REGULAR COUNCIL MEETING
DECEMBER 28, 2020

Virtual Zoom Meeting
Irvington, N.J. – Monday Evening
December 28, 2020 - 7:30 P.M.

1. Pledge of Allegiance

2. Moment of Silence

3. Roll Call

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

Absent: Sean C. Evans, Renee C. Burgess, President

Acting President Dr. Hudley read the Statement of Proper Notice pursuant to the Sunshine Law.

4. Hearing of Citizens on Agenda Items Only limited to three minutes per person and thirty minutes total

There were no requests to be heard.

5. Hearing of Council Members

There were no requests to be heard.

6. Reports & Recommendations of Township Officers, Boards & Commissions

A. Reports

1. Municipal Court - Weekly Summary Report - December 7, 2020 - December 11, 2020
2. Municipal Court - Weekly Summary Report - December 14, 2020 - December 18, 2020

7. Reports of Committees

None

8. Ordinances, Bills & Claims

A. Ordinances on First Reading

Frederic - Beasley 1. Amend Garbage and Recycling Ordinance

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 150 OF THE REVISED CODE OF THE TOWNSHIP OF IRVINGTON ENTITLED SOLID WASTE AND RECYCLING

Adopted
Absent: Burgess, Evans

Beasley – Hudley 2. Amend Rent Control Ordinance

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 472 OF THE REVISED CODE OF THE TOWNSHIP OF IRVINGTON ENTITLED RENT CONTROL

Adopted
Absent: Burgess, Evans

Cox - Frederic 3. Authorize E-Bidding

AN ORDINANCE PROVIDING FOR E-BIDDING IN THE TOWNSHIP OF IRVINGTON.

Adopted
Absent: Burgess, Evans

Cox - Besley 4. Amending And Supplementing Chapter 650-33A Of The Revised Code - New Jersey Residential Site Improvement Standards Act

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 650-33A OF THE REVISED CODE OF THE TOWNSHIP OF IRVINGTON

Adopted
Absent: Burgess, Evans

Cox – Vick 5. Repeal Sections 460-40 And 460-45of the Revised Code Pertaining To Notice of Violation

AN ORDINANCE TO REPEAL ORDINANCES 460-40 AND 460-45 OF THE TOWNSHIP MUNICIPAL CODE

Adopted
Absent: Burgess, Evans

Cox - Beasley 6. Repeal Section 380-21 the Revised Code Pertaining To Notice to Property To Remove Litter

AN ORDINANCE TO REPEAL ORDINANCES 380-21

Adopted
Absent: Burgess, Evans

C. Bills & Claims

Frederic – Hudley 1. Bill Lists

RESOLVED THAT THE BILLS AND CLAIMS AGAINST THE TOWNSHIP OF IRVINGTON FOR A PERIOD DECEMBER 28, 2020 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 $2,943,286.53

Adopted

Frederic – Cox 2. Payrolls

December 18, 2020

REGULAR	OVERTIME	OTHER	TOTAL
$1,552,913.70	$ 57,080.61	$304,600.48	$1,914,594.79

Adopted
Absent: Burgess, Evans

9. Resolutions & Motions

A. Resolutions

Frederic – Cox 1. Commemorate Haitian Independence Day, 2021

COMMEMORATING HAITIAN INDEPENDENCE DAY, 2021

WHEREAS, January 1, 2021 marks the anniversary of the independence of Haiti; and

WHEREAS, on January 1, 1804 the nation of Haiti was born when the native Haitians chased the mighty army of Napoleon out of the country is a bloody battle; and

WHEREAS, as a result Haiti ended up being the first black independent country in the whole hemisphere and an inspiration for many other countries; and

WHEREAS, it is well known that Haiti fought for many countries before as well as after its independence; and

WHEREAS, in particular, a special battle that is unfortunately not well known was entitled the "Siege of Savannah" and as a result a monument was erected in Savannah in remembrance of these courageous Haitian soldiers including a Haitian teenage boy drummer, Henri Christophe, who later became president and built the famous Citadelle in the Cap Haitian; and

NOW, THEREFORE, BE IT RESOLVED THAT THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON hereby commemorates January 1, 2021 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.

NOTE: THIS RESOLUTION WAS REMOVED FROM THE AGENDA AT THE PRE-MEETING CONFERENCE AT THE REQUEST OF THE SPONSOR

Frederic – Hudley 2. Authorize Acceptance of Childhood Lead Exposure Prevention Program (CLEP) Grant - $575,417.00 - October 1, 2020 through June 30, 2021

WHEREAS, in February 2017, P.L. 2017, c7 required the New Jersey Department of Health (NJDOH) regulations regarding elevated blood levels in children, and appropriate responses, to be consistent with the Centers for Disease Control and Prevention (CDC) recommendations;

WHEREAS, the New Jersey Department of Health, Office of Local Public Health, Childhood Lead Program has made available to the township of Irvington Department of Health assistance to implement screening, case management, environmental interventions, and documentation of services for children with elevated blood lead levels, in accordance with N.J.A.C. 8:51;

WHEREAS, said assistance is from October 1, 2020 through June 30, 2021 and is designated for the Irvington Department of Health's Childhood Lead Exposure Prevention (CLEP) program targeting children younger than 17 years of age with blood levels greater than or equal to 5 ug/dL.

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that the Mayor be hereby authorized to accept the funding from the New Jersey Department of Health, Office of Local Public Health, Childhood Lead Program in the amount of $575,417 from October 1, 2020 through June 30, 2021.

Adopted
Absent: Burgess, Evans

Cox – Frederic 3. Ratify 2021 Employee Handbook

Resolution Adopting 2021Township Employee Handbook

WHEREAS, the Township of Irvington Municipal Council seeks to adopt a Township Employee Handbook that promulgates the essential workplace procedures and policies which Township staff are expected to abide by; and

WHEREAS, by taking such action, the Township of Irvington Municipal Council will be taking action consistent with the Best Practices Checklist issued by the State of New Jersey, Department of Community Affairs; and

WHEREAS, the employee handbook includes rules governing conflict of interest and other policies meant to ensure the proper management of Township resources and staff;

NOW THEREFORE BE IT RESOLVED, that the Township of Irvington Municipal Council hereby adopts the Township of Irvington 2021 Employee Handbook and such handbook and the policies/practices therein shall remain in full effect until such time as the Township of Irvington Municipal Council adopts another employee handbook.

Adopted
Absent: Burgess, Evans

Cox – Hudley

4. Authorize Contract for Auditing Service – Samuel Klein & Co. – Not to Exceed $170,850.00 - January 01, 2021 To December 31, 2021

RESOLUTION AUTHORIZING FAIR AND OPEN PROFESSIONAL SERVICE CONTRACT FOR AUDITING SERVICES FOR CALENDAR YEAR 2021

WHEREAS, the Request for Proposals for professional auditing service was publicly advertised in the New Jersey Star Ledger on November 02, 2020 with a deadline for proposals to be submitted on November 25, 2020; 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 $125,000.00 for the Statutory Audit, $7,150.00 for the review of the Annual Financial Statement, $13,500.00 for the review of the Annual Debt Service and $8,500.00 for Assistance with the Budget Preparation, $16,700.00 for Bond/Notes sales for a total contract amount not to exceed $170,850.00 starting on January 01, 2021 until December 31, 2021; 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 C2000186 in the amount of $45,000.00 charged to account number 0-01-20-135-135-298 has been obtained from the Chief Financial Officer and the reaming balance for this contract will be certified upon the adoption of the 2021 budget.

Adopted
Absent: Burgess, Evans

Cox - Beasley

5. Authorize Contract for Bond Counsel Service – McManimon, Scotland and Baumann, LLC - Not to Exceed $75,000.00 - January 1, 2021 To December 31, 2021

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 November 02, 2020 with a deadline for qualifications to be submitted on November 25, 2020; 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

WHEREAS, the Chief Financial Officer 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, 2021 until December 31, 2021; 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 of funds C2000185 in the amount of $10,000.00 charged to account number 0-01-20-130-130-256 has been obtained from the Chief Financial Officer and the reaming balance for this contract will be charged to Bond Ordinance issuance.

Adopted
Absent: Burgess, Evans

Hudley - Cox 6. Authorize Contract for IDIS Consulting Services for Community Development - Ron Allen Consulting - 25,000.000 - December 29, 2020 To December 28, 2021

RESOLUTION AUTHORIZING FAIR AND OPEN PROFESSIONAL SERVICE CONTRACT FOR CDBG CONSULTANT SERVICES

WHEREAS, the Request for Proposals for CDBG Consultant service was publicly advertised in the New Jersey Star Ledger and on website on November 02, 2020 with a deadline for qualifications to be submitted on November 25, 2020 ; and

WHEREAS, one qualification was received and publicly opened; and

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

WHEREAS, the qualification satisfied the RFP requirement and;

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

RONALD L. ALLEN
RON ALLEN CONSULTING
18804 IMPUSE LANE GAITHERSBURG, MD 20879

NOW THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that a contract for IDIS Consultant service be awarded to Ron Allen Consulting, 18804 Impuse Lane, Gaithersburg, MD 20879 on the basis of their response to the request for proposal meeting the selection criteria and qualifications.

BE IT FURTHER RESOLVED, that the total cost for this service will be $25,000.000 for one year, starting on December 29, 2020 until December 28, 2021; 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 C2000124 in the amount of $25,000.00 from account number T-21-41-850-15E-801 and T-21-41-850-19A-804 has been obtained from the Chief Financial Officer.

Adopted
Absent: Burgess, Evans

Frederic - Cox

7. Authorize Contract for Redevelopment Counsel Service – McManimon, Scotland and Baumann, LLC - Not to Exceed $75,000.00 - January 1, 2021 To December 31, 2021

RESOLUTION AUTHORIZING FAIR AND OPEN PROFESSIONAL SERVICE CONTRACT FOR REDEVELOPMENT COUNSEL FOR CALENDAR YEAR 2021

WHEREAS, the Request for Proposals for professional redevelopment service was publicly advertised in the New Jersey Star Ledger on November 02, 2020 with a deadline for qualifications to be submitted on November 25, 2020; 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 2021 (January 01, 2021 – December 31, 2021);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 in the amount not to exceed $75,000.00 for the redevelopment services will be obtained from the Chief Financial Officer contingent on the adoption of the Calendar year 2021 budget.

Adopted
Absent: Burgess, Evans

Cox – Beasley

8. Authorize Contract For Planning Board Attorney – Eric M. Bernstein & Associates, LLC- $5,500.00 - January 1,2021 To December 31, 2021

RESOLUTION AUTHORIZING PROFESSIONAL SERVICE CONTRACT FOR PLANNING BOARD ATTORNEY FOR CALENDAR YEAR 2021

WHEREAS, the Request for Proposals for Planning Board Attorney was publicly advertised in the New Jersey Star Ledger on November 02, 2020 with a deadline for qualification to be submitted on November 25, 2020; and

WHEREAS, one qualification was received and publicly opened; and

WHEREAS, said qualification was referred to the Planning Board; and

WHEREAS, one qualification satisfied the RFP requirement and;

WHEREAS, the Planning Board Secretary has recommended award should be made to the following firm:

ERIC M. BERNSTEIN & ASSOCIATES, LLC
ERIC M. BERNSTEIN
34 Mountain Blvd. Building A Warren, NJ 07059

NOW THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that a contract for the Planning Board Attorney be awarded to Eric M. Bernstein & Associates, LLC, 34 Mountain Blvd. Building A, Warren NJ 07059 on the basis of their response to the request for proposal meeting the selection criteria and qualifications, for an amount not to exceed $6,500.00. The provider will be paid $115.00 per hour for attorneys, $60.00 per hour for paralegals and $500.00 per meeting for one year starting on January 01, 2021 - December 31, 2021; 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 C2000182 in the amount not to exceed $6,500.00 has been obtained from the Chief Financial Officer charge to account number 0-01-21-180-180-299.

Adopted
Absent: Burgess, Evans

Cox - Frederic 9. Authorize Contract For Zoning Board Attorney – Eric M. Bernstein & Associates, LLC- $12,000.00 - January 1, 2021 To December 31, 2021

RESOLUTION AUTHORIZING PROFESSIONAL SERVICE CONTRACT FOR ZONING BOARD ATTORNEY FOR CALENDAR YEAR 2021

WHEREAS, the Request for Proposals for Zoning Board Attorney was publicly advertised in the New Jersey Star Ledger on November 02, 2020 with a deadline for qualification to be submitted on November 25, 2020; and

WHEREAS, one qualification was received and publicly opened; and

WHEREAS, said qualification was referred to the Zoning Board; and

WHEREAS, one qualification satisfied the RFP requirement and;

WHEREAS, the Zoning Board Secretary has recommended award should be made to the following firm:

ERIC M. BERNSTEIN & ASSOCIATES, LLC
ERIC M. BERNSTEIN
34 Mountain Blvd. Building A Warren, NJ 07059

NOW THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that a contract for the Zoning Board Attorney be awarded to Eric M. Bernstein & Associates, LLC, 34 Mountain Blvd. Building A, Warren NJ 07059 on the basis of their response to the request for proposal meeting the selection criteria and qualifications, for an amount not to exceed $12,000.00 The provider will be paid $115.00 per hour for attorneys, $60.00 per hour for paralegals and $500.00 per meeting for one year starting on January 01, 2021- December 31, 2021; 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 C2000181 in the amount not to exceed $12,000.00 has been obtained from the Chief Financial Officer charge to account number 0-01-21-185-185-299.

Adopted
Absent: Burgess, Evans

Economic Development And Grants Oversight	10. Authorize Pool of Five Contractors For Rehabilitation of Residential Properties

RESOLUTION QUALIFYING CERTIFIED AND LICENSED CONTRACTORS TO REHABILITATE RESIDENTIAL PROPERTIES

WHEREAS, the Request for Qualifications for certified and licensed contractors to rehabilitate residential properties was publicly advertised in the New Jersey Star Ledger on November 02, 2020 with a deadline for qualifications to be submitted on November 25, 2020; and

WHEREAS, five qualifications were received and publicly opened by the Assistant Township Clerk and the Purchasing Agent; and

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

WHEREAS, the Economic Development Director has recommended that a list be created for this service for one year with the following firm(s):-

Maharaj General Contracting
11 Quail Run, Warren, NJ 07059

Cid Construction Service LLC
300-2 Route 17 South suite# 3, Lodi, NJ 07644

Novo Construction Services LLC
34 Randolph Place, West Orange, NJ 07052

Caprovate Construction LLC
600 Huyler Street, NJ 07606

Trinity Property Preservation
22 Morse Ave, East Orange, NJ 07017

NOW THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that the above vendor is qualified for the services of certified and licensed contractor service and the Economic Development Director will prepare separate resolutions with quotes for all projects assigned to the above vendor.

BE IT FURTHER RESOLVED, that this qualification is for one year starting on December 29, 2020 until December 28, 2021 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

NOTE: THIS RESOLUTION WAS REMOVED FROM THE AGENDA AT THE PRE-MEETING CONFERENCE PER TEXT MESSAGE FROM COUNCIL PRESIDENT BURGESS

Frederic – Cox	11. Authorize Pool of Five Licensed Lead Contractors For Rehabilitation

of Lead Hazard Residential Properties

RESOLUTION QUALIFYING CERTIFIED AND LICENSED LEAD CONTRACTORS TO REMEDIATE LEAD HAZARDOUS RESIDENTIAL PROPERTIES

WHEREAS, the Request for Qualifications for certified and licensed lead contractors to remediate lead hazardous residential properties was publicly advertised in the New Jersey Star Ledger on November 02, 2020 with a deadline for qualifications to be submitted on November 25, 2020; and

WHEREAS, five qualifications were received and publicly opened by the Township Clerk and the Purchasing Agent; and

WHEREAS, one qualification was deemed non responsive as the required documents were not submitted; and

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

WHEREAS, the Economic Development Director has recommended that a list be created for this service for one year with the following firm(s):-

Optimum Environmental Solutions LLC
80 Mill Road, Irvington, NJ 07111

Enviro Science Solution LLC
28 North day Street, Orange, NJ 07050

Pow R Save
15 Somerset Place, Clifton, NJ 07012

Shade Environmental LLC
623 Cutler Ave, Maplewood, NJ 08052

NOW THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that the above vendors are qualified for the services of certified and licensed lead contractor service and the Economic Development Director will prepare separate resolutions with quotes for all projects assigned to the above vendors.

BE IT FURTHER RESOLVED, that this qualification is for one year starting on December 29,2020 until December 28, 2021; 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: Burgess, Evans

Vick - Cox 12. Award Contract For Animal Control Services - Humane Society T/A St. Hubert's Animal Welfare Center - $75,000.00 –

RESOLUTION TO AWARD AN NON FAIR AND OPEN CONTRACT FOR ANIMAL CONTROL SERVICE

WHEREAS, the Township of Irvington, in the County of Essex and State of New Jersey, is in need of a Animal Control service; and

WHEREAS, the Township would like to retain Washington Humane Society T/A St. Hubert's Animal Welfare Center; and

WHERAS, Washington Humane Society T/A St. Hubert's Animal Welfare Center has provide the Township with a proposal to provide this service for one year for the amount of $100,000.00; and

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

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

WHEREAS, the Township would like to award a Non Fair and Open contract to Washington Humane Society T/A St. Hubert's Animal Welfare Center of 575 Woodland Ave, Madison, NJ 07940*;* and

WHEREAS, the term of this contract will start on January 01, 2021 until December 31, 2021*;* and

WHEREAS, Washington Humane Society T/A St. Hubert's Animal Welfare Center has completed and submitted a Business Entity Disclosure Certification which certifies that the organization has not made any reportable contributions to a political or candidate committee in the Township of Irvington in the previous one year, and that the contract will prohibit the Washington Humane Society T/A St. Hubert's Animal Welfare Center, Professional Service from making any reportable contributions through the term of the contract, and

NOW THEREFORE, BE IT RESOLVED that the Municipal Council of the Township of Irvington authorizes the award of a non-fair and open contract to Washington Humane Society T/A St. Hubert's Animal Welfare Center of 575 Woodland Ave, Madison, NJ 07940; and,

BE IT FUTHER RESLOVED that the required certification of availability of funds C2-000178 in the amount of $25,000.00 from account number 0-01-27-335-335-176 has been obtained from the Chief Financial Officer and the remaining balance of $75,000.00 will be certified upon the adoption of the 2021 budget; 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 FURTHER RESOLVED, notice of this action shall be published in newspapers as required by law by the Municipal Clerk.

Adopted
Absent: Burgess, Evans

Cox - Beasley 13. Award Emergency Contracts For The Second Wave of Covid 19

RESOLUTION TO AWARD EMERGENCY CONTRACTS FOR COVID 19 (CORONA VIRUS) HEALTH PANDEMIC

WHEREAS, on November 09, 2020, Honorable Mayor Anthony Vauss declared an emergency to purchase supplies and equipment for the COVID 19 (Corona Virus) health pandemic, and

WHEREAS, the Township needed supplies and equipment immediately to protect staff and residents due to second wave of increased COVID 19 cases, and

WHEREAS, this situation constitutes a threat to public health, safety and welfare and the Mayor declared an emergency pursuant to Governor Phil Murphy Executive Orders and Emergency Declaration to procure the following supplies and equipment immediately:-

PO #	Name of Vendor	AMOUNT
20-05206	Essential Procurement Services	$9,200.00
20-05115	APEX	$3,053.24
20-05179	DC Dental	$1,146.40
20-05210	Fastenal Company	$1,180.90
20-05209	V E Ralph & Sons Inc.	$1,025.00
20-05317	Bizzare Foods INC	$8,125.70
20-05263	First Net	$360.00
20-05303	SHI	$13,443.50
20-05397	All Maintenance Products	$5,900.00
20-05393	471-79 Lyons Meat & Products	$5,062.03
20-05394	Bizzare Foods INC	$3,758.99
20-05395	Metropolitan Foods	$4,046.65
20-05399	Bizzare Foods Inc.	$3,471.20
20-05400	AJS Supermarket LLC	$8,970.33
2002525	Bizzare Foods Inc.	$1,700.00
2002546	471-79 Lyons Meat & Products	$2,000.00
2002543	AJS Supermarket LLC	$10,000.00
2002541	Bizzare Foods Inc.	$20,000.00
2002544	Hillside Shop Rite	$5,000.00
2002542	Metropolitan Foods	$10,000.00
Total		$117,443.94

WHEREAS, the Mayor has concurred with the amount and recommends that an emergency contracts be awarded to the above vendors for the purchase of all supplies and equipment for COVID 19, and

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that it ratifies the decision of the Mayor and the Governor
to authorize emergencies contracts to the above vendors.

BE IT FURTHER RESOLVED that the required certification of availability of funds for these goods and service will be paid by the above purchase and submitted to the appropriate government agencies for reimbursement.

Adopted
Absent: Burgess, Evans

Cox – Hudley

14. Authorize Tax Payment Plan – 239 – 40th Street, Block 362, Lot 6 – Total Amount To Redeem - $20,086.51 – Payable Within 36 Months

Redeem Municipal Held Lien in Installments

WHEREAS, N.J.S.A. 54:5-65 provides authority for the governing body to authorize redemption of a municipally held lien by installment payments to include principal and interest; and,

WHEREAS, **Chanelle Joseph** owner of record of **Block 362, Lot 6 Qual C0018**, also known as **239 40th Street C0018**, Municipality of Irvington, is desirous of satisfying Tax Title Lien # **18-01508** in the amount of $**20,086.51** by the installment payment plan.

NOW, THEREFORE, BE IT RESOLVED, BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON, COUNTY OF ESSEX, STATE OF NEW JERSEY, hereby authorize an installment payment plan **$726.18,** as set forth on the attached schedule and that in addition to said installments being promptly paid on the first of each month, for **36 months**, all current year's taxes, subsequent taxes, assessments or other municipal liens imposed shall be promptly paid when due.

BE IT FURTHER RESOLVED, that the final payment shall be sufficient to include all amounts due the municipality and secured by the tax sale lien, except for current year's taxes, and shall include interest properly chargeable on the respective unpaid balances.

BE IT FURTHER RESOLVED, that if installment payments are regularly and promptly made in accordance with the attached schedule, then the municipality will suspend any action to cut off or foreclose the right of redemption, and will agree not to assign, transfer or otherwise alienate the tax title lien it holds.

BE IT FURTHER RESOLVED, if any unpaid installment remains unpaid after 30 days of due date, then the municipality may proceed to enforce or foreclose the tax sale lien, or sell, assign, transfer or alienate it and shall proceed only for the unpaid balance after proper credit of such installment payments as were made.

BE IT FURTHER RESOLVED, that a certified copy of this resolution, along with an attached installment schedule will be forwarded to the Tax Collector and the property owner.

Adopted
Absent: Burgess, Evans

Cox – Frederic

15. Authorize Tax Payment Plan – 239 – 9 Fleetwood Place, Block 361, Lot 10 - Total Amount To Redeem - $26,472.40 – Payable Within 36 Months

Redeem Municipal Held Lien in Installments

WHEREAS, N.J.S.A. 54:5-65 provides authority for the governing body to authorize redemption of a municipally held lien by installment payments to include principal and interest; and,

WHEREAS, **Chang Huo Lin** owner of record of **Block 361, Lot 10**, also known as **9 Fleetwood Place**, Municipality of Irvington, is desirous of satisfying Tax Title Lien # **18-01502** in the amount of $**26,472.44** by the installment payment plan.

NOW, THEREFORE, BE IT RESOLVED, BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON, COUNTY OF ESSEX, STATE OF NEW JERSEY, hereby authorize an installment payment plan **$957.04,** as set forth on the attached schedule and that in addition to said installments being promptly paid on the first of each month, for **36 months**, all current year's taxes, subsequent taxes, assessments or other municipal liens imposed shall be promptly paid when due.

BE IT FURTHER RESOLVED, that the final payment shall be sufficient to include all amounts due the municipality and secured by the tax sale lien, except for current year's taxes, and shall include interest properly chargeable on the respective unpaid balances.

BE IT FURTHER RESOLVED, that if installment payments are regularly and promptly made in accordance with the attached schedule, then the municipality will suspend any action to cut off or foreclose the right of redemption, and will agree not to assign, transfer or otherwise alienate the tax title lien it holds.

BE IT FURTHER RESOLVED, if any unpaid installment remains unpaid after 30 days of due date, then the municipality may proceed to enforce or foreclose the tax sale lien, or sell, assign, transfer or alienate it and shall proceed only for the unpaid balance after proper credit of such installment payments as were made.

BE IT FURTHER RESOLVED, that a certified copy of this resolution, along with an attached installment schedule will be forwarded to the Tax Collector and the property owner.

Adopted
Absent: Burgess, Evans

Cox - Hudley 16. Authorize Award of $19,000.00 in Community Development Grant Funds to Community Organization Making Better Alternatives Today Organization Making Better Alternatives Today (C.O.M.B.A.T.T.)

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 2020-2021 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. C2000195 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- 21c-806.

Adopted
Absent: Burgess, Evans

Frederic – Hudley 17. Authorize Award of $10,000.00 in Community Development Grant Funds to Famicare, Inc.

FamiCare

WHEREAS, the Township of Irvington is a recipient of 2020-2021 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 **$10,000.00** to **FamiCare,** a private Non-Profit corporation of the State of New Jersey with principal offices at **508 Union Avenue Suite 805, 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 **$10,000.00** with **FamiCare,** 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 **FamiCare,** for **support your program of developing comprehensive youth enrichment programs to meet needs of young people in the community through youth mentoring and tutoring**.

2. Pursuant to N.J.A.C. 5:34-5.2, the required certificate of Availability of Funds No. C2000198 in the amount of **$10,000.00** 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-21-41-850-21c-813.

Adopted
Absent: Burgess, Evans

Vick – Frederic 18. Authorize Award of $15,000.00 in Community Development Grant Funds for Girl Scout Leadership Experience (GSLE)

Girls Scout Heart of New Jersey (GSHNJ)

WHEREAS, the Township of Irvington is a recipient of 2020-2021 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 **GIRLS SCOUT HEART OF NEW JERSEY (GSHNJ),** a private Non-Profit corporation of the State of New Jersey with principal offices **1171 Route 28, North Branch, NEW JERSEY 08876** 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 **GSHNJ,** 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 to **bring their signature Girl Scout Leadership Experience (GSLE) program to underserved girls in Irvington, New Jersey, by partnering with four Irvington Schools**

2. Pursuant to N.J.A.C. 5:34-5.2, the required certificate of Availability of Funds No. C2000197 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-21-41-850-21c-812.

Adopted
Absent: Burgess, Evans

Frederic – Cox 19. Authorize Award of $19,000.00 in Community Development Grant To The Irvington Counseling Center

Irvington Counseling Center

WHEREAS, the Township of Irvington is a recipient of 2020-2021 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. C200191 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-21-41-850-21c-801.

Adopted
Absent: Burgess, Evans

Frederic – Beasley 20. Authorize Award of $25,000.00 in Community Development Grant To The Irvington Public Library

Irvington Public Library

WHEREAS, the Township of Irvington is a recipient of 2020-2021 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 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. C2000199 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-21-41-850-21E-802. .

Adopted
Absent: Burgess, Evans

Frederic – Hudley 21. Authorize Award of $19,000.00 in Community Development Grant To The Partnership for Maternal and Child Health of Northern NJ

The Partnership for Maternal and Child Health of Northern NJ

WHEREAS, the Township of Irvington is a recipient of 2020-2021 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. All services are free and open to all residents.**

2. Pursuant to N.J.A.C. 5:34-5.2, the required certificate of Availability of Funds No. C2000193 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-21-41-850-21c-803.

Adopted
Absent: Burgess, Evans

Frederic - Hudley 22. Authorize Award of $19,000.00 in Community Development Grant To The Arc of Essex County

The Arc of Essex County

WHEREAS, the Township of Irvington is a recipient of 2020-2021 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 Naylon 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. C2000192 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-21-41-850-21c-802.

Adopted
Absent: Burgess, Evans

Hudley - Cox 23. Authorize Award of $15,000.00 in Community Development Grant To The Bridge, Inc.

The Bridge Inc.

WHEREAS, the Township of Irvington is a recipient of 2020-2021 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. C2000194 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-21-41-850-21c-804.

Adopted
Absent: Burgess, Evans

Cox – Hudley 24. Authorize Award of $19,000.00 in Community Development Grant To The Urban League of Essex County

Urban League of Essex County

WHEREAS, the Township of Irvington is a recipient of 2020-2021 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 **Urban League of Essex County,** a private Non-Profit corporation of the State of New Jersey with principal offices at **508 Central Avenue, Newark, NJ 07107** 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 **Urban League 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 **Urban League of Essex County,** for **Homebuyers education and counseling to residents in need. This will include both pre-purchase education/counseling and default prevention counseling.**

2. Pursuant to N.J.A.C. 5:34-5.2, the required certificate of Availability of Funds No. C2000196 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-21-41-850-21c-807.

Adopted
Absent: Burgess, Evans

Frederic - Beasley

25. Authorize Award of $10,000.00 in Community Development Grant CARES Act (COVID-19) Business Economic Relief Grant - J&D Unisex Beauty Salon, LLC

Resolution to Award CDBG CARES Act (COVID-19) Business Economic Relief Grant to J&D UNISEX BEAUTY SALON, LLC

WHEREAS, the Township of Irvington, Department of Economic Development and Grants Oversight (DEDGO) is a recipient of Cares Act CDBG COVID-19 Grant Funds awarded by the U.S. Department of Housing and Urban Development to use said funds to prepare, for, prevent, and respond to the COVID-19 Pandemic; and

WHEREAS, numerous businesses in the Township of Irvington were closed for extended periods of time and/or were otherwise negatively impacted by the COVID-19 Pandemic requiring them to seek financial assistance to remain open, reopen and/or make necessary expenditures to put in place and maintain appropriate social distancing and sanitary measures;

WHEREAS, the DEDGO has determined that J&D Unisex Beauty Salon, LLC upon review meets the requirements to receive CDBG CARES Act COVID-19 Grant Funds and that the use of such funds will further and enhance the economic development activities of the Township;

WHEREAS, the Township of Irvington wishes to award Business Economic Relief Grant Funds in the amount **$10,000.00** to J&D Unisex Beauty Salon, LLC a Liability Limited Company under the laws of the State of New Jersey with a principal business located at **549 Stuyvesant Avenue Irvington, NJ**;

WHEREAS, the DEDGO has allocated sufficient CDBG Cares Act funds to fund a proposed grant agreement in the amount of **$10,000.00** with the J&D Unisex Beauty Salon, LLC; 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 businesses 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 **J&D Unisex Beauty Salon, LLC awarded COVID-19 Small Business Economic Relief Grant in the amount of $10,000.00**.

2. Pursuant to N.J.A.C. 5:34-5.2, the required certificate of Availability of Funds No. C-2000183 in the amount of **$10,000.00** 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-21-41-850-20G-801**

Adopted
Absent: Burgess, Evans

Vick – Beasley 26. Authorize Amendment to Annual Action Plan and Five Year Consolidated Plan

AMENDMENT TO RESOLUTION TO ADOPT THE FIVE-YEAR CONSOLIDATED PLAN 2020-2024
AND
ONE-YEAR ANNUAL ACTION PLAN 2020-2021
PURSUANT TO THE REQUIREMENTS OF FEDERAL REGULATIONS 24 CFR PART 91

WHEREAS, Title 1 of the Housing and Community Development Act of 1974 as amended, provides for a program of Community Development Block Grants; and

WHEREAS, TITLE II OF THE Cranston-Gonzalez National Affordable Housing Act, as amended provides that HOME Investment Partnership Program funds be made available to certain participating jurisdictions on a formula basis; and

WHEREAS, the Township of Irvington is an entitlement and formula city as defined under said Acts, and is entitled to financial assistance; and

WHEREAS, the United States Department of Housing and Urban Development has made available to the Township of Irvington the sum of $ 1,169,052.00 in CDBG funds, $454,648 in HOME funds and an additional $621,239.00 in CV3 Cares Act COVID Funds; and

WHEREAS, the Township of Irvington desires to receive said funds to conduct housing rehabilitation, economic development, physical improvements, slum clearance, and public service activities in the Township of Irvington; and

WHEREAS, federal regulations at 24 CFR Part 91 require that the Township prepare and submit a Five-Year Consolidated Plan 2021-2024 and a One-Year Annual Action Plan 2021-2021 as a prerequisite to receipt of entitlement Community Development Block Grant funds and formulas HOME Investment Partnerships Program funds; and

WHEREAS, the Township of Irvington, pursuant to the requirements of federal regulation 24 CFR Part 91, has given citizens an opportunity to express their opinions regarding the Township of Irvington and has held public meetings and a hearing which were open to the public; and

WHEREAS, said public meetings and hearing were for the purpose of considering and obtaining the views, ideas, and recommendations of the citizens of the Township of Irvington on community development and housing needs, and for the purpose of providing the citizens with an opportunity to participated in the development of the Five-Year Consolidated Plan 2021-2024 and the One-Year Annual Action Plan 2020-2021; and

WHEREAS, said Five-Year Consolidated Plan 2020-2024 and One-Year Annual Action Plan 2020-2021 for federal assistance requires certain certifications to be submitted along with and as part of said plans:

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON, ESSEX COUNTY, NEW JERSEY:

SECTION 1

That the Mayor be and he is authorized and directed to make any modifications after the adoption of this resolution and to submit the Township of Irvington the Five-Year Consolidated Plan 2020-2024 and the One-Year Annual Action Plan 2020-2021 to the U.S. Department of Housing and Urban Development as required by federal regulation 24 CFR Part 91, including all understandings and certifications contained therein, to act as the authorized representative of the Township of Irvington, and to provide such additional information as may be required.

SECTION 2

That the Township of Irvington Consolidated Plan and Annual Action Plan shall request funding to the fullest extent of funding allowed and determined by the United States Department of Housing and Urban Development Act of 1974, as amended and Title H of the Cranston-Gonzalez National Affordable Housing Act, as amended.

SECTION 3

That the Mayor and other authorized, appropriate and responsible officials be and they are hereby authorized and directed to duly consider the comments and recommendations received as part of the citizen participation process to incorporate those comments and recommendations in the plan to the extent feasible and to provide a full and written response to all comments and recommendations as part of the final Consolidated Plan and Annual Action Plan submission.

SECTION 4

That the Mayor and other authorized, appropriate, and responsible officials be and they are hereby authorized and directed to execute on the behalf of the Township of Irvington such certifications and other documentation as may be required by the United States Department of Housing and Urban Development.

Tony Vauss, Mayor

Township of Irvington

Department of Economic Development & Grants Oversight

Genia Philip, Director

FY 2020-2021 DRAFT ANNUAL ACTION PLAN

CDBG & HOME PROGRAM BUDGET

HOME Program		FY 2020-2021
REHABILITATION ASSISTANCE		$ 80,000.00
TBRA (FORMERLY CHDO SET ASIDE)	(15% minimum)	**$ 68,197.20**
NEW CONSTRUCTION & REHABILITATION		$ 245,986.00
HOME BUYER PROGRAM		$ 15,000.00
ADMINISTRATION	(10% allowable)	**$ 45,464.80**
	TOTAL HOME	**$ 454,648.00**
C.D.B.G. Program		FY 2020-2021
Slum & Blight - Revitalization Services:		
REHABILITATION ADMINISTRATION		$ 100,000.00
NEW CONSTRUCTION AND REHABILITATION		$ 60,000.00
NEIGHBORHOOD STRATEGIC REVITALIZATION		$ 200,000.00
CODE ENFORCEMENT (Includes Lead based remedation)		$ 80,000.00
NEIGHBORHOOD QUALITY OF LIFE ACTIVITIES		$ 54,998.85
Total Slum & Blight:		**$ 494,998.85**
Public Services:		
IRVINGTON COUNSELING CENTER		$ 19,000.00
(ARC) ASSOCIATION FOR RETARDED CITIZENS		$ 19,000.00
PARTNERSHIP FOR MATERNAL & CHILD HEALTH OF NORTHERN NJ		$ 19,000.00
URBAN LEAGUE OF ESSEX COUNTY		$ 19,000.00
C.O.M.B.A.T.T.		$ 19,000.00
IRVINGTON HEALTH DEPARTMENT		$ 20,000.00
THE BRIDGE		$ 15,000.00
GIRLS SCOUT HEART OF NEW JERSEY		$ 15,000.00
FAMICARE		$ 10,000.00
RECREATION/NEIGHBORHOOD SERVICES/CRIME PREVENTION		$ 20,357.80
Total Public Services:	(15% allowable)	**$ 175,357.80**
ECONOMIC DEVELOPMENT		$ 60,000.00
TECHNICAL ASSISTANCE/CAPACITY BUILDING		$ 29,884.95
Public Facilities:		
IRVINGTON PUBLIC LIBRARY		$ 25,000.00
IRVINGTON NEIGHBORHOOD IMPROVEMENT CORPORATIC		$ 20,000.00
RECREATION FACILITIES		$ 20,000.00
INFRASTRUCTURE DEVELOPMENT & IMPROVEMENT	(Sidewalks, Streets)	$ 60,000.00
IRVINGTON POLICE		$ 50,000.00
TOTAL PUBLIC FACILITIES:		**$ 175,000.00**
ADMINISTRATION	**TOTAL C.D.B.G. PROGRAM (20% allowable)**	**$ 233,810.40**

	TOTAL CDBG	$ 1,169,052.00
COVID-19 CV3 CARES ACT COVID FUNDS		$ 651,239.00
TOTAL HOME/CDBG		**$ 2,274,939.00**

Adopted
Absent: Burgess, Evans

Cox – Beasley 27. Designate Satchimo Development, LLC As Redeveloper Of 175 Ellis Avenue, Block 135, Lot 19 And Execution of a Redevelopment And Land Disposition Plan

RESOLUTION OF THE TOWNSHIP OF IRVINGTON DESIGNATING SATCHIMO DEVELOPMENT LLC AS REDEVELOPER FOR THE REDEVELOPMENT OF CERTAIN PROPERTY IDENTIFIED AS BLOCK 135, LOT 19 ON THE OFFICIAL TAX MAPS OF THE TOWNSHIP AND IDENTIFIED IN THE TOWNSHIP TAX RECORDS AS 175 ELLIS AVENUE, AND AUTHORIZING THE EXECUTION OF A REDEVELOPMENT AND LAND DISPOSITION AGREEMENT AND THE TRANSFER OF 175 ELLIS AVENUE IN CONNECTION THEREWITH

WHEREAS, the Local Redevelopment and Housing Law, *N.J.S.A.* 40A:12A-1 et seq. (the "**Redevelopment Law**") authorizes municipalities 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 requirements of the Redevelopment Law, by Resolution dated July 14, 2015 the Municipal Council (the "**Township Council**") of the Township of Irvington (the "**Township**") designated the entire Township as an area in need of rehabilitation (the "**Rehabilitation Area**"); and

WHEREAS, by Ordinance MC No. 3549 dated August 11, 2015, the Township Council duly adopted a redevelopment plan to govern the redevelopment of the Rehabilitation Area, entitled the *Township-Wide Area in need of Rehabilitation Redevelopment Plan* (the "**Redevelopment Plan**"); and

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

WHEREAS, to realize the redevelopment of Rehabilitation Area, the Township determined to exercise the powers of redevelopment and serve as the "redevelopment entity" responsible for carrying out redevelopment projects in accordance with the Redevelopment Law; and

WHEREAS, the Township is the owner of certain property located within the Rehabilitation Area identified as Block 135, Lot 19 on the tax maps of the Township and identified in the Township tax records as 175 Ellis Avenue (the "**Property**"); and

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

WHEREAS, Satchimo Development LLC (the "**Redeveloper**") proposes the acquisition of the Property, and the design, development, financing, rehabilitation and maintenance of the existing three-family residential structure, comprised 3 bedrooms and 1 bathroom in each residential unit, as well as certain other on-site and off-site improvements (collectively, the
"**Project**"); and

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

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

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

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

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

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

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

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

Section 3. Conveyance of Property Authorized.

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

with counsel, deemed necessary or desirable to effectuate same. Said authorization includes delivery of the deed to the Property and any and all associated documents required to effectuate the conveyance of the Property.

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

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

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

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

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

Exhibit A

FORM OF REDEVELOPMENT AGREEMENT

Adopted
Absent: Burgess, Evans

Cox – Hudley 28. Designate Borohub Equities, LLC As Redeveloper Of 376 – 21st Street, Block 138 Lot 11 And 372 – 21st Street, Block 138, Lot 13 And Execution Of A Redevelopment And Land Disposition Plan

RESOLUTION OF THE TOWNSHIP OF IRVINGTON DESIGNATING BOROHUB EQUITIES LLC AS REDEVELOPER FOR THE REDEVELOPMENT OF CERTAIN PROPERTIES IDENTIFIED AS BLOCK 138, LOTS 11 & 13 ON THE OFFICIAL TAX MAPS OF THE TOWNSHIP AND IDENTIFIED IN THE TOWNSHIP TAX RECORDS, RESPECTIVELY, AS 376 21ST STREET AND 372 21ST STREET, AND AUTHORIZING THE EXECUTION OF A REDEVELOPMENT AND LAND DISPOSITION AGREEMENT AND THE TRANSFER OF 376 21ST STREET AND 372 21ST STREET IN CONNECTION THEREWITH

WHEREAS, the Local Redevelopment and Housing Law, *N.J.S.A.* 40A:12A-1 et seq. (the "**Redevelopment Law**") authorizes municipalities 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 requirements of the Redevelopment Law, on August 13, 2002, by Resolution No. UEZ 02-0813-14, the Municipal Council (the "**Township Council**") of the Township of Irvington (the "**Township**") designated certain properties within the east ward of the Township as an area in need of redevelopment (the "**Redevelopment Area**"); and

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

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

WHEREAS, to realize the redevelopment of Redevelopment Area, the Township determined to exercise the powers of redevelopment and serve as the "redevelopment entity" responsible for carrying out redevelopment projects in accordance with the Redevelopment Law; and

WHEREAS, the Township is the owner of certain properties located within the Redevelopment Area, which properties are designated on the official tax maps of the Township as Block 138, Lots 11 & 13, and identified respectively, as 376 21st Street and 372 21st Street in the Township tax records (collectively, the "**Property**"); and

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

WHEREAS, Borohub Equities LLC (the "**Redeveloper**") has submitted to the Township its plans for the acquisition of the Property, and the design, development, financing, construction and maintenance of: (a) a new three story building with two (2) residential units, each unit to be comprised of three (3) bedrooms and one (1) bathroom on Block 138, Lot 11; and (b) a new three story building with two (2) residential units, each unit to be comprised of three (3) bedrooms and one (1) bathroom on Block 138, Lot 13, as well as certain other on-site and offsite improvements
(the "**Project**); and

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

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

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

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

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

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

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

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

Section 3. Conveyance of Property Authorized.

(a) The Township Council hereby approves the conveyance of the Property; and authorizes the Mayor, upon the execution of the Redevelopment Agreement, in accordance with the terms of Section 2(a) hereof, to execute a deed conveying the Property to Redeveloper, together with any other necessary documents and/or agreements between the Redeveloper and the Township, subject to modification or revision in consultation with counsel, deemed necessary or desirable to effectuate same. Said authorization includes delivery of the deed to the Property and any and all associated documents required to effectuate the conveyance of the Property.

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

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

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

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

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

Exhibit A

FORM OF REDEVELOPMENT AGREEMENT

Adopted
Absent: Burgess, Evans

Cox - Beasley

29. Designate Borohub Equities, LLC As Redeveloper Of 352 – 16th Avenue, Block 151, Lot 11 And 210 – 22nd Street, Block154, Lot 16 And Execution Of A Redevelopment And Land Disposition Plan

RESOLUTION OF THE TOWNSHIP OF IRVINGTON DESIGNATING BOROHUB EQUITIES LLC AS REDEVELOPER FOR THE REDEVELOPMENT OF CERTAIN PROPERTIES IDENTIFIED ON THE OFFICIAL TAX MAPS OF THE TOWNSHIP AS BLOCK 151, LOT 11 & BLOCK 154, LOT 16 AND IDENTIFIED IN THE TOWNSHIP TAX RECORDS, RESPECTIVELY, AS 352 16TH AVENUE AND 210 22ND STREET, AND AUTHORIZING THE EXECUTION OF A REDEVELOPMENT AND LAND DISPOSITION AGREEMENT AND THE TRANSFER OF 352 16TH AVENUE AND 210 22ND STREET IN CONNECTION THEREWITH

WHEREAS, the Local Redevelopment and Housing Law, *N.J.S.A.* 40A:12A-1 et seq. (the "**Redevelopment Law**") authorizes municipalities 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 requirements of the Redevelopment Law, on July 14, 2015, by resolution No. UEZ 15-0714-11, the Municipal Council (the "**Township Council**") of the Township of Irvington (the "**Township**") designated the entirety of the 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 the Redevelopment Law, including Section 8 thereof (*N.J.S.A.* 40A:12A-8), a municipality is permitted to contract with a redeveloper to undertake redevelopment projects pursuant to a redevelopment plan within the area designated in that plan; and

WHEREAS, to realize the redevelopment of Rehabilitation Area, the Township determined to exercise the powers of redevelopment and serve as the "redevelopment entity" responsible for carrying out redevelopment projects in accordance with the Redevelopment Law; and

WHEREAS, the Township is the owner of certain properties located within the Rehabilitation Area, which properties are designated on the official tax maps of the Township as Block 151, Lot 11 and Block 154, Lot 16, and identified respectively, as 352 16th Avenue and 210
22nd Street in the Township tax records (collectively, the "**Property**"); and

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

WHEREAS, Borohub Equities LLC (the "**Redeveloper**") has submitted to the Township its plans for the acquisition of the Property, and the design, development, financing, construction and maintenance of: a multi-story building with two (2) to four (4) residential units, each comprised of two (2) bedrooms and one (1) bathroom on Block 154, Lot 16; and the rehabilitation of the existing commercial building on Block 151, Lot 1, as well as certain other on-site and offsite improvements (the "**Project**); and

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

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

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

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

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

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

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

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

Section 3. Conveyance of Property Authorized.

(a) The Township Council hereby approves the conveyance of the Property; and authorizes the Mayor, upon the execution of the Redevelopment Agreement, in accordance with the terms of Section 2(a) hereof, to execute a deed conveying the Property to Redeveloper, together with any other necessary documents and/or agreements between the Redeveloper and the Township, subject to modification or revision in consultation with counsel, deemed necessary or desirable to effectuate same. Said authorization includes delivery of the deed to the Property and any and all associated documents required to effectuate the conveyance of the Property.

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

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

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

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

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

Exhibit A

FORM OF REDEVELOPMENT AGREEMENT

Adopted
Absent: Burgess, Evans

Hudley – Cox

30. Designate Lyons Pride Investments, LLC As Redeveloper Of 83 Madison Avenue, Block 86, Lot 36, 43 Tichenor Terrace, Block 125,Lot 11, 149 Western Parkway, Block 101, Lot 9, And 209 Orange Avenue, Block 49, Lot 25 And Execution Of A Redevelopment And Land Disposition Plan

RESOLUTION OF THE TOWNSHIP OF IRVINGTON DESIGNATING LYONS PRIDE INVESTMENTS LLC AS REDEVELOPER FOR THE REDEVELOPMENT OF CERTAIN PROPERTIES IDENTIFIED ON THE OFFICIAL TAX MAPS OF THE TOWNSHIP AS BLOCK 86, LOT 36; BLOCK 125, LOT 11, BLOCK 101, LOT 9; AND BLOCK 49, LOT 25 AND IDENTIFIED IN THE TOWNSHIP TAX RECORDS, RESPECTIVELY, AS 83 MADISON AVENUE, 43 TICHENOR TERRACE, 149

WESTERN PARKWAY AND 209 ORANGE AVENUE, AND AUTHORIZING THE EXECUTION OF A REDEVELOPMENT AND LAND DISPOSITION AGREEMENT AND THE TRANSFER OF 83 MADISON AVENUE, 43 TICHENOR TERRACE, 149 WESTERN PARKWAY AND 209 ORANGE AVENUE IN CONNECTION THEREWITH

WHEREAS, the Local Redevelopment and Housing Law, *N.J.S.A*. 40A:12A-1 et seq. (the "**Redevelopment Law**") authorizes municipalities 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 requirements of the Redevelopment Law, on July 14, 2015, by resolution No. UEZ 15-0714-11, the Municipal Council (the "**Township Council**") of the Township of Irvington (the "**Township**") designated the entirety of the 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 the Redevelopment Law, including Section 8 thereof (*N.J.S.A*. 40A:12A-8), a municipality is permitted to contract with a redeveloper to undertake redevelopment projects pursuant to a redevelopment plan within the area designated in that plan; and

WHEREAS, to realize the redevelopment of Rehabilitation Area, the Township determined to exercise the powers of redevelopment and serve as the "redevelopment entity" responsible for carrying out redevelopment projects in accordance with the Redevelopment Law; and

WHEREAS, the Township is the owner of certain properties located within the Rehabilitation Area, which properties are designated on the official tax maps of the Township as Block 86, Lot 36; Block 125, Lot 11, Block 101, Lot 9; and Block 49, Lot 25, and identified in the Township tax records, respectively, as 83 Madison Avenue, 43 Tichenor Terrace, 149 Western Parkway and 209 Orange Avenue (collectively, the "**Property**"); and

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

WHEREAS, Lyons Pride Investments LLC (the "**Redeveloper**") has submitted to the Township its plans for the acquisition of the Property, and the design, financing, development and maintenance of the Property as follows: the full rehabilitation of the existing one-family residential structures (each comprised of three (3) bedrooms and one (1) bathroom) on the lots identified as 83 Madison Avenue and 209 Orange Avenue, the construction of a two-family structure (each unit comprised of three (3) bedrooms and one (1) bathroom) on the lot identified as 43 Tichenor Terrace and, the construction of a three-family structure (each unit comprised of

three (3) bedrooms and one (1) bathroom) on the lot identified as 149 Western Parkway, as well as certain other on-site and offsite improvements (the "**Project**); and

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

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

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

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

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

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

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

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

Section 3. Conveyance of Property Authorized.

(a) The Township Council hereby approves the conveyance of the Property; and authorizes the Mayor, upon the execution of the Redevelopment Agreement, in accordance with the terms of Section 2(a) hereof, to execute a deed conveying the Property to Redeveloper, together with any other necessary documents and/or agreements between the Redeveloper and the Township, subject to modification or revision in consultation with counsel, deemed necessary or desirable to effectuate same. Said authorization includes delivery of the deed to the Property and any and all associated documents required to effectuate the conveyance of the Property.

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

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

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

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

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

Exhibit A

FORM OF REDEVELOPMENT AGREEMENT

Adopted
Absent: Burgess, Evans

Beasley - Cox

31. Designate ZM Irvington Development, LLC As Redeveloper Of 9-13 Madison Avenue, Block 166, Lot 20, 71 – 22nd Street, Block 166, Lot 22, 69 – 22nd Street, Block 148, Lot 30, 65 – 22nd Street, Block 148, Lot 31, 63 – 22nd Street, Block 148, Lot 33, and 61 – 22nd Street, Block 148, Lot 35 And Execution Of A Redevelopment And Land Disposition Plan

RESOLUTION OF THE TOWNSHIP OF IRVINGTON DESIGNATING ZM IRVINGTON DEVELOPMENT LLC AS REDEVELOPER FOR THE REDEVELOPMENT OF CERTAIN PROPERTIES IDENTIFIED AS BLOCK 166, LOTS 20-22 AND BLOCK 148, LOTS 30, 31, & 33-35 ON THE OFFICIAL TAX MAPS OF THE TOWNSHIP AND IDENTIFIED IN THE TOWNSHIP TAX RECORDS, RESPECTIVELY, AS 9-13 MADISON AVENUE AND 71 22ND STREET, 69 22ND STREET, 65 22ND STREET, 63 22ND STREET & 61 22ND STREET, AND AUTHORIZING THE EXECUTION OF A REDEVELOPMENT AND LAND DISPOSITION AGREEMENT AND THE TRANSFER OF 9-13 MADISON AVENUE AND 71 22ND STREET, 69 22ND STREET, 65 22ND STREET, 63 22ND STREET & 61 22ND STREET IN CONNECTION THEREWITH

WHEREAS, the Local Redevelopment and Housing Law, *N.J.S.A.* 40A:12A-1 et seq. (the "**Redevelopment Law**") authorizes municipalities 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 requirements of the Redevelopment Law, by Resolution dated July 14, 2015 the Municipal Council (the "**Township Council**") of the Township of Irvington (the "**Township**") designated the entire Township as an area in need of rehabilitation (the "**Rehabilitation Area**"); and

WHEREAS, by Ordinance MC No. 3549 dated August 11, 2015, the Township Council duly adopted a redevelopment plan to govern the redevelopment of the Rehabilitation Area, entitled the *Township-Wide Area in need of Rehabilitation Redevelopment Plan* (the "**TownshipWide Redevelopment Plan**"); and

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

WHEREAS, to realize the redevelopment of Rehabilitation Area, the Township determined to exercise the powers of redevelopment and serve as the "redevelopment entity" responsible for carrying out redevelopment projects in accordance with the Redevelopment Law; and

WHEREAS, the Township is the owner of certain properties located within the Rehabilitation Area identified as Block 166, Lots 20-22 and Block 148, Lots 30, 31, & 33-35 on the tax maps of the Township and identified in the Township tax records, respectively, as 9-13 Madison Avenue and 71 22nd Street, 69 22nd Street, 65 22nd Street, 63 22nd Street & 61 22nd Street (collectively, the "**Property**"); and

WHEREAS, certain parcels identified above are located both within the Rehabilitation Area and within a redevelopment area designated by the Township in accordance with the Redevelopment Law, as the East Ward/Springfield Avenue Redevelopment Area. These lots, specifically: Block 148, Lots 30, 31 33-35 are subject to the superseding zoning of the *East Ward/East Springfield Avenue Redevelopment Plan* (as amended, the "**East Ward Redevelopment Plan**", and together with the Township-Wide Redevelopment Plan, the "**Redevelopment Plan**"); and

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

WHEREAS, ZM Irvington Development LLC (the "**Redeveloper**") proposes the acquisition of the Property, and the design, development, financing, construction and maintenance of a one (1) to three (3)family home on each lot, as well as certain other on-site and off-site improvements (collectively, the "**Project**"); and

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

WHEREAS, in order to effectuate the Redevelopment Plan and the Project, the Township has determined to enter into a redevelopment and land disposition agreement with the

Redeveloper, (the "**Redevelopment Agreement**"), which establishes Redeveloper as the "redeveloper" of the Project, as that term is defined in the Redevelopment Law, and which specifies the respective rights and responsibilities of the Township and the Redeveloper with respect to the Project and the terms and conditions of the conveyance of the Property,

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

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

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

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

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

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

Section 3. Conveyance of Property Authorized.

(a) The Township Council hereby approves the conveyance of the Property; and authorizes the Mayor, upon the execution of the Redevelopment Agreement, in accordance with the terms of Section 2(a) hereof, to execute a deed conveying the Property to Redeveloper, together with any other necessary documents and/or agreements between the Redeveloper and the Township, subject to modification or revision in consultation with counsel, deemed necessary or desirable to effectuate same. Said authorization includes delivery of the deed to the Property and any and all associated documents required to effectuate the conveyance of the Property.

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

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

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

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

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

Exhibit A

FORM OF REDEVELOPMENT AGREEMENT

Adopted
Absent: Burgess, Evans

Frederic – Hudley 32. Authorize CARES Act (COVID-19) Business Economic Relief Grant to AK Fast Food and Pizza, Inc.- $10,000.00

Resolution to Award CDBG CARES Act (COVID-19) Business Economic Relief Grant to AK FAST FOOD AND PIZZA, INC.

WHEREAS, the Township of Irvington, Department of Economic Development and Grants Oversight (DEDGO) is a recipient of Cares Act CDBG COVID-19 Grant Funds awarded by the U.S. Department of Housing and Urban Development to use said funds to prepare, for, prevent, and respond to the COVID-19 Pandemic; and

WHEREAS, numerous businesses in the Township of Irvington were closed for extended periods of time and/or were otherwise negatively impacted by the COVID-19 Pandemic requiring them to seek financial assistance to remain open, reopen and/or make necessary expenditures to put in place and maintain appropriate social distancing and sanitary measures;

WHEREAS, the DEDGO has determined that AK Fast Food and Pizza, INC. upon review meets the requirements to receive CDBG CARES Act COVID-19 Grant Funds and that the use of such funds will further and enhance the economic development activities of the Township;

WHEREAS, the Township of Irvington wishes to award Business Economic Relief Grant Funds in the amount **$10,000.00** to AK Fast Food and Pizza, INC. a Corporation under the laws of the State of New Jersey with a principal business located at **1173 Springfield Avenue Irvington, NJ**;

WHEREAS, the DEDGO has allocated sufficient CDBG Cares Act funds to fund a proposed grant agreement in the amount of **$10,000.00** with the AK Fast Food and Pizza, INC.; 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

businesses 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 AK Fast Food and Pizza, INC. **awarded COVID-19 Small Business Economic Relief Grant in the amount of $10,000.00**.

2. Pursuant to N.J.A.C. 5:34-5.2, the required certificate of Availability of Funds No. C2000189 in the amount of **$10,000.00** 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-21-41-850-20G-801**

Adopted
Absent: Burgess, Evans

Hudley - Frederic 33. Authorize CARES Act (COVID-19) Business Economic Relief Grant to Divine Creation, LLC .- $10,000.00

Resolution to Award CDBG CARES Act (COVID-19) Business Economic Relief Grant to DIVINE CREATION, LLC

WHEREAS, the Township of Irvington, Department of Economic Development and Grants Oversight (DEDGO) is a recipient of Cares Act CDBG COVID-19 Grant Funds awarded by the U.S. Department of Housing and Urban Development to use said funds to prepare, for, prevent, and respond to the COVID-19 Pandemic; and

WHEREAS, numerous businesses in the Township of Irvington were closed for extended periods of time and/or were otherwise negatively impacted by the COVID-19 Pandemic requiring them to seek financial assistance to remain open, reopen and/or make necessary expenditures to put in place and maintain appropriate social distancing and sanitary measures;

WHEREAS, the DEDGO has determined that Divine Creation, LLC upon review meets the requirements to receive CDBG CARES Act COVID-19 Grant Funds and that the use of such funds will further and enhance the economic development activities of the Township;

WHEREAS, the Township of Irvington wishes to award Business Economic Relief Grant Funds in the amount **$10,000.00** to Divine Creation, LLC a Liability Limited Company under the laws of the State of New Jersey with a principal business located at **1344 Springfield Avenue, Irvington, NJ**;

WHEREAS, the DEDGO has allocated sufficient CDBG Cares Act funds to fund a proposed grant agreement in the amount of **$10,000.00** with the **Divine Creation, LLC**; 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 businesses 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 **Divine Creation, LLC awarded COVID-19 Small Business Economic Relief Grant in the amount of $10,000.00**.

2. Pursuant to N.J.A.C. 5:34-5.2, the required certificate of Availability of Funds No. **C200190** in the amount of **$10,000.00** 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-2141-850-20G-801**

Adopted
Absent: Burgess, Evans

Frederic – Cox 34. Authorize CARES Act (COVID-19) Business Economic Relief Grant to Pranchi Financial Mart, LLC .- $10,000.00

Resolution to Award CDBG CARES Act (COVID-19) Business Economic Relief Grant to PRANCHI FINANCIAL MART, LLC

WHEREAS, the Township of Irvington, Department of Economic Development and Grants Oversight (DEDGO) is a recipient of Cares Act CDBG COVID-19 Grant Funds awarded by the U.S. Department of Housing and Urban Development to use said funds to prepare, for, prevent, and respond to the COVID-19 Pandemic; and

WHEREAS, numerous businesses in the Township of Irvington were closed for extended periods of time and/or were otherwise negatively impacted by the COVID-19 Pandemic requiring them to seek financial assistance to remain open, reopen and/or make necessary expenditures to put in place and maintain appropriate social distancing and sanitary measures;

WHEREAS, the DEDGO has determined that Pranchi Financial Mart, LLC upon review meets the requirements to receive CDBG CARES Act COVID-19 Grant Funds and that the use of such funds will further and enhance the economic development activities of the Township;

WHEREAS, the Township of Irvington wishes to award Business Economic Relief Grant Funds in the amount **$10,000.00** to Pranchi Financial Mart, LLC a Liability Limited Company under the laws of the State of New Jersey with a principal business located at **1073 Stuyvesant Avenue, Irvington, NJ**;

WHEREAS, the DEDGO has allocated sufficient CDBG Cares Act funds to fund a proposed grant agreement in the amount of **$10,000.00** with the **Pranchi Financial Mart, LLC**; 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 businesses 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 **Pranchi Financial Mart, LLC awarded COVID-19 Small Business Economic Relief Grant in the amount of $10,000.00**.

2. Pursuant to N.J.A.C. 5:34-5.2, the required certificate of Availability of Funds No. **C200188** in the amount of **$10,000.00** 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-2141-850-20G-801**

Adopted
Absent: Burgess, Evans

Economic Development And Grants Oversight	35. Authorize Non-Fair And Open Contract For Online Grant Management Software - Benevate, Inc., D/B/A Neighborly Software - $24,900.00 **[TO BE FORTHCOMING]**

NOTE: THIS ITEM WAS NEVER SUBMITTED BY THE ADMINISTRATION

Cox - Hudley 36. Authorize Transfer of Funds In Calendar Year 2020 Municipal Budget

TOWNSHIP OF IRVINGTON
APPROPRIATIONs TRANSFER RESOLUTION #1
CY - 2020

Accounts	**From**	**To**
Within "CAP"		
Planning Board S&W		1,000.00
Council S & W	-	4,500.00
Licenses S & W	-	6,800.00
Motorized S & W		1,100.00
Public Building S&W	-	54,000.00
Shade Tree S & W		7,500.00
Park Maintenance S & W		11,000.00
Housing S & W		1,500.00
Social Security O & E	-	75,000.00
Election O & E	75,000.00	
Municipal Pool S & W	25,000.00	
Municipal Pool O & E	10,000.00	
Engineering S & W	25,000.00	
Health Admin O& E	12,000.00	
Township Attorney S & W	15,400.00	
SUB-TOTAL INSIDE CAPS	**162,400.00**	**162,400.00**
	-	-
SUB-TOTAL OUTSIDE CAPS	**-**	**-**
GRAND TOTAL	**162,400.00**	**162,400.00**

Adopted
Absent: Burgess, Evans

Cox – Frederic

37. Authorize Cancellation Of Exempt Portion Of $3,049.24 And Issue A Tax Credit To The 2021 Future Taxes On 1088 Grove Street, Block 199 Lot 6

RESOLUTION TO CANCEL AND REFUND PROPERTY TAXES

WHEREAS, Lucius A. Wright purchased 1088 Grove Street, Block 199 Lot 6 as of January 28, 2020 and has been deemed a 100% Disabled Veteran by the Department of Veterans Affairs and;

WHEREAS, Lucius A. Wright filed an application for 100% tax exemption and the tax assessor Silvia Forbes approved the property tax exemption for 1088 Grove Street, a 2-family dwelling and;

WHEREAS, the tax exemption allowed to Lucius A. Wright is 50% of the 2020 taxes billed in the amount of $6,585.55 and the property owner is entitled to a tax reduction in the amount of $3,049.24 from the date of purchase

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that the Tax Collector's office is authorized and directed to cancel the exempt portion of taxes in the amount of $3,049.24 and issue a tax credit to the 2021 future taxes on 1088 Grove Street, Block 199 Lot 6.

Adopted
Absent: Burgess, Evans

Frederic – Hudley

38. Authorize Removal of Annual Sewer Charges of $5,400.00 and $3,600.00 And Credit The Sewer Charges To Future 2021 Billings; Respectively On 875 18th Avenue, Block 56 Lot 1 And 863 18th Avenue, Block 56 Lot 2

RESOLUTION TO ABATE ANNUAL SEWER CHARGE

WHEREAS, the 2019 annual sewer charges for 875 18th Avenue, Block 56 Lot 1 were billed in the amount of $5,400.00 and for 863 18th Avenue, Block 56 Lot 2 were billed in the amount of $3,600.00 and;

WHEREAS, the annual sewer charges were subsequently paid during the annual tax sale and the taxpayer has indicated that these properties were unoccupied and under renovation and;

WHEREAS, the properties did not have water service since the date of purchase and request that the annual sewer charge be abated.

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that the Township of Irvington is authorized and directed to remove the 2019 annual sewer charges in the amount of $5,400.00 and $3,600.00 and credit the sewer charges to future 2021 billings.

Adopted
Absent: Burgess, Evans

Finance/Administration 39. Reject Bids For Payroll Services – Incomplete Bid Documents **[TO BE FORTHCOMING]**

NOTE: THIS ITEM WAS NEVER SUBMITTED BY THE ADMINISTRATION

40. Acting President Dr. Hudley: The Camptown Business Improvement District's 2020 Budget was introduced on November 23, 2020, published in the Irvington Herald on December 3, 2020, and public hearing set for this date, time and place. The Clerk will read the notice of hearing.

The Clerk read the notice of hearing.

The Clerk will read the Camptown Business Improvement District's 2020 Budget by Title

BE IT RESOLVED that the following statements of revenues and appropriations shall constitute the Camptown Business Improvement's 2020 Budget

TOTAL GENERAL REVENUES
$230,180.00

TOTAL GENERAL APPROPRIATIONS
$230,180.00

The public hearing on the Camptown Business Improvement District's 2020 Budget is now open.

There were no requests to be heard.

Hudley – Cox Motion to close public hearing

Adopted
Absent: Burgess, Evans

Hudley – Cox Motion to adopt Camptown Business Improvement District's 2020 Budget

Adopted
Absent: Burgess, Evans

10. Communication and Petitions

A. Communications

None

11.Pending Business

None

****

NON-CONSENT AGENDA ITEMS

B. Ordinances on Second Reading

1. Acting President Dr. Hudley: An ordinance revising the storm water management and control ordinance will be heard at this time. The Clerk will read the notice of hearing.

The Clerk read the notice of hearing.

The Clerk will read the ordinance by title.

Amendment to Chapter 550 Article 1 – Stormwater Management and Control

Section I. Scope and Purpose:

A. Policy Statement

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

B. Purpose

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

C. Applicability

1. This ordinance shall be applicable to the following major developments:

a. Non-residential major developments; and

b. Aspects of residential major developments that are not pre-empted by the Residential Site Improvement Standards at N.J.A.C. 5:21.

2. This ordinance shall also be applicable to all major developments undertaken by [insert name of municipality].

D. Compatibility with Other Permit and Ordinance Requirements

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

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

Section II. Definitions:

For the purpose of this ordinance, the following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text of this Chapter clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory. The definitions below are the same as or based on the corresponding definitions in the Stormwater Management Rules at N.J.A.C. 7:8-1.2.

“CAFRA Centers, Cores or Nodes” means those areas with boundaries incorporated by reference or revised by the Department in accordance with N.J.A.C. 7:7-13.16.

“CAFRA Planning Map” means the map used by the Department to identify the location of Coastal Planning Areas, CAFRA centers, CAFRA cores, and CAFRA nodes. The CAFRA Planning Map is available on the Department's Geographic Information System (GIS).

“Community basin” means an infiltration system, sand filter designed to infiltrate, standard constructed wetland, or wet pond, established in accordance with N.J.A.C. 7:8-4.2(c)14, that is designed and constructed in accordance with the New Jersey Stormwater Best Management Practices Manual, or an alternate design, approved in accordance with N.J.A.C. 7:8-5.2(g), for an infiltration system, sand filter designed to infiltrate, standard constructed wetland, or wet pond and that complies with the requirements of this chapter.

“Compaction” means the increase in soil bulk density.

“Contributory drainage area” means the area from which stormwater runoff drains to a stormwater management measure, not including the area of the stormwater management measure itself.

“Core” means a pedestrian-oriented area of commercial and civic uses serving the surrounding municipality, generally including housing and access to public transportation.

"County review agency" means an agency designated by the County Board of Chosen Freeholders to review municipal stormwater management plans and implementing ordinance(s). The county review agency may either be:

1. A county planning agency or

2. A county water resource association created under N.J.S.A 58:16A-55.5, if the ordinance or resolution delegates authority to approve, conditionally approve, or disapprove municipal stormwater management plans and implementing ordinances.

"Department" means the Department of Environmental Protection.

"Designated Center" means a State Development and Redevelopment Plan Center as designated by the State Planning Commission such as urban, regional, town, village, or hamlet.

"Design engineer" means a person professionally qualified and duly licensed in New Jersey to perform engineering services that may include, but not necessarily be limited to, development of project requirements, creation and development of project design and preparation of drawings and specifications.

"Development" means the division of a parcel of land into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation or enlarge-enlargement of any building or structure, any mining excavation or landfill, and any use or change in the use of any building or other structure, or land or extension of use of land, for which permission is required under the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq.

In the case of development of agricultural land, development means: any activity that requires a State permit, any activity reviewed by the County Agricultural Board (CAB) and the State Agricultural Development Committee (SADC), and municipal review of any activity not exempted by the Right to Farm Act , N.J.S.A 4:1C-1 et seq.

"Disturbance" means the placement or reconstruction of impervious surface or motor vehicle surface, or exposure and/or movement of soil or bedrock or clearing, cutting, or removing of vegetation. Milling and repaving is not considered disturbance for the purposes of this definition.

"Drainage area" means a geographic area within which stormwater, sediments, or dissolved materials drain to a particular receiving waterbody or to a particular point along a receiving waterbody.

"Environmentally constrained area" means the following areas where the physical alteration of the land is in some way restricted, either through regulation, easement, deed restriction or ownership such as: wetlands, floodplains, threatened and endangered species sites or designated habitats, and parks and preserves. Habitats of endangered or threatened species are identified using the Department's Landscape Project as approved by the Department's Endangered and Nongame Species Program.

"Environmentally critical area" means an area or feature which is of significant environmental value, including but not limited to: stream corridors, natural heritage priority sites, habitats of endangered or threatened species, large areas of contiguous open space or upland forest, steep slopes, and well head protection and groundwater

recharge areas. Habitats of endangered or threatened species are identified using the Department's Landscape Project as approved by the Department's Endangered and Nongame Species Program.

"Empowerment Neighborhoods" means neighborhoods designated by the Urban Coordinating Council "in consultation and conjunction with" the New Jersey Redevelopment Authority pursuant to N.J.S.A 55:19-69.

"Erosion" means the detachment and movement of soil or rock fragments by water, wind, ice, or gravity.

"Green infrastructure" means a stormwater management measure that manages stormwater close to its source by:

1. Treating stormwater runoff through infiltration into subsoil;
2. Treating stormwater runoff through filtration by vegetation or soil; or
3. Storing stormwater runoff for reuse.

"HUC 14" or "hydrologic unit code 14" means an area within which water drains to a particular receiving surface water body, also known as a subwatershed, which is identified by a 14-digit hydrologic unit boundary designation, delineated within New Jersey by the United States Geological Survey.

"Impervious surface" means a surface that has been covered with a layer of material so that it is highly resistant to infiltration by water.

"Infiltration" is the process by which water seeps into the soil from precipitation.

"Lead planning agency" means one or more public entities having stormwater management planning authority designated by the regional stormwater management planning committee pursuant to N.J.A.C. 7:8-3.2, that serves as the primary representative of the committee.

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

1. The disturbance of one or more acres of land since February 2, 2004;
2. The creation of one-quarter acre or more of "regulated impervious surface" since February 2, 2004;
3. The creation of one-quarter acre or more of "regulated motor vehicle surface" since March 2, 2021 {or the effective date of this ordinance, whichever is earlier}; or
4. A combination of 2 and 3 above that totals an area of one-quarter acre or more. The same surface shall not be counted twice when determining if the combination area equals one-quarter acre or more.

"Major development" means an individual "development," as well as multiple developments that individually or collectively result in the disturbance of 5,000 square feet or more of land since February 2, 2004.

"Motor vehicle" means land vehicles propelled other than by muscular power, such as automobiles, motorcycles, autocycles, and low speed vehicles. For the purposes of this definition, motor vehicle does not include farm equipment, snowmobiles, all-terrain vehicles, motorized wheelchairs, go-carts, gas buggies, golf carts, ski-slope grooming machines, or vehicles that run only on rails or tracks.

"Motor vehicle surface" means any pervious or impervious surface that is intended to be used by "motor vehicles" and/or aircraft, and is directly exposed to precipitation including, but not limited to, driveways, parking areas, parking garages, roads, racetracks, and runways.

"Municipality" means any city, borough, town, township, or village.

"New Jersey Stormwater Best Management Practices (BMP) Manual" or "BMP Manual" means the manual maintained by the Department providing, in part, design specifications, removal rates, calculation methods, and soil testing procedures approved by the Department as being capable of contributing to the achievement of the stormwater management standards specified in this chapter. The BMP Manual is periodically amended by the Department as necessary to provide design specifications on additional best management practices and new information on already included practices reflecting the best available current information regarding the particular practice and the Department's determination as to the ability of that best management practice to contribute to compliance with the standards contained in this chapter. Alternative stormwater management measures, removal rates, or calculation methods may be utilized, subject to any limitations specified in this chapter, provided the design engineer demonstrates to the municipality, in accordance with Section IV.F. of this ordinance and N.J.A.C. 7:8-5.2(g), that the proposed measure and its design will contribute to achievement of the design and performance standards established by this chapter.

"Node" means an area designated by the State Planning Commission concentrating facilities and activities which are not organized in a compact form.

"Nutrient" means a chemical element or compound, such as nitrogen or phosphorus, which is essential to and promotes the development of organisms.

"Person" means any individual, corporation, company, partnership, firm, association, political subdivision of this State and any state, interstate or Federal agency.

"Pollutant" means any dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, refuse, oil, grease, sewage sludge, munitions, chemical wastes, biological materials, medical wastes, radioactive substance (except those regulated under the Atomic Energy Act of 1954, as amended (42 U.S.C. §§ 2011 et seq.)), thermal waste, wrecked or discarded equipment, rock, sand, cellar dirt, industrial, municipal, agricultural, and construction waste or runoff, or other residue discharged directly or indirectly to the land, ground waters or surface waters of the State, or to a domestic treatment works. "Pollutant" includes both hazardous and nonhazardous pollutants.

"Recharge" means the amount of water from precipitation that infiltrates into the ground and is not evapotranspired.

"Regulated impervious surface" means any of the following, alone or in combination:

1. A net increase of impervious surface;
2. The total area of impervious surface collected by a new stormwater conveyance system (for the purpose of this definition, a "new stormwater conveyance system" is a stormwater conveyance system that is constructed where one did not exist immediately prior to its construction or an existing system for which a new discharge location is created);
3. The total area of impervious surface proposed to be newly collected by an existing stormwater conveyance system; and/or
4. The total area of impervious surface collected by an existing stormwater conveyance system where the capacity of that conveyance system is increased.

"Regulated motor vehicle surface" means any of the following, alone or in combination:

1. The total area of motor vehicle surface that is currently receiving water;
2. A net increase in motor vehicle surface; and/or

quality treatment either by vegetation or soil, by an existing stormwater management measure, or by treatment at a wastewater treatment plant, where the water quality treatment will be modified or removed.

"Sediment" means solid material, mineral or organic, that is in suspension, is being transported, or has been moved from its site of origin by air, water or gravity as a product of erosion.

"Site" means the lot or lots upon which a major development is to occur or has occurred.

"Soil" means all unconsolidated mineral and organic material of any origin.

"State Development and Redevelopment Plan Metropolitan Planning Area (PA1)" means an area delineated on the State Plan Policy Map and adopted by the State Planning Commission that is intended to be the focus for much of the State's future redevelopment and revitalization efforts.

"State Plan Policy Map" is defined as the geographic application of the State Development and Redevelopment Plan's goals and statewide policies, and the official map of these goals and policies.

"Stormwater" means water resulting from precipitation (including rain and snow) that runs off the land's surface, is transmitted to the subsurface, or is captured by separate storm sewers or other sewage or drainage facilities, or conveyed by snow removal equipment.

"Stormwater management BMP" means an excavation or embankment and related areas designed to retain stormwater runoff. A stormwater management BMP may either be normally dry (that is, a detention basin or infiltration system), retain water in a permanent pool (a retention basin), or be planted mainly with wetland vegetation (most constructed stormwater wetlands).

"Stormwater management measure" means any practice, technology, process, program, or other method intended to control or reduce stormwater runoff and associated pollutants, or to induce or control the infiltration or groundwater recharge of stormwater or to eliminate illicit or illegal non-stormwater discharges into stormwater conveyances.

"Stormwater runoff" means water flow on the surface of the ground or in storm sewers, resulting from precipitation.

"Stormwater management planning agency" means a public body authorized by legislation to prepare stormwater management plans.

"Stormwater management planning area" means the geographic area for which a stormwater management planning agency is authorized to prepare stormwater management plans, or a specific portion of that area identified in a stormwater management plan prepared by that agency.

"Tidal Flood Hazard Area" means a flood hazard area in which the flood elevation resulting from the two-, 10-, or 100-year storm, as applicable, is governed by tidal flooding from the Atlantic Ocean. Flooding in a tidal flood hazard area may be contributed to, or influenced by, stormwater runoff from inland areas, but the depth of flooding generated by the tidal rise and fall of the Atlantic Ocean is greater than flooding from any fluvial

sources. In some situations, depending upon the extent of the storm surge from a particular storm event, a flood hazard area may be tidal in the 100-year storm, but fluvial in more frequent storm events.

"Urban Coordinating Council Empowerment Neighborhood" means a neighborhood given priority access to State resources through the New Jersey Redevelopment Authority.

"Urban Enterprise Zones" means a zone designated by the New Jersey Enterprise Zone Authority pursuant to the New Jersey Urban Enterprise Zones Act, N.J.S.A. 52:27H-60 et. seq.

"Urban Redevelopment Area" is defined as previously developed portions of areas:

1. Delineated on the State Plan Policy Map (SPPM) as the Metropolitan Planning Area (PA1), Designated Centers, Cores or Nodes;
2. Designated as CAFRA Centers, Cores or Nodes;
3. Designated as Urban Enterprise Zones; and
4. Designated as Urban Coordinating Council Empowerment Neighborhoods.

"Water control structure" means a structure within, or adjacent to, a water, which intentionally or coincidentally alters the hydraulic capacity, the flood elevation resulting from the two-, 10-, or 100-year storm, flood hazard area limit, and/or floodway limit of the water. Examples of a water control structure may include a bridge, culvert, dam, embankment, ford (if above grade), retaining wall, and weir.

"Waters of the State" means the ocean and its estuaries, all springs, streams, wetlands, and bodies of surface or groundwater, whether natural or artificial, within the boundaries of the State of New Jersey or subject to its jurisdiction.

"Wetlands" or "wetland" means an area that is inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation.

Section III. Design and Performance Standards for Stormwater Management Measures

A. Stormwater management measures for major development shall be designed to provide erosion control, groundwater recharge, stormwater runoff quantity control, and stormwater runoff quality treatment as follows:

1. The minimum standards for erosion control are those established under the Soil and Sediment Control Act, N.J.S.A. 4:24-39 et seq., and implementing rules at N.J.A.C. 2:90.
2. The minimum standards for groundwater recharge, stormwater quality, and stormwater runoff quantity shall be met by incorporating green infrastructure.

B. The standards in this ordinance apply only to new major development and are intended to minimize the impact of stormwater runoff on water quality and water quantity in receiving water bodies and maintain groundwater recharge. The standards do not apply to new major development to the extent that alternative design and performance standards are applicable under a regional stormwater management plan or Water Quality Management Plan adopted in accordance with Department rules.

Note: Alternative standards shall provide at least as much protection from stormwater-related loss of groundwater recharge, stormwater quantity and water quality impacts of major development projects as would be provided under the standards in N.J.A.C. 7:8-5.

Section IV. Stormwater Management Requirements for Major Development

A. The development shall incorporate a maintenance plan for the stormwater management measures incorporated into the design of a major development in accordance with Section X.

B. Stormwater management measures shall avoid adverse impacts of concentrated flow on habitat for threatened and endangered species as documented in the Department's Landscape Project or Natural Heritage Database established under N.J.S.A. 13:1B-15.147 through 15.150, particularly Helonias bullata (swamp pink) and/or Clemmys muhlnebergi (bog turtle).

C. The following linear development projects are exempt from the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity requirements of Section IV.P, Q and R:

1. The construction of an underground utility line provided that the disturbed areas are revegetated upon completion;
2. The construction of an aboveground utility line provided that the existing conditions are maintained to the maximum extent practicable; and
3. The construction of a public pedestrian access, such as a sidewalk or trail with a maximum width of 14 feet, provided that the access is made of permeable material.

D. A waiver from strict compliance from the green infrastructure, groundwater recharge, stormwater runoff quality, and stormwater runoff quantity requirements of Section IV.O, P, Q and R may be obtained for the enlargement of an existing public roadway or railroad; or the construction or enlargement of a public pedestrian access, provided that the following conditions are met:

1. The applicant demonstrates that there is a public need for the project that cannot be accomplished by any other means;
2. The applicant demonstrates through an alternatives analysis, that through the use of stormwater management measures, the option selected complies with the requirements of Section IV.O, P, Q and R to the maximum extent practicable;
3. The applicant demonstrates that, in order to meet the requirements of Section IV.O, P, Q and R, existing structures currently in use, such as homes and buildings, would need to be condemned; and
4. The applicant demonstrates that it does not own or have other rights to areas, including the potential to obtain through condemnation lands not falling under IV.D.3 above within the upstream drainage area of the receiving stream, that would provide additional opportunities to mitigate the requirements of Section IV.O, P, Q and R that were not achievable onsite.

E. Tables 1 through 3 below summarize the ability of stormwater best management practices identified and described in the New Jersey Stormwater Best Management

Practices Manual to satisfy the green infrastructure, groundwater recharge, stormwater runoff quality and stormwater runoff quantity standards specified in Section IV.O, P, Q and R. When designed in accordance with the most current version of the New Jersey Stormwater Best Management Practices Manual, the stormwater management measures found at N.J.A.C. 7:8-5.2 (f) Tables 5-1, 5-2 and 5-3 and listed below in Tables 1, 2 and

3 are presumed to be capable of providing stormwater controls for the design and performance standards as outlined in the tables below. Upon amendments of the New Jersey Stormwater Best Management Practices to reflect additions or deletions of BMPs meeting these standards, or changes in the presumed performance of BMPs designed in accordance with the New Jersey Stormwater BMP Manual, the Department shall publish in the New Jersey Registers a notice of administrative change revising the applicable table. The most current version of the BMP Manual can be found on the Department's website at:

https://njstormwater.org/bmp_manual2.htm.

F. Where the BMP tables in the NJ Stormwater Management Rule are different due to updates or amendments with the tables in this ordinance the BMP Tables in the Stormwater Management rule at N.J.A.C. 7:8-5.2(f) shall take precedence.

Table 1

Green Infrastructure BMPs for Groundwater Recharge, Stormwater Runoff Quality, and/or Stormwater Runoff Quantity

Best Management Practice	Stormwater Runoff Quality TSS Removal Rate	Stormwater Runoff Quantity	Groundwater Recharge	Minimum Separation from Seasonal High Water Table
Cistern	0	Yes	No	--
Dry Well[a]	0	No	Yes	2
Grass Swale	50 or less	No	No	2[e]
Green Roof	0	Yes	No	--
Manufactured Treatment Device[a] [g]	50 or 80	No	No	Dependent upon the device
Pervious Paving System[a]	80	Yes	Yes[b] No[c]	2[b] 1[c]
Small-Scale Bioretention Basin[a]	80 or 90	Yes	Yes[b] No[c]	2[b] 1[c]
Small-Scale Infiltration Basin[a]	80	Yes	Yes	2
Small-Scale Sand Filter	80	Yes	Yes	2
Vegetative Filter Strip	60-80	No	No	--

(Notes corresponding to annotations [a] through [g] are found at the end of Table 3)

Table 2

Green Infrastructure BMPs for Stormwater Runoff Quantity

(or for Groundwater Recharge and/or Stormwater Runoff Quality

Best Management Practice	Stormwater Runoff Quality TSS Removal Rate	Stormwater Runoff	Groundwater Recharge	Minimum Separation from Seasonal High Water Table (feet)
Bioretention System	80 or 90	Yes	Yes[b] No[c]	2[b] 1[c]
Infiltration Basin	80	Yes	Yes	2
Sand Filter[b]	80	Yes	Yes	2
Standard Constructed Wetland	90	Yes	No	N/A
Wet Pond[d]	50-90	Yes	No	N/A

(Notes corresponding to annotations [b] through [d] are found at the end of Table 3)

Table 3

BMPs for Groundwater Recharge, Stormwater Runoff Quality, and/or Stormwater Runoff Quantity

Best Management Practice	Stormwater Runoff Quality TSS Removal Rate	Stormwater Runoff	Groundwater Recharge	Minimum Separation from Seasonal High Water Table (feet)
Blue Roof	0	Yes	No	N/A
Extended Detention Basin	40-60	Yes	No	1
Manufactured Treatment Device[h]	50 or 80	No	No	Dependent upon the
Sand Filter[c]	80	Yes	No	1

Subsurface Gravel Wetland	90	No	No	1
Wet Pond	50-90	Yes	No	N/A

Notes to Tables 1, 2, and 3:
(a) subject to the applicable contributory drainage area limitation specified at Section IV.O.2;
(b) designed to infiltrate into the subsoil;
(c) designed with underdrains;
(d) designed to maintain at least a 10-foot wide area of native vegetation along at least 50 percent of the shoreline and to include a stormwater runoff retention component designed to capture stormwater runoff for beneficial reuse, such as irrigation;
(e) designed with a slope of less than two percent;
(f) designed with a slope of equal to or greater than two percent;
(g) manufactured treatment devices that meet the definition of green infrastructure at Section II;
(h) manufactured treatment devices that do not meet the definition of green infrastructure at Section II

G. An alternative stormwater management measure, alternative removal rate, and/or alternative method to calculate the removal rate may be used if the design engineer demonstrates the capability of the proposed alternative stormwater management measure and/or the validity of the alternative rate or method to the municipality. A copy of any approved alternative stormwater management measure, alternative removal rate, and/or alternative method to calculate the removal rate shall be provided to the Department in accordance with Section VI.B. Alternative stormwater management measures may be used to satisfy the requirements at Section IV.O only if the measures meet the definition of green infrastructure at Section II. Alternative stormwater management measures that function in a similar manner to a BMP listed at Section O.2 are subject to the contributory drainage area limitation specified at Section O.2 for that similarly functioning BMP. Alternative stormwater management measures approved in accordance with this subsection that do not function in a similar manner to any BMP listed at Section O.2 shall have a contributory drainage area less than or equal to 2.5 acres, except for alternative stormwater management measures that function similarly to cisterns, grass swales, green roofs, standard constructed wetlands, vegetative filter strips, and wet ponds, which are not subject to a contributory drainage area limitation. Alternative measures that function similarly to standard constructed wetlands or wet ponds shall not be used for compliance with the stormwater runoff quality standard unless a variance in accordance with N.J.A.C. 7:8-4.6 or a waiver from strict compliance in accordance with Section IV.D is granted from Section IV.O.

H. Whenever the stormwater management design includes one or more BMPs that will infiltrate stormwater into subsoil, the design engineer shall assess the hydraulic impact on the groundwater table and design the site, so as to avoid adverse hydraulic impacts. Potential adverse hydraulic impacts include, but are not limited to, exacerbating a naturally or seasonally high water table, so as to cause surficial ponding, flooding of basements, or interference with the proper operation of subsurface sewage disposal systems or other subsurface structures within the zone of influence of the groundwater mound, or interference with the proper functioning of the stormwater management measure itself.

I. Design standards for stormwater management measures are as follows:
1. Stormwater management measures shall be designed to take into account the existing site conditions, including, but not limited to, environmentally critical areas; wetlands; flood-prone areas; slopes; depth to seasonal high water table; soil type, permeability, and texture; drainage area and drainage patterns; and the presence of solution-prone carbonate rocks (limestone);

2. Stormwater management measures shall be designed to minimize maintenance, facilitate maintenance and repairs, and ensure proper functioning. Trash racks shall be installed at the intake to the outlet structure, as appropriate, and shall have parallel bars with one-inch spacing between the bars to the elevation of the water quality design storm. For elevations higher than the water quality design storm, the parallel bars at the outlet structure shall be spaced no greater than one-third the width of the diameter of the orifice or one-third the width of the weir, with a minimum spacing between bars of one inch and a maximum spacing between bars of six inches. In addition, the design of trash racks must comply with the requirements of Section VIII.C;
3. Stormwater management measures shall be designed, constructed, and installed to be strong, durable, and corrosion resistant. Measures that are consistent with the relevant portions of the Residential Site Improvement Standards at N.J.A.C. 5:21-7.3, 7.4, and 7.5 shall be deemed to meet this requirement;
4. Stormwater management BMPs shall be designed to meet the minimum safety standards for stormwater management BMPs at Section VIII; and
5. The size of the orifice at the intake to the outlet from the stormwater management BMP shall be a minimum of two and one-half inches in diameter.

J. Manufactured treatment devices may be used to meet the requirements of this subchapter, provided the pollutant removal rates are verified by the New Jersey Corporation for Advanced Technology and certified by the Department. Manufactured treatment devices that do not meet the definition of green infrastructure at Section II may be used only under the circumstances described at Section IV.O.4.

K. Any application for a new agricultural development that meets the definition of major development at Section II shall be submitted to the Soil Conservation District for review and approval in accordance with the requirements at Sections IV.O, P, Q and R and any applicable Soil Conservation District guidelines for stormwater runoff quantity and erosion control. For purposes of this subsection, "agricultural development" means land uses normally associated with the production of food, fiber, and livestock for sale. Such uses do not include the development of land for the processing or sale of food and the manufacture of agriculturally related products.

L. If there is more than one drainage area, the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards at Section IV.P, Q and R shall be met in each drainage area, unless the runoff from the drainage areas converge onsite and no adverse environmental impact would occur as a result of compliance with any one or more of the individual standards being determined utilizing a weighted average of the results achieved for that individual standard across the affected drainage areas.

M. Any stormwater management measure authorized under the municipal stormwater management plan or ordinance shall be reflected in a deed notice recorded in the Office of the Essex County Clerk.

A form of deed notice shall be submitted to the municipality for approval prior to filing. The deed notice shall contain a description of the stormwater management measure(s) used to meet the green infrastructure, groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards at Section IV.O, P, Q and R and shall identify the location of the stormwater management measure(s) in NAD 1983 State Plane New Jersey FIPS 2900 US Feet or Latitude and Longitude in decimal degrees. The deed notice shall also reference the maintenance plan required to be recorded upon the deed pursuant to Section X.B.5. Prior to the commencement of construction, proof that the above required deed notice has been filed shall be submitted to the municipality. Proof that the required information has been recorded on the deed shall be in the form of either a copy of the complete recorded document or a receipt from the clerk or other proof of recordation provided by the recording office. However, if the initial proof provided to the municipality is not a copy of the complete recorded document, a copy of the complete recorded document shall be provided to the municipality within 180 calendar days of the authorization granted by the municipality.

N. A stormwater management measure approved under the municipal stormwater management plan or ordinance may be altered or replaced with the approval of the municipality, if the municipality determines that the proposed alteration or replacement meets the design and performance standards pursuant to Section IV of this ordinance and provides the same level of stormwater management as the previously approved stormwater management measure that is being altered or replaced. If an alteration or replacement is approved, a revised deed notice shall be submitted to the municipality for approval and subsequently recorded with the {insert appropriate Office of the County Clerk or the registrar of deeds and mortgages, as applies} and shall contain a description and location of the stormwater management measure, as well as reference to the maintenance plan, in accordance with M above. Prior to the commencement of construction, proof that the above required deed notice has been filed shall be submitted to the municipality in accordance with M above.

O. Green Infrastructure Standards

1. This subsection specifies the types of green infrastructure BMPs that may be used to satisfy the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards.

2. To satisfy the groundwater recharge and stormwater runoff quality standards at Section IV.P and Q, the design engineer shall utilize green infrastructure BMPs identified in Table 1 at Section IV.F. and/or an alternative stormwater management measure approved in accordance with Section IV.G. The following green infrastructure BMPs are subject to the following maximum contributory drainage area limitations:

Best Management Practice	Maximum Contributory Drainage Area
Dry Well	1 acre
Manufactured Treatment Device	2.5 acres
Pervious Pavement Systems	Area of additional inflow cannot exceed three times the area occupied by the BMP
Small-scale Bioretention Systems	2.5 acres
Small-scale Infiltration Basin	2.5 acres
Small-scale Sand Filter	2.5 acres

Small-scale Infiltration Basin 2.5 acres
Small-scale Sand Filter 2.5 acres

3. To satisfy the stormwater runoff quantity standards at Section IV.R, the design engineer shall utilize BMPs from Table 1 or from Table 2 and/or an alternative stormwater management measure approved in accordance with Section IV.G.

4. If a variance in accordance with N.J.A.C. 7:8-4.6 or a waiver from strict compliance in accordance with Section IV.D is granted from the requirements of this subsection, then BMPs from Table 1, 2, or 3, and/or an alternative stormwater management measure approved in accordance with Section IV.G may be used to meet the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards at Section IV.P, Q and R.

5. For separate or combined storm sewer improvement projects, such as sewer separation, undertaken by a government agency or public utility (for example, a sewerage company), the requirements of this subsection shall only apply to areas owned in fee simple by the government agency or utility, and areas within a right-of-way or easement held or controlled by the government agency or utility; the entity shall not be required to obtain additional property or property rights to fully satisfy the requirements of this subsection. Regardless of the amount of area of a separate or combined storm sewer improvement project subject to the green infrastructure requirements of this subsection, each project shall fully comply with the applicable groundwater recharge, stormwater runoff quality control, and stormwater runoff quantity standards at Section IV.P, Q and R, unless the project is granted a waiver from strict compliance in accordance with Section IV.D.

P. Groundwater Recharge Standards

1. This subsection contains the minimum design and performance standards for groundwater recharge as follows:
2. The design engineer shall, using the assumptions and factors for stormwater runoff and groundwater recharge calculations at Section V, either:

i. Demonstrate through hydrologic and hydraulic analysis that the site and its stormwater management measures maintain 100 percent of the average annual pre-construction groundwater recharge volume for the site; or
ii. Demonstrate through hydrologic and hydraulic analysis that the increase of stormwater runoff volume from pre-construction to post-construction for the 2-year storm is infiltrated.

3. This groundwater recharge requirement does not apply to projects within the "urban redevelopment area," or to projects subject to 4 below.
4. The following types of stormwater shall not be recharged:

i. Stormwater from areas of high pollutant loading. High pollutant loading areas are areas in industrial and commercial developments where solvents and/or petroleum products are loaded/unloaded, stored, or applied, areas where pesticides are loaded/unloaded or stored; areas where hazardous materials are expected to be present in greater than "reportable quantities" as defined by the United States Environmental Protection Agency (EPA) at 40 CFR 302.4; areas where recharge would be inconsistent with Department approved remedial action work plan or landfill closure plan and areas with high risks for spills of toxic materials, such as gas stations and vehicle maintenance facilities; and
ii. Industrial stormwater exposed to "source material." "Source material" means any material(s) or machinery, located at an industrial facility, that is directly or indirectly related to process, manufacturing or other industrial activities, which could be a source of pollutants in any industrial stormwater discharge to groundwater. Source materials include, but are not limited to, raw materials; intermediate products; final products; waste materials; by-products; industrial machinery and fuels, and lubricants, solvents, and detergents that are related to process, manufacturing, or other industrial activities that are exposed to stormwater.

Q. Stormwater Runoff Quality Standards

1. This subsection contains the minimum design and performance standards to control stormwater runoff quality impacts of major development. Stormwater runoff quality standards are applicable when the major development results in an increase of one-quarter acre or more of regulated motor vehicle surface.
2. Stormwater management measures shall be designed to reduce the post-construction load of total suspended solids (TSS) in stormwater runoff generated from the water quality design storm as follows:

i. Eighty percent TSS removal of the anticipated load, expressed as an annual average shall be achieved for the stormwater runoff from the net increase of motor vehicle surface.

ii. If the surface is considered regulated motor vehicle surface because the water quality treatment for an area of motor vehicle surface that is currently receiving water quality treatment either by vegetation or soil, by an existing stormwater management measure, or by treatment at a wastewater treatment plant is to be modified or removed, the project shall maintain or increase the existing TSS removal of the anticipated load expressed as an annual average.

3. The requirement to reduce TSS does not apply to any stormwater runoff in a discharge regulated under a numeric effluent limitation for TSS imposed under the New Jersey Pollutant Discharge Elimination System (NJPDES) rules, N.J.A.C. 7:14A, or in a discharge specifically exempt under a NJPDES permit from this requirement. Every major development, including any that discharge into a combined sewer system, shall comply with 2 above, unless the major development is itself subject to a NJPDES permit with a numeric effluent limitation for TSS or the NJPDES permit to which the major development is subject exempts the development from a numeric effluent limitation for TSS.

4. The water quality design storm is 1.25 inches of rainfall in two hours. Water quality calculations shall take into account the distribution of rain from the water quality design storm, as reflected in Table 4, below. The calculation of the volume of runoff may take into account the implementation of stormwater management measures.

Table 4 - Water Quality Design Storm Distribution

Time (Minutes)	Cumulative Rainfall (Inches)	Time (Minutes)	Cumulative Rainfall (Inches)	Time (Minutes)	Cumulative Rainfall (Inches)
1	0.00166	41	0.1728	81	1.0906
2	0.00332	42	0.1796	82	1.0972
3	0.00498	43	0.1864	83	1.1038
4	0.00664	44	0.1932	84	1.1104
5	0.00830	45	0.2000	85	1.1170
6	0.00996	46	0.2117	86	1.1236
7	0.01162	47	0.2233	87	1.1302
8	0.01328	48	0.2350	88	1.1368
9	0.01494	49	0.2466	89	1.1434
10	0.01660	50	0.2583	90	1.1500
11	0.01828	51	0.2783	91	1.1550
12	0.01996	52	0.2983	92	1.1600
13	0.02164	53	0.3183	93	1.1650
14	0.02332	54	0.3383	94	1.1700
15	0.02500	55	0.3583	95	1.1750
16	0.03000	56	0.4116	96	1.1800
17	0.03500	57	0.4650	97	1.1850
18	0.04000	58	0.5183	98	1.1900
19	0.04500	59	0.5717	99	1.1950
20	0.05000	60	0.6250	100	1.2000
21	0.05500	61	0.6783	101	1.2050
22	0.06000	62	0.7317	102	1.2100
23	0.06500	63	0.7850	103	1.2150
24	0.07000	64	0.8384	104	1.2200
25	0.07500	65	0.8917	105	1.2250
26	0.08000	66	0.9117	106	1.2267
27	0.08500	67	0.9317	107	1.2284
28	0.09000	68	0.9517	108	1.2300
29	0.09500	69	0.9717	109	1.2317
30	0.10000	70	0.9917	110	1.2334
31	0.10660	71	1.0034	111	1.2351
32	0.11320	72	1.0150	112	1.2367
33	0.11980	73	1.0267	113	1.2384
34	0.12640	74	1.0383	114	1.2400
35	0.13300	75	1.0500	115	1.2417
36	0.13960	76	1.0568	116	1.2434
37	0.14620	77	1.0636	117	1.2450
38	0.15280	78	1.0704	118	1.2467
39	0.15940	79	1.0772	119	1.2483
40	0.16600	80	1.0840	120	1.2500

5. If more than one BMP in series is necessary to achieve the required 80 percent TSS reduction for a site, the applicant shall utilize the following formula to calculate TSS reduction:

$R = A + B – (A \times B) / 100$,
Where

R = total TSS Percent Load Removal from application of both BMPs, and
A = the TSS Percent Removal Rate applicable to the first BMP
B = the TSS Percent Removal Rate applicable to the second BMP.

6. Stormwater management measures shall also be designed to reduce, to the maximum extent feasible, the post-construction nutrient load of the anticipated load from the developed site in stormwater runoff generated from the water quality design storm. In achieving reduction of nutrients to the maximum extent feasible, the design of the site shall include green infrastructure BMPs that optimize nutrient removal while still achieving the performance standards in Section IV.P, Q and R.
7. In accordance with the definition of FW1 at N.J.A.C. 7:9B-1.4, stormwater management measures shall be designed to prevent any increase in stormwater runoff to waters classified as FW1.
8. The Flood Hazard Area Control Act Rules at N.J.A.C. 7:13-4.1(c)1 establish 300-foot riparian zones along Category One waters, as designated in the Surface Water Quality Standards at N.J.A.C. 7:9B, and certain upstream tributaries to Category One waters. A person shall not undertake a major development that is located within or discharges into a 300-foot riparian zone without prior authorization from the Department under N.J.A.C. 7:13.
9. Pursuant to the Flood Hazard Area Control Act Rules at N.J.A.C. 7:13-11.2(j)3.i, runoff from the water quality design storm that is discharged within a 300-foot riparian zone shall be treated in accordance with this subsection to reduce the post-construction load of total suspended solids by 95 percent of the anticipated load from the developed site, expressed as an annual average.
10. This stormwater runoff quality standards do not apply to the construction of one individual single-family dwelling, provided that it is not part of a larger development or subdivision that has received preliminary or final site plan approval prior to December 3, 2018, and that the motor vehicle surfaces are made of permeable material(s) such as gravel, dirt, and/or shells.

R. Stormwater Runoff Quantity Standards

1. This subsection contains the minimum design and performance standards to control stormwater runoff quantity impacts of major development.
2. In order to control stormwater runoff quantity impacts, the design engineer shall, using the assumptions and factors for stormwater runoff calculations at Section V, complete one of the following:

i. Demonstrate through hydrologic and hydraulic analysis that for stormwater leaving the site, post-construction runoff hydrographs for the 2-, 10-, and 100-year storm events do not exceed, at any point in time, the pre-construction runoff hydrographs for the same storm events;
ii. Demonstrate through hydrologic and hydraulic analysis that there is no increase, as compared to the pre-construction condition, in the peak runoff rates of stormwater leaving the site for the 2-, 10- and 100-year storm events and that the increased volume or change in timing of stormwater runoff will not increase flood damage at or downstream of the site. This analysis shall include the analysis of impacts of existing land uses and projected land uses assuming full development under existing zoning and land use ordinances in the drainage area;
iii. Design stormwater management measures so that the post-construction peak runoff rates for the 2-, 10- and 100-year storm events are 50, 75 and 80 percent, respectively, of the pre-construction peak runoff rates. The percentages apply only to the post-construction stormwater runoff that is attributable to the portion of the site on which the proposed development or project is to be constructed; or
iv. In tidal flood hazard areas, stormwater runoff quantity analysis in accordance with 2.i, ii and iii above is required unless the design engineer demonstrates through hydrologic and hydraulic analysis that the increased volume, change in timing, or increased rate of the stormwater runoff, or any combination of the three will not result in additional flood damage below the point of discharge of the major development. No analysis is required if the stormwater is discharged directly into any ocean, bay, inlet, or the reach of any watercourse between its confluence with an ocean, bay, or inlet and downstream of the first water control structure.

3. The stormwater runoff quantity standards shall be applied at the site's boundary to each abutting lot, roadway, watercourse, or receiving storm sewer system.

Section V. Calculation of Stormwater Runoff and Groundwater Recharge:

A. Stormwater runoff shall be calculated in accordance with the following:

1. The design engineer shall calculate runoff using one of the following methods:

i. The USDA Natural Resources Conservation Service (NRCS) methodology, including the NRCS Runoff Equation and Dimensionless Unit Hydrograph, as described in Chapters 7, 9, 10, 15 and 16 Part 630, Hydrology National Engineering Handbook, incorporated herein by reference as amended and supplemented. This methodology is additionally described in Technical Release 55 - Urban Hydrology for Small Watersheds (TR-55), dated June 1986,
incorporated herein by reference as amended and supplemented. Information regarding the methodology is available from the Natural Resources Conservation Service website at:

https://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/stelprdb1044171.pdf

or at United States Department of Agriculture Natural Resources Conservation Service, 220 Davison Avenue, Somerset, New Jersey 08873; or
ii. The Rational Method for peak flow and the Modified Rational Method for hydrograph computations. The rational and modified rational methods are described in "Appendix A-9 Modified Rational Method" in the Standards for Soil Erosion and Sediment Control in New Jersey, January 2014. This document is available from the State Soil Conservation Committee or any of the Soil Conservation Districts listed at N.J.A.C. 2:90-1.3(a)3. The location, address, and telephone number for each Soil Conservation District is available from the State Soil Conservation Committee, PO Box 330, Trenton, New Jersey 08625. The document is also available at:

http://www.nj.gov/agriculture/divisions/anr/pdf/2014NJSoilErosionControlStandardsComplete.pdf.

2. For the purpose of calculating runoff coefficients and groundwater recharge, there is a presumption that the pre-construction condition of a site or portion thereof is a wooded land use with good hydrologic condition. The term "runoff coefficient" applies to both the NRCS methodology above at Section V.A.1.i and the Rational and Modified Rational Methods at Section V.A.1.ii. A runoff coefficient or a groundwater recharge land cover for an existing condition may be used on all or a portion of the site if the design engineer verifies that the hydrologic condition has existed on the site or portion of the site for at least five years without interruption prior to the time of application. If more than one land cover have existed on the site during the five years immediately prior to the time of application, the land cover with the lowest runoff potential shall be used for the computations. In addition, there is the presumption that the site is in good hydrologic condition (if the land use type is pasture, lawn, or park), with good cover (if the land use type is woods), or with good hydrologic condition and conservation treatment (if the land use type is cultivation).

3. In computing pre-construction stormwater runoff, the design engineer shall account for all significant land features and structures, such as ponds, wetlands, depressions, hedgerows, or culverts, that may reduce pre-construction stormwater runoff rates and volumes.

4. In computing stormwater runoff from all design storms, the design engineer shall consider the relative stormwater runoff rates and/or volumes of pervious and impervious surfaces separately to accurately compute

the rates and volume of stormwater runoff from the site. To calculate runoff from unconnected impervious cover, urban impervious area modifications as described in the NRCS Technical Release 55 – Urban Hydrology for Small Watersheds or other methods may be employed.

5. If the invert of the outlet structure of a stormwater management measure is below the flood hazard design flood elevation as defined at N.J.A.C. 7:13, the design engineer shall take into account the effects of tailwater in the design of structural stormwater management measures.

B. Groundwater recharge may be calculated in accordance with the following:

The New Jersey Geological Survey Report GSR-32, A Method for Evaluating Groundwater-Recharge Areas in New Jersey, incorporated herein by reference as amended and supplemented. Information regarding the methodology is available from the New Jersey Stormwater Best Management Practices Manual; at the New Jersey Geological Survey website at:

https://www.nj.gov/dep/njgs/pricelst/gsreport/gsr32.pdf

or at New Jersey Geological and Water Survey, 29 Arctic Parkway, PO Box 420 Mail Code 29-01, Trenton, New Jersey 08625-0420.

Section VI. Sources for Technical Guidance:

A. Technical guidance for stormwater management measures can be found in the documents listed below, which are available to download from the Department's website at:

http://www.nj.gov/dep/stormwater/bmp_manual2.htm.

1. Guidelines for stormwater management measures are contained in the New Jersey Stormwater Best Management Practices Manual, as amended and supplemented. Information is provided on stormwater management measures such as, but not limited to, those listed in Tables 1, 2, and 3.

2. Additional maintenance guidance is available on the Department's website at:

https://www.njstormwater.org/maintenance_guidance.htm.

B. Submissions required for review by the Department should be mailed to:

The Division of Water Quality, New Jersey Department of Environmental Protection, Mail Code 401-02B, PO Box 420, Trenton, New Jersey 08625-0420.

Section VII. Solids and Floatable Materials Control Standards:

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

1. Design engineers shall use one of the following grates whenever they use a grate in pavement or another ground surface to collect stormwater from that surface into a storm drain or surface water body under that grate:

i. The New Jersey Department of Transportation (NJDOT) bicycle safe grate, which is described in Chapter 2.4 of the NJDOT Bicycle Compatible Roadways and Bikeways Planning and Design Guidelines; or
ii. A different grate, if each individual clear space in that grate has an area of no more than seven (7.0) square inches, or is no greater than 0.5 inches across the smallest dimension.

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

iii. For curb-opening inlets, including curb-opening inlets in combination inlets, the clear space in that curb opening, or each individual clear space if the curb opening has two or more clear spaces, shall have an area of no more than seven (7.0) square inches, or be no greater than two (2.0) inches across the smallest dimension.

2. The standard in A.1. above does not apply:

i. Where each individual clear space in the curb opening in existing curb-opening inlet does not have an area of more than nine (9.0) square inches;
ii. Where the municipality agrees that the standards would cause inadequate hydraulic performance that could not practicably be overcome by using additional or larger storm drain inlets;
iii. Where flows from the water quality design storm as specified in N.J.A.C. 7:8 are conveyed through any device (e.g., end of pipe netting facility, manufactured treatment device, or a catch basin hood) that is designed, at a minimum, to prevent delivery of all solid and floatable materials that could not pass through one of the following:

a. A rectangular space four and five-eighths (4.625) inches long and one and one-half (1.5) inches wide (this option does not apply for outfall netting facilities); or
b. A bar screen having a bar spacing of 0.5 inches.

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

iv. Where flows are conveyed through a trash rack that has parallel bars with one-inch (1 inch) spacing between the bars, to the elevation of the Water Quality Design Storm as specified in N.J.A.C. 7:8; or

v. Where the New Jersey Department of Environmental Protection determines, pursuant to the New Jersey Register of Historic Places Rules at N.J.A.C. 7:4-7.2(c), that action to meet this standard is an undertaking that constitutes an encroachment or will damage or destroy the New Jersey Register listed historic property.

Section VIII. Safety Standards for Stormwater Management Basins:

A. This section sets forth requirements to protect public safety through the proper design and operation of stormwater management BMPs. This section applies to any new stormwater management BMP.

B. The provisions of this section are not intended to preempt more stringent municipal or county safety requirements for new or existing stormwater management BMPs. Municipal and county stormwater management plans and ordinances may, pursuant to their authority, require existing stormwater management

BMPs to be retrofitted to meet one or more of the safety standards in Section VIII.C.1, VIII.C.2, and VIII.C.3 for trash racks, overflow grates, and escape provisions at outlet structures.

C. Requirements for Trash Racks, Overflow Grates and Escape Provisions

1. A trash rack is a device designed to catch trash and debris and prevent the clogging of outlet structures. Trash racks shall be installed at the intake to the outlet from the Stormwater management BMP to ensure proper functioning of the BMP outlets in accordance with the following:

i. The trash rack shall have parallel bars, with no greater than six-inch spacing between the bars;
ii. The trash rack shall be designed so as not to adversely affect the hydraulic performance of the outlet pipe or structure;
iii. The average velocity of flow through a clean trash rack is not to exceed 2.5 feet per second under the full range of stage and discharge. Velocity is to be computed on the basis of the net area of opening through the rack; and
iv. The trash rack shall be constructed of rigid, durable, and corrosion resistant material and designed to withstand a perpendicular live loading of 300 pounds per square foot.

2. An overflow grate is designed to prevent obstruction of the overflow structure. If an outlet structure has an overflow grate, such grate shall meet the following requirements:

i. The overflow grate shall be secured to the outlet structure but removable for emergencies and maintenance.
ii. The overflow grate spacing shall be no less than two inches across the smallest dimension
iii. The overflow grate shall be constructed and installed to be rigid, durable, and corrosion resistant, and shall be designed to withstand a perpendicular live loading of 300 pounds per square foot.

3. Stormwater management BMPs shall include escape provisions as follows:

i. If a stormwater management BMP has an outlet structure, escape provisions shall be incorporated in or on the structure. Escape provisions include the installation of permanent ladders, steps, rungs, or other features that provide easily accessible means of egress from stormwater management BMPs. With the prior approval of the municipality pursuant to VIII.C, a free-standing outlet structure may be exempted from this requirement;
ii. Safety ledges shall be constructed on the slopes of all new stormwater management BMPs having a permanent pool of water deeper than two and one-half feet. Safety ledges shall be comprised of two steps. Each step shall be four to six feet in width. One step shall be located approximately two and one-half feet below the permanent water surface, and the second step shall be located one to one and one-half feet above the permanent water surface. See VIII.E for an illustration of safety ledges in a stormwater management BMP; and
iii. In new stormwater management BMPs, the maximum interior slope for an earthen dam, embankment, or berm shall not be steeper than three horizontal to one vertical.

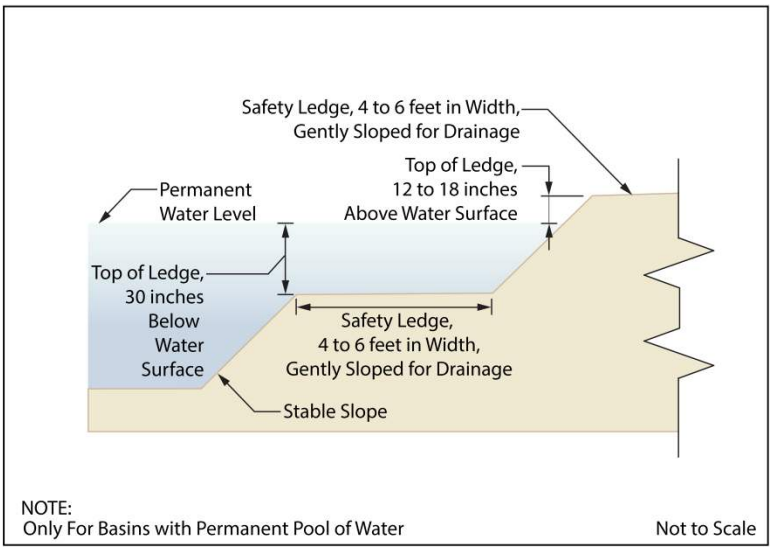
D. Variance or Exemption from Safety Standard

A variance or exemption from the safety standards for stormwater management BMPs may be granted only upon a written finding by the municipality that the variance or exemption will not constitute a threat to public safety.

E. Safety Ledge Illustration

A. Safety Ledge Illustration

Elevation View –Basin Safety Ledge Configuration



Section IX. Requirements for a Site Development Stormwater Plan:

A. Submission of Site Development Stormwater Plan

1. Whenever an applicant seeks municipal approval of a development subject to this ordinance, the applicant shall submit all of the required components of the Checklist for the Site Development Stormwater Plan at Section IX.C below as part of the submission of the application for approval.

2. The applicant shall demonstrate that the project meets the standards set forth in this ordinance.

3. The applicant shall submit [specify number] copies of the materials listed in the checklist for site development stormwater plans in accordance with Section IX.C of this ordinance.

B. Site Development Stormwater Plan Approval

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

C. Submission of Site Development Stormwater Plan

The following information shall be required:

1. Topographic Base Map

The reviewing engineer may require upstream tributary drainage system information as necessary. It is recommended that the topographic base map of the site be submitted which extends a minimum of 200 feet beyond the limits of the proposed development, at a scale of 1"=200' or greater, showing 2-foot contour intervals. The map as appropriate may indicate the following: existing surface water drainage, shorelines, steep

slopes, soils, erodible soils, perennial or intermittent streams that drain into or upstream of the Category One waters, wetlands and flood plains along with their appropriate buffer strips, marshlands and other wetlands, pervious or vegetative surfaces, existing man-made structures, roads, bearing and distances of property lines, and significant natural and manmade features not otherwise shown.

2. Environmental Site Analysis

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

3. Project Description and Site Plans

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

4. Land Use Planning and Source Control Plan

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

5. Stormwater Management Facilities Map

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

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

6. Calculations

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

7. Maintenance and Repair Plan

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

8. Waiver from Submission Requirements

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

Section X. Maintenance and Repair:

A. Applicability

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

B. General Maintenance

1. The design engineer shall prepare a maintenance plan for the stormwater management measures incorporated into the design of a major development.

2. The maintenance plan shall contain specific preventative maintenance tasks and schedules; cost estimates, including estimated cost of sediment, debris, or trash removal; and the name, address, and telephone number of the person or persons responsible for preventative and corrective maintenance (including replacement). The plan shall contain information on BMP location, design, ownership, maintenance tasks and frequencies, and other details as specified in Chapter 8 of the NJ BMP Manual, as well as the tasks specific to the type of BMP, as described in the applicable chapter containing design specifics.

3. If the maintenance plan identifies a person other than the property owner (for example, a developer, a public agency or homeowners' association) as having the responsibility for maintenance, the plan shall include documentation of such person's or entity's agreement to assume this responsibility, or of the owner's obligation to dedicate a stormwater management facility to such person under an applicable ordinance or regulation.

4. Responsibility for maintenance shall not be assigned or transferred to the owner or tenant of an individual property in a residential development or project, unless such owner or tenant owns or leases the entire residential development or project. The individual property owner may be assigned incidental tasks, such as weeding of a green infrastructure BMP, provided the individual agrees to assume these tasks; however, the individual cannot be legally responsible for all of the maintenance required.

5. If the party responsible for maintenance identified under Section X.B.3 above is not a public agency, the maintenance plan and any future revisions based on Section X.B.7 below shall be recorded upon the deed of record for each property on which the maintenance described in the maintenance plan must be undertaken.

6. Preventative and corrective maintenance shall be performed to maintain the functional parameters (storage volume, infiltration rates, inflow/outflow capacity, etc.).of the stormwater management measure, including, but not limited to, repairs or replacement to the structure; removal of sediment, debris, or trash;

restoration of eroded areas; snow and ice removal; fence repair or replacement; restoration of vegetation; and repair or replacement of non-vegetated linings.

7. The party responsible for maintenance identified under Section X.B.3 above shall perform all of the following requirements:

i. maintain a detailed log of all preventative and corrective maintenance for the structural stormwater management measures incorporated into the design of the development, including a record of all inspections and copies of all maintenance-related work orders;
ii. evaluate the effectiveness of the maintenance plan at least once per year and adjust the plan and the deed as needed; and
iii. retain and make available, upon request by any public entity with administrative, health, environmental, or safety authority over the site, the maintenance plan and the documentation required by Section X.B.6 and B.7 above.

8. The requirements of Section X.B.3 and B.4 do not apply to stormwater management facilities that are dedicated to and accepted by the municipality or another governmental agency, subject to all applicable municipal stormwater general permit conditions, as issued by the Department.

Note: It may be appropriate to delete requirements in the maintenance and repair plan that are not applicable if the ordinance requires the facility to be dedicated to the municipality. If the municipality does not want to take this responsibility, the ordinance should require the posting of a two year maintenance guarantee in accordance with N.J.S.A. 40:55D-53. Maintenance and inspection guidance can be found on the Department's website at:

https://www.njstormwater.org/maintenance_guidance.htm.

9. In the event that the stormwater management facility becomes a danger to public safety or public health, or if it is in need of maintenance or repair, the municipality shall so notify the responsible person in writing. Upon receipt of that notice, the responsible person shall have fourteen (14) days to effect maintenance and repair of the facility in a manner that is approved by the municipal engineer or his designee. The municipality, in its discretion, may extend the time allowed for effecting maintenance and repair for good cause. If the responsible person fails or refuses to perform such maintenance and repair, the municipality or County may immediately proceed to do so and shall bill the cost thereof to the responsible person. Nonpayment of such bill may result in a lien on the property.

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

Section XI. Penalties:

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

A. Any person who violates this article shall, upon conviction thereof in municipal court, be punishable by imposition of the penalties set forth in Chapter 1, Article III, of the Township of Irvington Code.

B. Each instance of engaging in a separate regulated activity, in violation of this article, shall be deemed a separate offense.

C. Nothing in this section shall preclude the Township from instituting a civil action for injunctive or other relief to enforce the provisions of this article.

Section XII. Severability:

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

Section XIII. Effective Date:

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

The public hearing on this ordinance is now open.

There were no requests to be heard.

Vick - Frederic Motion to close public hearing.

Adopted
Absent: Burgess, Evans

Vick - Frederic Motion to adopt this ordinance on second reading after public hearing.

Adopted
Absent: Burgess, Evans

2. Acting President Hudley: An ordinance amending Chapter 158 of the Revised Code to regulate and require practices for holders of liquor to remain open under Covid-19 restrictions from the time period of June 5, 2020 to April 30, 2021 will be heard at this time. For the record, this notice is identical to the first notice that was read.

The Clerk will read the ordinance by title.

AN ORDINANCE TO AMEND 158 CHAPTER SECTION I(b) TO REGULATE AND REQUIRE PRACTICES FOR HOLDERS OF LIQUOR LICENSE(S) AND ALL HOLDERS OF LIQUOR LICENSE(S) WITH RETAIL CONSUMPTION PRIVILEGES TO REMAIN OPEN UNDER COVID-19 RESTRICTIONS

An ordinance regulating and requiring practices for holders of liquor license(s), and all holders of a liquor license with retail consumption privileges in the Township of Irvington that are permitted to remain open under the Covid-19 restrictions of the Governor's Executive Order No.:150, et als; which permits holders of a liquor license, and all holders of a liquor license with retail consumption privileges to open to the public to offer dining and/or beverage consumption only.

Whereas the Division of Alcoholic Beverage Control (ABC) has created a new permit for licensed premises to expand their premises to allow for reasonable seating capacity while at the same time

observing social distancing guidelines; and has created a Covid-19 Expansion Permit and made the same available to all retail consumption and club licensees.

Whereas the Division of Alcoholic Beverage Control (ABC) has indicated that such permits must be endorsed by the Municipality and it is in the sole discretion of the Township of Irvington to ensure that local concerns, such as hours of operation, proximity to neighbors, site plan approvals and other local concerns and special conditions are taken into account, and in the discretion of the Township, may be considered and incorporated into any permit, if needed, to address particular circumstances.

Whereas in order to protect the health and safety of our residents and visitors to the Township of Irvington during this pandemic, all holders of liquor licenses, and all holders of a liquor license with retail consumption privileges may remain open if, at a minimum, it operates in a manner consistent with the Governor's Executive Order(s), this Ordinance, and any and all related Township ordinances, and ensures that patrons will be appropriately spaced apart and adhere to strict limits on the number of patrons entering the premises.

Whereas in light of the dramatic rise in covid-19 cases in the State of New Jersey and Essex County in particular, the Governor has called upon local municipalities to act and take all necessary precautions to protect the health and safety of its residents.

BE IT ORDAINED by the Municipal Council of the Township of Irvington as follows:

Section I. Requirements for approval of Covid-19 Expansion Permit to offer outdoor and indoor service areas in the Township of Irvington:

b. The Permit obtained from the Township of Irvington will be effective from June 5, 2020 until April 30, 2021.

Severability

The provisions of this ordinance are declared to be severable, and if any section, subsection, sentence, clause or part thereof is, for any reason, held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of any remaining sections, subsections, sentences, clauses or part of this ordinance.

Section IX. Repealer

All prior Municipal Executive Orders, Ordinances or parts of Ordinances inconsistent with this Ordinance be and the same are hereby repealed to the extent of such inconsistencies.

Section X. Effective Date

This ordinance shall take effect immediately upon adoption and publication according to law.

The public hearing on this ordinance is now open.

There were no requests to be heard

Vick - Hudley Motion to close public hearing.

Adopted
Absent: Burgess, Evans

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

Adopted
Absent: Burgess, Evans

ALCOHOLIC BEVERAGE CONTROL BOARD
DECEMBER 28, 2020

1. Chairman Cox calls the Meeting to Order

Roll Call

Present: Beasley, Frederic, Hudley, Vick, Chairman Cox
Absent: Burgess, Evans

1. New Business

Cox – Hudley A. Rescind Renewal of Plenary Retail Pocket Consumption License for 2020 – 2021 Licensing Year to Yunga Brothers – Need to Obtain a State ABC Special Ruling For An Inactive License

WHEREAS, on September 14, 2020, the ABC Board renewed the following Plenary Retail Consumption License for the 2020-2021 licensing year; and

0709-33-041-005 Yunga Brothers (Pocket)
25 Laurel Avenue
Irvington, NJ 07111

WHEREAS, the State Division of Alcoholic Beverage Control has informed the Township that the license holder must obtain a special 12:39 ruling from the State ABC; and

WHEREAS, as a result, the State ABC has requested that that the renewal of Plenary Retail Consumption License 0709-33-041-005, issued to Yunga Bothers for the 2020-2021 licensing year be rescinded:

NOW THEREFORE BE IT RESOLVED BY THE MUNICIPAL COUNCIL, ACTING AS THE ABC BOARD OF THE TOWNSHIP OF IRVINGTON, that the renewal of Plenary Retail Consumption License 0709-33-041-005, issued to Yunga Brothers for the 2020-2021 licensing year by rescinded; and

BE IT FURTHER RESOLVED that a certified copy of this resolution by transmitted to the State of New Jersey Division of Alcoholic Beverage Control.

Adopted
Absent: Burgess, Evans

3. Adjournment

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COUNCIL MEETING (RESUMED)

12. Miscellaneous

A. General Hearing of Citizens and Council Members limited to three minutes per person

Dion Patterson, 468 Union Avenue
Jackie McCleod, 261 Vermont Avenue

Acting President Dr. Hudley addressed the issues raised by the above referenced citizens.

13. Adjournment

There being no further business, the meeting was adjourned at 7:52 P.M.

_____ _____

Dr. October Hudley, Acting Council President Harold E Wiener, Municipal Clerk