

RESOLUTION OF THE TOWNSHIP OF IRVINGTON, NJ

No. DA 16-0322-7

Date of Adoption MARCH 22, 2016

APPROVED AS TO FORM AND LEGALITY ON THE BASIS OF FACTS SET FORTH BY

[Signature]
Legislative Research Officer

PRESENTED BY COUNCIL MEMBER JONES

SECONDED BY COX

RESOLUTION AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT FOR THE LEASE OF OFFICE SPACE AT 660 STUYVESANT AVE, IRVINGTON, NJ

WHEREAS, the Township of Irvington has a need to rent office space at 660 Stuyvesant Ave, Irvington, NJ 07111 for the Office of Community Development; and

WHEREAS, accordingly to draft lease agreement submitted by the landlord, this lease agreement will exceed the Pay to Play threshold of \$17,500.00; and,

WHEREAS, the C-271 Political Contribution Disclosure forms were on file in the Office of the Municipal Clerk and Purchasing Agent on February 22, 2016 pursuant to provisions of N.J.S.A. 19:44A-20.4; and,

WHEREAS, this lease agreement is for one year starting March 23, 2016 until March 24, 2017 and must be renewed by resolution upon the expiration; and,

WHEREAS, the landlord, The BSR Group LLC will be paid a monthly sum of \$3,325.00 for the rental of the office space and the Township will remit one month of security deposit to the landlord; and,

NOW THEREFORE, BE IT RESOLVED that the Municipal Council of the Township of Irvington authorizes the award of a non-fair and open contract to The BSR Group LLC of 660 660 Stuyvesant Ave, Irvington, NJ 07111 for a yearly amount not to exceed \$39,900.00; 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, certification number C6-00191 was obtained from the Chief Financial Officer for the first three months for an amount of \$9,975.00 and the appropriation to be charged for this expenditure is 6-01-20-100-100-299 and the remaining balance of \$36,575.00 will be obtained from the Chief Financial Officer upon the adoption of the 2016 Municipal Budget.

RECORD OF COUNCIL VOTE

X = Indicates Vote N.V. = No Vote A.B. = Absent

COUNCIL MEMBER	YES	NO	N.V.	A.B.	COUNCIL MEMBER	YES	NO	N.V.	A.B.
BURGESS, 1ST VICE PRESIDENT	X				JONES, 2ND VICEPRESIDENT	X			
COX	X				LYONS				X
HUDLEY	X				FREDERIC, PRESIDENT	X			
INMAN		X							

PRESIDENT OF COUNCIL *[Signature]*

MUNICIPAL CLERK *[Signature]*

DATE MARCH 22, 2016

I hereby certify that the foregoing is a true copy of a Resolution duly adopted by the Municipal Council. In witness whereof I have hereunto set my hand and the Corporate Seal of the Township of Irvington.

MUNICIPAL CLERK *[Signature]*

DATE MAR 22 2016

ADMINISTRATOR ☐ ASSESSOR ☐ BLDG ☐ CFO ☒ COLLECTOR ☐ COURT ☐ ENGINEER ☐ FIRE ☒ HEALTH ☐ HOUSING ☐ INIC ☐ JUDGE ☐
LEGAL ☒ LIBR ☐ LICEN ☐ MAYOR ☐ OCDP ☒ PARKS ☐ PAYROLL ☐ PUBLIC SAFETY ☒ DIR ☐ PUBLIC WORKS ☐ PURCHASING ☒ SEC ☐ PB/ZBA ☐
TRAFFIC ☐ ZONING ☒ OFF ☐ DLGS ☐ GNCD ☐ OTHER(S): _____

Certification Of Availability of Funds

This is to certify to the of the Township of Irvington that funds for the following resolutions are available.

Resolution Date: 03/15/16
Resolution Number: C6-00191

Vendor: THEBSR01 THE BSR GROUP, LLC
660 STUYVESANT AVE.
IRVINGTON, NJ 07111

Contract: C6-00191 RENTAL FOR 660 STUYVESANT AVE.
IRVINGTON, NJ 07111

Account Number	Amount	Department Description
6-01-20-100-100-299	9,975.00	BUSINESS ADMINISTRATION
Total	9,975.00	

Only amounts for the 2016 Budget Year have been certified. Amounts for future years are contingent upon sufficient funds being appropriated.



Chief Financial Officer



TOWNSHIP OF IRVINGTON

LEGAL DEPARTMENT
MUNICIPAL BUILDING - CIVIC SQUARE
IRVINGTON, NJ 07111

Honorable Tony Vauss
Mayor

Tel: 973-399-6636
Fax: 973-399-6723

Ramon E. Rivera, Esq.
Township Attorney

Kyana Woolridge, Esq.
1st Assistant Township Attorney

Evelyn Akushie-Onyeani, Esq.
2nd Assistant Township Attorney

MEMORANDUM

TO: Faheem J. Ra'Oof, Chief Financial Officer
FROM: Ramon E. Rivera, Township Attorney
CC: Mayor Tony Vauss, Musa Malik, Business Administrator
DATE: December 31, 2015

Re: Potential Conflict of Interest - Ownership of Real Estate
Property that may be leased by Township

You have requested guidance as to whether a conflict exists regarding property that you have an ownership interest in the Township of Irvington ("Township"). The Township expressed interest in leasing or renting property located at 660 Stuyvesant Avenue in Irvington. You have advised that you have a partial ownership interest in this property.

The Township may lease the subject property, provided that the leasing of this property does not impair your judgment to perform your duties. See N.J.S.A. 40A:9-22.5. Further, the value of the lease should be within market rate to ensure that no conflict exists. See *id.*, at 40A:9-22.5(j) (stating that "no local government officer shall be deemed in conflict with these provisions if, by reason of his participation in the enactment of any ordinance, resolution or other matter required to be voted upon or which is subject to executive approval or veto, no material or monetary gain accrues to him as a member of any business, profession, occupation or group, to

any greater extent than any gain could reasonably be expected to accrue to any other member of such business, profession, occupation or group").

As you know, all local government officers (which includes the position of Chief Financial Officer) must annually file a financial disclosure statement (FSD). The FSD requires a listing of all real estate property in New Jersey that the officer has interest in the preceding year. As such, you must disclose your property interest in the subject property in the FSD, if you have not done so.

Based upon the foregoing, I do not find a conflict of interest that would prohibit the Township from leasing the subject property to use for municipal services. Please advise of any questions

C. 271 POLITICAL CONTRIBUTION DISCLOSURE FORM

Contractor Instructions

Business entities (contractors) receiving contracts from a public agency that are NOT awarded pursuant to a "fair and open" process (defined at N.J.S.A. 19:44A-20.7) are subject to the provisions of P.L. 2005, c. 271, s.2 (N.J.S.A. 19:44A-20.26). This law provides that 10 days prior to the award of such a contract, the contractor shall disclose contributions to:

- any State, county, or municipal committee of a political party
- any legislative leadership committee*
- any continuing political committee (a.k.a., political action committee)
- any candidate committee of a candidate for, or holder of, an elective office:
 - of the public entity awarding the contract
 - of that county in which that public entity is located
 - of another public entity within that county
 - or of a legislative district in which that public entity is located or, when the public entity is a county, of any legislative district which includes all or part of the county

The disclosure must list reportable contributions to any of the committees that exceed \$2600 per election cycle that were made during the 12 months prior to award of the contract. See N.J.S.A. 19:44A-8 and 19:44A-16 for more details on reportable contributions.

N.J.S.A. 19:44A-20.26 itemizes the parties from whom contributions must be disclosed when a business entity is not a natural person. This includes the following:

- individuals with an "interest" ownership or control of more than 10% of the profits or assets of a business entity or 10% of the stock in the case of a business entity that is a corporation for profit
- all principals, partners, officers, or directors of the business entity or their spouses
- any subsidiaries directly or indirectly controlled by the business entity
- IRS Code Section 527 New Jersey based organizations, directly or indirectly controlled by the business entity and filing as continuing political committees, (PACs).

When the business entity is a natural person, "a contribution by that person's spouse or child, residing therewith, shall be deemed to be a contribution by the business entity." [N.J.S.A. 19:44A-20.26(b)] The contributor must be listed on the disclosure.

Any business entity that fails to comply with the disclosure provisions shall be subject to a fine imposed by ELEC in an amount to be determined by the Commission which may be based upon the amount that the business entity failed to report.

The enclosed list of agencies is provided to assist the contractor in identifying those public agencies whose elected official and/or candidate campaign committees are affected by the disclosure requirement. It is the contractor's responsibility to identify the specific committees to which contributions may have been made and need to be disclosed. The disclosed information may exceed the minimum requirement.

The enclosed form, a content-consistent facsimile, or an electronic data file containing the required details (along with a signed cover sheet) may be used as the contractor's submission and is disclosable to the public under the Open Public Records Act.

The contractor must also complete the attached Stockholder Disclosure Certification. This will assist the agency in meeting its obligations under the law. **NOTE: This section does not apply to Board of Education contracts.**

* N.J.S.A. 19:44A-3(s): "The term "legislative leadership committee" means a committee established, authorized to be established, or designated by the President of the Senate, the Minority Leader of the Senate, the Speaker of the General Assembly or the Minority Leader of the General Assembly pursuant to section 16 of P.L.1993, c.65 (C.19:44A-10.1) for the purpose of receiving contributions and making expenditures."

C. 271 POLITICAL CONTRIBUTION DISCLOSURE FORM

Required Pursuant To N.J.S.A. 19:44A-20.26

This form or its permitted facsimile must be submitted to the local unit no later than 10 days prior to the award of the contract.

Part I – Vendor Information

Vendor Name:	The BSR Group LLC		
Address:	660 Stuyvesant Ave		
City:	Lawrenceville	State:	N.J.
		Zip:	07111

The undersigned being authorized to certify, hereby certifies that the submission provided herein represents compliance with the provisions of N.J.S.A. 19:44A-20.26 and as represented by the Instructions accompanying this form.

Signature _____

Fahsen J. Pict
Printed Name

Palmer
Title

Part II – Contribution Disclosure

Disclosure requirement: Pursuant to N.J.S.A. 19:44A-20.26 this disclosure must include all reportable political contributions (more than \$300 per election cycle) over the 12 months prior to submission to the committees of the government entities listed on the form provided by the local unit.

☐ Check here if disclosure is provided in electronic form.

[illegible]

C. 271 POLITICAL CONTRIBUTION DISCLOSURE FORM

Page _____ of _____

[illegible]☐ Check here if the information is continued on subsequent page(s)

BUSINESS ENTITY DISCLOSURE CERTIFICATION

Required Pursuant To N.J.S.A. 19:44A-20.8

TOWNSHIP OF IRVINGTON**ESSEX COUNTY****Part I – Vendor Affirmation**

The undersigned, being authorized and knowledgeable of the circumstances, does hereby certify that the _____ has not made and will not make any reportable contributions pursuant to N.J.S.A.

19:44A-1 et seq. that, pursuant to P.L. 2004, c. 19 would bar the award of this contract in the one year period preceding January 01, 2010 to any of the following named candidate committee, joint candidates committee; or political party committee representing the elected officials of the Township of Irvington as defined pursuant to N.J.S.A. 19:44A-3(p), (q) and (r).

Anthony Vauss	Renee Burgess
Tony Vauss	October Hudley
Vern Cox	Paul J. Inman
Sandra R. Lyons	Charnette Frederic
David Lyons	

Part II – Ownership Disclosure Certification

☒ I certify that the list below contains the names and home addresses of all owners holding 10% or more of the issued and outstanding stock of the undersigned.

Check the box that represents the type of business entity:

- ☐ Partnership ☐ Corporation ☐ Sole Proprietorship ☐ Subchapter S Corporation
☐ Limited Partnership ☒ Limited Liability Corporation ☐ Limited Liability Partnership

Name of Stock or Shareholder	Home Address
Annette L. Bensley	608 Chancellor Ave, Irvington, NJ 07111
Albata Sharif	46 Wilbur Street, Newark, N.J. 07112
Faheem J. Ra'ouf	301 McLean Pl, Hillside, N.J. 07205

Part 3 – Signature and Attestation:

The undersigned is fully aware that if I have misrepresented in whole or part this affirmation and certification, I and/or the business entity, will be liable for any penalty permitted under law.

Name of Business Entity: The BSR Group LLC

Signature of Affiant: _____

Title: Partners

Printed Name of Affiant: Faheem S. Ra'ouf

Date: _____

Subscribed and sworn before me this 22nd day of February, 2016.

My Commission expires: May 28th 2017

[Signature]
(Witnessed or attested by)

(Seal)

STOCKHOLDER DISCLOSURE CERTIFICATION

Name of Business

The BSL Group LLC

☒ I certify that the list below contains the names and home addresses of all stockholders holding 10% or more of the issued and outstanding stock of the undersigned.

OR

☐ I certify that no one stockholder owns 10% or more of the issued and outstanding stock of the undersigned.

If a corporation owns all or part of the stock of the corporation or partnership submitting the bid, then the statement shall include a list of the stockholders who own 10% or more of the stock of any class of that owning corporation. If no one owns 10% or more stock, attest to that.

Check the box that represents the type of business organization:

- ☐ Partnership ☐ Corporation ☐ Sole Proprietorship
☐ Limited Partnership ☐ Limited Liability Corporation ☐ Limited Liability Partnership
☐ Subchapter S Corporation

Sign and notarize the form below, and, if necessary, complete the stockholder list below.

Stockholders:

Name: Annette L Beasley

Name: _____

Home Address: 608 Chancellor Ave
Trenton, NJ 07111

Home Address: _____

Name: Alberta Shaeif

Name: _____

Home Address: 48 Wilbur Street
Newark, NJ 07112

Home Address: _____

Name: Fahem J. Raif

Name: _____

Home Address: 301 McLean Pl
Hillside NJ 07205

Home Address: _____

Subscribed and sworn before me this 22nd day of
February, 2016.

(Notary Public)

Deborah MacWhorter

My Commission expires: May 23rd 2017

(Affiant)

(Print name & title of affiant)

(Corporate Seal)