

TOWNSHIP OF IRVINGTON



MUNICIPAL COUNCIL MEETING MINUTES DECEMBER 26, 2023 7:30 PM

Virtual - Zoom Meetings
Administration

Appointments

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

Council President Beasley responded in detailed to the questions presented by the citizen.

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 December 4, 2023 to December 8, 2023

2. Fire Chief Antonio Gary - Report of December 6, 2023 Grants Review Committee Meeting
3. Community Development Director Kyana Woolridge - Report of December 6, 2023 Redevelopment Committee Meeting
4. Business Administrator Musa Malik – Report of December 7, 2023 Finance Committee Meeting
5. Planning Board Secretary Dorinda Francis-McKenzie - Madison Avenue Preliminary Investigation and Statement of Basis
6. Municipal Court - Weekly Summary Report for the Week of December 11, 2023 to December 15, 2023
7. Municipal Court – Collections Project as of November 2023
8. Municipal Court – Mayor’s Monthly Report for the Month of November 2023
9. Township Attorney Ramon Rivera Esq. – Report of December 18, 2023 Legal Committee Meeting
10. Joint Meeting – Minutes – October 19, 2023

7. REPORTS OF COMMITTEES

None

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

8. ORDINANCES, BILLS & CLAIMS

A. Ordinances on First Reading

None

B. Ordinances on Second Reading

* See Page 5

C. Bills & Claims

Vick – Evans

1. Bill Lists

RESOLVED THAT THE BILLS AND CLAIMS AGAINST THE TOWNSHIP OF IRVINGTON FOR A PERIOD DECEMBER 26, 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	\$1,474,123.95
TOTAL	\$1,474,123.95

Adopted

Absent: Cox

Frederic – Evans 2. Payrolls

Payroll Date: December 15, 2023

TOTAL \$2,659,686.03

Adopted
Absent: Cox

9. RESOLUTIONS AND MOTIONS

A. Resolutions

Hudley – Frederic 1. Acceptance of Grant Funds from the New Jersey Department of Law and Public Safety, Office of Attorney General to Enhance the Emergency Management Program - \$10,000.00 - July 1, 2023 to June 30, 2024

WHEREAS, on November 27, 2023, the New Jersey Department of Law and Public Safety Office of the Attorney General has made funding available through the Irvington Township of Emergency Management for the Department of Public Safety to enhance their Emergency Management Program; and

WHEREAS, the OEM Coordinator, John F. Brown, of the Township of Irvington has agreed in accordance with grant award, Subaward Number: FY23-EMPG-EMAA-0709, Emergency Management Performance Grant-EMPG/Emergency Management Assistance-EMAA, that funds shall be used to enhance the Emergency Management Program and shall be aligned with the scope for approved Department of Public Safety activities; and

WHEREAS, said assistance is to be utilized for the subaward period from July 1, 2023, through June 30, 2024, and is designated for the Irvington Department of Public Safety Division to enhance the Emergency Management Program and the funds will be used for said purposes:

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that the Mayor be and is hereby authorized to accept funding from the New Jersey Department of Law and Public Safety Office of Attorney General to enhance the Emergency Management Program and the funds will be used for Emergency Management purposes in the amount of \$10,000.00 from July 1, 2023 through June 30, 2024; and

BE IT FURTHER RESOLVED it is understood that the award has a No Match Requirement.

Adopted
Absent: Cox

Frederic – Brown 2. Authorize Use of CDBG Funds for 2023-2024 - C.O.M.B.A.T.T. - Grant Amount – \$19,000.00

C.O.M.B.A.T.T.
(Community Organization Making Better Alternatives Today for Tomorrow, Inc.)

WHEREAS, the Township of Irvington is a recipient of 2023-2024 Community Development Block Grant (CDBG) Program funds administered by the U.S. Department of Housing and Urban Development; and

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

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

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

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

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

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

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

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

2. Pursuant to N.J.A.C. 5:34-5.2, the required certificate of Availability of Funds No. C23-0182 in the amount of **\$19,000.00** for the above has been obtained from the Chief Financial Officer of the Township of Irvington. The appropriation to be charged for this expenditure is Account No. T-21-41-850- 24C-805.

Adopted
Absent: Cox

Hudley – Brown 3. Authorize Use of CDBG Funds for 2023-2024 – Irvington Counseling Center –
Grant Amount – \$19,000.00

Irvington Counseling Center

WHEREAS, the Township of Irvington is a recipient of 2023-2024 Community Development Block Grant (CDBG) Program funds administered by the U.S. Department of Housing and Urban Development; and

WHEREAS, the Township of Irvington wishes to award CDBG grant funds in the amount **\$19,000.00** to **Irvington Counseling Center,** a private Non-Profit corporation of the State of New Jersey with principal

offices **21-29 Wagner Place, Irvington, NJ 07111** for the provision of public services, which constitute an eligible CDBG activity; and,

WHEREAS, the Township of Irvington has allocated sufficient CDBG funds to fund a proposed grant agreement in the amount of **\$19,000.00** with the **Irvington Counseling Center**, a private Non-Profit Corporation of the State of New Jersey; and

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

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

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

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

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

1. The Mayor and the Township Clerk are hereby authorized and directed to execute an agreement with **Irvington Counseling Center, to provide a complete mental health program for seniors in need of services, which includes Individual, Family and Group Counseling with activities, as well as Psychiatric Services, Home visits and crisis intervention are provided for the frail and elderly that cannot leave their homes.**

2. Pursuant to N.J.A.C. 5:34-5.2, the required certificate of Availability of Funds No. C23-0184 in the amount of **\$19,000.00** for the above has been obtained from the Chief Financial Officer of the Township of Irvington. The appropriation to be charged for this expenditure is Account No. T-21-41-850-24C-801.

Adopted
Absent: Cox

Hudley – Brown 4. Authorize Use of CDBG Funds for 2022-2023 – Irvington Public Library –
Grant Amount – \$25,000.00

Irvington Public Library

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

WHEREAS, the Township of Irvington wishes to award CDBG grant funds in the amount **\$25,000.00** to **Irvington Public Library**, is a public agency that provides service the needs of the Township of Irvington located at **5 Civic Square Irvington, New Jersey 07111** for the provision of public services, which constitute an eligible CDBG activity; and,

WHEREAS, the Township of Irvington has allocated sufficient CDBG funds to fund a proposed grant agreement in the amount of **\$25,000.00** with the a private Non-Profit Corporation of the State of New Jersey; and

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

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

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

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

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

1. The Mayor and the Township Clerk are hereby authorized and directed to execute an agreement with **Irvington Public Library** to **maintain the appearance of wellness literacy groups and long term viability of the library.**

2. Pursuant to N.J.A.C. 5:34-5.2, the required certificate of Availability of Funds No. in the amount of **\$25,000.00** 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-21-41-850-22E-802 .

Adopted
Absent: Cox

Brown – Hudley 5. Authorize Use of CDBG Funds for 2023-2024 – The Bridge Inc. – Grant Amount – \$15,000.00

The Bridge Inc.

WHEREAS, the Township of Irvington is a recipient of 2023-2024 Community Development Block Grant (CDBG) Program funds administered by the U.S. Department of Housing and Urban Development; and

WHEREAS, the Township of Irvington wishes to award CDBG grant funds in the amount **\$15,000.00** to **The Bridge Inc.**, a private Non-Profit corporation of the State of New Jersey with principal offices **50 UNION AVENUE, IRVINGTON, NEW JERSEY 07111** for the provision of public services, which constitute an eligible CDBG activity; and,

WHEREAS, the Township of Irvington has allocated sufficient CDBG funds to fund a proposed grant agreement in the amount of **\$15,000.00** with **The Bridge Inc.**, a private Non-Profit Corporation of the State of New Jersey; and

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

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

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

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

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

1. The Mayor and the Township Clerk are hereby authorized and directed to execute an agreement with **The Bridge Inc., for counseling services suffering from addiction and/or mental health for individuals and families living in the Irvington area with low/moderate income levels.**

2. Pursuant to N.J.A.C. 5:34-5.2, the required certificate of Availability of Funds No. C23-0183 in the amount of **\$15,000.00** for the above has been obtained from the Chief Financial Officer of the Township of Irvington. The appropriation to be charged for this expenditure is Account No. T-21-41-850-24C-804.

Adopted
Absent: Cox

Hudley – Brown. 6. Authorize Use of CDBG Funds for 2023-2024 – The Arc of Essex County – Grant Amount – \$19,000.00

The Arc of Essex County

WHEREAS, the Township of Irvington is a recipient of 2023-2024 Community Development Block Grant (CDBG) Program funds administered by the U.S. Department of Housing and Urban Development; and

WHEREAS, the Township of Irvington wishes to award CDBG grant funds in the amount **\$19,000.00** to **The Arc of Essex County**, a private Non-Profit corporation of the State of New Jersey with principal offices at **123 Naylor Avenue, Livingston, NJ 07039** for the provision of public services, which constitute an eligible CDBG activity; and,

WHEREAS, the Township of Irvington has allocated sufficient CDBG funds to fund a proposed grant agreement in the amount of **\$19,000.00** with the **The Arc of Essex County**, a private Non-Profit Corporation of the State of New Jersey; and

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

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

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

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

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

1. The Mayor and the Township Clerk are hereby authorized and directed to execute an agreement with **The Arc of Essex County**, for **seven (7) weeks of specialized camp services for approximately 17 Irvington special needs youth/children including door-to-door transportation.**

2. Pursuant to N.J.A.C. 5:34-5.2, the required certificate of Availability of Funds No. C23-0185 in the amount of **\$19,000.00** for the above has been obtained from the Chief Financial Officer of the Township of Irvington. The appropriation to be charged for this expenditure is Account No. T-21-41-850-24C-802.

Adopted
Absent: Cox

Frederic – Hudley 7. Authorize Use of CDBG Funds for 2023-2024 – The Partnership for Maternal and Child Health of Northern NJ – Grant Amount – \$19,000.00

The Partnership for Maternal and Child Health of Northern NJ

WHEREAS, the Township of Irvington is a recipient of 2023-2024 Community Development Block Grant (CDBG) Program funds administered by the U.S. Department of Housing and Urban Development; and

WHEREAS, the Township of Irvington wishes to award CDBG grant funds in the amount **\$19,000.00** to **The Partnership for Maternal and Child Health of Northern NJ**, a private Non-Profit corporation of the State of New Jersey with principal offices at **50 Park Place, Suite 700, Newark, NJ 07102** for the provision of public services, which constitute an eligible CDBG activity; and,

WHEREAS, the Township of Irvington has allocated sufficient CDBG funds to fund a proposed grant agreement in the amount of **\$19,000.00** with **The Partnership for Maternal and Child Health of Northern NJ**, a private Non-Profit Corporation of the State of New Jersey; and

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

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

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

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

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

1. The Mayor and the Township Clerk are hereby authorized and directed to execute an agreement with **The Partnership for Maternal and Child Health of Northern NJ**, for which **activities provided by the Partnership's IFDC Family Success Center for families to build self-sufficiency, foster family stability, and encourage goal setting.**

2. Pursuant to N.J.A.C. 5:34-5.2, the required certificate of Availability of Funds No. **C23-0186** in the amount of **\$19,000.00** for the above has been obtained from the Chief Financial Officer of the Township of Irvington. The appropriation to be charged for this expenditure is Account No. **T-21-41-850-24C-803.**

Adopted
Absent: Cox

Beasley – Vick 8. Authorize Mortgage Subordination Agreement with Chancellor and Union Urban Renewal LLC - 722 Chancellor Avenue

WHEREAS, Chancellor and Union Urban Renewal LLLC., a New Jersey limited liability company, c/o The NRP Group and Adenah Bayoh owner of 722 Chancellor Avenue, Irvington, New Jersey gave a mortgage to the Irvington Township Department of Economic Development and Grants Oversight Economic Development HUD HOME Investment Partnership Program in the amount of \$ 300,000.00 recorded under Instrument Number 2021071711 on June 09, 2021 at the Office of the Essex County Register's Office; and

WHEREAS, such was previously approved by the Municipal Council by Resolution No. EDGO 21-0111-3 adopted on January 11, 2021; and

WHEREAS, Chancellor and Union Urban Renewal LLLC., seeks to have the Township of Irvington subordinate its mortgage to a new mortgage given by New Jersey Housing & Mortgage Finance Agency, as shown in the attached Subordination Agreement; and

WHEREAS, the Director of Economic Development and Grants Oversight recommends the requested action as detailed:

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that the Township agrees to subordinate its loan to the new mortgage given by New Jersey Housing & Mortgage Finance Agency.; and

BE IT FURTHER RESOLVED that the Mayor and the Clerk are authorized to execute the attached Subordination Agreement

Adopted
Absent: Cox

RESOLUTION OF SORROW
EMILY SMITH

WHEREAS, the Municipal Council of the Township of Irvington wishes to express their deepest sorrow on the passing of Emily Smith, beloved aunt of Prosecutor Ted Stephens; and

WHEREAS, Emily Smith of East Orange, New Jersey, was born on January 24, 1924, in Halifax, North Carolina, and departed this life on December 9, 2023. Emily was the oldest of seven children born of the union of Mable Sledge and David Smith. Her father, David Smith, was employed by the railroad, and her mother, Mable, was a dutiful homemaker. David Smith's employment at the railroad allowed the Smiths to travel between North Carolina and New Jersey; and

WHEREAS, as a family of nine, the parents were happy to ride the train for free! Upon moving north, the Smith family settled in Newark, NJ. It has been frequently told that Mable Smith, Emily's mother, heard the conductor announce the stop as "Newark" but thought he was saying "New York," their assumed destination. Nonetheless, the family settled on Warren Street, where the children matriculated in the Newark public schools. In her early years she was affectionately called Eulah Mae by her family; and

WHEREAS, one of her most vivid memories while attending secondary school was of her only black teacher, Ms. Powell, who insisted that Emily refrain from using Eulah Mae and use her given name, "Emily." Emily graduated from Central High School in 1942 with several lifelong friends, including the late Clara Colson and former Newark school Principal Marie Bagby.

Aunt Emily, as she may be best known, was a tireless worker, often holding down two jobs simultaneously. During her adult years, she was employed as a full-time administrative assistant at St. Barnabas Hospital in Livingston, NJ. She would leave the hospital at the end of the work day to report to East Orange Veteran Medical Center, Montclair YMCA, or do freelance work; and

WHEREAS, despite continuously working, Aunt Emily loved and looked after her family. She was her six siblings' primary caretaker and attended to their mother during her advanced years. Emily was also instrumental in the upbringing of her ten nieces and nephews and proudly "chauffeured" around her family and friends; and

WHEREAS, despite her role as a family care giver Aunt Emily enjoyed a vigorous social life. She was an avid bridge player. She frequently traveled to Las Vegas for large bridge tournaments and played cards at Harambee House, in East Orange on a weekly basis. When she traveled out of town with family and friends using her or someone else's room for adult beverage "hospitality" was a must; and

WHEREAS, Aunt Emily has seen a lot in her lifetime; she was born in the Jim Crow South, overcame segregation, participated in the Great Northern Migration, experienced the civil rights era as a young adult, and saw the first black president, Barak Obama, sworn into office twice. Her remarkable 99 years and 11 months are a testament to her perseverance and strength as a black woman. It is most appropriate to regard Emily Smith as a true centenarian; and

WHEREAS, Emily is preceded in death by her sister, Virginia Stephens, brothers Raymond Smith, Edward Smith, James Smith, Fred Smith, and nephew John Moody. She leaves to cherish her memory her sister Joyce Moody, nephews Honorable Theodore N. Stephens, II (Rita), David M. Stephens (Dan), Dr. Duane Smith (Dr. Linnie Golightly-Smith), Yolanda Smith, Mark Smith, Rudy Moody, Jr. (Rochelle), Daryl Moody, and great nieces Alycia Moody, Katura Smith, Gabriella Smith, Jas Smith, and great- nephews

Brian Smith, Andrew Smith, Andre Smith, and Miles Smith, and a host of other relative and friends. Aunt Emily was deeply loved and will be missed by all who knew her:

NOW THEREFORE BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that the Township of Irvington hereby mourns the passing of Emily Smith 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 Emily Smith.

Adopted
Absent: Cox

Brown – Vick 10. Ratify Memorandum of Agreement – Firefighters Local 14 – July 1, 2023 through June 30, 2028

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.

Adopted
Absent: Cox

Brown – Vick 11. Designate Authorized Signatures for Fund Bank Accounts - Metropolitan Health Insurance Fund

RESOLUTION NO. 1-23

**METROPOLITAN HEALTH INSURANCE FUND
RESOLUTION DESIGNATING
AUTHORIZED SIGNATURES FOR FUND BANK ACCOUNTS**

BE IT RESOLVED by the Metropolitan Health Insurance Fund that all funds of the Metropolitan Health Insurance Fund shall be withdrawn from the official named depositories by check, which shall bear the signatures of at least two (2) of the following persons who are duly authorized for the following bank accounts, pursuant to this Resolution.

Administrative Account:

Jenny Mundell

- Chairman

Kimberley Duva - Secretary

Matthew Laracy - Treasurer

Claims Payment Account:

Jenny Mundell - Chairman

Kimberley Duva - Secretary

Matthew Laracy - Treasurer

ADOPTED: December 1, 2023

BY: _____
CHAIRPERSON

ATTEST:

SECRETARY

Adopted
Absent: Cox

Frederic - Beasley 12. Resolution of Commendation – Professor Saintil Joseph – In Commemoration of
Haitian Independence Day, January 1, 2024

**PROFESSOR SAINTIL JOSEPH
RESOLUTION OF COMMENDATION
IN COMMEMORATION OF HAITIAN INDEPENDENCE DAY, 2024**

WHEREAS, Professor Saintil Joseph was born in Arcahaie, Haiti and achieved remarkable academic accomplishments, earning three (3) Master's Degrees with majors in History, Anthropology, and Sociology;

WHEREAS, he demonstrated exceptional academic prowess and dedication to learning by securing a scholarship from Haiti Ministre de l'Éducation Nationale et de la Formation Professionnelle, enabling him to pursue a Master's Degree in Sociology, Strasbourg, France;

WHEREAS, Professor Saintil Joseph has distinguished himself as an ethnologist and a dedicated sociologist, committed to exploring and analyzing societal structures, norms, and interactions within our society;

WHEREAS, his illustrious career as a journalist commenced at Le Nouvelliste, founded in 1898, showcasing forty-eight commendable years of experience, where he employed the power of the written word to inform, educate, and advocate for the dissemination of information;

WHEREAS, Professor Saintil Joseph takes pride in his role as a professor, passionately dedicated to the noble pursuit of educating and inspiring generations of minds, fostering critical thinking, and promoting academic excellence;

WHEREAS, his expertise extends to anthropology, where he engages in the scientific study of humanity, tracing the evolutionary journey and exploring the diverse facets of human existence;

WHEREAS, Professor Saintil Joseph is a dedicated and passionate scholar committed to pursuing knowledge, understanding, and improving society through the various lenses of history, ethnology, sociology, journalism, education, and anthropology.

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL FO THE TOWNSHIP OF IRVINGTON that the Township of Irvington commends and applauds the many achievements of Professor Saintil Joseph in commemoration of Haitian Independence Day; and

BE IT FURTHER RESOLVED that a copy of this resolution be spread upon the minutes of this governing body as a lasting tribute to Professor Saintil Joseph.

Adopted
Absent: Cox

Frederic - Beasley 13. Resolution of Commendation – Jhon Steve Brunache – In Commemoration of Haitian Independence Day, January 1, 2024

COMMEMORATING HAITIAN INDEPENDENCE DAY, 2024
MODERN HERO: JHON STEVE BRUNACHE

WHEREAS, January 1, 2024, marks the commemoration of Haiti's 220th independence anniversary; and

WHEREAS, on January 1, 1804, the resilient Haitian people secured their independence by driving Napoleon's mighty army out of the country in a historic and bloody battle; and

WHEREAS, Haiti proudly emerged as the first black independent nation in the hemisphere, becoming a beacon of inspiration for countless other countries in their quests for sovereignty; and

WHEREAS, the history of Haiti's fight for freedom extends beyond its own borders, with notable contributions, including the often overlooked "Siege of Savannah" and the courageous Haitian soldiers, including the young drummer Henri Christophe, who later became president and built the iconic Citadelle in Cap Haitian; and

WHEREAS, it is crucial to honor and remember the sacrifices made by these valiant heroes in the pursuit of Haiti's cherished independence; and

WHEREAS, in addition to commemorating historical triumphs, it is fitting to recognize and elevate the status of contemporary heroes such as Jhon Steve Brunache, who embodies the indomitable spirit of Haiti through his cultural, artistic, and societal contributions; and

WHEREAS, throughout history, Haiti has been graced with courageous individuals whose resilience against formidable odds played a pivotal role in shaping the nation's destiny, with Jhon Steve Brunache standing as a modern-day exemplar of this legacy; and

WHEREAS, Jhon Steve Brunache's unwavering commitment to cultural preservation, social justice, and the global representation of Haiti is commendable and sets an inspiring example for future generations;

NOW, THEREFORE, BE IT RESOLVED THAT THE MUNICIPAL COUNCIL FO THE TOWNSHIP OF IRVINGTON hereby commemorates January 1, 2024 as Haitian Independence Day in the Township of Irvington; and

BE IT FURTHER RESOLVED that a copy of this resolution be spread upon the minutes of this governing body as a lasting tribute to this celebration.

Adopted
Absent: Cox

Vick – Brown 14. Authorizing Assignment of Multiple Tax Sale Certificates to Aryming Asset Management LLC

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.

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:

Block/Lot	Owner Property Address	Cert No.	Sale Date	Amount of Sale	Amount As of December 29, 2023
62/22	North Jersey Tire, Auto & Truck 59-61 Western Pkwy.	15-00615	12/21/2015	\$1,449.13	\$89,878.56
81/29	Gbur, Andrew & Ewa 50 Smith St.	20-00399	12/29/2020	\$97,289.03	\$199,054.09
97/12	Washington, Anthony 176 Brookside Ave.	22-00397	12/15/2022	\$778.05	\$1,946.31
117/13	Arverne Terrace LLC 30 Arverne Terr.	22-00450	12/15/2022	\$1,010.94	\$2,189.95
123/18	Creed, James 679 Grove St.	13-00695	12/27/2013	\$13,631.34	\$68,937.11
131/15	Washington Enterprises, LLC 199 19 th Ave.	22-00523	12/15/2022	\$286.17	\$1,314.41
137/4	399 21 Street Gardens LLC 16 22 nd St.	22-00536	12/15/2022	\$501.29	\$1,531.78
137/5	399 21 Street Gardens LLC 18 22 nd St.	22-00537	12/15/2022	\$503.98	\$1,541.31
151/5	250 22 nd Street Lot, LLC 250 22 nd St.	19-00583	12/27/2019	\$640.52	\$8,939.95
165/1	Person, Donald 941 Clinton Ave.	101072	7/12/2010	\$1,867.50	\$71,634.52
165/32	Person Builders, LLC 939 Clinton Ave.	101081	7/12/2010	\$867.79	\$62,491.92
166/38.01	Okoro, Vivian 85 Hopkins Place	101092	7/12/2010	\$752.29	\$48,414.42
166/39.01	Okoro, Vivian 89 Hopkins Place	101093	7/12/2010	\$752.79	\$47,111.07

together with subsequent liens thereon, at private sale to:

Aryming Asset Management LLC
570 Broad Street Suite 900
Newark, NJ 07102

Adopted
Absent: Cox

Frederic – Vick 15. Authorize Transfers of Funds in CY 2023 Municipal Budget

TOWNSHIP OF IRVINGTON
APPROPRIATIONS TRANSFER RESOLUTION
CY - 2023

#1

<u>Within "CAP"</u>	<u>Accounts</u>	<u>From</u>	<u>To</u>
Mayor Office S&W		143,755.00	-
Neighborhood Service S&W			17,263.00
Planning Board O & E			5,000.00
Clerk Office S&W		-	93,555.00
Emergency Management S & W		-	35,700.00
Elections O & E			8,000.00
Council S & W		74,672.00	-
Broad Of Adjustment S&W		-	3,538.00
Broad Of AdjustmentO&E			2,000.00
Tax Assessor S&W		8,934.00	
Tax Assessor O&E		-	5,000.00
Legislative Aide S&W		-	1,807.00
Township Attorney S & W		1,961.00	
Township Attorney O & E		-	25,000.00
Business Admin S & W		72,807.00	-
Business Admin O & E		-	35,000.00
Central Purchasing S&W		500.00	-
Central Purchasing O&E		-	15,000.00

Police Dept S&W	1,667,840.00	
Police Dept O&W	-	35,000.00
School Guards S&W	-	100,000.00
Chaplin S & W		2,550.00
Fire Dept S&W		838,821.00
Fire Dept O&E	-	120,000.00
Finance Department S&W	-	42,103.00
Finance Department O&E		10,000.00
Tax Collector S&W	-	11,405.00
Licenses Division O&E	-	2,000.00
Street & Sewers S&W	452,397.00	-
Street & Sewers O&E	-	195,000.00
Engineering S&W	205,650.00	
Engineering O&E		58,000.00
Land Refuse/Disposal		500,000.00
Snow Removal S & W		85,000.00
Snow Removal O&E		155,000.00
Motorized Equip. S&W	69,987.00	-
Motorized Equip. O&E		15,000.00
Public Buildings (DPW) S&W	194,763.00	-
Public Buildings (DPW) O&E		10,000.00
Shade Tree S&W	75,595.00	-
Shade Tree O&E		2,500.00
Envirnmental Health O &E		12,500.00
Nursing O&E		7,500.00
Community Dev & Planning S&W	34,021.00	-
Community Dev & Planning O&E		31,000.00
Park Maintenance S & W	262,020.00	-

Park Maintenance O & E	-	22,500.00
Recreation S&W	-	8,564.00
Public Events	6,888.00	
Senior Citizens S&W	35,708.00	
Municipal Pool S&W	43,644.00	
Municipal Pool O&E	-	12,500.00
Housing Services S&W	-	29,676.00
Housing Services O&E		7,500.00
Building Construction Code O&E	17,000.00	-
Municipal Courts S&W	-	245,160.00
Municipal Courts O&E		25,000.00
Public Defender S&W	-	20,000.00
Public Defender O&E	-	5,000.00
Social Security O & E		125,000.00
Electricity		125,000.00
Telephone & Comm.		100,000.00
Water	3,000.00	
Fire Hydrants		20,000.00
Fuel Oil		20,000.00
Street Lighting		125,000.00
SUB-TOTAL INSIDE CAPS	3,371,142.00	3,371,142.00
<u>OUTSIDE CAPS:</u>		
	-	-
SUB-TOTAL OUTSIDE CAPS	-	-
GRANT TOTAL	3,371,142.00	3,371,142.00

-

Adopted

Absent: Cox

Vick – Frederic

16. Calendar Year 2024 Cash Management Plan

RESOLUTION

BE IT RESOLVED by the Council of the Township of Irvington, County of Essex that for the year 2024, the following shall serve as the cash management plan of the Township of Irvington.

The Chief Financial Officer is directed to use this cash management plan as the guide in depositing and investing the Township of Irvington's funds.

The following Government Unit Deposit Protection Act (GUDPA) approved banks are authorized depositories for deposit of funds:

WELLS FARGO BANK
CITIZENS BANK
VALLEY NATIONAL
BANK

NJ STATE CASH MANAGEMENT PNC
BANK
INDUSTRIAL BANK

All warrants, checks or wires for the disbursement of money shall be made by any two (2) of the following officials and facsimile signatures may be used:

MAYOR

CHIEF FINANCIAL OFFICER
COMPTROLLER

The Townships, Chief Financial Officer and/or Comptroller empowered to invest cash funds as bank balances will allow from time to time in order to realize a revenue. The above stated officers are authorized to transfer funds electronically for the purpose of investments and payroll only.

The following are authorized as suitable investments:

- Interest-bearing bank accounts in banks as authorized above for deposit of local unit funds (GUDPA approved).
- Certificates of deposit in GUDPA approved banking institutions.
- Bonds or other obligations of the United States of America or obligations guaranteed by the United States of America. This includes instruments such as Treasury Bills, Notes and Bonds.
- Government money market mutual funds that comply with N.J.S.A. 40A:5- 15.1(e).
- Any federal agency or instrumentality obligation authorized by Congress that matures within 397 days from the date of purchase, and has a fixed rate of interest not dependent on any index or external factors.
- Bonds or other obligations of the local unit or school district of which the Town is a part.
- Any other obligations with maturities not exceeding 397 days, as permitted by the State Division of Investments.
- Local government investment pools which comply with N.J.S.A. 40A:5- 15.1(e) and conditions set by the Division of Local Government Services.
- New Jersey Cash Management Fund.
 - Repurchase agreements (repos) of fully collateralized securities which comply with N.J.S.A. 40A:5-15.1(e).
 - New Jersey Asset & Rebate Management Program.
 - New Jersey CLASS

There are no approved security broker/dealers. In the event that a security broker/dealer should be approved during the year, the registered principal of said brokerage firm so approved shall be provided with and sign an acknowledgment that they have seen and reviewed the cash management plan.

Each quarter, the Chief Financial Officer shall prepare a report for the Mayor and/or the Business Administrator that consists of the following:

- A summary of all investments made or redeemed for the month.
- A listing of any and all financial institutions holding local unit funds.
- The class or type of securities purchased or funds deposited.
- Income earned on deposits and investments.
- Market value of investments and disclosure as to how the value was determined, if applicable.
- A listing of accounts or deposits that do not earn interest.

This document shall constitute the cash management policy of the Township.

Any official involved with the selection of depositories, investments, broker/dealers shall disclose any material business or personal relationship to the Township Attorney and to the Local Finance Board or Local Ethics Board as applicable.

Any official who, in the course of his or her duties, deposits or invests in accordance with this plan shall be relieved of any liability for loss.

Adopted
Absent: Cox

Vick – Frederic 17. Authorize Special Emergency Appropriation - Payment of Contractually Required Severance Liabilities for 2023 – \$1,161,778.26

RESOLUTION AUTHORIZING SPECIAL EMERGENCY NOTES IN THE AMOUNT OF \$1,161,778.26 FOR THE PAYMENT OF CONTRACTUAL REQUIRED SEVERANCE LIABILITIES FOR THE YEAR 2023, IN THE BY THE TOWNSHIP OF IRVINGTON, COUNTY OF ESSEX, NEW JERSEY

WHEREAS, it has been found necessary to make an Emergency Appropriation to meet severance liabilities for 2023 and,

WHEREAS, NJS40A:4-53(I) provides that it shall be lawful to make such appropriation, which appropriation and/or the “special emergency notes” issued to finance the same shall be provided for in succeeding annual budgets by the inclusion of an appropriation of at least one-fifth or one-third of the amount authorized pursuant to this act.

NOW, THEREFORE BE IT RESOLVED, (by not less than two-thirds of all governing body members affirmatively concurring) that in accordance with the provisions of NJS 40A:4-55:

1. An emergency appropriation is hereby made for Severance Liabilities in the total amount of \$1,161,778.26.
2. That the emergency appropriation shall be provided for in the budgets of the next succeeding years by the inclusion of not less than \$232,355.65 per year for five years.
3. That an “emergency note”, not in excess of the amount authorized pursuant to law, be provided.
4. That such note shall be executed by Chief Financial Officer.
5. That said note shall be dated May 20, 2024, may be renewed from time to time provided that such note and any renewals shall mature and be paid in the amount of not less than one-fifth or one-third of the total amount appropriated by this resolution in each year after the authorization.
6. That the statement required by the Local Finance Board has been filed with the Clerk and a copy will be transmitted to the Director of the Division of Local Government Services
7. That two (2) certified copies of this resolution will be filed with the Director of the Division of Local Government Services; however, no approval is required from the Division.

Adopted
Absent: Cox

Brown – Hudley 18. Authorize Payment of Hearing Officer for Police Disciplinary Matters - Hon. Travis

L. Francis, J.S.C. (ret.) of Riker Danzig, LLP - \$54,422.56

**RESOLUTION AUTHORIZING PAYMENT OF HEARING OFFICER
FOR POLICE DISCIPLINARY MATTERS**

WHEREAS, pursuant to Township of Irvington Code, Article XIV, Section 7-143(I), the Director of Public Safety shall be responsible for the administration, regulations and as the appropriate authority of the discipline of the Division of Police and the Division of Fire; and

WHEREAS, pursuant to Township of Irvington Code, Article XIV, Section 7-143(N), the Public Safety Director, or his designee, shall serve as hearing officer in disciplinary matters and have all powers prescribed in N.J.S.A. 40A:14-118; and

WHEREAS, the Public Safety Director for the Township of Irvington, through the Township Attorney, has designated the Hon. Travis L. Francis, J.S.C. (ret.) of Riker Danzig, LLP, as special hearing officer for police disciplinary matters related to former Chief of Police Michael Chase; and

NOW, THEREFORE, BE IT RESOLVED THAT THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON authorizes the designation of the Hon. Travis L. Francis, J.S.C. (ret.) of Riker Danzig, LLP, retroactive to March 21, 2022, as special hearing officer for police disciplinary matters related to former Chief of Police Michael Chase; and

BE IT FURTHER RESOLVED THAT THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON authorizes payment of invoices of the Hon. Travis L. Francis, J.S.C. (ret.) of Riker Danzig, LLP, in the amount of \$54,422.56.

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

Adopted
Absent: Cox

Hudley – Brown 19. Authorize Settlement Agreement Between the Township of Irvington and Friend & Wenzel, LLC. - \$49,200.00 Covering the Years 2022 Through 2023

**A RESOLUTION AUTHORIZING THE SETTLEMENT AGREEMENT BETWEEN THE
TOWNSHIP OF IRVINGTON AND FRIEND & WENZEL, LLC.**

WHEREAS, the Township of Irvington deems it to be in the best interest of both parties: The Township of Irvington and the firm of Friend & Wenzel, LLC. to dispose of these various matters through a settlement agreement;

WHEREAS, the Township has made an agreement to the firm of Friend & Wenzel, LLC. to pay the firm for providing substitute prosecutor services in the amount of \$49,200.00 covering the years 2022 through 2023 and;

WHEREAS, any and all outstanding issues between the Township of Irvington and the firm of Friend & Wenzel, LLC. with respect to monies due for providing substitute prosecutor services will be resolved through an executed settlement agreement signed by both parties;

NOW THEREFORE, in consideration of the promises and the mutual covenants herein, The Township of Irvington and the firm of Friend & Wenzel, LLC. will agree as follows:

- a. The Township of Irvington agrees to pay the firm of Friend & Wenzel, LLC. a settlement award of \$49,200.00 representing monies due for providing substitute prosecutor services covering the years of 2022 – 2023;
- b. The firm of Friend & Wenzel, LLC. agrees to waive any and all claims against the Township of Irvington not limited to all compensation and attorney fees;
- c. The firm of Friend & Wenzel, LLC. is hereby voluntarily agreeing to the terms of said Settlement agreement.

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

Hudley – Brown 20. Ratify Professional Services Contract for Litigation/Defense Counsel Services – Eric M. Bernstein & Associates, LLC in the Matter of Federal Home Loan Mortgage Corp. v. Jackson Revolutus, et al. - Not to Exceed \$1,500.00

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

WHEREAS, resolution number TA 23-1010-40 qualified eight firms to provide litigation/defense counsel services for the Township of Irvington from November 01, 2023 until October 31, 2024; 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 Eric M. Bernstein & Associates, LLC has the most experience to defend the Township of Irvington in the matter of Federal Home Loan Mortgage Corp. v. Jackson Revolutus, et al., Docket no: F-012340-23; and

WHEREAS, the Township Attorney has recommended that a contract be awarded to Eric M. Bernstein & Associates, LLC, 34 Mountain Blvd., Bldg. A, P.O. Box 4922, Warren, NJ, 07059; 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 Eric M. Bernstein & Associates, LLC, 34 Mountain Blvd., Bldg. A, P.O. Box 4922, Warren, NJ, 07059 for a contract amount not to exceed \$1,500.00. The billing rate for this contract is \$150.00 per hour; and

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

BE IT FURTHER RESOLVED, that funds for this service will paid from the Insurance fund for a contract amount not to exceed \$1,500.00. The billing rate for this contract is \$150.00 per hour.

Adopted
Absent: Cox

Hudley – Vick 21. Ratify Professional Services Contract for Litigation/Defense Counsel Services -
Simmons Law, LLC in the Matter of Troy Corbett v. Otis C. Hill, et al. - Not to
Exceed \$1,500.00

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

WHEREAS, resolution number TA 23-1010-40 qualified eight firms to provide litigation/defense counsel services for the Township of Irvington from November 01, 2023 until October 31, 2024; 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 Simmons Law, LLC has the most experience to defend Otis C. Hill and the Township of Irvington in the matter of Troy Corbett v. Otis C. Hill, et al., Docket no: ESX-L-007069-23; and

WHEREAS, the Township Attorney has recommended that a contract be awarded to Simmons Law, LLC, 1349 Lake Street, Plainfield, NJ, 07060; 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 Simmons Law, LLC, 1349 Lake Street, Plainfield, NJ, 07060 for a contract amount not to exceed \$1,500.00. The billing rate for this contract is \$150.00 per hour; and

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

BE IT FURTHER RESOLVED, that funds for this service will paid from the Insurance fund for a contract amount not to exceed \$1,500.00. The billing rate for this contract is \$150.00 per hour.

Adopted
Absent: Cox

Hudley – Vick 22. Approving the Final Disposition of POW R Save, Inc. v. Township of Irvington
– Not to Exceed \$73,620.00

**RESOLUTION APPROVING THE FINAL DISPOSITION OF
POW R SAVE, INC. V. TOWNSHIP OF IRVINGTON
DOCKET NO. ESXL-005192-23**

WHEREAS, the matter of Pow R Save v. Township of Irvington , was filed in the Superior Court of New Jersey Law Division, under Docket no: ESX-L-005192-23; 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 Seventy Three Thousand Six Hundred Twenty Dollars (\$73,620.00), 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

Vick – Frederic 23. Authorize Fair and Open Professional Service Contract for Dental Insurance Brokerage Services for Calendar Year 2024 - Fairview Insurance Agency Associates – Fees Will Be Paid By Brokerage

**RESOLUTION AUTHORIZING FAIR AND OPEN PROFESSIONAL SERVICE
CONTRACT FOR DENTAL INSURANCE BROKERAGE SERVICES
FOR CALENDAR YEAR 2024**

WHEREAS, the Request for Proposals for Insurance Brokerage Services for dental was publicly advertised in the New Jersey Star Ledger on October 18, 2023 with a deadline for qualifications to be submitted on November 08, 2023; and

WHEREAS, two qualification was received and publicly opened; and

WHEREAS, said qualifications was referred to the Administration; and

WHEREAS, the qualifications satisfied the bid requirement and;

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

Fairview Insurance Agency Associates
25 Fairview Avenue, Verona New Jersey 07044

NOW THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that a contract for dental Insurance Brokerage Services be awarded Fairview Insurance Agency Associates, 25 Fairview Ave, Verona, NJ 07044 on the basis of their response to the request for proposal meeting the selection criteria and qualifications at no cost to the township, the fees will be paid by brokerage and commission fees will be disclosed to the Township; for one year starting on January 01, 2024 and ending on December 31, 2024; and

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

Adopted
Absent: Cox

Vick – Evans 24. Authorize Fair and Open Professional Service Contract for Insurance Prescription Brokerage Services for Calendar Year 2024 - RD Parisi Associates - Fees Will Be Paid By Brokerage

**RESOLUTION AUTHORIZING FAIR AND OPEN PROFESSIONAL SERVICE
CONTRACT FOR INSURANCE PRESCRIPTION BROKERAGE SERVICES
FOR CALENDAR YEAR 2024**

WHEREAS, the Request for Proposals for Insurance Prescription Brokerage was publicly advertised in the New Jersey Star Ledger on October 18, 2023 with a deadline for qualifications to be submitted on November 08 2023; and

WHEREAS, two qualifications were received and publicly opened; and

WHEREAS, said qualification was referred to the Administration for review and written recommendation; and

WHEREAS, the qualifications satisfied the bid requirement and;

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

RD Parisi Associates
100 Executives Drive, Suite 338 West Orange, NJ 07052

NOW THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that a contract for Insurance Prescription Brokerage services be awarded to RD Parisi Associates, 100 Executives Drive, Suite 338, West Orange, NJ 07052 on the basis of their response to the request for proposal meeting the selection criteria and qualifications at no cost to the township, the fees will be paid by brokerage and said fee will be disclosed to the Township; for one year starting on January 12, 2024 and ending on January 13, 2025; and

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

Adopted
Absent: Cox

Vick – Evans 25. Authorize Fair and Open Professional Service Contract for Auditing Services for Calendar Year 2024 - Samuel Klein & Co.

RESOLUTION AUTHORIZING FAIR AND OPEN PROFESSIONAL SERVICE CONTRACT FOR AUDITING SERVICES FOR CALENDAR YEAR 2024

WHEREAS, the Request for Proposals for professional auditing service was publicly advertised in the New Jersey Star Ledger on October 18, 2023 with a deadline for proposals to be submitted on November 08, 2023; and

WHEREAS, one qualification was received and publicly opened; and

WHEREAS, said qualification was referred to the Chief Financial Officer (CFO); and

WHEREAS, the qualification satisfied the bid requirement and;

WHEREAS, the Chief Financial officer has recommended award should be made to the following firm:

Samuel Klein & Co.

550 Broad Street, 11th Floor

Newark, N.J. 07102

NOW THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that a contract for auditing services be awarded to Samuel Klein & Company, 550 Broad Street, Newark, NJ 07102 on the basis of their response to the request for proposal meeting the selection criteria and qualifications, for an amount not to exceed \$185,550.00 for the Statutory Audit \$135,400.00, \$11,500.00 for the review of the Annual Financial Statement, \$1,750.00 for the review of the Annual Debt Service, \$11,850.00 for Assistance with the Budget Preparation and \$25,000.00 for bond/notes sales, a total contract amount not to exceed \$185,500.00 starting on January 01, 2024 until December 31, 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 fund will be certified upon the adaptation of the 2024 budget.

Adopted
Absent: Cox

Vick – Evans 26. Authorize Fair and Open Professional Service Contract for Bond Counsel Service - McManimon, Scotland & Baumann, LLC - Not to Exceed \$75,000.00

**RESOLUTION AUTHORIZING FAIR AND OPEN PROFESSIONAL SERVICE
CONTRACT FOR BOND COUNSEL SERVICE**

WHEREAS, the Request for Proposals for professional Bond Counsel services was publicly advertised in the New Jersey Star Ledger on October 18, 2023 with a deadline for qualifications to be submitted on November 08, 2023; and

WHEREAS, one proposal was received and publicly opened by the Purchasing Agent and Municipal Clerk; and

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

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

McManimon, Scotland & Baumann, LLC
Glenn Scotland
75 Livingston Ave, 2nd floor, Roseland, NJ 07068

NOW THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that a contract for Bond Counsel be awarded to McManimon, Scotland & Baumann, LLC, 75 Livingston Ave, 2nd floor, Roseland, NJ 07068, on the basis of their response to the request for proposal selection criteria and qualifications, for an amount not to exceed \$75,000.00. The provider will be paid \$115.00 per hour for bond counsel services for one year starting on January 01, 2024 until December 31, 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 FUTHER RESLOVED that the required Certification of Availability will be certified upon the adaptation of the 2024 budget and bond ordinances.

Adopted
Absent: Cox

Beasley – Evans 27. Authorize Fair and Open Professional Service Contract for Health Insurance Brokerage Services for Calendar Year 2024 - Fairview Insurance Agency Associates - Fees Will Be Paid By Brokerage

**RESOLUTION AUTHORIZING FAIR AND OPEN PROFESSIONAL SERVICE
CONTRACT FOR HEALTH INSURANCE BROKERAGE SERVICES
FOR CALENDAR YEAR 2024**

WHEREAS, the Request for Proposals for Insurance Brokerage Services for health was publicly advertised in the New Jersey Star Ledger on October 18, 2023 with a deadline for qualification to be submitted on November 08, 2023; and

WHEREAS, one qualification was received and publicly opened; and

WHEREAS, said qualification was referred to the Administration; and

WHEREAS, the qualification satisfied the bid requirement and;

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

Fairview Insurance Agency Associates
25 Fairview Ave, Verona, NJ 07044

NOW THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that a contract for health Insurance Brokerage Services be awarded Fairview Insurance Agency Associates, 25 Fairview Ave, Verona, NJ 07044 on the basis of their response to the request for proposal meeting the selection criteria and qualifications at no cost to the township, the fees will be paid by brokerage and total compensation will be disclosed to the Township; for one year starting on January 12, 2024 and ending on January 11, 2025; and

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

Adopted
Absent: Cox

Brown – Evans 28. Authorize Fair and Open Professional Service Contract for Insurance Brokerage Services (General Liability, Worker's Compensation, Property Casualty & Risk Services) for Calendar Year 2024 - Conner Strong & Buckelew - Vendor Paid By Applicable Commission To Be Paid By The Carriers

**RESOLUTION AUTHORIZING FAIR AND OPEN PROFESSIONAL SERVICE
CONTRACT FOR INSURANCE BROKERAGE SERVICES (GENERAL LIABILITY,
WORKER'S COMPENSATION, PROPERTY CASUALTY & RISK SERVICES) FOR
CALENDAR YEAR 2024**

WHEREAS, the Request for Proposals for Insurance Brokerage Services (General Liability, Worker's Compensation, Property Casualty & Risk Services) was publicly advertised in the New Jersey Star Ledger on October 18, 2023 with a deadline for qualification to be submitted on November 08, 2023; and

WHEREAS, three qualifications were received and publicly opened; and

WHEREAS, said qualifications were referred to the Administration; and

WHEREAS, the qualifications satisfied the RFP requirement and;

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

CONNER STRONG & BUCKELEW

9 CAMPUS DRIVE, PARSIPPANY, NJ 07054

NOW THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that a contract for Insurance Brokerage Services (General Liability, Worker's Compensation, Property Casualty & Risk Services) be awarded to Conner Strong & Buckelew., 9 Campus Drive, Parsippany, NJ 07054 on the basis of their response to the request for proposal. Vendor will be paid by applicable commission to be paid by the carriers, which will be disclosed to the Township on a quarterly basis; for one year starting on January 01, 2024 and ending on December 31, 2024; and

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

Adopted
Absent: Cox

Beasley – Vick 29. Recognizing January 2024 as Muslim Heritage Month in the Township of Irvington

RESOLUTION RECOGNIZING JANUARY AS MUSLIM HERITAGE MONTH IN THE TOWNSHIP OF IRVINGTON

WHEREAS on April 29, 2023, Governor Philip D. Murphy signed Joint Resolution No. 6 by the Senate and the General Assembly of the State of New Jersey designating the month of January of each year as Muslim Heritage Month'; and

WHEREAS, Muslims are the world's second-largest religious group practicing the Islamic faith. With 1.9 billion followers representing approximately twenty-five percent of the world's population, there are about 3.45 million Muslims in the United States from diverse racial and ethnic backgrounds. The Muslim community represents 1.1% of the population in the United States; and

WHEREAS Muslims first arrived in North America along with enslaved Africans, whom historians estimate 30% were Muslim. Their Islamic beliefs and practices contributed in numerous ways to the founding of our nation, including courageous and dictated military services in every major war, including the American Revolutionary War; and

WHEREAS there are over 300,000 Muslim Americans in New Jersey, representing one of the largest Muslim-American communities in the United States. Their contributions help fortify and strengthen the economy and diversity of the people in our state and local communities; and

WHEREAS the Township of Irvington recognizes this monumental achievement for the Muslim Community and desires to recognize the month of January of each year as "Muslim Heritage Month"; and

WHEREAS the Muslim Community is one of the fastest growing communities with a population growing in the Township of Irvington; and

WHEREAS, the Township of Irvington recognizes and appreciates that the Muslim community has directly contributed to the diversity and positive growth of the City in various fields, including education, entrepreneurship, government, law, medicine, literature, drama, sculpture, music, food, and culture, as well as all aspects of life throughout the United States and abroad; and continues to influence our beliefs and embedded values; and

WHEREAS the Township of Irvington is thankful for the significant role of the Muslim Community in the fabric of the Township of Irvington; and

WHEREAS the Township of Irvington is thankful for the numerous people in the Muslim Community who have directly contributed towards effective and better government, civil service, and public interest work through work in the Judiciary, the City Council, the Board of Education, City Government offices and multiple non-profit endeavors, all of which help the City flourish; and

WHEREAS the township will continue to keep its doors open to the Muslim Community; and

WHEREAS designating January as "Muslim Heritage Month" will help highlight the many achievements and successes of Irvington's Muslim Community and further inspire younger generations to contribute towards the prosperity of our beloved city; and

WHEREAS the Township of Irvington is proud to celebrate the designation of January of each year as "Muslim Heritage Month";

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that the month of January of each year shall be designated as Muslim Heritage Month" in the Township of Irvington.

Adopted
Absent: Cox

Vick – Brown 30. Authorize a Change Order for Payroll Services - Prime Point LLC - Increasing the Total Contract to \$256,225.00 an Overall Increase of \$24,300.00/10.50%

A RESOLUTION AUTHORIZING A CHANGE ORDER FOR PAYROLL SERVICES

WHEREAS, a contract was awarded to Prime Point LLC, by resolution number DA 22-0103-1, in the amount of \$231,925.00 for payroll service; and,

WHEREAS, the Chief Financial Officer would like to increase this service contract as a result of History Import data; and,

WHEREAS, this additional request will increase the service contract by \$24,300.00; and,

NOW THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that an additional \$24,300.00 will be paid to Prime Point LLC., 2 Springside Road, Westhampton, NJ 08060 for history import data; and,

THEREFORE, BE IT RESOLVED, that the Mayor be and is hereby authorized to execute Change Order #1 with Prime Point LLC, 2 Springside Road, Westhampton, NJ 08060 for history import data, increasing the total contract to \$256,225.00 An overall increase of \$24,300.00/ 10.50%; and,

BE IT RESOLVED, that the required certification of availability of funds C23-0193 in the amount of \$20,250.00 from account number 3-01-20-100-100-256 has been obtained from the Chief Financial Officer and the remaining balance of \$4050.00 will be certified upon the adoption of the 2024 budget.

Adopted
Absent: Cox

Vick – Evans 31. Authorize the Execution of an Escrow Agreement With 183 22nd St LLC for the Redevelopment of Certain Property in the Township - 183 22nd Street - Block 149, Lot 28

RESOLUTION OF THE TOWNSHIP OF IRVINGTON AUTHORIZING THE EXECUTION OF AN ESCROW AGREEMENT WITH 183 22ND ST LLC FOR THE REDEVELOPMENT OF CERTAIN PROPERTY IN THE TOWNSHIP

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, on August 11, 2015, the Township Council duly adopted Ordinance MC. 3549, enacting a redevelopment plan for the Rehabilitation Area entitled the *Township-Wide Area in need of Rehabilitation Redevelopment Plan* (the “**Redevelopment Plan**”), pursuant to the Redevelopment Law and in accordance with the procedures set forth therein; 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*, responsible for carrying out redevelopment projects in the Rehabilitation Area in accordance with the Redevelopment Plan, pursuant to *N.J.S.A. 40A:12A-4(c)*; and

WHEREAS, the 183 22nd ST LLC (the “**Proposed Redeveloper**”) is the owner of certain property within the Rehabilitation Area designated as Block 149, Lot 28 and identified in the Township tax records as 183 22nd Street (the “**Project Area**”); and

WHEREAS, Proposed Redeveloper proposes to redevelop the Project Area by constructing thereon a multi-family residential building with commensurate on-site parking (the “**Project**”); and; and

WHEREAS, the Proposed Redeveloper has requested that the Township, in its capacity as redevelopment entity, enter into negotiations for a Redevelopment and Land Disposition Agreement and/or Financial

Agreement, as may be applicable or appropriate for the redevelopment of the Project Area (each, an “Agreement”); and

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

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

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

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

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

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

Exhibit A

ESCROW AGREEMENT

Adopted
Absent: Cox

Brown – Vick 32. Authorize Contract for Redevelopment Counsel for Calendar Year 2024 –
McManimon, Scotland & Baumann, LLC - Not to Exceed \$75,000.00

CONTRACT FOR REDEVELOPMENT COUNSEL FOR CALENDAR YEAR 2024

WHEREAS, the Request for Proposals for professional redevelopment service was publicly advertised in the New Jersey Star Ledger on October 18, 2023 with a deadline for qualifications to be submitted on November 08, 2023; and

WHEREAS, one qualification was received and publicly opened; and

WHEREAS, said qualification was referred to the Township Attorney; and

WHEREAS, the qualification satisfied the RFP requirement; and

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

McManimon, Scotland & Baumann, LLC
75 Livingston Ave, Second Floor, Roseland, NJ 07068

NOW THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that a contract for redevelopment services be awarded to McManimon, Scotland & Baumann, LLC, 75 Livingston Ave, 2nd Floor, Roseland, NJ 07068 on the basis of their response to the request for proposal meeting the selection criteria and qualifications, for an amount not to exceed \$75,000.00 and escrow related work will be billed to escrows on file as per escrow agreements for the calendar year 2024 (January 01, 2024 – December 31, 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 will be certified upon the adoption of 2024 Municipal budget.

Adopted
Absent: Cox

10. COMMUNICATION AND PETITIONS

A. Communications

None

11. PENDING BUSINESS

None

NON-CONSENT AGENDA

9. RESOLUTIONS AND MOTIONS (Continued)

A. Resolutions

Vick – Evans 33. Grant Appeal and Rescind Denial Application - Establish Handicapped Parking Space in Front of: 386 14th Avenue

GRANT APPEAL AND RESCIND APPLICATION DENIAL - ESTABLISH HANDICAPPED PARKING SPACE

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

WHEREAS, request(s) have been made for restricted parking space(s) in front of **386 14th Avenue**:

NOW, THEREFORE BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that a parking space restricted for use by any person who has been issued a special vehicle identification card pursuant to the provisions of N.J.S.A. 39:4-205, when using a motor vehicle on which is displayed a certificate, for which a special vehicle identification card has been issued pursuant to N.J.S.A. 39:4-206, be established in front of **386 14th Avenue**; and

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

Adopted
Absent: Cox
Abstain: Dr. Hudley

8. ORDINANCES, BILLS & CLAIMS (Continued)

B. Ordinances on Second Reading

1. President Beasley: An ordinance amending Section 7-138 (B) Division of Police, Organization and Functions will be heard a time. The Clerk will read the notice of hearing.

The Clerk will read the ordinance by title

AN ORDINANCE AMENDING SECTION 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.

The Public Hearing on this ordinance is now open

Vick – Brown Motion to close Public Hearing

Adopted
Absent: Cox

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

Adopted
Absent: Cox

2. President Beasley: An ordinance amending Section 7-147 (A)(7) Entitled Fees for Copies and Other Services for the Department of Public Safety, Division of Police will be heard a time. For the record, this notice is identical to the prior notice read. The Clerk will read the ordinance by title.

AN ORDINANCE AMENDING SECTION 7-147 (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.
The Public Hearing on this ordinance is now open

Hudley – Brown Motion to close Public Hearing

Adopted
Absent: Cox

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

Adopted
Absent: Cox

3. President Beasley: An ordinance amending Sections 620-103 Schedule IX-Through Streets by Adding Union Place and 620-104 Schedule X – Stop Intersections at Union Place and Stewart 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 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.

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 amending Chapter 460 – Property Maintenance 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.

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	4th Offense Maximum Fine;			
		1st Offense	2nd Offense	3rd Offense	Court Appearance Required
§ 460-10	Ground surface hazards or insanitary conditions	\$50	\$250	\$500	\$750
§ 460-11	Stormwater	\$100	\$250	\$500	\$1,000
§ 460-12	Appearance of premises and structures generally	\$100	\$250	\$500	\$1,000

Section	Short Description	4th Offense Maximum Fine;			
		1st Offense	2nd Offense	3rd Offense	Court Appearance Required
§ 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 escapes	\$50	\$250	\$500	\$750
§ 460-23	Basements and cellars	\$50	\$250	\$500	\$1,000
§ 460-25	Freedom from infestation	\$50	\$250	\$500	\$750

Section	Short Description	4th Offense Maximum Fine;			
		1st Offense	2nd Offense	3rd Offense	Court Appearance Required
§ 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.

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 – Rent Control 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

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.

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

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

Samuel Cherlius, 90 40th 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 8:03 P.M.

Jamillah Z. Beasley, Council President

Shawna M. Supel, Municipal Clerk