

TOWNSHIP OF IRVINGTON



MUNICIPAL COUNCIL MEETING MINUTES MAY 6, 2024 7:30 PM

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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)

None

5. HEARING OF COUNCIL MEMBERS

None

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

A. Reports

1. Revenue & Finance Representative Pamela Eafford – Report of April 17, 2024 Licensing Committee Meeting
2. Business Administrator Musa Malik, Esq. – Report of April 18, 2024 Finance Committee Meeting
3. Municipal Court - Weekly Summary Report for the Week of April 15, 2024 to April 19, 2024
4. Municipal Court - Weekly Summary Report for the Week of April 22, 2024 to April 26, 2024
5. A/Health Director Baffour Asare – Report of April 25, 2024 Ad Hoc Health Committee Meeting
6. Zoning Board of Adjustment Secretary Dorinda Francis-McKenzie – 2022 Zoning Board of Adjustment Annual Report
7. Zoning Board of Adjustment Secretary Dorinda Francis-McKenzie – 2023 Zoning Board of Adjustment Annual Report

7. REPORTS OF COMMITTEES

A. April 17, 2024 – Request for Proposals – Workers’ Compensation, Lease of Office Space, Labor Counsel, Architectural Services, Budget Consultant and Foreclosure Counsel

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

Frederic – Brown 1. An Ordinance Providing for the Cancellation of Tax Overpayments or Delinquent Amounts of \$10.00 and Less

AN ORDINANCE PROVIDING FOR THE CANCELLATION OF TAX OVERPAYMENTS OR DELINQUENT AMOUNTS OF \$10.00 AND LESS

WHEREAS, in accordance with N.J.S.A. 40A:5-17.1, “Notwithstanding the provisions of any law to the contrary, the governing body of a municipality may adopt a resolution authorizing a municipal employee to cancel/process, without further action on the part of the governing body, any property tax overpayments or delinquency of less than \$10.00; and

WHEREAS, in an effort to maintain the highest level of fiscal accountability, the Tax Collector must have the ability to cancel/process any tax overpayments and/or delinquencies of less than \$10.00: and

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

SECTION 1. the Tax Collector is hereby authorized to cancel/process any tax overpayments or delinquency less than \$10.00.

SECTION 2. All 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.

Adopted

Beasley – Vick 2. Ordinance Amending and Supplementing Section 620-19.1 Parking Too Close To Driveway By Adding Chestnut Avenue

AN ORDINANCE AMENDING SECTION 620-19.1 OF THE REVISED CODE REGARDING PARKING TOO CLOSE TO A DRIVEWAY BY ADDING CHESTNUT AVENUE BETWEEN BANTA PLACE AND ENS PLACE

BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON AS FOLLOWS:

SECTION 1. Section 620-19.1 of the Revised Code of the Township of Irvington is hereby supplemented by adding the following street and location:

Parking too close to driveway.

No person shall park or cause to be parked any type of motor vehicle within four linear feet of the crossover width of a driveway where the driveway meets the carriage way (i.e. the lower section of the driveway, which abuts the street or other public right of way) upon any of the following described streets or parts of streets:

Name of Street	Location
Chestnut Avenue	Between Banta Place and Ens Place

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.

Adopted

C. Bills & Claims

Brown – Vick

1. Bill Lists

RESOLVED THAT THE BILLS AND CLAIMS AGAINST THE TOWNSHIP OF IRVINGTON FOR A PERIOD **MAY 6, 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	\$6,510,713.14
TOTAL	\$6,510,713.14

Adopted

Beasley – Brown

2. Payrolls

Payroll Date: April 19, 2024

TOTAL	\$2,250,018.57
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Adopted

9. RESOLUTIONS AND MOTIONS

A. Resolutions

Vick – Brown

1. Cancellation of Tax Overpayment or Delinquent Amounts of \$10.00 and Less for Tax Years 2021, 2022 and 2023

Resolution Cancellation of Tax Overpayments or Delinquent Amounts of \$10.00 and Less

WHEREAS, in accordance with N.J.S.A. 40A:5-17.1, “Notwithstanding the provisions of any law to the contrary, the governing body of a municipality may adopt a resolution authorizing a municipal employee to cancel/process, without further action on the part of the governing body, any property tax overpayments or delinquency of less than \$10.00; and

WHEREAS, in an effort to maintain the highest level of fiscal accountability, the Tax Collector must have the ability to cancel/process any tax overpayments and/or delinquencies of less than \$10.00 for tax years 2021, 2022, and 2023;

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

that the Tax Collector is hereby authorized to cancel/process any tax overpayments or delinquency less than \$10.00 for tax years 2021, 2022, and 2023.

BE IT FURTHER RESOLVED that a certified copy of the Resolution be forwarded to the Tax Collector, the Chief Financial Officer, and the Municipal Auditor.

Adopted

Hudley – Frederic 2. Amend Language in DA 23-1113-27 Authorize Submission of Strategic Plan for Irvington Municipal Alliance Grant for Fiscal Year 2024-2025 – GCADA Funding \$17,953.27, Cash Match \$4,488.32, In Kind \$31,464.95

WHEREAS, the Governor’s Council on Alcoholism and Drug Abuse established the Municipal Alliances for the Prevention of Alcoholism and Drug Abuse in 1989 to educate and engage residents, local government and law enforcement officials, schools, nonprofit organizations, the faith community, parents, youth and other allies in efforts to prevent alcoholism and drug abuse in communities throughout New Jersey.

WHEREAS, Irvington Municipal Council of the Township of Irvington of, County of Essex, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and,

WHEREAS, the Irvington Municipal Council further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and,

WHEREAS, the Irvington Municipal Council has applied for funding to the Governor’s Council on Alcoholism and Drug Abuse through the County of Essex;

NOW, THEREFORE, BE IT RESOLVED by the Township of Irvington, County of Essex, State of New Jersey hereby recognizes the following:

1. The Township of Irvington Council does hereby authorize submission of a strategic plan for the Irvington Municipal Alliance grant for fiscal year 2024-2025 in the amount of:

GCADA Funding	\$17,953.27
Cash Match	\$4,488.32
In-Kind	\$13,464.95

2. The Township of Irvington Council acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.

Adopted

Frederic – Brown 3. Ratify and Approve the Provision of Lead Safe Irvington Program Funds in the Amount Not to Exceed \$22,700.00 for 29-31 Rich Street – 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 29-31 Rich Street, 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 two (2) contractors EnviroScience Solutions LLC and Absolute JM Services LLC provided quotes for the required work (1) one contractor A-Arcalenz submitted an email of no interest and a letter of explanation for not bidding on this property ; (1) one Contractor Optimum did not submit a bid and was sent a follow up email notice from the Lead Program recognizing their lack of participation in the bid process.

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 \$22,700.00 for a period of affordability of five (5) years; and

BE IT FURTHER RESOLVED that the aforesaid funds of \$22,700.00 will be disbursed in one (1) installment in the amount of \$22,700.00 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, 29-31 Rich Street, Irvington, New Jersey 07111, one family unit and owned by homeowner Beltram Cummings; 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. C24-0080 in the amount of \$22,700.00 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 \$22,700.00.

Adopted

**RESOLUTION OF SORROW
CONGRESSMAN DONALD M. PAYNE JR.**

WHEREAS, on April 24, 2024, The Lord took from amongst our ranks Congressman Donald M. Payne Jr.; and

WHEREAS, U.S. Representative Donald M. Payne, Jr. represented New Jersey's 10th Congressional District, which covers portions of Essex, Hudson, and Union counties; and

WHEREAS, a Newark, New Jersey native, he served the people of the 10th Congressional District since 2012. Rep. Payne, Jr. was a tireless fighter for New Jersey families, working to create jobs and grow the economy, protect and invest in our children, and ensure the health and safety of our communities; and

WHEREAS, in 2021, Rep. Payne, Jr. was voted to be Chairman of the Subcommittee on Railroads, Pipelines and Hazardous Materials in the powerful House Committee on Transportation and Infrastructure. The Committee has jurisdiction over national infrastructure and all modes of transportation, including aviation and mass transit. In 2017, Rep. Payne, Jr. fought for a \$900 million appropriation to fund the Gateway Project, a multi-year, multi-billion-dollar project to rebuild transportation infrastructure between New Jersey and New York. He continued to fight for Gateway and transportation infrastructure projects that benefit the American People. He led the Build America series of convenings to bring together government, industry leaders, small businesses, and women- and minority-owned businesses to increase diversity in federal government contracting projects; and

WHEREAS, as a member of the House Committee on Homeland Security's Subcommittee on Emergency Preparedness, Response, and Recovery, Rep. Payne, Jr. built a record of achievement in a divided Congress. He introduced two bills that were signed into Public Law by President Barack Obama, including the Department of Homeland Security Interoperable Communications Act of 2015, which ensures that DHS personnel can reliably communicate during emergencies. Rep. Payne, Jr. also introduced a bill to secure public areas of transportation facilities, such as airports. His bill was incorporated into the FAA Reauthorization Act and signed into law in October of 2018; and

WHEREAS, Rep. Payne, Jr. was a strong supporter of the Affordable Care Act, which provides thousands of New Jerseyans with access to high-quality, affordable health care. He was strong advocate for investing in and protecting the health of our children and introduced the TEST for Lead Act to protect children from lead-contaminated drinking water in schools. Rep. Payne, Jr. was also a vocal advocate for cancer prevention, introducing the National Colorectal Cancer Awareness Month Resolution to raise awareness about the need for regular cancer screenings. In the wake of Hurricane Maria's devastation in Puerto Rico and the U.S. Virgin Islands, Rep. Payne, Jr. repeatedly took to the House floor to advocate for better federal emergency response. He was a leader on gun violence prevention and introduced the Safer Neighborhoods Gun Buyback Act of 2019, which aims to incentivize people to trade in their firearms for prepaid cards; and

WHEREAS, Rep. Payne, Jr. began his long career in public service when he founded Newark South Ward Junior Democrats, becoming its first president. He also served as an adviser to the YMCA Youth in Government program. He attended Kean College (now Kean University), where he studied graphic arts. He lived in Newark with his wife Beatrice and he was the father of triplets, Donald III, Jack, and Yvonne:

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NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that the Township of Irvington hereby mourns the loss of Congressman Donald M. Payne Jr. and offers its sincerest condolences to his 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 as a lasting tribute to Congressman Donald M. Payne Jr..

Adopted

Cox – Brown 5. Extend the Architectural Professional Services Contract for the Community Training Academy at 346 Union Avenue - James R. Guerra, P.A. - \$ 10,452.00

Resolution to Extend the Architectural Professional Services Contract for the Community Training Academy at 346 Union Avenue

WHEREAS, on February 24, 2020, the Municipal Council in Resolution DP-20-0224-13, awarded a professional services contract to the firm of James R. Guerra for the preparation of plans and specification for the renovations of the existing municipal building located at 346 Union Avenue to be used as Community Training Academy; and

WHEREAS, plans and specification for this project were prepared and publicly bid but the project was not awarded due to a lack of funding at that time; and

WHEREAS, additional funding has become available to pursue this project a proposal was received from James R. Guerra, P.A. to update the plans and specifications for this project to incorporate the recent changes in the building code in the amount of \$ 10, 452.00.00 ; and

WHEREAS, the Township Engineer has reviewed this proposal and recommend the award of an extension of the professional services contract in order to accomplish this project in the most efficient manner.

NOW, THEREFORE, BE IT RESOLVED BY MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that a design change order to the professional services contract for architectural services for the Renovations to the Community Training Academy AT 346 Union Avenue Project is awarded to the firm of James R. Guerra, P.A. at their proposed price not to exceed \$ 10, 452.00.

BE IT FURTHER RESOLVED that pursuant to N.J.A.C. 5:34-5.2, the required Certificate of Availability of Funds No. C24-0062 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 \$ 10, 452.00 is Account T-21-41-850-20D-806

Adopted

Cox – Vick 6. Purchase Proprietary Software Technology for the Public Safety Department – Scheduling System for Police Personnel - Visual Computers Inc. - \$8,603.93

RESOLUTION TO PURCHASE PROPRIETARY SOFTWARE TECHNOLOGY FOR THE PUBLIC SAFETY DEPARTMENT

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WHEREAS, the Public Safety Department is required to use a scheduling system for time and attendance for all Police Personnel; and

WHEREAS, the technology and maintenance are proprietary software for Visual Computers Inc; and

WHEREAS, the total cost of this software will exceed the quote threshold; and

WHEREAS, under New Jersey Local Public Contract (NJSA 40A:11-5dd), the Township may award a contract for proprietary software in lieu of bidding; and

WHEREAS, the Township would like to take advantage of provisions of NJSA 40:11-5 (dd) and award a service contract to Visual Computers Inc of 4400 US Hwy 9 South, suite 3500, Freehold, NJ 07728

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON hereby authorizes a service contract to Visual Computers Inc of 4400 US Hwy 9 South, suite 3500, Freehold, NJ 07728 under provisions of NJSA 40:11-5dd to purchase proprietary software for the total sum of \$8,158.21; and

BE IT FURTHER RESOLVED, that the Township Attorney is directed to prepare the appropriate contract for such goods and services and the Mayor and Municipal Clerk is authorized to sign the same; and

BE IT FURTHER RESOLVED that the required availability of funds C24-0064 in the amount of \$8603.93 has been obtained from the Chief Financial Officer, charged to budget account number 4-01-25-240-240-118.

Adopted

Vick – Brown 7. Refund \$611.00 on Escrow for Bryan Holder, 639 Grove Street

RESOLUTION REFUNDING \$611.00 ON ESCROW T-18-56-860-100-081 FOR BRYAN HOLDER, 639 GROVE STREET.

WHEREAS, Bryan Holder applied to the Township of Irvington's Zoning Board of Adjustment for a use variance to operate a barbershop at property known and designated as 639 Grove Street Block 125 Lot 28.

WHEREAS, the Zoning Board Division of the Office of Community Development is seeking a refund of \$611.00 on behalf of Bryan Holder. Bryan Holder has received Zoning Board approval and seeks reimbursement from the Township of Irvington.

NOW THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that a reimbursement of \$611.00 to be refunded to BRYAN HOLDER for payment.

Adopted

Vick – Brown 8. Authorize the Execution of an Amended and Restated Redevelopment and Land Disposition Agreement With 21 Street Urban Renewal LLC for the Redevelopment of Property Identified as Block 137, Lots 1, 2, 4, 5, and 25 Through 30; On The Tax Maps of the Township and Identified in the Township Tax Records as 744-748

Springfield Avenue, 10 22nd Street, 16 22nd Street, 18 22nd Street, 393-95 21st Street, 397-403 21st Street, 734 Springfield Avenue, and 740 Springfield Avenue

RESOLUTION OF THE TOWNSHIP OF IRVINGTON AUTHORIZING THE EXECUTION OF AN AMENDED AND RESTATED REDEVELOPMENT AND LAND DISPOSITION AGREEMENT WITH 21 STREET URBAN RENEWAL LLC FOR THE REDEVELOPMENT OF PROPERTY IDENTIFIED AS BLOCK 137, LOTS 1, 2, 4, 5, AND 25 THROUGH 30; ON THE TAX MAPS OF THE TOWNSHIP AND IDENTIFIED IN THE TOWNSHIP TAX RECORDS AS 744-748 SPRINGFIELD AVENUE, 10 22ND STREET, 16 22ND STREET, 18 22ND STREET, 393-95 21ST STREET, 397-403 21ST STREET, 734 SPRINGFIELD AVENUE, AND 740 SPRINGFIELD AVENUE, RESPECTIVELY

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 within the Township constitute an area in need of rehabilitation and/or an area in need of redevelopment and to create redevelopment plans which provide development controls for any area so designated; and

WHEREAS, by resolutions duly adopted in accordance with the Redevelopment Law, the Township Council designated certain properties within the East Ward of the Township as an area in need of redevelopment (the “**Redevelopment Area**”); and

WHEREAS, the Redevelopment Law authorizes municipalities to adopt a redevelopment plan for an area designated as an “area in need of redevelopment” pursuant to which redevelopment projects are to be undertaken; 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* (as amended, the “**East Ward Redevelopment Plan**”) for the Redevelopment Area; 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 within the Redevelopment Area in accordance with the Redevelopment Plan, pursuant to *N.J.S.A. 40A:12A-4(c)*; and

WHEREAS, 21 Street Urban Renewal LLC, (the “**Redeveloper**”) is the owner of certain property located within the Redevelopment Area, which property is identified on the official tax map of the Township as Block 137, Lots 1, 2, 4, 5 and 26-29; and identified in the Township tax records, respectively, as 744-748 Springfield Avenue, 10 22nd Street, 16 22nd Street, 18 22nd Street, 397-403 21st Street, and 734 Springfield Avenue (the “**Redeveloper Parcels**”); and

WHEREAS, the Township is the owner of certain property located within the Redevelopment Area, which property is identified as Block 137, Lots 25 & 30 on the official tax maps of the Township and identified in the Township tax records, respectively, as 393-95 21st Street and 740 Springfield Avenue (the “**Township Parcels**”, together with the Redeveloper Parcels, the “**Property**”); and

WHEREAS, five of the parcels identified above is located both within the Redevelopment Area and within a rehabilitation area designated by the Township in accordance with the Redevelopment Law, as the Urban Enterprise Zone Rehabilitation Area. The blocks and lots, identified on the Township tax maps as Block 137, Lots 1, 2, 28, 29 and 30, are subject to the overlay zoning of the Urban Enterprise Zone Redevelopment Plan (as amended, the “**UEZ Redevelopment Plan**”, together with the East Ward Redevelopment Plan the “**Redevelopment Plan**”); and

WHEREAS, the Redeveloper has submitted to the Township its plans for the acquisition and assemblage of the Property, and the design, development, financing, construction, and maintenance thereon of a mixed-use project consisting of approximately twelve thousand (12,000) square feet of commercial/retail space on the first floor and approximately one hundred fifty-six (156) residential units (comprised of 71 one-bedroom units, 80 two-bedroom units and 5 three-bedroom units), one hundred forty-three (143) off-street parking spaces, the repair and/or replacement of the sidewalk frontage and off-street parking, and certain other on-site and offsite improvements (the “**Project**”); and

WHEREAS, in order to effectuate the Redevelopment Plan, the Project, and the redevelopment of the Property, on March 25, 2024 the Township Council adopted Resolution No. OCDP-24-0325-11 authorizing the execution of a redevelopment agreement in order to designate the Redeveloper as the “redeveloper”, as that term is used in the Redevelopment Law, to redevelopment the Property, and to set forth the terms and conditions with respect to such development (the “**Original Agreement**”, which was not executed); and

WHEREAS, upon the Property stands dilapidated improvements slated for demolition for purposes of clearing the land for the Project; and

WHEREAS, the Township and the Redeveloper agree that the Township stands in the soundest position to undertake the demolition of the improvements in the most the efficient and cost-effective manner; and

WHEREAS, the Township and the Redeveloper wish to amend and restate the Original Agreement to clarify and extend existing hold harmless provisions within the agreement to enable the Township to proceed with the demolition while not exposing the public to the risk of any loss that may result therefrom (the “**Amended and Restated Agreement**”); and

WHEREAS, in order to implement the development, financing, construction, operation and management of the Project, the Township has determined to enter into this Amended and Restated Agreement with Redeveloper, which specifies the rights and responsibilities of the Township, and specifies the rights and responsibilities of the Redeveloper with respect to the Project,

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 the Amended and Restated Redevelopment and Land Disposition Agreement Authorized.

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

necessary or desirable action to effectuate such Amended and Restated Redevelopment and Land Disposition Agreement.

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

(c) Upon the execution and attestation of the Amended and Restated Redevelopment and Land Disposition Agreement, the Mayor, upon consultation with counsel to the Township, is hereby further authorized to take any and all actions, and execute and deliver such other documents, certificates and instruments necessary, desirable or convenient to effectuate the terms of the Amended and Restated Redevelopment and Land Disposition Agreement.

(d) Upon execution of the Amended and Restated Redevelopment and Land Disposition Agreement, and so long as the Amended and Restated Redevelopment and Land Disposition Agreement remains in full force and effect, Redeveloper is hereby designated as “redeveloper” for the Project in accordance with the Redevelopment Law.

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

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

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

EXHIBIT A

AMENDED AND RESTATED REDEVELOPMENT AND LAND DISPOSITION AGREEMENT

Adopted

~~9. Tax Amnesty—Waive the Outstanding Penalties and Interest in the Amount of \$164,192.82 on Block 137, Lot 19, 9 20th Avenue [REMOVED BY FINANCE COMMITTEE 5-2-24]~~

Tax Amnesty; Block 137 Lot 19, 9 20th Ave.

WHEREAS, the Municipal Township Council of the Township of Irvington recognizes that the past and current economic climate has had a tremendous adverse impact upon Irvington residents and particularly those struggling daily to pay their real property taxes: and

WHEREAS, the inability of the taxpayers to pay his or her taxes ultimately has a direct impact on the viability of the Municipality: and

WHEREAS, both branches of Municipal Government recognize and concur that some specific program must be put into place to lessen the burden taxpayers are carrying and assist them to any extent possible with their current tax dilemma; and

WHEREAS, N.J.S.A. 54:4-99 is a specific State statutory provision, that subject to the provisions of N.J.S.A. 54:4-100, permits the abatement alteration, adjustment and settlement of any past taxes due, and other Municipal charges, both of principal and of any and all interest and penalties thereon, as it shall be equitable and just and be for the best interest of the Municipality; and

WHEREAS, Veronica Simmons of V True Image LLC, owner of record of Block 137 Lot 19, also known as 9 20th Ave., Municipality of Irvington, is desirous of satisfying, principal only, on Tax Title Lien # 12-01898, taxes and sewer delinquencies via tax amnesty in the amount of \$124,089.87; and

WHEREAS, the Township will waive the outstanding penalties and interest in the amount of \$164,192.82; and

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

1. While there will be no waiver of any principal due, all accrued penalty and interest as of August 13, 2024, will be waived;
2. Final payment must be received on or by August 13, 2024;
3. Failure to pay on or by August 13, 2024, will result in automatic default and all penalties and interests will be become due immediately; and

Cox – Vick 10. Purchase of Sole Source Multi-Force Door Simulator - Fire House Innovations LI Inc. - \$7,840.00

AUTHORIZE PURCHASE OF SOLE SOURCE MULTI-FORCE DOOR SIMULATOR

WHEREAS, Fire Department would like to purchase a multi-force door simulator; and

WHEREAS, the simulator will be used for fire fighters training; and

WHEREAS, pursuant to N.J.S.A. 40A:11-5(1)(d)(d), parts and services can only be purchased from Fire House Innovations LI Inc., 47 Locust street, Bayport, NY 11705

WHEREAS, the Administration would like to request a sole source exemption for this purchase; and

WHEREAS, the Administration will like to award a contract to Fire House Innovations LI Inc., 47 Locust street, Bayport, NY 11705 for an amount not to exceed \$7,840.00

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Irvington in the County of Essex, and State of New Jersey, that the Fire Department is authorized to purchase a multi-force door simulator from Fire House Innovations LI Inc., 47 Locust street, Bayport, NY 11705 for an amount not to exceed \$7,840.00

BE IT FUTHER RESLOVED that the required certification of availability of funds C23-0196 in the amount of \$7,840.00 from account number 3-01-25-265-265-299 has been obtained from the Chief Financial Officer.

Adopted

Cox – Vick 11. Qualify List of Architectural Firms in a Fair and Open Professional Services - May 6, 2024 to May 7, 2025

**RESOLUTION QUALIFYING ARCHITECTURAL SERVICE IN
A FAIR AND OPEN PROFESSIONAL SERVICE**

WHEREAS, the Request for Qualifications (RFQs) for Architectural services was publicly advertised in the New Jersey Star Ledger on April 02, 2024 with a deadline for qualifications to be submitted on April 17, 2024; and

WHEREAS, two qualifications were received and publicly opened by the Purchasing Agent and Municipal Clerk; and

WHEREAS, said qualifications were referred to the Township Engineer; and

WHEREAS, the Township Engineer has recommended the following three firms are qualified for service for one year;

Arcari + Iovino Architects PC
1 Katherine Street, Little Ferry, NJ 07643

The Musial Group
191 Mill Lane, Mountainside, NJ 07092

NOW THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that the above two vendors are hereby qualified and added to the Township list of architectural firms and the Township Engineer will solicit quotes from the above vendors for each municipal project and submit a resolution to the Municipal Council for all projects before retaining their services.

BE IT FURTHER RESOLVED, that appointment is for one year starting on May 06, 2024 and ending on May 07, 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 will be obtained from the Chief Financial Officer when quotes are submitted to the Municipal Council for each individual project.

Adopted

Frederic – Vick 12. Award Contract for the Construction and Leasing of Land for Two Automated

Teller Machines (ATM) – Bank of America - Five Years for a Total of \$335,000.00 - June 1, 2024 until May 31, 2029

AWARD OF CONTRACT FOR THE CONSTRUCTION AND LEASING OF LAND FOR TWO AUTOMATED TELLER MACHINES (ATM)

WHEREAS, sealed bids were received on April 03, 2024, for the construction and leasing of land for two automated teller machines (ATM) in response to the published advertisement for bids in the New Jersey Star Ledger on March 05, 2024; and

WHEREAS, Bank of America picked up bid specifications for this project; and

WHEREAS, one bid was received and opened by the Township Clerk and Purchasing Agent; and

WHEREAS, the bid received was reviewed according to the New Jersey Local Public Contract law, and met the terms of the bid; and

WHEREAS, the Chief Financial Officer has recommended that the award be made to Bank of America, 201 N Tryon Street, Charlotte, North Carolina 28255 on the basis of their responsible response to the invitation for bids; and

WHEREAS, Bank of America will lease the land located at Springfield Ave and Civic Square, to construct two ATMs from the Township of Irvington; and

WHEREAS, Bank of America will pay the Township rental income of \$67,000.00 per year plus \$0.30 per surcharged transaction over 1500 threshold for five years for a total of \$335,000.00, starting on June 01, 2024 until May 31, 2029; and

NOW THEREFORE BE, IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that a contract for the construction and leasing of land for two automated teller machines (ATM) be awarded to Bank of America, 201 N Tryon Street, Charlotte, North Carolina 28255.

BE IT FURTHER RESOLVED that the Township Attorney is hereby authorized and directed to prepare the necessary contract and the Mayor and the Township Clerk are authorized and directed to sign the same. In addition, the Township Clerk is hereby directed to return the bid security to the unsuccessful bidders; and

BE IT FURTHER RESOLVED, as required by the bid specifications, the performance bond for this project will be submitted to the Municipal Clerk and Purchasing Agent.

Adopted

~~13. Authorize a Non-Fair and Open Agreement for Unclaimed Funds for all Township Accounts – Tryon Clear View Group, LLC~~ **REMOVED BY FINANCE COMMITTEE 5-2-24]**

A RESOLUTION AUTHORIZING A NON-FAIR AND OPEN AGREEMENT FOR UNCLAIMED FUNDS FOR ALL TOWNSHIP ACCOUNTS

WHEREAS, it has been determined that the Township has several unclaimed funds from uncashed checks or rebates; and,

WHEREAS, Tryon Clear View Group has provided the Township with a list of unclaimed funds; and,

WHEREAS, it is recommended that the Township hire Tryon Clear View Group, LLC to contact the various entities to recoup all unclaimed funds on behalf of the Township.

WHEREAS, the Township will not pay this vendor for this service, but the vendor will receive thirty (30%) percent of any checks, credits, refunds and rebate.

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

1. This agreement will be valid for one year starting on May 06, 2024 until May 07, 2025
2. The Township Attorney will prepare the appropriate contract for this service.
3. The Township Clerk will advertise the attached resolution in the newspapers.

RESOLVED that the Township Attorney is hereby authorized and directed to prepare the necessary agreement and the Mayor and Township Clerk are authorized and directed to sign the same; and

Frederic – Cox 14. Commemoration - Haitian Flag Day, 2024

**RESOLUTION OF COMMEMORATION
HAITIAN FLAG DAY**

WHEREAS, HAITI's history dates back to thousands of years. The western half of the island of Hispaniola, it was first inhabited by the Taino natives. Christopher Columbus was the first European to visit the island, doing so in 1492, founding the settlement of La Navidad. France and Spain divided Hispaniola between them in 1697, France receiving the western half, importing African slaves and imposing racial codes; and

WHEREAS, HAITIAN natives fought for their independence, under former slave Toussaint L'Ouverture, in the late 1700s and early 1800s. On January 1, 1804, HAITI proclaimed its independence from France, and withstood French and other nations' attempts to conquer them. HAITI is the second-oldest independent nation in the Americas; and

WHEREAS, For a country's citizens, the national flag is indisputably a symbol of general pride. They would consider any offense to their flag to be an offense to their country. Beyond being an icon though, a flag's origin can often say a lot about a nation's social makeup or history. Haitians feel no different and even reserve a special day to honor it, that day is May 18, 2024; and

WHEREAS, In Haiti, Flag Day is a major national holiday celebrated with great fanfare on the grounds of the national palace. Flag Day is also observed by Haitians in the Diaspora. In the United States Haitians give homage to the blue and red by carrying it around. Haiti's flag's origin is tightly linked to a history of struggle for freedom; and

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WHEREAS, Toussaint Louverture and the army of revolted slaves fought successively for the Spanish against the French (1793-1794), for the French against Spain and England (1794-1802) and ultimately against France; and

WHEREAS, The leaders of the free slaves and the men of color had decided to fight for the creation of an independent nation. On May 18, 1803, in the city of Arcahaie, not far from Port-au-Prince, the newly appointed revolutionary leader Jean-Jacques Dessalines created the flag by taking a French tricolor and ripping out the white center. He then asked Catherine Flon to sew the remaining bands together; and

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that it hereby recognizes May 18, 2024 as Haitian Flag Day and honors this country's citizens and their ancestors who so bravely fought for their freedom from slavery.

BE IT FURTHER RESOLVED that a copy of this resolution be spread upon the minutes of this governing body in lasting tribute to Haitian Flag Day.

Adopted

Brown – Beasley 15. Resolution of Sorrow - Tausha Monique Harrison

**RESOLUTION OF SORROW
TAUSHA MONIQUE HARRISON**

WHEREAS, Tausha Monique Harrison peacefully departed from this life on Sunday March 17th 2024; and

WHEREAS, Tausha was born on September 26, 1972 in Elizabeth New Jersey to Loreatha Washington and the late James Daniels; and

WHEREAS, Tausha was educated in the Newark school system and was employed with Levi's in The Mills at Jersey Gardens Mall at the time of her demise; and

WHEREAS, Tausha loved music, loved to dance and loved her grand babies and loved reading. Tausha was a dedicated mother, daughter, grandmother and loved mentoring to young ladies; and

WHEREAS, Tausha is predeceased by her older brother Chadwick Harrison. She is survived by her mother Loreatha Washington, her children: Isaiah Harrison, Ameerah Harrison, Yusef Harrison, Elijah La'rue and Ramona Harrison. Five grandchildren: Jayden, Kamryn, Omari, Romani and Carter as well as a number of nieces, nephews, cousins and many friends; and

WHEREAS, **T** is For Talented, **A** is For Ability, **U** is for Unique, **S** is for Strong, **H** is for Humble, **A** is for Attractive; and

WHEREAS, Daughter, mother, niece and friend, you are all that and more to the ones who love and will miss you; and

WHEREAS, Keep her alive, family with the memories we all have and can share. To her babies KEEP YOUR HEAD UP!; and

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that the Township of Irvington hereby mourns the loss of Tausha Monique Harrison and offers its sincerest condolences to her family and friends during this period of bereavement; and

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

Adopted

Frederic – Brown 16. Resolution of Commendation Kareen Délice-Kircher - In Honor of Haitian Flag Day, 2024

KAREEN DÉLICE-KIRCHER RESOLUTION OF COMMENDATION IN COMMEMORATION OF HAITIAN FLAG DAY, 2024

WHEREAS, HAITI's history dates back to thousands of years. For a country's citizens, the national flag is indisputably a symbol of general pride. They would consider any offense to their flag to be an offense to their country. Beyond being an icon though, a flag's origin can often say a lot about a nation's social makeup or history. Haitians feel no different and even reserve a special day to honor it, that day is May 18, 1803; and

WHEREAS, in commemoration of Haitian Flag Day 2024, the Irvington Municipal Council would like to honor, Kareen Délice-Kircher who has provided a vast array of accomplishments, community contributions and success; and

WHEREAS, Kareen Délice-Kircher built a reputation for taking action on what matters to Haitian and Haitian-Americans. This is why today's award is particularly meaningful for her; and

WHEREAS, she is a long-standing advisor, sponsor, and fundraiser to numerous Haitian and American organizations and events. She has successfully advocated at the municipal, county, state levels, and she also has engaged congressional support on behalf of Haitians in New Jersey; and

WHEREAS, she founded the technology consulting firm DevOps Advisors 10 years in 2013. She guides clients through complex technology transformation without destabilizing the organization in the process. She has helped clients in more than 12 states, from startups, Fortune 10, and the Big 4 accounting firms; and

WHEREAS, in 2017, Kareen brought together a stellar team of Haitian-Americans and non-Haitians to create the Annual Celebration of Haitian Heritage Month at the Jersey Shore. In the 62 years that the Haitian-American community has existed at the Jersey Shore, this is the longest-running, consecutive Flag Day event. The event has recognized the most number community members and given the most scholarships to students of Haitian descent. The team has rallied the community to be able to give 23 scholarships as of the 8th annual event this year. It also draws bipartisan attendance; and

WHEREAS, Kareen also spearheaded the support of a rural school in Haiti, where nearly 100 students are being educated. The Flag Day event donations help students both in New Jersey and in Haiti to continue learning; and

WHEREAS, in 2018, Kareen wrote the book, Waking Up from Your Parents' American Dream. It sold nearly 1,000 copies in just the first year, more than 5 times what the average book sells. Kareen testified at the New Jersey State Senate on behalf of equal pay legislation. Several senators and the governor of the State of New Jersey received an autographed copy of her book when she was doing advocacy work in the State Capitol; and

WHEREAS, Kareen’s activities have been covered by NBC10 News, the Asbury Park Press, Politico, the Houston Chronicle, NJ PBS, and more. She is a repeat guest on Haiti Premiere Classe; and

WHEREAS, professionally, she’s been invited to speak at leading events in her industry, including at Salesforce in San Francisco, The CTO Summit at The Nasdaq in New York, the New York Institute of Technology, and The Business Continuity Institute in London. She has been a scholarship reviewer for technology scholarships; and

WHEREAS, Kareen is a spiritual mentor to people from all walks of life as a result of her own transformative relationship with God; and

WHEREAS, Kareen draws inspiration from her community-minded parents, Edmond and Jackie Délice. and the loves of her life are her husband, Christian, and their adorable cats:

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that it hereby applauds the many achievements of Kareen Délice-Kircher and celebrates Haitian Flag Day to honor this country’s citizens and their ancestors who so bravely fought for their freedom from slavery; and

BE IT FURTHER RESOLVED that a copy of this resolution be spread upon the minutes of this Governing Body in lasting tribute to Kareen Délice-Kircher.

Adopted

Brown – Hudley 17. Award A Bid For Recycling Waste Receptacles - Toter LLC – \$156,360.00

RESOLUTION AWARDING A BID FOR RECYCLING WASTE RECEPTACLES

WHEREAS, sealed bids were received on March 13, 2024 for the purchase of 3000 recycling waste receptacles cans to published advertisement for bids in the New Jersey Star Ledger on February 23, 2024; and

WHEREAS, three bids were received and opened by the Purchasing Agent and Municipal Clerk; and

WHEREAS, said bid was referred to the Public Works Director for recommendation to the Municipal Council; and

WHEREAS, the Township Attorney and Public Works Director deemed that the lowest bidder should be disqualified because the vendor did not meet the full specification of the bid; and

WHEREAS, based on the Township Attorney written legal opinion the lowest bidder is hereby rejected; and

WHEREAS, the Public Works Director and the Township Attorney has recommended that the award should be made to second lowest bidder Toter LLC of 841 Meacham Road, Statesville, NC 28677 on the basis of the second lowest bid of \$156,360.00; and

BE IT FURTHER RESOLVED, the Municipal Clerk is hereby authorized the return the bid bonds to the unsuccessfully bidders; and

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

BE IT FUTHER RESLOVED that the required certification of availability of C24-0027 in the amount of \$156,360.00 from account number 4-01-32-465-465-118 has been obtained from the Chief Financial Officer.

Adopted

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. President Beasley: An ordinance amending a section in the Zoning Ordinance regarding Regulating Cannabis in the Township of Irvington 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 MC 3832 TO REGULATE CANNABIS IN THE TOWNSHIP OF IRVINGTON

§ 650-47.1

CANNABIS OPERATORS

[Added 8-9-2021 by Ord. No. MC 3773; amended 9-27-2021 by Ord. No. MC 3779]

- A. Enabling authority. The requirements of this section are subject to the enabling authority of the State of New Jersey and are subject to compliance with all statutes and/or regulations adopted by the State of New Jersey or its instrumentalities. If any provision of this section is inconsistent with the statutes and/or regulations of the State of New Jersey, the state statutes and/or regulations shall govern.

CANNABIS ESTABLISHMENTS PERMITTING; RULES AND REGULATIONS Purpose.

- A. This chapter titled “Cannabis Establishments” is created and added to the general ordinances of the municipal code of Irvington for the purpose of establishing local permitting requirements and regulating the operations of cannabis establishments with respect to the cultivation, manufacturing, wholesale, distribution, retail, delivery, use and consumption of recreational cannabis and cannabis Items in the township in accordance with the provisions of the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act (the “Act”), any supplements and amendments thereto, and in accordance with the rules and regulations promulgated or to be promulgated by the New Jersey Cannabis Regulatory Commission (the “CRC”), and in accordance with the rules and regulations of the township not inconsistent with the Act or the rules and regulations of the State of New Jersey. The regulations of this ordinance are subject to the enabling authority of the state pursuant to N.J.S.A., 24:6I-45 and are subject to compliance with all statutes and regulations adopted by the state or its instrumentalities, including the CRC. If any provision of this ordinance is inconsistent with state statutes or any regulations thereof, the state statutes and regulations shall prevail. General Provisions.
- B. Prior to the operation of any Cannabis Establishment in the Township, a conditional License must be obtained from the state pursuant to the Act and a permit must be obtained from the Township pursuant to this chapter for the particular class of operation being conducted.
- a. The Township of Irvington shall have an application process for the Cannabis License approval from the Township and by completing and submitting said application for consideration each applicant is certifying that it has:
 - i. Applicant’s name, principal address, telephone number, email address, contact name and title;
 - ii. Class of License sought; Proposed site location with evidence of site control or plans to obtain site control, floor plan(s), and a brief statement of suitability of the site for operation as a Cannabis Establishment;
 - iii. Certification that applicant has reviewed the city’s zoning ordinances and that to the best of applicant’s knowledge the proposed site location meets the requisite zoning applicable to the location for the class of License sought either on a permitted use or conditional use basis and, if permitted on a conditional use basis, the reasons why the city should grant the applicant a variance;
 - iv. Any prior experience owning, operating or working in cannabis establishments, or in other highly regulated industries such as pharmaceuticals, banking and insurance;
 - v. Brief description of security plan that specifically addresses proposed onsite security and surveillance, diversion prevention and emergency management;
 - vi. Brief description of nuisance mitigation plan that specifically addresses proposed plans to address noise, odor, waste disposal and vehicular congestion mitigation;
 - vii. Brief description of community impact plan summarizing how the applicant intends to have a positive impact on the community in which the proposed cannabis establishment is to be located; applicant’s ties to the proposed host community (including the percentage of owners, if any, that are residents of the city or a municipality bordering the city); and which shall include an economic impact plan and a description of community outreach activities;
 - viii. Brief description of workforce development and job creation plan ensuring that 35% or more of the applicant’s workforce will come from city residents; and which may include information on the applicant’s history of job creation or planned job creation

at the proposed cannabis establishment; education, training and resources to be made available for employees; any relevant certifications, and an optional diversity plan;

- ix. A written description of the applicant's record of social responsibility, philanthropy, and ties to the proposed host community;
- x. Any other information, consistent with state licensing and city permitting requirements, which the Board requests; and
- xi. Any other information, consistent with state licensing requirements, which the applicant wishes for the city to consider in reviewing its Proposal.

- C. Denials. Applicants who are denied local support will have thirty (30) days within which to correct any deficiency cited in the city's denial letter and to resubmit an amended Proposal. The Board will then have up to thirty (30) days from receipt of the amended Proposal within which to review the amended portions of applicant's Proposal. At the conclusion of this review period, the city will once again issue a written determination either approving or denying applicant's request in the form and manner prescribed in §265-5(C) above. There is no limitation on the number of times an applicant may resubmit amended Proposals for reconsideration by the Board. However, the times prescribed for resubmission and review herein shall remain in effect during each review period.
- G. Fees. A non-refundable, administrative fee of \$200 shall be submitted with each Proposal and amended Proposal submitted to the Board for review.
- D. Following receipt of a conditional approval from the state and approval of a Cannabis License from the Township of Irvington, the applicant must obtain a Zoning Determination from the Department of Housing and Building Construction and/or Community Development.
 - a. Zoning Generally. Cannabis Establishments shall only be permitted to operate in zoning districts within the township that specifically allow for such class of operation as a permitted use or a conditional use. If a zoning district within the city allows for a particular class of operation on a conditional use basis, the Cannabis Establishment must apply for a variance in accordance with applicable provisions of Chapter - --of the municipal code of Irvington.
- E. There shall be a minimum setback of two hundred (**200**) feet from any Cannabis Establishment to any public or private school, child daycare center, place of worship or residential building as measured from the main entrance of each establishment.
- F.

B. Definitions. As used in this section, the following terms shall have the meanings indicated:

CANNABIS

All parts of the plant *Cannabis sativa* L., whether growing or not, the seeds thereof, and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its seeds, except those containing resin extracted from the plant, which are cultivated and, when applicable, manufactured in accordance with P.L. 2021, c. 16 (N.J.S.A. 24:6I-31 et seq.), for use in cannabis products as set forth in this act, but shall not include the weight of any other ingredient combined with cannabis to prepare topical or oral administrations, food, drink, or other product. "Cannabis" does not include: medical cannabis dispensed to registered qualifying patients pursuant to the Jake Honig Compassionate Use Medical Cannabis Act, P.L. 2009, c. 307 (N.J.S.A. 24:6I-1 et seq.), and P.L. 2015, c. 158 (N.J.S.A. 18A:40-12.22 et seq.); marijuana as defined in N.J.S.A. 2C:35-2 and applied to any offense set forth in Chapters 35, 35A, and 36 of Title 2C of the New Jersey Statutes, or P.L. 2001, c. 114 (N.J.S.A. 2C:35B-1 et seq.), or marihuana as defined in Section 2 of P.L. 1970, c. 226 (N.J.S.A. 24:21-2), and applied to any offense set forth in the New Jersey Controlled Dangerous Substances Act, P.L. 1970, c. 226 (N.J.S.A. 24:21-1 et seq.); or hemp or a hemp product

cultivated, handled, processed, transported, or sold pursuant to the New Jersey Hemp Farming Act, P.L. 2019, c. 238 (N.J.S.A. 4:28-6 et seq.).

CANNABIS DELIVERY SERVICE

Any licensed person or entity that provides courier services for consumer purchases of cannabis items and related supplies fulfilled by a cannabis retailer in order to make deliveries of the cannabis items and related supplies to that consumer, and which services include the ability of a consumer to purchase the cannabis items directly through the cannabis delivery service, which after presenting the purchase order to the cannabis retailer for fulfillment, is delivered to that consumer. This person or entity shall hold a Class 6 cannabis delivery license issued pursuant to CREAMMA.

CANNABIS EXTRACT

A substance obtained by separating resins from cannabis by: 1) a chemical extraction process using a hydrocarbon-based solvent, such as butane, hexane, or propane; 2) a chemical extraction process using the hydrocarbon-based solvent carbon dioxide, if the process uses high heat or pressure; or 3) any other process identified by the Cannabis Regulatory Commission by rule or regulation.

CANNABIS FLOWER

The flower of the plant *Cannabis sativa* L. within the plant family Cannabaceae.

CANNABIS ITEM

Any usable cannabis, cannabis product, cannabis extract, and any other cannabis resin. "Cannabis item" does not include: any form of medical cannabis dispensed to registered qualifying patients pursuant to the Jake Honig Compassionate Use Medical Cannabis Act, P.L. 2009, c. 307 (N.J.S.A. 24:6I-1 et seq.), and P.L. 2015, c. 158 (N.J.S.A. 18A:40-12.22 et seq.); or hemp or a hemp product cultivated, handled, processed, transported, or sold pursuant to the New Jersey Hemp Farming Act, P.L. 2019, c. 238 (N.J.S.A. 4:28-6 et seq.).

CANNABIS LEAF

The leaf of the plant *Cannabis sativa* L. within the plant family Cannabaceae.

CANNABIS MANUFACTURER

Any licensed person or entity that processes cannabis items in this state by purchasing or otherwise obtaining usable cannabis, manufacturing, preparing, and packaging cannabis items, and selling, and optionally transporting, these items to other cannabis manufacturers, cannabis wholesalers, or cannabis retailers, but not to consumers. This person or entity shall hold a Class 2 cannabis manufacturer license issued pursuant to CREAMMA.

CANNABIS OPERATOR

A person or entity that is authorized to conduct operations as a retailer or manufacturer in accordance with a cannabis permit issued by a cannabis permitting authority and pursuant to CREAMMA and its implementing regulations.

CANNABIS PERMIT OR LICENSE

The document or documents, also referred to as a license, issued by the Division of Medicinal Marijuana within the New Jersey Department of Health, or the New Jersey Cannabis Regulatory Commission, or other state agency or entity or successor state agency or entity authorized to issue a medical cannabis dispensary permit/license or adult-use cannabis dispensary permit/license.

CANNABIS PERMITTING AUTHORITY

The Division of Medicinal Marijuana within the New Jersey Department of Health and/or New Jersey Cannabis Regulatory Commission and/or any other state agency or entity or successor state agency or entity with the statutory and regulatory authority to issue medical cannabis dispensary permits or permit endorsements.

CANNABIS PRODUCT

A product containing usable cannabis, cannabis extract, or any other cannabis resin and other ingredients intended for human consumption or use, including a product intended to be applied to the skin or hair, edible cannabis products, ointments, and tinctures. "Cannabis product" does not include: 1) usable cannabis by itself; or 2) cannabis extract by itself; or 3) any other cannabis resin by itself.

CANNABIS RESIN

The resin extracted from any part of the plant *Cannabis sativa* L., including cannabis extract and resin extracted using nonchemical processes, processed and used in accordance with P.L. 2021, c. 16 (N.J.S.A. 24:6I-31 et seq.). "Cannabis resin" does not include: any form of medical cannabis dispensed to registered qualifying patients pursuant to the Jake Honig Compassionate Use Medical Cannabis Act, P.L. 2009, c. 307 (N.J.S.A. 24:6I-1 et seq.), and P.L. 2015, c. 158 (N.J.S.A. 18A:40-12.22 et seq.); hashish as defined in N.J.S.A. 2C:35-2 and applied to any offense set forth in Chapters 35, 35A, and 36 of Title 2C of the New Jersey Statutes, or P.L. 2001, c. 114 (N.J.S.A. 2C:35B-1 et seq.), or as defined in Section 2 of P.L. 1970, c. 226 (N.J.S.A. 24:21-2), and applied to any offense of the New Jersey Controlled Dangerous Substances Act, P.L. 1970, c. 226 (N.J.S.A. 24:21-1 et seq.); or hemp or a hemp product cultivated, handled, processed, transported, or sold pursuant to the New Jersey Hemp Farming Act, P.L. 2019, c. 238 (N.J.S.A. 4:28-6 et seq.).

CANNABIS RETAILER

Any licensed person or entity that purchases or otherwise obtains usable cannabis from cannabis cultivators and cannabis items from cannabis manufacturers or cannabis wholesalers, and sells these to consumers from a retail store, and may use a cannabis delivery service or a certified cannabis handler as set forth in N.J.S.A. 24:6I-44 for the off-premises delivery of cannabis items and related supplies to consumers. A cannabis retailer shall also accept consumer purchases to be fulfilled from its retail store that are presented by a cannabis delivery service which will be delivered by the cannabis delivery service to that consumer. This person or entity shall hold a Class 5 cannabis retailer license issued pursuant to CREAMMA.

CANNABIS WHOLESALE

Any licensed person or entity that purchases or otherwise obtains, stores, sells or otherwise transfers, and may transport, cannabis items for the purpose of resale or other transfer to either another cannabis wholesaler or to a cannabis retailer, but not to consumers. This person or entity shall hold a Class 3 cannabis wholesaler license issued pursuant to CREAMMA.

CANNABIS CULTIVATOR (GROWER)

Any licensed person or entity that grows, packages and/or sells cannabis.

CONSUMER

A person 21 years of age or older who purchases, directly or through a cannabis delivery service, acquires, owns, holds, or uses cannabis items for personal use by a person 21 years of age or older, but not for resale to others.

CONSUMPTION

The act of ingesting, inhaling, or otherwise introducing cannabis items into the human body.

CREAMMA

The New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act (Approved February 22, 2021).

DELIVERY

The transportation of cannabis items and related supplies to a consumer. "Delivery" also includes the use by a licensed cannabis retailer of any third-party technology platform to receive, process, and fulfill orders by consumers, provided that any physical acts in connection with fulfilling the order and delivery shall be accomplished by a cannabis handler certified in accordance with N.J.S.A. 24:61-44 performing work for or on behalf of the licensed cannabis retailer, which includes a certified cannabis handler employed or otherwise working on behalf of a cannabis delivery service making off-premises deliveries of consumer purchases fulfilled by that cannabis retailer.

HONIG ACT

The Jake Honig Compassionate Use Medical Cannabis Act (approved July 2, 2019), P.L. 2019, c. 153, revising and supplementing P.L. 2009, c. 307: N.J.S.A. 24:61-1 et seq.

MICROBUSINESS

The holder of a license with a smaller footprint than a standard license holder. It can be a distributor, delivery service and the Township sets the perimeters for same. Ex; employ no more than x-number of employees; establishment occupies an area of no more than x— square feet; possess no more than x-amount of cannabis plants each month; if a manufacturer no more than x amount of pounds of usable cannabis per month

PREMISES or LICENSED PREMISES

Includes the following areas of a location licensed under P.L. 2021, c. 16 (N.J.S.A. 24:6I-31 et seq.): all public and private enclosed areas at the location that are used in the business operated at the location, including offices, kitchens, rest rooms, and storerooms; all areas outside a building that the Cannabis Regulatory Commission has specifically licensed for the production, manufacturing, wholesaling, distributing, retail sale, or delivery of cannabis items; and, for a location that the commission has specifically licensed for the production of cannabis outside a building, the entire lot or parcel that the licensee owns, leases, or has a right to occupy.

PUBLIC PLACE

Any place to which the public has access that is not privately owned; or any place to which the public has access where alcohol consumption is not allowed, including, but not limited to, a public street, road, thoroughfare, sidewalk, bridge, alley, plaza, park, playground, swimming pool, shopping area, public transportation facility, vehicle used for public transportation, parking lot, public library, or any other public building, structure, or area.

USABLE CANNABIS

The dried leaves and flowers of the female plant *Cannabis sativa* L., and does not include the seedlings, seeds, stems, stalks, or roots of the plant.

C. General. Standards and guidelines set forth in this section shall supersede other requirements of the zone district in which the dispensary is to be located to the extent they are inconsistent with the requirements for cannabis operators set forth herein. Where bulk regulations, parking requirements, or other provisions of the Zoning Code are not specifically stated, the underlying zoning standards and guidelines shall prevail.

D. Required approvals. Prior to the operation of any cannabis operator in the Township of Irvington the following shall be required:

(1) The applicant shall submit proof that the applicant has or will have lawful possession of the premises proposed for the cannabis retailer, which proof may consist of: a deed, a lease, a real estate contract contingent upon successful licensing, or a binding letter of intent by the owner of the premises indicating an intent to lease the premises to the entrant contingent upon successful licensing.

(2) The location proposed for licensing by the applicant shall comply with all applicable municipal zoning laws and the location restrictions set forth in this Code.

(3) The applicant shall submit all required fees for the application and conditional license in accordance with the fee schedule set forth below. All fees shall be nonrefundable except as expressly provided herein.

Type of License	Application Fee (Initial)	Application Fee (Renewal)	Annual Registration Fee
Retailer	\$10,000.00	\$10000.00	\$5000.00
Manufacturer	\$10,000.00	\$10000.00	\$7500.00
Grower	\$10,000.00	\$10000.00	\$7500.00
Distributor	\$10,000.00	\$10000.00	\$7500.00
Distributor	\$10,000.00	\$10000.00	\$7500.00
Delivery Service	\$10,000.00	\$10000.00	\$5000.00
Micro Retailer	\$5000.00	\$5000.00	\$2500.00

(4) A cannabis operator must obtain a Class 1 (Cultivator), Class 2 (Manufacturer), Class 3 (Wholesaler), Class 4 (Distributor), Class 5 (Retailer) or Class 6 (Delivery) license issued by the state's Cannabis Regulatory Commission;

(5) A state and local consumption endorsement must be obtained pursuant to CREAMMA;

(6) Site plan approval shall be obtained from the Township of Irvington Planning Board or Board of Adjustment, as the case may be;

(7) A first certificate of zoning compliance shall be obtained along with all necessary building permits for build-out of the cannabis operator in accordance with the approved site plan; and

(8) A final certificate of zoning compliance and certificate of occupancy must be issued.

(9) Any local license issued pursuant to this chapter shall be valid for a period of three years from the date of issuance, subject to payment of the annual registration fee, and shall be in accordance with the provisions of this chapter.

E. Compliance requirements. A cannabis operator established pursuant to this section shall, at all times, operate in complete compliance with the terms and conditions of its cannabis permit(s) and any conditions set forth in its site plan approval, and all applicable codes and standards set forth in state codes and the Municipal Code of the Township of Irvington.

F. Permitted zone districts. Cannabis operators shall be conditionally permitted, as a conditional use, only in the following districts:

(1) Recreational cannabis retailer and dispensary shall be conditionally permitted in the following districts: B-3 Limited Business; B-4 General Business; and CBD Central Business District, Downtown Mixed-Use.

(2) Medicinal cannabis retailer and dispensary shall be conditionally permitted in the following districts: B-1 Neighborhood Business District; B-2 Shopping Center; B-3 Limited Business; B-4 General Business; and CBD Central Business District, Downtown Mixed-Use.

(3) Cultivating, manufacturing, wholesale, and distributing shall be conditionally permitted in the following districts: M-1 Special Industrial Manufacturing District; M-2 Light Industrial Manufacturing District; M-3 Heavy Industrial Manufacturing District.

(4) In addition to the permitted zone districts, no cannabis operator shall operate within 200 feet of a school or place of worship.

(5) B-5 Big Box Center shall be conditionally permitted for cannabis retailer and dispensary provided that the location is on the ground floor of the proposed site and has an entrance on the exterior of the location that serves as the primary point of ingress/egress for the business with secondary access into the main area of the Big Box Center that serves as an emergency exit only.

G. Hours of operation. It shall be unlawful for any person to sell (or dispense) cannabis or cannabis products at a cannabis operator within the Township of Irvington at any time other than between the hours of ~~8:00 a.m.~~ 9:00am and 8:00 p.m. ~~daily.~~ Monday through Saturday. On Sunday, hours of operation shall be permissible between 12:00pm and 6:00pm.

H. No cannabis operator shall be allowed as a home occupation as defined in §650-4.

I. No cannabis operator shall be housed in a vehicle or any movable or mobile structure.

J. Site plan approval; minimum requirements; performance standards.

(1) Minimum requirements. In addition to other requirements established by the Township of Irvington, the applicant shall include, at minimum, the following documents as evidence of compliance and good standing in the state and with the municipality.

(a) A letter from the Township of Irvington Director of Public Safety, or his or her designee, stating that the department has reviewed the applicant's safety and security protocols included in the pending application and has found them to be satisfactory.

(2) Performance standards.

(a) Building use. A cannabis operator shall only be located on the ground floor (i.e., street level) of any building in which it has been approved to be located unless the medical cannabis dispensary occupies the entire building on the property. Any such medical cannabis dispensary shall be accessible directly from the right-of-way through a separate entrance, independent from any other retail or residential ingress to the building. Only a secured, one-way emergency exit from the establishment may be integrated with common egress.

- (b) Bulk and area requirements. Bulk and area requirements shall follow those of the underlying zoning district.
- (c) Product display and storage. No cannabis products shall be visible from a public sidewalk, public street or right-of-way, or any other public place. All cannabis products shall be stored securely indoors and on site.
- (d) Consumption. Consumption of cannabis products including smoking, ingestion of edibles or by any other means of consumption shall be not permitted on the premises or adjacent ground of a cannabis operator. Consumption shall not be permitted at any public place.
- (e) Odor. A cannabis operator shall have equipment to mitigate cannabis-related odor. The building shall be equipped with a ventilation system with carbon filters or other filters sufficient in type and capacity to eliminate cannabis odors emanating from the interior of the premises. The filters are required to be replaced regularly for the best effectiveness to mitigate odor. The ventilation system must be approved by the Township of Irvington Health Department and Building Department or designated vendor and may be subject to periodic inspection.
- (f) Noise. Outside generators and other mechanical equipment used for any kind of power supply, cooling or ventilation shall be enclosed and have appropriate baffles, mufflers, and/or other noise reduction systems to mitigate noise pollution.
- (g) Security. All cannabis operators shall be secured and shall have full-time security protocols. Security protocols shall be submitted to the Township of Irvington Police Department for compliance review with all safety and security standards established by the State of New Jersey for cannabis operators. The Township of Irvington Police Department may, at its discretion and upon review of the proposed location, recommend or require additional safety and security measures. At minimum, the following shall apply:
- [1] A video recording security system shall be employed covering all areas of the cannabis operator and the adjacent exterior of the building with a 24/7 recording system that records for a minimum thirty-day archive.
 - [2] The Township of Irvington Police Department and Zoning Officer shall be provided the name and twenty-four-hour phone number of the responsible staff person to notify during suspicious activity or emergency.
 - [3] Outside areas of the premises shall be well-illuminated for safety and security, but not in a way that is counter to Code requirements for outdoor lighting and screening or obtrusive to pedestrians, drivers or other users of the public right-of-way.
 - [4] The premises and right-of-way adjacent to the cannabis operator shall be monitored by staff of the medical cannabis dispensary and kept free of loitering, litter and other debris, and the sidewalks shall be swept and cleaned on a regular basis.
 - [5] Consumers shall be screened and demonstrate identification confirming they are ages 21 years old or older.
 - [6] Capacity. A cannabis retailer shall permit a maximum of 30 patrons per 1,500 square feet of gross floor area.
- (h) Parking. Cannabis operators shall adhere to the following parking space requirements:
- [1] Recreational retailer and dispensary: Any recreational retailer with a gross floor area of 1,500 square feet or less: none; any recreational retailer with a gross floor area exceeding 1,500 square feet: one space per 500 square feet of gross floor area.
 - [2] Medicinal dispensary: shall adhere to the parking requirements of banks, financial and business offices and professional and commercial offices (§ 650-33D).
 - [3] Cultivating, manufacturing wholesale or distributing: shall adhere to the parking requirements of industrial manufacturing establishments (§ 650-33N).

(i) Cannabis operator shall enter into a community benefit agreement.

(j) **Records: Records of all cannabis purchased and sold must be made available upon 14 days' advance notice when called for by the Township, or any other authorized person or entity.**

K. Penalty for violation. Any violation of the provisions of this subsection or the conditions of the zoning permit granted, inclusive of any agreements or conditions imposed by the Planning Board or Board of Adjustment, as the case may be, shall be punishable by a civil fine; minimum fine shall be \$2,500.00, maximum fine shall be \$5000.00. Each day that a violation is committed, exists or continues shall be deemed a separate and distinct offense. In addition, ongoing or repeat offenses may result in suspension of the certificate of occupancy for a period to be determined by the Zoning Officer. All violations will be reported to the appropriate cannabis permitting authority or designated state authority.

L. Suspension of use. The Municipal Council may suspend or revoke any license the corresponding state license or permit for the subject location is expired, surrendered, suspended, or revoked. Following the commencement of retail sales of cannabis or cannabis products, the Irvington Municipal Council may suspend or revoke any license if the licensed premises have been inactive or unoccupied by the licensee for at least six months Any subsequent application for use or occupancy of the premises as a cannabis operator, including reoccupation by the previous operator, shall be referred to the original land use board of jurisdiction as a new application.

M. Signage. The following signage regulations shall be enforced:

- (1) One sign shall be permitted per cannabis operator.
- (2) Signage shall not be illuminated at any time.
- (3) Signage shall comply with the requirements of § 650-31 of the Township's Zoning Ordinance.
- (4) The following words shall be prohibited: "cannabis," "marijuana," and "weed."

N. No Transfer of License is Permitted: It cannot be transferred in whole or in part, without the prior written approval of the Township of Irvington. No successor in interest of a licensee shall acquire any rights or powers without the prior written consent of the Township. For purposes of this chapter, any change in control of the licensee resulting from a merger, consolidation, stock transfer, or asset sale shall be deemed an assignment or transfer that requires the prior written consent of the Township.

The public hearing on this ordinance is now open

Vick – Brown Motion to close public hearing

Adopted

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

Adopted

12. MISCELLANEOUS

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

George Alochukwu, 887 Springfield Avenue

Council President Beasley and Council Member Vick addressed the concerns raised by the above referenced citizen.

Council President Beasley Council Member Brown, Council Member Cox, Council Member Evans, Council Member Frederic, Council Member Dr. Hudley and Council Member Vick provided closing remarks and shared upcoming township events.

13. ADJOURNMENT (*Roll Call)

There being no further business, the meeting adjourned at 7:59 P.M.

Jamillah Z. Beasley, Council President

Shawna M. Supel, Municipal Clerk