

TOWNSHIP OF IRVINGTON



MUNICIPAL COUNCIL MEETING MINUTES APRIL 8, 2024 7:30 PM

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Members of the public who would like to attend the meeting and offer public comment, you must sign up via the registration link: https://us02web.zoom.us/webinar/register/WN_ACMvimQTRfSo_UeZWXYIQ

Appointments

Virtual - Zoom Meetings
Administration

1. PLEDGE OF ALLEGIANCE
2. MOMENT OF SILENCE
3. ROLL CALL

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

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

Pursuant to Chapter 231, Public Laws of 1975 and Public Laws of 2020, Chapter 11, this is to state for the record that adequate notice of this virtual meeting has been provided to the public by posting a notice on the Municipal Bulletin Board, township's website, by mailing, emailing and faxing a notice of the meeting to the Irvington Herald and the Star Ledger and by filing said notice in the office of the Municipal Clerk.

4. HEARING OF CITIZENS ON AGENDA ITEMS ONLY

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

Robert Shaw, 57 Coit Street
Sandra Gora, 12 Beaumont Place

5. HEARING OF COUNCIL MEMBERS

None

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

A. Reports

1. Municipal Court - Weekly Summary Report for the Week of March 18, 2024 to March 22, 2024
2. Public Works Director Cassandra Chatman - Report of March 15, 2024 Sanitation Committee Meeting
3. IT Representative Gregory Blount – Report of March 19, 2024 Technology Committee Meeting
4. Municipal Engineer John Wiggins – Report of March 21, 2024 Parking Committee Meeting
5. Community Development Director Kyana Woolridge, Esq. – Report of March 20, 2024 Redevelopment Committee Meeting
6. Business Administrator Musa Malik, Esq. – Report of March 21, 2024 Finance Committee Meeting
7. A/Health Director Baffour Asare – Report of March 28, 2024 Ad Hoc Health Committee Meeting
8. IT Representative Gregory Blount – Report of April 2, 2024 Technology Committee Meeting
9. Municipal Court - Weekly Summary Report for the Week of March 25, 2024 to March 29, 2024
10. Joint Meeting – 2024 Second Quarter Assessment

7. REPORTS OF COMMITTEES

- A. Bid – Solar Powered Trash Compactors - March 20, 2024
- B. Bid – Sanitary Sewer Operator, Zoning Board Attorney, Planning Board Attorney and Lease of ATM – April 3, 2024

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

8. ORDINANCES, BILLS & CLAIMS

A. Ordinances on First Reading

None

C. Bills & Claims

Vick – Hudley

1. Bill Lists

RESOLVED THAT THE BILLS AND CLAIMS AGAINST THE TOWNSHIP OF IRVINGTON FOR A PERIOD APRIL 8, 2024 AS ENUMERATED ON THIS LIST FOR MATERIALS, SUPPLIES AND SERVICES FURNISHED, DELIVERED AND/OR PERFORMED HAVE BEEN CERTIFIED BY THE DEPARTMENTS AS CORRECT, EACH CLAIM AND PURCHASE ORDER HAVE BEEN VERIFIED AND REVIEWED FOR THE AVAILABILITY OF FUNDS, ACCURACY OF ACCOUNT CODING AND COMPLETENESS BY THE ADMINISTRATION, THEREFORE:

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

BILL LIST	\$3,058,386.81
TOTAL	\$3,058,386.81

Adopted
Absent: Cox

Vick – Brown 2. Payrolls

Payroll Date: March 22, 2024

TOTAL	\$2,427,033.36
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Adopted
Absent: Cox

9. RESOLUTIONS AND MOTIONS

A. Resolutions

Vick – Brown 1. Authorize Local Support for Ivory Organic and Wellness LLC for Cannabis License Application to the New Jersey Cannabis Regulatory Commission

**RESOLUTION OF THE TOWNSHIP OF IRVINGTON AUTHORIZING LOCAL SUPPORT FOR
IVORY ORGANIC AND WELLNESS LLC
FOR CANNABIS LICENSE APPLICATION(S) TO THE NEW JERSEY CANNABIS
REGULATORY COMMISSION**

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

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

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comprehensive regulatory and licensing scheme for commercial recreational (adult use) cannabis operations, use and possession; and

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

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

NOW, THEREFORE, BE IT RESOLVED by the Township Council for the Township of Irvington that the Township of Irvington hereby supports the applicant, Goodwin Ezeweputa of Ivory Organic and Wellness, LLC whose proposed site of operation is 566 Nye Avenue, Irvington, New Jersey, for the type of cannabis business licenses being sought to operate within the Township of Irvington's jurisdiction in accordance with the Township Code of the Township of Irvington.

Adopted
Absent: Cox

Evans – Vick 2. Waive 20 Day Time Period for Effective Date on an Ordinance amending Section 620-97, of the General Ordinance of the Township of Irvington Entitled “Parking Time Limited” on a portion of Washington Avenue

WHEREAS, an ordinance entitled **“AN ORDINANCE AMENDING SECTION 620-97, OF THE GENERAL ORDINANCES OF THE TOWNSHIP OF IRVINGTON ENTITLED “PARKING TIME LIMITED”** was duly passed on first reading by the Municipal Council on MARCH 25, 2024 and duly adopted by the Municipal Council on second reading after public hearing on April 8, 2024; and

WHEREAS, pursuant to N.J.S.A. 40:69A-181 (a) and Section 7-32 (d) of the Revised Code of the Township of Irvington, an ordinance shall take effect twenty (20) days after final passage by the Municipal Council and approval by the Mayor; and

WHEREAS, pursuant to N.J.S.A. 40:69A-181 (b) and Section 7-32 (d) of the Revised Code of the Township of Irvington, two- thirds (2/3) of the full membership of the Municipal Council may declare an emergency, by written resolution, to reduce this twenty (20) day period:

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON (not less than 2/3 of the full membership thereof affirmatively concurring) that pursuant to the provisions of N.J.S.A. 40:69A-181 (b) and Section 7-32 (d) of the Revised Code of the Township of Irvington, it does hereby declare that an emergency exists that an ordinance entitled **“AN ORDINANCE AMENDING SECTION 620-97, OF THE GENERAL ORDINANCES OF THE TOWNSHIP OF IRVINGTON ENTITLED “PARKING TIME LIMITED”** shall become effective immediately upon its approval by the Mayor.

Adopted
Absent: Cox

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Beasley - Brown 3. Appointment - Zoning Board of Adjustment Appointment - Robert Fonsville – Alternate Member

WHEREAS, a vacancy exist in the Alternate Membership of the Zoning Board of Adjustment:

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that the following named persons are hereby appointed as Alternate #3 Member of the Zoning Board of Adjustment for a term as indicated below:

NAME	ADDRESS	TYPE OF MEMBER	TERM TO EXPIRE
Robert Fonsville	84 21 st Street, Apt. 2	Alternate #3	4-7-26

Adopted
Absent: Cox

Beasley - Brown 4. Appointment - Zoning Board of Adjustment Appointment - Troy Chavers Due to the Resignation of Regular Member Sherry Watts

WHEREAS, a vacancy exist in the Membership of the Zoning Board of Adjustment due to the resignation of Regular Member Sherry Watts:

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that the following named person is hereby appointed as a Regular Member of the Zoning Board of Adjustment for a term as indicated below:

NAME	ADDRESS	TYPE OF MEMBER	TERM TO EXPIRE
Troy Chavers	20 Martin Place	Regular	4-7-28

Adopted
Absent: Cox

Hudley – Evans 5. Approve Annual Payment to the Irvington Counseling Center - Quarterly Payments in the Amounts of \$2,250.00 for an Amount Not to Exceed \$9,000.00

RESOLUTION APPROVING ANNUAL PAYMENT TO THE IRVINGTON COUNSELING CENTER
WHEREAS, Irvington Counseling Center, a New Jersey Non-Profit Corporation with its office located at 21-29 Wagner place, Irvington, NJ 07111 provides a variety of mental health services to Irvington residents; and

WHEREAS, the Township provides a subsidy payment to the organization in its annual budget to promote the health, safety, morals and general welfare of the community; and

WHEREAS, the Township provides this organization with a quarterly subsidy payment of \$2,250.00, for an amount not to exceed \$9,000.00 per calendar year 2024; and

NOW THEREFORE BE, IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON, that the Township of Irvington will remit quarterly payments in the amounts of \$2,250.00 for an amount not to exceed \$9,000.00 per calendar year 2024 to the Irvington Counseling Center, a New Jersey Non-Profit Corporation located at 21-29 Wagner place, Irvington, NJ 07111 for counseling services for calendar year 2024.

BE IT FUTHER RESLOVED, that the required certification of availability of funds C24-0057 in the amount of \$2,250.00 from account number 4-01-27-330-111-299 has been obtained from the Chief Financial Officer and the remaining balance of \$6750.00 will be certified upon the adoption of the 2024 Municipal budget.

Adopted
Absent: Cox

Vick – Beasley 6. Authorize the Second Amendment of an Escrow Agreement With Irvington
Redevelopment 2022 LLC for the Redevelopment of Certain Property in the Township

**RESOLUTION OF THE TOWNSHIP OF IRVINGTON AUTHORIZING THE
SECOND AMENDMENT OF AN ESCROW AGREEMENT WITH IRVINGTON
REDEVELOPMENT 2022 LLC FOR THE REDEVELOPMENT OF CERTAIN
PROPERTY IN THE TOWNSHIP**

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

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

WHEREAS, on August 11, 2015, the Township Council duly adopted Ordinance MC. 3549, enacting a redevelopment plan for the Rehabilitation Area entitled the *Township-Wide Area in need of Rehabilitation Redevelopment Plan* (the “**Redevelopment Plan**”), pursuant to the Redevelopment Law and in accordance with the procedures set forth therein; and

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

WHEREAS, Irvington Redevelopment 2022 LLC (the “**Company**”) and the Township, in its capacity as redevelopment entity, intend to pursue pre-development activities, including, but not limited to a review of the Company’s proposal, the acquisition and conveyance of certain properties within the Township, and other related actions; and

WHEREAS, the Township Council previously adopted Resolution OCDP 22-0926-27, authorizing the execution of an Escrow Agreement between the Township and the Company (which was not executed by the parties) in connection with the conveyance and redevelopment of fourteen (14) properties within the Township, which was subsequently replaced and rescinded by Resolution OCDP 22-1227-34; and

WHEREAS, the Company has requested that the Township, in its capacity as redevelopment entity, enter into negotiations for a Redevelopment and Land Disposition Agreement and/or Financial Agreement, as may be applicable or appropriate for the redevelopment of the Property; and

WHEREAS, the Company proposes to explore the acquisition of certain properties identified on the official tax maps of the Township and identified in the Township tax records as:

Block	Lot	Address
99	2	134 Myrtle Avenue
123	23	16 Highland Terrace
137	19	9 20 th Avenue
142	8	132-134 22 nd Street
142	9	136 22 nd Street
149	21	205 22 nd Street (REAR)
149	22	201 22 nd Street
149	23	199 22 nd Street
151	3	244 22 nd Street
151	7	258 22 nd Street
151	8	260 22 nd Street
151	10	266 22 nd Street
151	27	211 21 st Street

(collectively, the “**Property**”) and to undertake the rehabilitation or redevelopment of same (the “**Project**”); and

WHEREAS, the Township Council now desires to rescind and replace Resolution OCDP 22-1227-34 and to authorize the execution of a Second Amended Escrow Agreement between the Township and Company to add an additional parcel to the Project, namely the parcel identified on the official tax maps of the Township and identified in the Township tax records as Block 166, Lot 25, known as 473 21st Street (the “**Additional Parcel**,” and together with the Property, the “**Property As Amended**”); 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 Scattered Sites Redevelopment Area. These lots identified on the Township tax maps as Block 149, Lots 21-23 and Block 151, Lot 10 are subject to the superseding zoning of the *Scattered Sites Redevelopment Plan* (as amended, the “**Scattered Sites Redevelopment Plan**”); 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 identified on the Township tax maps as Block 137, Lot 19; Block 142, Lot 8-9; and Block 149, Lots 21-23 are subject to the superseding zoning of the *East Ward/Springfield Avenue Redevelopment Plan* (as amended, the “**East Ward Redevelopment Plan**”, together with the Township-Wide Redevelopment Plan and the Scattered Sites Redevelopment Plan, the “**Redevelopment Plan**”); and

WHEREAS, the Company has agreed to defray certain costs incurred by or on behalf of the Township arising out of or in connection with the proposed Predevelopment Activities and the redevelopment of the Property; and

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

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

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

Section 2. Additional Parcel Added to Property As Amended. The Escrow Agreement previously authorized is hereby amended to include the Additional Parcel within the Property As Amended.

Section 3. Execution of Agreement. To the extent it is deemed necessary, the Township Council hereby authorizes the Mayor to execute the escrow and funding agreement substantially in the form attached hereto as Exhibit A, with such changes, deletions, and modifications in consultation with counsel as may be necessary or desirable to effect the transaction contemplated by this resolution. However, neither the adoption of this resolution, nor the execution of the escrow and funding agreement authorized hereby, shall be construed in any way to bind the Township to execute one or more definitive agreements with respect to the Project.

Section 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

ESCROW AGREEMENT

Adopted
Absent: Cox

Hudley – Vick 7. Ratify Professional Services Contract for Litigation/Defense Counsel Services –
Lamb Kretzer, LLC - in the Matter of Tessa Francois v. Township of Irvington, et al.

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

WHEREAS, resolution number TA 23-1010-40 qualified eight firms to provide litigation/defense counsel services for the Township of Irvington from November 01, 2023 until October 31, 2024; and

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

WHEREAS, the Township Attorney has determined that Lamb Kretzer, LLC has the most experience to defend the Township of Irvington in the matter of Tessa Francois v. Township of Irvington, et al., Docket No: ESX-L001702-24; and

WHEREAS, the Township Attorney has recommended that a contract be awarded to Lamb Kretzer, LLC, 110B Meadowlands Parkway, Suite 201, Secaucus, New Jersey, 07094; and

NOW THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that a contract for Litigation/Defense counsel services be awarded to Lamb Kretzer, LLC, 110B Meadowlands Parkway, Suite 201, Secaucus, New Jersey, 07094 for a contract amount not to exceed \$5,000.00. The billing rate for this contract is \$150.00 per hour; and

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

BE IT FURTHER RESOLVED, that funds for this service will be paid from the Insurance fund for a contract amount not to exceed \$5,000.00. The billing rate for this contract is \$150.00 per hour.

Adopted
Absent: Cox

Hudley – Frederic 8. Authorize a Non-Fair And Open Contract for a Software Management System for Economic Development Department Benevate Inc. DBA/Neighborly Software – \$41,100.00

A RESOLUTION AUTHORIZING A NON-FAIR AND OPEN CONTRACT FOR A SOFTWARE MANAGEMENT SYSTEM FOR ECONOMIC DEVELOPMENT DEPARTMENT

WHEREAS, the Township of Irvington, in the County of Essex and State of New Jersey, is in need of a software management system to manage CDBG and Home funds; and

WHEREAS, the Township would like to retain the service of Benevate Inc DBA/Neighborly Software to provide software management system; and

WHEREAS, Benevate INC has provided the Township with a proposal to provide this service for calendar year 2024 for a total sum of \$41,100.00; 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 on December 21, 2023 ; and

WHEREAS, the Township would like to award a Non Fair and Open contract to Benevate Inc/ Neighborly Software of 3423 Piedmont road, Atlanta, GA, 30305; and

WHEREAS, the term of this contract will expire on December 31, 2024; and

WHEREAS, Benevate Inc/ Neighborly Software 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 Benevate Inc/ Neighborly Software 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 Benevate Inc, 3423 Piedmont road, Atlanta, GA 30305; and

BE IT FUTHER RESLOVED, that the required certification of availability of funds C23-0124 in the amount of \$41,100.00 from account numbers T-21-41-850-20G-801 has been obtained from the Chief Financial Officer.

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: Cox

Hudley – Frederic 9. Ratify and Approve the Provision of Lead Safe Irvington Funds in the Amount Not to Exceed \$31,150.00 for 606 Lyons Avenue – Optimum Environmental Solutions LLC

RESOLUTION FOR LEAD SAFE IRVINGTON PROGRAM

WHEREAS, the Township of Irvington has been awarded Office of Lead Hazard Control and Healthy Homes (OLHCHH) funds by the Department of Housing and Urban Development (HUD) and it has obligated funds for the purpose of financing its LEAD SAFE Irvington Program administered by the Department of Economic Development and Grants Oversight; and

WHEREAS, the Township of Irvington, Department of Economic Development and Grants Oversight has identified that the applicant, who is the owner of 606 Lyons Ave, Irvington, New Jersey, 07111 is eligible to receive assistance through the LEAD SAFE Irvington Program per the Township's policies and procedures; and

WHEREAS the Contractor selected through a competitive BID to perform the Remediation work is Optimum Environmental Solutions LLC and said funds shall be disbursed to the Contractor for the benefit of the applicant; and,

WHEREAS, the Department of Economic Development and Grants Oversight has contacted all the contractors on resolution number EDGO 23-0710-21 and (3) three contractors EnviroScience Solutions LLC, Absolute JM Services LLC provided quotes for the required work and one contractor (1) A-Arcalenz LLC submitted an email stating that they were not interested in submitting a bid for this property and,

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that the Township of Irvington does ratify and approve the provision of LEAD SAFE Irvington funds to the applicant(s) in the amount not to exceed \$31,150.00 for a period of affordability of five (5) years; and

BE IT FURTHER RESOLVED that the total funds of \$31,150.00 cost will be disbursed in one (1) installment in the amount of \$31,150.00 each installment after review of work performed and proof of funds expended to facilitate the remediation; and

BE IT FURTHER RESOLVED that the aforesaid funds are to be used for the remediation of the subject property and related soft cost associated with the remediation of the subject property as set forth in Bid Proposal, attached hereto for the premises known as, 606 Lyons Ave, Irvington, New Jersey 07111, (1) one family unit and owned by homeowner; and

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

BE IT FURTHER RESOLVED that pursuant to N.J.A.C. 5:34-5.2, the required Certificate of Fund Req. No. C24-0052 in the amount of \$31,150.00 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. G-02-XX-716-19A-250 in the amount of \$31,150.00.

Adopted
Absent: Cox

Vick – Beasley 10. Refund Tax Overpayment on Block 308, Lot 28.01 - 161 Harper Avenue - \$737.42

**Resolution to Refund Tax Overpayment
on Block 308 Lot 28.01 C0147, 161 Harper Ave. C0147**

WHEREAS, Corelogic remitted an overpayment in the amount of \$737.42 for the 2023 Q4 taxes on Block 308 Lot 28.01 C0147; and

WHEREAS, two payments were remitted for the 2023 Q4 taxes on November 08, 2023, which resulted in an overpayment; and

WHEREAS, Corelogic has requested to be refunded the tax overpayment in the amount of \$737.42 for 161 Harper Ave. C0147, Block 308 Lot 28.01 C0147; and

WHEREAS, the Tax Collector desires to refund the tax overpayment in the amount of \$737.42 to Corelogic.

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON, COUNTY OF ESSEX, STATE OF NEW JERSEY that the Township of Irvington Tax Collector is authorized and directed to refund the overpaid taxes to Corelogic in the amount of \$737.42.

Adopted
Absent: Cox

Vick – Frederic 11. Waive Interest on Late Payments for 2024 Annual Sewer Charge

**Resolution to Waive Interest on Late Payments
For 2024 Annual Sewer Charge**

WHEREAS, the 2024 annual sewer bills were mailed to taxpayers on February 15, 2024 with 25 days to remit payment on the charge due by March 1, 2024; and

WHEREAS, the 2024 annual sewer bill erroneously informed taxpayers to remit payment by 3/12/2024 to avoid late fees; and

WHEREAS, the correct 25 day grace period to remit payment to avoid late fees was 3/11/2024; and

WHEREAS, the Tax Collector is desirous to waive interest charges in the amount of \$194.89 to taxpayers who made their payments on 3/12/2024; and

WHEREAS, the interest charged to taxpayers who made their payments on 3/12/2024 will be waive and applied to the principal amount of the 2024 annual sewer charge.

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON, COUNTY OF ESSEX, STATE OF NEW JERSEY that the Tax Collector is authorized to waive the interest charges in the amount of \$194.89 on sewer accounts that were paid on 3/12/2024 and apply said interest amounts to the current sewer due.

Adopted
Absent: Cox

Vick – Frederic 12. Refund Sewer Overpayment on Block 151 Lot 5, 250 22nd Street

**Resolution to Refund Sewer Overpayment
on Block 151 Lot 5, 250 22ND St.**

WHEREAS, Aryming Asset Management LLC was assigned municipal TSC# 19-00583 on December 29, 2023 on 250 22ND St., Block 151 Lot 5; and

WHEREAS, 250 22ND St. is listed as vacant land in the tax records and is not subject to the annual sewer user fee; and

WHEREAS, this property has been billed erroneously for the annual sewer charge in the amount of \$2,717.39; and

WHEREAS, Josh Weiss, owner of 250 22ND St. and 377 21ST Street Realty LLC remitted an erroneous sewer payment in the amount of \$2,717.39 included in the lien redemption worksheet calculation; and

WHEREAS, said payment in the amount of \$2,717.39 was applied to Block 151 Lot 5 sewer on March 7, 2024; and

WHEREAS, Josh Weiss, owner of 250 22ND St. and 377 21ST Street Realty LLC has requested to be refunded the sewer tax overpayment in the amount of \$2,717.39 for 250 22ND St., Block 151 Lot 5; and

WHEREAS, the Tax Collector desires to refund the sewer tax overpayment in the amount of \$2,717.39 to 377 21ST Street Realty LLC.

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON, COUNTY OF ESSEX, STATE OF NEW JERSEY that the Township of Irvington Tax Collector is authorized and directed to refund the overpaid sewer charges in the amount of \$2,717.39 to 377 21ST Street Realty LLC.

Adopted
Absent: Cox

Vick – Beasley 13. Authorize Cancellation and Refund of Tax Sale Certificate Due to Invalid Tax Sale Certificate on Block 301, Lot 6, 30 Union Avenue – Refund Certificate in the Amount of \$2,306.60 and Premium in the Amount of \$10,200.00

**Resolution Authorizing Cancellation and Refund of Tax Sale Cert # 21-00793
due to Invalid Tax Sale Certificate on Block 301 Lot 6, 30 Union Place**

WHEREAS, Certificate of Sale #21-00793 was issued to TLOA of NJ LLC for delinquent 2021 taxes on Block 301 Lot 6 commonly known as 30 Union Place, at a Tax Sale held on December 16, 2021; and

WHEREAS, the taxpayer of 30 Union Place remitted their payment due on 12/14/2021 to stay out of the tax sale; and

WHEREAS, the stay out of sale payment was inadvertently returned to the taxpayer causing a lien on said property; and

WHEREAS, due to the erroneous tax lien cert sold, the Tax Collector requests to cancel Certificate of Sale #21-00793 that was issued to TLOA of NJ LLC for delinquent 2021 taxes on said parcel; and

WHEREAS, the Tax Collector requests to refund tax sale certificate # 21-00793 in the amount of \$2,306.60 and Premium in the amount of \$10,200.00 to TLOA of NJ LLC, upon receipt of duly endorsed tax sale certificate for cancellation, and change lien account status to canceled.

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON, COUNTY OF ESSEX, STATE OF NEW JERSEY that the Township of Irvington Tax Collector is authorized to cancel and refund tax sale certificate # 21-00793 in the amount of \$2,306.60 and Premium in the amount of \$10,200.00 to TLOA of NJ LLC and change lien account status to canceled.

Adopted
Absent: Cox

Hudley – Vick 14. Award a Contract for the ADA Ramp Improvements to the Municipal Police and Fire Departments - Your Way Construction, Inc. - \$189,931.89

RESOLUTION TO AWARD A CONTRACT FOR THE ADA RAMP IMPROVEMENTS TO THE MUNICIPAL POLICE AND FIRE DEPARTMENTS

WHEREAS, the Township of Irvington is interested in improving handicapped accessibility to the buildings at the Municipal Complex located on Civic Square and the first phase of accomplishing this task is the installation of handicapped accessible ramps and appurtenances to the Police and Fire Department buildings; and

WHEREAS, the Township of Irvington awarded professional services contracts to Greenman Pedersen, Inc. to prepare plans and specifications for this project as resolutions DPW 18-0214-2, DPW 19-0211-4 and DPW 23-0911-25 and bids for this project were publicly received and opened on March 7, 20204; and

WHEREAS, three (3) were received for this project and those bids were reviewed by the Township Engineer and, in a memorandum date March 18, 2024, he has summarized the bid results and recommended the award of this project to Your Way Construction, Inc. of Irvington, New Jersey at their bid price of \$ 189,931.89 ; and,

NOW, THEREFORE, BE IT RESOLVED BY MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that a contract be awarded to Your Way Construction, Inc. of Irvington, New Jersey at their bid price of \$ 189,931.89 for the ADA Ramp Improvements to the Municipal Police and Fire Departments.

BE IT FURTHER RESOLVED that pursuant to N.J.A.C. 5:34-5.2, the required Certificate of Availability of Funds No. 24-0055 for the above has been obtained from the Chief Financial Officer of the Township of Irvington and the appropriation to be charged for this expenditure is in the amount of \$ 189,931.89 is Account No. T-21-41-850-22B-802.

Adopted
Absent: Cox

Hudley – Beasley 15. Approve a Design Change Order to the Professional Services Contract for the Handicapped Accessibility at the Municipal Complex – Greenman-Pedersen Inc. – Not to Exceed \$61,700.00

RESOLUTION TO APPROVE A DESIGN CHANGE ORDER TO THE PROFESSIONAL SERVICES CONTRACT FOR THE HANDICAPPED ACCESSIBILITY AT THE MUNICIPAL COMPLEX

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

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

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

Whereas, the Township Engineer has reviewed a more extensive proposal to update the handicapped accessibility for the Municipal Building from the firm of Greenman-Pedersen Inc. in the amount of \$ 61,700.00 which includes the services of a Registered Architect to redesign the steps to the Municipal Building and the Township Engineer recommends the approval of this change in order to construct the necessary modifications to these two buildings.

NOW, THEREFORE, BE IT RESOLVED BY MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that a design change order to the professional services contract for engineering services for the Handicapped Accessibility at the Municipal Building Project is awarded to Greenman-Pedersen Inc. at their proposed price not to exceed \$ 61,700.00.

BE IT FURTHER RESOLVED that pursuant to N.J.A.C. 5:34-5.2, the required Certificate of Availability of Funds No. C23-0099 for the above work has been obtained from the Chief Financial Officer of the Township of Irvington and the appropriation to be charged for this expenditure is in the amount of \$ 61,700.00 is Account T- 21-41-850-23B-801, T- 21-41-850-23B-802, T- 21-41-850-23B-801 and T- 21-41-850-23B-801.

Adopted
Absent: Cox

Vick – Evans 16. Appropriation Transfer Resolution for Calendar Year 2023

TOWNSHIP OF IRVINGTON

APPROPRIATIONS TRANSFER RESOLUTION

#1

CY - 2023

WHEREAS, the Municipal Council adopted this resolution, correcting of resolution DRF-23-1226-75, effective as of December, 26, 2023.

<u>Within "CAP"</u>	<u>Accounts</u>	<u>To</u>	<u>From</u>
Mayor Office S&W		143,755.00	-
Neighborhood Service S&W			17,263.00

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Planning Board O & E		5,000.00
Clerk Office S&W	-	93,555.00
Emergency Management S & W	-	35,700.00
Elections O & E		8,000.00
Council S & W	74,672.00	-
Broad Of Adjustment S&W	-	3,538.00
Broad Of AdjustmentO&E		2,000.00
Tax Assessor S&W	8,934.00	
Tax Assessor O&E	-	5,000.00
Legislative Aide S&W	-	1,807.00
Township Attorney S & W	1,961.00	
Township Attorney O & E	-	25,000.00
Business Admin S & W	72,807.00	-
Business Admin O & E	-	35,000.00
Central Purchasing S&W	500.00	-
Central Purchasing O&E	-	15,000.00
Police Dept S&W	1,667,840.00	
Police Dept O&W	-	35,000.00
School Guards S&W	-	100,000.00
Chaplin S & W		2,550.00
Fire Dept S&W		838,821.00
Fire Dept O&E	-	120,000.00
Finance Department S&W	-	42,103.00
Finance Department O&E		10,000.00
Tax Collector S&W	-	11,405.00

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Licenses Division O&E	-	2,000.00
Street & Sewers S&W	452,397.00	-
Street & Sewers O&E	-	195,000.00
Engineering S&W	205,650.00	
Engineering O&E		58,000.00
Land Refuse/Disposal		500,000.00
Snow Removal S & W		85,000.00
Snow Removal O&E		155,000.00
Motorized Equip. S&W	69,987.00	-
Motorized Equip. O&E		15,000.00
Public Buildings (DPW) S&W	194,763.00	-
Public Buildings (DPW) O&E		10,000.00
Shade Tree S&W	75,595.00	-
Shade Tree O&E		2,500.00
Envirnmental Health O &E		12,500.00
Nursing O&E		7,500.00
Community Dev & Planning S&W	34,021.00	-
Community Dev & Planning O&E		31,000.00
Park Maintenance S & W	262,020.00	-
Park Maintenance O & E	-	22,500.00
Recreation S&W	-	8,564.00
Public Events	6,888.00	
Senior Citizens S&W	35,708.00	
Municipal Pool S&W	43,644.00	
Municipal Pool O&E	-	12,500.00

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Housing Services S&W	-	29,676.00
Housing Services O&E		7,500.00
Building Construction Code O&E	17,000.00	-
Municipal Courts S&W	-	245,160.00
Municipal Courts O&E		25,000.00
Public Defender S&W	-	20,000.00
Public Defender O&E	-	5,000.00
Social Security O & E		125,000.00
Electricity		125,000.00
Telephone & Comm.		100,000.00
Water	3,000.00	
Fire Hydrants		20,000.00
Fuel Oil		20,000.00
Street Lighting		125,000.00

SUB-TOTAL INSIDE CAPS	3,371,142.00	3,371,142.00
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OUTSIDE CAPS:

	-	-
SUB-TOTAL OUTSIDE CAPS	-	-
GRANT TOTAL	3,371,142.00	3,371,142.00

Adopted
Absent: Cox

Evans – Vick	17. Authorize Emergency Temporary Appropriation #3 to Extend the Calendar Year 2024 Temporary Municipal Budget
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	<u>CY-24</u>
	<i>Emerg Budget #3</i>

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<u>APPROPRIATIONS EXCLUDED from "CAPS"(continue)</u>	-
NJ Health Officers Association 2024 Grant	67,994.48
CSBG -2023amend	61,482.62
Essex County SSH/TANF - 2024	178,000.00
CSBG - 2024	105,000.00
HPOWA Grant - 2024	427,593.00
County Of Essex CODE - BLUE 2023-2024	45,000.00
Total Grants	885,070.10
Total Operations Excluded from "CAPS"	885,070.10
<u>MUNICIPAL DEBT SERVICE</u>	-
Down Payment on Capital Improvements	-
Capital Improvement Fund	-
Payment of Bond Principal	-
Interest on Bonds	-
Payment of Note Principal	-
Interest on Notes	-
Green Trust Loan Program:	
Payment of Principal and Interest	-
Demolition Loan Repayment	-
NJ Environmental Infrastructure Trust Loan Principal & Interest	-
Deferred Charges - Emergency Auth 5 Yr	-
County Lease	-
Total Municipal Debt Service	-
Total Appropriations Excluded from "CAPS"	
for Municipal Purposes	885,070.10
<u>TYPE ONE SCHOOL DEBT</u>	-
Payment of Bond Principal	-
Interest on Bonds	-
Total Type One School Debt	-
Total Appropriations Excluded from "CAPS"	885,070.10
Reserve for Uncollected Taxes	-
Total General Appropriations	885,070.10

Adopted
Absent: Cox

10. COMMUNICATION AND PETITIONS

A. Communications

1. Zoning Board of Adjustment Francis McKenzie – Board of Adjustment Vacancy and Alternate Members
2. Mayor Vauss – Planning Board Appointment - Andrew Potts Replacing Terrance Adams
3. Mayor Vauss – Planning Board Appointment – Shellyta Edwards

11. PENDING BUSINESS

None

NON-CONSENT AGENDA

9. RESOLUTIONS AND MOTIONS

A. Resolutions

- Hudley – Vick 18. Ratify Professional Services Contract for Litigation/Defense Counsel Services –
Murphy Orlando LLC - in the Matter of J.W., G.C. v. Danouchka Desir, et al.

RESOLUTION RATIFYING PROFESSIONAL SERVICES CONTRACT FOR LITIGATION/DEFENSE COUNSEL SERVICES

WHEREAS, resolution number TA 23-1010-40 qualified eight firms to provide litigation/defense counsel services for the Township of Irvington from November 01, 2023 until October 31, 2024; and

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

WHEREAS, the Township Attorney has determined that Murphy Orlando LLC has the most experience to defend the Township of Irvington in the matter of J.W., G.C. v. Danouchka Desir, et al., Docket No: ESX-L001883-24; and

WHEREAS, the Township Attorney has recommended that a contract be awarded to Murphy Orlando LLC, 494 Broad Street, 5th Floor, Newark, NJ, 07102; and

NOW THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that a contract for Litigation/Defense counsel services be awarded to Murphy Orlando LLC, 494 Broad Street, 5th Floor, Newark, NJ, 07102 for a contract amount not to exceed \$5,000.00. The billing rate for this contract is \$150.00 per hour; and

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

BE IT FURTHER RESOLVED, that funds for this service will be paid from the Insurance fund for a contract amount not to exceed \$5,000.00. The billing rate for this contract is \$150.00 per hour.

Adopted
Abstain: Beasley
Absent: Cox

From: [jamillah beasley](#)
To: [Shawna Supel](#)
Cc: [Shonta Watson](#)
Subject: Re: Change of vote
Date: Tuesday, April 9, 2024 1:57:50 PM

Good afternoon,

That is exactly what happened last night. Thank you.

On Tue, Apr 9, 2024 at 9:15 AM Shawna Supel <ssupel@irvingtonnj.gov> wrote: Good morning Council President,

Will do. I am aware there was a lot going on during the Hearing of Citizens portion of the meeting with the various residents speaking which possibly aided to the oversight in your intended vote.

From: jamillah beasley <councilwomanjzb@gmail.com>

Sent: Monday, April 8, 2024 11:47 PM

To: Shawna Supel <ssupel@irvingtonnj.gov>; Shonta Watson <swatson@irvingtonnj.gov> **Subject:** Change of vote

Good evening Madam Clerk,

In this evening' Council meeting, I voted YES to the non-consent agenda item 9-A-18. I would like to change my vote, I would actually like to abstain from the vote. Can you please let me know when you've changed my vote on record? Thank you

Respectfully submitted,

*Jamillah Z. Beasley, Council President
& South Ward Councilwoman
Tel.: 862-400-1790
Email: councilwomanjzb@gmail.com*

8. ORDINANCES, BILLS & CLAIMS (Continued)

B. Ordinances on Second Reading

1. President Beasley: An ordinance amending Chapters 650-1.1 Zoning Officer was scheduled to be heard at this time. The Chair recognizes Council Member Orlander Glen Vick.

Vick – Brown Motion to Table

Adopted
Absent: Cox

**AN ORDINANCE AMENDING CHAPTER 650-1.1
OF THE REVISED CODE OF THE TOWNSHIP OF IRVINGTON**

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

SECTION 1. 650-1.1 Zoning Officer is amended to include the following language:

- A. The Zoning Officer and/or Assistant Zoning Officer upon appointment by the Mayor shall be the Administrative Officer as referred to in the Municipal Land Use Law (MLUL) and shall function under the direction and supervision of the Director of Housing and the Director of Community Development and Planning.
- B. The Zoning Officer and/or Assistant Zoning Officer shall administer, interpret and enforce the Township of Irvington Zoning Codes/Ordinances. In addition to any other required County, State, Federal and International Codes, Standards, Laws, Rules and Regulations related to the development, land use, occupancy, health and safety. In addition to enforcing of the Township of Irvington Municipal Codes.
- C. Zoning Application and Determinations. The Zoning Officer and/or Assistant Zoning Officer is responsible for the review of all Zoning Applications and Determinations and construction permit applications including but not limited to major and minor subdivisions, site plans, us and bulk variances.
- D. The Zoning Officer and/or Assistant Zoning Officer is also responsible for the issuing of Zoning Permits, Zoning Determinations, and Zoning Verifications for the erection, construction, alternation, repair, remodeling, conversion, removal or destruction of any building or structure and the use of occupancy of any building, structure, or land. In addition to, attending meetings, providing testimony, preparing report, reviews and analyses when requested by other departments.
- E. The Zoning Officer and/or Assistant Zoning Officer shall be responsible for the enforcement of the Township of Irvington Zoning Codes/Ordinances and is authorized to issue Summonses, Violations, Citations, Stop Work Orders, Corrective Actions and Orders to Abate to compel compliance to the Zoning Code. This includes appearing in Municipal Court to provide testimony when required.
- F. The person(s) appointed as Zoning Officer and/or Assistant Zoning Officer must possess a current Certification as a Zoning Official from Rutgers, Center for Government Services or obtain the certification within 12 months after the date of appointment. If not obtained within that time the appointment shall be canceled.
- G. In the absence of a Zoning Officer and/or Assistant Zoning Officer the ~~Township Planner~~Construction Official/Building Inspector shall serve as the Zoning Officer.

SECTION 2. All ordinances or parts thereof that are inconsistent herewith are hereby repealed.

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

2. President Beasley: An ordinance amending Section 620-97, of the General Ordinance of the Township of Irvington Entitled “Parking Time Limited” on a portion of Washington Avenue will be heard at this time. The Clerk will read the notice of hearing.

The Clerk will read the ordinance by title

AN ORDINANCE AMENDING SECTION 620-97, OF THE GENERAL ORDINANCES OF THE TOWNSHIP OF IRVINGTON ENTITLED "PARKING TIME LIMITED"

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

SECTION 1. Section 620-97 of the Revised Code of the Township of Irvington is hereby supplemented by adding the following provision: •

Parking shall hereby be permitted on the west side of Washington Avenue, between Madison Avenue and Springfield Avenue from a point 510 feet north of Springfield Avenue

Street	Location	Day	Time
Washington Avenue	West Side	Mondays	12 pm to 2 pm

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

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

The Public Hearing on this ordinance is now open

Evans – Vick Motion to close Public Hearing

Adopted
Absent: Cox

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

Adopted
Absent: Cox

12. MISCELLANEOUS

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

Elouise McDaniel, 214 Nesbit Terrace
Robert Shaw, 57 Coit Street
N’duna Gora, 12 Beaumont Place

Merrick Harris, 6 Hennessy Place
Valorie Hubbards, 211 Nesbit Terrace
Daisy Fuqua, 167 Orange Avenue

Council President Beasley addressed the concerns raised by the above referenced citizens.

13. ADJOURNMENT (*Roll Call)

There being no further business, the meeting adjourned at 8:14 P.M.

Jamillah Z. Beasley, Council President

Shawna M. Supel, Municipal Clerk