

# TOWNSHIP OF IRVINGTON



## MUNICIPAL COUNCIL MEETING MINUTES SEPTEMBER 11, 2023 7:30 PM

Virtual - Zoom Meetings  
Administration

Appointments

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### 1. PLEDGE OF ALLEGIANCE

### 2. MOMENT OF SILENCE

### 3. ROLL CALL

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

Absent: Vernal Cox

President Beasley reads the Statement of Proper Notice Pursuant to the Sunshine Law.

### 4. HEARING OF CITIZENS ON AGENDA ITEMS ONLY

- Limited to (3) three minutes per person and (30) thirty minutes total (MUST SIGN UP IN ADVANCE OF MEETING)

### 5. HEARING OF COUNCIL MEMBERS

### 6. REPORTS & RECOMMENDATIONS OF TOWNSHIP OFFICERS, BOARDS & COMMISSIONS

#### A. Reports

1. Hilltop Partners Senior Urban Renewal LLC – 2022 Financial Statements
2. Joint Meeting – 2022 Surplus Letter and Rebate Check Calculation
3. Joint Meeting – 2022 Annual User Charge Report
4. Joint Meeting – 2022 Schedule 5 & 6 of the Financial Report
5. Joint Meeting – 2022 Annual Operational Report
6. Municipal Court - Weekly Summary Report For The Week Of August 7, 2023 to August 11, 2023
7. Municipal Court - Weekly Summary Report For The Week Of August 14, 2023 to August 18, 2023
8. Municipal Court - Collections Project for July, 2023
9. Municipal Court - Weekly Summary Report For The Week Of August 21, 2023 to August 25, 2023
10. Municipal Court - Weekly Summary Report For The Week Of August 28, 2023 to September 1, 2023
11. Mayor's Monthly Report for July, 2023
12. Joint Meeting Minutes – January 19, 2023 to May 18, 2023
13. Joint Meeting – Annual Financial Report – December 31, 2021 and 2020

### 7. REPORTS OF COMMITTEES

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- A. RFP Various Professional Services for Outdoor Educational Center (Readington, NJ) – August 16, 2023
- B. RFP Online Tax Sale Hosting Services – August 30, 2023
- C. Bid - Leaves, Brush and Mixed Vegetative Waste – August 30, 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

None

#### A. Ordinances on Second Reading

\* Page 4 - Non-Consent Agenda

#### C. Bills & Claims

Frederic- Vick            1. Bill Lists

RESOLVED THAT THE BILLS AND CLAIMS AGAINST THE TOWNSHIP OF IRVINGTON FOR A PERIOD SEPTEMBER 11, 2023 AS ENUMERATED ON THIS LIST FOR MATERIALS, SUPPLIES AND SERVICES FURNISHED, DELIVERED AND/OR PERFORMED HAVE BEEN CERTIFIED BY THE DEPARTMENTS AS CORRECT, EACH CLAIM AND PURCHASE ORDER HAVE BEEN VERIFIED AND REVIEWED FOR THE AVAILABILITY OF FUNDS, ACCURACY OF ACCOUNT CODING AND COMPLETENESS BY THE ADMINISTRATION, THEREFORE:

BE IT RESOLVED, BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON THAT THE FOLLOWING BE PAID BY THE CHIEF FINANCIAL OFFICER:

BILL LIST	\$3,869,008.64
TOTAL	\$3,869,008.64

Adopted  
Absent: Cox

Brown - Hudley            2. Payrolls

Payroll Date: August 11, 2023

TOTAL	\$2,342,576.28
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Payroll Date: August 23, 2023

TOTAL	\$2,289,698.84
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Adopted  
Absent: Cox

**9. RESOLUTIONS AND MOTIONS**

**A. Resolutions**

Brown – Beasley            1. Resolution of Sorrow - Alexander Eaddy

**RESOLUTION OF SORROW  
ALEXANDER EADDY**

WHEREAS, the Municipal Council of the Township of Irvington wishes to express their deepest sorrow on the passing of Alexander Eaddy on August 5, 2023; and

WHEREAS, Alexander Eaddy was born on September 5, 1971 in Newark, NJ to his wonderful parents the late Junior and Mable Eaddy. Although he was the 10<sup>th</sup> born of 11, he did not arrive alone. He was accompanied by his forever other half, Alexandria. The Wonder Twin Power were officially activated; and

WHEREAS, Alexander grew up in the Newark Public School system where he attended Newark Pre-School, Miller Street School, Camden Middle and later graduated from Essex County Vocational High School (also known as Irvington Tech) in 1989; and

WHEREAS, as a young person he was very crafty. Al and his siblings built clubhouses and forts in their backyard. He was always full of energy and loved his family. He was both the family philosopher and jokester. He can start a hiking session at any moment but was also one of the most sensitive souls in the room, but don't take his soft heart for weakness; and

WHEREAS, Al met and fell in love with Carlissa P. Atwater at Irvington Tech. They were married in 1999 and in this union they had two children, Christopher Shawn and Skyy. He loved his wife and children with every fiber of his being; and

WHEREAS, you could him looking up at the wonders of God. He enjoyed watching the sky, stars and clouds. He was an avid watcher of Animal Planet; and

WHEREAS, Al was the family cook and grill master. He gave advice for life's toughest situations. He was the epitome of the fun uncle. Al would pop up to handle any situation; and

WHEREAS, he held many positions throughout his work career. He briefly worked in security, but his greatest love was in food service. Al worked at Anheuser-Busch Budweiser, Eures Dining Services, MoorElegance Events & Catering, Columbia High School and later became a personal chef; and

WHEREAS, Alexander loved God. He was baptized at the age of 9 at Mt. Pleasant Missionary Baptist Church in Newark, NJ under the leadership of Dr. T. Van B. Rhoe. In 1992, he joined Solid Rock Baptist Church in Irvington NJ, then later became a chartered member of Jehovah-Jireh Praise and Worship Church Center, all under the leadership of Bishop Rudy V. Carlton. He loved his church and church family. You could always find him outside directing traffic and securing the block; and

WHEREAS, while Al will be dearly missed by all who loved him, he leaves to cherish his memory, his children Christopher S. Atwater and Skyy A. Eaddy; his siblings Linda L. Carlton (Rudy), Barbara A. Koon (Vincent), Sharon W. Eaddy, his twin Alexandria Burroughs (Raymone), Jermaine Eaddy (Dawn) Jerry Sanders (Omigean) of Florence, SC and Davey Wright. His mother-in-law, Shirley Atwater; aunt, Mary Gardner of Florence, SC; uncles, Leon Eaddy of NJ and John H. Gardner of SC; his god-sister Patricia Gaskins and family. His nieces and nephews whom he was crazy about. The Atwaters, Baileys, Carltons Dennards, Montfords, Omoregies, his South Ward family and his

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extended family, the church. A host of cousins, nieces, nephews, other relatives, family and his special friends. He is united in joyful reunion and new life with his wife Carlissa Eaddy, his parents Junior and Mable Eaddy, sisters; Mable E. Younger, Tracy C. Moore, Andrea Y. Eaddy, Irene Omoregie and brothers Willie Gardner and James Eaddy:

NOW THEREFORE BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that the Township of Irvington hereby mourns the passing of Alexander Eaddy and extends our most sincerest condolences to his 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 in lasting tribute to Alexander Eaddy.

Adopted  
Absent: Cox

Beasley - Vick                      2. Resolution of Sorrow - Georgiana Joyce Leach

### **RESOLUTION OF SORROW GEORGIANA JOYCE LEACH**

WHEREAS, the Municipal Council of the Township of Irvington wishes to express their deepest sorrow on the passing of Georgiana Joyce Leach on August 5, 2023; and

WHEREAS, on November 17, 1943, Edgar Moraldo and Fedelia Brito completed their family of five with the birth of their youngest child, Georgiana; and

WHEREAS, born in East-Dry River, Port of Spain, Trinidad, Georgiana also known as “Joyce” had two siblings, Felix and Octavia. In its feminine form, the name Georgiana means “gracious farmer” and she certainly personified her name by producing loving care to all who knew her; and

WHEREAS, in 1963, Georgiana left Trinidad to attend nursing school in Birmingham, England on a scholarship. She was hired at Newark Beth Israel after moving to the United States and worked there for twenty-four years. She also briefly worked at Irvington General and was a staff nurse in West Orange. Even after retirement, Georgiana continued to extend her gracious care of others as a visiting nurse for an agency in South Orange, NJ; and

WHEREAS, even more evident than in her professional career, Georgiana shared her loving gift of care with her family. Georgiana met Lionel Leach in 1962 and the couple was married in 1968. Georgiana to some, Joyce to others but Lionel called her “Spring.” They shared in love and building a life for their family until Lionel preceded her in death in 2013. To this union were born three children, Lionel (Jr.), Kelvin, and Natalie; and

WHEREAS, she actively supported her children in all their various activities including sports, Boy Scouts, track and field, and gymnastics. Not only did she support her children, but she shared her beautiful smile and embracing spirit with other children in the neighborhood as well. She was a member of the PTA (Blessed Sacrament School) and the block liaison for Maple Avenue Block Association. The Leach family was the first black family to move on to Maple Avenue in Irvington, NJ where they still own their home purchased in 1973; and

WHEREAS, Georgiana was a woman of faith. If ever blessed to be in her presence, hear her soothing voice, or be the recipient of one of her radiant smiles, you would feel the power of her connection with God. She became a member of the Blessed Sacrament St. Charles of Borromeo Roman Catholic Church (Newark, NJ) in February of 1987. She loved to sing and joined the choir at Blessed Sacrament Church. She was also a member of the Holy Name Society, a ministry that demonstrates “works of mercy” such as feeding the hungry, providing resources to those experiencing homelessness, and comforting those in need of encouragement; and

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WHEREAS, even in her illness, Georgiana requested the nurse to play “Total Praise” for her. She released herself into the arms of her Heavenly Father on August 2, 2023; and

WHEREAS, Georgiana “Joyce” Leach leaves a legacy of grace and strength to be celebrated by children, Lionel Leach, Jr. (Michelle), Kelvin Leach (Monica), and Natalie Leach-Eubanks; her grandchildren, Rae Vaughn Williams, Anthony Leach, Nia Eubanks, and Deja Eubanks; her brothers-in-law Winston Campbell, Phillip Leach, and John Leach; her sisters-in-law Angela Joyce Staten, and Kathleen Kellar; her in-laws, Elizabeth Campbell and Joan Leach and a host of nieces, nephews, family, and friends:

NOW THEREFORE BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that the Township of Irvington hereby mourns the passing of Georgiana Joyce Leach and extends our most 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 in lasting tribute to Georgiana Joyce Leach.

Adopted  
Absent: Cox

Frederic – Brown            3. Authorize Use of HOME Rehabilitation Funds for 95 Lenox Avenue in the Amount of \$5,000.00

**RESOLUTION FOR HOME REHABILITATION PROGRAM**

WHEREAS, the Township of Irvington has been awarded HOME Partnership Funds by the by the Department of Housing and Urban Development (HUD) and it has obligated funds for the purpose of financing its HOMEOWNER Housing Rehabilitation Program administered by the Department of Economic Development and Grants Oversight; and

WHEREAS, the Township of Irvington, Department of Economic Development and Grants Oversight has identified that the applicant, Caroline Miller who is the owner of 95 Lennox Ave, Irvington, New Jersey, 07111 is eligible to receive assistance through the HOMEOWNER Housing Rehabilitation Program per the Township’s policies and procedures; and

WHEREAS, the reimbursement for the Home Rehabilitation work performed at 95 Lennox Ave, Irvington New Jersey by the A-ARCALENZ, LLC to be dispersed for the benefit for repairing the property located at 95 Lennox Ave and the Department of Economic Development and Grants Oversight certifies that A-ARCALENZ LLC meets the requirement to be eligible recipient for the Home Partnership Funds program by the Department of Housing Urban Development.

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

BE IT FURTHER RESOLVED that the aforesaid funds of \$5,000.00 will be disbursed in (1) installment of \$5,000 after review of work performed and proof of funds expended to facilitate the Rehabilitation; and

BE IT FURTHER RESOLVED that the aforesaid funds are to be used for the rehabilitation of the subject property and related soft cost associated with the rehabilitation of the subject property as set forth in Exhibit A (the Bid Spec), attached hereto for the premises known as, 95 Lennox Ave, Irvington, New Jersey 07111, single family unit(s) and owned by homeowner Caroline Miller; and

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

BE IT FURTHER RESOLVED that pursuant to N.J.A.C. 5:34-5.2, the required Certificate of Fund Req. No. C23-0131 in the amount of \$5,000.00 for the above has been obtained from the Chief Financial Officer of the Township of Irvington. The appropriation to be charged for this expenditure is Account No. T-21-41-850-20B-802 in the amount of \$5,000.00.

Adopted  
Absent: Cox

Frederic – Brown      4. Authorize Use of HOME Rehabilitation Funds for 15-17 Durand Place in the Amount of \$20,000.00

**RESOLUTION FOR HOME REHABILITATION PROGRAM**

WHEREAS, the Township of Irvington has obligated funds for the purpose of financing its HUD/HOME Irvington Homebuyer Assistance Program; and

WHEREAS, the Township of Irvington has committed funds for its HUD/HOME Irvington Homebuyer Assistance Program in accordance with its “Policy and Procedural Manual for the Homebuyer Program” per application to the Township’s HUD/HOME Program; and

WHEREAS, the Township of Irvington’s Department of Economic Development and Grants Oversight Director has certified that the applicant(s) identified herein are eligible for the HUD/HOME Irvington Homebuyer Assistance Program benefits in accordance with HUD’S and the Township’s adopted policies and procedures; and;

WHEREAS, the Mayor has previously authorized the provision of the requested HUD/HOME Irvington Homebuyer Assistance Program benefits in accordance with the provisions of said policy.

NOW, Therefore, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that the Township of Irvington does ratify and approve the provision of the HUD/HOME Irvington Homebuyer Assistance Program funds to the applicant noted below in the amount set forth in the Irvington Homebuyers Assistance Program Agreement – Case No. HB-2022-05, in the amount of \$20,000.00 and;

BE IT FURTHER RESOLVED that the aforesaid funds are to be used toward Closing Cost for the process of purchasing the premises known as, 15-17 Durand Place, Irvington, NJ 07111, Sales Contract, Exhibit A; and;

BE IT FURTHER RESOLVED that aforesaid funds are to use Irvington Homebuyer Assistance Program funds and are to paid to Sunnyside Title Agency, LLC on behalf of *Milada Francisco* subject to having provided the Department of Economic Development and Grants Oversight with a true copy of their contract of sale, mortgage commitment and whose attorney and title company is property licensed to practice law and transfer title by the State of New Jersey and the Homebuyer Assistance Program applicant and;

BE IT FURTHER RESOLVED to N.J.A.C. 5:34-5.2, the required Certificate of Funds Req. No. C23-0133 for the above have been obtained from the Chief Financial Officer of the Township of Irvington and the appropriation to be charged for this expenditure is Account No. T-21-41-850-18A-805 in the amount of \$20,000.00.

Adopted  
Absent: Cox

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Vick – Brown                      5. Local Support for Beleaf NJ Cannabis License Application to Operate Within the Township of Irvington

**RESOLUTION OF THE TOWNSHIP OF IRVINGTON AUTHORIZING LOCAL SUPPORT FOR  
BELEAF NJ  
FOR CANNABIS LICENSE APPLICATION(S) TO THE NEW JERSEY CANNABIS REGULATORY  
COMMISSION**

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

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

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

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

NOW, THEREFORE, BE IT RESOLVED by the Township Council for the Township of Irvington that the Township of Irvington hereby supports the applicant, BELEAF NJ, whose proposed site of operation is 394 Coit Street, New Jersey, for Cultivator and Manufacturer cannabis business licenses being sought to operate within the Township of Irvington's jurisdiction in accordance with the Township Code of the Township of Irvington.

Adopted  
Absent: Cox

Vick – Brown                      6. Local Support for Natures Motivation LLC Cannabis License Application to Operate Within the Township of Irvington

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

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

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

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

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

NOW, THEREFORE, BE IT RESOLVED by the Township Council for the Township of Irvington that the Township of Irvington hereby supports the applicant, NATURES MOTIVATION LLC, whose proposed site of operation is 1095 Clinton Ave Irvington, New Jersey, for a Micro Retailer cannabis business license being sought to operate within the Township of Irvington's jurisdiction in accordance with the Township Code of the Township of Irvington.

Adopted  
Absent: Cox

Vick – Beasley 7. Approve Change Order #1 and Final for the Construction of the Glorieux Street Intersection Improvement – Your Way Construction - Final Contract Amount \$35,163.50 – Net Change of \$9,225.65 or Decrease of 26%

**RESOLUTION TO APPROVE A CHANGE ORDER, CHANGE ORDER NO. 1 AND FINAL, FOR THE CONSTRUCTION OF THE GLORIEUX STREET INTERSECTION IMPROVEMENTS**

Whereas, plans and specifications were publicly bid for the project, “Glorieux Street Intersection Improvements” and a contract for this work was awarded to Your Way Construction, Irvington New Jersey, at their lowest responsive bid price of \$ 44, 389.15 as resolution DPW 23-0109-3; and

Whereas, the project has been completed and inspected and certain items of construction that were a part of the original bid documents were not required to be constructed, resulting in changes in the amount of the contract and a deletion of \$ 9, 225.65, so that the final amount of the contract is \$ 35, 163.50 resulting in a net change of - 26%; and

Whereas, the Township Engineer has reviewed this request and recommends that a Change Order to the construction contract for this project be approved for Your Way Construction in the amount of \$ 9,225.65.

NOW, THEREFORE, BE IT RESOLVED BY MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that a Change Order, Change Order No. 1 and Final, to the contract for the Construction of the Glorieux Street Intersection improvements awarded to Your Way Construction is approved so that the final amount of the contract is \$ 35, 163.50 resulting in a net change of - \$ 9,225.65 or a decrease of 26% in the amount of the contract.

Adopted  
Absent: Cox

Frederic – Vick 8. Award Professional Architectural Services Contract for the Reconstruction of the INIC Center, 346 16<sup>th</sup> Avenue - The Musial Group - \$168,325.00

**RESOLUTION TO AWARD A PROFESSIONAL SERVICES CONTRACT  
FOR RECONSTRUCTION OF THE INIC CENTER, 346 16<sup>TH</sup> AVENUE, IRVINGTON NEW JERSEY**



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WHEREAS, the Irvington Neighborhood Improvement Corporation (INIC) is currently housed in an older structure located at 346 16<sup>th</sup> Avenue, Irvington, NJ and offers various services to the residents and the current building is an older structure needing some updating, renovation and improvement; and

WHEREAS, the INIC has a desire to offer greater services to the residents, which cannot be achieved in the current physical structure so that there is a need to expand this structure both vertically and horizontally and the Township Engineer was directed to prepare a Request for Quotes and solicit quotes from the 4 architectural firms who are on the Township's annual contract for Professional Architectural services as provided in Resolution DPW 22-1212-37 and 1 proposal was received for this project; and

WHEREAS, the Township Engineer has reviewed the proposal received and recommended that a Professional Services contract for the Reconstruction of the INIC Center, 346 16<sup>th</sup> avenue, Irvington New Jersey be awarded to the firm of The Musial Group based on their quoted price of \$ 168, 325.00 for this work;

NOW, THEREFORE, BE IT RESOLVED BY MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that a contract for professional services for the architectural services for the reconstruction of the INIC Center, 346 16<sup>th</sup> Avenue, Irvington, NJ is awarded to The Musial Group at their quoted price not to exceed \$ 168,325.00.

BE IT FURTHER RESOLVED that pursuant to N.J.A.C. 5:34-5.2, the required Certificate of Availability of Funds No. C23-0100 for the above work has been obtained from the Chief Financial Officer of the Township of Irvington and the appropriation to be charged for these expenditures is in the amount of \$ 168,325.00 are Accounts T-21-41-850-16D-807 and T-21-41-850-18E-808, T-21-41-850-19BD-804, T-21-41-850-19E-808, T-21-41-850-20E-808, T-21-41-850-21E-808, T-21-41-850-22E-808, and T-21-41-850-23E-808.

Adopted  
Absent: Cox

Brown – Beasley            9. Resolution of Sorrow – Vanessa Alvina Bryant

**RESOLUTION OF SORROW  
VANESSA ALVINA BRYANT**

WHEREAS, the Municipal Council of the Township of Irvington wishes to express their deepest sorrow on the passing of Vanessa Alvina Bryant on August 20, 2023; and

WHEREAS, Vanessa Alvina Bryant was born on January 23, 1964, in Rocky Mount, North Carolina to Susie A. Lockhart and the late Melvin Watson. Vanessa was educated in the Newark and Irvington Public School system where she graduated from Irvington High School in June 1982; and

WHEREAS, Vanessa joined the Irvington Public Schools on February 26, 2001, in the food service department with Marriott Food and Chartwell Food Service. She then transferred and worked in the security department for 22 years. She was a school security officer at University Elementary School, one of the Veteran Security Officers, a dedicated and well-known employee, she was dependable, hard-working, and took pride in whichever school she worked at. Vanessa was a compassionate and fun-loving individual. She was known for decorating and seeking to bring life to any area she touched. Her laughter was contagious. In 2010, Vanessa was one of the female Lead Officers at Irvington High School which paved the way for other female Lead Officers. Vanessa had an incredible work ethic, for the last 10 years she was also employed at Total Wines in Union; and

WHEREAS, at an early age Vanessa accepted Christ as her Savior and head of her life. Vanessa loved her family and never missed a family gathering. She had a special love for her mother, she was definitely a mama's girl. It was never

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a day she wouldn't call her mother and would say "Ma guess what?" "Guess who I saw?" or "Ma what you doing I'm coming over for lunch?"; and

WHEREAS, Vanessa loved to talk and meet new people; she was very outgoing. She loved to shop every time someone called her, she was either out shopping or at a restaurant eating. She loved her jobs it wasn't a day she wouldn't mention how she loved the kids at the school and the customers at Total Wines. Vanessa wasn't a stranger to anyone and was very known throughout Irvington; and

WHEREAS, on Sunday, August 20, 2023, Vanessa entered into eternal rest at the early age of fifty-nine. She was preceded in death by her daughter, Aaliyah E. Spruill (June 2020) and nephew, LaQuan L. Lockett (October 1997); and

WHEREAS, Vanessa will be truly missed by everyone that had the pleasure of knowing her. She leaves behind her mother, Susie A. Lockett; daughters, Takiyah C. Bryant, and Keyonia N. Bryant; sons, Paris Q. Bryant, and Shamar L. Spruill. She also leaves behind two grandchildren, Morgan, and Khasir; sister, Narissa Ramseur and her husband Dwayne of Birdsboro, PA; brother, Shelton Bryant and his wife Stacy of Scranton, PA; nieces, Sheena, Shanna, and Lataija; nephews, Darnell, Jaquan and Milton; along with a host of family and friends. Her memories will be cherished deeply by everyone. She will be missed dearly and in the hearts of many:

NOW THEREFORE BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that the Township of Irvington hereby mourns the passing of Vanessa Alvina Bryant and extends our most 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 in lasting tribute to Vanessa Alvina Bryant.

Adopted  
Absent: Cox

Hudley – Vick            10. Approve Change Order # 2 - Professional Services Design Contract for the Handicapped Accessibility at the Municipal Complex - Greenman-Pedersen Inc. - Not To Exceed \$4,700.00

### **RESOLUTION TO APPROVE DESIGN CHANGE ORDER NO. 2 TO THE PROFESSIONAL SERVICES CONTRACT FOR THE HANDICAPPED ACCESSIBILITY AT THE MUNICIPAL COMPLEX**

Whereas a professional services design contract was awarded to Keller & Kirkpatrick (now operating as Greenman-Pedersen Inc.) to provide design services to prepare plans and specifications for public bidding for the handicapped accessibility improvements at the Municipal complex, which addressed the Municipal Building, Police Headquarters and Fire Headquarters, as Resolutions DPW 18-0214-2 and DPW 19-0211-4; and

Whereas, recent changes in the building code requirements for handicapped accessibility necessitate a review of the impact on the present plans for this project; and

Whereas, a proposal to perform additional design work for the entrance to the Municipal Building was approved as Resolution No. 23-0612-15 to Greenman-Pedersen Inc. to provide this work in the amount of \$ 4,800.00; and

Whereas, the Township Engineer has reviewed a second proposal to update the handicapped accessibility for the Police Headquarters and the Fire Headquarters from Greenman-Pedersen Inc. in the amount of \$ 4,700.00 and the Township Engineer recommends the approval of this change in order to construct the necessary modifications to these two buildings.

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NOW, THEREFORE, BE IT RESOLVED BY MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that a design change order, Design Change Order No. 2, to the professional services contract for engineering services for the Handicapped Accessibility at the Municipal complex Project is awarded to Greenman-Pedersen Inc. at their proposed price not to exceed \$ 4,700.00.

BE IT FURTHER RESOLVED that pursuant to N.J.A.C. 5:34-5.2, the required Certificate of Availability of Funds No. C23-0140 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 \$ 4,700.00 is Account T- -21-41-850-23B-802.

Adopted  
Absent: Cox

Vick – Beasley 11. Ratifying Professional Services Contract for Litigation/Defense Counsel Services in the Matter of Katasia Empty v. Robert M. Wilson - Not To Exceed \$2,500.00

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

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

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

WHEREAS, the Township Attorney has determined that Lamb Kretzer, LLC has the most experience to defend the Township of Irvington in the matter Katasia Empty v. Robert M. Wilson, et al, Docket No. L-4121-23; and

WHEREAS, the Township Attorney has recommended that a contract be awarded to Lamb Kretzer, LLC, 110B Meadowlands Parkway, Suite 201, Secaucus, New Jersey, 07094; 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 Lamb Kretzer, LLC, 110B Meadowlands Parkway, Suite 201, Secaucus, New Jersey, 07094 for a contract amount not to exceed \$2,500.00. The billing rate for this contract is \$150.00 per hour; and

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

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

Adopted  
Absent: Cox

Beasley – Vick 12. Approve the Final Disposition of Sean Weeks v. Township of Irvington Worker's Compensation Case - Settlement Amount \$128,803.50

**RESOLUTION APPROVING THE FINAL DISPOSITION OF  
SEAN WEEKS V. TOWNSHIP OF IRVINGTON**

**MINUTES – REGULAR COUNCIL MEETING – SEPTEMBER 11, 2023 – PAGE 12**

**WORKER’S COMPENSATION CASE NO: 2020-29668**

WHEREAS, the matter of Sean Weeks v. Township of Irvington , was filed in the Department of Labor and Workforce Development, Workers Compensation Division under Case No: 2020-29668; and

WHEREAS, the Township of Irvington Administration and the Municipal Council deem it in the best interest to bring this matter to a resolution, thus saving the Township further expense in the defense thereof and curtailing any excessive liability that could result from this litigation; and

WHEREAS, the Office of the Township Attorney has reviewed, monitored and consulted with counsel and all relevant municipal officials and pursuant thereto recommend that this matter be concluded:

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that it hereby agrees to a settlement of the above matter in the amount not to exceed One Hundred Twenty Eight Thousand, Eight Hundred Three Dollars and Fifty Cents (\$128,803.50) as per the arbitration amount, subject to the execution of a Release and Settlement agreement and executed Stipulation of Dismissal with Prejudice; and

BE IT FURTHER RESOLVED that this matter is hereby concluded with absolutely no admission of liability on behalf of the Township of Irvington, its Police Department or any agents, officers or personnel; and

BE IT FURTHER RESOLVED that the settlement funds will be processed through D&H Alternative Risk Solutions, the Township’s third party liability administrator.

Adopted  
Absent: Cox

Frederic – Hudley      13. Increasing the Not To Exceed Amount for Leaves, Brush and Mixed Vegetative Waste Contract - Nature's Choice Corporation – Not To Exceed \$595,000.00

**A RESOLUTION INCREASING THE NOT TO EXCEED AMOUNT FOR LEAVES, BRUSH AND MIXED VEGATATIVE WASTE CONTRACT FOR AN AMOUNT NOT TO EXCEED \$595,000.00**

WHEREAS, resolution number DPW 21-1025-46 was approved by the Municipal Council on October 25, 2021 for disposal of leaves, brush and mixed vegetative waste for an amount not to exceed \$440,000.00; and

WHEREAS, the Public Works Director has advised that based on additional tonnage disposal that additional monies must be added to this contract until it expires on October 27, 2023; and

WHEREAS, it was determined that additional \$155,000.00 is needed for the remaining of the contract; and

THEREFORE, BE IT RESOLVED, that the contract for leaves, brush and mixed vegetative waste is hereby amended to an amount not to exceed \$595,000.00 to Nature's Choice Corporation of 398 Lincoln Blvd, Middlesex, NJ 08846 for the remaining of the contract, for a new amount not to exceed \$595,000.00 for two years; and,

BE IT RESOLVED, that the Mayor be and is hereby authorized to execute amended contract for this service with Nature's Choice Corporation of 398 Lincoln Blvd, Middlesex, NJ 08846, increasing the total contract amount to \$155,000.00 for the remaining of the contract and a new not to exceed of \$595,000.00 for the duration of the contract from October 26, 2021 until October 27, 2023; and,

**MINUTES – REGULAR COUNCIL MEETING – SEPTEMBER 11, 2023 – PAGE 13**

BE IT RESOLVED, that Certification of Funds number C2100107 has been obtained from the Chief Financial Officers for the total sum of \$155,000.00 charged to account number 3-01-32-465-465-118.

Adopted  
Absent: Cox

Vick – Beasley      14. Authorize Purchases Under the State of New Jersey Cooperative Purchasing Program Over the Bid Threshold of \$44,000.00 for Signs - Garden State Highway Products - \$80,000.00

**AUTHORIZING PURCHASES UNDER THE STATE OF NEW JERSEY COOPERATIVE PURCHASING PROGRAM OVER THE BID THRESHOLD OF \$44,000.00**

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

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

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

Name of Vendor	State Contract Number	Commodity	Amount
Garden State Highway Products	87153	Signs	\$80,000.00

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

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

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

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

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

Adopted  
Absent: Cox

**MINUTES – REGULAR COUNCIL MEETING – SEPTEMBER 11, 2023 – PAGE 14**

Vick – Brown                      15. Reimburse Municipal Employee \$633.36 For Payment for Township Zoom Meeting  
Account – Mayor Tony Vauss

**RESOLUTION TO REIMBURSE MUNICIPAL EMPLOYEE \$633.36 FOR PAYMENT OF ZOOM MEETING  
ACCOUNT**

WHEREAS, all purchases of goods and services must be procured using a purchase order; and

WHEREAS, N.J.S.A 40A:5A-1 et eq, requires that all purchases of goods and services must be encumbered prior to the issuance of said service; and

WHEREAS, N.J.S.A. 40A:11-5(5)(a)(i) requires that all purchases must be procured in a fair, open and competitive manner; and

WHEREAS, N.J.S.A. 54A:7-1.2. requires all vendors that are paid with taxpayers funds are required to have a New Jersey Business Registration Certificate and W-9 form on file with the Municipality for tax and audit purposes; and

WHEREAS, on May 03, 2023-August 03, 2023, Honorable Mayor Anthony Vauss opted to pay for Zoom meeting software; and

WHEREAS, Honorable Mayor Anthony Vauss has submitted a request to be reimbursed for this service, which he paid with a credit card for an amount of \$633.36; and

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON authorize the Qualified Purchasing Agent to reimburse, Honorable Mayor Anthony Vauss the total sum of \$633.36 for Zoom Meeting software; and

BE IT RESOLVED that the required certification of availability of funds C23-0144 in the amount of \$633.36 from account number 3-01-20-110-110-299 has been obtained from the Chief Financial Officer.

Adopted  
Absent: Cox

Vick – Beasley   16. Authorize the Execution of a Redevelopment and Purchase and Sale Agreement and the Designation of Designation of Chester Property Care LLC as Redeveloper for Property Identified as 25 Tichenor Terrace, Block 125, Lot 17; 35 Ellis Avenue, Block 205, Lots 18; and 210 Ellis Avenue, Block 136, Lot 17 on the Tax Map of the Township and the Transfer of the Property in Connection

**RESOLUTION \_\_\_\_**

**RESOLUTION OF THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON, IN THE COUNTY OF ESSEX, NEW JERSEY, AUTHORIZING THE EXECUTION OF A REDEVELOPMENT AND PURCHASE AND SALE AGREEMENT AND THE DESIGNATION OF CHESTER PROPERTY CARE LLC AS REDEVELOPER FOR PROPERTY IDENTIFIED AS BLOCK 125, LOT 17; BLOCK 205, LOTS 18; AND BLOCK 136, LOT 17 ON THE TAX MAP OF THE TOWNSHIP; AND THE TRANSFER OF THE PROPERTY IN CONNECTION THEREWITH**

## MINUTES – REGULAR COUNCIL MEETING – SEPTEMBER 11, 2023 – PAGE 15

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

WHEREAS, in accordance with the Redevelopment Law, on July 14, 2015, by resolution No. UEZ 15-0714-11, the Township Council adopted a resolution designating the entire Township as an area in need of rehabilitation (the “Rehabilitation Area”); and

WHEREAS, pursuant to *N.J.S.A. 40A:12A-4(a)(3)* and *N.J.S.A. 40A:12A-7* the Municipal Council is empowered to adopt a redevelopment plan pursuant to which redevelopment projects are to be undertaken or carried out within an area in need of rehabilitation; and

WHEREAS, on August 11, 2015, in accordance with the provisions of *N.J.S.A. 40A:12A-7*, the Township Council duly adopted Ordinance MC. 3549 adopting the “*Township-Wide Area in need of Rehabilitation Redevelopment Plan*” (the “Township-Wide Redevelopment Plan”) for the Rehabilitation Area; and

WHEREAS, pursuant to *N.J.S.A. 40A:12A-4*, the Township has determined to act as the “redevelopment entity” (as such term is defined at *N.J.S.A. 40A:12A-3*) for the Rehabilitation Area, to exercise the powers contained in the Redevelopment Law; and

WHEREAS, the Redevelopment Law authorizes the redevelopment entity to arrange or contract for the planning, construction or undertaking of any development project or redevelopment work in an area designated as an area in need of rehabilitation; and

WHEREAS, on July 5, 2023, the Township issued a request for redevelopment proposals (the “RFP”) seeking a redeveloper for certain property within the Rehabilitation Area; and

WHEREAS, on August 4, 2023, the Township received several responses to the RFP (the “Proposals”) including a response from Chester Property Care LLC (the “Redeveloper” or “Chester”) wherein the Redeveloper proposed to construct new one and two-family homes (the “Project”) on the Property (as defined below); and

WHEREAS, the Township reviewed the Proposals based on the designated criteria in the RFP, including but not limited to (i) statement of approach; (ii) quality and feasibility of the proposal; (iii) experience with, and success in, the development of projects similar to the proposed project; (iv) strength of the team’s qualifications; (v) demonstration of financial capacity; (vi) direct and indirect benefits for the Township; (vii) and purchase price for the Property; and

WHEREAS, based upon the Township’s evaluation of the Proposals, the Township desires to designate Chester the redeveloper of the Property (as defined below), pending the execution of, among other agreements, a redevelopment and purchase and sale agreement (the “Redevelopment Agreement”) with the Township for certain properties identified on the official tax maps and in the Township tax records as follows:

Block	Lot(s)	Property Address
125	17	25 Tichenor Terrace
205	18	35 Ellis Avenue
136	17	210 Ellis Avenue

(collectively, the “Property”).

WHEREAS, one of the parcels identified above is located both within the Rehabilitation Area and within a redevelopment area designated by the Township in accordance with the Redevelopment Law, as the East Ward/Springfield Avenue Redevelopment Area. The lot, identified on the Township tax maps as Block 136, Lot 17, is subject to the superseding zoning of the *East Ward/East Springfield Avenue Redevelopment Plan* (as amended, the “East Ward Redevelopment Plan”, together with the Township-Wide Redevelopment Plan, the “Redevelopment Plan”); and

WHEREAS, the Township hereby determines that the Property is no longer needed for public use, and that the redevelopment thereof in accordance with applicable provisions of the Redevelopment Plan will contribute to the rehabilitation and reinvigoration of the Township and to the social and economic improvement of the Township in accordance with the objectives of the Redevelopment Law; and

WHEREAS, in order to effectuate the Redevelopment Plan, the Township has determined to enter into a redevelopment and purchase and sale agreement with the Redeveloper, (the “Redevelopment Agreement”), which establishes Redeveloper as the “redeveloper” of the Project, as that term is defined in the Redevelopment Law, and which specifies the respective rights and responsibilities of the Township and the Redeveloper with respect to the Project and the terms and conditions of the conveyance of the Property,

NOW THEREFORE BE IT RESOLVED by the Municipal Council of the Township of Irvington, in the County of Essex, New Jersey, as follows:

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

Section 2.        Conditional Designation

(a)        Chester is hereby designated as the Conditional Redeveloper of the Property pending the execution of the Redevelopment Agreement with the Township.

(b)        The conditional designation is hereby made for a limited period of five business days and is contingent upon Chester’s execution of the Redevelopment Agreement, as well as the submission of the purchase deposit within five business days as required by the RFP, as well as the provision of project related information as may be requested by the Township.

(c)        If, at the expiration of the conditional designation, the RFP requirements have not been met, then the conditional designation of Chester as redeveloper of the Property shall terminate without the need for any other action by the Township to evidence same; and the Township will automatically approve the next successful respondent.

Section 3.        Redeveloper Designated; Execution of Redevelopment Agreement Authorized.

(a)        The Mayor is hereby authorized to execute the Redevelopment Agreement, substantially in the form attached hereto as Exhibit A, subject to modification or revision deemed necessary or desirable in consultation with counsel, and to take all other necessary or desirable action to effectuate such Redevelopment Agreement.

(b)        The Municipal Clerk is hereby authorized and directed, upon the execution of the Redevelopment Agreement in accordance with the terms of Section 3(a) hereof, to attest to the signature of the Mayor upon such document and is hereby further authorized and directed to affix the corporate seal of the Township upon such document.



(c) Upon execution of the Redevelopment Agreement, and so long as the Redevelopment Agreement remains in full force and effect, Redeveloper is hereby designated as “redeveloper” for the Project in accordance with the Redevelopment Law.

**Section 4. Conveyance of Property Authorized.**

(a) The Township Council hereby approves the conveyance of the Property; and authorizes the Mayor, upon the execution of the Redevelopment Agreement, in accordance with the terms of Section 3(a) hereof, to execute a deed conveying the Property to Redeveloper, together with any other necessary documents and/or agreements between the Redeveloper and the Township, subject to modification or revision in consultation with counsel, deemed necessary or desirable to effectuate same. Said authorization includes delivery of the deed to the Property and any and all associated documents required to effectuate the conveyance of the Property.

(b) The Mayor and other necessary Township officials and professionals are each hereby authorized and directed to execute and deliver such documents as are necessary to facilitate the transactions contemplated hereby and in the Redevelopment Agreement, and to take such actions or refrain from such actions as are necessary to facilitate the transactions contemplated hereby, in consultation with, as applicable, counsel to the Township, and any and all actions taken heretofore with respect to the transactions contemplated hereby are hereby ratified and confirmed.

(c) Upon the execution of the deed in accordance with the terms of Section 3(a), the Municipal Clerk is hereby authorized and directed to attest to the signature of the Mayor upon such documents and is hereby further authorized and directed to affix the corporate seal of the Township upon such documents.

**Section 5. Severability.** If any part of this Resolution shall be deemed invalid, such parts shall be severed and the invalidity thereby shall not affect the remaining parts of this Resolution.

**Section 6. Availability of the Resolution.** A copy of this resolution shall be available for public inspection at the office of the Municipal Clerk.

**Section 7. Effective Date.** This resolution shall take effect immediately.

**EXHIBIT A**

**FORM OF REDEVELOPMENT AND PURCHASE AND SALE AGREEMENT**

Adopted  
Absent: Cox

Vick – Beasley 17. Authorize the Execution of a Redevelopment and Purchase and Sale Agreement and the Designation of Vision Investment Group Limited Liability Company as Redeveloper for Property Identified as 15 Montrose Terrace, Block 126, Lot 20 And 142 22<sup>nd</sup> Street, Block 142, Lot 11 on the Tax Map of the Township and the Transfer of the Property in Connection

**RESOLUTION \_\_\_\_**

**RESOLUTION OF THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF  
IRVINGTON, IN THE COUNTY OF ESSEX, NEW JERSEY, AUTHORIZING  
THE EXECUTION OF A REDEVELOPMENT AND PURCHASE AND SALE  
AGREEMENT AND THE DESIGNATION OF VISION INVESTMENT GROUP**

**LIMITED LIABILITY COMPANY AS REDEVELOPER FOR PROPERTY  
IDENTIFIED AS BLOCK 126, LOT 20 AND BLOCK 142, LOT 11 ON THE TAX  
MAP OF THE TOWNSHIP; AND THE TRANSFER OF THE PROPERTY IN  
CONNECTION THEREWITH**

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

WHEREAS, in accordance with the Redevelopment Law, on July 14, 2015, by resolution No. UEZ 15-0714-11, the Township Council adopted a resolution designating the entire Township as an area in need of rehabilitation (the “Rehabilitation Area”); and

WHEREAS, pursuant to *N.J.S.A. 40A:12A-4(a)(3)* and *N.J.S.A. 40A:12A-7* the Municipal Council is empowered to adopt a redevelopment plan pursuant to which redevelopment projects are to be undertaken or carried out within an area in need of rehabilitation; and

WHEREAS, on August 11, 2015, in accordance with the provisions of *N.J.S.A. 40A:12A-7*, the Township Council duly adopted Ordinance MC. 3549 adopting the “*Township-Wide Area in need of Rehabilitation Redevelopment Plan*” (the “Township-Wide Redevelopment Plan”) for the Rehabilitation Area; and

WHEREAS, pursuant to *N.J.S.A. 40A:12A-4*, the Township has determined to act as the “redevelopment entity” (as such term is defined at *N.J.S.A. 40A:12A-3*) for the Rehabilitation Area, to exercise the powers contained in the Redevelopment Law; and

WHEREAS, the Redevelopment Law authorizes the redevelopment entity to arrange or contract for the planning, construction or undertaking of any development project or redevelopment work in an area designated as an area in need of rehabilitation; and

WHEREAS, on July 5, 2023, the Township issued a request for redevelopment proposals (the “RFP”) seeking a redeveloper for certain property within the Rehabilitation Area; and

WHEREAS, on August 4, 2023, the Township received several responses to the RFP (the “Proposals”) including a response from Vision Investment Group Limited Liability Company (the “Redeveloper” or “Vision”) wherein the Redeveloper proposed to construct new three-family homes (the “Project”) on the Property (as defined below); and

WHEREAS, the Township reviewed the Proposals based on the designated criteria in the RFP, including but not limited to (i) statement of approach; (ii) quality and feasibility of the proposal; (iii) experience with, and success in, the development of projects similar to the proposed project; (iv) strength of the team’s qualifications; (v) demonstration of financial capacity; (vi) direct and indirect benefits for the Township; (vii) and purchase price for the Property (as defined below); and

WHEREAS, based upon the Township’s evaluation of the Proposals, the Township desires to designate Vision as the redeveloper of the Property (as defined below), pending the execution of, among other agreements, a redevelopment and purchase and sale agreement (the “Redevelopment Agreement”) with the Township for certain properties identified on the official tax maps and in the Township tax records as follows:

Block	Lot(s)	Property Address
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126	20	15 Montrose Terrace
142	11	142 22 <sup>nd</sup> Street

(collectively, the “Property”).

WHEREAS, one of the parcels identified above is located both within the Rehabilitation Area and within a redevelopment area designated by the Township in accordance with the Redevelopment Law, as the East Ward/Springfield Avenue Redevelopment Area. The lot, identified on the Township tax maps as Block 142, Lot 11, is subject to the superseding zoning of the *East Ward/East Springfield Avenue Redevelopment Plan* (as amended, the “East Ward Redevelopment Plan”, together with the Township-Wide Redevelopment Plan, the “Redevelopment Plan”); and

WHEREAS, the Township hereby determines that the Property is no longer needed for public use, and that the redevelopment thereof in accordance with applicable provisions of the Redevelopment Plan will contribute to the rehabilitation and reinvigoration of the Township and to the social and economic improvement of the Township in accordance with the objectives of the Redevelopment Law; and

WHEREAS, in order to effectuate the Redevelopment Plan, the Township has determined to enter into a redevelopment and purchase and sale agreement with the Redeveloper, (the “Redevelopment Agreement”), which establishes Redeveloper as the “redeveloper” of the Project, as that term is defined in the Redevelopment Law, and which specifies the respective rights and responsibilities of the Township and the Redeveloper with respect to the Project and the terms and conditions of the conveyance of the Property,

NOW THEREFORE BE IT RESOLVED by the Municipal Council of the Township of Irvington, in the County of Essex, New Jersey, as follows:

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

Section 2.       Conditional Designation

(d)       Vision is hereby designated as the Conditional Redeveloper of the Property pending the execution of the Redevelopment Agreement with the Township.

(e)       The conditional designation is hereby made for a limited period of five business days and is contingent upon Vision’s execution of the Redevelopment Agreement, as well as the submission of the purchase deposit within five business days as required by the RFP, as well as the provision of project related information as may be requested by the Township.

(f)       If, at the expiration of the conditional designation, the RFP requirements have not been met, then the conditional designation of Vision as redeveloper of the Property shall terminate without the need for any other action by the Township to evidence same; and the Township will automatically approve the next successful respondent.

Section 3.       Redeveloper Designated; Execution of Redevelopment Agreement Authorized.

(d)       The Mayor is hereby authorized to execute the Redevelopment Agreement, substantially in the form attached hereto as Exhibit A, subject to modification or revision deemed necessary or desirable in consultation with counsel, and to take all other necessary or desirable action to effectuate such Redevelopment Agreement.

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(e) The Municipal Clerk is hereby authorized and directed, upon the execution of the Redevelopment Agreement in accordance with the terms of Section 3(a) hereof, to attest to the signature of the Mayor upon such document and is hereby further authorized and directed to affix the corporate seal of the Township upon such document.

(f) Upon execution of the Redevelopment Agreement, and so long as the Redevelopment Agreement remains in full force and effect, Redeveloper is hereby designated as “redeveloper” for the Project in accordance with the Redevelopment Law.

### Section 4. Conveyance of Property Authorized.

(d) The Township Council hereby approves the conveyance of the Property; and authorizes the Mayor, upon the execution of the Redevelopment Agreement, in accordance with the terms of Section 3(a) hereof, to execute a deed conveying the Property to Redeveloper, together with any other necessary documents and/or agreements between the Redeveloper and the Township, subject to modification or revision in consultation with counsel, deemed necessary or desirable to effectuate same. Said authorization includes delivery of the deed to the Property and any and all associated documents required to effectuate the conveyance of the Property.

(e) The Mayor and other necessary Township officials and professionals are each hereby authorized and directed to execute and deliver such documents as are necessary to facilitate the transactions contemplated hereby and in the Redevelopment Agreement, and to take such actions or refrain from such actions as are necessary to facilitate the transactions contemplated hereby, in consultation with, as applicable, counsel to the Township, and any and all actions taken heretofore with respect to the transactions contemplated hereby are hereby ratified and confirmed.

(f) Upon the execution of the deed in accordance with the terms of Section 3(a), the Municipal Clerk is hereby authorized and directed to attest to the signature of the Mayor upon such documents and is hereby further authorized and directed to affix the corporate seal of the Township upon such documents.

Section 5. Severability. If any part of this Resolution shall be deemed invalid, such parts shall be severed and the invalidity thereby shall not affect the remaining parts of this Resolution.

Section 6. Availability of the Resolution. A copy of this resolution shall be available for public inspection at the office of the Municipal Clerk.

Section 7. Effective Date. This resolution shall take effect immediately.

## EXHIBIT A

### FORM OF REDEVELOPMENT AND PURCHASE AND SALE AGREEMENT

Adopted  
Absent: Cox

Evans – Vick

18. Authorize the Execution of a Redevelopment and Purchase and Sale Agreement and the Designation of Life Assets LLC as Redeveloper for Property Identified as 136 Ellis Avenue, Block 165, Lot 9; 174 Ellis Avenue, Block 136, Lot 3; 208 Ellis Avenue, Block 136, Lot 16; 195 19<sup>th</sup> Avenue, Block 131, Lot 17; 477 21<sup>st</sup> Street Block 166, Lot 27; and 479 21<sup>st</sup> Street Block 166, Lot 28 on the Tax Map of the Township and the Transfer of the Property in Connection

RESOLUTION \_\_\_\_

RESOLUTION OF THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON, IN THE COUNTY OF ESSEX, NEW JERSEY, AUTHORIZING THE EXECUTION OF A REDEVELOPMENT AND PURCHASE AND SALE AGREEMENT AND THE DESIGNATION OF LIFE ASSETS LLC AS REDEVELOPER FOR PROPERTY IDENTIFIED AS BLOCK 165, LOT 9; BLOCK 136, LOT 3; BLOCK 136, LOT 16; BLOCK 131, LOT 17; BLOCK 166, LOT 27; AND BLOCK 166, LOT 28 ON THE TAX MAP OF THE TOWNSHIP; AND THE TRANSFER OF THE PROPERTY IN CONNECTION THEREWITH

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

WHEREAS, in accordance with the Redevelopment Law, on July 14, 2015, by resolution No. UEZ 15-0714-11, the Township Council adopted a resolution designating the entire Township as an area in need of rehabilitation (the “Rehabilitation Area”); and

WHEREAS, pursuant to *N.J.S.A. 40A:12A-4(a)(3)* and *N.J.S.A. 40A:12A-7* the Municipal Council is empowered to adopt a redevelopment plan pursuant to which redevelopment projects are to be undertaken or carried out within an area in need of rehabilitation; and

WHEREAS, on August 11, 2015, in accordance with the provisions of *N.J.S.A. 40A:12A-7*, the Township Council duly adopted Ordinance MC. 3549 adopting the “*Township-Wide Area in need of Rehabilitation Redevelopment Plan*” (the “Township-Wide Redevelopment Plan”) for the Rehabilitation Area; and

WHEREAS, pursuant to *N.J.S.A. 40A:12A-4*, the Township has determined to act as the “redevelopment entity” (as such term is defined at *N.J.S.A. 40A:12A-3*) for the Rehabilitation Area, to exercise the powers contained in the Redevelopment Law; and

WHEREAS, the Redevelopment Law authorizes the redevelopment entity to arrange or contract for the planning, construction or undertaking of any development project or redevelopment work in an area designated as an area in need of rehabilitation; and

WHEREAS, on July 5, 2023, the Township issued a request for redevelopment proposals (the “RFP”) seeking a redeveloper for certain property within the Rehabilitation Area; and

WHEREAS, on August 4, 2023, the Township received several responses to the RFP (the “Proposals”) including a response from Life Assets LLC (the “Redeveloper” or “Life Assets”) wherein the Redeveloper proposed to construct new one and two-family homes (the “Project”) on the Property (as defined below); and

WHEREAS, the Township reviewed the Proposals based on the designated criteria in the RFP, including but not limited to (i) statement of approach; (ii) quality and feasibility of the proposal; (iii) experience with, and success in, the development of projects similar to the proposed project; (iv) strength of the team’s qualifications; (v) demonstration of financial capacity; (vi) direct and indirect benefits for the Township; (vii) and purchase price for the Property (as defined below); and

WHEREAS, based upon the Township’s evaluation of the Proposals, the Township desires to designate Life Assets as the redeveloper of the Property (as defined below), pending the execution of, among other agreements, a

## MINUTES – REGULAR COUNCIL MEETING – SEPTEMBER 11, 2023 – PAGE 22

redevelopment and purchase and sale agreement (the “Redevelopment Agreement”) with the Township for certain properties identified on the official tax maps and in the Township tax records as follows:

Block	Lot(s)	Property Address
165	9	36 Ellis Avenue
136	3	174 Ellis Avenue
136	16	208 Ellis Avenue
131	17	195 19th Avenue
166	27	477 21st Street
166	28	479 21st Street

(collectively, the “Property”).

WHEREAS, two of the parcels identified above is located both within the Rehabilitation Area and within a redevelopment area designated by the Township in accordance with the Redevelopment Law, as the East Ward/Springfield Avenue Redevelopment Area. The lots, identified on the Township tax maps as Block 136, Lot 3 and Block 136, Lot 16, are subject to the superseding zoning of the *East Ward/East Springfield Avenue Redevelopment Plan* (as amended, the “East Ward Redevelopment Plan”, together with the Township-Wide Redevelopment Plan, the “Redevelopment Plan”); and

WHEREAS, the Township hereby determines that the Property is no longer needed for public use, and that the redevelopment thereof in accordance with applicable provisions of the Redevelopment Plan will contribute to the rehabilitation and reinvigoration of the Township and to the social and economic improvement of the Township in accordance with the objectives of the Redevelopment Law; and

WHEREAS, in order to effectuate the Redevelopment Plan, the Township has determined to enter into a redevelopment and purchase and sale agreement with the Redeveloper, (the “Redevelopment Agreement”), which establishes Redeveloper as the “redeveloper” of the Project, as that term is defined in the Redevelopment Law, and which specifies the respective rights and responsibilities of the Township and the Redeveloper with respect to the Project and the terms and conditions of the conveyance of the Property,

NOW THEREFORE BE IT RESOLVED by the Municipal Council of the Township of Irvington, in the County of Essex, New Jersey, as follows:

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

Section 2. Conditional Designation

(g) Life Asset is hereby designated as the Conditional Redeveloper of the Property pending the execution of the Redevelopment Agreement with the Township.

(h) The conditional designation is hereby made for a limited period of five business days and is contingent upon Life Asset’s execution of the Redevelopment Agreement, as well as the submission of the purchase deposit within five business days as required by the RFP, as well as the provision of project related information as may be requested by the Township.

(i) If, at the expiration of the conditional designation, the RFP requirements have not been met, then the conditional designation of Life Asset as redeveloper of the Property shall terminate without the need for any other action by the Township to evidence same; and the Township will automatically approve the next successful respondent.

**Section 3. Redeveloper Designated; Execution of Redevelopment Agreement Authorized.**

(g) The Mayor is hereby authorized to execute the Redevelopment Agreement, substantially in the form attached hereto as Exhibit A, subject to modification or revision deemed necessary or desirable in consultation with counsel, and to take all other necessary or desirable action to effectuate such Redevelopment Agreement.

(h) The Municipal Clerk is hereby authorized and directed, upon the execution of the Redevelopment Agreement in accordance with the terms of Section 3(a) hereof, to attest to the signature of the Mayor upon such document and is hereby further authorized and directed to affix the corporate seal of the Township upon such document.

(i) Upon execution of the Redevelopment Agreement, and so long as the Redevelopment Agreement remains in full force and effect, Redeveloper is hereby designated as “redeveloper” for the Project in accordance with the Redevelopment Law.

**Section 4. Conveyance of Property Authorized.**

(g) The Township Council hereby approves the conveyance of the Property; and authorizes the Mayor, upon the execution of the Redevelopment Agreement, in accordance with the terms of Section 3(a) hereof, to execute a deed conveying the Property to Redeveloper, together with any other necessary documents and/or agreements between the Redeveloper and the Township, subject to modification or revision in consultation with counsel, deemed necessary or desirable to effectuate same. Said authorization includes delivery of the deed to the Property and any and all associated documents required to effectuate the conveyance of the Property.

(h) The Mayor and other necessary Township officials and professionals are each hereby authorized and directed to execute and deliver such documents as are necessary to facilitate the transactions contemplated hereby and in the Redevelopment Agreement, and to take such actions or refrain from such actions as are necessary to facilitate the transactions contemplated hereby, in consultation with, as applicable, counsel to the Township, and any and all actions taken heretofore with respect to the transactions contemplated hereby are hereby ratified and confirmed.

(i) Upon the execution of the deed in accordance with the terms of Section 3(a), the Municipal Clerk is hereby authorized and directed to attest to the signature of the Mayor upon such documents and is hereby further authorized and directed to affix the corporate seal of the Township upon such documents.

**Section 5. Severability.** If any part of this Resolution shall be deemed invalid, such parts shall be severed and the invalidity thereby shall not affect the remaining parts of this Resolution.

**Section 6. Availability of the Resolution.** A copy of this resolution shall be available for public inspection at the office of the Municipal Clerk.

**Section 7. Effective Date.** This resolution shall take effect immediately.

**EXHIBIT A**

**FORM OF REDEVELOPMENT AND PURCHASE AND SALE AGREEMENT**

Adopted  
Absent: Cox

Evans – Vick                      19. Authorize the Execution of a Redevelopment and Purchase and Sale Agreement and the Designation of MCI Property Management LLC as Redeveloper for Property Identified as 396 21<sup>st</sup> Street, Block 138, Lot 4 and 65-67 Ellis Avenue, Block 207, Lot 46 on the Tax Map of the Township and the Transfer of the Property In Connection

**RESOLUTION \_\_\_\_**

**RESOLUTION OF THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON, IN THE COUNTY OF ESSEX, NEW JERSEY, AUTHORIZING THE EXECUTION OF A REDEVELOPMENT AND PURCHASE AND SALE AGREEMENT AND THE DESIGNATION OF MCI PROPERTY MANAGEMENT LIMITED LIABILITY COMPANY AS REDEVELOPER FOR PROPERTY IDENTIFIED AS BLOCK 138, LOT 4 AND BLOCK 207, LOT 46 ON THE TAX MAP OF THE TOWNSHIP; AND THE TRANSFER OF THE PROPERTY IN CONNECTION THEREWITH**

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

WHEREAS, in accordance with the Redevelopment Law, on July 14, 2015, by resolution No. UEZ 15-0714-11, the Township Council adopted a resolution designating the entire Township as an area in need of rehabilitation (the “Rehabilitation Area”); and

WHEREAS, pursuant to *N.J.S.A. 40A:12A-4(a)(3)* and *N.J.S.A. 40A:12A-7* the Municipal Council is empowered to adopt a redevelopment plan pursuant to which redevelopment projects are to be undertaken or carried out within an area in need of rehabilitation; and

WHEREAS, on August 11, 2015, in accordance with the provisions of *N.J.S.A. 40A:12A-7*, the Township Council duly adopted Ordinance MC. 3549 adopting the “*Township-Wide Area in need of Rehabilitation Redevelopment Plan*” (the “Township-Wide Redevelopment Plan”) for the Rehabilitation Area; and

WHEREAS, pursuant to *N.J.S.A. 40A:12A-4*, the Township has determined to act as the “redevelopment entity” (as such term is defined at *N.J.S.A. 40A:12A-3*) for the Rehabilitation Area, to exercise the powers contained in the Redevelopment Law; and

WHEREAS, the Redevelopment Law authorizes the redevelopment entity to arrange or contract for the planning, construction or undertaking of any development project or redevelopment work in an area designated as an area in need of rehabilitation; and

WHEREAS, on July 5, 2023, the Township issued a request for redevelopment proposals (the “RFP”) seeking a redeveloper for certain property within the Rehabilitation Area; and



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WHEREAS, on August 4, 2023, the Township received several responses to the RFP (the “Proposals”) including a response from MCI Property Management Limited Liability Company (the “Redeveloper” or “MCI”) wherein the Redeveloper proposed to construct new three-family homes (the “Project”) on the Property (as defined below); and

WHEREAS, the Township reviewed the Proposals based on the designated criteria in the RFP, including but not limited to (i) statement of approach; (ii) quality and feasibility of the proposal; (iii) experience with, and success in, the development of projects similar to the proposed project; (iv) strength of the team’s qualifications; (v) demonstration of financial capacity; (vi) direct and indirect benefits for the Township; (vii) and purchase price for the Property (as defined below); and

WHEREAS, based upon the Township’s evaluation of the Proposals, the Township desires to designate MCI as the redeveloper of the Property (as defined below), pending the execution of, among other agreements, a redevelopment and purchase and sale agreement (the “Redevelopment Agreement”) with the Township for certain properties identified on the official tax maps and in the Township tax records as follows:

Block	Lot(s)	Property Address
138	4	396 21 <sup>st</sup> Street
207	46	65-67 Ellis Avenue

(collectively, the “Property”).

WHEREAS, the parcels identified above are located both within the Rehabilitation Area and within a redevelopment area designated by the Township in accordance with the Redevelopment Law, as the East Ward/Springfield Avenue Redevelopment Area. The parcels therefore are subject to the superseding zoning of the *East Ward/East Springfield Avenue Redevelopment Plan* (as amended, the “East Ward Redevelopment Plan”, together with the Township-Wide Redevelopment Plan, the “Redevelopment Plan”); and

WHEREAS, the Township hereby determines that the Property is no longer needed for public use, and that the redevelopment thereof in accordance with applicable provisions of the Redevelopment Plan will contribute to the rehabilitation and reinvigoration of the Township and to the social and economic improvement of the Township in accordance with the objectives of the Redevelopment Law; and

WHEREAS, in order to effectuate the Redevelopment Plan, the Township has determined to enter into a redevelopment and purchase and sale agreement with the Redeveloper, (the “Redevelopment Agreement”), which establishes Redeveloper as the “redeveloper” of the Project, as that term is defined in the Redevelopment Law, and which specifies the respective rights and responsibilities of the Township and the Redeveloper with respect to the Project and the terms and conditions of the conveyance of the Property,

NOW THEREFORE BE IT RESOLVED by the Municipal Council of the Township of Irvington, in the County of Essex, New Jersey, as follows:

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

Section 2.       Conditional Designation

(j)       MCI is hereby designated as the Conditional Redeveloper of the Property pending the execution of the Redevelopment Agreement with the Township.

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(k) The conditional designation is hereby made for a limited period of five business days and is contingent upon MCI's execution of the Redevelopment Agreement, as well as the submission of the purchase deposit within five business days as required by the RFP, as well as the provision of project related information as may be requested by the Township.

(l) If, at the expiration of the conditional designation, the RFP requirements have not been met, then the conditional designation of MCI as redeveloper of the Property shall terminate without the need for any other action by the Township to evidence same; and the Township will automatically approve the next successful respondent.

### Section 3. Redeveloper Designated; Execution of Redevelopment Agreement Authorized.

(j) The Mayor is hereby authorized to execute the Redevelopment Agreement, substantially in the form attached hereto as Exhibit A, subject to modification or revision deemed necessary or desirable in consultation with counsel, and to take all other necessary or desirable action to effectuate such Redevelopment Agreement.

(k) The Municipal Clerk is hereby authorized and directed, upon the execution of the Redevelopment Agreement in accordance with the terms of Section 3(a) hereof, to attest to the signature of the Mayor upon such document and is hereby further authorized and directed to affix the corporate seal of the Township upon such document.

(l) Upon execution of the Redevelopment Agreement, and so long as the Redevelopment Agreement remains in full force and effect, Redeveloper is hereby designated as "redeveloper" for the Project in accordance with the Redevelopment Law.

### Section 4. Conveyance of Property Authorized.

(j) The Township Council hereby approves the conveyance of the Property; and authorizes the Mayor, upon the execution of the Redevelopment Agreement, in accordance with the terms of Section 3(a) hereof, to execute a deed conveying the Property to Redeveloper, together with any other necessary documents and/or agreements between the Redeveloper and the Township, subject to modification or revision in consultation with counsel, deemed necessary or desirable to effectuate same. Said authorization includes delivery of the deed to the Property and any and all associated documents required to effectuate the conveyance of the Property.

(k) The Mayor and other necessary Township officials and professionals are each hereby authorized and directed to execute and deliver such documents as are necessary to facilitate the transactions contemplated hereby and in the Redevelopment Agreement, and to take such actions or refrain from such actions as are necessary to facilitate the transactions contemplated hereby, in consultation with, as applicable, counsel to the Township, and any and all actions taken heretofore with respect to the transactions contemplated hereby are hereby ratified and confirmed.

(l) Upon the execution of the deed in accordance with the terms of Section 3(a), the Municipal Clerk is hereby authorized and directed to attest to the signature of the Mayor upon such documents and is hereby further authorized and directed to affix the corporate seal of the Township upon such documents.

Section 5. Severability. If any part of this Resolution shall be deemed invalid, such parts shall be severed and the invalidity thereby shall not affect the remaining parts of this Resolution.

Section 6. Availability of the Resolution. A copy of this resolution shall be available for public inspection at the office of the Municipal Clerk.

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Section 7. Effective Date. This resolution shall take effect immediately.

**EXHIBIT A**

**FORM OF REDEVELOPMENT AND PURCHASE AND SALE AGREEMENT**

Adopted

Absent: Cox

Vick – Evans                      20. Designate Twenty First Redevelopment LLC as Redeveloper for the Redevelopment of Certain Properties Within the East Ward Identified as Block 144 Lots 2-12, Block 145, Lots 1-3, 5, 6, 8, 11, 12; Block 146, Lots 1, 3, 4, 6-12; Block 147, Lots 1-19, 24, 27-30, 31.01, 34-40 on the Official Tax Maps and Authorizing the Execution of a Redevelopment and Land Disposition Agreement and the Transfer of the Property In Connection

**RESOLUTION OF THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON IN THE COUNTY OF ESSEX, NEW JERSEY, DESIGNATING TWENTY FIRST REDEVELOPMENT LLC AS REDEVELOPER FOR THE REDEVELOPMENT OF CERTAIN PROPERTIES WITHIN THE EAST WARD IDENTIFIED AS BLOCK 144 LOTS 2-12; BLOCK 145, LOTS 1-3, 5, 6, 8, 11, 12; BLOCK 146, LOTS 1, 3, 4, 6-12; BLOCK 147, LOTS 1-19, 24, 27-30, 31.01, 34-40 ON THE OFFICIAL TAX MAPS OF THE TOWNSHIP; AND AUTHORIZING THE EXECUTION OF A REDEVELOPMENT AND LAND DISPOSITION AGREEMENT AND THE TRANSFER OF THE PROPERTY IN CONNECTION THEREWITH**

WHEREAS, the Township of Irvington (the “Township”) is authorized pursuant to the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1 et seq.*, as amended and supplemented (the “Redevelopment Law”) to determine whether certain parcels of land within the Township constitute an area in need of rehabilitation and/or an area in need of redevelopment; and

WHEREAS, on August 13, 2002, the Township Council, by Resolution No. UEZ 02-0813-14, the Township Council adopted a resolution designating certain properties within the east ward of the Township as an area in need of redevelopment (the “Redevelopment Area”); and

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

WHEREAS, to realize the redevelopment of the Redevelopment Area, the Township Council determined to exercise the powers of redevelopment and serve as the “redevelopment entity”, as such term is defined at *N.J.S.A. 40A:12A-3*, responsible for carrying out redevelopment projects in accordance with the Redevelopment Plan, pursuant to *N.J.S.A. 40A:12A-4(c)*; and

WHEREAS, pursuant to the Redevelopment Law, including Section 8 thereof (*N.J.S.A. 40A:12A-8*), a municipality is permitted to contract with a redeveloper to undertake redevelopment projects pursuant to a redevelopment plan within the area designated in that plan; and

WHEREAS, the Township is the owner and/or contract purchaser of certain property located within the Redevelopment Area, which property is designated on the official tax maps of the Township and identified in the Township tax records as follows,

Block	Lot	Location
144	2	123 19 <sup>th</sup> Avenue
144	3	121 19 <sup>th</sup> Avenue
144	4	119 19 <sup>th</sup> Avenue
144	5	115 19 <sup>th</sup> Avenue
144	6	113 19 <sup>th</sup> Avenue
144	7	2-4 Nelson Place
144	8	6 Nelson Place
144	9	8 Nelson Place
144	10	10 Nelson Place
144	11	12 Nelson Place
144	12	14 Nelson Place
145	1	370 21 <sup>st</sup> Street
145	2	368 21 <sup>st</sup> Street
145	3	366 21 <sup>st</sup> Street
145	5	362 21 <sup>st</sup> Street
145	6	360 21 <sup>st</sup> Street
145	8	356 21 <sup>st</sup> Street
145	11	350 21 <sup>st</sup> Street
145	12	1-7 Nelson Place
146	1	10 20 <sup>th</sup> Avenue
146	3	367 21 <sup>st</sup> Street
146	4	365 21 <sup>st</sup> Street
146	6	361 21 <sup>st</sup> Street
146	7	359 21 <sup>st</sup> Street
146	8	357 21 <sup>st</sup> Street
146	9	355 21 <sup>st</sup> Street
146	10	353 21 <sup>st</sup> Street
146	11	349 21 <sup>st</sup> Street
146	12	13 Nelson Place
147	1	28-30 20 <sup>th</sup> Avenue
147	2	58 22 <sup>nd</sup> Street
147	3	62 22 <sup>nd</sup> Street
147	4.01	68 22 <sup>nd</sup> Street
147	4.02	66 22 <sup>nd</sup> Street
147	5	70 22 <sup>nd</sup> Street
147	6	72 22 <sup>nd</sup> Street
147	7	74 22 <sup>nd</sup> Street
147	8	78 22 <sup>nd</sup> Street
147	9	82-84 22 <sup>nd</sup> Street
147	10	86 22 <sup>nd</sup> Street
147	11	90 22 <sup>nd</sup> Street

147	12	94 22 <sup>nd</sup> Street
147	13	96 22 <sup>nd</sup> Street
147	14	98 22 <sup>nd</sup> Street
147	15	100 22 <sup>nd</sup> Street
147	16	137 19 <sup>th</sup> Avenue
147	17	135 19 <sup>th</sup> Avenue
147	18	131-133 19 <sup>th</sup> AVENUE
147	19	129 19 <sup>th</sup> Avenue
147	24	335-337 21 <sup>st</sup> Street
147	27	1 Standard Place
147	28	3 Standard Place
147	29	5 Standard Place
147	30	9 Standard Place
147	31.01	11 Standard Place
147	34	19 Standard Place
147	35	23-29 Standard Place
147	36	18 20 <sup>th</sup> Avenue
147	37	20 20 <sup>th</sup> Avenue
147	38	22 20 <sup>th</sup> Avenue
147	39	24 20 <sup>th</sup> Avenue
147	40	26 20 <sup>th</sup> Avenue

## MINUTES – REGULAR COUNCIL MEETING – SEPTEMBER 11, 2023 – PAGE 29

(the “Property”, as further described in Schedule A attached hereto and made a part hereof); and

WHEREAS, the Township hereby determines that the Property is no longer needed for public use, and that the redevelopment thereof in accordance with applicable provisions of the Redevelopment Plan will contribute to the rehabilitation and reinvigoration of the Township and to the social and economic improvement of the Township in accordance with the objectives of the Redevelopment Law; and

WHEREAS, Twenty First Redevelopment LLC (the “Redeveloper”) has submitted to the Township its plans for the acquisition and assemblage of the Property, and the design, development, financing, construction, and maintenance thereon of a multi-phase, mixed-use Planned Urban Development (PUD) project to be constructed in three (3) Phases, each located on a distinct portion of the Property consisting of: a mixed-use development featuring 105 units of workforce residential housing and approximately 1,000 sf of retail, a two building mixed-use development comprised of 69 residential units and an approximately 5000 sf community development and recreational center, and a housing development featuring approximately 16 units of multifamily rental housing, 8 single-family homeownership units, a 500 sf year-round hydroponics urban farm and neighborhood playground, the repair and/or replacement of the sidewalk frontage, 224 off-street parking spaces and certain other on-site and offsite improvements (the “Project”); and

WHEREAS, the Township has determined that Redeveloper possesses the proper qualifications and experience to implement and complete the Project in accordance with the Redevelopment Plan, and desires to convey the Property to Redeveloper to effect the same; and

WHEREAS, in order to effectuate the Redevelopment Plan and the Project, the Township has determined to enter into a redevelopment and land disposition agreement with the Redeveloper, (the “Redevelopment Agreement”), which establishes Redeveloper as the “redeveloper” of the Project, as that term is defined in the Redevelopment Law, and which specifies the respective rights and responsibilities of the Township and the Redeveloper with respect to the Project and the terms and conditions of the conveyance of the Property,

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

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

Section 2. Redeveloper Designated; Execution of Redevelopment Agreement Authorized.

(m) The Mayor is hereby authorized to execute the Redevelopment Agreement, substantially in the form attached hereto as Exhibit A, subject to modification or revision deemed necessary or desirable in consultation with counsel, and to take all other necessary or desirable action to effectuate such Redevelopment Agreement.

(n) The Municipal Clerk is hereby authorized and directed, upon the execution of the Redevelopment Agreement in accordance with the terms of Section 2(a) hereof, to attest to the signature of the Mayor upon such document and is hereby further authorized and directed to affix the corporate seal of the Township upon such document.

(o) Upon execution of the Redevelopment Agreement, and so long as the Redevelopment Agreement remains in full force and effect, Redeveloper is hereby designated as “redeveloper” for the Project in accordance with the Redevelopment Law.

Section 3. Conveyance of Property Authorized.

(m) The Township Council hereby approves the conveyance of the Property; and authorizes the Mayor, upon the execution of the Redevelopment Agreement, in accordance with the terms of Section 2(a) hereof, to execute a deed conveying the Property to Redeveloper, together with any other necessary documents and/or agreements

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between the Redeveloper and the Township, subject to modification or revision in consultation with counsel, deemed necessary or desirable to effectuate same. Said authorization includes delivery of the deed to the Property and any and all associated documents required to effectuate the conveyance of the Property.

(n) The Mayor and other necessary city officials and professionals are each hereby authorized and directed to execute and deliver such documents as are necessary to facilitate the transactions contemplated hereby and in the Redevelopment Agreement, and to take such actions or refrain from such actions as are necessary to facilitate the transactions contemplated hereby, in consultation with, as applicable, counsel to the Township, and any and all actions taken heretofore with respect to the transactions contemplated hereby are hereby ratified and confirmed.

(o) Upon the execution of the deed, together with any other necessary documents and/or agreements between the Redeveloper and the Township, in accordance with the terms of Section 3(a), the Municipal Clerk is hereby authorized and directed to attest to the signature of the Mayor upon such documents and is hereby further authorized and directed to affix the corporate seal of the Township upon such documents.

Section 4. Severability. If any part of this Resolution shall be deemed invalid, such parts shall be severed and the invalidity thereby shall not affect the remaining parts of this Resolution.

Section 5. Availability of the Resolution. A copy of this resolution shall be available for public inspection at the office of the Municipal Clerk.

Section 6. Effective Date. This resolution shall take effect immediately.

Exhibit A

**FORM OF REDEVELOPMENT AGREEMENT**

Adopted  
Absent: Cox

Vick – Hudley            21. Ratify Memorandum of Agreement - Police Superior Officers Association (SOA) –  
January 1, 2022 through December 31, 2026

WHEREAS, the Township of Irvington and the Irvington Superior Officers' Association (SOA) has engaged in labor negotiations for the purpose of establishing salaries and other conditions of employment for members of said association of the Township of Irvington; and

WHEREAS, the Township of Irvington and the SOA have mutually agreed to the salaries and other conditions of employment for the period beginning January 1, 2022 and ending December 31, 2026;

NOW, THEREFORE BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that they hereby ratify and approve the terms and conditions of the Memorandum of Agreement attached hereto and made a part hereof; and

BE IT FURTHER RESOLVED that the Mayor and the Township Clerk are authorized and empowered to execute the said Memorandum of Agreement.

Adopted  
Absent: Cox

~~22. Ratify Memorandum of Agreement – Firefighters Local 14 – July 1, 2023 through June~~

~~30, 2028~~ **(Removed by Administration)**

WHEREAS, the Township of Irvington and the Irvington Firefighter (FMBA) Local 14 has engaged in labor negotiations for the purpose of establishing salaries and other conditions of employment for members of said association if the Township of Irvington; and

WHEREAS, the Township of Irvington and the Irvington Firefighter (FMBA) Local 14 have mutually agreed to the salaries and other conditions of employment for the period beginning July 1, 2023 and ending June 30, 2028:

NOW, THEREFORE BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that they hereby ratify and approve the terms and conditions of the Memorandum of Agreement attached hereto and made a part hereof; and

BE IT FURTHER RESOLVED that the Mayor and the Township Clerk are authorized and empowered to execute the said Memorandum of Agreement.

Vick – Brown                      23. Ratify Mayor's Appointment of Farrah Irving, Esq. as Municipal Court Judge replacing William H. Williams, Esq. as Municipal Court Judge Effective September 11, 2023

WHEREAS, a vacancy occurred in the Office of Municipal Court Judge by virtue of the fact that the term of office of William H. Williams, Esq. expired:

WHEREAS, N.J.S.A. 40:69A-36 (b) requires that the exercise of advice and consent to actions by the Mayor be by resolution of the Municipal Council; and

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

The Mayor's nomination of Farrah Irving Esq. as Municipal Court Judge, effective September 11, 2023 and expiring on September 10, 2026, is hereby confirmed by the Municipal Council.

Adopted  
Absent: Cox

Hudley – Brown                      24. Authorize Springfield Avenue Business Improvement District's (SACBID) 2023 – 2024 Budget to be Read by Title

WHEREAS, N.J.S.A. 40:56-84(f) provides that a Special Improvement District budget as advertised shall be read in full at the public hearing, or that it may be read by its title only if:

1. At least one week prior to the date of the hearing a complete copy of the approved Special Improvement District budget, as advertised,

(b) shall be posted in a public place where public notices are customarily posted in the principal public building; and

(b) copies are made available to each person requesting same during said week and during the public hearing:

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that it hereby declares that the conditions of N.J.S.A. 40:56-84(f), 1 (a) and 1 (b), have been met and

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therefore the 2023-2024 Springfield Avenue Center Special Improvement District 2023-2024 Budget shall be read by title only.

## **PROPOSED 2023-24 IRVINGTON SPRINGFIELD AVENUE BUSINESS IMPROVEMENT DISTRICT BUDGET**

**Proposed** (approved at June 14, 2023 Annual ISABID Membership Meeting)

### **REVENUES**

Opening Balance

BID Tax: 4%

Misc: bank interest; Website ads, program fees

**TOTALS**

### **Budget**

### **Narrative**

164,372 from cash reserves

295,728 rate is same as past years

400 2022-23: \$210; 2023-24: add interest from CD investment

460,500

### **EXPENSES**

\*BEAUTIFICATION:

Holiday Decorations

Graffiti Removal Program

Gateway Clock Electricity

Sidewalk & Smith St. Parking Lot Cleaning

Private Security Cameras

**SUBTOTAL**

### **Budget**

40,000 Hol Décor-\$19,184 + Intl Flag-\$11,750 = \$30,934; 2023-24: new PSEG outlet installations?

12,000 2022-23: \$10,000 projected expense; 2023-24: increase \$2000

1,500 \$125/month

150,000 same as past years (Arizona Landscaping)

10,000 2022-23: \$1045 expended; 2023-24: reduce \$5000

213,500

### **MARKETING:**

Business Improvement Matching Grant Program

Promotional Mailers

Website/Social Media/Advertisements

videos/carousels, ads

Promotions (general)

Holiday Santa's Photos

Professional/Service Member Events

**SUBTOTAL**

15,000 2022-23: \$4884 expended; 2023-24: reduce \$10,000

25,000 2022-23: \$11,100 expended for SWS brochure; 2023-24: reduce \$17,000 (no magazine)

9,000 2023-24: social media consultant; add seminar, member

7,000 2022-23: \$3000 expended; 2023-24: additional special events

2,000 2022-23: \$1216 expended; 2023-24: same amount

10,000 2022-23: \$7500 (3 events) expended; 2023-24: same amount

68,000

### **OPERATIONS**

Administration

Organizational Expenses

Professional Fees

Staff/Board Training

**SUBTOTAL**

60,000 same as past years (FirstTEAManagement)

2,000 same as past years

9,000 same as past years

500 same as past years

71,500

### **RESERVE**

\*Capital Improvements, Beautification, etc.

Donations

**SUBTOTAL**

100,000 unexpected or new allocations during fiscal year

7,500 2022-23: \$2800 expended; 2023-24: reduce \$2500

107,500

**Total Expenditures**

460,500

Adopted

Absent: Cox

Hudley – Brown

25. Authorize Camptown Business Improvement District's (CBID) 2023 – 2024

Budget to be Read by Title

WHEREAS, N.J.S.A. 40:56-84(f) provides that a Special Improvement District budget as advertised shall be read in full at the public hearing, or that it may be read by its title only if:

1. At least one week prior to the date of the hearing a complete copy of the approved Special Improvement District budget, as advertised,

(b) shall be posted in a public place where public notices are customarily posted in the principal public building; and

(b) copies are made available to each person requesting same during said week and during the public hearing: NOW,



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THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that it hereby declares that the conditions of N.J.S.A. 40:56-84(f), 1 (a) and 1 (b), have been met and therefore the Camptown Special Improvement District (CBID) 2023-2024 Budget shall be read by title only.

### 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

	<u>2023 Budget</u>	<u>2023 Budget Narrative</u>
Past Years' Carryover Funds	105,835	carryover funds transferred to meet projected 2023 budget expenditures
2023 CBID Tax	160,165	same 2.5% rate to commercial property owners since 2017 (effectively 1.43% on municipal tax bills)
Miscellaneous donations/sponsorships	<u>750</u>	interest on investments, website ads,
<b>TOTAL REVENUES</b>	<b>266,750</b>	

#### EXPENSES

Cleaning/Maintenance dumping in public areas; \$1500 weed whack	82,000	Arizona Landscaping: 5 days/week service includes removal of illegal
Supplemental Trash Cans	5,000	cans with bags, not liners, placed strategically throughout district
Security Camera Grants Program (least 7 grants budgeted)	15,000	individual members' matching grants (\$15,000) @ \$2500 maximum (at
Property Improvement Grants	20,000	projection of 3-4 grants depending on individual award amounts
Graffiti Removal Program (property owners to expand program)	45,000	remove 7,000 SF, coat 3000 SF; may require contribution from "repeat"
Professional Fees	59,300	Audit-\$6800; Management (FTM staff)-\$52,500
Marketing \$400	3,000	free building signs-\$300; shared Website-\$240; ICC Awards Dinner Ad-
Floodlights electricity	16,000	monthly estimate: \$1300
Operations/Insurance \$1000;	2,450	Office Supplies-\$250; D&O Insurance-\$950; General Liability insurance-
Miscellaneous/Reserve	<u>19,000</u>	Shared Phone-\$250 unanticipated projects/expenses
<b>TOTAL EXPENSES</b>	<b>266,750</b>	

Adopted  
Absent: Cox

~~26. Cancellation of Capital Ordinances~~ (Removed by Finance Committee)

No Resolution Provided By CFO Ra'Oof

~~27. Introduction of CY 2023 Municipal Budget Amendment #2~~ (Removed by Finance Comm.)

**Township of Irvington County of Essex  
Resolution to Amend Budget #2**

Whereas, the local Municipal Budget for the CY 2023 was approved on 26th day of July, 2023, and

WHEREAS, the public hearing on a said Budget has been held as advertised, on August 23, 2023 and

WHEREAS, it is desires to amend said approved Budget, now

THEREFORE BE IT RESOLVED, by the Governing Body of the Township of Irvington, County of Essex, that the follow amendments to the approved Budget of CY 2023 be made:

	(		Abstained	(
	(	(		(
	(	(		(
RECORDED VOTE Ayes	(	Nays	(	(
	(	(	Absent	(

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	<u>From</u>	<u>To</u>
<b><u>General Revenues</u></b>		
1. Surplus Anticipated	-	-
2. Surplus Anticipated with Prior Written Consent of Director of Local Government Services	-	-
3. Miscellaneous Revenue-Section A: Local Revenue		
License Other	-	-
Fees and Permits	-	-
Sewer Usage Charges	-	-
<b>Total Section A: Local Revenue</b>	<b>10,286,077.00</b>	<b>10,286,077.00</b>
3. Miscellaneous Revenue-Section B: State Aid Without Offsetting Appropriations		
<b>Total Section B: Local Revenue</b>	<b>12,936,134.00</b>	<b>12,936,134.00</b>
3. Miscellaneous Revenue-Sections C: Dedicated Uniform Construction Code Fees		
Offset with Appropriations		
<b>Total Section C: Local Revenue</b>	<b>656,137.00</b>	<b>656,137.00</b>
3. Miscellaneous Revenues - Section F: Special Items of General Revenue Anticipated with Prior written Consent of Director of Local Government Services- Public and Private Revenues Offset with Appropriations: State & Federal Grants		
DOT Bike Rack Program	-	-
<b>Total Section F: Special Items of General Revenue Anticipated, Public and Private Revenue Offset with Appropriations:</b>	<b>3,374,355.62</b>	<b>3,374,355.62</b>
3. Miscellaneous Revenue - Section G: Special Items of General Revenue Anticipated wit Prior Written Consent of Director of Local Government Services - Other Special items		
Sale of Town Owned Property	-	-
5 year old Premiums & Foreclosed Tax Sale Certificates	-	-
State School Building Aid Allowance		
Special Tax Lien Sale	-	2,788,787.76
<b>Total Section G: Special Items of General revenue anticipated with prior written consent of the Director of Local Government Services</b>	<b>4,754,810.85</b>	<b>7,543,598.61</b>
<b>4. Receipts from Delinquent Taxes</b>	<b>2,162,281.50</b>	<b>2,162,281.50</b>
<b><u>Summary of Revenues</u></b>		
1. Total Surplus Anticipated	7,000,000.00	7,000,000.00
2. Surplus Anticipated with Prior Witten Consent of Director of Local Government Services	-	-
3. Miscellaneous Revenues:		
Total Section A: Local Revenue:	10,286,077.00	10,286,077.00
Total Section B: State Aid without Offsetting Appropriations:	12,936,134.00	12,936,134.00
Total Section C: Dedicated Uniform Construction Code Fees offset with Appropriations	656,137.00	656,137.00
Total Section D: Special Items of General Revenue, Inter local Muni. Services	-	-
Total Section E: Special Items of General Revenue, Additional Revenues Total	-	-
Section F: Special Items of General Revenue, Public and Private Revenue	3,374,355.62	3,374,355.62
Total Section G: Special items of General Revenue, Other Special Items	4,754,810.85	7,543,598.61
Total Miscellaneous Revenue	32,007,514.47	34,796,302.23
4. Receipts from Delinquent Taxes	2,162,281.50	2,162,281.50
5. Subtotal General Revenues ( Items 1,2,3 and 4)	41,169,795.97	43,958,583.73
6. Amount to be Raised by Taxes for support of Municipal Budget:		
a) Local Tax for Municipal Purposes Including Reserve for Uncollected Taxes	80,716,844.10	78,098,056.34
b) Addition to Local District School Tax	3,257,569.25	3,257,569.25
c) Minimum Library Tax	995,481.86	995,481.86
<b>7. TOTAL GENERAL REVENUES</b>	<b>\$ 126,139,691.18</b>	<b>\$ 126,309,691.18</b>
<b><u>8.GENERAL APPROPRIATIONS</u></b>		
(A) Operations Within "CAPS"		-
<b>Total Operations (Item 8 (A) Within "CAPS"</b>	<b>87,117,414.50</b>	<b>87,117,414.50</b>
<b>(E) Deferred Charges and Statutory Expenditures - Municipal Within "CAPS"</b>		

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1. Deferred Charges

Recreation Activites Trust Account	-	-
Total Deferred Charges and Statutory Expenditures - Within "CAPS"	14,263,118.43	14,263,118.43
(H-1) Total General Appropriations for Municipal Purposes Within "CAPS"	101,380,532.93	101,380,532.93

8.GENERAL APPROPRIATIONS

(A) Operations - Excluded from "CAPS"	-	-
Municipal Library	-	-
Total Other Operations - Excluded from "CAPS"	6,096,538.00	6,096,538.00

(A) Operations - Excluded from "CAPS"

Public and Private Programs Offset by Revenues	-	-
Total Public and Private Program Offset By Revenue	3,374,355.62	3,374,355.62
Total Operations Excluded from "CAPS"	9,470,893.62	9,470,893.62

8. General Appropriations

(C) Total Capital Improvements - Excluded from "CAPS"		
Total Capital Improvements - Excluded from "CAPS"	50,000.00	50,000.00

( D) Municipal Debt Service - Excluded from "CAPS"

Total Municipal Debt Service - Excluded from 'CAPS"	6,028,194.82	6,028,194.82
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(E) Deferred Charges - Municipal - Excluded from "CAPS"

Special Emergency Authorization 5 year	482,895.55	652,895.55
Total Deferred Charges - Municipal- Excluded from "CAPS"	482,895.55	652,895.55

(H-2) Total General Appropriations for Municipal Purposes Excluded from "CAPS"	16,031,983.99	16,201,983.99
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( I ) Type 1 District School Debt Services

Interest on Notes	-	-
Total Local School Purpouse	5,854,094.25	5,854,094.25

(O) Total General Appropriations - Excluded from "CAPS"	21,886,078.24	22,056,078.24
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(L) Subtotal General Appropriations {items (H-1) and (O)}	123,266,611.17	123,436,611.17
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(M) Reserve for Uncollected Taxes	2,873,080.01	2,873,080.01
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9. Total General Appropriation	\$ 126,139,691.18	\$ 126,309,691.18
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Summary of Appropriations:

(H-1) Total General Appropriations for		
Municipal Purposes within "CAPS"	101,380,532.93	101,380,532.93
(a) Operations - Excluded from "CAPS"	-	-
Other Operations	6,096,538.00	6,096,538.00
Public & Private Progs Offset by Revenues	3,374,355.62	3,374,355.62
( C ) Capital Improvement	50,000.00	50,000.00
(D) Municipal Debt Service	6,028,194.82	6,028,194.82
(E) Total Deferred & Statutory Charges - Excluded from "CAPS"	482,895.55	652,895.55
(F) Judgments	-	-
(G) Cash Deficit - With Prior Consent of LFB	-	-
(K) Local District School Purpose	5,854,094.25	5,854,094.25
(N) Transferred to Board of Education	-	-
(M) Reserve for Uncollected Taxes	2,873,080.01	2,873,080.01

9. Total General Appropriation	\$ 126,139,691.18	\$ 126,309,691.18
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BE IT FURTHER RESOLVED, that three certified copies of this resolution be filed in the Office of the Director of the Division of Local Government Services for his certification of the 2023 Local Municipal Budget so amended.

BE IT FURTHER RESOLVED, that this complete amendment, in accordance with the provisions of N.J.S 40A:4-9, be published in the Irvington Herald in the issue of 08/31/2023 and the said publication contain notice of public hearing on said amendment to be held at Town Hall on September 11th at 1 Civic Square, Irvington, NJ at 7:30 P.M.

It is hereby certified that this is a true copy of resolution amending the budget, adopted by the Governing Body on 11th day of September, 2023.

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Shawna Supel, Municipal Clerk

It is hereby certified that all changes are in proof and the budget remains in balance.

Faheem J. Ra' Oof, CPA, Director of Revenue & Finance

Rev. 1

Brown – Beasley            28. Resolution of Sorrow – Geraldine Hutchins

### RESOLUTION OF SORROW GERALDINE HUTCHINS

WHEREAS, the Municipal Council of the Township of Irvington wishes to express their deepest sorrow on the passing of Geraldine Hutchins on August 28, 2023; and

WHEREAS, Geraldine Hutchins was born to the late Clevice Hutchins Sr. and Mary Elizabeth Hutchins on August 13, 1962 in Newark, New Jersey; and

WHEREAS, she was educated in the Irvington Public School system from grammar school to Irvington High School, where she graduated; and

WHEREAS, Geraldine confessed Christ at an early age and attended Trinity Baptist Church in Newark, New Jersey; and

WHEREAS, the first of her work experience was at the Labor's Union #472 after which she gained employment at the Irvington Board of Education, for twenty years; and

WHEREAS, Geraldine's passion was singing. She was a member of the Inspirational Choir and L-O-V-E-D singing all of Michael Jackson's songs and Luther Vandross' hits; and

WHEREAS, mostly, Geraldine adored loving and caring for her son, Theodore; and

WHEREAS, Geraldine was preceded in death by her parents; Deacon Clevice Hutchins, Sr. and Mary Elizabeth Hutchins. Sisters; Annette Hutchins and Laura Hutchins and Brothers; Clevice Hutchins, Jr. and Curtis Hutchins; and

WHEREAS, Geraldine leaves to cherish her precious memories, the love of her life, son; Theodore aka "Teddy" of Irvington, New Jersey, four brothers; Ira Hutchins, Mark Hutchins, Kenneth (Dawn Marie) Hutchins of Vauxhall, New Jersey, Troy Lee Hutchins of Irvington, New Jersey, and host of nieces, great-nieces, nephews, great-nephews, cousins, and friends:

NOW THEREFORE BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that the Township of Irvington hereby mourns the passing of Geraldine Hutchins and extends our most 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 in lasting tribute to Geraldine Hutchins.

Adopted  
Absent: Cox

## **10. COMMUNICATION AND PETITIONS**

### **A. Communications**

1. Mayor Vauss – Judge William H. Williams Expired Term of Office

## **11. PENDING BUSINESS**

None

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## **NON-CONSENT AGENDA**

## **8. ORDINANCES, BILLS & CLAIMS (Continued)**

### **B. Ordinances on Second Reading**

1. President Beasley: An ordinance amending Chapter 582 Taxicabs regarding insurance requirements will be heard a time. The Clerk will read the notice of hearing.

The Clerk will read the ordinance by title

#### **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

### Inconsistent Ordinances Repealed.

III.

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.

The Public Hearing on this ordinance is now open

Frederic – Hudley      Motion to close Public Hearing

Adopted  
Absent: Cox

Frederic – Hudley      Motion to adopt this ordinance on second reading after Public Hearing

Adopted  
Absent: Cox

2. President Beasley: An ordinance establishing a fee in the amount of \$30.00 for cancellation of redeemed certificate of sale 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 ESTABLISHING A FEE FOR CANCELLATION OF REDEEMED CERTIFICATE OF SALE

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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.

The Public Hearing on this ordinance is now open

Vick – Frederic          Motion to close Public Hearing

Adopted  
Absent: Cox

Vick – Frederic          Motion to adopt this ordinance on second reading after Public Hearing

Adopted  
Absent: Cox

3. President Beasley: An ordinance providing fees in the amount of \$50.00 for tax sale certificate redemption calculations 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 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.

The Public Hearing on this ordinance is now open

Vick – Hudley              Motion to close Public Hearing

Adopted  
Absent: Cox

Vick – Hudley              Motion to adopt this ordinance on second reading after Public Hearing

Adopted  
Absent: Cox

4. President Beasley: An ordinance for stormwater management 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.

**Stormwater Control  
Ordinance #[insert number] –**

**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.

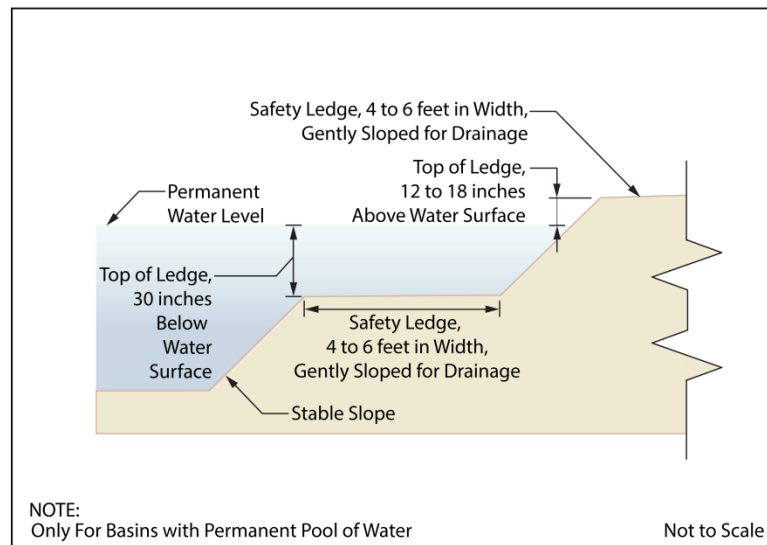
Note that these exemptions do not authorize any infringement of requirements in the Residential Site Improvement Standards for bicycle safe grates in new residential development (N.J.A.C. 5:21-4.18(b) 2 and 7.4(b) 1).

- 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](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:

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

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  
\_\_\_\_\_.

The public hearing on this ordinance is now open

Hudley – Vick

Motion to close Public Hearing

Adopted  
Absent: Cox

Hudley – Vick

Motion to adopt this ordinance on second reading after Public Hearing

Adopted  
Absent: Cox



5. President Beasley: An ordinance amending Chapter 472, Section 6 regarding superintendents in dwellings 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 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

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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.

- 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.

The Public Hearing on this ordinance is now open

Vick – Hudley                      Motion to close Public Hearing

Adopted  
Absent: Cox

Vick – Hudley                      Motion to adopt this ordinance on second reading after Public Hearing

Adopted  
Absent: Cox

6. President Beasley: An ordinance amending Section 620-19.1 regarding parking too close to a driveway by add Nye Avenue between South 20<sup>th</sup> Street and Newark Border and Prospect Avenue will be heard a time. For the record, this notice is identical to the prior notice read. The Clerk will read the ordinance by title.

### AN ORDINANCE AMENDING SECTION 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:

<b>Name of Street</b>	<b>Location</b>
Nye Avenue	Between South 20 <sup>st</sup> Street to Newark Border
Prospect Avenue	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

Beasley – Vick      Motion to close Public Hearing

Adopted  
Absent: Cox

Beasley – Vick      Motion to adopt this ordinance on second reading after Public Hearing

Adopted  
Absent: Cox

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## **9. RESOLUTIONS AND MOTIONS (Continued)**

### **A. Resolutions**

#### **SPECIAL IMPROVEMENT DISTRICTS - BUDGET ADOPTION**

**24A.** President Beasley: The Springfield Avenue Business Improvement District’s budget for 2023-24 was introduced on August 14, 2023, published in the Irvington Herald on August 24, 2023, and public hearing set for this date, time and place.

The Clerk will read the notice of hearing

The Clerk will Read the Budget by Title

The Public Hearing on the Springfield Avenue Business Improvement District’s Budget Improvement District’s Budget for 2023-24 will be heard at this time

Hudley – Brown      Motion to close Public Hearing

Adopted  
Absent: Cox

Hudley – Brown      Motion to adopt the Springfield Avenue Business Improvement District’s (SACBID) Budget for 2023-2024

Adopted

Absent: Cox

**25A.** President Beasley: The Camptown Business Improvement District’s budget for 2023-24 was introduced on August 14, 2023, published in the Irvington Herald on August 24, 2023, and Public Hearing set for this date, time and place.

The Clerk will read the notice of hearing

The Clerk will read the Budget by Title

The Public Hearing on the Camptown Business Improvement District’s Budget Improvement District’s Budget for 2023-24 will be heard at this time.

Hudley – Brown            Motion to close Public Hearing

Adopted  
Absent: Cox

Hudley – Brown            Motion to adopt the Camptown Business Improvement District’s (CBID) Budget for 2023-24

Adopted  
Absent: Cox

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**CY 2023 MUNICIPAL BUDGET AMENDMENT AND CY 2023 MUNICIPAL BUDGET ADOPTION**

**B.** President Beasley: An Amendment to the Calendar Year 2023 Municipal Budget was introduced on August 23, 2023, published in the Irvington Herald on August 31, 2023, and public hearing set for this date, time and place.

The Clerk will read the notice of hearing

The Clerk will read the Budget Amendment

**Township of Irvington  
County of Essex  
Resolution to Amend Budget #1**

Whereas, the local Municipal Budget for the CY 2023 was approved on 26th day of July, 2023, and

WHEREAS, the public hearing on a said Budget has been held as advertised, on August 23, 2023 and

WHEREAS, it is desires to amend said approved Budget, now

THEREFORE BE IT RESOLVED, by the Governing Body of the Township of Irvington, County of Essex, that the follow amendments to the approved Budget of CY 2023 be made:

	(COX		Abstained	(
	(EVANS	(PRES. BEASLEY		(
	(FREDERIC	(		(
RECORDED VOTE Ayes	(HUDLEY	Nays (		(
	(VICK	(	Absent	(

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	<u>From</u>	<u>To</u>
<b><u>General Revenues</u></b>		
1. Surplus Anticipated	-	-
2. Surplus Anticipated with Prior Written Consent of Director of Local Government Services	-	-
3. Miscellaneous Revenue-Section A: Local Revenue		
License Other	-	-
Fees and Permits	-	-
Sewer Usage Charges	5,184,400.00	5,325,000.00
<b>Total Section A: Local Revenue</b>	<b>10,145,477.00</b>	<b>10,286,077.00</b>
3. Miscellaneous Revenue-Section B: State Aid Without Offsetting Appropriations		
<b>Total Section B: Local Revenue</b>	<b>12,936,134.00</b>	<b>12,936,134.00</b>
3. Miscellaneous Revenue-Sections C: Dedicated Uniform Construction Code Fees		
Offset with Appropriations		
<b>Total Section C: Local Revenue</b>	<b>656,137.00</b>	<b>656,137.00</b>
3. Miscellaneous Revenues - Section F: Special Items of General Revenue Anticipated with Prior written Consent of Director of Local Government Services- Public and Private Revenues Offset with Appropriations: State & Federal Grants		
DOT Bike Rack Program	-	-
<b>Total Section F: Special Items of General Revenue Anticipated, Public and Private Revenue Offset with Appropriations:</b>	<b>3,374,355.62</b>	<b>3,374,355.62</b>
3. Miscellaneous Revenue - Section G: Special Items of General Revenue Anticipated with Prior Written Consent of Director of Local Government Services - Other Special items:		
Sale of Town Owned Property	-	402,000.00
5 year old Premiums & Foreclosed Tax Sale Certificates	-	628,193.85
State School Building Aid Allowance	2,597,482.00	2,596,525.00
<b>Total Section G: Special Items of General revenue anticipated with prior written consent of the Director of Local Government Services</b>	<b>3,725,574.00</b>	<b>4,754,810.85</b>
<b>4. Receipts from Delinquent Taxes</b>	<b>2,325,000.00</b>	<b>2,162,281.50</b>
<b><u>Summary of Revenues</u></b>		
1. Total Surplus Anticipated	7,000,000.00	7,000,000.00
2. Surplus Anticipated with Prior Witten Consent of Director of Local Government Services	-	-
3. Miscellaneous Revenues:		
Total Section A: Local Revenue:	10,145,477.00	10,286,077.00
Total Section B: State Aid without Offsetting Appropriations:	12,936,134.00	12,936,134.00
Total Section C: Dedicated Uniform Construction Code Fees offset with Appropriations	656,137.00	656,137.00
Total Section D: Special Items of General Revenue, Inter local Muni. Services	-	-
Total Section E: Special Items of General Revenue, Additional Revenues	-	-
Total Section F: Special Items of General Revenue, Public and Private Revenue	3,374,355.62	3,374,355.62
Total Section G: Special items of General Revenue, Other Special Items	3,725,574.00	4,754,810.85
Total Miscellaneous Revenue	30,837,677.62	32,007,514.47
4. Receipts from Delinquent Taxes	2,325,000.00	2,162,281.50
5. Subtotal General Revenues ( Items 1,2,3 and 4)	40,162,677.62	41,169,795.97
6. Amount to be Raised by Taxes for support of Municipal Budget:		
a) Local Tax for Municipal Purposes Including Reserve for Uncollected Taxes	81,685,134.16	80,716,844.10
b) Addition to Local District School Tax	3,257,624.75	3,257,569.25
c) Minimum Library Tax	1,013,789.18	995,481.86
<b>7. TOTAL GENERAL REVENUES</b>	<b>\$ 126,119,225.71</b>	<b>\$ 126,139,691.18</b>

**8. GENERAL APPROPRIATIONS**

(A) Operations Within "CAPS"		-
Total Operations (Item 8 (A) Within "CAPS"	87,117,414.50	87,117,414.50
(E) Deferred Charges and Statutory Expenditures - Municipal Within "CAPS"		
1. Deferred Charges		
Recreation Activities Trust Account	-	20,465.47
Total Deferred Charges and Statutory Expenditures - Within "CAPS"	14,242,652.96	14,263,118.43
(H-1) Total General Appropriations for Municipal Purposes Within "CAPS"	101,360,067.46	101,380,532.93

**8. GENERAL APPROPRIATIONS**

(A) Operations - Excluded from "CAPS"		-
Municipal Library	-	-
Total Other Operations - Excluded from "CAPS"	6,096,538.00	6,096,538.00
(A) Operations - Excluded from "CAPS"	-	-
Public and Private Programs Offset by Revenues		
Total Public and Private Program Offset By Revenue	3,374,355.62	3,374,355.62
Total Operations Excluded from "CAPS"	9,470,893.62	9,470,893.62

**8. General Appropriations**

(C) Total Capital Improvements - Excluded from "CAPS"		
Total Capital Improvements - Excluded from "CAPS"	50,000.00	50,000.00
(D) Municipal Debt Service - Excluded from "CAPS"		
Total Municipal Debt Service - Excluded from "CAPS"	6,028,194.82	6,028,194.82
(E) Deferred Charges - Municipal - Excluded from "CAPS"		
Special Emergency Authorization 5 year	-	-
Total Deferred Charges - Municipal - Excluded from "CAPS"	482,895.55	482,895.55
(H-2) Total General Appropriations for Municipal Purposes Excluded from "CAPS"	16,031,983.99	16,031,983.99
(I) Type 1 District School Debt Services		
Interest on Notes	-	-
Total Local School Purposes	5,854,094.25	5,854,094.25
(O) Total General Appropriations - Excluded from "CAPS"	21,886,078.24	21,886,078.24
(L) Subtotal General Appropriations {items (H-1) and (O)}	123,246,145.70	123,266,611.17
(M) Reserve for Uncollected Taxes	2,873,080.01	2,873,080.01
9. Total General Appropriation	\$ 126,119,225.71	\$ 126,139,691.18

**Summary of Appropriations:**

(H-1) Total General Appropriations for		
Municipal Purposes within "CAPS"	101,360,067.46	101,380,532.93
(a) Operations - Excluded from "CAPS"	-	-
Other Operations	6,096,538.00	6,096,538.00
Public & Private Progs Offset by Revenues	3,374,355.62	3,374,355.62
(C) Capital Improvement	50,000.00	50,000.00
(D) Municipal Debt Service	6,028,194.82	6,028,194.82
(E) Total Deferred & Statutory Charges - Excluded from "CAPS"	482,895.55	482,895.55
(F) Judgments	-	-
(G) Cash Deficit - With Prior Consent of LFB	-	-
(K) Local District School Purpose	5,854,094.25	5,854,094.25
(N) Transferred to Board of Education	-	-
(M) Reserve for Uncollected Taxes	2,873,080.01	2,873,080.01
9. Total General Appropriation	\$ 126,119,225.71	\$ 126,139,691.18

BE IT FURTHER RESOLVED, that three certified copies of this resolution be filed in the Office of the Director of the Division of Local

## MINUTES – REGULAR COUNCIL MEETING – SEPTEMBER 11, 2023 - PAGE 55

Government Services for his certification of the 2023 Local Municipal Budget so amended.

BE IT FURTHER RESOLVED, that this complete amendment, in accordance with the provisions of N.J.S 40A:4-9, be published in the Irvington Herald in the issue of \_08/31/2023 and the said publication contain notice of public hearing on said amendment to be held at Town Hall on September 11th at 1 Civic Square, Irvington, NJ at 7:30 P.M.

It is hereby certified that this is a true copy of resolution amending the budget, adopted by the Governing Body on 11th day of September, 2023.

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Shawna Supel, Municipal Clerk

It is hereby certified that all changes are in proof and the budget remains in balance.

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Faheem J. Ra' Oof, CPA, Director of Revenue & Finance

The Public Hearing on the Amendment to the Calendar Year 2023 Municipal Budget is now open

Elouise McDaniel, 214 Nesbit Terrace  
Robert Shaw, 57 Coit Street

Council President Beasley, Chief Finance Officer Ra'Oof and Municipal Council Budget Consultant Gibson-Fuller addressed the residents' questions.

Hudley – Brown            Motion to close Public Hearing

Hudley - Brown            Motion to Adjourn further deliberations on the Amendment Resolution for the 2023 Calendar Year Municipal Budget [*Majority Vote of the Full Governing Body*]

Adopted  
Absent: Cox

Hudley - Brown            Motion to Adjourn further deliberations on the Calendar Year 2023 Municipal Budget

Adopted  
Absent: Cox

### 12. MISCELLANEOUS

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

Samuel Cherilus, 90 40<sup>th</sup> Street  
Elouise McDaniel, 214 Nesbit Terrace

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

The Municipal Council Members present congratulated Farrah Irving Esq. on being appointed Municipal Judge for the Irvington Municipal Court.

**13. ADJOURNMENT**

There being no further business, the meeting adjourned at 8:38 P.M.

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Jamillah Z. Beasley, Council President

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Shawna M. Supel, Municipal Clerk