

TOWNSHIP OF IRVINGTON



MUNICIPAL COUNCIL MEETING MINUTES APRIL 22, 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		

Acting President Dr. Hudley 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

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

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

5. HEARING OF COUNCIL MEMBERS

None

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

A. Reports

1. A/Municipal Court Director Dolly Johnson - Mayor's Monthly Report, March 2024
2. A/Municipal Court Director Dolly Johnson - Collections Project as of March 2024
3. Business Administrator Musa Malik, Esq. – Report of April 4, 2024 Finance Committee Meeting
4. A/Health Director Baffour Asare – Report of April 11, 2024 Ad Hoc Health Committee Meeting
5. Municipal Court - Weekly Summary Report for the Week of April 8, 2024 to April 12, 2024
6. Joint Meeting – Annual Report of the Sewage Contribution – For the Purpose of Assessment for the Year 2024
7. Joint Meeting - December 28, 2023 Meeting Minutes

7. REPORTS OF COMMITTEES

None

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

8. ORDINANCES, BILLS & CLAIMS

A. Ordinances on First Reading

None

C. Bills & Claims

Vick – Brown 1. Bill Lists

RESOLVED THAT THE BILLS AND CLAIMS AGAINST THE TOWNSHIP OF IRVINGTON FOR A PERIOD **APRIL 22, 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	\$1,542,454.52
TOTAL	\$1,542,454.52

Adopted
Absent: Beasley, Cox

Brown – Hudley 2. Payrolls

Payroll Date: April 8, 2024

TOTAL	\$2,319,664.96
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Adopted
Absent: Beasley, Cox

9. RESOLUTIONS AND MOTIONS

A. Resolutions

Brown – Hudley 1. Resolution of Sorrow – Tyroshia Lanae Taylor

RESOLUTION OF SORROW TYROSHIA LANAE TAYLOR

WHEREAS, on the afternoon of March 29, 2024, The Lord, in His infinite wisdom, took from amongst our ranks Tyroshia Lanae Taylor; and

WHEREAS, “Rosh” or “Tee” as she was affectionately called by her loved ones was born on July 16, 1974 in Yonkers, New York. She was the third of four children to Bishop Willie Taylor and the late Janice Moorman- Taylor; and

WHEREAS, Tyroshia was born again when she received the Holy Ghost and was baptized in the name of Jesus at Full Gospel Church under the leadership of her father Bishop Willie Taylor. At an early age she became a leader in every auxiliary she was permitted to join. Most people gravitated to her for her warm spirit and kind words, as well as her wisdom; and

WHEREAS, in 1992, Tyroshia graduated from West Side High School and went on to attend Essex County College. She worked for the Irvington School District where she loved being around her “children”; and

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WHEREAS, in 1998, Tyroshia joined Transcend Worship Center formerly known as Christian Pentecostal Church where she served in every capacity. Tyroshia was a vital instrument within the music ministry at Transcend, offering her beautiful voice for many years. She was a praise and worship leader as well as sang and directed the choir. In 2008, Tyroshia answered her call to ministry and was ordained as a licensed minister. Rosh studied at Eastern Bible Institute. She served on the “IMPAC” Music Conservatory as the secretary of the executive board as well as the youth ministry where she mentored young women. In 2022, she was elevated to online pastor where she served until her pilgrimage ended; and

WHEREAS, though Tyroshia had no biological children, she was a mother to many! She shared her wisdom and chastisement whether you wanted it or not. Rosh never met a stranger and with her love for people, many lives were changed. She left her mark on everyone she encountered because she sincerely believed that God could use anyone; and

WHEREAS, Tee had a love and passion for all genres of music. In her youth, she spent countless hours listening and learning new music. Her family became her first choir. She took every opportunity where there was a mic to showcase her sweet angelic voice; and

WHEREAS, Tyroshia was proceeded in death by her mother Janice Moorman-Taylor, her grandparents July and Pinkey Taylor, Charlie and Evelyn Moorman and her brother Corey Martin; and

WHEREAS, Tyroshia leaves to cherish her memories her father, Bishop Willie (Deborah) Taylor, brothers; William Taylor, Aubrey Shawn Moorman, Michael (Cecilia) Shelly, and Maurice Shelly, sisters; Lakeisha Taylor and Laquienta Martin. Special friend Alex Mack, Godchildren; Jahid Perry and Blessing Adams, and The LUV Family. Aunts; Elizabeth Carter, Selma Powell, Magdaline (James) Moorman, Hildred (Roy) Moorman, Essie (John) Love, Ann Johnson, uncles; Freddie (Loretta) Taylor and Bishop S.E. (Connie) Saunders, nieces Nyambi Royster and Jazmin Brunson, nephews; Solomon Taylor, Aubrey Moorman Jr., Terrance, Tyrese, Travon and Tajmir Brunson. Along with a host of cousins, relatives and friends; and

WHEREAS, Tyroshia was an extraordinary, loving and kind person. She will be greatly missed!:

NOW THEREFORE BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that the Township of Irvington hereby mourns the passing of Tyroshia Lanae Taylor and extends our most sincerest condolences to her family and friends during this period of bereavement; and

BE IT FURTHER RESOLVED that a copy of this resolution be spread upon the minutes of this Governing Body in lasting tribute to Tyroshia Lanae Taylor.

Adopted
Absent: Beasley, Cox

Vick – Frederic 2. Designating the Official Newspaper and Alternative Newspaper for the Township of Irvington for 2024

RESOLUTION DESIGNATING THE OFFICIAL NEWSPAPER FOR TOWNSHIP OF IRVINGTON FOR THE YEAR 2024

BE IT RESOLVED, by the Township Council of the Township of Irvington that pursuant to N.J.S.A. 40:53-1, the *Irvington Herald* is hereby designated as the Township’s official newspaper for all advertisements

and all notices required by law to be published by this municipality and the *Star Ledger* is hereby designated as an alternate official newspaper.

Adopted
Absent: Beasley, Cox

Vick – Frederic 3. Authorize the Cancellation of Tax Overpayments for the years 2007-2011 and 2016-2018 in the Amount of \$28,500.44

AUTHORIZE THE CANCELLATION OF TAX OVERPAYMENTS

WHEREAS, the listed Tax Overpayments have been listed in the Special Charges Account as overpayments and have been reviewed by the Tax Collector and deemed irrelevant for the years 2007-2011 and 2016-2018.

YEAR	AMOUNT TO BE CANCELED
2007	\$ 5,119.06
2008	\$ 2,549.00
2009	\$ 5,760.20
2010	\$ 356.22
2011	\$ 4,657.70
2016	\$ 8,513.55
2017	\$ 17.58
<u>2018</u>	<u>\$ 1,518.12</u>
TOTAL	<u>\$28,500.44</u>

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 cancel Tax Overpayment in the amount of **\$28,500.44**.

Adopted
Absent: Beasley, Cox

Vick – Frederic 4. Cancel and Correct Erroneous Assessment on 27 Krotik Place, Block 320 Lot 14 – Bill and Collect \$7,861.05 Due for Tax Years 2021, 2022, and 2023

**RESOLUTION TO CANCEL AND CORRECT ERRONEOUS ASSESSMENT
ON 27 KROTIK PL, BLOCK 320 LOT 14**

WHEREAS, Marvin K. & Florence T. Osborne are the owners of 27 Krotik Pl, Block 320 Lot 14 and Marvin K. Osborne is a 100% disabled veteran; and

WHEREAS, 27 Krotik Pl is a 2-family dwelling and Marvin K. Osborne has filed an application for 100% tax exemption and the tax assessor Silvia Forbes has approved the property tax exemption on September 25, 2020; and

WHEREAS, the 2020 property taxes are exempt for ½ of the dwelling from the date of application and prorated in the amount \$1,208.83; and

WHEREAS, the property taxes for tax years 2021, 2022 and 2023 were erroneously exempted for the full 2-family dwelling and no taxes were billed for said years; and

WHEREAS, the property taxes for 2021, 2022 and 2023 would be \$4,505.18, \$4,491.61, and \$4,576.01 respectively; and

WHEREAS, tax payments were received from the mortgage company in the amount of \$1,208.83 for the overpayment of the 2020 prorated exempt taxes and \$4,502.92 for 2021 property taxes; and

WHEREAS, the Tax Collector is desirous to correct the erroneous assessment on 27 Krotik Pl and collect \$7,861.05 due for tax years 2021, 2022, and 2023.

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's office is authorized and directed to cancel the exempt portion of 2020 taxes in the amount of \$1,208.83 and apply same to the erroneously exempted taxes on 27 Krotik Pl.

BE IT FURTHER RESOLVED, that the Tax Collector is authorized to bill and collect \$7,861.05 due for tax years 2021, 2022, and 2023.

Adopted
Absent: Beasley, Cox

Vick – Evans 5. Amend Resolution Authorizing Cancellation and Refund of Tax Sale Certificate
Due to Invalid Tax Sale Certificate on Block 147 Lot 5, 70 22nd Street - Total Amount
of \$2,654.55 to ZME Investments LLC

**Amended Resolution Authorizing Cancellation and Refund of Tax Sale Cert # 22-00568
due to Invalid Tax Sale Certificate on Block 147 Lot 5, 70 22nd St.**

WHEREAS, Certificate of Sale #22-00568 was issued to ZME INVESTMENTS LLC for delinquent charges on Block 147 Lot 5 commonly known as 70 22nd St., at a Tax Sale held on December 15, 2022; and

WHEREAS, Certificate of Sale #22-00568 was erroneously sold as, Block 147 Lot 5 commonly known as 70 22nd St., due to ownership by the Township of Irvington 7/27/2020; and

WHEREAS, due to the invalid tax lien certificate sold, the Tax Collector requests to cancel Certificate of Sale #22-00568 that was issued to ZME INVESTMENTS LLC on said parcel; and

WHEREAS, in continuation of DRF 24-0325-21 to amend previously transposed refund tax sale certificate # 20-00568 in the amount of \$2,069.55.

WHEREAS, the Tax Collector requests to refund tax sale certificate # 20-00568 in the amount of \$2,609.55, plus recording fee in the amount of \$45.00 to ZME INVESTMENTS 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 # 22-00568 in the total amount of **\$2,654.55** to ZME INVESTMANTS LLC and change lien account status to canceled.

Adopted
Absent: Beasley, Cox

Vick – Frederic 6. Issue Duplicate Certificate of Sale for 9 20th Avenue, Block 137 Lot 19

RESOLUTION TO ISSUE DUPLICATE CERTIFICATE OF SALE

WHEREAS, the Tax Collector of this municipality has conducted an annual tax sale which is dated **December 27, 2012**, covering premises commonly known as **9 20th Ave.** and referred to as **Block 137 Lot 19** as set out on the municipal tax map then in use, which certificate bears number **12-01898** and said tax sale certificate was struck off to the Township of Irvington, and;

WHEREAS, the Tax Collector has determined that the original tax sale certificate is lost and is not found to be in the office.

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that the Tax Collector of the Township of Irvington be and is hereby authorized, **to issue an appropriate duplicate tax sale certificate** as described, all in accordance with the requirements of Chapter 99 of Public Laws of 1997.

BE IT FURTHER RESOLVED that a copy of this Resolution be attached to the duplicate certificate and that said duplicate certificate shall be stamped or otherwise have imprinted upon it the word **“Duplicate”** as required by law.

Adopted
Absent: Beasley, Cox

Vick – Evans 7. Abate Taxes on Block 315 Lot 23 -X-, 990 Stuyvesant Avenue - \$6,804.33
Wagner Place – Pro Cap 8, LLC

**Resolution to Abate Taxes
on Block 315 Lot 23 -X-, 990 Stuyvesant Ave.**

WHEREAS, the property located at 990 Stuyvesant Ave., also known as Block 315 Lot 23 -X- was billed property taxes; and

WHEREAS, Eddy Dormilus has filed an application for 100% tax exemption with the Tax Assessor, Silvia Forbes and said application was approved for the property tax exemption on July 1, 2021; and

WHEREAS, the 2 family residential property located at 990 Stuyvesant Ave. Block 315 Lot 23 -X- is tax exempt for ½ of 2 family dwelling ; and

WHEREAS, the taxes were erroneously billed in the amount of \$6,804.33 to exempt property on 990 Stuyvesant Ave. Block 315 Lot 23 -X- for tax years 2022, 2023 and 2024; and

WHEREAS, the Tax Collector desires to cancel erroneous billed charges to exempt property for 2022, 2023 and 2024 taxes.

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 cancel erroneously billed charged taxes in the amount of \$6,804.33 on 990 Stuyvesant Ave. Block 315 Lot 23 -X-.

Adopted
Absent: Beasley, Cox

Frederic –Vick 8. Issue Duplicate Certificate of Sale for 34 20th Avenue, 64 Cummings Street and 47 Wagner Place – Pro Cap 8, LLC

Resolution to Issue Duplicate Certificate of Sale

WHEREAS, the Tax Collector of this municipality has previously issued tax sale certificates to **Pro Cap 8, LLC**; and

WHEREAS, the purchaser of the aforesaid tax sale certificates has indicated to the Tax Collector that they lost or otherwise misplaced the original tax sale certificate and have duly filed the appropriate Affidavit of Loss with the Tax Collector, a copy of which is attached hereto;

Cert#	Date	Block	Lot	Qual	Property Address	Instrument Number Book/Page	Recorded
20-00648	12/29/2020	148	37	N/A	34 20 th Ave.	2021031855	3/16/2021
22-00310	12/15/2022	79	26	N/A	64 Cummings Street	2023011566	2/23/2023
22-01168	12/15/2022	345	32	N/A	47 Wagner Pl.	2023011050	2/22/2023

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, upon receipt of the appropriately executed and notarized Affidavit of Loss and the payment fee of \$100 per certificate, **to issue an appropriate duplicate tax sale certificate to the said purchaser covering the lost certificates** as previously described, all in accordance with the requirements of Chapter 99 of Public Laws of 1997.

BE IT FURTHER RESOLVED that the copy of this Resolution and Affidavit of Loss be attached to the duplicate certificate to be issued to said purchaser and that said duplicate certificate shall be stamped or otherwise have imprinted upon it the word **“Duplicate”** as required by law.

Adopted
Absent: Beasley, Cox

Frederic – Brown 9. Ratify and Approve the Provision of Lead Safe Irvington Funds in the Amount Not to Exceed \$18,400.00 for 121 Hillside Terrace – EnviroScience 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 121 Hillside Terrace, 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 EnviroScience 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 three (3) contractors EnviroScience Solutions LLC and Absolute JM Services LLC and Optimum provided quotes for the required work and (1) one contractor A-Arcalenz submitted an email of no interest in the bidding process 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 \$18,400.00 for a period of affordability of five (5) years; and

BE IT FURTHER RESOLVED that the aforesaid funds of \$18,400.00 will be disbursed in one (1) installment in the amount of \$18,400.00 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 the premises known as, 121 Hillside Terrace, Irvington, New Jersey 07111, one family unit and owned by homeowner Kumioa Mingo; 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. C24-0071 in the amount of \$18,400.00 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-251 in the amount of \$18,400.00.

Adopted
Absent: Beasley, Cox

Frederic – Vick 10. Authorize Application to the BPU Community Energy Plan Implementation Grant Program

IRVINGTON TOWNSHIP

RESOLUTION AUTHORIZING APPLICATION TO THE BPU COMMUNITY ENERGY PLAN IMPLEMENTATION GRANT PROGRAM

WHEREAS, a sustainable community seeks to ensure that its environmental, economic, and social objectives are balanced and mutually supportive; and

WHEREAS, Irvington strives to ensure clean land, air, and water for current and future generations; and

WHEREAS, New Jersey’s 2019 Energy Master Plan: Pathway to 2050 (“EMP”) established that community-level action is necessary to achieve the state’s goal of 100% clean electricity by 2050; and
WHEREAS, the New Jersey Board of Public Utilities has created a Community Energy Plan Implementation Grant Program for municipalities to implement initiatives identified in their Community Energy Plan (“CEP”); and

WHEREAS, the Community Energy Plan Implementation (“CEPI”) Grant Program will help Irvington to invest in the following projects:

Transportation

- 1.1 Adopt Supportive Zoning and Regulations for EV Infrastructure
- 1.2 Purchase Alternative Fuel Vehicles
- 1.3 Improve Municipal Fleet Efficiency
- 1.4 Install Public EV Charging Infrastructure

Renewable Energy

- 2.1 Adopt Supportive Zoning and Permitting for Private Solar
- 2.2 Post Solar Permitting Checklist
- 2.3 Install On-Site Municipal Renewable Generation
- 2.4 Institute a Community-wide Solar Purchasing Program
- 2.5 Support Community Solar as Project Ambassador
- 2.6 Support Community Solar as Outreach Coordinator

Energy Efficiency

- 3.1 Upgrade Energy Efficiency for Municipal Facilities
- 3.2 Residential Energy Efficiency Outreach Campaign
- 3.3 Commercial Energy Efficiency Outreach Campaign

Energy Usage from Building Sector

- 4.1 Construct New Municipal Buildings as Model Green Buildings
- 4.2 Encourage Benchmarking and Commissioning for Existing Buildings
- 4.3 Require Developers to Complete Green Development Checklist

Community Energy Planning

- 5.1 Conduct Energy Efficiency Outreach to Low- and Moderate-Income Residents
- 5.2 Support Shared Mobility Programs
- 5.3 Support Low- and Moderate-Income Community Solar Subscriptions

and to work toward a better environment for all residents by using the state’s EMP as a guide to develop sustainable strategies that increase clean energy production, reduce energy use, and cut emissions.

NOW THEREFORE, the Governing Body of Irvington has determined that Irvington should apply for the aforementioned CEPI Grant Program; and

THEREFORE, Irvington will commit to providing staff support for the duration of the Community Energy Plan implementation process, including seeking utility, state, or other available funding to combine with funding requested under the CEPI Grant Program.

THEREFORE, BE IT RESOLVED, that Irvington’s Governing Body, State of New Jersey, authorizes the submission of the aforementioned Application to the CEPI Grant Program.

Adopted
Absent: Beasley, Cox

Vick – Brown 11. Authorize Professional Services Contract for Planning Board Attorney for
Calendar Year 2024 – Eric M. Bernstein & Associates, LLC

**RESOLUTION AUTHORIZING PROFESSIONAL SERVICE CONTRACT FOR PLANNING
BOARD ATTORNEY**

WHEREAS, the Request for Proposals for Planning Board Attorney was publicly advertised in the New Jersey Star Ledger on March 12, 2024 with a deadline for qualification to be submitted on April 03, 2024; 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

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request for proposal meeting the selection criteria and qualifications. The provider will be paid \$115.00 per hour for attorneys, \$60.00 per hour for paralegals and \$500.00 per meeting and escrow related work will be billed to escrow at fee per redeveloper agreement for one year starting on May 07, 2024- May 08, 2025; and

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

BE IT RESOLVED that the required Certification of Availability of Funds C24-0069 in the amount \$5000.00 has been obtained from the Chief Financial Officer charge to account number 4-01-21-180-180-256.

Adopted
Absent: Beasley, Cox

Vick – Brown 12. Authorize Professional Services Contract for Zoning Board Attorney for Calendar Year 2024 – Eric M. Bernstein & Associates, LLC

RESOLUTION AUTHORIZING PROFESSIONAL SERVICE CONTRACT FOR ZONING BOARD ATTORNEY

WHEREAS, the Request for Proposals for Zoning Board Attorney was publicly advertised in the New Jersey Star Ledger on March 12, 2024 with a deadline for qualification to be submitted on April 03, 2024; 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, L.L.C.
34 Mountain Blvd., Bldg. A, P.O. Box 4922, 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. The provider will be paid \$115.00 per hour for attorneys, \$60.00 per hour for paralegals, \$500.00 per meeting and escrow related items will be charged escrow account as per developer escrow agreement for one year starting on May 07, 2024- May 08, 2025; and

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

BE IT RESOLVED that the required Certification of Availability of Funds number C24-0068 in the amount not to exceed \$3000.00 has been obtained from the Chief Financial Officer charge to account number 4-01-21-185-185-256.

Adopted
Absent: Beasley, Cox

Vick – Brown 13. Correct a Prior Resolution Authorizing the Execution of an Escrow Agreement With 900 Grove Street LLC for the Redevelopment of a Property Identified as Block 206, Lot 11, 900-906 Grove Street

RESOLUTION OF THE TOWNSHIP OF IRVINGTON CORRECTING A PRIOR RESOLUTION AUTHORIZING THE EXECUTION OF AN ESCROW AGREEMENT WITH 900 GROVE STREET LLC FOR THE REDEVELOPMENT OF PROPERTY IDENTIFIED AS BLOCK 206, LOT 11 ON THE TAX MAPS OF THE TOWNSHIP AND IDENTIFIED IN THE TOWNSHIP TAX RECORDS AS 900-906 GROVE STREET

WHEREAS, the Municipal Council (the “**Township Council**”) of 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, on August 13, 2002, the Township Council, by Resolution No. UEZ 02-0813-14, the Township Council adopted a resolution designating 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**”) for the Redevelopment Area; 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 the Redevelopment Area in accordance with the Redevelopment Law; and

WHEREAS, the Proposed Redeveloper is the owner of certain property within the Redevelopment Area designated as Block 206, Lot 11 and identified in the Township tax records as 900-906 Grove Street (the “**Project Area**”); and

WHEREAS, the Proposed Redeveloper proposes to redevelop the Project Area by constructing thereon a thirty (30) unit multifamily building with 59 parking spaces, including ground-level parking and stacked parking spaces (the “**Project**”); and

WHEREAS, the Proposed Redeveloper has requested that the Township, in its capacity as redevelopment entity, enter into negotiations for a Redevelopment Agreement for the redevelopment of the Project Area (the “**Agreement**”); and

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

WHEREAS, on February 13, 2024, the Township adopted Resolution No. OCDP 24-0213-4, authorizing the execution of an Escrow Agreement between the Township and the Proposed Redeveloper in order to accomplish the goals recited above; and

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

WHEREAS, the authorizing resolution contained a typographical error that misidentified the Proposed Redeveloper, which error the Township seeks to correct herein;

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

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

Section 2. Execution of Agreement. The Township Council hereby authorizes the Mayor to execute the escrow and funding agreement substantially in the form attached hereto as Exhibit A, with such changes, deletions, and modifications in consultation with counsel as may be necessary or desirable to effect the transaction contemplated by this resolution. However, neither the adoption of this resolution, nor the execution of the escrow and funding agreement authorized hereby, shall be construed in any way to bind the Township to execute one or more definitive agreements with respect to the Project.

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

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

Section 5. Effective Date. This resolution corrects a typographical error in authorizing legislation dated February 13, 2024; therefore, this resolution shall relate back to the same date.

Exhibit A

ESCROW AGREEMENT

Adopted
Absent: Beasley, Cox

~~14. Terminate Any and All Extant Agreements Between the Township and ProudLiving Companies LLC Relating to the Redevelopment of Certain Scattered Sites Within the Township~~
[4-17-24 REMOVED BY REDEVELOPMENT COMMITTEE]

RESOLUTION OF THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON, COUNTY OF ESSEX, NEW JERSEY TO TERMINATE ANY AND ALL EXTANT AGREEMENTS BETWEEN THE TOWNSHIP AND PROUDLIVING COMPANIES LLC RELATING TO THE REDEVELOPMENT OF CERTAIN SCATTERED SITES WITHIN THE TOWNSHIP

WHEREAS, on January 27, 2020, the Municipal Council of the Township of Irvington (the “**Township**”) adopted Resolution No. OCDP 20-0127-1, which authorized a certain escrow agreement (the “**Escrow Agreement**”) between the Township and ProudLiving Companies LLC and its affiliate entities (the “**Proposed Redeveloper**”) to enable the initiation of activity relating to the redevelopment of certain properties located on scattered sites within the Township and attached hereto as **Exhibit A** (collectively, the “**Property**”); and

WHEREAS, subsequent to the execution of the Escrow Agreement, the Proposed Redeveloper has ceased to communicate with the Township and has engaged in no known activity whatsoever toward the consummation of a redevelopment agreement or toward any step in the redevelopment of any of the sites that make up the Property; and

WHEREAS, the many of the sites that make up the Property remain owned by the Township and in need of redevelopment, and therefore the Township desires to extinguish the agreement in effect with the non-performing Proposed Redeveloper and seek more fruitful alternative options for the redevelopment of the Property;

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

1. Generally. The aforementioned recitals are incorporated herein as though fully set forth at length.
2. The Escrow Agreement with Proposed Redeveloper is hereby terminated, leaving no further relationship between the Township and the Proposed Redeveloper with respect to the proposed redevelopment of the sites that comprise the Property.
3. The Township is hereby authorized to take any and all steps necessary to effectuate this termination, including formally demanding that the Proposed Redeveloper immediately cancel, cease and desist from any and all actions that the Proposed Redeveloper may have initiated, which currently may be pending completion or resolution, with respect to the foreclosure, acquisition or redevelopment of any and all sites that comprise the Property. All such actions, and all results or consequences thereof, are hereby deemed void.
4. The Township is hereby authorized to take any and all legal and/or equitable actions it deems necessary to assert its interests with respect to each of the sites that comprise the Property.

5. The Township may commence efforts relating to the redevelopment of the Property involving the designation of a new entity or new entities to redevelop the Property.
6. Effective Date. This Resolution shall take effect immediately.

EXHIBIT A

BLOCK	LOT	LOCATION
1. 65	2	851 18th Avenue
2. 82	20	57-59 New Street
3. 101	8	143-47 Western Parkway
4. 104	8	20 Eberhardt Place
5. 110	1.01	742-48 15th Avenue
6. 110	10	51 Oak Street
7. 111	3	77 Oak Avenue
8. 115	3	54 Oak Street
9. 115	5	56 Oak Street
10. 115	6	60 Oak Street
11. 117	7	439 14 th Avenue
12. 122	36	200 19th Avenue
13. 131	9	213 19th Avenue
14. 131	11	209 19th Avenue
15. 131	12	207 19th Avenue
16. 131	13	205 19th Avenue
17. 131	15	199 19th Avenue
18. 131	16	197 19th Avenue
19. 131	20	187 19th Avenue
20. 139	17	161 19th Avenue
21. 140	11	687 18th Avenue
22. 142	14	645-47 18th Avenue
23. 143	15	112 19th Avenue
24. 143	16	116 19th Avenue
25. 149	17	350 17th Avenue
26. 149	18	346 17th Avenue
27. 149	19	344 17th Avenue
28. 149	20	342 17th Avenue
29. 152	1	317-23 17th Avenue
30. 154	1	662 18th Avenue
31. 154	38	650-56 18th Avenue
32. 163	11	438-40 21st Street

Hudley – Brown 15. Approve the Final Disposition of Michael Chase vs. Township of Irvington – Settlement Amount Not to Exceed \$480,000.00

**RESOLUTION APPROVING THE FINAL DISPOSITION OF
MICHAEL CHASE V. TOWNSHIP OF IRVINGTON, ET. ALS
DOCKET NO. ESX-L-8867-18**

WHEREAS, the matter of Michael Chase v. Township of Irvington , was filed in the Superior Court of New Jersey, Law Division, Essex County under Docket No. ESX-L-L-780-16; and

WHEREAS, the Township of Irvington Administration and the Municipal Council deem it in the best interest to bring this matter to a resolution, thus saving the Township further expense in the defense thereof and curtailing any excessive liability that could result from this litigation; and

WHEREAS, the Office of the Township Attorney has reviewed, monitored and consulted with outside counsel and all relevant municipal officials and pursuant thereto recommend that this matter be concluded:

WHEREAS, the Township has insurance coverage through RSUI for this matter and a Self-Insured Retainer (SIR) of \$350,000;

WHEREAS, the Township shall pay only the remaining of the SIR toward the settlement total;

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that it hereby agrees to a settlement of the above matter in the amount not to exceed Four Hundred Eighty Thousand Dollars (\$480,000.00), subject to the execution of a Release and Settlement agreement and executed Stipulation of Dismissal with Prejudice; and

BE IT FURTHER RESOLVED that this matter is hereby concluded with absolutely no admission of liability on behalf of the Township of Irvington, its Police Department or any agents, officers or personnel; and

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

Adopted
Absent: Beasley, Cox

Vick – Frederic 16. Resolution Making Application to the Local Finance Board for a Bond Ordinance Authorizing Various Capital Improvements

RESOLUTION OF THE TOWNSHIP OF IRVINGTON, IN THE COUNTY OF ESSEX, NEW JERSEY, MAKING APPLICATION TO THE LOCAL FINANCE BOARD PURSUANT TO N.J.S.A. 40A:3-1 ET SEQ. AND N.J.S.A 40A:2-26(e)

WHEREAS, the Township of Irvington, in the County of Essex, New Jersey (the "Township"), desires to make application to the Local Finance Board pursuant to (i) N.J.S.A. 40A:3-1 *et seq.* for its review and approval of a bond ordinance authorizing various capital improvements, (ii) N.J.S.A. 40A:3-1 *et seq.* in connection with the issuance of general obligation bonds pursuant to the Municipal Qualified Bond Act (the "Bonds") and (iii) N.J.S.A. 40A:2-26(e) for approval of a non-conforming maturity schedule in connection with the issuance of Bonds;

WHEREAS, the Township believes that:

- (a) it is in the public interest to accomplish such purpose;
- (b) said purpose or improvements are for the health, welfare, convenience or betterment of the inhabitants of the Township;

- (c) the amounts to be expended for said purpose or improvements are not unreasonable or exorbitant; and
- (d) the proposal is an efficient and feasible means of providing services for the needs of the inhabitants of the Township and will not create an undue financial burden to be placed upon the Township;

NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP OF IRVINGTON, IN THE COUNTY OF ESSEX, NEW JERSEY, AS FOLLOWS:

Section 1. The application to the Local Finance Board is hereby approved, and the Township's Bond Counsel, Municipal Advisor and Auditor, along with other representatives of the Township, are hereby authorized to prepare such application and to represent the Township in matters pertaining thereto.

Section 2. The Clerk of the Township is hereby directed to prepare and file a copy of the proposed ordinance and this resolution with the Local Finance Board as part of such application.

Section 3. The Local Finance Board is hereby respectfully requested to consider such application and to record its approval as provided by the applicable New Jersey statute.

Adopted
Absent: Beasley, Cox

Frederic – Evans 17. Resolution of Commendation – Retirement of Pastor Reverend H. Grady James III, First Bethel

**RESOLUTION OF COMMENDATION
PASTOR REV H. GRADY JAMES III**

WHEREAS, Pastor Rev H. Grady James III, is honored upon the occasion of his retirement for twenty-seven years as God's Under Shepard at First Bethel and thirty-seven years in the Gospel Ministry; and

WHEREAS, Pastor James is retiring Sunday June 2, 2024; and

WHEREAS, First Bethel was "Planted" at the current location by Pastor James in December 2009. They marched into the new church home Sunday May 2, 2010; and

WHEREAS, immediately Pastor James led his congregation in the major work of remodeling and repurposing the former Kearney Federal Savings Bank; and

WHEREAS, Pastor James hired local men and woman to work side by side with the congregation to create a beautiful and serviceable edifice for worship and ministry; and

WHEREAS, Pastor often expressed that "this Church must live in the community, invest our assets and resources in the community and impact the lives of the people and the City!"; and

WHEREAS, to that extent the doors of First Bethel and their arms continue to reach out to receive the opportunity to be a blessing to as many as have come to them for help, aid and assistance; and

WHEREAS, among their community-based ministries are: After school enrichment activities, twice weekly Lunch Ministry, AA and NA meetings, Winter and Summer Clothing distributions, meeting venue for several Prince Hall Masonry Family constituencies. Greek letter Fraternities and Sororities meeting facility and local block and business organization meetings and activities. Scholarship awards are given to local youth. They have the Outmates Ministry; and

WHEREAS, however, most memorable among Pastor James' leadership is use of First Bethel as a repository for goods and materials to be shipped to Caribbean nations devastated by Hurricane Katrina. Also, during the Covid 19 Pandemic, twice a week three hundred boxes of food were distributed on site. Every year the church serves our Pre-Thanksgiving Dinner or Thanksgiving Baskets and Christmas Basket Giveaway; and

WHEREAS, seven Japanese Lilac Blossom trees were planted last fall, 2023 on 18th & Isabella Avenues; and

WHEREAS, in 2023, they hosted their first Community Juneteenth Celebration in partnership with many local and municipal centers of influence; and

WHEREAS, Pastor James is a man who simply loves people and serving this community and City; and

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that it hereby commends and congratulates Rev H. Grady James III on the occasion of his retirement and outstanding public service to the Township of Irvington.

BE IT FURTHER RESOLVED that an engrossed copy of this resolution be presented to Rev H. Grady James III as a lasting tribute to his many contributions to the Township of Irvington.

Adopted
Absent: Beasley, Cox

10. COMMUNICATION AND PETITIONS

A. Communications

None

11. PENDING BUSINESS

None

NON-CONSENT AGENDA

8. ORDINANCES, BILLS & CLAIMS (Continued)

B. Ordinances on Second Reading

1. Acting President Dr. Hudley: A Bond Ordinance Providing for Various Capital Improvements in and by the Township of Irvington, Appropriating \$20,000,000.00 and Authorizing the Issuance of \$19,000,000.00 Bonds or Notes of the Township to Finance Part of the Cost will be heard at this time. The Clerk will read the notice of hearing.

The Clerk will read the ordinance by title.

BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS IN AND BY THE TOWNSHIP OF IRVINGTON, IN THE COUNTY OF ESSEX, NEW JERSEY, APPROPRIATING \$20,000,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$19,000,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF.

BE IT ORDAINED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF IRVINGTON, IN THE COUNTY OF ESSEX, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

Section 1. The several improvements described in Section 3 of this bond ordinance are hereby respectively authorized to be undertaken by the Township of Irvington, in the County of Essex, New Jersey (the "Township"), as general improvements. For the several improvements or purposes described in Section 3, there are hereby appropriated the respective sums of money therein stated as the appropriation made for each improvement or purpose, such sums amounting in the aggregate to \$20,000,000, including America Rescue Funds in the amount of \$2,500,000 (the "ARF Funds") for the project described in Section 3(c)(2) and Urban Enterprise Zone funds in the amount of \$432,000 (the "UEZ Funds" and together with the ARF Funds, the "Funds") for the project described in Section 3(c)(10) and further including the aggregate sum of \$1,000,000 as the several down payments for the improvements or purposes required by the Local Bond Law. The down payments have been made available by virtue of provision for down payment or for capital improvement purposes in one or more previously adopted budgets.

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Section 2. In order to finance the cost of the several improvements or purposes not covered by application of the several down payments and in anticipation of receipt of the Funds referred to above, negotiable bonds are hereby authorized to be issued in the principal amount of \$19,000,000 pursuant to the Local Bond Law and the provisions of the Municipal Qualified Bond Act, P.L. 1976, c. 38, as amended. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. The several improvements hereby authorized and the several purposes for which the bonds are to be issued, the estimated cost of each improvement and the appropriation therefor, the estimated maximum amount of bonds or notes to be issued for each improvement and the period of usefulness of each improvement are as follows:

<u>Purpose</u>	<u>Appropriation & Estimated Cost</u>	<u>Estimated Maximum Amount of Bonds & Notes</u>	<u>Period of Usefulness</u>
a) <u>Police Department</u>			
1) The acquisition of sport utility vehicles, including all related costs and expenditures incidental thereto.	\$1,575,000	\$1,496,250	5 years
2) The acquisition of a plate reader and a mobile camera platform, including all related costs and expenditures incidental thereto.	\$360,000	\$342,000	10 years
3) Jail cell and bathroom repairs, including all work and materials necessary therefor and incidental thereto.	\$622,000	\$590,900	15 years
4) The installation of a heating, ventilation and air-conditioning system at the Police Building, including all work and materials necessary	\$95,000	\$90,250	15 years

<u>Purpose</u>	<u>Appropriation & Estimated Cost</u>	<u>Estimated Maximum Amount of Bonds & Notes</u>	<u>Period of Usefulness</u>
therefore and incidental thereto.			
b) Fire Department			
1) The acquisition of ice machines, including all related costs and expenditures incidental thereto.	\$11,000	\$10,450	15 years
2) The acquisition of personal protective gear, including all related costs and expenditures incidental thereto.	\$570,000	\$541,500	5 years
3) The acquisition of laundry equipment, including all related costs and expenditures incidental thereto.	\$140,000	\$133,000	15 years
4) Grading and paving of a section of the training tower, including all work and materials necessary therefor and incidental thereto.	\$105,000	\$99,750	10 years
5) The installation of fencing at the training tower site, including all work and materials necessary therefor and incidental thereto.	\$25,000	\$23,750	10 years
6) Repairs to Stations 2, 3 and 4, including all work and materials necessary therefor and incidental thereto.	\$260,000	\$247,000	15 years
7) The acquisition of self-contained breathing apparatus, including all related costs and expenditures incidental thereto.	\$490,000	\$465,500	5 years

8) The acquisition of vehicles, including sport utility vehicles and pick-up trucks and further including all related costs and expenditures incidental thereto.	\$415,000	\$394,250	5 years
<u>c) Department of Public Works</u>			
1) Renovations to the 16 th Avenue garage, including all work and materials necessary therefor and incidental thereto and underground storage tank abandonment or removal, including all environmental work and materials necessary therefore and incidental thereto.	\$2,025,000	\$1,923,750	20 years
2) The construction of a new building at 406 Coit Street, including all work and materials necessary therefor and incidental thereto.	\$3,745,000 (Includes the ARF Funds)	\$3,557,750	30 years
3) The installation of sprinkler systems at various buildings, as more fully described on a list on file in the Office of the Clerk, which list is hereby incorporated by reference as if set forth at length, including all related costs and expenditures incidental thereto.	\$335,000	\$318,250	15 years
4) Renovations to the Union Avenue Building, including all work and materials necessary therefore and incidental thereto.	\$630,000	\$598,500	15 years
5) Repairs to the Town Hall elevator, including all work	\$600,000	\$570,000	15 years

and materials necessary therefor and incidental thereto.				
6) The acquisition of vehicles, including a sewer trucks, bucket trucks, crane trucks, dump trucks, a utility trucks, electric trucks and yard packer trucks and further including all related costs and expenditures incidental thereto.	\$2,115,000		\$2,009,250	10 years
7) The acquisition of equipment, including a small loader, a large loader, a claw attachment and wheel align lifts and further including all related costs and expenditures incidental thereto.	\$435,000		\$413,250	15 years
8) The installation of electric charging stations, including all work and materials necessary therefor and incidental thereto.	\$50,000		\$47,500	15 years
9) The acquisition of multi-function copiers, including all work and materials necessary therefor and incidental thereto.	\$110,000		\$104,500	5 years

10) The acquisition of street sweepers, including all related costs and expenditures incidental thereto.	\$715,000 (Includes the UEZ Funds)		\$679,250	5 years
d) <u>General Projects</u>				
1) The South 20 th Street Drainage Project, as more fully described on a list on file in the Office of the Clerk, which list is hereby incorporated by reference as if set forth at length, including all work and materials necessary therefor and incidental thereto.	\$435,000		\$413,250	20 years

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2) Park surfacing, as more fully described on a list on file in the Office of the Clerk, which list is hereby incorporated by reference as if set forth at length, including all work and materials necessary therefor and incidental thereto.	\$250,000	\$237,500	10 years
3) Improvements to the North Union Avenue and Mill Road intersection, including all work and materials necessary therefor and incidental thereto.	\$205,000	\$194,750	10 years

4) Annual Road resurfacing, as more fully described on a list on file in the Office of the Clerk, which list is hereby incorporated by reference as if set forth at length, including all work and material necessary therefor and incidental thereto.	\$657,000	\$624,150	10 years
5) The installation of a guard rail at Cleremont Avenue, including all work and materials necessary therefor and incidental thereto.	\$115,000	\$109,250	10 years
6) Eberhardt Park repairs, including all work and materials necessary therefor and incidental thereto.	\$150,000	\$142,500	15 years
7) Recreation court resurfacing at various locations, as more fully described on a list on file in the Office of the Clerk, which list is hereby incorporated by reference as if set forth at length, including all work and	\$160,000	\$152,000	10 years

materials necessary therefor and incidental thereto.				
8) Improvements to the Gatling Center roof and floor, including all work and materials necessary therefor and incidental thereto.	\$330,000		\$313,500	15 years

9) Improvements to the 40 th Street running track, including all work and materials necessary therefor and incidental thereto.	\$160,000	\$152,000	10 years
10) Orange Park pool enclosure, including all work and materials necessary therefor and incidental thereto.	<u>\$2,110,000</u>	<u>\$2,004,500</u>	20 years
Totals:	<u>\$20,000,000</u>	<u>\$19,000,000</u>	

The excess of the appropriation made for each of the improvements or purposes aforesaid over the estimated maximum amount of bonds or notes to be issued therefor, as above stated, is the amount of the down payment for each purpose.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no bond anticipation note shall mature later than one year from its date, unless such bond anticipation notes are permitted to mature at such later date in accordance with applicable law. The bond anticipation notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with bond anticipation notes issued pursuant to this bond ordinance, and the chief financial officer's signature upon the bond anticipation notes shall be conclusive evidence as to all such determinations. All bond anticipation notes issued hereunder may be renewed from time to time subject to the provisions of the Local Bond Law or other applicable law. The chief financial officer is hereby authorized to sell part or all of the bond anticipation notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the bond anticipation notes pursuant to this bond ordinance

is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the bond anticipation notes sold, the price obtained and the name of the purchaser.

Section 5. The Township hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Township is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

Section 6. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvements or purposes described in Section 3 of this bond ordinance are not current expenses. They are all improvements or purposes that the Township may lawfully undertake as general improvements, and no part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The average period of usefulness, computed on the basis of the respective amounts of obligations authorized for each purpose and the reasonable life thereof within the limitations of the Local Bond Law, is 15.97 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Township as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$19,000,000, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$3,000,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purposes or improvements.

Section 7. The Township hereby declares the intent of the Township to issue bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use the proceeds to pay or reimburse expenditures for the costs of the purposes or improvements described in Section 3 of this bond ordinance. This Section 7 is a declaration of intent within the meaning and for purposes of the Treasury Regulations.

Section 8. Any grant moneys received for the purposes or improvements described in Section 3 hereof shall be applied either to direct payment of the cost of the improvements or to payment of the obligations issued pursuant to this bond ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

Section 9. The chief financial officer of the Township is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Township and to execute such disclosure document on behalf of the Township. The chief financial officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Township pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Township and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Township fails to comply with its undertaking, the Township shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

Section 10. The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Township, and the Township shall be obligated to levy *ad valorem* taxes

upon all the taxable property within the Township for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 11. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

The public hearing on this ordinance is now open

Vick – Hudley Motion to close public hearing

Adopted
Absent: Beasley, Cox

Vick – Hudley **Motion to adjourn adoption of this ordinance on 2nd reading after public hearing until May 20, 2024**

Adopted
Absent: Beasley, 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
Daisy Fuqua, 167 Orange Avenue

Acting Council President Dr. Hudley advised that their concerns will be forwarded to the Administration so they can address their concerns.

13. ADJOURNMENT (*Roll Call)

There being no further business, the meeting adjourned at 7:57 P.M.

Dr. October Hudley, Acting Council President

Shawna M. Supel, Municipal Clerk