

REGULAR COUNCIL MEETING
AUGUST 14, 2023

Virtual Zoom Meeting
Irvington, N.J. – Monday Evening
August 14, 2023 - 7:30 P.M.

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

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

Absent: Sean C. Evans

President Beasley reads 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 (MUST SIGN UP IN ADVANCE OF MEETING)

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 July 3, 2023 to July 7, 2023
2. Municipal Court - Weekly Summary Report For The Week Of July 10, 2023 to July 14, 2023
3. Municipal Court - Weekly Summary Report For The Week Of July 17, 2023 to July 21, 2023
4. Collections Project for June, 2023
5. Mayor's Monthly Report for June, 2023
6. Planning Board – Newton Place Preliminary Investigation (Block 17, Lot 97)
7. Municipal Court - Weekly Summary Report For The Week Of July 24, 2023 to July 28, 2023

7. Reports of Committees

A. RFQ Planner Services – July 12, 2023

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

Frederic – Cox 1. An Ordinance Amending Chapter 582 Taxicabs

AN ORDINANCE AMENDING CHAPTER 582 TAXICABS-SECTION 582-3 INSURANCE REQUIREMENTS AND REPLACING SECTION 582-3(F)(1)

Whereas, P.L. 2022,c87 (the “Act) was signed into law on August 5, 2022; said Act amended existing law to increase the minimum limits of liability, uninsured motorist, and underinsured motorist coverage that is required to be provided in automobile policies issued in the State of New Jersey.

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

582-3(F)(1) All taxicabs that are permitted to conduct business in the Township of Irvington and that are licensed and operated therein must comply with the insurance requirements as mandated by law. Such insurance coverage as defined, for bodily injury, death and property damage which arises out of ownership, maintenance, operation, or use of an automobile as defined by N.J.S.A. 39:6A-s or any motor vehicle. P.L.2022, c.87, s.2, 3.

All losses arising from injury to or death of, one person, in any one accident (“Per Person Coverage”) must meet the minimum required insurance coverage limits mandated by N.J.S.A. 17:28-1.1(a)(1), 39:6A-3(a), 6B-1(a)(1) and any subsequent revisions or amendments thereto.

All losses arising from injury to or death of, more than one person, in any one accident (“Per Accident Coverage”) must meet the minimum required insurance coverage limits mandated N.J.S.A. 17:28-1.1(a)(2), 39:6A-3(b), 6B-1(a)(2) and any subsequent revisions or amendments.

- A. For losses on account of injuries to, or death of, one person, in any one accident (**“Per Person Coverage”**), the minimum coverage limit shall be \$25,000 for policies issued or renewed on or after January 1, 2023, but prior to January 1, 2026; and \$35,000.00 for policies issued or renewed on or after January 1, 2026.
- B. For losses on account of injury to, or death of, more than one person, in any one accident (**“Per Accident Coverage”**), the minimum coverage limit shall be \$50,000.00 for policies issued or renewed on or after January 1, 2023, but prior to January 1, 2026, and \$70,000.00 for policies issued or renewed on or after January 1, 2026.
- C. For losses from damage to property in any one accident, the minimum coverage limit shall be \$25,000.00.

SECTION II. Severability.

If any section, subsection, paragraph, sentence or other part of this Ordinance is adjudged unconstitutional or invalid, such judgment shall not affect or invalidate the remainder of this Ordinance, but shall be confined in its effect to the section, subsection, paragraph, sentence or other part of this Ordinance directly involved in the controversy in which said judgment shall have been rendered and all other provisions of this Ordinance shall remain in full force and effect.

SECTION

III.

Inconsistent Ordinances Repealed.

All ordinances or parts of ordinances which are inconsistent with the provisions of this ordinance are hereby repealed, but only to the extent of such inconsistencies.

SECTION IV. Effective Date.

This Ordinance shall take effect immediately upon final adoption and publication in the manner prescribed by law.

Adopted
Absent: Evans

Vick – Frederic 2. Establish Fee for Cancellation of Redeemed Certificate of Sale - \$30.00

**AN ORDINANCE ESTABLISHING A FEE FOR CANCELLATION
OF REDEEMED CERTIFICATE OF SALE**

WHEREAS, the Office of the Tax Collector provides redemption figures for unpaid tax liens to the redeeming party; and

WHEREAS, upon receipt of the lien redemption payment of a tax sale certificate, the Office of the Tax Collector shall send the certificate of sale dully endorsed for cancellation or certificate of redemption to the Essex County Register; and

WHEREAS, the Office of the Tax Collector desires to impose a fee of thirty dollars (\$30.00) on the lien redemption to have the certificate of sale canceled of record; and

WHEREAS, the CFO of the Finance Department shall set up a trust account for the collection of the cancellation charge for the purpose of payment to the Essex County Register.

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

SECTION 1. The following fee for cancellation of redeemed certificate of sale is hereby established as described below.

The Office of the Tax Collector is hereby authorized to charge a fee of thirty dollars (\$30.00) to the redeeming party of any unpaid tax lien and have the lien certificate canceled of the record with the Essex County Register.

SECTION 2. All 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.

Adopted
Absent: Evans

Vick – Cox 3. Providing for Fees for Tax Sale Certificate Redemption Calculations - \$50.00

**AN ORDINANCE PROVIDING FOR FEES FOR TAX SALE
CERTIFICATE REDEMPTION CALCULATIONS**

WHEREAS, the Tax office receives requests for tax sale redemption calculations for the payoff of liens against a property; and

WHEREAS, after the requesting party providing their legal interest in the property and their right of redemption: and

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

SECTION 1. The following fees for Tax Sale Certificate redemption calculations shall be charged as described below.

- In accordance with N.J.S.A. 54:5-54, the Tax Collector shall provide to any party entitled to redeem a certificate pursuant to this section (N.J.S.A. 54:5- 54) two calculations of the amount required for redemption within a calendar year at no cost. For each subsequent calculation requested from the Tax Collector there shall be a \$50.00 fee. A request for a redemption calculation shall be made in writing to the Tax Collector.
- In accordance with N.J.S.A. 54:5-97.1, the Tax Collector may charge a lien holder of a tax lien \$50.00 for the calculation of the amount due to redeem the tax lien as required pursuant to N.J.S.A. 54:5-97.1. Any request for a redemption calculation shall specify the date to be used for the calculation, which shall be the date of the notice. Neither the Tax Collector nor the municipality shall be liable for an incorrect calculation. The fee paid to the municipality shall not become part of the lien and shall not be passed on to any party entitled to redeem pursuant to N.J.S.A. 54:5-54.

SECTION 2. All 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.

Adopted
Absent: Evans

Cox – Vick 4. Stormwater Management Ordinance

Stormwater Control

Section I. Scope and Purpose:

A. Policy Statement

Flood control, groundwater recharge, and pollutant reduction shall be achieved through the use of stormwater management measures, including green infrastructure Best Management Practices (GI BMPs) and nonstructural stormwater management strategies. GI BMPs should be utilized to meet the goal of maintaining natural hydrology to reduce stormwater runoff volume, reduce erosion, encourage infiltration and groundwater recharge, and reduce pollution. GI BMPs should be developed based upon physical site conditions and the origin, nature and the anticipated quantity, or amount, of potential pollutants. Multiple stormwater management BMPs may be necessary to achieve the established performance standards for green infrastructure, water quality, quantity, and groundwater recharge.

B. Purpose

The purpose of this ordinance is to establish minimum stormwater management requirements and controls for “major development,” as defined below in Section II.

C. Applicability

1. This ordinance shall be applicable to the following major developments:
 - i. Non-residential major developments and redevelopment projects; and
 - ii. Aspects of residential major developments and redevelopment projects that are not pre-empted by the Residential Site Improvement Standards at N.J.A.C. 5:21 et seq.
2. This ordinance shall also be applicable to all major developments undertaken by the Township of Irvington.
3. Applicability of this ordinance to major developments shall comply with last amended N.J.A.C. 7:8-1.6, incorporated herein by reference.

D. Compatibility with Other Permit and Ordinance Requirements

Development approvals issued pursuant to this ordinance are to be considered an integral part of development approvals and do not relieve the applicant of the responsibility to secure required permits or approvals for activities regulated by any other applicable code, rule, act, or ordinance. In their interpretation and application, the provisions of this ordinance shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare.

This ordinance is not intended to interfere with, abrogate, or annul any other ordinances, rule or regulation, statute, or other provision of law except that, where any provision of this ordinance imposes restrictions different from those imposed by any other ordinance, rule or regulation, or other provision of law, the more restrictive provisions or higher standards shall control.

Section II. Definitions:

For the purpose of this ordinance, the following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text of this ordinance clearly

demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory. The definitions used in this ordinance shall be the same as the last amended Stormwater Management Rules at N.J.A.C. 7:8-1.2, incorporated herein by reference except as follows:

“Major development” means an individual “development,” as well as multiple developments that individually or collectively result in:

1. The disturbance of one quarter acre or more of land since February 2, 2004;
2. The creation of one-quarter acre or more of “regulated impervious surface” since February 2, 2004;
3. The creation of one-quarter acre or more of “regulated motor vehicle surface” since March 2, 2021; or
4. A combination of 2 and 3 above that totals an area of one-quarter acre or more. The same surface shall not be counted twice when determining if the combination area equals one-quarter acre or more.

Major development includes all developments that are part of a common plan of development or sale (for example, phased residential development) that collectively or individually meet any one or more of paragraphs 1, 2, 3, or 4 above. Projects undertaken by any government agency that otherwise meet the definition of “major development” but which do not require approval under the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq., are also considered “major development.”

Section III. Design and Performance Standards for Stormwater Management Measures:

This section establishes design and performance standards for stormwater management measures for major development intended to minimize the adverse impact of stormwater runoff on water quality and water quantity and loss of groundwater recharge in receiving water bodies. Design and performance standards for stormwater management measures shall comply with last amended N.J.A.C. 7:8-5, incorporated herein by reference.

Section IV. Solids and Floatable Materials Control Standards:

- A. Site design features identified under Section III above, or alternative designs in accordance with Section III above, to prevent discharge of trash and debris from drainage systems shall comply with the following standard to control passage of solid and floatable materials through storm drain inlets. For purposes of this paragraph, “solid and floatable materials” means sediment, debris, trash, and other floating, suspended, or settleable solids. For exemptions to this standard see Section IV.A.2 below.

1. Design engineers shall use one of the following grates whenever they use a grate in pavement or another ground surface to collect stormwater from that surface into a storm drain or surface water body under that grate:
 - i. The New Jersey Department of Transportation (NJDOT) bicycle safe grate, which is described in Chapter 2.4 of the NJDOT Bicycle Compatible Roadways and Bikeways Planning and Design Guidelines; or
 - ii. A different grate, if each individual clear space in that grate has an area of no more than seven (7.0) square inches, or is no greater than 0.5 inches across the smallest dimension. Note that the Residential Site Improvement Standards at N.J.A.C. 5:21 include requirements for bicycle safe grates.

Examples of grates subject to this standard include grates in grate inlets, the grate portion (non-curb-opening portion) of combination inlets, grates on storm sewer manholes, ditch grates, trench grates, and grates of spacer bars in slotted drains. Examples of ground surfaces include surfaces of roads (including bridges), driveways, parking areas, bikeways, plazas, sidewalks, lawns, fields, open channels, and stormwater system floors used to collect stormwater from the surface into a storm drain or surface water body.

- iii. For curb-opening inlets, including curb-opening inlets in combination inlets, the clear space in that curb opening, or each individual clear space if the curb opening has two or more clear spaces, shall have an area of no more than seven (7.0) square inches, or be no greater than two (2.0) inches across the smallest dimension.
2. The standard in IV.A.1. above does not apply:
 - i. Where each individual clear space in the curb opening in existing curb-opening inlet does not have an area of more than nine (9.0) square inches;
 - ii. Where the municipality agrees that the standards would cause inadequate hydraulic performance that could not practicably be overcome by using additional or larger storm drain inlets;
 - iii. Where flows from the water quality design storm as specified in the last amended Stormwater Management rules at N.J.A.C. 7:8 et seq. are conveyed through any device (e.g., end of pipe netting facility, manufactured treatment device, or a catch basin hood) that is designed, at a minimum, to prevent delivery of all solid and floatable materials that could not pass through one of the following:
 - a. A rectangular space four and five-eighths (4.625) inches long and one and one-half (1.5) inches wide (this option does not apply for outfall netting facilities); or
 - b. A bar screen having a bar spacing of 0.5 inches.

Note that these exemptions do not authorize any infringement of requirements in the Residential Site Improvement Standards for bicycle safe grates in new residential development (N.J.A.C. 5:21-4.18(b) 2 and 7.4(b) 1).

- iv. Where flows are conveyed through a trash rack that has parallel bars with one-inch (1 inch) spacing between the bars, to the elevation of the Water Quality Design Storm as specified in N.J.A.C. 7:8; or
- v. Where the New Jersey Department of Environmental Protection determines, pursuant to the New Jersey Register of Historic Places Rules at N.J.A.C. 7:4-7.2(c), that action to meet this standard is an undertaking that constitutes an encroachment or will damage or destroy the New Jersey Register listed historic property.

Section V. Safety Standards for Stormwater Management Basins:

- A. This section sets forth requirements to protect public safety through the proper design and operation of stormwater management basins. This section applies to any new stormwater management basin. Safety standards for stormwater management measures shall comply with last amended N.J.A.C. 7:8-6, incorporated herein by reference.

B. Safety Ledge Illustration

Elevation View –Basin Safety Ledge Configuration

Section VI. Requirements for a Site Development Stormwater Plan:

A. Submission of Site Development Stormwater Plan

- 1. Whenever an applicant seeks municipal approval of a development subject to this ordinance, the applicant shall submit all of the required components of the Checklist for the Site Development Stormwater Plan at Section VI.C below as part of the submission of the application for approval.
- 2. The applicant shall demonstrate that the project meets the standards set forth in this ordinance.

3. The applicant shall submit twenty (20) copies of the materials listed in the checklist for site development stormwater plans in accordance with Section VI.C of this ordinance.

B. Site Development Stormwater Plan Approval

The applicant's Site Development project shall be reviewed as a part of the review process by the municipal board or official from which municipal approval is sought. That municipal board or official shall consult the municipality's review engineer to determine if all of the checklist requirements have been satisfied and to determine if the project meets the standards set forth in this ordinance.

C. Submission of Site Development Stormwater Plan

The following information shall be required:

1. Topographic Base Map

The reviewing engineer may require upstream tributary drainage system information as necessary. It is recommended that the topographic base map of the site be submitted which extends a minimum of 200 feet beyond the limits of the proposed development, at a scale of 1"=200' or greater, showing 2-foot contour intervals. The map as appropriate may indicate the following: existing surface water drainage, shorelines, steep slopes, soils, erodible soils, perennial or intermittent streams that drain into or upstream of the Category One waters, wetlands and flood plains along with their appropriate buffer strips, marshlands and other wetlands, pervious or vegetative surfaces, existing man-made structures, roads, bearing and distances of property lines, and significant natural and manmade features not otherwise shown.

2. Environmental Site Analysis

A written and graphic description of the natural and man-made features of the site and its surroundings should be submitted. This description should include a discussion of soil conditions, slopes, wetlands, waterways and vegetation on the site. Particular attention should be given to unique, unusual, or environmentally sensitive features and to those that provide particular opportunities or constraints for development.

3. Project Description and Site Plans

A map (or maps) at the scale of the topographical base map indicating the location of existing and proposed buildings roads, parking areas, utilities, structural facilities for stormwater management and sediment control, and other permanent structures. The map(s) shall also clearly show areas where alterations will occur in the natural terrain and cover, including lawns and other landscaping, and seasonal high groundwater elevations. A written description of the site plan and justification for proposed changes in natural conditions shall also be provided.

4. Land Use Planning and Source Control Plan

This plan shall provide a demonstration of how the goals and standards of Section III is being met. The focus of this plan shall be to describe how the site is being developed to meet the objective of controlling groundwater recharge, stormwater quality and stormwater quantity problems at the source by land management and source controls whenever possible.

5. Stormwater Management Facilities Map

The following information, illustrated on a map of the same scale as the topographic base map, shall be included:

- i. Total area to be disturbed, paved or built upon, proposed surface contours, land area to be occupied by the stormwater management facilities and the type of vegetation thereon, and details of the proposed plan to control and dispose of stormwater.
- ii. Details of all stormwater management facility designs, during and after construction, including discharge provisions, discharge capacity for each outlet at different levels of detention and emergency spillway provisions with maximum discharge capacity of each spillway.

6. Calculations

- i. Comprehensive hydrologic and hydraulic design calculations for the pre-development and post-development conditions for the design storms specified in Section III of this ordinance.
- ii. When the proposed stormwater management control measures depend on the hydrologic properties of soils or require certain separation from the seasonal high water table, then a soils report shall be submitted. The soils report shall be based on onsite boring logs or soil pit profiles. The number and location of required soil borings or soil pits shall be determined based on what is needed to determine the suitability and distribution of soils present at the location of the control measure.

7. Maintenance and Repair Plan

The design and planning of the stormwater management facility shall meet the maintenance requirements of Section VII.

8. Waiver from Submission Requirements

The municipal official or board reviewing an application under this ordinance may, in consultation with the municipality's review engineer, waive submission of any of the requirements in Section VI.C.1 through VI.C.6 of this ordinance when it can be demonstrated that the information requested is impossible to obtain or it would create a hardship on the applicant to obtain and its absence will not materially affect the review process.

Section VII. Maintenance and Repair:

A. Applicability

Projects subject to review as in Section I.C of this ordinance shall comply with the requirements of Section VII.B and VII.C.

B. General Maintenance

1. Maintenance for stormwater management measures shall comply with last amended N.J.A.C. 7:8-5.8, incorporated herein by reference.
2. The following requirements of N.J.A.C. 7:8-5.8 do not apply to stormwater management facilities that are dedicated to and accepted by the municipality or another governmental agency, subject to all applicable municipal stormwater general permit conditions, as issued by the Department:
 - i. If the maintenance plan identifies a person other than the property owner (for example, a developer, a public agency or homeowners' association) as having the responsibility for maintenance, the plan shall include documentation of such person's or entity's agreement to assume this responsibility, or of the owner's obligation to dedicate a stormwater management facility to such person under an applicable ordinance or regulation; and
 - ii. Responsibility for maintenance shall not be assigned or transferred to the owner or tenant of an individual property in a residential development or project, unless such owner or tenant owns or leases the entire residential development or project. The individual property owner may be assigned incidental tasks, such as weeding of a green infrastructure BMP, provided the individual agrees to assume these tasks; however, the individual cannot be legally responsible for all of the maintenance required.
- i. If the maintenance plan identifies a person other than the property owner (for example, a developer, a public agency or homeowners' association) as having the responsibility for maintenance, the plan shall include the posting of a two year maintenance guarantee in accordance with N.J.S.A. 40:55D-53. Maintenance and inspection guidance can be found on the New Jersey Department of Environmental Protection's (NJDEP) website at https://www.njstormwater.org/maintenance_guidance.htm
3. In the event that the stormwater management facility becomes a danger to public safety or public health, or if it is in need of maintenance or repair, the municipality shall so notify the responsible person in writing. Upon receipt of that notice, the responsible person shall have fourteen (14) days to effect maintenance and repair of the facility in a manner that is approved by the municipal engineer or his designee. The municipality, in its discretion, may extend the time allowed for effecting maintenance and repair for good cause. If the responsible person fails or refuses to perform such maintenance and repair, the municipality or County may immediately proceed to do so and shall bill the cost thereof to the responsible person. Nonpayment of such bill may result in a lien on the property.

- C. Nothing in this subsection shall preclude the municipality in which the major development is located from requiring the posting of a performance or maintenance guarantee in accordance with N.J.S.A. 40:55D-53.

Section VIII. Penalties:

Any person(s) who erects, constructs, alters, repairs, converts, maintains, or uses any building, structure or land in violation of this ordinance shall be subject to the following penalties:

1st Offense	2nd Offense	3rd Offense	4th Offense Maximum Fine; Court Appearance Required
\$ 250.00	\$ 500.00	\$ 750.00	\$ 1,000.00

Where each day is a separate and continuing offense.

Section IX. Severability:

Each section, subsection, sentence, clause and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause and phrase, and the finding or holding of any such portion of this Ordinance to be unconstitutional, void, or ineffective for any cause, or reason, shall not affect any other portion of this Ordinance.

Section X. Effective Date:

This Ordinance shall be in full force and effect from and after its adoption and any publication as required by law.

ALL OF WHICH IS ADOPTED THIS _____ day of _____, 20____, by the
_____.

Adopted
Absent: Evans

Vick – Hudley 5. An Ordinance Amending Chapter 472 Rent Control, Section 6

**AN ORDINANCE AMENDING CHAPTER 472 RENT CONTROL SECTION 6 OF THE
REVISED CODE OF THE TOWNSHIP OF IRVINGTON ENTITLED “SUPERINTENDENTS IN
DWELLINGS”**

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

SECTION 1. Section 472-6 of the Revised Code of the Township of Irvington is hereby amended and
supplemented as follows:

§ 472-6 Superintendents in dwellings.

- A. In every dwelling containing five or more dwellings or rooming units, or combination thereof, the

owner shall provide and designate a superintendent who shall be licensed by and registered by the State of New Jersey to practice a trade (e.g., electrical, plumbing, building). The licensing and registration requirement shall become effective January 1, 2023. The superintendent information shall be submitted as part of the annual rent registration. Whenever a licensed superintendent is no longer associated with and/or responsible for a dwelling, the owner of the dwelling has 45 days to replace the licensed superintendent with another licensed superintendent as prescribed by this code, including the requirement to be licensed as explained herein and detailed below.

- a. The Superintendent shall be licensed by and registered (on a building by building basis), with the Division of Neighborhood Services. Each license and registration shall be renewed annually. The license fee shall be \$150.00 and payable to the Township of Irvington. The nonrefundable license fee shall be paid prior to the written examination required by Subsection b;
 - b. The Director of the Division of Neighborhood Services, as Public Officer, shall establish reasonable rules and regulations to effectuate the purpose of this chapter. The Public Officer shall provide for a written examination reasonably related to the functions of superintendent for each applicant for a license who has not held superintendent license issued by the Township of Irvington within the past two calendar years. The purpose of the written examination shall be to determine the qualifications, competence and sense of responsibility of the applicant. Any applicant failing to pass the written examination may request an additional examination, which shall be given within 15 days of the request. No fee shall be required for any subsequent examinations within one calendar year of the initial application. All applicants for a superintendent license must be able to read, write and speak English.
- B. In any premises containing 25 or more dwelling units, rooming units or combination thereof, the superintendent shall be a full-time employee and shall reside on the premises. Where more than one building on adjoining premises or premises in close proximity to each other are in common ownership or under common management or maintenance supervision, the requirements contained in this subsection shall apply separately to each building; provided, however, that if premises are commonly owned or managed and are within 200 feet of each other as measured from door to door along public streets between the two, and if the manager or owner thereof can demonstrate to the satisfaction of the Rent Control Officer or his authorized representative that operation of both premises and all essential services and facilities as required under this chapter or other ordinances can be provided for both of such premises by a single resident superintendent, janitor, caretaker or housekeeper who shall reside in one of such premises, the Rent Control Officer may, in his discretion, allow one such person to act for both of such premises, which shall not constitute more than two in number.
- C. The owner or operator of premises required to have a licensed superintendent by Subsection A shall register the name, address and telephone number of the licensed superintendent and shall indicate the premises to which he is assigned as well as the duties which the superintendent is normally required to perform. This information shall be posted at all times in a conspicuous place in a common area on the premises and shall have been made available to all tenants. The name, address and telephone number of an alternative individual who shall be responsible for the superintendent's duties in his absence is also subject to the above requirements. No fee is required for registration.

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

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.

Adopted
Absent: Evans

Beasley – Vick 6. Amend Section 620-19.1 of the Revised Code Regarding Parking Too Close To a Driveway by add Nye Avenue Between South 20th Street and Newark Border and Prospect Avenue

AN ORDINANCE AMENDING SECTION 620-19.1 OF THE REVISED CODE REGARDING PARKING TOO CLOSE TO A DRIVEWAY BY ADDING A PORTION OF NYE AVENUE AND PROSPECT AVENUE

BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON AS FOLLOWS:

SECTION 1. Section 620-19.1 of the Revised Code of the Township of Irvington is hereby supplemented by adding the following street and location:

Parking too close to driveway.

No person shall park or cause to be parked any type of motor vehicle within four linear feet of the crossover width of a driveway where the driveway meets the carriage way (i.e. the lower section of the driveway, which abuts the street or other public right of way) upon any of the following described streets or parts of streets:

Name of Street	Location
Nye Avenue	Between South 20 st Street to Newark Border
Prospect Avenue	Entire Length

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

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

Adopted
Absent: Evans

C. Bills & Claims

Brown – Hudley 1. Bill Lists

RESOLVED THAT THE BILLS AND CLAIMS AGAINST THE TOWNSHIP OF IRVINGTON FOR A PERIOD AUGUST 14, 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	\$5,712,525.71
TOTAL	\$5,712,525.71

Adopted
Absent: Evans

Brown – Vick 2. Payrolls

Payroll Date: June 30, 2023

TOTAL	\$2,401,893.78
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Payroll Date: July 14, 2023

TOTAL	\$2,188,849.13
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Payroll Date: July 28, 2023

TOTAL	\$2,882,082.27
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Adopted
Absent: Evans

9. Resolutions and Motions

A. Resolutions

Hudley – Frederic 1. Award an Emergency Contract for Computer Information Technology Equipment – Netconnect, Inc. - \$6,714.00

AWARD AN EMERGENCY CONTRACT FOR COMPUTER INFORMATION TECHNOLOGY EQUIPMENT

WHEREAS, on June 27, 2023, lighting struck the Municipal building and damage the computer IT equipment in the Attic, and;

WHEREAS, Computer equipment was damage beyond repair, and;

WHEREAS, the Business Administrator declared an emergency to procure equipment to replace the damage equipment, and;

WHEREAS, Netconnect, Inc., located at 111 Storer Ave, Suite B2, Staten Island, NY 10309 was called and the equipment was immediately available for purchase, and;

WHEREAS, this situation constitutes a threat to public health, safety, welfare, and the Business Administrator declared an Emergency to procure equipment immediately to repair the damage equipment.

WHEREAS, Netconnect, Inc., located at 111 Storer Ave, Suite B2, Staten Island, NY 10309 had the necessary Equipment to fix the Township's network and was available immediately to perform the work on an emergency basis, and;

WHEREAS, the Mayor concurred with the Business Administrator and approved said emergency, and;

WHEREAS, the total cost for this emergency was \$6,714.00 and;

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that it ratifies the decision of the Administration to authorize an emergency contract to Netconnect, Inc., located at 111 Storer Ave, Suite B2, Staten Island, NY 10309, for an amount not to exceed \$6,714.00.

BE IT FUTHER RESLOVED, that the required certification of availability of funds C23-0126 in the amount of \$6,714.00 from account number C-04-56-849-016-906 has been obtained from the Chief Financial Officer.

Adopted
Absent: Evans

Cox – Vick 2. Approve Change Order #5 for the Renovations at the Irvington Senior Center – R.J. Michaels & Co. – \$74,172.30 – Amended Total Contract Amount \$1,969,289.25 – Total Net Change to Contract Amount of 10.9%

RESOLUTION TO APPROVE CHANGE ORDER NO. 5 FOR THE RENOVATIONS AT THE IRVINGTON SENIOR CENTER

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Whereas, a contract for the renovations of the Irvington Senior Center was awarded to R.J. Michaels & Co. of 333 Dodd Street, East Orange, NJ on February 28, 2022 as Resolution DPW 22-0228-12 in the amount of \$ 1,774, 345.00 based on the public bids received on January 3, 2022; and

WHEREAS, a Change order for this project, Change Order No. 1, was approved as Resolution DPW 22-1212-40; and

WHEREAS, a Change Order was for the project, Change Order No. 2, was approved as Resolution DPW 22-1212-41; and

WHEREAS, a Change Order was for the project, Change Order No. 3, was approved as Resolution DPW 23-0327-11; and

WHEREAS, a Change Order was for the project, Change Order No. 4 was approved as Resolution DPW 23-0626-18; and

WHEREAS, a request for a change order for this project, Change Order No. 5 has been received and reviewed by the project architect, The Musial Group, and the Township Engineer for certain interior and exterior changes, specifically, construction of a stage, including the structural framing for eth curtain and supplying the curtain as well as exterior-grade hardware for the new exterior exit gates as more specifically detailed in a memorandum from the Township Engineer dated July 17, 2023, resulting in a change order of in the amount of \$ 74, 172.30, resulting a total net change to the contract amount of 10.9 %; and

WHEREAS, the project architect has reviewed and recommended this amount and the Township Engineer agrees with that recommendation;

NOW THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON, that a change order, Change Order No. 5, for the Renovations at the Irvington Senior Center is granted to the firm of R.J. Michaels & Co. of 333 Dodd Street, East Orange, NJ in the amount of \$ 74, 172.30, so that the amended contract amount by virtue of this change order is \$ 1,969,289.25 resulting a total net change to the contract amount of 10.9 % and that the Mayor is authorized to sign the necessary change order form on behalf of the Township.

BE IT FURTHER RESOLVED that pursuant to N.J.A.C. 5:34-5.2, the required Certificate of Availability of Funds No. C22-00440 for the above work has been obtained from the Chief Financial Officer of the Township of Irvington and the appropriation to be charged for this expenditure is in the amount of \$ 74, 172.30 is Account G-02-xx-912-21A-299.

Adopted
Absent: Evans

Referred to Committee ~~3. Cap Annual Sewer User Charge – \$25.00 Increase for 2024~~

Resolution to Cap Annual Sewer User Charge for Irvington Township

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

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

WHEREAS, the Irvington Municipal Council wishes to cap any additional yearly charges for the domestic unit user for 2024; and

WHEREAS, the annual sewer charge is due March 1st of each year;

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that the Tax Collector, Supervisor of Sewer User Charges, be and is hereby limited to a \$25.00 increase for 2024.

Vick – Beasley 4. Authorize 5 Year Old Premiums and Foreclosed Tax Sale Certificate to Escheat to the Township

Authorize 5 Year Old Premiums and Foreclosed Tax Sale Certificates to Escheat to the Township

WHEREAS, 54:5-32 permits the Tax collector to sell taxes, assessments or other municipal liens at Tax Sale to the bidder who offers to pay the highest amount of premium; and

WHEREAS, pursuant to NJSA 54:5-33 any premium payment shall be held by the collector and returned to the purchaser of the fee if and when redemption is made. If redemption is not made within five years from the date of tax sale, the premium shall be turned over to the Treasurer of the municipality and become part of the funds of the municipality; and

WHEREAS, if the property is foreclosed by an outside lien holder, the premium paid by that lien holder becomes Township revenue; and

WHEREAS, the records of the Tax Office indicate the attached Tax Sale Certificates labeled “Exhibit A” are premiums from 2017 and prior years which remain outstanding for greater than five years from the date of tax sale; and

WHEREAS, the records of the Tax Office indicate the following Tax Sale Certificates labeled “Exhibit B” were foreclosed upon in 2023 and prior years.

NOW THEREFORE BE IT RESOLVED, by the Township Council of the Township of Irvington that the Chief Financial Officer is authorized to transfer the following funds:

- A. The total premiums in the amount of \$62,490.88 as unanticipated revenue
- B. The total foreclosed premiums in the amount of \$565,702.97 as unanticipated revenue.

Adopted
Absent: Evans

Vick – Frederic 5. Refund Tax Overpayment on Block 122 Lot 22, 9 Highland Terrace - \$29,833.53

Resolution to Refund Tax Overpayment on Block 122 Lot 22, 9 Highland Terr.

WHEREAS, The Lord’s Ventures LLC requested a municipal lien assignment on TSC# 18-00558 for 9 Highland Terr., Block 122 Lot 22; and

WHEREAS, The Lord’s Ventures LLC remitted a payment in the amount of \$29,833.53 for paid assignment on TSC# 18-00558: and

WHEREAS, the payment was erroneously posted as a lien redemption on May 8, 2023; and

WHEREAS, the municipal lien assignment process has not been authorized and the lien redemption payment was reversed on the lien account; and

WHEREAS, the Tax Collector desires to refund the erroneous payment in the amount of \$29,833.53 to the Lord’s Ventures LLC.

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON, COUNTY OF ESSEX, STATE OF NEW JERSEY that the Township of Irvington Tax Collector is authorized and directed to refund the overpaid taxes to The Lord’s Ventures LLC in the amount of \$29,833.53.

Adopted
Absent: Evans

Frederic – Vick 6. Authorize Cancellation and Refund of Annual Sewer Charges on Block 148 Lot 9, 252 Ellis Avenue - \$1,799.68

Resolution Authorizing Cancellation and Refund of Annual Sewer Charges on Block 148 Lot 9, 252 Ellis Ave

WHEREAS, The Annual Sewer Charge was billed in the amount of \$360.00 per year from 2017 to 2021 on Block 148 Lot 9, commonly known as 252 Ellis Ave; and

WHEREAS, the property located at 252 Ellis Ave is vacant land, by way of evidence of the tax assessor’s records; and

WHEREAS, the taxpayer, MIS Realty Holding LLC has paid the sewer billings from 2017 to 2021 and said taxpayer has requested a refund of same; and

WHEREAS, due to the erroneous billing of the Annual Sewer Charges, the Tax Collector requests to cancel sewer charges on said parcel; and

WHEREAS, the Tax Collector requests to refund erroneous sewer payments in the amount of \$1,799.68 to MIS Realty Holding LLC.

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON, COUNTY OF ESSEX, STATE OF NEW JERSEY that the Township of Irvington Tax Collector is authorized to cancel and refund sewer overpayments in the amount of \$1,799.68 to MIS Realty Holding LLC..

Adopted
Absent: Evans

Vick – Frederic 7. Authorize Cancellation and Refund of Tax Sale Certificate # 22-00153 due to Invalid Tax Sale Certificate on Block 37 Lot 19, 133 Lenox Avenue - \$155.20

**Resolution Authorizing Cancellation and Refund of Tax Sale Cert # 22-00153
due to Invalid Tax Sale Certificate on Block 37 Lot 19, 133 Lenox Ave.**

WHEREAS, Certificate of Sale #22-00153 was issued to Fig 20, LLC for delinquent sewer charges on Block 37 Lot 19 commonly known as 133 Lenox Ave., at a Tax Sale held on December 15, 2022; and

WHEREAS, Certificate of Sale #22-00153 was erroneously sold as the sewer charges were paid on December 14, 2022, leaving a small balance in the amount of twenty (20) cents; and

WHEREAS, due to the invalid tax lien certificate sold, the Tax Collector requests to cancel Certificate of Sale #22-00153 that was issued to Fig 20, LLC on said parcel; and

WHEREAS, the Tax Collector requests to refund tax sale certificate # 20-01194 in the amount of \$55.20, which includes the recording fee, and the Premium in the amount of \$100.00 to Fig 20, LLC, upon receipt of duly endorsed tax sale certificate for cancellation, and change lien account status to canceled.

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON, COUNTY OF ESSEX, STATE OF NEW JERSEY that the Township of Irvington Tax Collector is authorized to cancel and refund tax sale certificate # 22-00153 in the total amount of **\$155.20** to Fig 20, LLC and change lien account status to canceled.

Adopted
Absent: Evans

Vick – Frederic 8. Authorize Cancellation and Refund of Tax Sale Certificate # 22-01176 and # 22-0331 Due to Invalid Tax Sale Certificate on Block 348 Lot 14, 2-10 Wagner Place and Block 79 Lot 112, 51-57 Linden Avenue - \$20,223.62

**Resolution Authorizing Cancellation and Refund of Tax Sale Cert
22-01176 and # 22-00331 due to Invalid Tax Sale Certificate on
Block 348 Lot 14, 2-10 Wagner Pl. & Block 79 Lot 112, 51-57 Linden Ave.**

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WHEREAS, Certificate of Sale # 22-01176 and # 22-00331 were issued to Fig 20, LLC for delinquent sewer charges on Block 348 Lot 14, 2-10 Wagner Pl. and Block 79 Lot 112, 51-57 Linden Ave., at a Tax Sale held on December 15, 2022; and

WHEREAS, Certificate of Sale # 22-01176 and # 22-00331 were erroneously sold as the sewer charges were paid on March 7, 2022; and

WHEREAS, payments for the 2022 annual sewer charges were returned by the bank as insufficient funds and subsequently redeposited by the bank as paid; and

WHEREAS, due to erroneous payment adjustment on NSF posting, the Tax Collector requests to cancel Certificate of Sale # 22-01176 and # 22-00331 that were issued to Fig 20, LLC on said parcel; and

WHEREAS, the Tax Collector requests to refund tax sale certificate # 22-01176 in the amount of \$6,870.15, which includes the recording fee, and the Premium in the amount of \$3,700.00 and # 22-03331 in the amount of \$6,253.47, which includes the recording fee, and the Premium in the amount of \$3,400.00 to Fig 20, LLC, upon receipt of duly endorsed tax sale certificate for cancellation, and change lien account status to canceled.

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON, COUNTY OF ESSEX, STATE OF NEW JERSEY that the Township of Irvington Tax Collector is authorized to cancel and refund tax sale certificate # 22-01176 and # 22-00331 in the total amount of **\$20,223.62** to Fig 20, LLC and change lien account status to canceled.

Adopted
Absent: Evans

Vick – Frederic 9. Refund Sewer Overpayments To Pro Cap 8 for 531 Stuyvesant Avenue, Block 24 Lot 6; 1285 Clinton Avenue, Block 35 Lot 35; 13 Oakland Street, Block 46 Lot 17; 73 Ellis Avenue, Block 207 Lot 43 – \$1,868.92

RESOLUTION TO REFUND SEWER OVERPAYMENTS TO PRO CAP 8

WHEREAS, an accelerated tax sale was held on December 16, 2021 for unpaid municipal charges; and

WHEREAS, a lien was placed on 531 Stuyvesant Ave, Block 24 Lot 6; 1285 Clinton Ave, Block 35 Lot 35; 13 Oakland St, Block 46 Lot 17; 73 Ellis Ave, Block 207 Lot 43 for delinquent 2021 sewer charges; and

WHEREAS, the lienholder Pro Cap 8, has paid subsequent taxes and sewer charges for subsequent delinquent municipal charges; and

WHEREAS, the owner of said properties has redeemed the outside liens on November 22, 2022; and

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WHEREAS, the lienholder Pro Cap 8, remitted subsequent sewer payment in the total amount of \$1,868.92 for all four properties on November 22, 2022 and payment was posted to the 2022 delinquent sewer; and

WHEREAS, the Tax Collector request to refund the lienholder, Pro Cap 8, the charges paid on all four properties in the amount of \$1,868.92.

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that the Tax Collector's office is authorized and directed to refund the lienholder, Pro Cap 8, the charges paid in the amount of **\$1,868.92**.

Adopted
Absent: Evans

Vick – Frederic 10. Refund Overpayment on Property Taxes on Block 13 Lot 29, 1433-1435 Clinton Avenue – 100% Disable Veteran Tax Exemption - \$4,487.58

Resolution to Refund Overpayment on Property Taxes on Block 13 Lot 29, 1433-1435 Clinton Ave.

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

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

WHEREAS, in continuation of DRF 23-0227-14, the 2023 first quarter taxes on 1433-1435 Clinton Ave. were billed and subsequently paid by the mortgage company; and

WHEREAS, the 2023 Q1 taxes on 1433-1435 Clinton Ave. were paid in the amount of \$4,487.58 and the exempt portion is \$4,487.58; and

WHEREAS, the Tax Collector requests authorization to refund the overpayment of taxes, for the total amount of \$4,487.58.

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON, COUNTY OF ESSEX, STATE OF NEW JERSEY that the Township of Irvington Tax Collector is authorized and directed to refund the overpaid exempt portion of taxes to CORELOGIC in the amount of \$4,487.58 due to approved 100% Disabled Veteran tax exemption.

Adopted
Absent: Evans

Vick – Frederic 11. Refund Tax Overpayment on Block 348 Lot 11, 18 Wagner Place - \$3,391.14

Resolution to Refund Tax Overpayment on Block 348 Lot 11, 18 Wagner Pl.

WHEREAS, Lereta Tax Services remitted a payment in the amount of \$3,284.51 for the 2023 Q1 taxes on Block 348 Lot 11; and

WHEREAS, said payment in the amount of \$3,284.51 was misapplied to Block 348 Lot 1 2023 Q1 taxes; and

WHEREAS, Midland Mortgage remitted a subsequent tax payment in the amount of \$3,391.14 for the 2023 Q1 taxes; and

WHEREAS, the Tax Collector's Office has corrected the misapplied tax payment and posted same as intended; and

WHEREAS, Midland Mortgage has requested to be refunded the tax overpayment in the amount of \$3,391.14 for 18 Wagner Pl., Block 348 Lot 11, which included undue interest charges; and

WHEREAS, the Tax Collector desires to refund the tax overpayment in the amount of \$3,391.14 to Midland Mortgage.

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON, COUNTY OF ESSEX, STATE OF NEW JERSEY that the Township of Irvington Tax Collector is authorized and directed to refund the overpaid taxes to Midland Mortgage in the amount of \$3,391.14.

Adopted
Absent: Evans

Referred to Committee ~~12. Creating An Abandoned Property List Designated By Public Officer~~

RESOLUTION CREATING AN ABANDONED PROPERTY LIST DESIGNATED BY PUBLIC OFFICER

WHEREAS, by virtue of his authority, the Mayor has designated the Director of the Division of Neighborhood Property Preservation as the Abandoned Property Public Officer.

NOW THEREFORE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON THAT:

WHEREAS, The Director of the Division of Neighborhood Property Preservation as " Public Officer" is hereby directed to identify abandoned properties within the municipality, place said properties on an abandoned property list established as provided in section 36 of P.L 1996, c.62 (C.55: 19-55), as amended by section 28 of P.L.2003, c.2 10, and provide such notices and carry out such other tasks as are required to effectuate an abandoned property list provided by law.

Section 1. The Public Officer has designated the following properties as abandoned:

Line	Address	Street	Lot/ Structure	Block	Lot
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1	202	19th Ave	L	122	37
2	501	20th St	L	158	26
3	136	21st St	L	159	11
4	161	21st St	L	155	12
5	220	21st St	L	152	2
6	225	21st St	L	154	19
7	249	21st St	L	154	29
8	295	21st St	L	142	17
9	296	21st St	L	143	10
10	306	21st St	L	143	6
11	309	21st St	L	142	22
12	426	21st St	L	163	16
13	428	21st St	L	163	15
14	430	21st St	L	163	14
15	462	21st St	L	163	1
16	492	21st St	L	167	9
17	515	21st St	L	165	16
18	517	21st St	L	165	17
Line	Address	Street	Lot/ Structure	Block	Lot
19	124	22nd St	L	142	4
20	128	22nd St	L	142	6
21	136	22nd St	L	142	9
22	137	22nd St	L	141	14
23	263	22nd St	L	150	14
24	132-134	22nd St	L	142	8
25	524	Avon Ave	L	163	20
26	119	Brookside Ave	L	99	22
27	939	Clinton Ave	L	165	32
28	941	Clinton Ave	L	165	1
29	195	Columbia Ave	L	58	10
30	114	Ellis Ave	L	162	1

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31	295	Ellis Ave	L	140	22
32	313	Ellis Ave	L	140	15
33	194-96	Ellis Ave	L	136	10
34	270-274	Ellis Ave	L	148	15
35	449	Grove St	L	113	14
36	497	Grove St	S	115	18
37	518	Grove St	L	156	10
38	641	Grove St	L	125	29
39	679	Grove St	L	123	18
40	710	Grove St	S	140	2
41	746	Grove St	L	139	10
42	42	Grove Terrace	L	116	41
43	9	Highland Terrace	S	122	22
44	13	Highland Terrace	L	122	20
45	85	Hopkins Pl	L	166	38.01
46	89	Hopkins Pl	L	166	39.01
47	181	Munn Ave	L	59	3
Line	Address	Street	Lot/ Structure	Block	Lot
48	252	Myrtle Ave	L	95	14
49	332	Myrtle Ave	L	104	5
50	393	Myrtle Ave	L	61	3
51	16	Orange Ave	L	82	15

Section 2. The abandoned property list shall apply to the Township of Irvington as a whole.

Section 3. This list supersedes all previous lists.

Cox – Vick 13. Waive 20 Day Time Period for Effective Date on an Ordinance Amending Chapter 439, Section 18 Of the Township Code Entitled: Drinking Alcoholic Beverages On Public Grounds

WHEREAS, an ordinance entitled “AN ORDINANCE AMENDING CHAPTER 439, SECTION 18 OF THE TOWNSHIP CODE ENTITLED: DRINKING ALCOHOLIC BEVERAGES ON PUBLIC GROUNDS” was duly passed on first reading by the Municipal Council on July 26, 2023 and duly adopted by the Municipal Council on second reading after public hearing on August 14, 2023; and

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WHEREAS, pursuant to N.J.S.A. 40:69A-181 (a) and Section 7-32 (d) of the Revised Code of the Township of Irvington, an ordinance shall take effect twenty (20) days after final passage by the Municipal Council and approval by the Mayor; and

WHEREAS, pursuant to N.J.S.A. 40:69A-181 (b) and Section 7-32 (d) of the Revised Code of the Township of Irvington, two- thirds (2/3) of the full membership of the Municipal Council may declare an emergency, by written resolution, to reduce this twenty (20) day period:

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON (not less than 2/3 of the full membership thereof affirmatively concurring) that pursuant to the provisions of N.J.S.A. 40:69A-181 (b) and Section 7-32 (d) of the Revised Code of the Township of Irvington, it does hereby declare that an emergency exists that an ordinance entitled “AN ORDINANCE AMENDING CHAPTER 439, SECTION 18 OF THE TOWNSHIP CODE ENTITLED: DRINKING ALCOHOLIC BEVERAGES ON PUBLIC GROUNDS” shall become effective immediately upon its approval by the Mayor.

Adopted
Absent: Evans

Vick – Brown 14. Qualifying a List of Planners

RESOLUTION QUALIFYING A LIST OF PLANNERS

WHEREAS, the Request for Qualifications for professional Planning services was publicly advertised in the New Jersey Star Ledger on June 28, 2023 with a deadline for qualifications to be submitted on July 12, 2023; and

WHEREAS, two qualifications were received and publicly opened; and

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

WHEREAS, the Community Development Director has recommended that award should be made to the following firm:

HGA
Heyer, Gruel & Associates
236 Broad Street, Red Bank, NJ 07701

ARH Associates Inc.,
215 Bellevue Ave, Hammonton, NJ 08037

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 Planning service and the Community Development Director 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 August 10, 2023 and ending on August 11, 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
Absent: Evans

Hudley – Vick 15. Award An Emergency Sewer Repair Contract On May Street - Your Way Construction - \$68,000.00

RESOLUTION TO AWARD AN EMERGENCY SEWER REPAIR CONTRACT ON MAY STREET

WHEREAS, a portion of the sanitary sewer located on May Street collapse on April 23, 2023; and

WHEREAS, the work needed to repair this sewer is beyond the current capabilities of the Department of Public Works and it is not practical for the Department of Public Works, and

WHEREAS, this situation constitutes a threat to public health, safety and welfare and the Director of Public Works has declared an emergency, and

WHEREAS, Your Way Construction provided a quote of \$68,000.00 to complete the repairs, and

WHEREAS, the Mayor has concurred with the amount and recommends that an emergency contract be awarded to Your Way Construction for \$68,000.00, and

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that it ratifies the decision of the Director of Public Works and the Mayor to authorize an emergency contract in the amount of \$68,000.00 to Your Way Construction of 404 Coit Street, Irvington, NJ 07111 to repair the sanitary sewer located May Street.

BE IT FURTHER RESOLVED that the required certification of availability of funds C23-0079 in the amount of \$68,000.00 from account number 3-01-21-165-165-299 has been obtained from the Chief Financial Officer.

Adopted
Absent: Evans

Hudley – Brown 16. Professional Services Contract For Litigation/Defense Counsel Services – Murphy Orlando LLC - Kevin Dodson v. Irvington Police Department - \$150.00 Per Hour Not To Exceed \$1,500.00

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

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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 Kevin Dodson v. Irvington Police Department, Docket No. L-003164-23; 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 \$1,500.00. 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 \$1,500.00. The billing rate for this contract is \$150.00 per hour.

Adopted
Absent: Evans

Hudley – Cox 17. Professional Services Contract For Special Conflict Counsel Services - Florio Perrucci Steinhardt Cappelli Tipton & Taylor LLC - OAL Matter and Departmental Hearing for Tanisha Little v. Township of Irvington - \$175.00 Per Hour Not To Exceed \$30,000.00

**RESOLUTION RATIFYING PROFESSIONAL SERVICES CONTRACT
FOR SPECIAL CONFLICT COUNSEL SERVICES**

WHEREAS, resolution number TA 22-1024-31 qualified seven firms to provide special conflict 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 Florio Perrucci Steinhardt Cappelli Tipton & Taylor LLC has the most experience to defend the Township of Irvington in the OAL matter and Departmental Hearing for Tanisha Little v. Township of Irvington, et als.; and

WHEREAS, the Township Attorney has recommended that a contract be awarded to Florio Perrucci Steinhardt Cappelli Tipton & Taylor LLC, 430 Mountain Avenue, Suite 103, New Providence, NJ, 07974; 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 Florio Perrucci Steinhardt Cappelli Tipton & Taylor LLC, 430 Mountain Avenue, Suite 103, New Providence, NJ, 07974 for a contract amount not to exceed \$30,000.00. The billing rate for this contract is \$175.00 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 \$30,000.00. The billing rate for this contract is \$175.00 per hour.

Adopted
Absent: Evans

Hudley – Vick 18. Approve Additional Funds for Alsheem Emmett v. City Barrel, et al – Murphy Orlando LLC - \$16,000.00 - Paid from the Insurance Fund

**RESOLUTION APPROVING ADDITIONAL FUNDS FOR
ALSHEEM EMMETT V. CITY BARREL, INC., ET AL
DOCKET NO. ESX-L-4903-22**

WHEREAS, on December 27, 2022 the law firm of Murphy Orlando, LLC was awarded a contract for Litigation Counsel Services for an amount not to exceed \$3,500.00 by resolution number TA 22-1227-44; and

WHEREAS the law firm of Murphy Orlando, LLC has submitted an estimated budget in the amount of \$16,000.00 to litigate this matter;

WHEREAS, the Township seeks to pay the law firm of Murphy Orlando, LLC for services provided within the scope of the contract, during the contract period but in excess of the contract amount;

WHEREAS, the total contract amount for this matter is hereby increased to an amount not to exceed \$16,000.00.

NOW THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that the services performed by the firm of Murphy Orlando, LLC in excess of the contract amount is hereby ratified and confirmed for an amount not to exceed \$16,000.00; and

BE IT FURTHER RESOLVED, that total contract amount for this matter is hereby increased to an amount not to exceed \$16,000.00; and

BE IT FURTHER RESOLVED, that the Mayor and Municipal Clerk is hereby authorized to sign and execute an amended contract for Litigation Counsel Service; and

BE IT RESOLVED, that funds for this service will be paid from the Insurance Fund for a contract amount not to exceed \$16,000.00.

Adopted
Absent: Evans

Hudley – Frederic 19. Accept Grant Funds from the New Jersey Association of County and City Health Officials (NJACCHO) for Enhancing Local Public Health Infrastructure – \$488,679.00

RESOLUTION

**TO ACCEPT GRANT FUNDS FROM THE NEW JERSEY ASSOCIATION OF COUNTY AND CITY HEALTH OFFICIALS (NJACCHO)
FOR ENHANCING LOCAL PUBLIC HEALTH INFRASTRUCTURE**

WHEREAS, on June 16, 2023, the New Jersey Association of County and City Health Officials (NJACCHO) has made grant funding of \$488,679 available to the Irvington Department of Health and Senior Services, to be utilized toward activities and expenses to enhance public health infrastructure in preparedness for future public health emergencies.

WHEREAS, the timeframe for which this grant funding is authorized from July 1, 2023 until June 30, 2024.

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that the Mayor, Business Administrator and Chief Financial Officer are hereby authorized to accept and utilize funding from (NJACCHO) New Jersey Association of County and City Health Officials to enhance public health infrastructure in preparedness for future public health emergencies.

Adopted
Absent: Evans

Hudley – Brown 20. Introduction of the Camptown Business Improvement District's (CBID) 2023-2024 Annual Budget

INTRODUCTION OF THE CAMPTOWN BUSINESS IMPROVEMENT DISTRICT (CBID) 2023-2024 ANNUAL BUDGET

WHEREAS, N.J.S.A. 40:56-48 requires that the budget for the Camptown Business Improvement District (CBID) 2023-24 Annual Budget be introduced in writing at a meeting of the Municipal Council for approval; and

WHEREAS, the Camptown Business Improvement District (CBID) approved it's 2023-2024 budget on May 23, 2023:

NOW, BE IT THEREFORE RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON, NEW JERSEY that it hereby approves the Camptown Business Improvement District (CBID) 2023-2024 budget and that this approval is subject to all requirements of NJSA 40:56-48, which includes notice and hearing.

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PROPOSED 2023 CBID BUDGET

(approved by the CBID Board of Directors at its May 23, 2023, Annual Membership Meeting)

2023 Budget Overview:

The 2023 budget maintains the reduced CBID tax assessment rate, from 5% (2000-12) to 3% (2013-16) to 2.5% since 2017 to provide relief to CBID taxpayers by utilizing \$105,835 of our carryover fund balance. The 2023 CBID budget continues funding the daily cleaning/maintenance of the CBID, electricity for more than 30 floodlights throughout the CBID, and our matching property improvement grant program. We are expanding our successful "Graffiti Removal Pilot Project" which removed 2,467 SF of graffiti from three (3) sites in 2022 at a cost of \$13,167: the goal is to remove 7,000 SF and coat 3000 SF in 2023. The CBID also has budgeted \$15,000 in matching grants to members who wish to install exterior cameras. Additional trash cans for the CBID will be also be ordered. Meanwhile, administration and operations line items remain the same as in past years.

PROPOSED 2023 CBID BUDGET

REVENUES

Past Years' Carryover Funds
2023 CBID Tax
2017

2023 Budget 2023 Budget Narrative

105,835 carryover funds transferred to meet projected 2023 budget expenditures
160,165 same 2.5% rate to commercial property owners since

(effectively 1.43% on municipal tax bills)

Miscellaneous
donations/sponsorships

750 interest on investments, website ads,

TOTAL REVENUES

266,750

EXPENSES

Cleaning/Maintenance
dumping in public areas; \$1500 weed whack
Supplemental Trash Cans
Security Camera Grants Program
least 7 grants budgeted)
Property Improvement Grants
Graffiti Removal Program
property owners to expand program
Professional Fees
Marketing
\$400
Floodlights electricity
Operations/Insurance
insurance-\$1000;

82,000 Arizona Landscaping: 5 days/week service includes removal of illegal
5,000 cans with bags, not liners, placed strategically throughout district
15,000 individual members' matching grants (\$15,000) @ \$2500 maximum (at
20,000 projection of 3-4 grants depending on individual award amounts
45,000 remove 7,000 SF, coat 3000 SF; may require contribution from "repeat"
59,300 Audit-\$6800; Management (FTM staff)-\$52,500
3,000 free building signs-\$300; shared Website-\$240; ICC Awards Dinner Ad-
16,000 monthly estimate: \$1300
2,450 Office Supplies-\$250; D&O Insurance-\$950; General Liability

Shared Phone-\$250

Miscellaneous/Reserve

19,000 unanticipated projects/expenses

TOTAL EXPENSES

266,750

Adopted

Absent: Evans

Hudley – Brown 21. Introduction of the Springfield Avenue Business Improvement District's (SACBID) 2023-2024 Annual Budget

INTRODUCTION OF THE SPRINGFIELD AVENUE CENTER BUSINESS IMPROVEMENT DISTRICT (SACBID) 2023-2024 ANNUAL BUDGET

WHEREAS, N.J.S.A. 40:56-48 requires that the budget for Springfield Avenue Center Business Improvement District's (SACBID) 2023-24 budget be introduced in writing at a meeting of the Municipal Council for approval; and

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WHEREAS, the Springfield Avenue Center Business Improvement District (SACBID) approved it's 2023-24 budget on June 14, 2023:

NOW, BE IT THEREFORE RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON, NEW JERSEY that it hereby approves the Springfield Avenue Center Business Improvement District's (SACBID) 2023-24 budget and that this approval is subject to all requirements of NJSA 40:56-48, which includes notice and hearing.

PROPOSED 2023-24 IRVINGTON SPRINGFIELD AVENUE BUSINESS IMPROVEMENT DISTRICT BUDGET

Proposed (approved at June 14, 2023 Annual ISABID Membership Meeting)	
<u>REVENUES</u>	<u>Budget</u> <u>Narrative</u>
Opening Balance	164,372 from cash reserves
BID Tax: 4%	295,728 rate is same as past years
Misc: bank interest; Website ads, program fees	400 2022-23: \$210; 2023-24: add interest from CD investment
TOTALS	460,500
<u>EXPENSES</u>	<u>Budget</u>
*BEAUTIFICATION:	
Holiday Decorations	40,000 Hol Décor-\$19,184 + Intl Flag-\$11,750 = \$30,934;2023-24: new
PSEG outlet	installations?
Graffiti Removal Program	12,000 2022-23: \$10,000 projected expense; 2023-24: increase \$2000
Gateway Clock Electricity	1,500 \$125/month
Sidewalk & Smith St. Parking Lot Cleaning	150,000 same as past years (Arizona Landscaping)
Private Security Cameras	10,000 2022-23: \$1045 expended; 2023-24: reduce \$5000
SUBTOTAL	213,500
MARKETING:	
Business Improvement Matching Grant Program	15,000 2022-23: \$4884 expended; 2023-24: reduce \$10,000
Promotional Mailers	25,000 2022-23: \$11,100 expended for SWS brochure; 2023-24: reduce
\$17,000	(no magazine)
Website/Social Media/Advertisements	9,000 2023-24: social media consultant; add seminar, member
videos/carousels, ads	
Promotions (general)	7,000 2022-23: \$3000 expended; 2023-24: additional special events
Holiday Santa's Photos	2,000 2022-23: \$1216 expended; 2023-24: same amount
Professional/Service Member Events	10,000 2022-23: \$7500 (3 events) expended; 2023-24: same amount
SUBTOTAL	68,000
<u>OPERATIONS</u>	
Administration	60,000 same as past years (FirsTEAManagement)
Organizational Expenses	2,000 same as past years
Professional Fees	9,000 same as past years
Staff/Board Training	500 same as past years
SUBTOTAL	71,500
<u>RESERVE</u>	
*Capital Improvements, Beautification, etc.	100,000 unexpected or new allocations during fiscal year
Donations	7,500 2022-23: \$2800 expended; 2023-24: reduce \$2500
SUBTOTAL	107,500
Total Expenditures	460,500

Adopted
Absent: Evans

Hudley – Frederic 22. Authorize a Non Fair and Open Contract for Dentistry Services - Brilliant Smiles Pediatric Dentistry - \$35,075.00

A RESOLUTION AUTHORIZING A NON-FAIR AND OPEN FOR DENTISTRY SERVICE

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WHEREAS, the Township of Irvington, in the County of Essex and State of New Jersey, is in need of Pediatric Dentistry; and

WHEREAS, the Township would like to retain the service of Brilliant Smiles Pediatric Dentistry to provide dental service to the Health Department; and

WHEREAS, Brilliant Smiles Pediatric Dentistry has provide the Township with a proposal to provide this service for a total sum of \$35,075.00 for one year; and

WHEREAS, pursuant to the provisions of N.J.S.A. 19:44A-20.4 the vendor has completed the required pay to plays forms; and

WHEREAS, the C-271 Political Contribution Disclosure forms were on file in the Office of the Municipal Clerk and Purchasing Agent on July 27, 2023; and

WHEREAS, the Township would like to award a Non Fair and Open contract to Brilliant Smiles Pediatric Dentistry of 243 Halsey Street, Newark, NJ 07102; and

WHEREAS, the term of this contract will expire on August 15, 2024; and

WHEREAS, Brilliant Smiles Pediatric Dentistry has completed and submitted a Business Entity Disclosure Certification which certifies that the organization has not made any reportable contributions to a political or candidate committee in the Township of Irvington in the previous one year, and that the contract will prohibit Brilliant Smiles Pediatric Dentistry from making any reportable contributions through the term of the contract, and

NOW THEREFORE, BE IT RESOLVED that the Municipal Council of the Township of Irvington authorizes the award of a non-fair and open contract to Brilliant Smiles Pediatric Dentistry and,

BE IT FUTHER RESLOVED that the required certification of availability of funds C23-0132 in the amount of \$35,075.00 from account number G-02-xx-747-24A-012 has been obtained from the Chief Financial Officer.

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: Evans

Beasley - Hudley 23. Resolution of Sorrow – Lieutenant Governor Sheila Y. Oliver

RESOLUTION OF SORROW
HONORABLE LIEUTENANT GOVERNOR SHEILA Y. OLIVER

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WHEREAS, on August 1, 2023, The Lord took from amongst our ranks our beloved Lieutenant Governor Sheila Y. Oliver; and

WHEREAS, Lieutenant Governor Oliver, a native of Newark, NJ, attended the Newark Public School System, graduating from Weequahic High School; and

WHEREAS, she graduated cum laude from Lincoln University, and received her Master of Science Degree in Community Organization, Planning and Administration from Columbia University. She has received honorary doctorates of humane letters from the New Jersey Institute of Technology, Lincoln University, Montclair University and Berkeley and Essex County Colleges; and

WHEREAS, Lieutenant Governor Oliver was inspired as a young girl to be a fighter for the voiceless when her eyes were opened to societal injustices and inequities around her, often citing “A Tale of Two Cities” as her youth awakening. She pioneered a successful career in public service advocating for social justice, women’s equality, and education, ultimately becoming the first woman of color to serve in a statewide elected office in New Jersey history. In 2021, Lt. Governor Oliver was reelected to serve a second term in office; and

WHEREAS, in addition to her role as Lieutenant Governor, she served as Commissioner of the Department of Community Affairs, where she led efforts to strengthen and expand initiatives for fair and affordable housing, community revitalization, homelessness prevention, and local government services that support New Jersey’s 564 municipalities; and

WHEREAS, in her role as Acting Governor, she signed multiple bills into law, including those that established a Caregiver Task Force to identify ways to support people taking care of loved ones who are elderly or disabled, require all public school students in grades 6-8 to receive financial literacy education, strengthen equal pay for equal work by preventing employers from asking employees’ previous salary history, and protect employees from wage theft. She also signed into law legislation that established a Restorative and Transformative Justice for Youths and Communities Pilot Program within the Juvenile Justice Commission to help divert youth from entering and re-entering the juvenile justice system; and

WHEREAS, across her career, Lieutenant Governor Oliver has worked in the public, non-profit, and private sectors, and has taught numerous college courses. She served as a member of both the East Orange Board of Education and the Essex County Board of Chosen Freeholders; and

WHEREAS, in 2003, she was elected to serve the 34th Legislative District in the New Jersey General Assembly; and

WHEREAS, in 2010, she became the first African-American woman in state history to serve as Assembly Speaker, and just the second in the nation’s history to lead a state legislative house; and

WHEREAS, Lieutenant Governor Oliver resided in the City of East Orange for over 40 years; and

WHEREAS, Lieutenant Governor Oliver will be profoundly missed by the many people her life touched:

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that the Township of Irvington hereby mourns the loss of Lieutenant Governor Sheila Y. Oliver and offers its sincerest condolences to her family and friends during this period of bereavement; and

BE IT FURTHER RESOLVED that a copy of this resolution be spread upon the minutes of this governing body as a lasting tribute to Lieutenant Governor Sheila Y. Oliver.

Adopted
Absent: Evans

Hudley – Brown 24. Accept Green Acres Grant Funds from the N.J. Department of Environmental Protection and the Garden State Preservation Trust (GSPT) for Center Playground Civic Park -\$776,310.00

RESOLUTION TO ACCEPT GREEN ACRES PROJECT NUMBER: 0709-23-005 AND 0709-23-UPG GRANTS

WHEREAS, on June 20, 2023 the township was informed that the N.J. Department of Environmental Protection and the Garden State Preservation Trust (GSPT) approved the Township of Irvington application for a Green Acres Non-Matching Grant of \$276,310.00 and a Non-Matching Urban Parks Grant of \$500,000.00 totaling \$776,310.00 for Center Playground Civic Park Improvements. Green Acres Project # 0709-23-005 and Project #0709-23-UPG; and

WHEREAS, the funding provided by the grants are for the improvements of center playground civic park improvements:

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 Green Acres Project # 0709-23-005 and # 0709-23-UPG for improvements to Center Playground Civic Square Park.

Adopted
Absent: Evans

Hudley – Beasley 25. Accept Grant Funds from the Department of Community Affairs Local Recreational Improvement 2023 Award for Parkway Playground - \$85,000.00

RESOLUTION TO ACCEPT GRANT FUNDS FROM THE DEPARTMENT OF COMMUNITY AFFAIRS LOCAL RECREATIONAL IMPROVEMENT 2023 AWARD

WHEREAS, the Township of Irvington has been awarded a Department of Community Affairs Local Recreational Improvement 2023 Grant in the amount of \$85,000.00 for improvements to parkway playground; and

WHEREAS, Irvington Township grant agreement has been executed #2023-04960-0599-00 through sage for \$85,000.00:

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 for improvements to parkway playground.

Adopted
Absent: Evans

Cox – Vick 26. Correct 2021 Omitted/Added Assessments on Block 223 Lot 6, 563 Lyons Avenue and Block 223 Lot 7, 1222 Grove Street

**Resolution to Correct 2021 Omitted/Added Assessments on
Block 223 Lot 6, 563 Lyons Avenue and Block 223 Lot 7, 1222 Grove Street**

WHEREAS, Kosher Mayim, LLC is the owner of 563 Lyons Avenue, Block 223 Lot 6 and 1222 Grove Street, Block 223 Lot 7 since November 15, 2021; and

WHEREAS, Kosher Mayim, LLC was only responsible to pay for 1 month of the prorated Omitted/Added tax assessment on each property for the year 2021; and

WHEREAS, the Irvington Tax Assessor erroneously assessed Kosher Mayim, LLC for 11 months of the prorated Omitted/Added tax assessment on each property for the year 2021; and

WHEREAS, the Tax Assessor desires to correct the prorated overbilled tax assessment on each property from 342,833.00 (223/6) and 157,300.00 (223/7) to 31,167.00 and 14,300.00 respectively; and

WHEREAS, the correct 2021 prorated Omitted/Added amount due on 563 Lyons Avenue is \$1,863.47 and 1222 Grove Street is \$855.00.

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON, COUNTY OF ESSEX, STATE OF NEW JERSEY that the Township of Irvington Tax Assessor and Tax Collector are authorized and directed to correct the erroneous 2021 prorated Omitted/Added assessments for 1 month on 563 Lyons Avenue (31,167.00) and 1222 Grove Street (14,300.00) and to also correct the prorated Omitted/Added amount due \$1,863.47 and \$855.00 on said properties respectively.

Adopted
Absent: Evans

Hudley – Brown 27. Establish Handicapped Parking Spaces in Front of: 5 Feiner Place, 9 Paine Avenue, 10 38th Street Apt. 509, 16 Grace Street, 25 Leslie Place, 28 Cummings Street, 33 Olympic Terrace, 34 Montrose Terrace, 54 Park Place, 57 Coit Street, 69 Glorieux Street, 96 Washington Avenue, 112 Washington Avenue, 119 Coolidge Street, 127 Chestnut Avenue, 218 Nesbit Terrace, 265 22nd Street #3

ESTABLISH HANDICAPPED PARKING SPACES

WHEREAS, N.J.S.A. 39:4-197.5 provides that a Municipality may by resolution provide for restricted parking space(s) in front of residence(s) for use by any person who has been issued a special vehicle identification card pursuant to the provisions of N.J.S.A. 39:4-205, when using a motor vehicle on which is displayed a certificate, for which a special vehicle identification card has been issued pursuant to N.J.S.A. 39:4-206; and

WHEREAS, request(s) have been made for restricted parking space(s) in front of **5 Feiner Place, 9 Paine Avenue, 10 38th Street Apt. 509, 16 Grace Street, 25 Leslie Place, 28 Cummings Street, 33 Olympic Terrace, 34 Montrose Terrace, 54 Park Place, 57 Coit Street, 69 Glorieux Street, 96 Washington Avenue, 112 Washington Avenue, 119 Coolidge Street, 127 Chestnut Avenue, 218 Nesbit Terrace, 265 22nd Street #3:**

NOW, THEREFORE BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that a parking space restricted for use by any person who has been issued a special vehicle identification card pursuant to the provisions of N.J.S.A. 39:4-205, when using a motor vehicle on which is displayed a certificate, for which a special vehicle identification card has been issued pursuant to N.J.S.A. 39:4-206, be established in front of **5 Feiner Place, 9 Paine Avenue, 10 38th Street Apt. 509, 16 Grace Street, 25 Leslie Place, 28 Cummings Street, 33 Olympic Terrace, 34 Montrose Terrace, 54 Park Place, 57 Coit Street, 69 Glorieux Street, 96 Washington Avenue, 112 Washington Avenue, 119 Coolidge Street, 127 Chestnut Avenue, 218 Nesbit Terrace, 265 22nd Street #3;** and

BE IT FURTHER RESOLVED that the Department of Public Works is directed to place signs designating said handicapped parking space(s).

Adopted
Absent: Evans

Vick – Brown 28. Grant Appeals and Rescind Application Denials - Establish Handicapped Parking Spaces in Front of: 22 Kuna Terrace, 24 Clinton Terrace, 49 Florence Avenue, 52 Breckenridge Terrace, 54 Harrison Place, 72-74 Park Place, 78 W. Tremont Terrace, 116 Linden Avenue, 125 University Place, 241 Myrtle Avenue, 10 Rutgers Street, 18 Argyle Terrace, 18 Stockman Place, 20 Stockman Place, 25 Sanford Terrace-2nd Floor, 27 Cummings Street, 33 Grace Street, 36 Grant Place, 61 Laventhal Avenue, 63 Laventhal Avenue, 71 Sheridan Street, 82 Norwood Avenue, 91 Nesbit Terrace, 138 Nesbit Terrace, 170 40th Street

GRANT APPEALS AND RESCIND APPLICATION DENIALS - ESTABLISH HANDICAPPED PARKING SPACES

WHEREAS, N.J.S.A. 39:4-197.5 provides that a Municipality may by resolution provide for restricted parking space(s) in front of residence(s) for use by any person who has been issued a special vehicle identification card pursuant to the provisions of N.J.S.A. 39:4-205, when using a motor vehicle on which is displayed a certificate, for which a special vehicle identification card has been issued pursuant to N.J.S.A. 39:4-206; and

WHEREAS, request(s) have been made for restricted parking space(s) in front of **22 Kuna Terrace, 24 Clinton Terrace, 49 Florence Avenue, 52 Breckenridge Terrace, 54 Harrison Place, 72-74 Park Place, 78 W. Tremont Terrace, 116 Linden Avenue, 125 University Place, 241 Myrtle Avenue, 10 Rutgers Street, 18 Argyle Terrace, 18 Stockman Place, 20 Stockman Place, 25 Sanford Terrace-2nd Floor, 27 Cummings Street, 33 Grace Street, 36 Grant Place, 61 Laventhal Avenue, 63 Laventhal Avenue, 71 Sheridan Street, 82 Norwood Avenue, 91 Nesbit Terrace, 138 Nesbit Terrace, 170 40th Street:**

NOW, THEREFORE BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that a parking space restricted for use by any person who has been issued a special vehicle identification card pursuant to the provisions of N.J.S.A. 39:4-205, when using a motor vehicle on which is displayed a certificate, for which a special vehicle identification card has been issued pursuant to N.J.S.A. 39:4-206, be established in front of **22 Kuna Terrace, 24 Clinton Terrace, 49 Florence Avenue, 52 Breckenridge Terrace, 54 Harrison Place, 72-74 Park Place, 78 W. Tremont Terrace, 116 Linden Avenue, 125 University Place, 241 Myrtle Avenue, 10 Rutgers Street, 18 Argyle Terrace, 18 Stockman Place, 20 Stockman Place, 25 Sanford Terrace-2nd Floor, 27 Cummings Street, 33 Grace Street, 36 Grant Place, 61 Laventhal Avenue, 63 Laventhal Avenue, 71 Sheridan Street, 82 Norwood Avenue, 91 Nesbit Terrace, 138 Nesbit Terrace, 170 40th Street;** and

BE IT FURTHER RESOLVED that the Department of Public Works is directed to place signs designating said handicapped parking space(s).

Adopted
Absent: Evans

Vick – Hudley 29. Authorize Removal of Handicapped Parking Space In Front of 18 Ellis Avenue, 56 Osborne Place, 630 Lyons Avenue, 65 Quabeck Avenue, 125 University Place, 380 Union Avenue

REMOVE HANDICAPPED PARKING SPACES

WHEREAS, N.J.S.A. 39:4-197.5 provides that a Municipality may by resolution provide for restricted parking spaces in front of residences for use by any person who has been issued a special vehicle identification card pursuant to the provisions of N.J.S.A. 39:4-205, when using a motor vehicle on which is displayed a certificate, for which a special vehicle identification card has been issued pursuant to N.J.S.A. 39:4-206; and

WHEREAS, a restricted handicapped parking space has been previously established at **18 Ellis Avenue, 56 Osborne Place, 630 Lyons Avenue, 65 Quabeck Avenue, 125 University Place, 380 Union Avenue;** and

WHEREAS, it has been determined that the handicapped resident for which the restricted handicapped parking space in front of **18 Ellis Avenue, 56 Osborne Place, 630 Lyons Avenue, 65 Quabeck Avenue, 125 University Place, 380 Union Avenue** no longer lives at that location:

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that the restricted handicapped parking space heretofore established in front of **18 Ellis Avenue, 56 Osborne Place, 630 Lyons Avenue, 65 Quabeck Avenue, 125 University Place, 380 Union Avenue** be and the same is hereby rescinded; and

BE IT FURTHER RESOLVED that the Department of Public Works is directed to remove the restricted handicapped parking sign located in front of **18 Ellis Avenue, 56 Osborne Place, 630 Lyons Avenue, 65 Quabeck Avenue, 125 University Place, 380 Union Avenue.**

Adopted
Absent: Evans

Cox – Hudley 30. Authorize Intra/Inter-Local Agreement for Shared Professional Services - Essex County Health Officer to Perform Health Officer Services for the Township of Irvington

RESOLUTION AUTHORIZING A SHARED SERVICES AGREEMENT WITH THE COUNTY OF ESSEX PURSUANT TO THE UNIFORM SHARED SERVICES AND CONSOLIDATION ACT, N.J.S.A. 40A:65-1 ET SEQ. FOR THE COUNTY OF ESSEX TO TEMPORARILY PROVIDE THE TOWNSHIP OF IRVINGTON WITH THE SERVICES OF A HEALTH OFFICER

WHEREAS, the Township of Irvington is required by N.J.S.A. 26A:3A2-10 to provide a program of public health services; and

WHEREAS, the State of New Jersey requires each municipality to maintain a health department; and

WHEREAS, the County of Essex, in furtherance of the obligation set forth in N.J.S.A. 26A:3A2-10 et seq., has employed and shall continue to employ a licensed Health Officer to serve as full-time Health Officer and Chief Executive Officer for all public health services and activities (“Public Health Services”); and

WHEREAS, the Township of Irvington is in need of a licensed Health Officer to provide Public Health Services for up to a 12 month period commencing August 15, 2023 and ending August 14, 2024; and

WHEREAS, N.J.S.A. 40A:65-1 et seq. allows municipalities to enter into shared service agreements; and

WHEREAS, the County of Essex is agreeable to providing its licensed Health Officer to perform said Public Health Services to the Township of Irvington for said period commencing August 15, 2023 through August 14, 2024 based on the rate of \$50,000 annually and payable to the County of Essex by the Township of Irvington; and

WHEREAS, funds for this are available under the attached Certification of Funds; and

WHEREAS, the Township of Irvington is agreeable to said terms; and

NOW, THEREFORE BE IT RESOLVED, by the Municipal Council of the Township of Irvington that the Mayor or Business Administrator is hereby authorized to execute a Shared Services Agreement which shall be in substantially the form attached, subject to such modifications as the Township Attorney deems necessary or appropriate, for providing the services of a Health Officer to the Township of Irvington.

Adopted
Absent: Evans

~~Removed-Duplicate As 9-A-12 31. Approve the Abandoned Property Auction List [RESOLUTION TO BE FORTHCOMING]—~~

10. Communication and Petitions

A. Communications

None

11. Pending Business

None

NON-CONSENT AGENDA

B. Ordinances on Second Reading

1. President Beasley: An ordinance amending section 620-19.1 of the Revised Code regarding parking too close to a driveway by add Headley Terrace will be heard a time. The Clerk will read the notice of hearing.

The Clerk will read the ordinance by title

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

BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON AS FOLLOWS:

SECTION 1. Section 620-19.1 of the Revised Code of the Township of Irvington is hereby supplemented by adding the following street and location:

Parking too close to driveway.

No person shall park or cause to be parked any type of motor vehicle within four linear feet of the crossover width of a driveway where the driveway meets the carriage way (i.e. the lower section of the driveway, which abuts the street or other public right of way) upon any of the following described streets or parts of streets:

Name of Street	Location
Headley Terrace	Entire Length

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

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

The public hearing on this ordinance is now open

Vick – Hudley Motion to close public hearing

Adopted

Absent: Evans

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

Adopted
Absent: Evans

2. 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 on Township property; and

WHEREAS, No person shall place, carry or have in his/her possession on Township property, 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 ABC Committee Chair 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. Final approval will be made by the ABC Committee Chair, if no meeting is scheduled before the event.
- (3) The ABC Board, at their discretion, may charge a cleaning fee, which will be determined at the time of booking. A fee will also be determined at the time of booking for Jobs in Blue. 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.

The public hearing on this ordinance is now open

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

Cox – Vick Motion to close public hearing

Adopted
Absent: Evans

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

Adopted
Absent: Evans

ALCOHOLIC BEVERAGE CONTROL BOARD
AUGUST 14, 2023

1. Chairman Cox calls the Meeting to Order
2. Roll Call
3. New Business

Cox – Hudley A. Renewal of ABC Pocket Plenary Retail Consumption License for the 2023-2024 Licensing Year – Point Tavern Inc.

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
0709-33-030-003	Point Tavern Inc. DBA/Point Tavern	712 Grove Street

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
Absent: Evans

4. Adjournment

MINUTES – REGULAR COUNCIL MEETING – AUGUST 14, 2023- PAGE 43

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

Michelle Layer, 131 Elmwood Avenue
Elouise McDaniel, 214 Nesbit Terrace
Doris Sherrill, 35 August Street
Felicia Austin, 152 12th Avenue, Newark
Robert Shaw, 57 Coit Street
Samuel Cherilus, 90 40th Street

Council President Beasley, Council 2nd Vice President Frederic and Council Member Vick responded to the issues raised by the above referenced citizens.

13. Adjournment

There being no further business, the meeting adjourned at 8:34 P.M.

Jamillah Z. Beasley, Council President

Shawna M. Supel, Municipal Clerk