

# TOWNSHIP OF IRVINGTON



## MUNICIPAL COUNCIL MEETING MINUTES DECEMBER 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

ROLL CALL	PRESENT	ABSENT	LATE ARRIVAL	EARLY DEPARTURE
Brown	X			
Cox	X			
Evans	X			
Frederic	X			
Dr. Hudley	X			
Vick	X			
Beasley, President	X			

**President Beasley read 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)

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

#### 5. HEARING OF COUNCIL MEMBERS

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

##### A. Reports

1. Municipal Court - Weekly Summary Report for the Week of November 20, 2023 to November 24, 2023

2. Business Administrator Musa Malik – Report of November 28, 2023 Human Resources Committee Meeting
3. Joint Meeting – Minutes – August 17, 2023 and September 21, 2023
4. Joint Meeting - 2022 Annual User Charge Apportionment Report
5. Municipal Court - Weekly Summary Report for the Week of November 27, 2023 to December 1, 2023
6. Township Attorney Ramon Rivera, Esq. – Report of December 4, 2023 Legal Committee Meeting

## **7. REPORTS OF COMMITTEES**

A. Bid Results - November 29, 2023 - ADA Ramp for Police Division and Fire Division 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**

Vick – Brown                      1. Amend Section 7-138 (B) Division of Police, Organization and Functions

AN ORDINANCE AMENDING SECTION 7-138 (B) DIVISION OF POLICE, ORGANIZATION AND FUNCTIONS OF THE GENERAL ORDINANCES OF THE TOWNSHIP OF IRVINGTON

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

SECTION 1. Section 7-138 (B) is hereby amended to include the following:

### **7-138 Division of Police.**

### **B. Organization and functions.**

- (1) Within the organization of the Division of Police there shall be appointed, as determined, the following sworn officer positions:
  - (a) Deputy Chief(s) of Police: **1-3**
  - (b) Police Captain(s): **2-5**
  - (c) Police Lieutenant(s): **10-15**
  - (d) Police Sergeant(s): **25-30**
  - (e) Detective(s).
  - (f) Law enforcement personnel in the Department of Public Safety: **125-155**

- (2) The organization shall also consist of the civilian, nonsworn, positions as determined by the Mayor.
- (3) The organization of the Division and duties of the subdivisions therein shall be prescribed by the Director of Public Safety.
- (4) The Division of Police shall be responsible for the functions and duties prescribed in this § **7-138**.

SECTION 2. All Ordinance or parts of Ordinance inconsistent or in conflict with the provisions of this ordinance are hereby repealed.

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

Adopted

Cox – Brown                      2. Amend Section 7-147 (A)(7) Entitled Fees for Copies and Other Services

AN ORDINANCE AMENDING SECTION 7-147 (A)(7) OF THE GENERAL ORDINANCES OF THE TOWNSHIP OF IRVINGTON ENTITLED FEES FOR COPIES AND OTHER SERVICES

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

SECTION 1. Section 7-147 (A)(7) of the Revised Code of the Township of Irvington is hereby amended and supplemented as follows:

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

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

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

**(a)** The rate is \$50 per hour, and with a patrol car is an additional \$15 per hour, gross before taxes.

**(b)** The rate of compensation for a law enforcement personnel in the Department of Public Safety for construction is \$95 per hour, and with a patrol car is an additional \$15 per hour, gross before taxes. An additional \$15 per hour shall be added for construction jobs scheduled less than 24 hours in advance (emergency jobs), or jobs that are scheduled for the weekends or jobs that are scheduled to commence after 1900 hours.

**(c)** The rate for traffic duty with a patrol car is \$60 per hour, gross before taxes.

**(d)** The rate for strike duty is \$50 per hour, gross before taxes.

**(e)** Any detail involving the services of four or more officers will require a supervisor who shall receive compensation at an additional \$2 per hour, gross pay before taxes, above the hourly rate of law enforcement personnel in the Department of Public Safety assigned to said details.

(f) An additional fee of 10% per officer hour is hereby established to cover the administrative costs, overhead and out-of-pocket expense of the Township of Irvington. This fee shall not apply to the Township of Irvington Board of Education.

SECTION 2. All Ordinance or parts of Ordinance inconsistent or in conflict with the provisions of this ordinance are hereby repealed.

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

Adopted

Cox – Hudley                      3. Amend Sections 620-103 Schedule IX-Through Streets by Adding Union Place and 620-104 Schedule X – Stop Intersections at Union Place and Stewart Avenue

AN ORDINANCE AMENDING SECTIONS 620-103 SCHEDULE IX-THROUGH STREETS BY ADDING UNION PLACE AND 620-104 SCHEDULE X - STOP INTERSECTIONS BY ADDING UNION PLACE AND STEWART AVENUE OF THE GENERAL ORDINANCES OF THE TOWNSHIP OF IRVINGTON

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

SECTION 1. Sections 620-103 and 620-104 are hereby amended to include the following:

Section 620-103 Schedule IX - Through Streets

<u>Name of Street</u>	<u>Limits</u>
Union Place	Mill Road to Chancellor Avenue

Section 620-104 Schedule X - Stop Intersections

<u>Intersection</u>	<u>Stop Sign On</u>
Union Place and Stewart Avenue	Stewart Avenue

SECTION 2. All Ordinance or parts of Ordinance inconsistent or in conflict with the provisions of this ordinance are hereby repealed.

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

Adopted

Hudley – Vick                      4. Amend Chapter 460 – Property Maintenance

Article VI  
**Enforcement**

**§ 460-60 Violation a public nuisance; abatement by Town.**

**[Amended 6-10-1975 by Ord. No. MC 2451; 9-28-1982 by Ord. No. MC 2668; 2-13-1985 by Ord. No. MC 2769; 7-14-2009 by Ord. No. MC 3407; 7-1-2014 by Ord. No. MC 3511]**

Whenever a notice or order to remove a violation or secure, vacate or demolish a building has not been complied with, and when such failure to comply is deemed by a representative of police, fire, housing and building construction, health, public works or any other department so authorized to issue such notices, in addition to the Mayor and Business Administrator, such persons are authorized and empowered to order the abatement of the nuisance and may proceed to cause the structure to be demolished, repaired, altered, secured, vacated or take such other action as is necessary to abate the nuisance. Whenever the authorized representative of the Township determines that such nuisance exists, he/she shall record sufficient proof to support such determination and the owner, occupant, lessee or mortgagee shall be notified by certified and regular United States Postal Service mail. Abatement authorized by this section shall not commence until at least 10 days after service of such notice.

**§ 460-61 Expense of abatement to constitute lien.**

**[Amended 6-10-1975 by Ord. No. MC 2451; 9-28-1982 by Ord. No. MC 2668; 2-13-1985 by Ord. No. MC 2769; 7-14-2009 by Ord. No. MC 3407; 7-1-2014 by Ord. No. MC 3511]**

- A. The expenses incurred pursuant to §§ **460-44** and **460-60** shall be paid by the owner or occupant of the premises or by the person who caused or maintained such nuisance or other matter. When the Township has effected the abatement of a condition the actual cost thereof shall be chargeable to the property owner responsible for the removal and disposal. When the full amount due the Township is not paid by the owner within 30 days after the abatement of such nuisance, then the Department of Public Works shall certify the cost thereof to the Township Tax Collector.
- B. The Tax Collector shall examine the certification and prepare a Resolution to the Irvington Township Council by the first meeting in October that shall cause the cost as shown thereon to be charged against said lands as a Special Charge. The amount so charged, if it remains unpaid shall be placed on the Township's annual accelerated tax sale and shall constitute a lien on the property and shall remain in full force and effect for the amount due in the principal and interest, plus costs of court, if any, for collection, until final payment has been made.
- C. Said costs and expenses shall be collected in the manner fixed by law for the collection of taxes and shall be subject to a delinquent penalty at the same rate as in the case of taxes in the event they are not paid in full on or before the date the tax bill upon which the charge appears becomes delinquent. The certification of the Township Tax Collector in accordance with the provisions hereof shall be prima facie evidence that all legal formalities have been complied with and that the work has been done properly and satisfactorily and shall be full notice to every person concerned that the amount of the statement, plus interest, constitutes a charge against the property designated or described in the statement and that the same is due and collectible as provided by law. Any legal costs associated with said collection shall also be borne by the responsible party or owner and shall likewise be assessed as a lien.
- D. The person(s) authorized above shall also be empowered to file among its records an affidavit stating with fairness and accuracy the items of expense and the date of execution of actions authorized by

§§ **460-44** and **460-60**. Said persons through the Office of the Township Attorney may institute a suit to recover such expenses against any person liable for such expenses, including those arising from the issuance of court fines, costs and attorney's fees.

§ 460-62 **Power to adopt rules and regulations.**

**[Amended 6-10-1975 by Ord. No. MC 2451; 9-28-1982 by Ord. No. MC 2668; 2-13-1985 by Ord. No. MC 2769; 7-14-2009 by Ord. No. MC 3407; 7-1-2014 by Ord. No. MC 3511]**

The Department of Housing Services is authorized to make and adopt such written rules and regulations as may be necessary for the proper enforcement and interpretation of this chapter and to secure the intent thereof. Such rules and regulations shall not be in conflict with the provisions of this chapter or any other ordinance of the Town, nor shall they have the effect of waiving any provisions of this chapter or any other ordinance. Such rules and regulations shall have the same force and effect as the provisions of this chapter, and the penalty for violation thereof shall be the same as the penalty for violation of the provisions of this chapter. Such rules and regulations shall be submitted to the Municipal Council of the Town by the Director of the Department. Failure of the local legislative body to approve, reject or modify such rules and regulations within 30 days after submission shall be deemed to constitute approval thereof. Such rules and regulations as approved by the local legislative body shall be on file and available as a matter of public record.

§ 460-63 **Liability of Town officers.**

No officer, agent or employee of the Town shall render himself personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his duties under this chapter. Any suit brought against any officer, agent or employee of the Town as a result of any act required or permitted in the discharge of his duties under this chapter shall be defended by the Town Attorney until the final determination of the proceedings therein.

§ 460-64 **Violations and penalties; schedule of fines.**

**[Amended 1-13-1981 by Ord. No. MC 2622; 1-26-2016 by Ord. No. MC 3563; 9-13-2016 by Ord. No. MC 3582]**

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

Section	Short Description	1st Offense	2nd Offense	3rd Offense	4th Offense Maximum Fine;
					Court Appearance Required
§ <b>460-10</b>	Ground surface hazards or insanitary conditions	\$50	\$250	\$500	\$750

Section	Short Description	4th Offense Maximum Fine;			Court Appearance Required
		1st Offense	2nd Offense	3rd Offense	
§ 460-11	Stormwater	\$100	\$250	\$500	\$1,000
§ 460-12	Appearance of premises and structures generally	\$100	\$250	\$500	\$1,000
§ 460-13	Landscaping	\$50	\$250	\$500	\$750
§ 460-14	Signs and billboards	\$100	\$250	\$500	\$1,000
§ 460-15	Windows	\$100	\$250	\$500	\$1,000
§ 460-16	Storefronts; security gates	\$100	\$250	\$500	\$1,000
§ 460-17	Removal of temporary signs or advertisements	\$100	\$250	\$500	\$1,000
§ 460-18	Awnings and marquees	\$50	\$250	\$500	\$750
§ 460-19	Structural soundness and general maintenance of structures	\$100	\$250	\$500	\$1,000
§ 460-20	Foundation walls	\$50	\$250	\$500	\$750
§ 460-21	Chimneys	\$50	\$250	\$500	\$1,000
§ 460-22	Porches, balconies, fire	\$50	\$250	\$500	\$750

Section	Short Description	1st Offense	2nd Offense	3rd Offense	4th Offense Maximum Fine;
					Court Appearance Required
	escapes				
§ 460-23	Basements and cellars	\$50	\$250	\$500	\$1,000
§ 460-25	Freedom from infestation	\$50	\$250	\$500	\$750
§ 460-26	Accumulation of garbage and rubbish	\$50	\$250	\$500	\$750
§ 460-27	Floors generally	\$50	\$250	\$500	\$1,000
§ 460-28	Bathroom and kitchen floors	\$50	\$250	\$500	\$750
§ 460-29	Basement and cellar floors	\$50	\$250	\$500	\$750
§ 460-30	Supporting structural members	\$50	\$250	\$500	\$750
§ 460-31	Walls and ceilings	\$50	\$250	\$500	\$750
§ 460-32	Garbage removal	\$50	\$250	\$500	\$1,000
§ 460-33	Accumulation of refuse; fire hazards	\$50	\$250	\$500	\$750
§ 460-35A	Street numbers	\$50	\$250	\$500	\$750

- B. Any person who shall knowingly and willfully violate or assist in the violation of this chapter shall, upon conviction, be punishable as provided in the general penalty provisions as set forth in Chapter 1,



General Provisions, Article **III**. The term "person" as used in this section shall include the owner, occupant, mortgagee or vendee in possession, assignee of rents, receiver, executor, trustee, lessee, agent or any other person, firm or corporation directly or indirectly in control of a building or part thereof.

**§ 460-65 Town Attorney to initiate action; remedies cumulative.**

**[Amended 6-10-1975 by Ord. No. MC 2451; 9-28-1982 by Ord. No. MC 2668; 2-13-1985 by Ord. No. MC 2769; 7-14-2009 by Ord. No. MC 3407; 7-1-2014 by Ord. No. MC 3511]**

The Town Attorney shall, upon complaint of the Director of the Department of Housing Services or upon his own motion, institute appropriate action to restrain, prevent, enjoin, abate, correct or remove such violation and to take such other legal action as is necessary to carry out the terms and provisions of this chapter. The remedies provided for herein shall be cumulative and not exclusive and shall be in addition to any other remedies provided by law, and all remedies may be pursued concurrently or consecutively and the pursuit of any remedy shall not be construed as an election or the waiver of right to pursue any and all of the others.

**§ 460-66 Appeals to state court.**

Any person or persons jointly or severally aggrieved by any final order of the head of the code enforcement agency may seek to have such order reviewed by any court of competent jurisdiction as provided by the laws of the state.

**§ 460-67 Effect on existing ordinances.**

All ordinances dealing with any part of the subject matter of this chapter shall remain in full force and effect during the period between the final adoption of this chapter and the date the same becomes effective, and after the effective date of this chapter such other ordinances shall remain in full force and effect except as provided in § **460-4**.

**§ 460-68 Assistance of other officials and employees.**

**[Amended 6-10-1975 by Ord. No. MC 2451; 1-13-1981 by Ord. No. MC 2622; 9-28-1982 by Ord. No. MC 2668; 2-13-1985 by Ord. No. MC 2769; 7-14-2009 by Ord. No. MC 3407; 7-1-2014 by Ord. No. MC 3511]**

In connection with the preparation of a notice or order as referred to in this chapter or in connection with his decision upon a hearing as herein provided, the Director of the Department of Housing Services is authorized to obtain the assistance and cooperation of any other official or employee of the Town whose duties may pertain to the subject matter of this chapter.

Adopted

Hudley – Vick                      5. Amend Chapter 472 – Rent Control

An Ordinance Amending Chapter 472-Rent Control

472-8B Pursuant to the authority granted under NJSA 2A:18-61.1g the Township of Irvington hereby enacts the following provisions:

- a. any tenant who receives a notice of eviction pursuant to section 3 of P.L.1974, c.49 (C.2A:18-61.2) that results from zoning or code enforcement activity for an illegal occupancy, as set forth in

paragraph (3) of subsection g. of section 2 of P.L.1974, c.49 (C.2A:18-61.1), shall be considered a displaced person and shall be entitled to relocation assistance in an amount equal to six times the monthly rental paid by the displaced person. The owner-landlord of the structure shall be liable for the payment of relocation assistance pursuant to this section.

- b. If the Township must provide relocation assistance to any displaced person who has not received the required payment from the owner-landlord of the structure at the time of eviction pursuant to subsection a. of this section from a revolving relocation assistance fund established pursuant to section 2 of P.L.1987, c.98 (C.20:4-4.1a). All relocation assistance costs incurred by a municipality pursuant to this subsection shall be repaid by the owner-landlord of the structure to the municipality in the same manner as relocation costs are billed and collected under section 1 of P.L.1983, c.536 (C.20:4-4.1) and section 1 of P.L.1984, c.30 (C.20:4-4.2). These repayments shall be deposited into the municipality's revolving relocation assistance fund.
- c. In addition to requiring the relocation assistance pursuant to subsection a. of this section, the landlord shall also pay an additional fine for zoning or housing code violation for an illegal occupancy, up to an amount equal to six times the monthly rental paid by the displaced person to be paid to the municipality by the owner-landlord of the structure.
- d. In addition to this penalty, the Township may, after affording the owner-landlord an opportunity for a hearing on the matter, impose upon the owner-landlord, for a second or subsequent violation for an illegal occupancy, a fine equal to the annual tuition cost of any resident of the illegally occupied unit attending a public school, which fine shall be recovered in a civil action by a summary proceeding in the name of the municipality pursuant to "The Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.). The municipal court and the Superior Court shall have jurisdiction of proceedings for the enforcement of the penalty provided by this section. The tuition cost shall be determined in the manner prescribed for nonresident pupils pursuant to N.J.S.18A:38-19 and the payment of the fine shall be remitted to the appropriate school district.

For the purposes of this section, the owner-landlord of a structure shall exclude mortgagees in possession of a structure through foreclosure. For the purposes of this section, a "second or subsequent violation for an illegal occupancy" shall be limited to those violations that are new and are a result of distinct and separate zoning or code enforcement activities, and shall not include any continuing violations for which citations are issued by a zoning or code enforcement agent during the time period required for summary dispossession proceedings to conclude if the owner has initiated eviction proceedings in a court of proper jurisdiction.

Adopted

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

None

## **C. Bills & Claims**

Brown – Cox

### **1. Bill Lists**

RESOLVED THAT THE BILLS AND CLAIMS AGAINST THE TOWNSHIP OF IRVINGTON FOR A PERIOD DECEMBER 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	\$4,312,748.57
SUPPLEMENTAL	\$ 273,766.68
TOTAL	\$4,586,515.25

Adopted

Frederic – Brown      2. Payrolls

Payroll Date: November 17, 2023

TOTAL	\$2,271,979.54
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Payroll Date: December 1, 2023

TOTAL	\$2,700,741.44
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Adopted

## 9. RESOLUTIONS AND MOTIONS

### A. Resolutions

Vick – Hudley      1. Approve 2024 Annual Schedule of Council Meetings

WHEREAS, N.J.S.A. 40:69A-179 provides that the Municipal Council shall designate the time of holding its regular meetings; and

WHEREAS, the Irvington Municipal Council is desirous of adopting their calendar year 2024 schedule of meetings:

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that the 2024 calendar year annual schedule of Council meetings, attached hereto and made a part hereof, is hereby approved.

Adopted

Hudley – Brown      2. Authorize the Acceptance of CY 2022 American Rescue Plan Firefighter Grant in the Amount of \$45,000.00

**RESOLUTION AUTHORIZING ACCEPTANCE OF CY 2022 AMERICAN RESCUE PLAN  
FIREFIGHTER GRANT**

WHEREAS, the Township of Irvington has been awarded a CY2022 American Rescue Plan Firefighter Grant (ARP-FFG) from the New Jersey Department of Community Affairs for the purchase of NFPA 1851 compliant washers and dry cabinets for the Irvington Fire Department; and

WHEREAS, the total amount of the Grant Award is \$45,000.00; and

WHEREAS, the Township of Irvington accepts the award of the CY2022 American Rescue Plan Firefighter Grant in the amount of \$45,000;

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

1. The Township of Irvington hereby accepts the CY2022 American Rescue Plan Firefighter Grant detailed above.
2. The Chief Financial Officer is authorized to establish a grant line in the amount of \$45,000.00.

Adopted

Vick – Brown                      3. Professional Service Contract For Financial Advisor Consultant Services – NW  
Financial Group LLC - Not To Exceed \$50,000.00

**RESOLUTION AUTHORIZING PROFESSIONAL SERVICE CONTRACT FOR FINANCIAL  
ADVISOR CONSULTANT SERVICES**

WHEREAS, the Request for Proposals for Financial Advisor Consultant Services was publicly advertised in the New Jersey Star Ledger on October 02, 2023 with a deadline for qualification to be submitted on October 18, 2023; and

WHEREAS, one qualification was received and publicly opened; and

WHEREAS, said qualification was referred to the Community Development Director; and

WHEREAS, one qualification satisfied the RFP requirement and;

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

NW Financial Group LLC
522 Broad Street, Bloomfield NJ 07003

NOW THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that a contract for Financial Advisor Consultant be awarded to NW Financial Group LLC of 522 Broad Street, Bloomfield NJ 07003 on the basis of their response for an amount not to exceed \$50,000.00 for one year starting on November 28, 2023 until November 27, 2024; and

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

BE IT RESOLVED that the required Certification of Availability of Funds C23-0172 in the amount \$1500.00 for the first month of service has been obtained from the Chief Financial Officer charge to account number 3-01-21-180-185-299 and the remaining balance of \$48,500.00 will be certified upon the adoption of the 2024 budget.

Adopted

Vick – Brown            4. Professional Services Contract For Planner Service - ARH Associates Inc. - Not To Exceed \$11,325.50

**RESOLUTION RATIFYING PROFESSIONAL SERVICES CONTRACT  
FOR PLANNER SERVICE**

WHEREAS, resolution number OCDP 22-0808-19 qualified two firms to provide Planner services for the Township of Irvington from August 08, 2022 until August 09, 2023; and

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

WHEREAS, the Community Development Director has determined that ARH Associates Inc., has the most experience to prepare the Madison Ave Redevelopment Plan and has recommended that a contract be awarded to ARH Associates Inc., 215 Bellevue Ave, Hammonton, NJ 08037 for an amount not to exceed \$11,325.50; and

NOW THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that a contract to prepare the Madison Ave Redevelopment Plan be awarded to ARH Associates Inc., 215 Bellevue Ave, Hammonton, NJ 08037 for an amount not to exceed \$11,325.50; and

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

BE IT FURTHER RESOLVED that the required certification of availability of funds C23-0138 in the amount of \$11, 325.50 from account number T-18-56-860-000-036 has been obtained from the Chief Financial Officer.

Adopted

Vick – Brown            5. Amend DRF 23-1127-66 Authorizing Assignment of Multiple Tax Sale  
Certificates to Irvington Redevelopment 2022 LLC

**AMENDED RESOLUTION AUTHORIZING ASSIGNMENT**

**WHEREAS**, N.J.S.A. 54:5-112 and 54:5-113, provide the Mayor and Council with the authority to sell real estate tax liens held by the municipality at a private sale for sums not less than the amount of municipal liens charged against same; and

**WHEREAS**, the Tax Collector has notified the owner of record as appearing on the most recent Tax Duplicate at least five days prior to the affirmation of this resolution and a public notice of the pending sale was posted in three (3) public places within the Township of Irvington, and advertised once in the Irvington Herald; and

**WHEREAS**, this resolution is amended to update the approved lien assignment DRF 23-1127-66 interest from 11/30/2023 to 12/4/2023.

**NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON** that the Mayor and Council hereby assign municipal held liens recorded as:

<b>Block/Lot</b>	<b>Owner Property Address</b>	<b>Cert No.</b>	<b>Sale Date</b>	<b>Amount of Sale</b>	<b>Amount As of December 4, 2023</b>
32/8	Wright, Aziz R. 20 Tremont St.	20-00144	12/29/2010	\$599.67	\$4,602.61
122/22	Hicks, Willie 9 Highland Terr.	18-00558	12/27/2018	\$1,053.52	\$34,239.36
139/10	Parrish, Daniel L. 746 Grove St.	100859	7/12/2010	\$2,192.82	\$31,395.73
142/22	Fairbanks Capital As Servicing 309 21 <sup>st</sup> St.	18-00648	12/27/2018	\$1,826.98	\$9,912.49
218/18	Warren, Oznie & Joan E. 11 May St.	18-00918	12/27/2018	\$1,036.18	\$50,065.62

together with subsequent liens thereon, at private sale to:

Irvington Redevelopment 2022 LLC  
4921 Bay Parkway  
Brooklyn, NY 11230

Adopted

Vick – Frederic            6. Authorize Termination of Professional Service Contract with ARH Associate to  
Study the Sale of Sanitary Sewer System

**RESOLUTION TO TERMINATE PROFESSIONAL SERVICE CONTRACT TO STUDY THE  
SALE OF THE SANITARY SEWER SYSTEM**

**WHEREAS**, resolution number DRF 19-0422-17 authorized a contract for to study the sale of the sanitary sewer system; and

WHEREAS, on November 06, 2023, the Township of Irvington was notified by ARH Associates that due to employee turnover at the Engineering firm, the Company does not have in-house expertise specific to complete this project; and

WHEREAS, the Township must terminate this contract with ARH Associates and issue new RFP for service; and

NOW THEREFORE BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that the following contract be terminated effective on the adoption of this resolution; and BE IT FURTHER RESOLVED that the Township Attorney is hereby authorized and directed to take the necessary steps to terminate this contract and the Mayor and the Township Clerk is hereby authorized to execute said terminated contract with the above listed company

Adopted

Cox – Beasley            7. Refund Tax Overpayment in the Amount of \$48,934.12 to Irvington Redevelopment 2022 LLC - Owner of 26 Durand Place Redeemed its Municipal Lien Certificate

**RESOLUTION TO REFUND TAX OVERPAYMENT**

**WHEREAS**, the Township of Irvington assigned various municipal liens to Irvington Redevelopment 2022 LLC under resolution DRF 23-1127-66; and

**WHEREAS**, the owner of 26 Durand Pl, Block 339 Lot 8 redeemed its municipal lien certificate 18-01390 on 11/13/2023 and prior to the adopted assignment resolution DRF 23-1127-66; and

**WHEREAS**, Joss Weiss of Irvington Redevelopment 2022 LLC has wired the total lien assignment in the amount of \$179,149.93 on 12/4/2023; and

**WHEREAS**, the lien assignment wire payment in the amount of \$179,149.93 included the redeemed municipal lien certificate 18-01390; and

**WHEREAS**, the tax collector is desirous to refund Joss Weiss of Irvington Redevelopment 2022 LLC the overpayment of assignment for municipal lien 18-01390 in the amount of \$48,934.12

**NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON** that the Tax Collector's office is authorized and directed to issue a refund in the amount of **\$48,934.12** to Joss Weiss of Irvington Redevelopment 2022 LLC

Adopted

Brown – Hudley            8. Authorize the Execution of a Grant Application for \$75,154.00 for Stations 3 & 4

AUTHORIZE THE EXECUTION OF A GRANT APPLICATION FOR GRANT FUNDING FROM THE  
NEW JERSEY DEPARTMENT OF  
COMMUNITY AFFAIRS IN THE AMOUNT OF \$75,154.00 FOR FIRE STATION FIRE STATION 3 and

WHEREAS, the Irvington Fire Department wishes to apply for a grant to be received from the New Jersey Department of Community affairs for approximately \$75,154.00 to carry out a project to equip Fire Station 3 & 4 with personal protective clothing, washers and dryers.

NOW, THEREFORE, BE IT RESOLVED by the Municipal Council of the Township of Irvington that the Mayor and Clerk are hereby authorized to execute the application for such grant and any other documents necessary in connection therewith.

BE IT FURTHER RESOLVED that the Municipal Council recognizes and accepts that the Department of Community Affairs may offer a lesser or greater amount and therefore, upon receipt of the grant agreement from the New Jersey Department of Community Affairs, does further authorize the execution of any such grant agreement; and upon receipt of the fully executed agreement from the Department, does further authorize the expenditure of funds pursuant to the terms of the agreement by and between the Township of Irvington and the New Jersey Department of Community Affairs.

Adopted

Brown – Hudley      9. Award an Emergency Sewer Repair Contract Located at Isabella Avenue and 18<sup>th</sup> Avenue – Messercola Excavating - \$154,500.00

**RESOLUTION TO AWARD AN EMERGENCY SEWER REPAIR CONTRACT LOCATED AT ISABELLA AVE AND 18TH AVENUE**

WHEREAS, a portion of the sanitary sewer located at Isabella Ave and 18<sup>th</sup> Ave collapsed on October 24, 2023; and

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

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

WHEREAS, Messercola, Your Way Construction, and Montana Construction was called and quotes were provided, and

WHEREAS, Messercola Excavating provided the lowest quote of \$154,500.00 to complete the repairs, and

WHEREAS, the Mayor has concurred with the amount and recommends that an emergency contract be awarded to Messercola Excavating Inc of 549 East Third Street, Plainfield, NJ 07060, and

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that it ratifies the decision of the Director of Public Works and the Mayor to authorize an emergency contract in the amount of \$154,500.00 to Messercola Excavating of 549 East Third Street, Plainfield, NJ 07060 to repair the sanitary sewer located at Isabella Ave and 18th Avenue

BE IT FURTHER RESOLVED that the required certification of availability of funds C23-0170 in the amount of \$154,500.00 from account number 3-01-26-290-290-118 has been obtained from the Chief Financial Officer.



Adopted

Brown – Hudley      10. Award an Emergency Sewer Repair Contract Located at Paine Avenue between Kuna Terrace and Osborne Place – Your Way Construction - \$48,400.00

**RESOLUTION TO AWARD AN EMERGENCY SEWER REPAIR CONTRACT LOCATED AT PAINE AVE BETWEEN KUNA TERR AND OSBORNE PLACE**

WHEREAS, a portion of the sanitary sewer located at Paine Ave, between Kuna Terr and Osborne Place collapse on November 07, 2023; and

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

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

WHEREAS, Your Way Construction and Montana Construction was called and quotes were provided, and

WHEREAS, Your Way Construction provided the lowest quote of \$48,400.00 to complete the repairs, and

WHEREAS, the Mayor has concurred with the amount and recommends that an emergency contract be awarded to Your Way Construction of 404 Coit Street, Irvington, NJ 07111 for an amount not to exceed \$48,400.00, and

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that it ratifies the decision of the Director of Public Works and the Mayor to authorize an emergency contract in the amount of \$48,400.00 to Your Way Construction of 404 Coit Street, Irvington, NJ 07111 to repair the sanitary sewer located at Paine Ave, between Kuna Terr and Osborne Place.

BE IT FURTHER RESOLVED that the required certification of availability of funds C23-0180 in the amount of \$48,400.00 from account number 3-01-26-290-290-299 and 3-01-28-375-375-299 has been obtained from the Chief Financial Officer.

Adopted

Brown – Vick      11. Suspend the Processing of Cannabis Applications Until Further Notice

**RESOLUTION OF THE TOWNSHIP OF IRVINGTON SUSPENDING THE PROCESSING OF APPLICATIONS 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, the Township of Irvington is in the process of amending Ordinance No. MC3832 Regulating Cannabis in the Township of Irvington; and

WHEREAS, the Cannabis Committee is hereby suspending the processing of any applications for Cannabis Businesses that are seeking support resolutions until the ordinance is amended effective September 21, 2023 . This applies to all application that are pending as well; and

NOW, THEREFORE, BE IT RESOLVED by the Township Council for the Township of Irvington that the Township of Irvington is hereby suspending the processing of applications for cannabis licenses to operate within the Township of Irvington's jurisdiction, pending amendment to Ordinance No MC 3832.

Adopted

## **10. COMMUNICATION AND PETITIONS**

### **A. Communications**

None

## **11. PENDING BUSINESS**

None

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### **ALCOHOLIC BEVERAGE CONTROL BOARD DECEMBER 11, 2023**

1. Chairman Cox calls the Meeting to Order

2. Roll Call

<b>ROLL CALL</b>	<b>PRESENT</b>	<b>ABSENT</b>	<b>LATE ARRIVAL</b>	<b>EARLY DEPARTURE</b>
Beasley	X			
Brown	X			
Evans	X			
Frederic	X			
Dr. Hudley	X			

Vick	X			
Cox, Chair	X			

3. New Business

Cox – Vick                      A. Person to Person Transfer of Plenary Retail Consumption License issued to Dhanshree Inc. (Pocket License) to YMH Liquor LLC (Pocket License)

**WHEREAS**, an application has been filed for a Person to Person Transfer of Plenary Retail Consumption License 0709-44-012-006, heretofore issued to Dhanshree Inc. (Pocket License); and

**WHEREAS**, the submitted application form is complete in all respects, the transfer fees have been paid, and the license has been properly renewed for the current license term; and

**WHEREAS**, the applicant is qualified to be licensed according to all standards established by Title 33 of the New Jersey Statutes, regulations promulgated thereunder, as well as pertinent local ordinances and conditions consistent with Title 33; and

**WHEREAS**, the applicant has disclosed and the issuing authority reviewed the source of all funds used in the purchase of the license and the licensed business and all additional financing obtained in connection with the license business.

**NOW, THEREFORE BE IT REOLVED** the Municipal Council Acting as the Alcoholic Beverage Control Board of the Township of Irvington, New Jersey does hereby approve, effective December 11, 2023, the transfer of the aforesaid Plenary Retail Consumption License to YMH Liquor LLC, and does hereby direct the Township Clerk/ABC Board Secretary to endorse the license certificate to the new ownership as follows: “This license, subject to all its terms and conditions, is hereby transferred to YMH Liquor LLC, effective December 11, 2023.”

**YMH Liquor LLC (Pocket License)  
23 Downing Lane  
Voorhees, NJ 08043  
New License Number – 070-44-012-007**

Fee Paid – 191.00

Adopted

4. Adjournment

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**12. MISCELLANEOUS**

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

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

Council President Beasley advised the residents that their concerns will be forwarded to the Administration and will be addressed.

**13. ADJOURNMENT (\*Roll Call)**

There being no further business, the meeting adjourned at 7:49 P.M.

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Jamillah Z. Beasley, Council President

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Shawna M. Supel, Municipal Clerk