

TOWNSHIP OF IRVINGTON



MUNICIPAL COUNCIL MEETING MINUTES JULY 8, 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		
Dr. Frederic	X			
Dr. Hudley	X			
Vick	X			
Beasley, President	X			

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

In accordance with the Open Public Meetings Act, adequate notice of this virtual meeting has been provided to the Irvington Herald and Star Ledger, posted on the Municipal Bulletin Board, the township's website, and filed 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)

There were no requests to be heard.

5. HEARING OF COUNCIL MEMBERS

There were no requests to be heard.

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

A. Reports

1. Joint Meeting – Third Quarter Assessment 2024
2. Community Development Dept. Rep. Attiya Pennix – Report of the June 21, 2024 Redevelopment Committee Meeting
3. Business Administrator Malik – Report of June 20, 2024 Finance Committee
4. Municipal Court - Weekly Summary Report for the Week of June 17, 2024 to June 21, 2024
5. Municipal Court - Weekly Summary Report for the Week of June 24, 2024 to July 1, 2024

7. REPORTS OF COMMITTEES

- A. Redevelopment Auction RFP #06-24 Virtual Pre-Bid Q&A – June 26, 2024

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

8. ORDINANCES, BILLS & CLAIMS

A. Ordinances on First Reading

- | | |
|----------------|--|
| Vick – Beasley | 1. Amend and Supplement Chapter 158 Entitled Alcoholic Beverage Control, Section 3 Hours of Sale |
|----------------|--|

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 158 (ALCOHOLIC BEVERAGE CONTROL) OF THE CODE OF THE TOWNSHIP OF IRVINGTON

WHEREAS, the Irvington Municipal Council serves as the local issuing authority for all ABC Licenses; and

WHEREAS, the Municipal Council, in its capacity as the Alcoholic Control Board for the Township of Irvington, find it prudent and in the public interest to clarify and amend **Chapter 158-3, Hours of Sale**; and

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WHEREAS, no retail licensee for **CONSUMPTION** (31, 32, or 33) shall sell or serve any alcoholic beverages before 9:00 a.m. and after 2:00 a.m. on Monday, Tuesday, Wednesday, Thursday, Friday or Saturday, nor before 12:00 noon and after 2:00 a.m. on Sunday; and

BE IT RESOLVED, that on New Year’s Eve, the licensee may remain open an additional three (3) hours from 2:00 a.m. to 5:00 a.m. Also, please note that the hours mentioned refer to Eastern Standard Time or daylight-saving time, whichever time shall be in effect and shall apply hereto; and

BE IT FURTHER RESOLVED, by A.B.C. Regulation (N.J.A.C. 13:2-38), no retail licensee may sell spirituous liquors in original containers (**DISTRIBUTION (44) – PACKAGE GOODS**) before 9:00 a.m. and after 10:00 p.m. on any day of the week.

BE IT ORDAINED that all ordinances or parts of ordinances inconsistent with the provisions of this ordinance are hereby repealed.

BE IT FURTHER ORDAINED that the effective date of this ordinance shall be twenty (20) days after its final passage by the Municipal Council and approved by the Mayor at the time and in the manner provided by law.

Adopted
Absent: Cox and Evans

C. Bills & Claims

Frederic – Hudley 1. Bill Lists

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

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

BILL LIST	\$4,029,297.26
TOTAL	\$4,029,297.26

Adopted
Absent: Cox and Evans

Frederic – Hudley 2. Payrolls

Payroll Date: June 28, 2024

TOTAL

\$2,387,166.30

Adopted
Absent: Cox and Evans

9. RESOLUTIONS AND MOTIONS

A. Resolutions

Vick – Frederic 1. Ratify Calendar Year 2022 Annual Audit Report

WHEREAS, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions; and

WHEREAS, the Annual Report of Audit for the **Calendar Year 2022** has been filed by a Registered Municipal Accountant with the Municipal Clerk as per the requirement of N.J.S. 40A:5-6, and a copy has been received by each member of the governing body; and

WHEREAS, the Local Finance Board of the State of New Jersey is authorized to prescribe reports pertaining to the local fiscal affairs, as per R.S. 52:27BB-34; and

WHEREAS, the Local Finance Board has promulgated a regulation requiring that the governing body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the Annual Audit entitled: GENERAL COMMENTS AND RECOMMENDATIONS

WHEREAS, such resolution of certification shall be adopted by the governing body no later than forty-five days after the receipt of the annual audit, as per the regulations of the Local Finance Board; and

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

WHEREAS, failure to comply with the promulgations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52 - to wit:

R.S. 52:27BB-52 - "A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office."

NOW, THEREFORE, BE IT RESOLVED THAT THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON hereby states that it has complied with the promulgation of the Local Finance Board of the State of New Jersey dated July 30, 1968 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

I HEREBY CERTIFY THAT THIS IS A TRUE COPY OF THE RESOLUTION PASSED AT THE MEETING HELD ON JULY 8, 2024.

Shawna M. Supel, R.M.C. #C-1504, Municipal Clerk

Adopted
Absent: Cox and Evans

Vick – Brown 2. Authorize a Flood Study of the Elizabeth River by the Center for Natural Resources at the New Jersey Institute of Technology

RESOLUTION TO AUTHORIZE A FLOOD STUDY OF THE ELIZABETH RIVER BY THE CENTER FOR NATURAL RESOURCES AT THE NEW JERSEY INSTITUTE OF TECHNOLOGY

WHEREAS, the Township of Irvington participates in the formulation of the Essex County Hazardous Mitigation Plan, which identifies critical areas of infrastructure in each of Essex County’s municipalities and allows for the New Jersey Office of Emergency Management (NJOEM) to provide assistance to address these various problems; and

WHEREAS the Center for Natural Resources at the New Jersey Institute of Technology Has sought the approval of NJOEM to provide a flood study of the Elizabeth River within the Township of Irvington at no cost to the Township; and,

WHEREAS the Township Engineer has reviewed this proposal and finds that the Center for Natural Resources at the New Jersey Institute of Technology has the unique resources to prepare a study of the impacted area. And recommends that the Center for Natural Resources at the New Jersey Institute of Technology be authorized to conduct such a study.

NOW, THEREFORE, BE IT RESOLVED BY MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that the Center for Natural Resources at the New Jersey Institute of Technology is authorized to conduct a flood study of the Elizabeth River within the Township of Irvington through the auspices of the New Jersey Office of Emergency Management

Adopted
Absent: Cox and Evans

Frederic – Hudley 3. Accept Community FoodBank of New Jersey (CFBNJ), through the Community FoodBank of New Jersey Capacity Building, Infrastructure, & Innovation Grant Award - \$5,487.00

WHEREAS, The Community FoodBank of New Jersey (CFBNJ), through the Community FoodBank of New Jersey Capacity Building, Infrastructure, & Innovation Grant proposes to enter into a sub grant agreement with the Township of Irvington/Irvington Neighborhood Improvement Corporation to provide equipment to support

the Food Pantry and the Soup Kitchen activities in the amount of \$5,487.00 for the period beginning January 1, 2024– December 31, 2024; and

WHEREAS, said grant agreement has been approved by the Community FoodBank of New Jersey (CFBNJ); and

BE IT FUTHER RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that the Township of Irvington is hereby authorized to execute a grant agreement with the Community FoodBank of New Jersey (CFBNJ) in the amount of \$5,487.00.

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that the Township of Irvington does hereby accepts and add to the 2024 Municipal Budget the grant of \$5,487.00 for such activities.

Adopted
Absent: Cox and Evans

Vick – Brown 4. Authorize the Execution of a Property Exchange Agreement Exchanging Township-Owned Property for Privately-Owned Property Within the Township – Chester Property Care LLC – Block 269, Lot 6, 82 Cleremont Avenue

RESOLUTION AUTHORIZING THE EXECUTION OF A PROPERTY EXCHANGE AGREEMENT EXCHANGING TOWNSHIP-OWNED PROPERTY FOR PRIVATELY-OWNED PROPERTY WITHIN THE TOWNSHIP

WHEREAS, the Municipal Council (the “**Township Council**”) of the Township OF Irvington (the “Township”) is authorized pursuant to the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1 et seq.* (the “**Redevelopment Law**”), to determine whether certain parcels of land 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, in accordance with the Redevelopment Law, on July 14, 2015, by resolution No. UEZ 15-0714-11, the Township Council adopted a resolution designating the entire Township as an area in need of rehabilitation (the “**Rehabilitation Area**”); and

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

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

WHEREAS, the Township is the owner of certain property located within the Rehabilitation Area, which property is designated on the official tax maps of the Township and identified in the Township tax records as Block 269, Lot 6, located at 82 Cleremont Avenue within the Township (the “**Township Parcel**”);

WHEREAS, Chester is the owner of certain property located within the Rehabilitation Area, which property is designated on the official tax maps of the Township and identified in the Township tax records as Block 151, Lot 14, located at 344 16th Avenue within the Township (the “**Chester Parcel**,” and together with the Township Parcel, the “**Properties**”); and

WHEREAS, the Chester Parcel is situated upon the site of a proposed redevelopment, the advancement of which would be facilitated by the Township’s acquisition of the Chester Parcel; and

WHEREAS, the Parties recognize the mutual benefit of a proposed exchange of the Township Parcel for the Chester Parcel;

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 Property Exchange Agreement Authorized.

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

(b) The Municipal Clerk is hereby authorized and directed, upon the execution of the Property Exchange 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 Property Exchange 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 thereof.

(d) Upon execution of the Property Exchange Agreement, the Township is authorized to duly pursue the transaction contemplated therein for the purposes recited herein.

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

PROPERTY EXCHANGE AGREEMENT

Adopted
Absent: Cox and Evans

~~5. Authorize the Execution of Property Exchange Agreement
Exchanging Township-Owned Property for Privately-Owned Property to
Facilitate Redevelopment Projects Within the East Ward/East Springfield
Avenue Redevelopment Area — ZM 100 22nd Street LLC — Block 152, Lot 1,
317-323 17th Avenue [7-3-24 REMOVED BY REDEVELOPMENT
COMMITTEE]~~

**RESOLUTION OF THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF
IRVINGTON AUTHORIZING THE EXECUTION OF PROPERTY EXCHANGE
AGREEMENT EXCHANGING TOWNSHIP-OWNED PROPERTY FOR
PRIVATELY-OWNED PROPERTY TO FACILITATE REDEVELOPMENT
PROJECTS WITHIN THE EAST WARD/EAST SPRINGFIELD AVENUE
REDEVELOPMENT AREA**

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 (as amended, the “**Redevelopment Plan**”) for the Redevelopment Area; and

WHEREAS, the Township is the owner of certain property located within the Township, which property is designated on the official tax maps of the Township and identified in the Township tax records as Block 152, Lot 1, located at 317-323 17th Avenue within the Township (the “**Township Parcel**”); and

WHEREAS, **ZM 100 22 STREET, LLC** (“**ZM**”) is the owner of certain property located within the Redevelopment Area, which property is designated on the official tax maps of the Township and identified in the Township tax records as Block 147, Lot 17, located at 135 19th Avenue within the Township (the “**ZM Parcel**,” and together with the Township Parcel, the “**Properties**”); and

WHEREAS, the ZM Parcel is situated upon the site of a proposed redevelopment, the advancement of which would be facilitated by the Township’s acquisition of the ZM Parcel; and

WHEREAS, the swap of the Properties would facilitate redevelopment projects within the Township; and

WHEREAS, the Parties recognize the mutual benefit of a proposed exchange of the Township Parcel for the ZM Parcel;

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 Property Exchange Agreement Authorized.

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

(f) The Municipal Clerk is hereby authorized and directed, upon the execution of the Property Exchange 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.

(g) Upon the execution and attestation of the Property Exchange 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 thereof.

(h) Upon execution of the Property Exchange Agreement, the Township is authorized to duly pursue the transaction contemplated therein for the purposes recited herein.

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

PROPERTY EXCHANGE AGREEMENT

Frederic – Brown	6. Authorize the Refund of Fees to Former Constables Due to the Abolishment of the Position of Constable by the State of New Jersey
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RESOLUTION AUTHORIZING THE REFUND OF CONSTABLE FEES

WHEREAS, the State of New Jersey eliminated the position of Constable on January 8, 2024, and the Township of Irvington eliminated the position of Constable on June 24, 2024; and

WHEREAS, the following individuals paid the Constable fees and are eligible to receive a refund:

Philip D. Fluker - \$100.00 -Paid 2/26/2024
23 Adams Street

Robert Lavert Bailey – \$50.00 - Paid 1/26/2024
10 Adams Street

Douglas G. Worthen – 100.00 – Paid 2/27/2024
40 Grant Place

Delworth Wilson – 100.00 – Paid 2/28/2024
15-17 Robert Place

NOW THEREFORE BE IT RESOVED by the Township Council of the Township of Irvington that a refund in the amount listed on this resolution be refunded to each of the former Constables.

Adopted
Absent: Cox and Evans

Hudley – Beasley 7. Shared Services Agreement with the Township of Irvington and Irvington Board of Education for the Provision of Using the Township Swimming Pool

RESOLUTION OF THE TOWNSHIP OF IRVINGTON

A SHARED SERVICES AGREEMENT WITH THE TOWNSHIP OF IRVINGTON AND IRVINGTON BOARD OF EDUCATION FOR THE PROVISION OF USING THE TOWNSHIP SWIMMING POOL

WHEREAS, the Township of Irvington, has been in discussions to share services with the Irvington Board of Education so as to mutually and respectively reduce the cost of providing such services between the Township and Irvington Board of Education; and

WHEREAS, the Irvington Board of Education is in need of an all-year swimming pool facility; and

WHEREAS; the Township of Irvington has a swimming pool that the Board of Education can use for swimming practice; and

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WHEREAS, the Irvington Municipal Council finds that it is the public interest to enter a shared service agreement, pursuant to the provisions of N.J.S.A. 40A:65-1 et seq., the Uniformed Shared Services and Consolidation Act, to enter such an agreement for swimming pool facilities to be provided by the Township; and

NOW THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that a shared-service agreement between the Township and Irvington Board of Education is hereby authorized for swimming pool facility for ten years from July 01, 2024 to June 30, 2034; and.

BE IT RESOLVED Attorney is hereby authorized and directed to review and approve shared-service agreement and the Mayor and Township Clerk are authorized and directed to sign the same; and

BE IT RESOLVED the Township of Irvington will invoice the Board of Education a onetime fee of two Million dollars (“\$2,000,000”) for the construction of the enclosure of the Swimming pool

Adopted
Absent: Cox and Evans

Vick – Frederic 8. Authorize Application to the FY 2025 Transportation Trust Fund Program
for the Resurfacing of Linden Avenue

**RESOLUTION TO APPLY FOR A TRANSPORTATION TRUST GRANT FOR THE RESURFACING
OF LINDEN AVENUE**

WHEREAS, the New Jersey Department of Transportation (NJDOT) offers a competitive grant program, The Transportation Trust Fund, which allow municipalities to apply for grants for various types of projects, particularly road resurfacing; and

WHEREAS, based on the grant requirements, Linden Avenue meets the criteria for an application under this grant and the Township Engineer has prepared the necessary documents for this application in the amount of \$ 760,459.20, which will cover the costs of design, construction and administration and testing for this project; and

WHEREAS, the Township Engineer has prepared and submitted an application to NJDOT for this project.

NOW, THEREFORE, BE IT RESOLVED BY MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that an application for a grant in the amount of \$ 760,459.20 under the FY 2025 Transportation Trust Fund Program, for the Resurfacing of Linden Avenue and that the Mayor is hereby authorized to endorse this application on behalf of the Township.

Be it further resolved that the Municipal Clerk shall forward a certified copy of this resolution to the New Jersey Department of Transportation.

Adopted
Absent: Cox and Evans

Beasley – Vick 9. Waive 20 Day Time Period for Effective Date on an ordinance amending and

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supplementing Chapter 577 Entitled “Taxation,” Article I, “Tax Abatement Procedures,” Section 577-2, “Application Requirements,” to Include Provisions for Application Fees

WHEREAS, an ordinance entitled **“AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 577, OF THE CODE OF THE TOWNSHIP OF IRVINGTON ENTITLED “TAXATION,” ARTICLE I, “TAX ABATEMENT PROCEDURES,” SECTION 577-2, “APPLICATION REQUIREMENTS,” TO INCLUDE PROVISIONS FOR APPLICATION FEES”** was duly passed on first reading by the Municipal Council on JUNE 24, 2024 and duly adopted by the Municipal Council on second reading after public hearing on JULY 8, 2024; and

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

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

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON (not less than 2/3 of the full membership thereof affirmatively concurring) that pursuant to the provisions of N.J.S.A. 40:69A-181 (b) and Section 7-32 (d) of the Revised Code of the Township of Irvington, it does hereby declare that an emergency exists that an ordinance entitled **“AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 577, OF THE CODE OF THE TOWNSHIP OF IRVINGTON ENTITLED “TAXATION,” ARTICLE I, “TAX ABATEMENT PROCEDURES,” SECTION 577-2, “APPLICATION REQUIREMENTS,” TO INCLUDE PROVISIONS FOR APPLICATION FEES”** shall become effective immediately upon its approval by the Mayor.

Adopted
Absent: Cox and Evans

Frederic – Brown 10. Resolution Between the Township of Irvington and the Irvington Board of Education for Collaborative Funding for the Irvington Outdoor Education Center Located at Readington Township, Hunterdon County NJ - \$3,000,000.00

RESOLUTION BETWEEN THE TOWNSHIP OF IRVINGTON AND THE IRVINGTON BOARD OF EDUCATION FOR COLLABORATIVE FUNDING FOR THE IRVINGTON OUTDOOR EDUCATION CENTER LOCATED AT READINGTON TOWNSHIP, HUNTERDON COUNTY NJ

WHEREAS, on January 14, 2019, resolution number DA19-0114-5 authorized a lease agreement between the Township of Irvington (“Township”) and Irvington Board of Education (“Board of Education”) for the Irvington Outdoor Education Center Located in Readington Township, Hunterdon County, New Jersey; and

WHEREAS, as per the lease agreement, the Township would seek and obtain funding to update the Irvington Outdoor Education Center; and

WHEREAS, the Township has received three million dollars (\$3,000,000) to move forward with updating the Irvington Outdoor Education Center; and

WHEREAS, as per the lease agreement, it was agreed that the Board of Education would collaborate with the Township to fund this project; and

WHEREAS, the Board of Education would like to contribute three million dollar (\$3,000,000) for the update of the Irvington Outdoor Education Center as part of our collaborative effort to restore and update the Irvington Outdoor Education Center for future generations of children.

f

NOW, BE IT HEREBY RESOLVED by the Township of Irvington, Essex County, New Jersey that its in the best interest of our children and residents to update the Irvington Outdoor Education Center and hereby accepts three million dollars (\$3,000,000) from the Board of Education for the update of the Irvington Outdoor Education Center; and

BE IT FURTHER RESLOVED, that the Chief Financial Officer will add these funds to Capital Fund for the sole purpose of updating and renovating the Irvington Outdoor Education Center.

BE IT FURTHER RESOLVED that the Township Attorney is directed to prepare the appropriate contracts and the Mayor, and the Township Clerk be and the same are hereby authorized to execute.

Adopted
Absent: Cox and Evans

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 Chapter 397 Article I, Noise Regulations Section 397-4 A (1) Permits For Use of Loudspeakers and Amplifiers Allowing a Permit to be Issued will be heard at this time. The Clerk will read the notice of hearing.

The Clerk will read the ordinance by title.

AN ORDINANCE TO AMEND CHAPTER 397 ARTICLE I. NOISE REGULATIONS SECTION 397-4 A (1) PERMITS FOR USE OF LOUDSPEAKERS AND AMPLIFIERS ALLOWING A PERMIT TO BE ISSUED.

An Ordinance Amending Chapter 397 Article I Section 397-4A (1) Permits for Use of Loudspeakers and Amplifiers allowing a Permit to be issued of the Township of Irvington.

BE IT ORDAINED by the Municipal Council of the Township of Irvington as follows: Chapter 397-4A(1) is hereby amended to read as follows:

1. The permits shall specify the dates and hours of the permitted use and activity, which shall not be permitted before the hour of 10:00 a.m. nor after 8:00 p.m. and not permitted on Sundays or religious holidays, except if the holiday is on a Monday and same is in direct connection with a specific celebration or parade.

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

SECTION 1. Chapter 397 Article I Noise Regulations Section 397-4 A (1) Permits for Use of Loudspeakers and Amplifiers Allowing a Permit to be Issued of the Revised Code of the Township of Irvington is hereby amended to permit the use of Loudspeakers and amplifiers on Sundays or religious holidays if the holiday is on a Monday and same is in direct connection with a specific celebration or parade.

SECTION 2. All sections of the Revised Code of the Township of Irvington that are inconsistent or in conflict with the provisions of this Ordinance are hereby repealed to the extent of their inconsistencies.

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

The Public Hearing on this ordinance is now open.

Vick – Brown Motion to close Public Hearing.

Adopted
Absent: Cox and Evans

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

Adopted
Absent: Cox and Evans

2. **President Beasley:** An Ordinance Amending and Supplementing Chapter 577 Entitled “Taxation,” Article I, “Tax Abatement Procedures,” Section 577-2, “Application Requirements,” to Include Provisions for Application Fees will be heard at this time. For the record, this notice is identical to the prior notice read.

The Clerk will read the ordinance by title.

MC-2024_____

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 577, OF THE CODE OF THE TOWNSHIP OF IRVINGTON ENTITLED “TAXATION,” ARTICLE I, “TAX ABATEMENT PROCEDURES,” SECTION 577-2, “APPLICATION REQUIREMENTS,” TO INCLUDE PROVISIONS FOR APPLICATION FEES

WHEREAS, the Municipal Council of the Township of Irvington (the “Municipal Council”) has designated certain real property within the Township of Irvington (the “City”) as areas in need of redevelopment (together with any properties so designated after the adoption of this Ordinance, the “Redevelopment Areas”) pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. (the “**Redevelopment Law**”); and

WHEREAS, to effectuate the Township’s aims for encouraging redevelopment of blighted areas and the restoration of deteriorated or neglected property, the Township has granted long-term tax exemptions pursuant to the Long-Term Tax Exemption Law, N.J.S.A. 40A:12A-1 *et seq.* in exchange for payments in-lieu of ad valorem property taxes pursuant to duly executed financial agreements; and

WHEREAS, the Township seeks a streamlined means of defraying the administrative costs associated with the receipt and processing of required applications for long-term tax exemptions; and

WHEREAS, the Township desires to amend Chapter 577 in order to implement the requirement of a fee to accompany the submission of an application for a long-term tax exemption pursuant to the Redevelopment Law.

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

Section 1. Chapter 577 of the Code of the Township of Irvington is hereby amended as follows (new language **underlined and bolded**; eliminated language **~~bolded~~** and struck through):

§ 577-2 Application Requirements.

Projects shall file an application with the Township that shall include:

- A. A general description of a project for which exemption and abatement is sought;
- B. A legal description of all real estate necessary for the project;
- C. Plans, drawings and other documents as may be required by the governing body to demonstrate the structure and design of the project;
- D. A description of the number, classes and type of employees to be employed at the project site within two years of completion of the project;
- E. A statement of the reasons for seeking tax exemption and abatement on the project, and a description of the benefits to be realized by the applicant if a tax agreement is granted;
- F. An estimate ~~Estimates~~ of the cost of completing such project certified by a qualified architect or engineer;**
- G. A statement showing;
 - (1) The real property taxes currently being assessed at the project site;

- (2) Estimated tax payments that would be made annually by the applicant on the project during the period of the agreement; and
 - (3) Estimated tax payments that would be made by the applicant on the project during the first full year following the termination of the tax agreement;
- H. If the project is a commercial or industrial structure, a description of any lease agreements between the applicant and proposed users of the project, and a history and description of the users' businesses;
- I. If the project is a multiple dwelling, a description of the number and types of dwelling units to be provided, a description of the common elements or general common elements, and a statement of the proposed initial rentals or sales prices of the dwelling units according to type and of any rental lease or resale restrictions to apply to the dwellings' units respecting low-or moderate-income housing; and
- J. **The payment of an application fee payable as follows:**
- (1) Where the cost of completion specified in Paragraph F herein equals \$250,000 or less: 0.5% of the total cost of the improvement.**
 - (2) Where the cost of completion specified in Paragraph F herein is from \$250,001 to \$1,000,000: 1% of the total cost of the improvement.**
 - (3) Where the cost of completion specified in Paragraph F herein is from \$1,000,001 to \$10,000,000: \$12,500.00.**
 - (5) Where the cost of completion specified in Paragraph F exceeds \$10,000,000: \$15,000.00.**

~~Such other pertinent information as the governing body may require.~~

K. Such other pertinent information or documentation as the governing body may require.

Section 2. This Ordinance shall take effect immediately.

The Public Hearing on this ordinance is now open.

Beasley – Vick Motion to close Public Hearing.

Adopted
Absent: Cox and Evans

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

Adopted
Absent: Cox and Evans

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

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Council Member Brown, Council Member Dr. Frederic and Council Member Dr. Hudley thanked the attendees for sharing their concerns. Council Member Vick thanked the attendees and addressed the concerns raised by Mr. Shaw.

Council President Beasley addressed the concerns raised by the above referenced citizens and provided closing remarks.

13. ADJOURNMENT (*Roll Call)

There being no further business, the meeting adjourned at 8:09 P.M.

Jamillah Z. Beasley, Council President

Shawna M. Supel, Municipal Clerk