:

(1) The construction of a one (1) and/or two (2) family home that is not subject to a Township variance under Chapter §650 of the Township Code.

(2) The construction of an addition to an existing one (1) and/or two (2) family house that is not subject to a Township variance under Chapter §650 of the Township Code.

(3) Concept review of plans for a project where an applicant only seeks a conceptual review of their plans by the Township.

Exempt Development: That Site plan and/or subdivision approval shall not be required prior to issuance of a development permit for the following:

A. Construction, additions, or alterations related to single-family or two (2)-family detached dwellings and/or their accessory structures on an individual lot(s).

B. Any change in occupancy which is not a change in use (as herein defined).

C. Individual applications for accessory mechanical equipment, whose operation and location conform to the design and performance standards of this Chapter and whose installation is on a site already



occupied by an active principal use for which site plan approval is not otherwise required.

D. Sign(s) to be installed on a site already occupied by a principal use for which site plan approval is not otherwise required and provided that such sign(s) conform to the applicable design and zoning district regulations of this Chapter.

E. Construction of an installation of essential services (as defined herein).

F. Consolidation of property and conveyances so as to combine existing lots, which are not considered to be subdivisions in accordance with the definition of "subdivision" herein.

G. Demolition of any structure or building not listed on the State or National Register of Historic Places or identified as a historic site on the Master Plan, provided that the demolition does not involve changes to the site outside the limits of the structure or building nor does it create any nonconformity.

### **III Informal Review Committee Procedure**

- A. An applicant requesting a jurisdictional determination for review of zoning determination, as defined in this Chapter, shall submit an application to the Informal Review Committee pursuant to Section A of this ordinance, pre-application informal review of concept plans, pursuant to Section A of this Chapter. For an application to be reviewed, the plans and documents submitted shall provide sufficient information for an adequate review by the Planning Board of the extent, size, character and scope of the proposed development. Upon submission of adequate documentation, the application shall be scheduled for a jurisdictional review at the next available Informal Review Committee meeting.
- B. Upon conclusion of the hearing, the Informal Review Committee may request additional information for further consideration, recommend jurisdictional application review by the Township Planner and/or recommend formal site plan review by the Planning Board.
- C. If jurisdiction is granted to the Township Planner, a complete development application and all applicable fees shall be submitted to the Township Planner pursuant to this Chapter. The application shall be declared complete or incomplete within a forty-five (45) calendar day period from the date of submission pursuant to this Chapter. If determined to be complete, a review pursuant to this Chapter shall commence and may result in a minor site plan approval and the issuance of a development permit. If approval and a permit cannot be issued, a list of the reasons shall be provided to the applicant for their consideration.
- D. Specific consideration by the Township Planner shall include, but not be limited to, the following:
  - (1) Compliance with the land use and zoning regulations of the Township.
  - (2) The provision of adequate parking spaces in compliance with this Chapter as well as all State and/or Federal requirements for handicapped accessibility.
  - (3) Appropriate landscaping and buffering as required by this Chapter.
  - (4) Proof of compliance with all applicable Township, state and federal regulations and requirements.
  - (5) All alternations or modifications of and to the existing drainage systems involving the

construction of new facilities, buildings, or structures, including, but not limited to, grading modifications, soil removal or fill, and the direction or quantity of surface water flow shall be approved by the Township Engineer.

- (6) The work involved shall not negate any condition of a previously approved site plan except as set forth above.
- (7) The proposed addition or alteration does not violate any zoning ordinance or land use ordinance requirements.
- (8) All other approvals and permits required by law or regulation shall be obtained and copies submitted to the Township Planner.

**III. Fees**

**Escrow Fees:**

Informal hearing (minor subdivision): \$500 per meeting.

Informal hearing (other): \$500 per meeting.

Informal review of concept plans: \$250.

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

Vick – Brown                      Motion to close public hearing

Vick – Brown                      Motion to adopt this ordinance on second reading after public hearing

Adopted

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**ALCOHOLIC BEVERAGE CONTROL BOARD**

**JULY 10, 2023**

1. Chairman Cox calls the Meeting to Order

Roll Call

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

2. New Business

Cox –Beasley                      A. Renewal of ABC Pocket Plenary Retail Consumption License for the  
2023-2024 Licensing Year With 12:39 Special Ruling – Kim M. McGuier

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and Nnanna Okora

WHEREAS, the following named individuals, partnerships or corporations, being applicants for Plenary Retail Consumption Licenses for the Year 2023-2024 to sell alcoholic beverages under the provisions of NJSA Title 33, having been investigated as required by said Law, and the Alcoholic Beverage Control Board being satisfied that said applicants in all things have met the requirements of the law and are suitable and proper organizations to whom Plenary Retail Consumption Licenses should be issued; and

WHEREAS, the Director of the New Jersey Division of Alcoholic Beverage Control has granted a Special Ruling to permit renewal of an Inactive (Pocket) License, Pursuant to NJSA 33:1-12.39.

NOW, THEREFORE BE IT RESOLVED by the Municipal Council, Acting as the Alcoholic Beverage Control Board of the Township of Irvington, that a Plenary Retail Consumption Licenses be issued to the following named individual, partnerships and corporations for the sale of alcoholic beverages by the glass or in original containers for consumption on the licensed premises, for the Year 2023-2024 at the address set opposite their name.

License Number	Name	Address
0709-33-027-008	Kim M. McGuire	Pocket License with Special 12.39 State ABC Ruling
0709-33-068-007	Nnanna Okoro	Pocket License with Special 12.39 State ABC Ruling

BE IT FURTHER RESOLVED, that the said licenses be issued in the name and under the seal of the Township of Irvington and be signed by the ABC Board Secretary, in order to fulfil the provisions of Chapter 158 of the Irvington Township Code, known as Ordinance MC 3635, which license, after being so signed, shall be released by the ABC Board Secretary to the licensee.

Adopted

Cox – Beasley	B. Renewal of ABC Pocket Plenary Retail Consumption License for the 2023-2024 Licensing Year – Chatelain Pierre
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WHEREAS, the following named individuals, partnerships or corporations, being applicants for Plenary Retail Consumption Licenses for the Year 2023-2024 to sell alcoholic beverages under the provisions of NJSA Title 33, having been investigated as required by said Law, and the Alcoholic Beverage Control Board being satisfied that said applicants in all things have met the requirements of the law and are suitable and proper organizations to whom Plenary Retail Consumption Licenses should be issued; and

NOW, THEREFORE BE IT RESOLVED by the Municipal Council, Acting as the Alcoholic Beverage Control Board of the Township of Irvington, that a Plenary Retail Consumption Licenses be issued to the following named individual, partnerships and corporations for the sale of alcoholic beverages by the glass or in original containers for consumption on the licensed premises, for the Year 2023-2024 at the address set opposite their name.

License Number	Name	Address
0709-33-013-004	Chatelain Pierre	Pocket License

BE IT FURTHER RESOLVED, that the said licenses be issued in the name and under the seal of the Township of Irvington and be signed by the ABC Board Secretary, in order to fulfil the provisions of Chapter 158 of the Irvington Township Code, known as Ordinance MC 3635, which license, after being so signed, shall be released by the ABC Board Secretary to the licensee.

Adopted

**3. Adjournment**

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**12. Miscellaneous**

A. Presentation - Resolution of Commemoration - Retirement of Municipal Clerk  
Harold E. Wiener

**REMARKS:**

Honorable Darlene Brown, Council Member-At-Large  
Honorable Vern Cox, West Ward Council Member  
Honorable Sean C. Evans, East Ward Council Member  
Honorable Charnette Frederic, Council 2<sup>nd</sup> Vice President  
Honorable Dr. October Hudley, Council 1<sup>st</sup> Vice President  
Honorable Orlander G. Vick, North Ward Council Member  
Honorable Jamillah Z. Beasley, Council President

**REMARKS:**

Honorable Tony Vauss, Mayor

**REMARKS:**

Harold E. Wiener, Outgoing Municipal Clerk

B. Administration of Oath of Office by Judge Rashidah N. Hasan, Esq.-  
Shawna M. Supel, Municipal Clerk

C. Administration of Oath of Office by Judge Rashidah N. Hasan, Esq.-  
Shonta' D. Watson, Assistant Municipal Clerk

**REMARKS:**

Honorable Darlene Brown, Council Member-At-Large  
Honorable Vern Cox, West Ward Council Member  
Honorable Sean C. Evans, East Ward Council Member  
Honorable Charnette Frederic, Council 2<sup>nd</sup> Vice President  
Honorable Dr. October Hudley, Council 1<sup>st</sup> Vice President  
Honorable Orlander G. Vick, North Ward Council Member  
Honorable Jamillah Z. Beasley, Council President

**REMARKS:**

Honorable Tony Vauss, Mayor

**REMARKS:**

Shawna M. Supel, Municipal Clerk

Shonta' D. Watson, Assistant Municipal Clerk

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

Elouise McDaniel, 214 Nesbit Terrace

Robert Shaw, 57 Coit Street

Lisa L. Jackson, 1 Civic Square

Rasheed Williams, 519 21<sup>st</sup> Street

Fire Chief Antonio Gary, 1 Civic Square

Denise Cafone, Fairfield Municipal Clerk, 230 Fairfield Rd., Fairfield, NJ

Council President Beasley responded to the issues raised by the above referenced citizens.

**13. Adjournment**

There being no further business, the meeting adjourned at 8:49 P.M.

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Jamillah Z. Beasley, Council President

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Shawna M. Supel, Municipal Clerk