

TOWNSHIP OF IRVINGTON



MUNICIPAL COUNCIL MEETING MINUTES SEPTEMBER 9, 2024 7:30 PM

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

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 (<i>Excused</i>)		
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. Business Administrator Musa Malik, Esq. – Report of August 7, 2024 Licensing Committee
2. Community Development Dept. Rep. Attiya Pennix – Report of the August 7, 2024 Redevelopment Committee Meeting
3. Recreation Director Donald Malloy – Report of August 8, 2024 Recreation Committee
4. A/Municipal Court Director Dolly Johnson – Municipal Court Collection Report for July 2024
5. A/Municipal Court Director Dolly Johnson – Mayor’s Monthly Report for the Month of July 2024
6. Municipal Court - Weekly Summary Report for the Week of August 5, 2024 to August 9, 2024
7. Municipal Court - Weekly Summary Report for the Week of August 12, 2024 to August 16, 2024
8. A/Health Director Baffour Asare – Report of August 22, 2024 Ad Hoc Health Committee Meeting
9. Municipal Court - Weekly Summary Report for the Week of August 19, 2024 to August 23, 2024
10. Municipal Court - Weekly Summary Report for the Week of August 26, 2024 to August 30, 2024
11. Business Administrator Musa Malik, Esq. – Report of September 9, 2024 Technology Committee

7. REPORTS OF COMMITTEES

None

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

8. ORDINANCES, BILLS & CLAIMS

A. Ordinances on First Reading

Vick– Brown 1. An Ordinance Providing Residential Parking Permits on Harding Terrace Between Stuyvesant Avenue and Coolidge Street, Seven Days A Week, 8:00 PM To 8:00 AM

AN ORDINANCE PROVIDING RESIDENTIAL PARKING PERMITS ON HARDING TERRACE BETWEEN STUYVESANT AVENUE AND COOLIDGE STREET, SEVEN DAYS A WEEK, 8:00 PM TO 8:00 AM.

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WHEREAS, the Township of Irvington has received concerns from its residents concerning the availability of resident parking on Harding Terrace, seven days a week, from 8:00 PM to 8:00 AM; and

WHEREAS, the difficulty of the residents in these area to locate parking at or near their homes has caused undue hardship on the residents of this area.

NOW, THEREFORE, BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that parking shall be restricted and a parking permit required for residents of Harding Terrace, seven days a week, from 8:00 PM to 8:00 AM.

Resident's vehicles must receive and display a valid parking permit provided by the Township of Irvington; and

Vehicles parked in violation of this ordinance will be subject to towing and the vehicle owners shall be subject to a fine as set forth in Chapter 1, General Provisions, Article III; and

All ordinances or parts thereof that are inconsistent herewith are hereby repealed; and

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

Adopted
Absent: Cox

Vick– Brown 2. Ordinance Amending and Supplementing Section 620-19.1 Parking Too Close To Driveway By Adding a Portion of Stewart Street and Melrose Avenue

AN ORDINANCE AMENDING SECTION 620-19.1 OF THE REVISED CODE REGARDING PARKING TOO CLOSE TO A DRIVEWAY BY ADDING A PORTION OF STEWART STREET AND MELROSE AVENE

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 to this section:

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
Stewart Street	Between Orchard Place and Krotik Place – Union Place
Melrose Avenue	Entire Length

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
Absent: Cox

Brown– Vick 3. Amend and Supplement Chapter 49 of the Municipal Code Entitled, “First Source Employment Linkage Program”

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 49 OF THE MUNICIPAL CODE ENTITLED, “FIRST SOURCE EMPLOYMENT LINKAGE PROGRAM”

WHEREAS, ON May 1, 2023, the Municipal Council of the Township (the “**Township Council**”) adopted Ordinance No. MC-3822 establishing a First Source Employment Linkage Program (the “Program”) to facilitate and encourage private sector employment opportunities for Township residents; and

WHEREAS, the Township wishes to amend the Program to enhance its effectiveness and to help realize the Program’s mission;

NOW, THEREFORE, BE IT ORDAINED by the Municipal Council of the Township of Irvington, that Ordinance No. MC-3822 is amended as follows:

SECTION 1. PURPOSE AND POLICY.

The Municipal Council does hereby establish a First Source Employment Linkage Program to facilitate and encourage private sector employment opportunities to qualified Irvington residents by requiring the recipient of any economic incentive to execute a first source agreement and make a good faith effort to hire qualified Irvington residents for all long-term jobs or purchases goods and/or services from a ~~Township-owned~~ business **situated within the Township but not affiliated with a Recipient (hereinafter referred to as a “Local Business”)**.

SECTION 2. INTERMEDIARY; JOB REFERRALS; REPORTING.

- A. The Department of Economics Development Grants Oversight (“DEDGO”) and the office of Community Development and Planning (“CDP”) shall serve as the intermediary between the business community and a network of service providers, job training agencies and educational institutions to best maximize the socio-economic potential of this agreement.
- B. DEDGO and CDP shall attempt to evenly distribute job referrals amongst the network of service providers, job training agencies and educational institutions. This effort is to ensure that the Township as a whole is able to benefit from this First Source Program. The network of service providers, job training agencies and educational institutions shall refer to DEDGO and CDP only qualified individuals that reside in the Township of Irvington.
- C. DEDGO and CDP shall send semiannual reports to the administration and Municipal Council outlining: how many individuals were referred by DEDGO or CDP to be interviewed during that particular semiannual period; how many individuals referred by DEDGO or CDP were hired during that particular semiannual period; the dates of termination of employment, if applicable, from which service provider, job training agency or educational institution the hired individuals were referred to DEDGO or CDP;

which ward the hired individuals reside in; and the wages and benefits received by the hired individuals. If a lack of good faith has been demonstrated on the part of any recipient, this shall also be included in the report. DEDGO and CDP shall also include recommendations and suggestions about how this employment linkage program could be improved.

D.

SECTION 3. DEFINITIONS:

(a) As used in this chapter, the following terms shall have the meanings indicated:

ECONOMIC INCENTIVE — Any of the following economic benefits approved by the Municipal Council for a recipient:

- A. **A long-term tax exemption in exchange for payments in-lieu of taxes for any redevelopment project approved by the Township under the Long-Term Tax Exemption Law or any other statute providing for long-term tax exemptions for redevelopment projects;** ~~tax abatement or exemption for a property which reduces the cumulative amount of taxes otherwise due by \$25,000 or more;~~
- B. Any federal, state, county or municipal grant or loan of \$25,000 or more;
- C. Township property which is conveyed at a private sale for no or nominal consideration, which has an actual fair market value of \$25,000 or more; and/or
- D. A Township contract for services over \$100,000.

EXCLUSIVITY PERIOD — The period of time commencing with the pre-hiring notification of DEDGO or CDP by the recipient during which time the recipient may not take any actions to fill a position, including but not limited to advertising, announcing, recruiting, or interviewing. The length of the exclusivity period shall be determined by DEDGO or CDP after consultation with the recipient, but in no event shall be less than 15 days.

FIRST SOURCE AGREEMENT — A binding agreement between the Township and any recipient of an economic incentive, wherein the recipient agrees to make a good faith effort to hire qualified individuals who reside in the Township of Irvington. The form of the agreement shall be substantially the same as the agreement to this chapter as Schedule A.¹

GOOD FAITH EFFORT — Includes, but is not limited to, all of the following activities:

- A. Pre-hiring notifications and exclusivity period: At least 15 days prior to advertising for any employees, the recipient shall submit to DEDGO or CDP a written notice of the number and qualifications of prospective employees needed for any long-term job, as well as a description of the job to be filled. This description shall include the work hours, wage scale, benefits, and hiring schedule of the positions. This will enable DEDGO or CDP to refer qualified applicants to the recipient. During this period, the recipient shall adhere to the above requirements of the exclusivity period. If any of the information submitted to DEDGO or CDP relating to the number or qualifications of prospective employees or the description of the job to be filled is modified, the recipient shall refile a pre-hiring notification and the exclusivity period shall recommence. For positions not covered by this agreement, the recipient may notify DEDGO or CDP when such positions become available so DEDGO or CDP can notify the community that such opportunities exist.
- B. Mandatory contract provisions: All contracts entered into by the recipient or the recipient's contractor shall be required to comply with this chapter and the agreement executed thereunder. The recipient will require the contractor or subcontractor, regardless of tier, to complete and provide DEDGO or CDP with a statement that it will comply with this chapter and the agreement executed thereunder.
- C. Collective bargaining agreement: The recipient will cause the contractor to submit to DEDGO or CDP copies of any collective bargaining agreements covering workers to be employed including any collective bargaining agreements of any subcontractor.

- D. Pre-hiring interviews: The recipient shall interview any applicants referred to it by DEDGO or CDP.
- E. ~~Semiannual~~ **Quarterly** reports: The recipient will submit written semiannual employment reports to DEDGO or CDP in the form to be provided by DEDGO or CDP. If the recipient failed to fill any position with any qualified applicant referred by DEDGO or CDP, the report will include the reasons why.
- F. **Post-Exclusivity Period Reports: The recipient will submit a written report no later than 14 days after the expiration of the Exclusivity Period listing the number of applicants hired under the Program, the title of each position filled and the number of applicants hired to each such title and the quantum of the salary or wage to be paid for each such position filled. In the event the number of applicants so hired falls beneath the expectations of the Program, the recipient's written report shall list the number of applicants interviewed and the reasons for the inability to hire a sufficient number of such applicants.**
- G. Other reports: The recipients shall furnish such other reports as are reasonably required by DEDGO or CDP to implement the purposes of the agreement.
- H. Record access: The recipient will insure that DEDGO or CDP will have reasonable access to all files and records reasonably necessary to confirm the accuracy of the information set forth in the reports.
- I. Work place access: The recipient shall insure that DEDGO or CDP has reasonable access to the project site to physically monitor the work site to verify the accuracy of the information set forth in the reports.
- J. **Oversight Conference: Subsequent to the expiration of the Exclusivity Period, and semiannually thereafter within the Township's discretion, the Recipient shall appear before the Redevelopment Committee of the Municipal Council, to discuss its level of compliance with the First Source Agreement and with this Section and, where compliance lags below the goals of this Section, the action steps necessary to meet said goals.**

LONG-TERM JOB — Those positions 90 to 180 days or more in duration based on job requirement/description. Positions created as a result of internal promotions, terminations, or expansions within the recipient's work force which are to be filled by new employees are included. However, positions filled through promotion from within the recipient's existing work force are not covered positions under this agreement.

RECIPIENTS — Any individual, partnership, association, organization, for-profit corporation or other entity, whether public or private, which receives an economic incentive. This includes any contractor, subcontractor or agent of the recipient.

TOWNSHIP OF IRVINGTON — Includes its employees, agents and assignees.

(b) Except where indicated within a First Source Agreement, the definitions herein shall apply within any First Source Agreement entered into pursuant to the provisions of this Chapter.

(c) Where any definition herein refers solely to hiring applicants for jobs, it is understood that, to the fullest extent possible, the definition refers in equal measure to the purchase of goods and/or services from Local Businesses, where applicable.

SECTION 4. Strategy.

Prior to implementation of this First Source Employment Linkage Program, DEDGO or CDP must prepare and present to the Municipal Council a strategy as to how it will serve as intermediary between the business

community and the service providers, job training agencies and educational institutions. This strategy should include:

- A. Creating an efficient network to identify qualified job recipients between DEDGO or CDP and the network of service providers, job training agencies, and educational institutions.
- B. Creating all necessary documents to ensure compliance on the part of any recipients. At a minimum, these documents will detail the names, addresses, social security numbers, dates of hire/termination, wages, benefits and positions hired, for all new hires and terminations during each semiannual period.
- C. Designing a plan to educate employers about the First Source Job Linkage Program and the system described above.

SECTION 5. Damages.

Because damages will not be capable of determination with any reasonable degree of certainty, the Township will be entitled to liquidated damages from the recipient in the amount of \$25,000 for every worker hired where the recipient failed to make a good faith effort to hire qualified individuals who reside in the Township as outlined above. The Township reserves any other remedies it may have at law or equity, including but not limited to the termination of any economic incentives (such as the recalling of loans, repealing of tax abatements or canceling of contracts), if appropriate, for a material breach of the recipient's obligation to make a good faith effort to hire qualified individuals who reside in the Township of Irvington as outlined above. This section relating to damages is subject to the written default notice provisions and expiration of a period to correct any violations, as set forth in the First Source Agreement to be entered into by the recipient.

SECTION 6. Repealer.

All prior ordinances or parts thereof inconsistent herewith are hereby repealed.

SECTION 7. When effective.

This chapter shall take effect 30 days after final passage and publication in accordance with the laws of the State of New Jersey.

SECTION 8. Applicability of other provisions.

If this chapter conflicts with any federal or state laws or regulations, the laws or regulation shall prevail. This chapter shall not confer upon the Township any power not otherwise provided by law to determine the legality of any collective bargaining agreement or to regulate any collective bargaining process.

SECTION 9. Severability.

Should any clause, sentence, paragraph or part of this chapter, or the application thereof to any person, circumstance, be found by a court of competent jurisdiction to be invalid, the remainder of this chapter shall remain in full force and effect.

Adopted
Absent: Cox

C. Bills & Claims

1. Bill Lists

RESOLVED THAT THE BILLS AND CLAIMS AGAINST THE TOWNSHIP OF IRVINGTON FOR A PERIOD **SEPTEMBER 9, 2024** AS ENUMERATED ON THIS LIST FOR MATERIALS, SUPPLIES AND SERVICES FURNISHED, DELIVERED AND/OR PERFORMED HAVE BEEN CERTIFIED BY THE DEPARTMENTS AS CORRECT, EACH CLAIM AND PURCHASE ORDER HAVE BEEN VERIFIED AND REVIEWED FOR THE AVAILABILITY OF FUNDS, ACCURACY OF ACCOUNT CODING AND COMPLETENESS BY THE ADMINISTRATION, THEREFORE:

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

BILL LIST	\$3,647,693.38
TOTAL	\$3,647,693.38

Adopted
Absent: Cox

2. Payrolls

Payroll Date: August 9, 2024

TOTAL	\$2,404,619.97
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Payroll Date: August 23, 2024

TOTAL	\$2,379,762.15
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Adopted
Absent: Cox

9. RESOLUTIONS AND MOTIONS

A. Resolutions

Vick – Evans 1. Prepay For Hotel Accommodations for Municipal Council Members To Attend The New Jersey League Of Municipalities Conference Seminar

RESOLUTION TO PREPAY FOR HOTEL ACCOMMODATIONS FOR MUNICIPAL COUNCIL MEMBERS TO ATTEND THE NEW JERSEY LEAGUE OF MUNICIPALITIES CONFERENCE SEMINAR

WHEREAS, funds were added to the Municipal Council budget to pay for hotel accommodations for Council members; and

WHEREAS, N.J.S.A 40A:5A-16(b) requires that service must be received prior to processing an invoice for payment unless duly authorized by resolution; and

WHEREAS, six rooms for six Council Members from November 18, 2024 until November 22, 2024 is hereby authorized and approved for payment for an amount not to exceed \$3,984.00 to Boardwalk Regency Corp-Caesar, Atlantic City Hotel-Casino, 2100 Pacific Ave, Atlantic City, NJ 08401; and

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON authorize the Township to process payment for six rooms for six Council Members from November 18, 2024 until November 22, 2024 is hereby authorized and approved for payment for an amount not to exceed \$3,984.00 to Boardwalk Regency Corp-Caesar, Atlantic City Hotel-Casino, 2100 Pacific Ave, Atlantic City, NJ 08401.

BE IT RESOLVED that the required certification of availability of funds C24-0106 in the amount of \$2,056.82 from account number 4-01-20-110-113-116 and \$1,927.18 from account number 4-01-20-110-113-120 has been obtained from the Chief Financial Officer.

Adopted
Absent: Cox

Brown – Hudley 2. Waive 20 Day Time Period for Effective Date on an ordinance Amending and Supplementing Section 620-19.1 Parking Too Close To Driveway by adding a portion of Berkshire Place, Campfield Street and 40th Street

WHEREAS, an ordinance entitled **“AN ORDINANCE AMENDING SECTION 620-19.1 OF THE REVISED CODE REGARDING PARKING TOO CLOSE TO A DRIVEWAY BY ADDING A PORTION OF BERKSHIRE PLACE, CAMPFIELD STREET AND 40TH STREET”** was duly passed on first reading by the Municipal Council on AUGUST 12, 2024 and duly adopted by the Municipal Council on second reading after public hearing on SEPTEMBER 9, 2024; and

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

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

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON (not less than 2/3 of the full membership thereof affirmatively concurring) that pursuant to the provisions of N.J.S.A. 40:69A-181 (b) and Section 7-32 (d) of the Revised Code of the Township of Irvington, it does hereby declare that an emergency exists that an ordinance entitled **“AN ORDINANCE AMENDING SECTION 620-19.1 OF THE REVISED CODE REGARDING PARKING TOO CLOSE TO A DRIVEWAY BY ADDING A PORTION OF BERKSHIRE PLACE, CAMPFIELD STREET AND 40TH STREET”** shall become effective immediately upon its approval by the Mayor.

Adopted
Absent: Cox

Hudley - Brown 3. Establish Handicapped Parking Spaces in Front of 102 Delmar Place, 1st Floor, 32 Hardgrove Terrace, 222 Vermont Avenue, 20 Ruth Street, 31 Arverne Terrace, 1024 Grove Street, 468 Union Avenue

WHEREAS, N.J.S.A. 39:4-197.5 provides that a Municipality may by resolution provide for restricted parking space(s) in front of residence(s) for use by any person who has been issued a special vehicle identification card pursuant to the provisions of N.J.S.A. 39:4-205, when using a motor vehicle on which is displayed a certificate, for which a special vehicle identification card has been issued pursuant to N.J.S.A. 39:4-206; and

WHEREAS, request(s) have been made for restricted parking space(s) in front of **102 Delmar Place, 1st Floor, 32 Hardgrove Terrace, 222 Vermont Avenue, 20 Ruth Street, 31 Arverne Terrace, 1024 Grove Street, 468 Union Avenue:**

NOW, THEREFORE BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that a parking space restricted for use by any person who has been issued a special vehicle identification card pursuant to the provisions of N.J.S.A. 39:4-205, when using a motor vehicle on which is displayed a certificate, for which a special vehicle identification card has been issued pursuant to N.J.S.A. 39:4-206, be established in front of **102 Delmar Place, 1st Floor, 32 Hardgrove Terrace, 222 Vermont Avenue, 20 Ruth Street, 31 Arverne Terrace, 1024 Grove Street, 468 Union Avenue;** and

BE IT FURTHER RESOLVED that the Department of Public Works is directed to place signs designating said handicapped parking spaces.

Adopted
Absent: Cox

Brown – Vick 4. Authorize Change Order #1 for Recycling Bins Contract - Toter, LLC - Increase Service Contract by \$6,945.12

A RESOLUTION AUTHORIZING A CHANGE ORDER FOR RECYCLING BIN CONTRACT

WHEREAS, a contract was awarded to Toter, LLC in the amount of \$156,360.00 for 3000 Recycling Bins; and,

WHEREAS, the Administration needed to add informational lettering to the bins; and,

WHEREAS, this additional request will increase the service contract by \$6,945.12; and,

NOW THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that an additional \$6,945.12 will be paid to Toter, LLC, of 841 Meacham Road, Statesville, NC 28677 and,

THEREFORE, BE IT RESOLVED, that the Mayor be and is hereby authorized to execute Change Order #1 with Toter of 841 Meacham Road, Statesville, NC 28677 for the additional informational lettering to the bins of an overall increase of \$6,945.12 / 0.69% ; and,

BE IT RESOLVED, that the required certification of availability of funds C24-0124 in the amount of \$6,945.12 from account number 4-01-32-465-465-118 has been obtained from the Chief Financial Officer.

Adopted
Absent: Cox

Vick– Brown 5. Award An Emergency Contract for Sinkhole Storm Drain Repair At
76 Delmar Place - Messercola Excavating Inc. - \$20,974.00

**RESOLUTION TO AWARD AN EMERGENCY CONTRACT FOR SINKHOLE
STORM DRAIN REPAIR AT 76 DELMAR PLACE**

WHEREAS, a sinkhole located in front of the premises of 76 Delmar Place was discovered on August 06, 2024; and

WHEREAS, the work needed to repair the sinkhole is beyond the current capabilities of the Department of Public Works and it is not practical for the Department of Public Works; and

WHEREAS, this situation constitutes a threat to public health, safety and welfare and the Director of Public Works has declared an emergency; and

WHEREAS, Montana Construction, Messercola Excavating Co., Inc and Your Way Construction was called to provide a quote for the repair; and

WHEREAS, Messercola and Your Way provided a quote for the repairs; and

WHEREAS, Messercola provided the lowest quote of \$20,974.00 to repair the sinkhole; and

WHEREAS, the Mayor has concurred with the amount and recommends that an emergency contract be awarded to Messercola Excavating Co. Inc. of 549 East Third Street, Plainfield, NJ 07060 ;and

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that it ratifies the decision of the Director of Public Works and the Mayor to authorize an emergency contract in the amount of \$20,974.00 to Messercola Excavating Co. Inc. of 549 East Third Street, Plainfield, NJ 07060 to repair the sinkhole.

BE IT FURTHER RESOLVED that the required certification of availability of funds C24-0120 in the amount of \$20,974.00 from account number G-02-xx-912-21A-299 has been obtained from the Chief Financial Officer.

Adopted
Absent: Cox

Frederic– Vick 6. Award an Emergency Sewer Repair Contract Located Between 18th Avenue and
192 Munn Avenue - Messercola Excavating Inc. - \$33,050.00

**RESOLUTION TO AWARD AN EMERGENCY SEWER REPAIR CONTRACT LOCATED
BETWEEN 18th AVENUE AND 192 MUNN AVENUE**

WHEREAS, a portion of the sanitary sewer located between 18th Avenue and 192 Munn Avenue collapse on July 24, 2024; and

WHEREAS, the work needed to repair this sewer is beyond the current capabilities of the Department of Public Works and it is not practical for the Department of Public Works, and

WHEREAS, this situation constitutes a threat to public health, safety and welfare and the Director of Public Works has declared an emergency, and

WHEREAS, Shauger Property Services, Messercola Excavating and Your Way Construction was contacted to provide a quote for the repairs, and

WHEREAS, Messercola Excavating provide the lowest quote for the repair for the amount of \$21,800,00, and

WHEREAS, after the start of the repair and further assessment an additional \$11,250.00 was needed to complete the emergency, and

WHEREAS, the Mayor has concurred with the amount and recommends that an emergency contract be awarded to Messercola Excavating Inc of 549 East Third Street, Plainfield, NJ 07060 for an amount of \$33,050.00, and

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that it ratifies the decision of the Director of Public Works and the Mayor to authorize an emergency contract in the amount of \$33,050.00 to Messercola Excavating of 549 East Third Street, Plainfield, NJ 07060 to repair the sanitary sewer located at Isabella Ave and University Avenue

BE IT FURTHER RESOLVED that the required certification of availability of funds C24-0118 in the amount of \$33,050.00 from account number G-02-xx-912-21A-299 has been obtained from the Chief Financial Officer.

Adopted
Absent: Cox

Hudley– Vick 7. Ratify Professional Services Contract for Litigation/Defense Counsel Services in the matter of Maria Rendfrey v. Irvington Police Department, et al., - The Antoine Law Firm, LLC - Not to Exceed \$1,500.00

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

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

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

WHEREAS, the Township Attorney has determined that The Antoine Law Firm, LLC has the most experience to defend the Township of Irvington in the matter of Maria Rendfrey v. Irvington Police Department, et al., Docket No: ESX-DC-12166-24; and

WHEREAS, the Township Attorney has recommended that a contract be awarded to The Antoine Law Firm, LLC , 52 Underwood Street, #11, Newark, NJ, 07106; and

NOW THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that a contract for Litigation/Defense counsel services be awarded to The Antoine Law Firm, LLC , 52 Underwood Street, #11, Newark, NJ, 07106 for a contract amount not to exceed \$1,500.00. The billing rate for this contract is \$150.00 per hour; and

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

BE IT FURTHER RESOLVED, that funds for this service will paid from the Insurance fund for a contract amount not to exceed \$1,500.00. The billing rate for this contract is \$150.00 per hour.

Adopted
Absent: Cox

Hudley– Frederic 8. Ratify Professional Services Contract for Litigation/Defense Counsel
Services in the matter of James M. King v. Stephan Antoine, et al., - The Antoine Law
Firm, LLC - Not to Exceed \$5,000.00

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

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

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

WHEREAS, the Township Attorney has determined that The Antoine Law Firm, LLC has the most experience to defend the Township of Irvington in the matter of James M. King v. Stephan Antoine, et al., Docket No: ESX-L-005041-24; and

WHEREAS, the Township Attorney has recommended that a contract be awarded to The Antoine Law Firm, LLC, 52 Underwood Street, #11, Newark, NJ, 07106; and

NOW THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that a contract for Litigation/Defense counsel services be awarded to The Antoine Law Firm, LLC , 52 Underwood Street, #11, Newark, NJ, 07106 for a contract amount not to exceed \$5,000.00. The billing rate for this contract is \$150.00 per hour; and

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

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

Adopted
Absent: Cox

Hudley– Vick 9. Ratify Professional Services Contract for Litigation/Defense Counsel
Services in the matter of Samir Halabi v. Willie Williams - Lamb Kretzer, LLC - Not
to Exceed \$2,500.00

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

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

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

WHEREAS, the Township Attorney has determined that Lamb Kretzer, LLC has the most experience to defend the Township of Irvington in the matter of Samir Halabi v. Willie Williams, Docket No: ESX-SC-00182-24; and

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

NOW THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that a contract for Litigation/Defense counsel services be awarded to Lamb Kretzer, LLC, 110B Meadowlands Parkway, Suite 201, Secaucus, New Jersey, 07094 for a contract amount not to exceed \$2,500.00. The billing rate for this contract is \$150.00 per hour; and

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

BE IT FURTHER RESOLVED, that funds for this service will paid from the Insurance fund for a contract amount not to exceed \$2,500.00. The billing rate for this contract is \$150.00 per hour.

Adopted
Absent: Cox

Hudley– Vick 10. Ratify Professional Services Contract for Litigation/Defense Counsel Services
in the matter of Sallie W. Greggs-Tyson v. Township of Irvington - Murphy Orlando
LLC - Not to Exceed \$2,500.00

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

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

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

WHEREAS, the Township Attorney has determined that Murphy Orlando LLC has the most experience to defend the Township of Irvington in the matter of Sallie W. Gregg-Tyson v. Township of Irvington, Docket No: ESX-SC-00180-24; and

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

NOW THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that a contract for Litigation/Defense counsel services be awarded to Murphy Orlando LLC, 494 Broad Street, 5th Floor, Newark, NJ, 07102 for a contract amount not to exceed \$2,500.00. The billing rate for this contract is \$150.00 per hour; and

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

BE IT FURTHER RESOLVED, that funds for this service will be paid from the Insurance fund for a contract amount not to exceed \$2,500.00. The billing rate for this contract is \$150.00 per hour.

Adopted
Absent: Cox

Vick– Frederic 11. Authorize an Accelerated Tax Sale

RESOLUTION TO HOLD AN ACCELERATED TAX SALE

WHEREAS, the Township of Irvington desires to hold, pursuant to N.J.S.A. 54:5-19, an accelerated sale of Tax Liens, on or before December 31, 2023; and

WHEREAS, a list of said Tax Liens will be created after the Calendar Fiscal Year 2024 4th quarter grace period has expired; and

WHEREAS, the Township of Irvington shall mail by regular or certified mail, two (2) Tax Sale Notices in lieu of two publications in the local newspaper; and

WHEREAS, the mailing cost of each notice is not to exceed \$25.00 for each notice, pursuant to N.J.S.A.54:5-26; and

WHEREAS, the Township of Irvington shall collect the cost of sale fee of 2% of the existing delinquency, not less than \$15.00 and not more than \$100.00 for each parcel listed pursuant to N.J.S.A.54:5-38; and

WHEREAS, the fees for the cost of mailing each notice is permissive and does not have to be charged to each parcel listed in the Accelerated Tax Sale; and

WHEREAS, the 2% cost of sale fee is not permissive and must be collected for each parcel, not less than \$15.00 and not more than \$100.00;

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that it hereby authorizes the Township of Irvington to conduct an accelerated sale of Tax Liens and collect the \$25.00 per tax sale notice and to collect the 2% cost of sale for each delinquency in the tax sale list.

Adopted
Absent: Cox

Vick– Frederic 12. Refund Legal Fees for Tax Sale Certificate for Block 47 Lot 28, 24 Oakland Street
– Refund Legal Fees to Dekel Abstract in the Amount of \$1,295.00

**Resolution to Refund Legal Fees for
Tax Sale Certificate #22-00183 Block 47 Lot 28, 24 Oakland Street**

WHEREAS, Certificate of Sale #22-00183 was issued to Pro Cap 8 FBO Firsttrust Bank for delinquent taxes at a Tax Sale held on December 15, 2022; and

WHEREAS, Corelogic redeemed TSC #22-00183 on January 2, 2024 in the amount of \$4,355.43; and

WHEREAS, subsequently Dekel Abstract paid in the amount of \$1,295.00 for legal fees on March 4, 2024 as per Pro Cap 8 FBO Firsttrust Bank instructions; and

WHEREAS, Pro Cap 8 FBO Firsttrust Bank initiated foreclosure proceedings on erroneously thought to be abandoned property on 24 Oakland St. Block 47 Lot 28, as defined in N.J.S.A. §54:5-104.30(h); and

WHEREAS, the foreclosure action was dismissed and Pro Cap 8 FBO Firsttrust Bank is not entitled to the legal fees; and

WHEREAS, the Tax Collector requests to refund, Dekel Abstract, legal fees in the amount of \$1,295.00 for the lien redemption for Certificate of Sale #22-00183.

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON, COUNTY OF ESSEX, STATE OF NEW JERSEY that the Township of Irvington Tax Collector is authorized and directed to refund the legal fees to Dekel Abstract in the amount of \$1,295.00

Adopted
Absent: Cox

Vick– Frederic 13. Refund Tax Overpayment on Block 60 Lot 16, 87 Stockman Place in the Amount of \$2,162.43

**Resolution to Refund Tax Overpayment
on Block 60 Lot 16, 87 Stockman Pl.**

WHEREAS, 87 Stockman Place LLC, remitted a payment in the amount of \$2,162.43 for the 2024 Q2 taxes on Block 60 Lot 16; and

WHEREAS, Corelogic remitted a payment in the amount of \$2,162.43 for the 2024 Q2 taxes on Block 60 Lot 16; and

WHEREAS, said payments were applied to Block 60 Lot 16 2024 Q2 taxes on April 10, 2024 and May 6, 2024; and

WHEREAS, 87 Stockman Place LLC, has requested to be refunded the tax overpayment in the amount of \$2,162.43 for 87 Stockman Pl., Block 60 Lot 16; and

WHEREAS, the Tax Collector desires to refund the tax overpayment in the amount of \$2,162.43 to 87 Stockman Place LLC,.

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON, COUNTY OF ESSEX, STATE OF NEW JERSEY that the Township of Irvington Tax Collector is authorized and directed to refund the overpaid taxes to 87 Stockman Place LLC, in the amount of \$2,162.43.

Adopted
Absent: Cox

Vick– Brown 14. Authorize the Execution of an Escrow Agreement With Divine Direction Development LLC for the Redevelopment of Property Identified as Block 300, Lot 1 and Block 302, Lot 1, 766 Chancellor Avenue and Union Avenue Rear

**RESOLUTION OF THE TOWNSHIP OF IRVINGTON AUTHORIZING THE
EXECUTION OF AN ESCROW AGREEMENT WITH DIVINE DIRECTION
DEVELOPMENT LLC FOR THE REDEVELOPMENT OF PROPERTY
IDENTIFIED AS BLOCK 300, LOT 1 AND BLOCK 302, LOT 1 ON THE TAX MAPS
OF THE TOWNSHIP AND RESPECTIVELY IDENTIFIED IN THE TOWNSHIP
TAX RECORDS AS 766 CHANCELLOR AVENUE AND UNION AVENUE REAR**

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

WHEREAS, pursuant to the Redevelopment Law, on June 23, 2015, by Resolution No. UEZ 15-0623-9, the Township Council designated 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 No. MC 3549, enacting a redevelopment plan for the Rehabilitation Area entitled the *Township-Wide Area in need of Rehabilitation Redevelopment Plan* (the “**Redevelopment Plan**”), pursuant to the Redevelopment Law and in accordance with the procedures set forth therein; and

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

WHEREAS, the Township is the owner of certain property located within the Rehabilitation Area identified on the official tax maps of the Township as Block 300, Lot 1 and Block 302, Lot 1 respectively identified in the Township tax records as 766 Chancellor Avenue and Union Avenue Rear (collectively, the “**Project Area**”); and

WHEREAS, Divine Direction Development LLC along with permitted affiliates and assigns (the “**Proposed Redeveloper**”) proposes to acquire the Project Area and to redevelop by constructing thereon an approximately 125,000 square foot comprehensive community center that is focused on arts, culture, and athletic development at the location of 65 Rutgers Street also known as Chancellor Avenue Park consisting of a daycare center, workforce housing, indoor/outdoor football, indoor/outdoor soccer, a performing arts center, a music studio, indoor/outdoor basketball courts, aquatic swimming facilities, fully equipped work-out facility, an arcade, and multipurpose rooms for meetings and social activities (the “**Project**”); and

WHEREAS, the Proposed Redeveloper has requested that the Township, in its capacity as redevelopment entity, enter into negotiations for a Redevelopment Agreement and/or Financial Agreement, as may be applicable or appropriate for the redevelopment of the Project (each, an “**Agreement**”); and

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

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

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

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

Section 2. Execution of Agreement. The Township Council hereby authorizes the Mayor to execute the escrow and funding agreement substantially in the form attached hereto as Exhibit A, with such changes, deletions, and modifications in consultation with counsel as may be necessary or desirable to effect the transaction contemplated by this resolution. However, neither the adoption of this resolution, nor the

execution of the escrow and funding agreement authorized hereby, shall be construed in any way to bind the Township to execute one or more definitive agreements with respect to the Project.

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

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

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

Exhibit A

ESCROW AGREEMENT

Adopted
Absent: Cox

Vick– Brown 15. Designate AOP Properties LLC As Redeveloper of Certain Property Identified as Block 90, Lot 3, 162-168 Linden Avenue and Authorize the Execution of a Redevelopment and Land Disposition Agreement and the Transfer of the Property

RESOLUTION OF THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON IN THE COUNTY OF ESSEX, NEW JERSEY, DESIGNATING AOP PROPERTIES LLC AS REDEVELOPER OF CERTAIN PROPERTY IDENTIFIED AS BLOCK 90, LOT 3 ON THE OFFICIAL TAX MAPS OF THE TOWNSHIP AND LOCATED AT 162-168 LINDEN AVENUE; AND AUTHORIZING THE EXECUTION OF A REDEVELOPMENT AND LAND DISPOSITION AGREEMENT AND THE TRANSFER OF THE PROPERTY IN CONNECTION THEREWITH

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 “**Redevelopment Plan**”), pursuant to the Redevelopment Law and in accordance with the procedures set forth therein; and

WHEREAS, to realize the redevelopment of the Rehabilitation Area, the Township Council determined to exercise the powers of redevelopment and serve as the “redevelopment entity”, as such term is defined at

N.J.S.A. 40A:12A-3, responsible for carrying out redevelopment projects in accordance with the Redevelopment Plan, pursuant to N.J.S.A. 40A:12A-4(c); and

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

WHEREAS, the Township is the owner of certain property located within the Rehabilitation Area, which property is identified as Block 90, Lot 3 on the official tax maps of the Township and identified in the Township tax records as 162-168 Linden Avenue (the “**Property**”); and

WHEREAS, AOP Properties LLC (the “**Redeveloper**”) has submitted to the Township its plans for the acquisition and subdivision of the Property, and the design, development, financing, construction and maintenance of two, 2-family homes, one upon each subdivided lot, off-street parking and certain other on-site and offsite improvements (the “**Project**”, as more fully described in Schedule B attached hereto and made a part hereof); and

WHEREAS, the Township has determined that the Redeveloper possesses the proper qualifications and experience to implement and complete the Project in accordance with the Redevelopment Plan, and all other applicable laws, ordinances and regulations; and

WHEREAS, in order to implement the development, financing, construction, operation and management of the Project, the Township has determined to enter into this Agreement with Redeveloper, which specifies the rights and responsibilities of the Township, and specifies the rights and responsibilities of 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. Redeveloper Designated; Execution of Redevelopment Agreement Authorized.

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

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

(c) Upon the execution and attestation of the Redevelopment 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 Redevelopment Agreement.

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

Section 3. Conveyance of Property Authorized.

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

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

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

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

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

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

Exhibit A

REDEVELOPMENT AND LAND DISPOSITION AGREEMENT

Adopted
Absent: Cox

Block 219, Lot 41, 203 Maple Avenue and Authorize the Execution of a
Redevelopment and Land Disposition Agreement and the Transfer of The Property

**RESOLUTION OF THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF
IRVINGTON IN THE COUNTY OF ESSEX, NEW JERSEY, DESIGNATING LFC
PROPERTIES LLC AS REDEVELOPER OF CERTAIN PROPERTY IDENTIFIED
AS BLOCK 219, LOT 41 ON THE OFFICIAL TAX MAPS OF THE TOWNSHIP AND
LOCATED AT 203 MAPLE AVENUE; AND AUTHORIZING THE EXECUTION OF
A REDEVELOPMENT AND LAND DISPOSITION AGREEMENT AND THE
TRANSFER OF THE PROPERTY IN CONNECTION THEREWITH**

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 “**Redevelopment Plan**”), pursuant to the Redevelopment Law and in accordance with the procedures set forth therein; and

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

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

WHEREAS, the Township is the owner of certain property located within the Rehabilitation Area, which property is identified as Block 219, Lot 41 on the official tax maps of the Township and identified in the Township tax records as 203 Maple Avenue (the “**Property**”); and

WHEREAS, LFC Properties LLC (the “**Redeveloper**”) has submitted to the Township its plans for the acquisition of the Property, and the design, development, financing, and construction of a 2.5 story, 3 -family dwelling with on-site parking and certain ancillary onsite improvements (the “**Project**”, as more fully described in Schedule B attached hereto and made a part hereof); and

WHEREAS, the Township has determined that the Redeveloper possesses the proper qualifications and experience to implement and complete the Project in accordance with the Redevelopment Plan, and all other applicable laws, ordinances and regulations; and

WHEREAS, in order to implement the development, financing, construction, operation and management of the Project, the Township has determined to enter into this Agreement with Redeveloper, which specifies the rights and responsibilities of the Township, and specifies the rights and responsibilities of 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. Redeveloper Designated; Execution of Redevelopment Agreement Authorized.

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

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

(g) Upon the execution and attestation of the Redevelopment 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 Redevelopment Agreement.

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

Section 3. Conveyance of Property Authorized.

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

(e) The Mayor and other necessary city officials and professionals are each hereby authorized and directed to execute and deliver such documents as are necessary to facilitate the transactions contemplated hereby and in the Redevelopment Agreement, and to take such actions or refrain from such actions as are necessary to facilitate the transactions contemplated hereby, in consultation with, as applicable, counsel to

the Township, and any and all actions taken heretofore with respect to the transactions contemplated hereby are hereby ratified and confirmed.

(f) Upon the execution of the deed, together with any other necessary documents and/or agreements between the Redeveloper and the Township, in accordance with the terms of Section 3(a), the Municipal Clerk is hereby authorized and directed to attest to the signature of the Mayor upon such documents and is hereby further authorized and directed to affix the corporate seal of the Township upon such documents.

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

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

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

Exhibit A

REDEVELOPMENT AND LAND DISPOSITION AGREEMENT

Adopted
Absent: Cox

Brown– Hudley 17. Authorize a Fair and Open Professional Service Contract for Grant Administrator
– Leckington Advisors LLC - \$40,000.00

**RESOLUTION AUTHORIZING FAIR AND OPEN PROFESSIONAL SERVICE CONTRACT FOR
GRANT ADMINISTRATOR**

WHEREAS, the Request for Proposals for professional Grant Administrator was publicly advertised in the New Jersey Star Ledger on June 27, 2024 with a deadline for proposals to be submitted on July 17, 2024; and

WHEREAS, one qualification was received and publicly opened by the Purchasing Agent and Municipal Clerk; and

WHEREAS, said qualification was referred to the Community Development and Planning; and

WHEREAS, the Community Development and Planning Director has recommended award should be made to the following firm:

Leckington Advisors LLC
105 Cadwalader Drive, Trenton, NJ 08618

NOW THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that a contract for Grant Administrator be awarded to Leckington Advisors LLC of 105

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Cadwalader Drive, Trenton, NJ 08618 on the basis of their response to the request for proposal selection criteria and qualifications, for an annual amount of \$40,000.00. The provider will be paid \$145.00 per hour for related work and bond insurance work will be charged as per amount for one year starting on September 09, 2024, until September 09, 2025; and

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

BE IT RESOLVED that the required certification of availability of funds C24-0078 in the amount of \$40,000.00 from account number T-21-41-850-22A-804 has been obtained from the Chief Financial Officer.

Adopted
Absent: Cox

~~18. Rescind Resolution OCDP 24-0812-42 Approving the Winning Request for Proposals for the Redevelopment of Township Owned Properties from the Redevelopment Property Auction on July 17, 2024~~ **[NO RESOLUTION RECEIVED PRIOR TO CAUCUS MEETING - REMOVED BY COMMUNITY DEVELOPMENT DIRECTOR WOOLRIDGE 9-5-24]**

~~19. Approve the Winning Request for Proposals for the Redevelopment of Township Owned Properties from the Redevelopment Property Auction on July 17, 2024~~ **[NO RESOLUTION RECEIVED PRIOR TO CAUCUS MEETING - REMOVED BY COMMUNITY DEVELOPMENT DIRECTOR WOOLRIDGE 9-5-24]**

Brown– Vick 20. Authorize the Purchase of a Utility Vehicle for the Police Department Under the State of New Jersey Cooperative Purchasing Program - Route 23 Auto Mall - \$60,695.00

**AUTHORIZING THE PURCHASE OF UTILITY VEHICLE FOR THE POLICE DEPARTMENT
UNDER THE STATE OF NEW JERSEY
COOPERATIVE PURCHASING PROGRAM FOR AN AMOUNT NOT TO EXCEED
\$60,695.00**

WHEREAS, the Township of Irvington, pursuant to N.J.S.A. 40A:11-12a and N.J.A.C. 5:34-7.29(c), may by resolution and without advertising for bids, purchase any goods or services under the State of New Jersey Cooperative Purchasing Program; and

WHEREAS, the Police Department wishes to purchase a new Utility vehicle from Route 23 Auto mall, LLC of 1301 Route 23, Butler, NJ 07045, contract number 17-Fleet-00241; and

WHEREAS, the Township of Irvington intends to enter into contracts with Route 23 Auto mall, LLC of 1301 Route 23, Butler, NJ 07045 through this resolution and properly executed purchase orders for an amount not to exceed \$60,695.00; and

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON hereby authorizes a service contract with Route 23 Auto mall, LLC of 1301 Route 23, Butler, NJ 07045 for an amount not to exceed \$60,695.00 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 certification of availability of funds C24-0125 in the amount of \$60,695.00 from account number C-04-56-852-019-907 has been obtained from the Chief Financial Officer.

Adopted
Absent: Cox

Frederic– Brown 21. Authorize a Shared Services Agreement With the Township of Irvington and Irvington Board of Education for School Resource Officers from September 01, 2024 until June 30, 2027

RESOLUTION OF THE TOWNSHIP OF IRVINGTON A SHARED SERVICES AGREEMENT WITH THE TOWNSHIP OF IRVINGTON AND IRVINGTON BOARD OF EDUCATION FOR SCHOOL RESOURCE OFFICERS

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 School Resource Officers and additional security services; and

WHEREAS; the Township of Irvington has Trained Police Officers and Community Service Offices that can provide security services; and

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 School Resource Officers and Security personnel; 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 School Resource Officers for three years starting on September 01, 2024 until June 30, 2027; 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 yearly \$240,000.00 for this service.

Adopted
Absent: Cox

Vick– Frederic 22. Request Permission for the Dedication By Rider for Irvington Neighborhood Improvement Center – Social Service Programs

REQUESTING PERMISSION FOR THE DEDICATION BY RIDER FOR IRVINGTON NEIGHBORHOOD IMPROVEMENT CENTER – SOCIAL SERVICE PROGRAMS

WHEREAS permission is required of the Director of the Division of Local Government Services for approval as a dedication by rider of revenues received by a county or municipality when the revenue is not subject to reasonably accurate estimates in advance; and

WHEREAS (NJS 22A:4-17) provides for receipt of acceptance of monies for the Irvington Neighborhood Improvement Center (INIC) Social Services programs; and

WHEREAS N.J.S.A.40A:4-39 provides that the Director of the Division of Local Government Services may approve expenditures or moneys by dedication by rider; and

NOW, THEREFORE, BE IT RESOLVED by the Township of Irvington, County of Essex, New Jersey as follows:

1. The Municipal Council does hereby request permission of the Director or the Division of Local Government Services to pay expenditures under the provisions of N.J.S.A.40A:5-29, as amended by NJS 22A:4-17 for the exclusive purpose of depositing and expending funds paid by individuals to offset the costs of operating of Irvington Neighborhood Improvement Center social service programs.
2. The Municipal Clerk is hereby directed to forward two certified copies of this Resolution to the Director of the Division of Local Government Services.

Adopted
Absent: Cox

Frederic– Brown 23. Request Permission for the Dedication By Rider for Irvington Police Department – Confidential Fund

REQUESTING PERMISSION FOR THE DEDICATION BY RIDER FOR IRVINGTON POLICE DEPARTMENT – CONFIDENTIAL FUND

WHEREAS permission is required of the Director of the Division of Local Government Services for approval as a dedication by rider of revenues received by a county or municipality when the revenue is not subject to reasonably accurate estimates in advance; and

WHEREAS (NJS 22A:4-17) provides for receipt of acceptance of monies for the Confidential fund; and

WHEREAS N.J.S.A.40A:4-39 provides that the Director of the Division of Local Government Services may approve expenditures or moneys by dedication by rider; and

NOW, THEREFORE, BE IT RESOLVED by the Township of Irvington, County of Essex, New Jersey as follows:

1. The Municipal Council does hereby request permission of the Director or the Division of Local Government Services to pay expenditures under the provisions of N.J.S.A.40A:5-29, as amended by NJS 22A:4-17 for the exclusive purpose of depositing and expending funds collected to offset the costs of operating Police undercover confidential investigation and activities.
2. The Municipal Clerk is hereby directed to forward two certified copies of this Resolution to the Director of the Division of Local Government Services.

Adopted
Absent: Cox

Vick– Beasley 24. Authorize a Memorandum of Understanding Between the Irvington Housing Authority and the Township of Irvington

A RESOLUTION AUTHORIZING A MEMORANDUM OF AGREEMENT BETWEEN THE TOWNSHIP OF IRVINGTON AND THE IRVINGTON HOUSING AUTHORITY

WHEREAS, the Irvington Housing Authority is situated within the boundaries of the Township of Irvington, in the County of Essex and State of New Jersey; and

WHEREAS, the purpose of the Irvington Housing Authority is to provide clean, safe and affordable housing to the residents of the Township of Irvington; and

WHEREAS, the Irvington Housing Authority, which is currently under receivership, is seeking the assistance of the Township of Irvington to allow the IHA to make fiscal and operational changes which are supposed to assist the IHA come out of receivership and begin to operate effectively; and

WHEREAS, the Township of Irvington and Irvington Housing Authority have reached an agreement which sets forth a general framework under which the parties shall cooperate on matters that affect the statutory relationship of the parties, previous agreements between the parties and the future goals of the IHA; and

NOW THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that they hereby ratify and approve the terms and conditions of the Memorandum of Agreement attached hereto and made a part hereof; and,

BE IT FURTHER RESOLVED that the Mayor (or a designee) and the Township Clerk are authorized and empowered to execute the said Memorandum of Agreement.

Adopted
Absent: Cox

Vick– Beasley 25. Amend OCDP 24-0812-42 to Award RFP For Sale, Conveyance and Redevelopment of Municipal Owned Properties to Various Developers

AMEND RESOLUTION OCDP 24-0812-42 TO AWARD RFP FOR SALE, CONVEYANCE AND REDEVELOPMENT OF MUNICIPAL OWNED PROPERTIES TO VARIOUS DEVELOPERS

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WHEREAS, on May 20, 2024 by resolution number OCDP 24-0520-26 the Municipal Council authorized the issuance of an RFP to sell, convey and redeveloped municipal owned properties; and

WHEREAS, the Request for Proposals (RFP) was advertised in the New Jersey star ledger on June 12, 2024 and twenty-five proposals were received by the Purchasing Agent and Municipal Clerk on the due date of July 17, 2024; and

WHEREAS, said proposals were referred to the Community Development Director, an evaluation Committee was set up to review the RFP and they have recommended award should be made to the following developers based on evaluation criteria in the RFP:

BID #	PROP #	BLOCK	LOT	PROP LOCATION	WINNING BIDDER	PRICE
1	Pkg 1	131	13	205 19TH AVE	Level 61X Group LLC - 6-15-1	\$200,000.00
		131	12	207 19TH AVE		
		131	11	209 19TH AVE		
2	Pkg 2	149	20	342 17TH AVE	Level 61X Group LLC - 6-15-1	\$250,000.00
		149	19	344 17TH AVE		
		149	18	346 17TH AVE		
		149	17	350 17TH AVE		
3	1	42	8	125 W. ALLEN ST.	Chester Property Care - 6-01-12	\$80,000.00
4	2	79	78	107 Linden Avenue	Chester Property Care - 6-01-12	\$32,000.00
5	3	84	24	86 Linden Avenue	Takhani Enterprise Group LLC - 6-09-7	\$42,000.00
6	4	122	36	200 19TH AVE	Level 61X Group LLC - 6-15-4	\$80,000.00
7	5	127	17	25 Grove Terrace	Level 61X Group LLC - 6-15-5	\$80,000.00
8	6	126	26	621 Grove Street	Level 61X Group LLC - 6-15-6	\$100,000.00
9	7	127	24	599 Grove Street	Rejected as NJSA 40A:11-13.2	
10	8	131	9	213 19TH AVE	Concrete Property LLC - 6-17-1	\$30,000.00

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11	9	131	16	197 19TH AVE	Level 61X Group LLC - 6-15-8	\$80,000.00
12	10	140	11	687 18TH AVE	Level 61X Group LLC - 6-15-9	\$80,000.00
13	11	143	15	112 19TH AVE	Level 61X Group LLC - 6-15-10	\$80,000.00
14	13	154	38	650-656 18TH AVE	Level 61X Group LLC - 6-15-11	\$100,000.00
15	14	219	35	191 Maple Ave	Rejected as NJSA 40A:11-13.2	
16	15	220	18	486 Nye Avenue	Chester Property Care - 6-01-11	\$60,000.00
17	16	374	28	16 Headley Terrace	Concrete Property LLC - 6-17-2	\$50,000.00

Total **\$1,344,000.00**

WHEREAS, the Township would like to reject all bids received for 599 Grove street and 191 Maple Ave as per NJSA 40A:11-13.2; and

WHEREAS, the total bids accepted is an amount of \$1,344,000.00; and

WHEREAS, the Township would like to cure the proposal submitted by Takhani Enterprise Group LLC allowing the bidder to submit their Company's New Jersey Business Registration certificate prior to the award.

WHEREAS, if the above bidders are unable to enter into a contract with the Township as per the RFP bid specifications and contract, the Municipal Council hereby approve the Administration to accept the second winning bid as per evaluation criteria on file to the following bidders:-

BID #	PROP #	BLOCK	LOT	PROP LOCATION	SECOND HIGHEST BIDDER	PRICE
1	Pkg 1	131	13	205 19TH AVE	Chester Property Care - 6-01-12	\$90,000.00
		131	12	207 19TH AVE		
		131	11	209 19TH AVE		
2	Pkg 2	149	20	342 17TH AVE	Chester Property Care - 6-01-12	\$120,000.00
		149	19	344 17TH AVE		
		149	18	346 17TH AVE		
		149	17	350 17TH AVE		

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3	1	42	8	125 W. ALLEN ST.	Level 61X Group LLC - 6-15-1	\$75,000.00
4	2	79	78	107 Linden Avenue	MCI - 6-05-1	\$25,000.00
5	3	84	24	86 Linden Avenue	Essex973 LLC - 6-08-2	\$31,000.00
6	4	122	36	200 19TH AVE	Chester Property Care - 6-01-9	\$20,000.00
7	5	127	17	25 Grove Terrace	Chester Property Care - 6-01-5	\$40,000.00
8	6	126	26	621 Grove Street	Essex973 LLC - 6-08-4	\$86,000.00
9	7	127	24	599 Grove Street	Rejected NJSA 40A:11-13.2	
10	8	131	9	213 19TH AVE	Chester Property Care - 6-01-1	\$50,000.00
11	9	131	16	197 19TH AVE	Chester Property Care - 6-01-6	\$20,000.00
12	10	140	11	687 18TH AVE	Chester Property Care - 6-01-2	\$30,000.00
13	11	143	15	112 19TH AVE	Chester Property Care - 6-01-14	\$20,800.00
14	13	154	38	650-656 18TH AVE	NJ Women Create Homes LLC - 6-04-1	\$12,000.00
15	14	219	35	191 Maple Avenue	Rejected NJSA 40A:11-13.2	
16	15	220	18	486 Nye Avenue	Incremental Design Consortium Group INC 6-19-1	\$36,000.00
17	16	374	28	16 Headley Terrace	Chester Property Care - 6-01-3	\$80,000.00
Total						\$735,800.00

WHEREAS, the Township would like to cure the proposal submitted by Incremental Design Consortium allowing the bidder to submit their Company's New Jersey Business Registration certificate prior to the award.

WHEREAS, if the above highest and second highest is unable to enter into a contract with the Township as per the RFP bid specifications and contract, the Municipal Council whereby approve the Administration to accept the third bidders as per evaluation criteria on file to the following bidders:-

BID #	PROP #	BLOCK	LOT	PROP LOCATION	3rd WINNING BID	PRICE
1	Pkg 1	131	13	205 19TH AVE	Putnam & Malcolm Inc- 6-11-2	\$60,000.00

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		131	12	207 19TH AVE		
		131	11	209 19TH AVE		
2	Pkg 2	149	20	342 17TH AVE	Putnam & Malcolm Inc- 6-11-3	\$80,000.00
		149	19	344 17TH AVE		
		149	18	346 17TH AVE		
		149	17	350 17TH AVE		
3	1	42	8	125 W. ALLEN ST.	MCI - 6-05-4	\$51,000.00
4	2	79	78	107 Linden Avenue	Vision Investment Group LLC - 6-02-7	\$35,000.00
5	3	84	24	86 Linden Avenue	No bid	
6	4	122	36	200 19TH AVE	Vision Investment Group LLC - 6-02-6	\$16,000.00
7	5	127	17	25 Grove Terrace	No bid	
8	6	126	26	621 Grove Street	PAQ Home Improvement Inc. - 6-13-4	\$90,000.00
9	7	127	24	599 Grove Street	REJECTED BY TWP NJSA 40A:11-13.2	
10	8	131	9	213 19TH AVE	MCI - 6-05-7	\$15,000.00
11	9	131	16	197 19TH AVE	Vision Investment Group LLC - 6-02-5	\$16,000.00
12	10	140	11	687 18TH AVE	MCI - 6-05-3	\$15,000.00
13	11	143	15	112 19TH AVE	No bid	
14	13	154	38	650-656 18TH AVE	No bid	
15	14	219	35	191 Maple Avenue	REJECTED BY TWP NJSA 40A:11-13.2	
16	15	220	18	486 Nye Avenue	Essex973 LLC - 6-08-1	\$76,000.00
17	16	374	28	16 Headley Terrace	MCI - 6-05-6	\$41,000.00

TOTAL						\$495,000.00

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

1. The Municipal Council accepts the RFP for the above premises for a total sum of \$1,344,000.00
2. The Municipal Council hereby conveys the title and the property to the winning bidders pursuant to the public advertisement, terms and conditions of the RFP to the winning bidders.
3. If the Winning Bidders are unable to meet the terms and conditions of entering a contract with the Township, then the Administration shall accept the second winning bid then the third winning.
4. The Municipal Council Rejects all bids received for 599 Grove Street and 191 Maple Ave as per NJSA 40A:11-13.2.
5. The Municipal Council hereby cures the BRC registrations for Takhani Enterprise Group LLC and Incremental Design Consortium.
6. The Township attorney is directed to prepare the appropriate contracts and deeds and the Mayor, and the Municipal Clerk is directed to sign the same.

Adopted
Absent: Cox

10. COMMUNICATION AND PETITIONS

A. Communications

None

11. PENDING BUSINESS

None

NON-CONSENT AGENDA

8. ORDINANCES, BILLS & CLAIMS (Continued)

B. Ordinances on Second Reading

1. **President Beasley:** An ordinance providing a Supplemental Special Emergency Appropriation in the amount of \$500,000.00 for the preparation and execution of a complete revaluation of real property and the preparation of an approved tax map of the Township of Irvington will be heard that this time. The Clerk will read the notice of hearing.

The Clerk will read the ordinance by title.

ORDINANCE PROVIDING A SUPPLEMENTAL SPECIAL EMERGENCY APPROPRIATION IN THE AMOUNT OF \$500,000 FOR THE PREPARATION AND EXECUTION OF A COMPLETE REVALUATION OF REAL PROPERTY AND THE PREPARATION OF AN APPROVED TAX MAP OF THE TOWNSHIP OF IRVINGTON, IN THE COUNTY OF ESSEX, NEW JERSEY.

BE IT ORDAINED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF IRVINGTON, IN THE COUNTY OF ESSEX, NEW JERSEY AS FOLLOWS:

Section 1. The Township of Irvington, in the County of Essex, New Jersey (the “Township”) hereby appropriates the amount of \$500,000 for the preparation and execution of a complete revaluation of real property and all related expenses, including the preparation of an approved tax map of the Township, such sum being in addition to the \$850,000 previously appropriated therefor by Ordinance #MC3787, finally adopted by the Township on February 28, 2022 (the “Ordinance”).

Section 2. A copy of this ordinance as finally adopted shall be filed with the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey.

Section 3. This ordinance shall take effect in accordance with applicable law.

The Public Hearing on this ordinance is now open.

Hudley – Vick Motion to close Public Hearing.

Adopted
Absent: Cox

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

Adopted
Absent: Cox

2. President Beasley: An ordinance amending and supplementing Section 620-19.1 Parking Too Close To Driveway by adding a portion of Berkshire Place, Campfield Street and 40th Street will be heard that this time. The Clerk will read the notice of hearing.

The Clerk will read the ordinance by title.

AN ORDINANCE AMENDING SECTION 620-19.1 OF THE REVISED CODE REGARDING PARKING TOO CLOSE TO A DRIVEWAY BY ADDING A PORTION OF BERKSHIRE PLACE, CAMPFIELD STREET AND 40TH STREET

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 to this section:

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
Berkshire Place	Between Union Avenue and Sheridan Street
Campfield Street	Between Union Avenue and Rosehill Place
40 th Street	Between Chancellor Avenue and Prospect Avenue

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.

The Public Hearing on this ordinance is now open.

Brown – Hudley Motion to close Public Hearing.

Adopted
Absent: Cox

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

Adopted
Absent: Cox

3. **President Beasley:** An ordinance amending and supplementing 290-4 B (4) Regarding Fees and Licenses, Prerequisite for Issuance and Continuation of Licenses and Permits will be heard that this time. For the record, this notice is identical to the prior notice read.

The Clerk will read the ordinance by title.

Chapter 290. Fees and Licenses

Article I. Licensing Procedure

§ 290-4. Prerequisite for issuance and continuation of licenses and permits.

[Added 8-13-1991 by Ord. No. MC 2929^{II}; amended 12-18-2012 by Ord. No. MC 3476; 4-8-2019 by Ord. No. MC 3696; 9-23-2019 by Ord. No. MC 3712]

BUSINESS

A. Definitions. As used in this section, the following term(s) shall have the meanings as indicated:

BUSINESS

Any individual, partnership or corporation who is conducting a commercial activity within the physical boundary of the Township of Irvington.

B. Display of license or permit.

- (1)** Any and all license(s) or permit(s) issued to an individual, partnership or corporation to conduct business in the Township of Irvington must be current and displayed on such premises, at all times and in a conspicuous manner, within five feet of the front entrance of said business. Failure to properly display a license required to operate the business shall constitute a violation of this section subjecting the property and/or business owner to penalty as indicated by this section.
- (2)** This subsection shall not apply to those businesses regulated by the Alcoholic Beverage Control Act.
- (3)** Failure to obtain a license covering the type of commercial activity for which the property and/or business owner is engaged in shall constitute a violation of this section and subject both the property and/or business owner to a penalty as indicated by this section.
- (4)** Failure to obtain a Township license covering the commercial activity for which the property and/or business owner is engaged shall subject the property and/or business owner to the following penalties:
 - (a)** **The business/entity may be issued a “Cease & Desist” order to close and stop all operations until such time it is properly licensed by the township with all of the necessary inspections and approvals 100% complete.**
 - (b)** **A Code Violation Summons will be issued with a minimum fine of \$1,000, and a maximum fine \$5,000 for the first offense. For subsequent violations the fines will double. For a third offense the fines will triple.**
 - (c)** **If the cease and desist order is violated a minimum fine of \$200 per day will be imposed for every day the business/entity is open from the date of the order.**
- (5)** Failure to display a license covering the commercial activity for which the property and/or business owner is engaged shall subject the property Fourth offense: mandatory court hearing with a fine up to \$500 and prohibition on conducting any commercial activity within the Township for one year by the business entity and/or owner.

DENIAL OF LICENSE

C No license or permit shall be issued or renewed, as the case may be, to any applicant who is the owner of property wherein a business or activity for which a license or permit is sought or wherein a business or activity is to be conducted unless and until any delinquent property taxes or assessments on such property are paid and current. This subsection shall not apply to licenses issued pursuant to the Alcoholic Beverage Control Act^[2] of the State of New Jersey.

[2] *Editor's Note: See N.J.S.A. 33:1-1 et seq.*

D. The applicant shall supply a certificate from the Township Tax Collector that all property taxes and assessments are paid and current on the subject property.

E. A license issued pursuant to this chapter may be revoked or suspended when any licensee who is the owner of the property upon or within which the licensed activity is conducted has failed to pay the taxes due on the property for at least three consecutive quarters.

F. A license may be denied wherein the business has willfully conducted business activity with the intent to avoid the requirements of this Code and/or the payment necessary to conduct such activity(ies).

The Public Hearing on this ordinance is now open.

Beasley – Evans Motion to close Public Hearing.

Adopted
Absent: Cox

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

Adopted
Absent: Cox

4. President Beasley: A bond ordinance providing for various capital improvements in and by the Township of Irvington, appropriating \$20,000,000.00 and authorizing the issuance of \$19,000,000.00 bonds or notes of the township to finance part of the cost was scheduled to be adopted at this time.

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

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

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

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

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

<u>Purpose</u>	<u>Appropriation & Estimated Cost</u>	<u>Estimated Maximum Amount of Bonds & Notes</u>	<u>Period of Usefulness</u>
a) <u>Police Department</u>			
1) The acquisition of sport utility vehicles, including all related costs and expenditures incidental thereto.	\$1,575,000	\$1,496,250	5 years
2) The acquisition of a plate reader and a mobile camera platform, including all related costs and expenditures incidental thereto.	\$360,000	\$342,000	10 years
3) Jail cell and bathroom repairs, including all work and materials necessary therefor and incidental thereto.	\$622,000	\$590,900	15 years
4) The installation of a heating, ventilation and air-conditioning system at the Police Building, including all work and materials necessary therefore and incidental thereto.	\$95,000	\$90,250	15 years
b) <u>Fire Department</u>			
1) The acquisition of ice machines, including all related costs and expenditures incidental thereto.	\$11,000	\$10,450	15 years
2) The acquisition of personal protective gear, including all related costs and expenditures incidental thereto.	\$570,000	\$541,500	5 years
3) The acquisition of laundry equipment, including all related costs and expenditures incidental thereto.	\$140,000	\$133,000	15 years
4) Grading and paving of a section of the training tower,	\$105,000	\$99,750	10 years

<u>Purpose</u>	<u>Appropriation & Estimated Cost</u>	<u>Estimated Maximum Amount of Bonds & Notes</u>	<u>Period of Usefulness</u>
including all work and materials necessary therefor and incidental thereto.			
5) The installation of fencing at the training tower site, including all work and materials necessary therefor and incidental thereto.	\$25,000	\$23,750	10 years
6) Repairs to Stations 2, 3 and 4, including all work and materials necessary therefor and incidental thereto.	\$260,000	\$247,000	15 years

7) The acquisition of self-contained breathing apparatus, including all related costs and expenditures incidental thereto.	\$490,000	\$465,500	5 years
8) The acquisition of vehicles, including sport utility vehicles and pick-up trucks and further including all related costs and expenditures incidental thereto.	\$415,000	\$394,250	5 years
<u>c) Department of Public Works</u>			
1) Renovations to the 16 th Avenue garage, including all work and materials necessary therefor and incidental thereto and underground storage tank abandonment or removal, including all environmental work and materials necessary therefore and incidental thereto.	\$2,025,000	\$1,923,750	20 years

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2) The construction of a new building at 406 Coit Street, including all work and materials necessary therefor and incidental thereto.	\$3,745,000 (Includes the ARF Funds)	\$3,557,750	30 years
3) The installation of sprinkler systems at various buildings, as more fully described on a list on file in the Office of the Clerk, which list is hereby incorporated by reference as if set forth at length, including all related costs and expenditures incidental thereto.	\$335,000	\$318,250	15 years

4) Renovations to the Union Avenue Building, including all work and materials necessary therefore and incidental thereto.	\$630,000	\$598,500	15 years
5) Repairs to the Town Hall elevator, including all work and materials necessary therefor and incidental thereto.	\$600,000	\$570,000	15 years
6) The acquisition of vehicles, including a sewer trucks, bucket trucks, crane trucks, dump trucks, a utility trucks, electric trucks and yard packer trucks and further including all related costs and expenditures incidental thereto.	\$2,115,000	\$2,009,250	10 years
7) The acquisition of equipment, including a small loader, a large loader, a claw attachment and wheel align lifts and further including all related costs and expenditures incidental thereto.	\$435,000	\$413,250	15 years
8) The installation of electric charging stations, including all	\$50,000	\$47,500	15 years

work and materials necessary therefor and incidental thereto.				
9) The acquisition of multi-function copiers, including all work and materials necessary therefor and incidental thereto.	\$110,000		\$104,500	5 years

10) The acquisition of street sweepers, including all related costs and expenditures incidental thereto.	\$715,000 (Includes the UEZ Funds)		\$679,250	5 years
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d) <u>General Projects</u>				
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1) The South 20 th Street Drainage Project, as more fully described on a list on file in the Office of the Clerk, which list is hereby incorporated by reference as if set forth at length, including all work and materials necessary therefor and incidental thereto.	\$435,000		\$413,250	20 years
2) Park surfacing, as more fully described on a list on file in the Office of the Clerk, which list is hereby incorporated by reference as if set forth at length, including all work and materials necessary therefor and incidental thereto.	\$250,000		\$237,500	10 years
3) Improvements to the North Union Avenue and Mill Road intersection, including all work and materials necessary therefor and incidental thereto.	\$205,000		\$194,750	10 years

4) Annual Road resurfacing, as more fully described on a list on file in the Office of the Clerk, which list is hereby	\$657,000		\$624,150	10 years
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incorporated by reference as if set forth at length, including all work and material necessary therefor and incidental thereto.				
5) The installation of a guard rail at Cleremont Avenue, including all work and materials necessary therefor and incidental thereto.	\$115,000		\$109,250	10 years
6) Eberhardt Park repairs, including all work and materials necessary therefor and incidental thereto.	\$150,000		\$142,500	15 years
7) Recreation court resurfacing at various locations, as more fully described on a list on file in the Office of the Clerk, which list is hereby incorporated by reference as if set forth at length, including all work and materials necessary therefor and incidental thereto.	\$160,000		\$152,000	10 years
8) Improvements to the Gatling Center roof and floor, including all work and materials necessary therefor and incidental thereto.	\$330,000		\$313,500	15 years
9) Improvements to the 40 th Street running track, including all work and materials necessary therefor and incidental thereto.	\$160,000		\$152,000	10 years
10) Orange Park pool enclosure, including all work and materials necessary therefor and incidental thereto.	<u>\$2,110,000</u>		<u>\$2,004,500</u>	20 years
Totals:	<u>\$20,000,000</u>		<u>\$19,000,000</u>	

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

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

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

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

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

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

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

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

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

Section 8. Any grant moneys received for the purposes or improvements described in Section 3 hereof shall be applied either to direct payment of the cost of the improvements or to payment of the obligations

issued pursuant to this bond ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

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

Section 10. The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Township, and the Township shall be obligated to levy *ad valorem* taxes upon all the taxable property within the Township for the payment of the obligations and the interest thereon without limitation of rate or amount.

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

Vick – Hudley Motion to adopt this ordinance on second reading.

Adopted
Absent: Cox

9. RESOLUTIONS AND MOTIONS

A. Resolutions

Vick– Beasley 26. Introduction of CY 2024 Municipal Budget Amendment
[Public Hearing is Set for Monday, September 23, 2024]

**Township of Irvington
County of Essex
Resolution to Amend Budget #1**

Whereas, the local Municipal Budget for the CY 2024 was approved on June 24, 2024, and

WHEREAS, the public hearing on a said Budget has been held as advertised, on July 29, 2024 and

WHEREAS, it is desires to amend said approved Budget, now

THEREFORE BE IT RESOLVED, by the Governing Body of the Township of Irvington, County of Essex, that the following amendments to the approved Budget of CY 2024 be made:

		(
(	Abstained	(
(	(	(
(	(	(
RECORDED VOTE Ayes	(	Nays (
(	(	Absent
(	(	(

	<u>From</u>	<u>To</u>
<u>General Revenues</u>		
1. Surplus Anticipated	4,500,000.00	4,500,000.00
2. Surplus Anticipated with Prior Written Consent of Director of Local Government Services	-	-
3. Miscellaneous Revenue-Section A: Local Revenue		
Total Section A: Local Revenue	11,383,884.00	11,383,884.00
3. Miscellaneous Revenue-Section B: State Aid Without Offsetting Appropriations		
Total Section B: Local Revenue	11,779,983.00	11,779,983.00
3. Miscellaneous Revenue-Sections C: Dedicated Uniform Construction Code Fees Offset with Appropriations		
Total Section C: Local Revenue	785,000.00	785,000.00
3. Miscellaneous Revenues - Section F: Special Items of General Revenue Anticipated with Prior written Consent of Director of Local Government Services- Public and Private Revenues Offset with Appropriations: State & Federal Grants		

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NJ Health CLEPP - 2024	-	1,125,054.00
NJ -ACCHO 2024	-	168,049.00
COPS Anti-Herion Task Force Grant 2022-2023	-	17,671.98
Body Warm Camera Program	-	2,020.04
Body Armor Fund 2023	-	1,360.72
NJ - ACCHO - 2023	-	108,614.58
National Opioid Fund	-	19,483.47
Robert Woods Johnson Foundation	-	34,060.00
NJ - LGAP	-	66,200.00
NJ Storm Water Grant 2023	-	15,000.00
PSEG - Energy Grant 2023	-	2,500.00
Total Section F: Special Items of General Revenue Anticipated, Public and Private		
Revenue Offset with Appropriations:	2,213,543.73	2,213,543.73
3. Miscellaneous Revenue - Section G: Special Items of General Revenue Anticipated with Prior Written Consent of Director of Local Government Services - Other Special items:		
Special Tax Lien Sale Assignment	1,289,831.00	1,390,000.00
Joint Meeting Sewer Maintenance	379,694.33	22,245.83
5 Year Old Premium Foreclosed Tax Certificates	715,187.14	86,993.29
Police in School Agreement	275,000.00	240,000.00
Sale Of Town Onwed Property	597,016.00	1,344,000.00
Total Section G: Special Items of General revenue anticipated with prior written consent of the Director of Local Government Services	6,694,488.62	6,694,488.62
4. Receipts from Delinquent Taxes	1,828,453.75	1,828,453.75
<u>Summary of Revenues</u>		
1. Total Surplus Anticipated	4,500,000.00	4,500,000.00
2. Surplus Anticipated with Prior Witten Consent of Director of Local Government Services	-	-
3. Miscellaneous Revenues:		
Total Section A: Local Revenue:	11,383,884.00	11,383,884.00
Total Section B: State Aid without Offsetting Appropriations:	11,779,983.00	11,779,983.00

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Total Section C: Dedicated Uniform Construction Code Fees offset with Appropriations	785,000.00	785,000.00
Total Section D: Special Items of General Revenue, Inter local Muni. Services	-	-
Total Section E: Special Items of General Revenue, Additional Revenues	-	-
Total Section F: Special Items of General Revenue, Public and Private Revenue	2,213,543.73	2,213,543.73
Total Section G: Special items of General Revenue, Other Special Items	6,694,488.62	6,694,488.62
Total Miscellaneous Revenue	32,856,899.35	32,856,899.35
4. Receipts from Delinquent Taxes	1,828,453.75	1,828,453.75
5. Subtotal General Revenues (Items 1,2,3 and 4)	39,185,353.10	39,185,353.10
6. Amount to be Raised by Taxes for support of Municipal Budget:		
a) Local Tax for Municipal Purposes Including Reserve for Uncollected Taxes	82,324,825.81	82,722,063.96
b) Addition to Local District School Tax	3,329,818.01	3,330,321.25
c) Minimum Library Tax	1,174,851.82	1,174,851.82
7. TOTAL GENERAL REVENUES	\$ 126,014,848.74	\$ 126,412,590.13

8. GENERAL APPROPRIATIONS

(A) Operations Within "CAPS"	-	-
Total Operations (Item 8 (A) Within "CAPS"	89,506,288.09	89,506,288.09
(E) Deferred Charges and Statutory Expenditures - Municipal Within "CAPS"		
1. Overexpenditure Grant Approp.	-	14,252.04
Total Deferred Charges and Statutory Expenditures - Within "CAPS"	14,711,197.35	14,711,197.35
(H-1) Total General Appropriations for Municipal Purposes Within "CAPS"	104,217,485.44	104,217,485.44

8. GENERAL APPROPRIATIONS

(A) Operations - Excluded from "CAPS"	-	-
Municipal Library	-	-
Total Other Operations - Excluded from "CAPS"	6,574,337.00	6,574,337.00
(A) Operations - Excluded from "CAPS"		
NJ Health CLEPP - 2024	-	1,125,054.00
NJ -ACCHO 2024	-	168,049.00

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COPS Anti-Herion Task Force Grant 2022-2023	-	17,671.98
Body Warm Camera Program	-	2,020.04
Body Armor Fund 2023	-	1,360.72
NJ - ACCHO - 2023	-	108,614.58
National Opioid Fund	-	19,483.47
Robert Woods Johnson Foundation	-	34,060.00
NJ - LGAP	-	66,200.00
NJ Storm Water Grant 2023	-	15,000.00
PSEG - Energy Grant 2023	-	2,500.00
Public and Private Programs Offset by Revenues		
Total Public and Private Program Offset By Revenue	2,213,543.73	2,213,543.73
Total Operations Excluded from "CAPS"	8,787,880.73	8,787,880.73
<u>8. General Appropriations</u>		
(C) Total Capital Improvements - Excluded from "CAPS"		
Total Capital Improvements - Excluded from "CAPS"	50,000.00	100,000.00
Interest On Notes	350,772.61	510,772.61
(D) Municipal Debt Service - Excluded from "CAPS"		
Total Municipal Debt Service - Excluded from "CAPS"	4,060,447.96	4,060,447.96
(E) Deferred Charges - Municipal - Excluded from "CAPS"		
Special Emergency Authorization 5 year	-	-
Total Deferred Charges - Municipal- Excluded from "CAPS"	622,873.35	622,873.35
(H-2) Total General Appropriations for Municipal Purposes Excluded from "CAPS"	13,521,202.04	13,571,202.04
(I) Type 1 District School Debt Services		
Interest on Notes	-	-
Total Local School Purposes	6,003,081.25	6,003,081.25
(O) Total General Appropriations - Excluded from "CAPS"	19,524,283.29	19,574,283.29

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(L) Subtotal General Appropriations {items (H-1) and (O)}	123,741,768.73	123,791,768.73
(M) Reserve for Uncollected Taxes	2,273,080.01	2,273,080.01
9. Total General Appropriation	<u>\$ 126,014,848.74</u>	<u>\$ 126,064,848.74</u>

Summary of Appropriations:

(H-1) Total General Appropriations for

Municipal Purposes within "CAPS"	104,217,485.44	104,217,485.44
(a) Operations - Excluded from "CAPS"	-	-
Other Operations	6,574,337.00	6,574,337.00
Public & Private Progs Offset by Revenues	2,213,543.73	2,213,543.73
(C) Capital Improvement	50,000.00	100,000.00
(D) Municipal Debt Service	4,060,447.96	4,060,447.96
(E) Total Deferred & Statutory Charges - Excluded from "CAPS"	622,873.35	622,873.35
(F) Judgments	-	-
(G) Cash Deficit - With Prior Consent of LFB	-	-
(K) Local District School Purpose	6,003,081.25	6,003,081.25
(N) Transferred to Board of Education	-	-
(M) Reserve for Uncollected Taxes	2,873,080.01	2,873,080.01
9. Total General Appropriation	<u>\$ 126,614,848.74</u>	<u>\$ 126,664,848.74</u>

BE IT FURTHER RESOLVED, that three certified copies of this resolution be filed in the Office of the Director of the Division of Local

Government Services for his certification of the 2024 Local Municipal Budget so amended.

BE IT FURTHER RESOLVED, that this complete amendment, in accordance with the provisions of N.J.S 40A:4-9, be published in the Irvington Herald in the issue of _09/19/2024 and the said publication contain notice of public hearing on said amendment to be held at Town Hall on September 23rd at 1 Civic Square, Irvington, NJ at 7:30 P.M.

It is hereby certified that this is a true copy of resolution amending the budget, adopted by the Governing Body on 23rd day of September, 2024.

Shawna Supel, Municipal Clerk

It is hereby certified that all changes are in proof and the budget remains in balance.

Faheem J. Ra' Oof, CPA, CMFO Chief Financial Officer

Adopted
Absent: Cox

Hudley – Vick 27. Authorize The Issuance of \$500,000 Special Emergency Notes for the Preparation and Execution of a Complete Revaluation of Real Property and the Preparation of an Approved Tax Map of the Township of Irvington
[Vote Required: Two-Thirds of Full Membership]

RESOLUTION AUTHORIZING THE ISSUANCE OF \$500,000 SPECIAL
EMERGENCY NOTES FOR THE PREPARATION AND EXECUTION OF A
COMPLETE REVALUATION OF REAL PROPERTY AND THE
PREPARATION OF AN APPROVED TAX MAP OF THE TOWNSHIP OF
IRVINGTON, IN THE COUNTY OF ESSEX, NEW JERSEY.

WHEREAS, on February 28, 2022, the Township of Irvington, in the County of Essex, New Jersey (the “Township”) finally adopted Ordinance MC3787, authorizing a special emergency appropriation in the amount of \$850,000 to provide for the preparation and execution of a complete program of revaluation of real property and all related expenses; and

WHEREAS, on February 28, 2022, the Township adopted Resolution DRF 22-0228-6, authorizing the issuance of \$850,000 special emergency notes in order to finance such \$850,000 special emergency appropriation; and

WHEREAS, the Township has determined that the total cost to provide for the preparation and execution of a complete program of revaluation of real property and all related expenses, including preparation of an approved tax map, is \$1,350,000; and

WHEREAS, as of the date of adoption of this resolution, the Township adopted an Ordinance entitled, “Ordinance Providing a Supplemental Special Emergency Appropriation in the Amount of \$500,000 for the Preparation and Execution of a Complete Revaluation of Real Property and the Preparation of an Approved

Tax Map of the Township of Irvington, in the County of Essex, New Jersey” (the “2024 Supplemental Special Emergency Ordinance”), authorizing a supplemental special emergency appropriation in the amount of \$500,000 to provide for the preparation and execution of a complete program of revaluation of real property and all related expenses, including preparation of an approved tax map; and

WHEREAS, the Township wishes to authorize the issuance of \$500,000 special emergency notes in order to finance such \$500,000 special emergency appropriation.

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

The 2024 Supplemental Special Emergency Ordinance has been finally adopted and copies thereof have been filed with the Director of Local Government Services.

(a) In order to finance the special emergency appropriation described in Section 1 of this resolution, the Township is hereby authorized to borrow the sum of \$500,000 and to issue its special emergency notes (the “Notes”) therefor in accordance with the Local Budget Law of New Jersey (N.J.S.A. 40A:4-55).

(b) The Notes authorized by this resolution may be issued in amounts and denominations not exceeding in the aggregate the amount of Notes authorized herein, as determined by the chief financial officer of the Township pursuant to this resolution.

(c) The Township may finance the special emergency appropriation from surplus funds available or may borrow money in a manner prescribed herein. Where an appropriation is financed from surplus funds available, at least one-fifth of the amount thereof shall be included in each annual budget until the appropriation has been fully provided for.

The following matters in connection with the Notes are hereby determined:

(a) All Notes issued hereunder and any renewals thereof shall mature at such time as may be determined by the chief financial officer within the limitations of the Local Budget Law, provided however, that at least one-fifth of all such Notes and the renewals thereof shall mature and be paid in each year so that all Notes and renewals shall have matured and have been paid not later than the last day of the fifth year following the date of this resolution;

(b) All Notes issued hereunder shall bear interest at such rate or rates as may be determined by the chief financial officer; and

(c) The Notes shall be in the form determined by the chief financial officer and the chief financial officer's signature upon the Notes shall be conclusive as to such determination.

The chief financial officer is hereby authorized and directed to determine all matters in connection with the Notes not determined by this or a subsequent resolution and the chief financial officer's signature upon the Notes shall be conclusive as to such determination.

The chief financial officer is hereby authorized to sell the Notes from time to time at public or private sale in such amounts as such officer may determine at not less than par and to deliver the same from time to time to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof and payment therefor.

Any instrument issued pursuant to this resolution shall be a general obligation of the Township. The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and the interest on the Notes and, unless otherwise paid or payment provided for, an amount sufficient for such payment shall be inserted in the budget and a tax sufficient to provide for the payment thereof shall be levied and collected.

The chief financial officer is authorized and directed to report in writing to this governing body at the meeting next succeeding the date when any sale or delivery of the Notes pursuant to this resolution is made, such report to include the amount, description, interest rate and maturity of the Notes sold, the price

obtained and the name of the purchaser.

The Township hereby makes the following covenants and declarations with respect to Notes to be issued by the chief financial officer of the Township on a tax-exempt basis. The Township hereby covenants that it will comply with any conditions subsequent imposed by the Internal Revenue Code of 1986, as amended (the "Code"), in order to preserve the exemption from taxation of interest on the Notes, including, if necessary, the requirement to rebate all net investment earnings on the gross proceeds above the yield on the Notes. The chief financial officer is hereby authorized to act on behalf of the Township to deem the obligations authorized herein as bank qualified for the purposes of Section 265 of the Code, when appropriate. The Township hereby declares the intent of the Township to issue Notes in the amount authorized in Section 1 of this resolution and to use the proceeds to pay or reimburse expenditures for the costs of the purpose described herein. This Section 8 is a declaration of intent within the meaning and for purposes of Treasury Regulations §1.150-2 or any successor provisions of federal income tax law.

Section 9. Solely for purposes of complying with Rule 15c2-12 of the Securities and Exchange Commission, as amended and interpreted from time to time (the "Rule"), and provided that the Notes are not exempt from the Rule and provided that the Notes are not exempt from the following requirements in accordance with paragraph (d) of the Rule, for so long as the Notes remain outstanding (unless the Notes and any renewals thereof have been wholly defeased), the Township shall provide for the benefit of the holders of the Notes and the beneficial owners thereof:

(a) On or prior to September 30 of each fiscal year, beginning September 30, 2024 for the fiscal year ending December 31, 2023, electronically to the Municipal Securities Rulemaking Board's Electronic Municipal Market Access ("EMMA") system or such other repository designated by the Securities and Exchange Commission to be an authorized repository for filing secondary market disclosure information, if any, annual financial information with respect to the Township consisting of the audited financial statements (or unaudited financial statements if audited financial statements are not then available, which audited financial

statements will be delivered when and if available) of the Township and certain financial information and operating data consisting of (1) Township indebtedness and overlapping indebtedness including a schedule of outstanding debt issued by the Township; (2) property valuation information; and (3) tax rate, levy and collection data. The audited financial statements will be prepared in accordance with generally accepted accounting principles as modified by governmental accounting standards as may be required by New Jersey law.

(b) If any of the following events occur regarding the Notes, a timely notice not in excess of ten business days after the occurrence of the event sent to EMMA:

- (1) Principal and interest payment delinquencies;
- (2) Non-payment related defaults, if material;
- (3) Unscheduled draws on debt service reserves reflecting financial difficulties;
- (4) Unscheduled draws on credit enhancements reflecting financial difficulties;
- (5) Substitution of credit or liquidity providers or their failure to perform;
- (6) Adverse tax opinions, the issuance by the Internal Revenue Service of proposed or final determinations of taxability, Notices of Proposed Issue (IRS Form 5701-TEB) or other material notices or determinations with respect to the tax status of the Notes, or other material events affecting the tax status of the Notes;
- (7) Modifications to the rights of holders of the Notes, if material;
- (8) Bond calls, if material, and tender offers;
- (9) Defeasances;
- (10) Release, substitution or sale of property securing repayment of the Notes, if material;
- (11) Rating changes;
- (12) Bankruptcy, insolvency, receivership or similar event of the Township;
- (13) The consummation of a merger, consolidation or acquisition involving the Township or the sale of all or substantially all of the assets of the Township, other than in the ordinary course of business, the entry into a definitive agreement to undertake such an action or the termination of a definitive agreement relating to any such actions, other than pursuant to its terms, if material;
- (14) Appointment of a successor or additional trustee or the change of name of a trustee, if material;
- (15) Incurrence of a Financial Obligation of the Township, if material, or agreement to covenants, events of default, remedies, priority rights or other similar terms of a Financial Obligation, any of which affect holders of the Notes, if material; and
- (16) Default, event of acceleration, termination event, modification of terms or other similar events under a Financial Obligation of the Township, if any such event reflects financial difficulties.

The term "Financial Obligation" as used in subparagraphs (b)(15) and (b)(16) above means a (i) debt obligation, (ii) derivative instrument entered into in connection with, or pledged as security or a source of

payment for, an existing or planned debt obligation or (iii) guarantee of (i) or (ii); provided, however, that the term "Financial Obligation" shall not include municipal securities as to which a final official statement has been provided to the Municipal Securities Rulemaking Board consistent with the Rule.

(c) Notice of failure of the Township to provide required annual financial information on or before the date specified in this resolution shall be sent in a timely manner to EMMA.

(d) If all or any part of the Rule ceases to be in effect for any reason, then the information required to be provided under this resolution, insofar as the provision of the Rule no longer in effect required the provision of such information, shall no longer be required to be provided.

(e) The chief financial officer shall determine, in consultation with Bond Counsel, the application of the Rule or the exemption from the Rule for each issue of Notes prior to their offering. Such chief financial officer is hereby authorized to enter into written contracts or undertaking to implement this resolution and is further authorized to amend such contracts or undertakings as needed to comply with the Rule or upon the advice of Bond Counsel.

(f) In the event that the Township fails to comply with this resolution or the written contract or undertaking, the Township shall not be liable for monetary damages, remedy of the holders or beneficial owners of the Notes being hereby specifically limited to specific performance of the covenants contained in this resolution or the written contract or undertaking.

Section 10. A copy of this resolution as adopted shall be filed with the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey.

Section 11. This resolution shall take effect immediately.

The foregoing resolution was adopted by the following vote:

Adopted
Absent: Cox

1. Acting Chairwoman Beasley calls the Meeting to Order

Roll Call

2. New Business

Frederic– Vick A. Authorize Person to Person Transfer of Plenary Retail Consumption License issued to 1425 Springfield Ave Corp (Trading as 43rd Street Corporation) to Romal Patterson, 1425 Springfield Avenue & 43rd Street LLC

WHEREAS, an application has been filed for a Person to Person Transfer of Plenary Retail Consumption License Number 0709-33-063-004, heretofore issued to 1425 Springfield Ave Corp (Trading as 43rd Street Corporation); and

WHEREAS, the submitted application form is complete in all respects, the transfer fees have been paid, and the license has been properly renewed for the current license term; and

WHEREAS, the applicant is qualified to be licensed according to all standards established by Title 33 of the New Jersey Statutes, regulations promulgated thereunder, as well as pertinent local ordinances and conditions consistent with Title 33; and

WHEREAS, the applicant has disclosed and the issuing authority reviewed the source of all funds used in the purchase of the license and the licensed business and all additional financing obtained in connection with the license business.

NOW, THEREFORE BE IT RESOLVED by the Municipal Council, Acting as the Alcoholic Beverage Control Board of the Township of Irvington, New Jersey does hereby approve, effective September 9, 2024, the Person to Person Transfer of the aforesaid Plenary Retail Consumption License to Romal Patterson, 1425 Springfield Avenue & 43rd Street LLC, and does hereby direct the Township Clerk or the ABC Board Secretary to endorse the license certificate to the new ownership as follows: “This license, subject to all its terms and conditions, is hereby transferred to Romal Patterson, effective September 9, 2024.”

**1425 Springfield Avenue & 43rd Street LLC
1425 Springfield Avenue
Irvington, NJ 07111**

Adopted
Absent: Cox

3. Adjournment

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
Gloria Mills, 28 Grace Street

Council Member Brown thanked the participants for attending the meeting and she addressed Mr. Shaw's concerns at the 6:30 PM Residents' Meeting. Council Member Dr. Hudley, Council Member Dr. Frederic Council Member Evans and Council Member Vick thanked the attendees for sharing their concerns. Council President Beasley addressed the concerns raised by the above referenced citizens, provided closing remarks and shared upcoming events being held in the Township of Irvington.

13. ADJOURNMENT (*Roll Call)

There being no further business, the meeting adjourned at 8:19 P.M.

Jamillah Z. Beasley, Council President

Shawna M. Supel, Municipal Clerk