

TOWNSHIP OF IRVINGTON



MUNICIPAL COUNCIL MEETING MINUTES DECEMBER 23, 2024 7:30 PM

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Appointments

Virtual - Zoom Meetings
Administration

1. PLEDGE OF ALLEGIANCE

2. MOMENT OF SILENCE

3. ROLL CALL

ROLL CALL	PRESENT	ABSENT	LATE ARRIVAL	EARLY DEPARTURE
Brown	X			
Cox	X			
Dr. Frederic	X			
Dr. Hudley	X			
Vauss	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)

Robert Shaw Sr., 57 Coit Street
Elouise McDaniel, 214 Nesbit Terrace
Jason Dalphine, 60 41st Street

5. HEARING OF COUNCIL MEMBERS

Council President Jamillah Z. Beasley addressed the concerns raised by the above referenced citizenry.

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

A. Reports

1. Irvington Counseling Center - Annual Report #13 November 2023 to October 2024
2. Business Administrator Musa Malik, Esq. – Report of the December 6, 2024 Sanitation/Quality of Life Committee
3. Business Administrator Musa Malik, Esq. – Report of the December 6, 2024 Cannabis Committee
4. Licensing Clerk Marcius Hopkins – Report of the December 4, 2024 Licensing Committee Meeting
5. Police Captain Taj Jackson – Report of the November 26, 2024 Public Safety Committee Meeting
6. Police Captain Taj Jackson – Report of the December 10, 2024 Public Safety Committee Meeting
7. Municipal Court Administrator Deshanaye Alexander-Sanders - Weekly Summary Report for the Week of December 2, 2024 to December 6, 2024
8. Municipal Court Administrator Deshanaye Alexander-Sanders - Weekly Summary Report for the Week of December 9, 2024 to December 13, 2024
9. A/Municipal Court Director Dolly Johnson – Mayor’s Monthly Report for the Month of October and November 2024
10. A/Health Director Baffour Asare – Report of December 12, 2024 Ad Hoc Health Committee Meeting
11. Township Attorney Ramon Rivera Esq. – Report of December 16, 2024 Legal Committee Meeting

7. REPORTS OF COMMITTEES

- A. Bid – Snow Removal and Plowing Services – December 11, 2024
- B. Request for Proposals – UEZ Consultant for 5 Year Development Plan – December 11, 2024

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

8. ORDINANCES, BILLS & CLAIMS

A. Ordinances on First Reading

Hudley – Brown 1. An Ordinance Amending Section 620-19.1 of the Revised Code Regarding
Parking Too Close To A Driveway By Adding Various Streets

AN ORDINANCE AMENDING SECTION 620-19.1 OF THE REVISED CODE REGARDING
PARKING TOO CLOSE TO A DRIVEWAY BY ADDING VARIOUS STREETS

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
Hazel Place	Entire Length
Florence Avenue	Springfield Avenue to Elmwood Avenue
Linden Avenue	Entire Length
Stanley Street	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

Brown – Hudley 2. An Ordinance Amending Chapter 620-11 Article XIX Schedules By Prohibiting
Left Turns At the Intersection of Maple Avenue and Clinton Avenue

Ordinance Revision Chapter 620-11 Article XIX Schedules

Chapter 620-11 Schedule XVI is revised as follows:

Insert the following:

Intersection (Location)	Prohibited Turn(s)	Hours/Days
Maple Avenue and Clinton Avenue	Left	-----
Adopted		

~~3. An Ordinance Authorizing the Execution of a Financial Agreement With 61-79
Twenty Second Urban Renewal, and Granting a Tax Exemption With Respect To
Certain Property Identified on the Township's Tax Map as Block 148, Lots 28, 29, 30,
31, 32, 33, 34 & 35 and Located At 61 Through 79 22nd Street
[12-23-24 REMOVED BY REDEVELOPMENT COMMITTEE]~~

MC 2024-_____

**AN ORDINANCE AUTHORIZING THE EXECUTION OF A FINANCIAL
AGREEMENT WITH 61-79 TWENTY SECOND URBAN RENEWAL, AND
GRANTING A TAX EXEMPTION WITH RESPECT TO CERTAIN PROPERTY
IDENTIFIED ON THE TOWNSHIP'S TAX MAP AS BLOCK 148, LOTS 28, 29, 30, 31,
32, 33, 34 & 35 AND LOCATED AT 61 THROUGH 79 22ND STREET**

WHEREAS, the Municipal Council (the “**Township Council**”) of the Township is authorized pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. (the “**Redevelopment Law**”), to determine whether certain parcels of land 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, on August 13, 2002, the Township Council, by Resolution No. UEZ 02-0813-14, the Township Council adopted a resolution designating certain properties within the east ward of the Township as an area in need of redevelopment (the “**Redevelopment Area**”); and

WHEREAS, pursuant to N.J.S.A. 40A:12A-7 of the Redevelopment Law and in accordance with the procedures set forth therein, the Township Council duly adopted the East Ward/East Springfield Avenue Redevelopment Plan (as may be amended from time to time, the “**Redevelopment Plan**”) for the Redevelopment Area; and

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

WHEREAS, the Township is the owner of certain properties within the Redevelopment Area designated as Block 148, Lots 30, 31, 33, 34 & 35 and identified in the Township tax records, respectively, as 71 22nd Street, 69 22nd Street, 65 22nd Street, 63 22nd Street and 61 22nd Street (the “**Township Parcels**”); and

WHEREAS, the Entity is the owner of or intends to acquire certain properties within the Redevelopment Area designated as Block 148, Lots 28, 29 & 32 as identified in the Township tax records, respectively, as 77-79 22nd Street, 73-75 22nd Street and 67 22nd Street (the “**Redeveloper Parcels**” and together with the Township Parcels, referred to herein as the “**Property**”); and

WHEREAS, the Entity proposes to undertake a project on the acquisition of the Township Parcels, the assemblage of the Property, and development, financing, construction, implementation, and cohesive redevelopment of the Property with a five (5) story multi-family, residential building with sixty-two (62) market-rate residential units (comprised of four (4) three-bedroom units, twenty-one (21) two-bedroom units and thirty-seven (37) one- bedroom units) and 51 off-street parking spaces, as well as 5 electric vehicle parking spaces, and 10 on-street parking spaces, the repair and/or replacement of the sidewalk frontage on the Property, and certain other on-site and offsite improvements (collectively, the “**Project**”); and

WHEREAS, the Project includes the construction of various infrastructure improvements to the Property and the streets abutting the Property that are required as a result of the construction of the Project, including but not limited to curb replacements, street resurfacing, and construction of sidewalks, landscaping

and similar improvements, all consistent with the Entity’s approved site plan, to be determined in consultation with the Township Planner (collectively, the “**Infrastructure Improvements**”); and

WHEREAS, the Township and the Entity have entered into that certain Redevelopment Agreement dated [_____] (the “**Redevelopment Agreement**”), approved on [_____] 2024 by Resolution No. [_____] of the Township Council, to effectuate the redevelopment of the Redevelopment Area and specify the respective rights and responsibilities of the parties with respect to the Project; and

WHEREAS, pursuant to and in accordance with the provisions of the Long Term Tax Exemption Law, as amended and supplemented, (N.J.S.A. 40A:20-1 *et seq.*) (the “**Exemption Law**”) and the New Jersey Redevelopment Area Bond Financing Law, constituting Chapter 310 of the Pamphlet Laws of 2001 of the State of New Jersey, and the acts amendatory thereof and supplemental thereto (the “**RAB Law**”, as codified in N.J.S.A. 40A:12A-64 *et seq.*), the Township is authorized to provide for and accept, in lieu of real property taxes, an Annual Service Charge (as hereinafter defined) paid by the Entity to the Township; and

WHEREAS, the Entity has applied for a long-term tax exemption for the improvements to be constructed in connection with the Project as described more fully within the application for long term tax exemption submitted by the Entity (a copy of which is attached hereto as Exhibit A, the “**Application**”),

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

I. GENERAL

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

II. APPLICATION FOR EXEMPTION APPROVED

The Application, which is on file with the Township Clerk and which has been recommended for approval to the Township Council by the Mayor, is hereby accepted and approved.

III. EXECUTION OF FINANCIAL AGREEMENT AUTHORIZED

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

(b) The Township Clerk is hereby authorized and directed, upon the execution of the Financial Agreement in accordance with the terms of Section III(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) In accordance with P.L. 2015, c. 247, within ten (10) calendar days following the later of the effective date of this Ordinance or the execution of the Financial Agreement by the Entity, the Township Clerk shall transmit a certified copy of this Ordinance and the Financial Agreement to the chief financial officer of Essex County and to the Essex County Counsel for informational purposes, as well as to the Tax Assessor of the Township.

IV. SEVERABILITY

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

V. AVAILABILITY OF THE ORDINANCE

A copy of this Ordinance shall be available for public inspection at the offices of the Township.

VI. EFFECTIVE DATE

This Ordinance shall take effect according to law.

EXHIBIT A

Form of Financial Agreement

Hudley – Brown 4. An Ordinance of The Township of Irvington Repealing Article I Section 443 Peddling and Hawking and Replacing Same Prohibiting Peddling and Hawking Within the Township and Subjecting Violators to Confiscation and Forfeit Of All Items, Materials and Goods Related Thereto and in Violation of This Ordinance

AN ORDINANCE OF THE TOWNSHIP OF IRVINGTON REPEALING ARTICLE I SECTION 443 PEDDLING AND HAWKING AND REPLACING SAME PROHIBITING PEDDLING AND HAWKING WITHIN THE TOWNSHIP AND SUBJECTING VIOLATERS TO CONFISCATION AND FORFIET OF ALL ITEMS, MATERIALS AND GOODS RELATED THERETO AND IN VIOLATION OF THIS ORDINANCE

WHEREAS, pursuant to N.J.S.A. 40:48-2, the governing body of a municipality may make, amend, repeal, and enforce such other ordinances, regulations, rules and by-laws not contrary to the laws of this state or of the United States, as it may deem necessary and proper for the good government, order and protection of person and property, and for the preservation of the public health, safety and welfare of the municipality and its inhabitants, and as may be necessary to carry into effect the powers and duties conferred and imposed by this subtitle, or by any law; and

WHEREAS the Municipal Council of the Township of Irvington deems it in the best interest of the residents of the Township to repeal Article I Section 443 Peddling and Hawking;

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

Article I Section 443 is repealed in its entirety and shall be replaced as follows:

As used in this article, the following terms shall have the meanings indicated:

PEDDLER

A person, commonly referred to either as a peddler or hawker, who goes from place to place or from house to house by traveling on the streets and carries with him goods, wares, food items or any merchandise for the purpose of selling and delivering them to consumers, or any person who has goods, wares and merchandise of any description sent and or traveling from place to place or from house to house, by traveling on the streets, for the purpose of selling and delivering them to consumers.

PERSON

An individual, firm, partnership, corporation, voluntary association, incorporated association and principal and agent thereof.

No person shall be permitted to peddle or hawk any items, materials, food or other goods within the Township of Irvington. This includes, but is not limited to food carts and covers any other items

SECTION I No person shall be permitted to peddle or hawk any goods, wares, materials or food items or any merchandise for the purpose of selling and delivering such to consumers, or any person who has wares and merchandise of any description sent and or traveling from place to place or from house to house, by traveling on the streets, for the purpose of selling and delivering them to consumers.

Reference to Temporary events in Township

§ 324-8**Temporary retail or temporary mobile retail food establishments; itinerant establishments.**

SECTION II. Section 2. Confiscation of Food Carts for Violations

A new section, MC 443-3c, is hereby added to the Municipal Code as follows:

MC 443-3c Confiscation of Food Carts

Authority to Confiscate: The Township of Irvington, through its designated officers and agents, shall have the authority to confiscate any food cart found to be in violation of this ordinance or of any local, state, or federal regulations, including but not limited to health codes, safety regulations, and proper licensing requirements.

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

TEMPORARY MOBILE RETAIL FOOD ESTABLISHMENT

Any movable restaurant, truck, van, trailer, cart, bicycle, watercraft, or other movable unit, including a hand-carried, portable container in or on which food or beverages are transported, stored, or prepared for retail sale or given away at temporary locations.

TEMPORARY RETAIL OR TEMPORARY MOBILE RETAIL FOOD ESTABLISHMENT

Any retail food establishment which operates at a fixed location within the Township of Irvington municipal boundaries for a period of no more than five consecutive days in connection with a fair, carnival, circus, public exhibitions or similar transitory gatherings or meetings open to the general public.

A. No such temporary retail or temporary mobile retail food establishment shall operate without first filing an application to operate with the Department of Health. The application must be completed and submitted for approval no later than 15 days' prior to the event(s).

B. Procedure for Confiscation: Upon determination that a food cart is in violation, an authorized officer or agent of the Township shall issue a written notice of violation to the operator of the food cart.

C. The authorized officer or agent may proceed with the confiscation of the food cart, if he/she determines a second violation has occurred. Once food cart has been confiscated all food items will be voluntarily destroyed by the authorized officer. **D. Violations and Fines**

1st Offense \$500

2nd Offense \$750

3rd Offense \$1,000

The confiscated food cart shall be stored in a secure location designated by the Township and can only be returned upon the conclusion of any legal proceedings. **D. Retrieval of Confiscated Food Carts:**

The owner or operator of a confiscated food cart may retrieve the cart upon payment of all applicable fines and fees, and proof of compliance with all relevant regulations.

If the food cart is not retrieved within 30 days, the Township reserves the right to dispose of the cart in accordance with applicable laws.

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

Adopted

Hudley – Beasley 5. An Ordinance Authorizing a Moratorium on Smoke Shops

Moratorium on Smoke Shops in Irvington, NJ

WHEREAS, the Township of Irvington, NJ, has seen an increase in smoke shops within its jurisdiction, resulting in significant public safety concerns and a rise in nuisance complaints from community members; and

WHEREAS, there have been documented instances of smoke shops engaging in the sale of controlled substances without proper state licenses, in violation of New Jersey state law, potentially contributing to illegal activity and increased community risks; and

WHEREAS, the Township has the authority to regulate business activities within its borders to protect the health, safety, and welfare of its residents under New Jersey municipal and zoning laws;

NOW, THEREFORE, BE IT ORDAINED that the Township of Irvington hereby imposes a temporary moratorium on the establishment, expansion, or licensing of smoke shops, effective immediately, with the following provisions:

Section 1. Purpose and Intent

The purpose of this moratorium is to:

- Address public safety concerns stemming from the sale of controlled substances without a valid state license.
- Reduce community nuisance complaints associated with smoke shops.
- Allow Irvington Township sufficient time to review and, if necessary, amend local regulations, zoning ordinances, and business licensing procedures.

Section 2. Scope of Moratorium

- **Applicability:** This moratorium applies to any business establishment within the Township of Irvington that intends to sell or distribute tobacco, vape products, or any cannabis-related or controlled substances, including CBD products, without possessing the appropriate state licenses.

- **Existing Businesses:** Existing smoke shops with valid state licenses may continue to operate but will be subject to inspection and compliance checks. Any violation of licensing requirements will result in penalties, including possible closure or revocation of licenses.
- **New Licenses and Permits:** No new business licenses, building permits, zoning approvals, or occupancy certificates will be issued for smoke shops during the moratorium period.

Section 3. Definitions

- **Smoke Shop:** Any establishment primarily engaged in the sale of tobacco, vaping products, cannabis-related items, or other controlled substances, as well as paraphernalia associated with these substances.
- **Controlled Substances:** As defined by the New Jersey Controlled Substances Act, including any substances that require a state license for sale or distribution.

Section 4. Duration

- This moratorium shall remain in effect for a period of **six (6) months** from the date of adoption or until the Township of Irvington completes a comprehensive review of its ordinances related to smoke shops, whichever occurs first.
- The Township Council reserves the right to extend this moratorium if deemed necessary based on public safety considerations.

Section 5. Review and Evaluation

- The Township of Irvington will conduct a thorough review of smoke shop operations within its jurisdiction, including:
 - Assessing compliance with state and local licensing requirements.
 - Reviewing public safety records and community nuisance complaints related to smoke shops.
 - Considering new zoning or licensing regulations as needed.
- Upon completion of this review, the Township Council will make recommendations for any permanent regulatory adjustments or additional safeguards to be put in place.

Section 6. Public Hearing Requirement

- A public hearing will be held prior to the implementation of any new regulations, allowing community members and stakeholders to provide input on proposed changes to smoke shop regulations.

Section 7. Enforcement

- Any violation of this moratorium will be subject to enforcement actions, including fines, revocation of business licenses, or other penalties as permitted under Township and state law.

ADOPTED AND APPROVED on this ____ day of _____, 20.

Adopted

Hudley – Vauss, Jr. 6. An Ordinance Authorizing a Temporary Moratorium on Miscellaneous Multi-Service Businesses

Temporary Moratorium on Miscellaneous Multi-Service Businesses in Irvington, NJ

WHEREAS, the Township of Irvington has experienced a significant increase in the number of multi-service businesses providing various overlapping services, resulting in redundancy, community disruption, and operational redundancies within the township; and

WHEREAS, certain multi-service businesses have led to an over-concentration of similar business types, contributing to traffic, noise, and public nuisance issues affecting the quality of life for residents; and

WHEREAS, the Township of Irvington seeks to regulate and review the distribution of multi-service businesses to address community impact, enhance economic diversity, and reduce redundancies within its borders;

NOW, THEREFORE, BE IT ORDAINED that the Township of Irvington hereby enacts a temporary moratorium on the establishment, expansion, or licensing of new multi-service businesses within the township limits, with the following provisions:

This section requires compliance with property tax and assessment requirements, display of licenses, and enforcement of penalties for unlicensed business operations.

Article I: Moratorium on Multi-Service Businesses

Section 1. Purpose and Intent

- The purpose of this moratorium is to:
 - Address community complaints regarding the redundancy of multi-service businesses.
 - Limit further establishment of multi-service businesses until a comprehensive review of business regulations is completed.
 - Allow Irvington Township adequate time to assess zoning and business permit ordinances in order to promote diverse and non-redundant business operations.

Section 2. Scope of Moratorium

- **Applicability:** This moratorium applies to new and expanding multi-service businesses, defined as businesses providing more than one commercial service, such as financial services, convenience items, money transfers, check-cashing, and bill-payment services, in a single location within Irvington Township.
- **Existing Businesses:** Existing multi-service businesses with valid licenses as of the moratorium's effective date may continue to operate but must adhere to the prescribed hours of operation and comply with all local and state licensing regulations.

Section 3. Definitions

- **Multi-Service Business:** Any establishment providing more than one distinct commercial service (e.g., financial services, retail sales etc.) within a single location.
- **Redundant Services:** Commercial services that significantly overlap with existing businesses in the vicinity, as determined by township zoning and community needs assessment.

Section 4. Duration

- This moratorium shall remain in effect for a period of **six (6) months** from the date of adoption, or until the Township of Irvington completes a thorough review of its business zoning and licensing regulations, whichever occurs first.
- The Township Council reserves the right to extend this moratorium if deemed necessary.

Section 5. Review and Evaluation Process

- The Township shall conduct a comprehensive review of multi-service businesses within its jurisdiction, including:
 - o Assessment of the impact of redundant services on the community.
 - o Evaluation of zoning and licensing regulations related to multi-service businesses.
 - o Recommendations for regulatory adjustments to promote business diversity.

Section 6. Enforcement and Penalties

- Any violation of this moratorium, including failure to adhere to licensing requirements, shall be subject to penalties:
 - o **Fines:**
 - First offense: \$250.
 - Second offense: \$500.
 - Third offense: Mandatory court hearing with a fine up to \$1,000 and possible suspension or revocation of business license.
- Continued operation in violation of this moratorium may result in temporary or permanent closure of the business.

ADOPTED AND APPROVED on this ____ day of _____, 20.

Adopted

Hudley – Cox 7. An Ordinance Amending Section 355-15A(1) Certificate of Housing Compliance (CHC) and Section 355-15B(1) Certificate of Habitability (C of H)

Revision to Township of Irvington Municipal Code MC 355-15

MC 355-15A(1) Certificate of Housing Compliance (CHC).

“It shall be unlawful for any owner or prospective purchaser of real property to sell, convey, deliver or transfer, and for any purchaser to purchase, take title or possession of, any building containing residential units or premises until a certificate of housing compliance to the effect that such building containing residential units or premises complies with and conforms to the provisions of this chapter shall have been issued by the Director of the Department of Housing Services or his designee. The certificate of housing compliance shall be issued after proper application has been executed and filed by the owner or the purchaser, as required, and after inspection and approval by a Code Enforcement Officer designated by the Director of the Department of Housing Services. The fee for such inspections shall be as provided for in § [355-27](#) of this chapter.”

MC 355-15B(1) Certificate of Habitability (C of H)

Similar reasoning and remedy of 355-15A(1)

“It shall be unlawful for any owner of real property to which this section is applicable to rent, lease or otherwise deliver up for occupancy any dwelling unit until a temporary or permanent certificate of

habitability has been obtained therefor from the Director of the Department of Housing Services or their designee.”

Adopted

Cox – Brown 8. An Ordinance of the Township Council of the Township of Irvington, County of Essex, State of New Jersey Amending the Redevelopment Plan for Scattered Sites Designated as Areas in Need of Redevelopment

**AN ORDINANCE OF THE TOWNSHIP OF IRVINGTON
ESSEX COUNTY, NEW JERSEY
ORDINANCE NO. _____**

**AN ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF IRVINGTON,
COUNTY OF ESSEX, STATE OF NEW JERSEY AMENDING THE REDEVELOPMENT PLAN
FOR SCATTERED SITES DESIGNATED AS AREAS IN NEED OF REDEVELOPMENT**

WHEREAS, The Municipal Council of the Township of Irvington designated 77 scattered sites as Areas in Need of Redevelopment on December 27, 2006; and

WHEREAS, The Municipal Council of the Township of Irvington amended the Scattered Sites Designated as Areas in Need of Redevelopment on July 5, 2016 to add parcel Block 220, Lot 15.01; and

WHEREAS, The Municipal Council pursuant to N.J.S.A. 40A:12A-4(a)(3) and 7, is empowered to adopt a redevelopment plan pursuant to which redevelopment projects are to be undertaken as various parcels that are designated In Need of Redevelopment (the Scattered Sites), and pursuant to that authority the Governing Body has caused a Redevelopment Plan to be prepared for the Scattered Sites (the “Plan”); and

WHEREAS, the Planning Board, by memorandum dated _____ recommends that the Municipal Council adopt amendments to the Plan, and

WHEREAS, The Municipal Council hereby finds that it is appropriate for the Plan to be amended for the Scattered Sites being, among other things, substantially consistent with the Master Plan for the Township of Irvington; and

NOW, THEREFORE, BE IT ORDAINED by the Township Council of the Township of Irvington, County of Essex, State of New Jersey, that the Redevelopment Plan for Scattered Sites Designated as Areas In Need of Redevelopment be and is hereby amended to revise the following Section 1.4.2 titled “Bulk Minimum and Maximum Requirements”:

Additions to this Chapter shall be designated by underlined text. Deletions shall be designated by ~~striketrough text~~.

1.4.2 Bulk Minimum and Maximum Requirements

The scattered parcels shall be developed in accordance with the bulk and area requirements in this Section.

Bulk and area requirements are specified below in the Bulk and Area Schedule. For the purposes of this redevelopment plan bulk and area maximums may generally be interpreted as what the Township is requiring not to be designed by redevelopers whereas bulk and area minimums are what is required to be done by redevelopers. In other words, redevelopers will be encouraged to exceed minimums in their project designs.

BULK AND AREA SCHEDULE

Bulk Requirements are defined for each zoning district as listed below.

RESIDENTIAL USES

	<u>R-1</u>	<u>R-2</u>	<u>R-3</u>	<u>R-4</u>	<u>R-5</u>
Maximum Floor Area Ratio					
Ground floor only	~~0.60~~	~~n.a.~~	~~n.a.~~	~~n.a.~~	~~n.a.~~
Entire Building	~~2.40~~	~~0.40~~	~~0.40~~	~~0.40~~	~~0.35~~
Minimum Lot Area (square feet)					
One-Family	2,500	1,700	1,500	1,200	n.p.
Two-, Three-, or Four-Family	n.p.	1,500/unit	1,500/unit	1,200/unit	n.p.
Garden Apartments	n.p.	n.p.	n.p.	1,320/unit	1,320/unit
High-rise Apartments	n.p.	n.p.	n.p.	n.p.	730/unit
Maximum Impervious Coverage (percent)	80%	80%	75%	75%	70%
Minimum Lot Width (feet)					
One-, Two-, Three-, or Four-Family	25	25 ¹	28 ¹	28 ¹	n.p.
Garden or High-rise Apartments	n.p.	n.p.	n.p.	250	250
Minimum Yards (feet)					
Front	0	10	10	15 ²	50
Side (One/Both)	0/0	0/0 ³	0/0 ³	10/25	100
Rear	20	15	15	15	150
Maximum Stories	3	2 ½ ⁴	2 ½ ⁴	5	10
Maximum Building Height (feet)	45	35	35	80	150

1. Applies only to one and two family lots. For each additional dwelling unit, the minimum lot width is increased by ten (10) feet.
2. Applies to one-, two-, three-, and four-family lots. For garden apartments, the minimum yards shall be as required for the R-5 zoning district.
3. Applies only to one-family lots. For each additional dwelling unit, the minimum side yard (one) is increased by 3.2 feet and the minimum side yard (both) is increased by 6 feet.
4. Maximum stories are 3 where the first floor is being used as a garage.

BUSINESS USES

	<u>B-1</u>	<u>B-2</u>	<u>B-3</u>	<u>B-4</u>	<u>B-5</u>	<u>CBD</u>
Maximum Floor Area Ratio						
Ground floor only	0.60	n.a.	n.a.	n.a.	n.a.	0.75
Entire Building	2.40	0.45	0.40	0.40	0.35	2.25
Minimum Lot Area (square feet)	3,500	2 acres	10,000	10,000	5 acres	3,500
Maximum Impervious Coverage (percent)	80%	80%	75%	75%	70%	85%
Minimum Lot Width (feet)	30	200	80	80	300	30
Minimum Yards (feet)						
Front	0	40	10	10	150	0
Side (One/Both)	0/0	40/100	10/25	10/25	100	0/0
Rear	20	80	25	25	150	20
Maximum Stories	3	1	1	1	1	3
Maximum Building Height (feet)	<u>45</u>	<u>30</u>	<u>20</u>	<u>20</u>	<u>30</u>	<u>45</u>

INDUSTRIAL USES

	<u>M-1</u>	<u>M-2</u>	<u>M-3</u>
Maximum Floor Area Ratio	0.40	0.50	0.60
Minimum Lot Area (square feet)	1 acre	1 acre	2 acres
Maximum Impervious Coverage (percent)	60%	75%	75%
Minimum Lot Width (feet)	150	150	200

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Minimum Yards (feet)			
Front	25	25	40
Side (One/Both)	25/60	25/60	40/100
Rear	50	50	50
Maximum Stories	2	2	2
<u>Maximum Building Height (feet)</u>	<u>35</u>	<u>35</u>	<u>35</u>

Adopted

- Cox – Hudley 9. An Ordinance Amending Section 650-11 R in the Zoning Ordinance Regarding Restrictions by Replacing Dollar Stores With Miscellaneous Business Licenses and Tobacco Licenses
- [ZONING ORDINANCE AMENDMENTS - MUST BE REFERRED TO THE PLANNING BOARD FOR REVIEW – MEETING ON JANUARY 23, 2025]**
[PUBLIC HEARING AND FINAL ADOPTION – JANUARY 27, 2025 COUNCIL MEETING]

§ 650-11. Restrictions.

- A. No yard or other open space provided about any building for the purpose of complying with the provisions of this chapter shall be considered to provide a yard or open space for any other building.
- B. An accessory building attached to a principal building shall comply in all respects with the yard requirements of this chapter for the principal building. Detached accessory buildings shall be located to the rear of the front building line of the principal building and, if located in the side yard area, shall conform to side yard requirements of the schedule. In rear yards, common accessory buildings may be constructed to straddle the side lot between any two contiguous residential lots, in which case the remaining side yard dimension shall not be less than the total required for both accessory building side yards in that zone.
- C. Every principal building shall be built upon a lot with frontage upon an approved public street.
- D. At the intersection of two or more streets, no hedge, fence or wall (other than a single post or tree) which is higher than three feet above the curb level, nor any obstruction to vision, shall be permitted in the triangular area formed by the intersecting street lines and a line joining each street line 10 feet distant from said intersection.
- E. All yards facing on a public street shall be considered front yards. Corner lots shall meet the minimum front yard requirements for the respective zone for both streets for both principal and accessory buildings.
- F. Where a building lot fronts on a street which is proposed for right-of-way widening, the required front yard area shall be measured from such proposed right-of-way line.
- G. No front yard shall be used for open storage or parking. All open storage areas shall be screened from view of residential districts by appropriate landscaping, which shall be maintained.
- H. Business structures or uses shall not display goods for sale or place coin-operated vending machines of any type on the sidewalk or in the entranceway in the front of the structure in which business activity is conducted.
- I. Off-street parking shall be provided with all new construction in accordance with Article VIII of this

chapter. In the event of enlargement or extensive alteration of any building, off-street parking shall be provided in accordance with Article VIII to the extent possible.

- J. Essential services and utilities shall be permitted as authorized and regulated by law and other ordinances of the Township in any district. It is the intent of this chapter to exempt such erection, construction, alterations and maintenance from the application of this chapter.
- K. Whenever any street, alley or other public way is vacated by the Municipal Council, the zone district shall be extended automatically to the center of such vacated way.
- L. For the purpose of regulating the locations of accessory buildings on corner lots, all portions of a corner lot or a through lot which fronts on a public street shall be subject to the front yard requirements of the zone district in which said corner lot or through lot is located. No accessory building shall be permitted in any required front yard.
- M. No residential lot shall be less than 75 feet in depth.
- N. Any use not specifically permitted in a zoning district established by this chapter is hereby specifically prohibited in that district. The following uses and activities shall be specifically prohibited in the Township of Irvington:
 - (1) The keeping or raising of any animals other than domestic pets.
 - (2) Trailer courts, trailer coaches, campers, vans, mobile homes and house trailers used as a dwelling and commercial activities related to the outdoor storage or display of trailer coaches; provided, however, that nothing in this subsection shall be deemed to prohibit the placement on a lot of one trailer coach for the sole purpose of providing temporary living accommodations for persons whose dwelling unit located on said lot has been damaged by fire. Placement of said trailer coach shall be by permit of the Township Engineer, valid for 60 days and renewable for not more than two additional thirty-day periods.
 - (3) The use of a building or premises in such a manner as to endanger the health, morals, safety or welfare of the community.
 - (4) Any use which emits excessive and objectionable amounts of dust, fumes, noise, odor, smoke, vibration, glare or waste products.¹
 - (5) Junkyards, hazardous or toxic waste disposal or treatment facilities, solid waste transfer stations and liquid gas or gasoline storage tanks.
- O. All exterior lighting shall be shielded, directed or buffered so that glare or direct lighting or reflection will not be a nuisance to surrounding properties.
- P. No materials or wastes shall be deposited upon a lot in such form or manner that they may be transferred off the lot by natural causes or forces, nor shall any substance be deposited which can contaminate an underground aquifer or otherwise render such underground aquifer undesirable as a source of water supply or recreation or which will destroy aquatic life. All materials or wastes which might cause fumes or dust or which constitute a fire hazard or which may be edible or otherwise attractive to rodents or insects shall be stored indoors or enclosed in appropriate containers adequate to eliminate such hazards. Containers shall not be stored or placed in any front yard.
- Q. The storage or manufacture of liquefied petroleum gases, hydrogen gas or other material, whether in

liquid or gaseous phase, which is flammable or explosive when mixed with air in sufficient proportions or which may be toxic or poisonous if inhaled by any person is prohibited in all zoning districts; provided, however, that nothing in this subsection shall be deemed to prohibit the use as fuel for domestic purposes of liquefied petroleum gases when stored in cylinders constructed in accordance with regulations of the Interstate Commerce Commission and located on the exterior of the building supplied; and provided, further, that

1. Editor's Note: Former § 197-110(6) of the 1981 Revised Code, prohibiting restaurants in any building containing one or more dwelling units, which previously followed this subsection, was repealed 1-15-2008 by Ord. No. MC 3366.

the systems in connection with said cylinders are listed by the Underwriters Laboratories. The existing storage and use of anhydrous ammonia as of the effective date of this chapter may continue.

- R. Upon the effective date of this subsection, new miscellaneous business licenses and tobacco licenses within the boundaries of the Township of Irvington are hereby limited within a one-thousand-five-hundred-foot radius of any existing miscellaneous businesses and/or tobacco shop. **[Added 6-14-2016 by Ord. No. MC 3576]**

Adopted

- Cox – Vauss, Jr. 10. An Ordinance Amending a Section in the Zoning Ordinance Regarding Regulating Cannabis in the Township of Irvington
**[ZONING ORDINANCE AMENDMENTS - MUST BE REFERRED TO THE PLANNING BOARD FOR REVIEW – MEETING ON JANUARY 23, 2025]
[PUBLIC HEARING AND FINAL ADOPTION – JANUARY 27, 2025 COUNCIL MEETING]**

AN ORDINANCE AMENDING A SECTION IN THE ZONING ORDINANCE REGARDING REGULATING CANNABIS IN THE TOWNSHIP OF IRVINGTON

§ 650-47.1

CANNABIS OPERATORS

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

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

CANNABIS ESTABLISHMENTS PERMITTING; RULES AND REGULATIONS Purpose.

- A. This chapter titled “Cannabis Establishments” is created and added to the general ordinances of the municipal code of Irvington for the purpose of establishing local permitting requirements and regulating the operations of cannabis establishments with respect to the cultivation, manufacturing, wholesale, distribution, retail, delivery, use and consumption of recreational cannabis and cannabis Items in the township in accordance with the provisions of the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act (the “Act”), any supplements and amendments thereto, and in accordance with the rules and regulations promulgated or to be promulgated by the New Jersey Cannabis Regulatory Commission (the “CRC”), and in accordance with the rules and regulations of the township not inconsistent with the Act or the rules and

regulations of the State of New Jersey. The regulations of this ordinance are subject to the enabling authority of the state pursuant to N.J.S.A., 24:6I-45 and are subject to compliance with all statutes and regulations adopted by the state or its instrumentalities, including the CRC. If any provision of this ordinance is inconsistent with state statutes or any regulations thereof, the state statutes and regulations shall prevail. General Provisions.

- B. Prior to the operation of any Cannabis Establishment in the Township, a conditional License must be obtained from the state pursuant to the Act and a permit must be obtained from the Township pursuant to this chapter for the particular class of operation being conducted.
- a. The Township of Irvington shall have an application process for the Cannabis License approval from the Township and by completing and submitting said application for consideration each applicant is certifying that it has:
- i. Applicant's name, principal address, telephone number, email address, contact name and title;
 - ii. Class of License sought; Proposed site location with evidence of site control or plans to obtain site control, floor plan(s), and a brief statement of suitability of the site for operation as a Cannabis Establishment;
 - iii. Certification that applicant has reviewed the city's zoning ordinances and that to the best of applicant's knowledge the proposed site location meets the requisite zoning applicable to the location for the class of License sought either on a permitted use or conditional use basis and, if permitted on a conditional use basis, the reasons why the city should grant the applicant a variance;
 - iv. Any prior experience owning, operating or working in cannabis establishments, or in other highly regulated industries such as pharmaceuticals, banking and insurance;
 - v. Brief description of security plan that specifically addresses proposed onsite security and surveillance, diversion prevention and emergency management;
 - vi. Brief description of nuisance mitigation plan that specifically addresses proposed plans to address noise, odor, waste disposal and vehicular congestion mitigation;
 - vii. Brief description of community impact plan summarizing how the applicant intends to have a positive impact on the community in which the proposed cannabis establishment is to be located; applicant's ties to the proposed host community (including the percentage of owners, if any, that are residents of the city or a municipality bordering the city); and which shall include an economic impact plan and a description of community outreach activities;
 - viii. Brief description of workforce development and job creation plan ensuring that 35% or more of the applicant's workforce will come from city residents; and which may include information on the applicant's history of job creation or planned job creation at the proposed cannabis establishment; education, training and resources to be made available for employees; any relevant certifications, and an optional diversity plan;
 - ix. A written description of the applicant's record of social responsibility, philanthropy, and ties to the proposed host community;
 - x. Any other information, consistent with state licensing and city permitting requirements, which the Board requests; and
 - xi. Any other information, consistent with state licensing requirements, which the applicant wishes for the city to consider in reviewing its Proposal.

- C. Denials. Applicants who are denied local support will have thirty (30) days within which to correct any deficiency cited in the city's denial letter and to resubmit an amended Proposal. The Board will then have up to thirty (30) days from receipt of the amended Proposal within which to review the amended portions of applicant's Proposal. At the conclusion of this review period, the city will once again issue a written determination either approving or denying applicant's request in the form and manner prescribed in §265-5(C) above. There is no limitation on the number of times an applicant may resubmit amended Proposals for reconsideration by the Board. However, the times prescribed for resubmission and review herein shall remain in effect during each review period.
- G. Fees. A non-refundable, administrative fee of \$200 shall be submitted with each Proposal and amended Proposal submitted to the Board for review.
- D. Following receipt of a conditional approval from the state and approval of a Cannabis License from the Township of Irvington, the applicant must obtain a Zoning Determination from the Department of Housing and Building Construction and/or Community Development.
 - a. Zoning Generally. Cannabis Establishments shall only be permitted to operate in zoning districts within the Township that specifically allow for such class of operation as a permitted use or a conditional use. If a zoning district within the Township allows for a particular class of operation on a conditional use basis, the Cannabis Establishment must apply for a variance in accordance with applicable provisions of Chapter 570 of the municipal code of Irvington.
- E. There shall be a minimum setback of two hundred (**200**) feet from any Cannabis Establishment to any public or private school, child daycare center, place of worship or residential building as measured from the main entrance of each establishment.
- F.

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

CANNABIS

All parts of the plant *Cannabis sativa* L., whether growing or not, the seeds thereof, and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its seeds, except those containing resin extracted from the plant, which are cultivated and, when applicable, manufactured in accordance with P.L. 2021, c. 16 (N.J.S.A. 24:6I-31 et seq.), for use in cannabis products as set forth in this act, but shall not include the weight of any other ingredient combined with cannabis to prepare topical or oral administrations, food, drink, or other product. "Cannabis" does not include: medical cannabis dispensed to registered qualifying patients pursuant to the Jake Honig Compassionate Use Medical Cannabis Act, P.L. 2009, c. 307 (N.J.S.A. 24:6I-1 et seq.), and P.L. 2015, c. 158 (N.J.S.A. 18A:40-12.22 et seq.); marijuana as defined in N.J.S.A. 2C:35-2 and applied to any offense set forth in Chapters 35, 35A, and 36 of Title 2C of the New Jersey Statutes, or P.L. 2001, c. 114 (N.J.S.A. 2C:35B-1 et seq.), or marihuana as defined in Section 2 of P.L. 1970, c. 226 (N.J.S.A. 24:21-2), and applied to any offense set forth in the New Jersey Controlled Dangerous Substances Act, P.L. 1970, c. 226 (N.J.S.A. 24:21-1 et seq.); or hemp or a hemp product cultivated, handled, processed, transported, or sold pursuant to the New Jersey Hemp Farming Act, P.L. 2019, c. 238 (N.J.S.A. 4:28-6 et seq.).

CANNABIS DELIVERY SERVICE

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

CANNABIS EXTRACT

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

CANNABIS FLOWER

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

CANNABIS ITEM

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

CANNABIS LEAF

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

CANNABIS MANUFACTURER

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

CANNABIS OPERATOR

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

CANNABIS PERMIT OR LICENSE

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

CANNABIS PERMITTING AUTHORITY

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

CANNABIS PRODUCT

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

CANNABIS RESIN

The resin extracted from any part of the plant *Cannabis sativa* L., including cannabis extract and resin extracted using nonchemical processes, processed and used in accordance with P.L. 2021, c. 16 (N.J.S.A. 24:6I-31 et seq.). "Cannabis resin" does not include: any form of medical cannabis dispensed to registered qualifying patients pursuant to the Jake Honig Compassionate Use Medical Cannabis Act, P.L. 2009, c. 307 (N.J.S.A. 24:6I-1 et seq.), and P.L. 2015, c. 158 (N.J.S.A. 18A:40-12.22 et seq.); hashish as defined in N.J.S.A. 2C:35-2 and applied to any offense set forth in Chapters 35, 35A, and 36 of Title 2C of the New

Jersey Statutes, or P.L. 2001, c. 114 (N.J.S.A. 2C:35B-1 et seq.), or as defined in Section 2 of P.L. 1970, c. 226 (N.J.S.A. 24:21-2), and applied to any offense of the New Jersey Controlled Dangerous Substances Act, P.L. 1970, c. 226 (N.J.S.A. 24:21-1 et seq.); or hemp or a hemp product cultivated, handled, processed, transported, or sold pursuant to the New Jersey Hemp Farming Act, P.L. 2019, c. 238 (N.J.S.A. 4:28-6 et seq.).

CANNABIS RETAILER

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

CANNABIS WHOLESALE

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

CANNABIS CULTIVATOR (GROWER)

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

CONSUMER

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

CONSUMPTION

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

CREAMMA

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

DELIVERY

The transportation of cannabis items and related supplies to a consumer. "Delivery" also includes the use by a licensed cannabis retailer of any third-party technology platform to receive, process, and fulfill orders by consumers, provided that any physical acts in connection with fulfilling the order and delivery shall be accomplished by a cannabis handler certified in accordance with N.J.S.A. 24:6I-44 performing work for or on behalf of the licensed cannabis retailer, which includes a certified cannabis handler employed or otherwise working on behalf of a cannabis delivery service making off-premises deliveries of consumer purchases fulfilled by that cannabis retailer.

HONIG ACT

The Jake Honig Compassionate Use Medical Cannabis Act (approved July 2, 2019), P.L. 2019, c. 153, revising and supplementing P.L. 2009, c. 307: N.J.S.A. 24:6I-1 et seq.

LOCAL CANNABIS TRANSFER TAX

A tax of 2% on all sales of recreational cannabis or cannabis items by a cannabis establishment in the Township of Irvington.

LOCAL CANNABIS USE TAX

A local tax equivalent to the Transfer Tax on any cannabis moved between locations or businesses by an operator with one or more locations located within or outside the boundary of the Township of Irvington.

MICROBUSINESS

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

PREMISES or LICENSED PREMISES

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

PUBLIC PLACE

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

USABLE CANNABIS

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

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

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

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

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

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

Type of License	Application Fee (Initial)	Application Fee (Renewal)	Annual Registration Fee
Retailer	\$10,000.00	\$10000.00	\$5000.00

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Manufacturer	\$10,000.00	\$10000.00	\$7500.00
Grower	\$10,000.00	\$10000.00	\$7500.00
Distributor	\$10,000.00	\$10000.00	\$7500.00
Distributor	\$10,000.00	\$10000.00	\$7500.00
Delivery Service	\$10,000.00	\$10000.00	\$5000.00
Micro Retailer	\$5000.00	\$5000.00	\$2500.00

- (4) A cannabis operator must obtain a Class 1 (Cultivator), Class 2 (Manufacturer), Class 3 (Wholesaler), Class 4 (Distributor), Class 5 (Retailer) or Class 6 (Delivery) license issued by the state's Cannabis Regulatory Commission;
- (5) A state and local consumption endorsement must be obtained pursuant to CREAMMA;
- (6) Site plan approval shall be obtained from the Township of Irvington Planning Board or Board of Adjustment, as the case may be;
- (7) A first certificate of zoning compliance shall be obtained along with all necessary building permits for build-out of the cannabis operator in accordance with the approved site plan; and
- (8) A final certificate of zoning compliance and certificate of occupancy must be issued.
- (9) Any local license issued pursuant to this chapter shall be valid for a period of three years from the date of issuance, subject to payment of the annual registration fee, and shall be in accordance with the provisions of this chapter.

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

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

- (1) Recreational cannabis retailer and dispensary shall be conditionally permitted in the following districts: B-3 Limited Business; B-4 General Business; and CBD Central Business District, Downtown Mixed-Use.
- (2) Medicinal cannabis retailer and dispensary shall be conditionally permitted in the following districts: B-1 Neighborhood Business District; B-2 Shopping Center; B-3 Limited Business; B-4 General Business; and CBD Central Business District, Downtown Mixed-Use.
- (3) Cultivating, manufacturing, wholesale, and distributing shall be conditionally permitted in the following districts: M-1 Special Industrial Manufacturing District; M-2 Light Industrial Manufacturing District; M-3 Heavy Industrial Manufacturing District.
- (4) In addition to the permitted zone districts, no cannabis operator shall operate within 200 feet of a school or place of worship.
- (5) B-5 Big Box Center shall be conditionally permitted for cannabis retailer and dispensary provided that the location is on the ground floor of the proposed site and has an entrance on the exterior of the location that serves as the primary point of ingress/egress for the business with secondary access into the main area of the Big Box Center that serves as an emergency exit only.

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

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

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

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

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

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

(2) Performance standards.

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

(b) Bulk and area requirements. Bulk and area requirements shall follow those of the underlying zoning district.

(c) Product display and storage. No cannabis products shall be visible from a public sidewalk, public street or right-of-way, or any other public place. All cannabis products shall be stored securely indoors and on site.

(d) Consumption. Consumption of cannabis products including smoking, ingestion of edibles or by any other means of consumption shall be not permitted on the premises or adjacent ground of a cannabis operator. Consumption shall not be permitted at any public place.

(e) Odor. A cannabis operator shall have equipment to mitigate cannabis-related odor. The building shall be equipped with a ventilation system with carbon filters or other filters sufficient in type and capacity to eliminate cannabis odors emanating from the interior of the premises. The filters are required to be replaced regularly for the best effectiveness to mitigate odor. The ventilation system must be approved by the Township of Irvington Health Department and Building Department or designated vendor and may be subject to periodic inspection.

(f) Noise. Outside generators and other mechanical equipment used for any kind of power supply, cooling or ventilation shall be enclosed and have appropriate baffles, mufflers, and/or other noise reduction systems to mitigate noise pollution.

(g) Security. All cannabis operators shall be secured and shall have full-time security protocols. Security protocols shall be submitted to the Township of Irvington Police Department for compliance review with all safety and security standards established by the State of New Jersey for cannabis operators. The Township of Irvington Police Department may, at its discretion and upon review of the proposed location, recommend or require additional safety and security measures. At minimum, the following shall apply:

[1] A video recording security system shall be employed covering all areas of the cannabis operator and the adjacent exterior of the building with a 24/7 recording system that records for a minimum thirty-day archive.

[2] The Township of Irvington Police Department and Zoning Officer shall be provided the name and twenty-four-hour phone number of the responsible staff person to notify during suspicious activity or emergency.

[3] Outside areas of the premises shall be well-illuminated for safety and security, but not in a way that is counter to Code requirements for outdoor lighting and screening or obtrusive to pedestrians, drivers or other users of the public right-of-way.

[4] The premises and right-of-way adjacent to the cannabis operator shall be monitored by staff of the medical cannabis dispensary and kept free of loitering, litter and other debris, and the sidewalks shall be swept and cleaned on a regular basis.

[5] Consumers shall be screened and demonstrate identification confirming they are ages 21 years old or older.

[6] Capacity. A cannabis retailer shall permit a maximum of 30 patrons per 1,500 square feet of gross floor area.

(h) Parking. Cannabis operators shall adhere to the following parking space requirements:

[1] Recreational retailer and dispensary: Any recreational retailer with a gross floor area of 1,500 square feet or less: none; any recreational retailer with a gross floor area exceeding 1,500 square feet: one space per 500 square feet of gross floor area.

[2] Medicinal dispensary: shall adhere to the parking requirements of banks, financial and business offices and professional and commercial offices (§ 650-33D).

[3] Cultivating, manufacturing wholesale or distributing: shall adhere to the parking requirements of industrial manufacturing establishments (§ 650-33N).

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

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

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

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

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

(1) One sign shall be permitted per cannabis operator.

(2) Signage shall not be illuminated at any time.

(3) Signage shall comply with the requirements of § 650-31 of the Township's Zoning Ordinance.

(4) The following words shall be prohibited: "cannabis," "marijuana," and "weed."

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

O. LOCAL CANNABIS TRANSFER TAX

The Township of Irvington hereby establishes that following transfer taxes on the sale of cannabis or cannabis items by a cannabis establishment located within Irvington:

- o Receipts from the sale of cannabis by a cannabis cultivator to another cannabis cultivator;
- o Receipts from the sale of cannabis items from one establishment to another cannabis establishment;
- o Receipts from retail sales of cannabis items by a cannabis retailer to retail consumers; or
- o Any combination thereof.

The rates are established as set forth below:

- o Two percent of the receipts from each sale by a cannabis cultivator;
- o Two percent of the receipts from each sale by a cannabis manufacturer;
- o One percent of the receipts from each sale by a cannabis wholesaler; and
- o Two percent of the receipts from each sale by a cannabis retailer.

If a municipality adopts an ordinance providing for a transfer tax as noted above, the ordinance must also provide for a user tax. This user tax must be equivalent to the transfer tax rates, on any concurrent license holder, operating more than one cannabis establishment. The user tax allows for tax parity, by preventing vertically integrated cannabis establishments from avoiding the transfer tax.

P. USER TAX

The Township hereby establishes a User Tax, at the equivalent Transfer Tax rates provided above, on any concurrent license holder, as permitted by section 33 of P.L. 2021, c. 16 (C.24:6I-46), operating more than one cannabis establishment, or on any concurrent holder of plenary wholesale licenses or plenary retail distribution licenses. The User Tax shall be imposed on the value of each transfer or use of cannabis or cannabis items not otherwise subject to the Transfer Tax as imposed above, from the license holder's establishment that is located in the Township to any of the other license holder's establishments, whether located in the municipality or another municipality.

Q. COLLECTION OF TRANSFER AND USER TAX

All revenues collected from the transfer tax or user tax above shall be remitted to the Chief Financial Officer of the Township in certified funds no later than January 31st of the following year and be accompanied by an audit prepared by a licensed Certified Public Accountant and include any records/receipts in support of the taxes paid to the Township.

R. Penalties

LIABILITY TO PROPERTY OWNERS

- i. Property owners who rent or otherwise permit the custody and control of the property where a violation of this ordinance occurs shall be subject to the following penalties upon notice from the Township of Irvington that a violation has occurred and failing to cure said violation within 60 calendar days:
 - a. Revocation of the property CO or CCO, which will render the property unoccupiable and require the property owner to repeat the application and inspection process to return the property to good standing.
 - b. Minimum Fine of \$10,000.00.
 - c. The attachment of unpaid fines and violations as “special charges” against the property which will be sold at the Township’s annual tax sale upon approval by Resolution.

Adopted

B. Ordinances on Second Reading

None

C. Bills & Claims

Hudley – Vick

1. Bill Lists

RESOLVED THAT THE BILLS AND CLAIMS AGAINST THE TOWNSHIP OF IRVINGTON FOR A PERIOD **DECEMBER 23, 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	\$2,576,123.54
TOTAL	\$2,576,123.54

Adopted

Evans – Hudley 2. Payrolls

Payroll Date: December 12, 2024

TOTAL	\$2,464,625.38
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Adopted

9. RESOLUTIONS AND MOTIONS

A. Resolutions

Beasley – Vick 1. Resolution of Sorrow – Honorable Mildred C. Crump

RESOLUTION OF SORROW HONORABLE MILDRED C. CRUMP

WHEREAS, Hon. Mildred C. Crump, a trailblazing public servant and community leader, passed away peacefully at the age of 86. Her extraordinary life of service and dedication to improving the lives of others leaves an indelible mark on the City of Newark, the state of New Jersey, and beyond. Born in Detroit, Michigan, Mildred was a visionary leader who made history and broke barriers in her lifetime. Mildred was a pioneering educator, becoming the first African-American Braille teacher in both Detroit and New Jersey; and

WHEREAS, On July 1, 1994, she was sworn in as Newark's first African-American Councilwoman, marking a milestone in the city's 336-year history. She brought a much needed perspective to that governing body. A longtime community activist, she was consummate and consistent advocate for women, children, senior citizens, the disabled, working families and those in need. On July 1, 2006, she was again sworn in as Councilwoman at-Large. She created history once again when she was elected as the first female president of the Newark Municipal Council; and

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WHEREAS, As a resident of Newark, Ms. Crump was active with numerous organizations. She was a past President and member of the Board of Trustees for Integrity House, Inc., Vice-Chairperson of the Steering Committee of the Bridge to Recovery, charter member of the African-American Museum at the Smithsonian in Washington D.C., past Chairman of the Board of Directors, Habitat for Humanity, Newark and subscribing Golden Heritage Life Member of the Newark Branch NAACP to name a few. She was a founding member of the New Jersey Coalition of 100 Black Women, Inc., the National Political Congress for Black Women of Newark, under the leadership of the late Honorable Shirley A. Chisholm, and the Global Women's Leadership Collaborative of New Jersey, an organization dedicated to "sisterhood" issues with women in Africa. She was a proud member of Delta Sigma Theta Sorority, Inc., a public service sorority; and

WHEREAS, Councilwoman Crump was the Founder of the Newark Women's Conference, Inc., an organization whose purpose is to promote the empowerment of women in Newark and vicinity. She was the host of a local Cable Television Show entitled, "Straight Talk with Mildred Crump". Issues of relevance affecting the quality of life are discussed and debated. Her services as a motivational speaker are often requested by schools, churches and public service organizations; and

WHEREAS, She was not ashamed to declare that "she loves God" and was an active member of the Bethany Baptist Church in Newark. She was a member of the Senior Missionary Society, the Altar Guild, the AIDS Ministry and the Welcome Committee. She was also an active member of the World Gospel Musical Association, an amalgamated choir, under the direction of Dr. Albert J. Lewis, Jr. She retired in 2003 after 42 years as a Braille Teacher and Education Consultant from the New Jersey Commission for the Blind and Visually Impaired; and

WHEREAS, As a global advocate for women's empowerment, she presented workshops on women's issues in countries such as China, Ghana, Nigeria, and throughout the United States. Her philanthropic work in Africa earned her the affectionate nickname "Momma Africa"; and

WHEREAS, She was preceded in death by her husband Cecil and is survived by her beloved sister Jean Abernathy Smith, two children, Larry (Zelma) Crump, and Sage (Muthi Reed) Crump, and grandchildren Marguerite and Cecil; and

NOW THEREFORE BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON we celebrate the Honorable Mildred C. Crump's extraordinary life dedicated to service, leadership and unwavering commitment, advocacy for equality justice and the betterment of her community and her deep compassion for the people she served.

BE IT FURTHER RESOLVED though we mourn her passing, we celebrate the fullness of her life, a life lived with grace, love, and a heart that never stopped giving. Rest in eternal peace. Your legacy will remain with us forever.

BE IT FURTHER RESOLVED that a copy of this resolution be spread upon the minutes of this Governing Body in lasting tribute to the Honorable Mildred C. Crump.

Adopted

Cox – Hudley 2. Authorize Purchases Under the State of New Jersey Cooperative Purchasing Program Over The Bid Threshold Of \$40,000.00 - Purchase 2-Way Radio Devices From Motorola Communications & Elec - \$124,640.60

**AUTHORIZING PURCHASES UNDER THE STATE OF NEW JERSEY COOPERATIVE PURCHASING PROGRAM
OVER THE BID THRESHOLD OF \$40,000.00**

WHEREAS, the Township of Irvington, pursuant to N.J.S.A. 40A:11-12(a) 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 for any State contracts entered into on behalf of the State by the Division of Purchase and Property in the Department of Treasury; and,

WHEREAS, the Police Department would like to purchase 2-Way radio devices from Motorola Communications & Elec under State contract number 83909/T0109; and

WHEREAS, in compliance with NJSA 19:44A-20.13 ET Seq., this contract will exceed the Pay to Play threshold of \$17,500.00; and

WHEREAS, under New Jersey state contract number 83909/T0109, the total cost for this service is \$124,640.60; and

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of Irvington authorizes the purchase of 2-Way radio devices from Motorola Communications & Elec, P O Box 161, Wharton, NJ 07885 for an amount of \$124,640.60, pursuant to all the conditions of the individual State contracts; and

BE IT FUTHER RESLOVED that the required certification of availability of funds C24-0151 in the amount of \$80,649.90 from account number C-04-56-853-A24-902 and C-04-56-853-A24-904 has been obtained from the Chief Financial Officer and the remaining balance of \$43,990.80 to purchase the equipment.

BE IT FURTHER RESOLVED a separate resolution will be submitted to the Municipal Council for all addition vendors exceeding the bid threshold of \$40,000.00.

Adopted

Cox – Frederic 3. Refund \$1,695.00 on Escrow for Anthony Clark, 895 Chancellor Avenue

RESOLUTION REFUNDING \$1,695.00 ON ESCROW T-18-56-860-100-101 FOR Anthony Clark, 895 CHANCELLOR AVENUE.

WHEREAS, Anthony Clark applied to the Township of Irvington's Zoning Board of Adjustment for preliminary and final site plan approval along with a bulk variance for the construction of a 2 ½ story addition to existing structure at property known and designated as 895 Chancellor Avenue Block 355 Lot 54.

WHEREAS, the Zoning Board Division of the Office of Community Development is seeking a refund of \$1,695.00 on behalf of Anthony Clark. Anthony Clark no longer requires Board approval and seeks reimbursement from the Township of Irvington.

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NOW THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that a reimbursement of \$1,695.00 to be refunded to ANTHONY CLARK for payment.

Adopted

Frederic – Cox 4. Refund \$1,555.00 on Escrow for Patience Ezechibueze dba NJ Medical Career Institute LLC, 20 Marshall Street

RESOLUTION REFUNDING \$1,555.00 ON ESCROW T-18-56-860-100-100 FOR Patience Ezechibueze DBA NJ Medical Career Institute LLC, 20 MARSHALL STREET.

WHEREAS, Patience Ezechibueze applied to the Township of Irvington's Zoning Board of Adjustment for a conditional use variance to operate a certified nursing assistant and home health aide training facility at property known and designated as 20 Marshall Street Block 132 Lot 1.01.

WHEREAS, the Zoning Board Division of the Office of Community Development is seeking an amended refund of \$1,555.00 on behalf of Patience Ezechibueze. Patience Ezechibueze has withdrawn her application and seeks reimbursement from the Township of Irvington.

NOW THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that a reimbursement of \$1,555.00 to be refunded to PATIENCE EZECHIBUEZE DBA NJ MEDICAL CAREER INSTITUTE LLC for payment.

Adopted

Cox – Frederic 5. Refund \$2,243.42 on Escrow for Babatunde Adewunmi on Behalf of Mill Road Trade LLC, 35 Mill Road

RESOLUTION REFUNDING \$2,243.42 ON ESCROW T-18-56-860-100-108 FOR Babatunde Adewunmi on behalf of Mill Road Trade LLC, 35 MILL ROAD.

WHEREAS, Babatunde Adewunmi on behalf of Mill Road Trade LLC applied to the Township of Irvington's Zoning Board of Adjustment for a use variance for the conversion of a pharmacy into a dollar store at property known and designated as 35 Mill Road Block 305 Lot 1.

WHEREAS, the Zoning Board Division of the Office of Community Development is seeking a refund of \$2,243.42 on behalf of Babatunde Adewunmi for Mill Road Trade LLC. The applicant has withdrawn the application and seeks reimbursement from the Township of Irvington.

NOW THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that a reimbursement of \$2,243.42 to be refunded to Babatunde Adewunmi on behalf of Mill Road Trade LLC for payment.

Adopted

Brown – Hudley 6. Authorize a Shared Services Agreement With The County Of Essex For The County of Essex to Temporarily Provide the Township of Irvington With the Services of a Health Officer in the Amount of \$50,000.00

RESOLUTION AUTHORIZING A SHARED SERVICES AGREEMENT WITH THE COUNTY OF ESSEX PURSUANT TO THE UNIFORM SHARED SERVICES AND CONSOLIDATION ACT, N.J.S.A. 40A:65-1 ET SEQ. FOR THE COUNTY OF ESSEX TO TEMPORARILY PROVIDE THE TOWNSHIP OF IRVINGTON WITH THE SERVICES OF A HEALTH OFFICER

WHEREAS, the Township of Irvington is required by N.J.S.A. 26A:3A2-10 to provide a program of public health services; and

WHEREAS, the State of New Jersey requires each municipality to maintain a health department; and
WHEREAS, the County of Essex, in furtherance of the obligation set forth in N.J.S.A. 26A:3A2-10 et seq., has employed and shall continue to employ a licensed Health Officer to serve as full-time Health Officer and Chief Executive Officer for all public health services and activities ("Public Health Services"); and

WHEREAS, the Township of Irvington is in need of a licensed Health Officer to provide Public Health Services from the date of execution and ending August 13, 2025; and

WHEREAS, N.J.S.A. 40A:65-1 et seq. allows municipalities to enter into shared service agreements; and

NOW, THEREFORE BE IT RESOLVED, the County of Essex is agreeable to providing its licensed Health Officer to perform said Public Health Services to the Township of Irvington from the date of execution, and ending August 13, 2025 based on the rate of \$50,000 annually and payable to the County of Essex by the Township of Irvington; and

BE IT FURTHER RESOLVED that the required certification of availability of funds C24-0155 in the amount of \$50,000.00 from account number 4-01-24-335-335-176 has been obtained from the Chief Financial Officer.

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

Adopted

Frederic – Vauss, Jr. 7. Authorize Acceptance of Grant Funding for Housing and Related Services for People Living With HIV/Aids (HOPWA) in the Amount of \$598,806.00 - January 1, 2025 – December 31, 2025

WHEREAS, The City of Newark, acting through its Housing Opportunities for Persons with AIDS (HOPWA) Services Office of Partnerships and Grants Management proposes to enter into a sub grant agreement with Irvington Neighborhood Improvement Corporation to provide Housing and related services to people living with HIV/AIDS for the contract price of \$598,806.00 during the 2025 program year of January 1, 2025 – December 31, 2025, and

WHEREAS, said grant agreement is part of a federal grant award made possible by the United States Department of Housing and Urban Development (HUD); and

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BE IT FURTHER RESOLVED that the Mayor of the Township of Irvington be and hereby is authorized to execute a Grant Agreement with the City of Newark as sub-recipient of H.O.P.W.A Funds in the amount of \$598,806.00.

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that the Township of Irvington does hereby accept the award of \$598,806.00 for such activities.

Adopted

Frederic – Beasley 8. Refund Subsequent Overpayment on Block 278 Lot 3, 26 Union Avenue - DSHC Enterprises LLC in the Amount Of \$5,256.57

**Resolution to Refund Subsequent Overpayment
on Block 278 Lot 3, 26 Union Ave.**

WHEREAS, DSHC Enterprises LLC remitted a subsequent payment in the amount of \$5,256.57 for the 2024 Q3 taxes on Block 278 Lot 3, 26 Union Ave.; and

WHEREAS, said payment in the amount of \$5,256.57 was applied to 2024 Q3 on August 19, 2024; and

WHEREAS, the Certificate of Sale #23-00776 was redeemed June 6, 2024, less the subsequent payment in the amount of \$5,256.57 on 2024 Q3; and

WHEREAS, DSHC Enterprises LLC has requested to be refunded the subsequent overpayment in the amount of \$5,256.57 for 26 Union Ave., Block 278 Lot 3; and

WHEREAS, the Tax Collector desires to refund the subsequent overpayment in the amount of \$5,256.57 to DSHC Enterprises 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 subsequent payment to DSHC Enterprises LLC in the amount of \$5,256.57.

Adopted

Cox – Frederic 9. Cancel And Correct Erroneous Assessment on 990 Stuyvesant Avenue, Block 315 Lot 23 - Eddy Dormilus, 100% Disabled Veteran

**Resolution To Cancel and Correct Erroneous Assessment
on 990 Stuyvesant Ave, Block 315 Lot 23**

WHEREAS, Eddy Dormilus is the owner of 990 Stuyvesant Ave, Block 315 Lot 23 and Eddy Dormilus is a 100% disabled veteran; and

WHEREAS, 990 Stuyvesant Ave is a 2-family dwelling and Eddy Dormilus has filed an application for 100% tax exemption and the tax assessor Silvia Forbes has approved the property tax exemption on July 1, 2021; and

WHEREAS, the 2022 and 2023 property taxes were erroneously assessed and billed on the exempt portion of the 2-family dwelling; and

WHEREAS, the 2022 taxes were billed in the amount of \$2,691.39 and 2023 taxes were billed in the amount of \$2,741.96; and

WHEREAS, the Tax Collector is desirous to cancel the erroneous taxes billed on 990 Stuyvesant Ave for tax years 2022 in the amount of \$2,691.39 and 2023 taxes in the amount of \$2,741.96.

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON, COUNTY OF ESSEX, STATE OF NEW JERSEY that the Tax Collector's office is authorized and directed to cancel the exempt portion of 2022 taxes in the amount of \$2,691.39 and 2023 taxes in the amount of \$2,741.96 on 990 Stuyvesant Ave, Block 315 Lot 23.

Adopted

Frederic – Cox 10. Refund Duplicate Tax Payment on Block 126 Lot 8, 43-45 Montrose Terrace - Main Street Title - \$3,897.15

**Resolution to Refund Duplicate Tax Payment
on Block 126 Lot 8, 43-45 Montrose Terr.**

WHEREAS, Main Street Title, remitted a payment on November 6, 2024, in the amount of \$3,897.15 for the 2024 Q4 taxes on Block 126 Lot 8; and

WHEREAS, Corelogic remitted a payment on November 7, 2024, in the amount of \$3,897.15 for the 2024 Q4 taxes on Block 126 Lot 8; and

WHEREAS, Main Street Title, has requested to be refunded the duplicate tax payment in the amount of \$3,897.15 for 43-45 Montrose Terr., Block 126 Lot 8; and

WHEREAS, the Tax Collector desires to refund the tax overpayment in the amount of \$3,897.15 to Main Street Title.

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 duplicate tax payment to Main Street Title, in the amount of \$3,897.15.

Adopted

Cox – Hudley 11. Authorize a Fair and Open Professional Service Contract for Labor Counsel – Taylor Law Group LLC - Not to Exceed \$100,000.00

**RESOLUTION AUTHORIZING FAIR AND OPEN PROFESSIONAL SERVICE
CONTRACT FOR LABOR COUNSEL**

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WHEREAS, the Request for Proposals for professional Labor counsel services was publicly advertised in the New Jersey Star Ledger on September 25, 2024 with a deadline for proposals to be submitted on October 23, 2024; and

WHEREAS, three qualifications were received and publicly opened; and

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

WHEREAS, the Township Attorney has recommended award should be made to the following firm:

Taylor Law Group LLC
430 Mountain Ave, Suite 103, New Providence NJ 0974

NOW THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that a contract for Labor Attorney be awarded to Taylor Law Group LLC, 430 Mountain Ave, Suite 103, New Providence NJ 0974, on the basis of their response to the request for proposal selection criteria and qualifications, for an amount not to exceed \$100,000.00. The provider will be paid \$8,333.33 per month for all labor negotiations, general consultation, grievance and arbitrations. Litigation matters shall be assigned under a separation resolution. This contract is for one year from November 26, 2024 until November 27, 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, certification number C24-0081 for one month of services was obtained from the Chief Financial Officer and the appropriation to be charged for this expenditure is 4-01-20-155-155-256 in the amount of \$8,333.33 and the remaining balance of \$91,666.67 will be certified on the adoption of the Calendar 2025 budget.

Adopted

Cox – Brown 12. Authorize a Contract for Redevelopment Counsel for Calendar Year 2025 –
McManimon, Scotland & Baumann, LLC - Not to Exceed \$75,000.00

CONTRACT FOR REDEVELOPMENT COUNSEL FOR CALENDAR YEAR 2024

WHEREAS, the Request for Proposals for professional redevelopment service was publicly advertised in the New Jersey Star Ledger on October 29, 2024 with a deadline for proposals to be submitted on November 13, 2024; and

WHEREAS, one qualification was received and publicly opened; and

WHEREAS, said qualification was referred to the Township Attorney; and

WHEREAS, the qualification satisfied the RFP requirement; and

WHEREAS, the Township Attorney has recommended the award should be made to the following firm:

McManimon, Scotland & Baumann, LLC
75 Livingston Ave, Second Floor, Roseland, NJ 07068

NOW THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that a contract for redevelopment services be awarded to McManimon, Scotland & Baumann, LLC, 75 Livingston Ave, 2nd Floor, Roseland, NJ 07068 on the basis of their response to the request for proposal meeting the selection criteria and qualifications, for an amount not to exceed \$75,000.00 and escrow related work will be billed to escrows on file as per escrow agreements for the calendar year 2025 (January 01, 2025 – December 31, 2025);and

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

BE IT RESOLVED that the required Certification of Availability of Funds number C24-0153 in the amount of \$5000.00 has been obtained from the Chief Financial Officer charge to account number 4-01-20-155-155-256 and the remaining balance will be of funds will be certified upon the adoption of the 2025 budget or charged to escrow account.

Adopted

Hudley – Vauss, Jr. 13. Ratify a Professional Services Contract for Litigation/Defense Counsel Services – Antoine Law Firm - Not to Exceed \$5,000.00

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

WHEREAS, resolution number TA 24-1112-39 qualified seven firms to provide litigation/defense counsel services for the Township of Irvington from November 01, 2024 until October 31, 2025; 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 Antoine Law Firm has the most experience to defend the Township of Irvington in the matter of Christina Pierre v. Uber Technologies, Inc. et al, Docket no. ESX-L-6437-23; and

WHEREAS, the Township Attorney has recommended that a contract be awarded to Antoine Law Firm , 52 Underwood Street, #1, 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 Antoine Law Firm, 52 Underwood Street, #1, 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 be paid from the Insurance fund for a contract amount not to exceed \$5,000.00. The billing rate for this contract is \$150.00 per hour.

Adopted

~~14. Authorize Purchases Under the Essex County Co-Op of New Jersey Cooperative Purchasing Program Over the Bid Threshold of \$44,000.00 – Advanced Enterprises Recycling DBA Dart – Not To Exceed \$650,000.00~~
[12-23-24 REMOVED BY QPA HEADLEY]

**AUTHORIZING PURCHASES UNDER THE ESSEX COUNTY CO-OP OF
NEW JERSEY COOPERATIVE PURCHASING PROGRAM OVER THE
BID THRESHOLD OF \$44,000.00**

WHEREAS, the Township of Irvington, pursuant to N.J.S.A. 40A: 11-12(a) 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 Essex County Cooperative Purchasing Program on behalf of their members; and,

WHEREAS, Essex County Co-op has awarded solid waste transfer fee for type 13 solid waste to Advanced Enterprises Recycling DBA Dart; and,

WHEREAS, Advanced Enterprises Recycling DBA Dart located at 540 Doremus Ave Newark, NJ 07105 will exceed the bid threshold of \$44,000.00 for calendar year 2025; and

WHEREAS, based on the estimated tonnage, the total amount that will be paid to this vendor is an amount not to exceed \$650,000.00 for the year; and

WHEREAS, the Township of Irvington intends to enter into this contract with Advanced Enterprises Recycling DBA Dart over the bid threshold of \$44,000.00 through this resolution and properly executed purchase orders for disposal of type 13 solid waste for an amount not to exceed \$650,000.00.

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of Irvington authorizes the purchasing agent to pay this vendor over the bid threshold of \$44,000.00 pursuant to all the conditions of Essex County Co-op contract; and

BE IT FURTHER RESOLVED, that the total payments to this vendor for calendar year 2025 shall not exceed \$650,000.00

BE IT FURTHER RESOLVED that the duration of this authorization shall be until December 31, 2024

BE IT FURTHER RESOLVED that the required certification of availability of funds, C24-0157 in the amount of \$200,000.00 was obtained from the Chief Financial Officer from account number 4-

01-32-465-465-118 and the remaining balance of \$450,000.00 will be certified upon the adoption of the 2025 budget.

BE IT FURTHER RESOLVED a separate resolution will be submitted to the Municipal Council for all addition vendors exceeding the bid threshold of \$44,000.00.

Frederic – Brown 15. Authorize Purchases Under the Morris County Cooperative Purchasing Program Over The Bid Threshold Of \$44,000.00 - Continental Trading and Hardware - Not to Exceed \$290,000.00

**AUTHORIZING PURCHASE UNDER THE MORRIS COUNTY
COOPERATIVE PURCHASING PROGRAM
OVER THE BID THRESHOLD OF \$44,000.00**

WHEREAS, the Township of Irvington, pursuant to N.J.S.A. 40A:11-12(a) 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 Morris Cooperative Purchasing Program and,

WHEREAS, the Township of Irvington has the need on a timely basis to purchase goods or services utilizing Morris Cooperative Purchasing Program contracts; and

WHEREAS, Continental Trading and Hardware, Morris County Coop Contract number 10 for Lumber, Insulation, hardware and paint will exceed the bid threshold of \$44,000.00 for calendar year 2024:-

WHEREAS, the Township of Irvington intends to enter into contracts with Morris County Co-op contract vendors over the bid threshold of \$44,000.00 through this resolution and properly executed purchase orders for an amount not to exceed \$290,000.00 for calendar year 2024, which shall be subject to all the conditions applicable to current Co-op contracts.

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of Irvington authorizes the purchase of certain goods and services from Continental Trading and Hardware for an amount not to exceed \$290,000.00 for calendar year 2024, pursuant to all terms and conditions of the contract; and

BE IT FURTHER RESOLVED by the Township Council that, pursuant to the N.J.A.C. 5:30-5.5(b), the certification of available funds and resolutions shall be certified at such time as the goods or services are called for prior to placing the order for good or service in excess of \$44,000.00, and a certification of availability of funds is made by the Chief Financial Officer via an authorized purchase order; and

BE IT FURTHER RESOLVED that the duration of this authorization shall be until December 31, 2024

BE IT FURTHER RESOLVED a separate resolution will be submitted to the Municipal Council for all addition vendors exceeding the bid threshold of \$44,000.00.

Adopted

Cox – Brown 16. Authorize Purchases Under the Morris County Cooperative Purchasing Program Over The Bid Threshold Of \$44,000.00 - FFI Apparatus LLC

**AUTHORIZING PURCHASES UNDER THE STATE OF NEW JERSEY COOPERATIVE
PURCHASING PROGRAM
OVER THE BID THRESHOLD OF \$44,000.00**

WHEREAS, the Township of Irvington, pursuant to N.J.S.A. 40A:11-12(a) 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 for any State contracts entered into on behalf of the State by the Division of Purchase and Property in the Department of Treasury; and,

WHEREAS, the Township of Irvington has the need on a timely basis to purchase goods or Services utilizing State contracts; and

WHEREAS, the list of vendors below will exceed the bid threshold of \$44,000.00 for calendar year 2024:-

Name of Vendor	State Contract Number	Commodity	Amount
FFI Apparatus LLC	T0790	Fire Supplies	\$97,000.00

WHEREAS, the Township of Irvington intends to enter into contracts with State contract vendor over the bid threshold of \$44,000.00 through this resolution and properly executed purchase orders, which shall be subject to all the conditions applicable to current State contracts.

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of Irvington authorizes the purchase of certain goods and services from those approved New Jersey State contract vendors over the bid threshold of \$44,000.00, pursuant to all the conditions of the individual State contracts; and

BE IT FURTHER RESOLVED by the Township Council that, pursuant to the N.J.A.C. 5:30-5.5(b), the certification of available funds and resolutions shall be certified at such time as the goods or services are called for prior to placing the order for good or service in excess of \$44,000.00, and a certification of availability of funds is made by the Chief Financial Officer via an authorized purchase order; and

BE IT FURTHER RESOLVED that the duration of this authorization shall be until December 31, 2024

BE IT FURTHER RESOLVED a separate resolution will be submitted to the Municipal Council for all addition vendors exceeding the bid threshold of \$44,000.00.

Adopted

Frederic – Brown 17. Resolution of Commemoration - Haitian Independence Day, 2025

COMMEMORATING HAITIAN INDEPENDENCE DAY, 2025

WHEREAS, January 1, 2025 marks the anniversary of the independence of Haiti; and

WHEREAS, on January 1, 1804 the nation of Haiti was born when the native Haitians chased the mighty army of Napoleon out of the country in a bloody battle; and

WHEREAS, as a result Haiti ended up being the first black independent country in the whole hemisphere and an inspiration for many other countries; and

WHEREAS, it is well known that Haiti fought for many countries before as well as after its independence; and

WHEREAS, in particular, a special battle that is unfortunately not well known was entitled the "Siege of Savannah" and as a result a monument was erected in Savannah in remembrance of these courageous Haitian soldiers including a Haitian teenage boy drummer, Henri Christophe, who later became president and built the famous Citadelle in the Cap Haitien; and

NOW, THEREFORE, BE IT RESOLVED THAT THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON hereby commemorates January 1, 2025 as Haitian Independence Day in the Township of Irvington; and

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

Adopted

Frederic – Brown 18. Resolution Of Commendation - Savannah Savary in Commemoration of Haitian Independence Day, 2025

**SAVANNAH SAVARY
RESOLUTION OF COMMENDATION
IN COMMEMORATION OF HAITIAN INDEPENDENCE DAY, 2025**

WHEREAS, Savannah Savary was born in Port-au-Prince, Haiti. She studied at Collège Marie-Anne and studied economics at the Faculty of Law and Economics in Port-au-Prince. An entrepreneur, she is the leading producer of sugar cane in the West department. It is committed to the supervision and grouping together in federation by commune and then by department, of planters' associations, for a consolidation of national agriculture through promising projects aimed at food self-sufficiency and wealth creation. It encourages and promotes the emancipation of Haitian women through the support of disadvantaged women's communities, particularly in rural areas. She has worked to bring together women's associations, federations and platforms from all over the country into a national confederation. In working and reflection sessions, she meets in all the departments of the country, from the rural areas that are the most difficult to access to the large cities, men and women with a degree of human and patriotic awareness, allowing them to accurately assess the difficult impasse in which the Haitian people find themselves. Solicited by popular organizations, she gave voluntary educational lectures followed by debates designed especially for disadvantaged young people and aimed at awakening the luminous consciousness that would lead to the conception of another country. It offers free writing workshops, to encourage young people in humanitarian classes and academics to persevere in creative writing, journalistic writing and scientific writing. A cultural specialist, she teaches culture and heritage courses in her fourth year of university, to instill in the next generation a sense of belonging and pride in being Haitian; and

WHEREAS, since 2009, Savannah Savary has published numerous articles in the daily newspaper Le Nouvelliste, in the sections on environment, society, culture and politics. She lets her patriotic rage explode,

her citizen anger against the ruthless predators of the Haitian nation. His texts weave together in a harmonious crossbreeding, judgments and remarks of a social, economic, political and historical nature. His contributions to provocative titles and his judgments earned him the title of "Scalpel du Nouvelliste" by a colleague. It publishes in the newspaper Le National, 401 invocations, committed prayers, advocating the rebirth of the Empire of James 1st through the will, action and determination of citizens; and

WHEREAS, the writer immortalizes the journey of others, in profiles, biographies and breviaries of personalities. She specializes in writing the history of Haitian companies with more than fifty years of existence. She has covered social, literary, artistic and social events for Le Nouvelliste over the years. She sometimes does major fashion reports such as Haiti Fashion Week. Contributing Writer to the Makaya Art and Architecture Magazine. Editor at Large of the Magazine Rebelle; and

WHEREAS, she is the creator and presenter of television programs on Télé Pacific and the radio program, Ayiti nou pa konnen an, on Radio Télé Éclair. The Ayiti nou dwe konnen, a program, is the latest of her projects in an educational approach for the construction of the new Haitian being; and

WHEREAS, interested in the vestiges of the colonial era, Savannah Savary continues to deepen the facts related to the history of Santo Domingo. In 2018, the author published a collection of historical-erotic short stories, Miel et rapadou, a first for Haitian literature. Under his pen, a great historical-poetic work took shape around this complex period, straddling the decline of the French colonial empire, Saint-Domingue, and the birth of a new state, Haiti. A real saga whose first title: La Page à l'envers, takes place in Islet Saint-Louis du Sud in 1747 and through a young Creole possessed by Brave Gede Nibo, it brings Vodou and Roman Catholicism face to face. The second title, Three Cherries for a Life, takes the reader to the Chaîne des Matheux, on the coffee road, to the times of economic apogee foreshadowing the troubles that will culminate in 1791; and

WHEREAS, through a panoply of mediums, in a continuous process of exploration of the mysterious link connecting us to the Divine, Savannah Savary's first jewelry pieces were created in 2012 to satisfy a passion for the alliance of metal, pearls and semi-precious stones. Her brand, Bijoux Kiskéia, highlights Taino Art and Vodou concepts, with notes from the Orient for a unique artistic sublimation of this complex heritage; and

WHEREAS, Savannah Savary is a founding member and vice-president of the League of Haitians in the Diaspora (LHD), a group of citizens who dream of a Haiti with development infrastructure and a critical mass of trained workforce, to invite and encourage investors, particularly Haitians in the diaspora, to participate in the development process while taking advantage of the country's major assets. LHD's vision is to create a circle of unity that breaks the chain of division and mistrust between nationals living abroad and those at home, to form a common front around an Idea-Nation project. LHD's mission is to bring together Haitians in the diaspora by area of origin and federate the different groups of the same origin around common projects with local interlocutors gathered in an organization, investment portfolios to build economic power, create wealth and ensure sustainable growth proven by tangible and measurable social progress; and

WHEREAS, Savannah Savary is the president of the Savary Foundation for Hayti. Created in 2019, the foundation places at the heart of its action the integrated development of rural areas across the ten departments of the Republic of Haiti, through the provision of technical, training, educational assistance, and human and financial resources support to disadvantaged populations. It brings together a multidisciplinary team working in different fields of interest, professionals dedicated to the realization of its vision, these

experts will succeed only with the support and participation of the consistent actors of our Republic and of true friendly countries; and

WHEREAS, on September 1, 2020, the Savary Foundation for Hayti launched the development work on the site of its project "Cafeteria Kérenscoff and its Lakou Sciences and Traditions", a space for the revalorization, appreciation and appropriation of Haitian ancestral and cultural traditions, in relation to their Amerindian, Phoenician, European and African roots, a space for research and teaching, Education and Promotion Centre, a centre for the popularisation of a complex cultural and cultural heritage, according to a concept unique to the Caribbean and the rest of the world. The Foundation's credo "Through my culture, I will conquer all the impossible" sums up a strong spirit, organized around the powerful Haitian culture, potoman of the next generation of the country of the Libertarian Maroons, according to the vision of Jacques Empereur 1st d'Hayti of a dignified and sovereign country:

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that the Township of Irvington commends and applauds the many achievements of Savannah Savary commemoration of Haitian Independence Day; and

BE IT FURTHER RESOLVED that a copy of this resolution be spread upon the minutes of this Governing Body as a lasting tribute to Savannah Savary.

Adopted

Frederic – Vauss, Jr. 19. Authorize Sewer Amnesty to the Irvington Housing Authority on Block 283, Lot 2, also known as Camptown Gardens in the amount of \$1,222,947.75

RESOLUTION

SEWER AMNESTY; BLOCK 283 LOT 2, CAMPTOWN GARDENS

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

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

WHEREAS, the Irvington Housing Authority, owner of record of Block 283 Lot 2, also known as Camptown Gardens, Municipality of Irvington, is desirous of satisfying, principal only, on sewer 2013 – 2024 delinquencies via sewer amnesty in the amount of \$1,211,627.71; and

WHEREAS, the Township will waive the outstanding penalties and interest in the amount of \$1,222,947.75 as of January 31, 2025.

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

1. Applies to all real property, except those properties where foreclosure complaints have been filed by or on behalf of the Township;

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2. While there will be no waiver of any principal due, all accrued penalty and interest as of January 31, 2025 will be waived;

Adopted

Frederic – Vick 20. Authorize Transfers of Funds in CY 2024 Municipal Budget

**TOWNSHIP OF IRVINGTON
APPROPRIATIONS TRANSFER
RESOLUTION
CY - 2024**

#1

<u>Within "CAP"</u>	<u>Accounts</u>	<u>From</u>	<u>To</u>
Mayor Office S&W			75,296.17
Planning Board S&W			4,310.00
Council S & W			1,336.83
Township Attorney S & W			90,000.00
Central Purchasing S&W			23,910.00
Police Dept S&W			2,029,200.00
Fire Dept S&W			111,970.00
Street & Sewers S&W			149,500.00
Motorized Equip. S&W			22,200.00
Public Buildings (DPW) S&W		-	61,900.00
Shade Tree S&W			42,060.00
Community Dev & Planning S&W			1,617.00
Park Maintenance S & W			125,420.00
Mayor Office O&E		17,000.00	
Neighborhood Services S& W		126,500.00	
Neighborhood Services O&E		5,000.00	
Planning Board O&E		4,310.00	

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Emergency Management S & W	20,700.00	
Board Of Adjustments	7,500.00	
Tax Assessor O&E	3,920.00	
The BA Office S&W	4,660.00	
The BA Office O&E	75,000.00	
Police Dept O&E	20,000.00	
School Guards S&W	128,000.00	
Chaplins S & W	3,000.00	
Fire Depart S & W	18,000.00	
Finance Depart S&W	15,000.00	
Finance Depart O&E	-	30,000.00
Tax Collector O&E	5,000.00	
Licenses S&W	69,030.00	
Licenses O&E	5,000.00	
Engineering S&W	74,000.00	
Engineering O&E	50,000.00	
Land Refuse	270,000.00	
Street & Sewers O&E	25,000.00	
Snow Removal S&W	90,000.00	
Snow Removal O&E	90,000.00	
Public Buildings (DPW) O&E	2,000.00	
Shade Tree O&E	2,000.00	
Health Admin O&E	5,000.00	
Environmental Health O&E	10,000.00	

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Nursing O&E	2,000.00
Community Dev & Planning O&E	9,100.00
Park Maintenance O&E	35,000.00
Recreation S&W	27,500.00
Recreation O&E	32,000.00
Senior Citizens S&W	56,000.00
Senior Citizens O&E	5,000.00
Municipal Pool S&W	31,000.00
Municipal Pool O&E	15,000.00
Building Construction	20,000.00
Municipal Court S&W	95,000.00
Public Defender S&W	11,000.00
Public Defender O &E	4,500.00
Social Security	580,000.00
DCRP	50,000.00
State Unemployment	300,000.00
Electric	125,000.00
Telephone	40,000.00
Fire Hydrants	155,000.00

SUB-TOTAL INSIDE CAPS	2,738,720.00	2,738,720.00
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OUTSIDE CAPS:

	-	-
SUB-TOTAL OUTSIDE CAPS	-	-

GRANT TOTAL	<u>2,738,720.00</u>	<u>2,738,720.00</u>
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Adopted

Frederic – Vick 21. Cap Annual Sewer User Charge for 2025

Resolution to Cap Annual Sewer User Charge for Irvington Township

WHEREAS, the Joint Meeting of Essex and Union County Sewer Commission has forwarded a schedule of assessments to the Chief Financial Officer covering domestic and industrial unit sewer user charges; and

WHEREAS, the Chief Financial Officer has analyzed the said schedule and costs of collection attached thereto; and

WHEREAS, the Irvington Municipal Council wishes to cap any additional yearly charges for the domestic unit user for 2025; and

WHEREAS, the annual sewer charge is due March 1st of each year;

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that the Tax Collector, Supervisor of Sewer User Charges, be and is hereby limited to a \$20.00 increase for 2025.

Adopted

Vick – Beasley 22. Correct 2024 Added Assessments on Multiple Parcels Owned By Twenty First Redevelopment LLC

Resolution to Correct 2024 Added Assessments on Multiple Parcels

WHEREAS, Twenty First Redevelopment LLC, was the buyer of various Township owned properties, sold by Resolution OCDP 23-0911-25; dated September 11, 2023; and

WHEREAS, title was not delivered until January 29, 2024.

WHEREAS, Twenty First Redevelopment LLC was over assessed by one month on the properties detailed on the chart below.

WHEREAS, the Irvington Tax Assessor erroneously assessed the properties for 12 months with an Added Assessment instead of 11 months for the year 2024; and

WHEREAS, the Tax Assessor desires to cancel the prorated overbilled tax assessment on the “Properties” as detailed in the chart below:

<u>Successful Bidder</u>	<u>Block</u>	<u>Lot</u>	<u>Property Address</u>	<u>Prorated Overbilled Tax Assessment</u>
TWENTY FIRST RDVLPMT LLC	144	5	115 19TH AVE..	\$ 833.33
TWENTY FIRST RDVLPMT LLC	144	6	113 19TH AVE.	\$ 800.00
TWENTY FIRST RDVLPMT LLC	144	10	10 NELSON PL.	\$ 625.00
TWENTY FIRST RDVLPMT LLC	144	11	12 NELSON PL	\$ 633.33
TWENTY FIRST RDVLPMT LLC	144	12	14 NELSON PL.	\$ 625.00
TWENTY FIRST RDVLPMT LLC	145	3	366 21ST ST.	\$ 608.33
TWENTY FIRST RDVLPMT LLC	145	6	360 21ST ST.	\$ 633.33
TWENTY FIRST RDVLPMT LLC	145	8	356 21ST ST.	\$ 633.33
TWENTY FIRST RDVLPMT LLC	145	11	350 21ST ST.	\$ 583.33
TWENTY FIRST RDVLPMT LLC	146	1	10 20TH AVE.	\$ 500.00
TWENTY FIRST RDVLPMT LLC	146	3	367 21ST ST.	\$ 1,175
TWENTY FIRST RDVLPMT LLC	146	4	365 21ST ST.	\$ 1,175
TWENTY FIRST RDVLPMT LLC	146	6	361 21ST ST.	\$ 1,175
TWENTY FIRST RDVLPMT LLC	146	11	349 21ST ST.	\$ 1,925
TWENTY FIRST RDVLPMT LLC	146	12	13 NELSON PL.	\$ 1,925
TWENTY FIRST RDVLPMT LLC	147	1	28-30 20TH AVE	\$ 642.00
TWENTY FIRST RDVLPMT LLC	147	2	58 22ND ST.	\$ 558.33
TWENTY FIRST RDVLPMT LLC	147	3	62 22ND ST.	\$ 875.00
TWENTY FIRST RDVLPMT LLC	147	6	72 22ND ST.	\$ 625.00
TWENTY FIRST RDVLPMT LLC	147	7	74 22ND ST.	\$ 625.00

<u>Successful Bidder</u>	<u>Block</u>	<u>Lot</u>	<u>Property Address</u>	<u>Prorated Overbilled Tax Assessment</u>
TWENTY FIRST RDVLPMT LLC	147	8	78 22ND ST.	\$ 841.66
TWENTY FIRST RDVLPMT LLC	147	9	82-84 22ND ST.	\$ 825.00
TWENTY FIRST RDVLPMT LLC	147	10	86 22ND ST..	\$ 825.00
TWENTY FIRST RDVLPMT LLC	147	16	137 19TH AVE. 131-133 19TH AVENUE	\$ 625.00
TWENTY FIRST RDVLPMT LLC	147	18		\$ 833.33
TWENTY FIRST RDVLPMT LLC	147	19	129 19TH AVE.	\$ 625.00
TWENTY FIRST RDVLPMT LLC	147	24	335-337 21ST ST.	\$ 833.33
TWENTY FIRST RDVLPMT LLC	147	27	1 STANDARD PL..	\$ 650.00
TWENTY FIRST RDVLPMT LLC	147	28	3 STANDARD PL.	\$ 600.00
TWENTY FIRST RDVLPMT LLC	147	29	5 STANDARD PL.	\$ 733.33
TWENTY FIRST RDVLPMT LLC	147	30	9 STANDARD PLACE	\$ 733.33
TWENTY FIRST RDVLPMT LLC	147	34	19 STANDARD PL..	\$ 733.33
TWENTY FIRST RDVLPMT LLC	147	40	26 20TH AVE.	\$ 625.00
<u>Amount to be canceled \$26,658.62</u>				

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON, COUNTY OF ESSEX, STATE OF NEW JERSEY that the Township of Irvington Tax Assessor and Tax Collector are authorized and directed to cancel the erroneous 2024 Added assessments for one month on the “Properties.”

Adopted

10. COMMUNICATION AND PETITIONS

A. Communications

1. NJ State League of Municipalities – 2023-2024 Legislative Bulletin No. 2

11. PENDING BUSINESS

None

NON-CONSENT AGENDA

9. RESOLUTIONS AND MOTIONS (Continued)

A. Resolutions

Cox – Brown	23. Authorize Contract Extension for the Lease of Office Space at 660 Stuyvesant Avenue - January 1, 2025 until June 30, 2025 - \$4,000.00 Per Month for an Amount Not to Exceed \$24,000.00
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CONTRACT EXTENSION FOR THE LEASE OF OFFICE SPACE

WHEREAS, resolution number DA 23-0612-16 authorized a contract for Lease of Office Space which expired on June 30, 2024; and

WHEREAS, resolution number DA 24-0624-16 authorized a six months extension of this lease until December 31, 2024; and

WHEREAS, the Township is negotiating a contract with a Business Owner to purchase an office building to relocate offices; and

WHEREAS, the Township needs an additional six months to complete the sale and renovation of the office building; and

WHEREAS, the vendor has agreed to extend the existing agreement for six months; and

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WHEREAS, it would be in the Township's best interest to extend the existing agreement for six months as recommended by the Administration; and

NOW, BE IT HEREBY RESOLVED by the Township of Irvington, Essex County, New Jersey that the following contract be extended for six months, starting on January 01, 2025 until June 30, 2025 with The BSR Group LLC of 660 Stuyvesant Ave, Irvington, NJ 07111 for \$4000.00 per month for an amount not to exceed \$24,000.00; and

BE IT FUTHER RESLOVED, that the required certification of availability of funds will be certified upon the adaptation of the 2025 budget.

BE IT FURTHER RESOLVED that the Township Attorney is directed to prepare the appropriate contracts and the Mayor and the Township Clerk be and the same are hereby authorized to execute said contract with the above listed company.

Adopted
Abstained: Beasley

Frederic – Brown 24. Re-Appointments - Zoning Board of Adjustment - Omar Bilal, Annette Beasley and Edouard Latonnelle

WHEREAS, vacancies exist in the Membership of the Zoning Board of Adjustment due to the expiration of the terms of some of its members:

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that the following named persons are hereby re-appointed as members and alternate members of the Zoning Board of Adjustment for terms as indicated below:

NAME	TYPE OF MEMBER	TERM TO EXPIRE
Omar Bilal	REGULAR	12-10-28
Annette Beasley	REGULAR	12-10-28
Edouard Latonnelle	REGULAR	12-10-28

Adopted
Abstained: Beasley

12. MISCELLANEOUS

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

Robert Shaw, 57 Coit Street
Elouise McDaniel, 214 Nesbit Terrace
Samuel Cherlius, 90 40th Street

Jason Dalphine, 60 41 Street

Council Member Brown, Council Member Cox, Council Member Dr. Hudley, Council Member Vauss, Jr. and Council Member Vick thanked the participants for attending the meeting and wished them a happy holidays. Council Member Dr. Frederic invited the attendees to the Haitian Independence Day event on January 1, 2025. Council President Beasley addressed the concerns raised by the above referenced citizens and provided closing remarks.

13. ADJOURNMENT (*Roll Call)

There being no further business, the meeting adjourned at 8:02 P.M.

Jamillah Z. Beasley, Council President

Shawna M. Supel, Municipal Clerk