

TOWNSHIP OF IRVINGTON



MUNICIPAL COUNCIL MEETING MINUTES APRIL 14, 2025 7:30 PM

Join Zoom Meeting: <https://us02web.zoom.us/j/88146888099>
Webinar ID: 881 4688 8099

One tap mobile
US: +13126266799,,88146888099#
+16469313860,,88146888099#

Members of the public who would like to attend the meeting and offer public comment, you must sign up via the registration link:

https://us02web.zoom.us/webinar/register/WN_ACMvimQTRfSo_UeZWXXKyIQ

Appointments

Virtual - Zoom Meetings
Administration

1. PLEDGE OF ALLEGIANCE

2. MOMENT OF SILENCE

3. ROLL CALL

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

No public members requested to be heard.

5. HEARING OF COUNCIL MEMBERS

No Council Members requested to be heard.

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

A. Reports

1. Keyboarding Clerk III Shekenna Brown – Report of the March 17, 2025 Legal Committee Meeting
2. A/INIC Director Josie Monel – Report of the March 19, 2025 Grants Committee Meeting
3. Community Development Executive Assistant Attiya Pennix – Report of the March 19, 2025 Redevelopment Committee Meeting
4. Business Administrator Musa A. Malik, Esq. – Report of the March 20, 2025 Cannabis Committee Meeting
5. Business Administrator Musa A. Malik, Esq. – Report of the March 20, 2025 Finance Committee Meeting
6. A/Municipal Court Director/Court Administrator Deshanaye Alexander-Sanders - Weekly Summary Report for the Week of March 17, 2025, to March 21, 2025
7. A/Municipal Court Director/Court Administrator Deshanaye Alexander-Sanders - Weekly Summary Report for the Week of March 24, 2025, to March 28, 2025
8. Joint Meeting – Second Quarter Assessment, 2025
9. Community Development Executive Assistant Attiya Pennix – Report of the April 2, 2025 Redevelopment Committee Meeting
10. Essex County Bd of Taxation - Resolution Ration of Assessed to True Value of Real Property, Calendar Year 2025
11. A/Municipal Court Director/Court Administrator Deshanaye Alexander-Sanders - Weekly Summary Report for the Week of March 31, 2025, to April 4, 2025

7. REPORTS OF COMMITTEES

- A. Bid – March 19, 2025 – Three Surveillance Camera Trailers
- B. Request for Proposals – March 19, 2025 – Municipal Auditor, Special Investigation Counsel and Bond Counsel
- C. Bid – March 26, 2025 – Irvington Public Library Chiller Replacement
- D. Request for Proposals – March 26, 2025 – Promoter and Musical Management Consultant for Opioid Concert

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

8. ORDINANCES, BILLS & CLAIMS

A. Ordinances on First Reading

- Vick – Brown 1. An Ordinance 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 APRIL 24, 2025]
[PUBLIC HEARING AND FINAL ADOPTION – MAY 24, 2025 MUNICIPAL COUNCIL MEETING]

AN ORDINANCE AMENDING MC 3832 TO REGULATE CANNABIS IN THE TOWNSHIP OF IRVINGTON

§ 650-47.1

CANNABIS OPERATORS

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

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

CANNABIS ESTABLISHMENTS PERMITTING; RULES AND REGULATIONS Purpose.

- A. This chapter titled “Cannabis Establishments” is created and added to the general ordinances of the municipal code of Irvington for the purpose of establishing local permitting requirements and regulating the operations of cannabis establishments with respect to the cultivation, manufacturing, wholesale, distribution, retail, delivery, use and consumption of recreational cannabis and cannabis Items in the township in accordance with the provisions of the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act (the “Act”), any supplements and amendments thereto, and in accordance with the rules and regulations promulgated or to be promulgated by the New Jersey Cannabis Regulatory Commission (the “CRC”), and in accordance with the rules and regulations of the township not inconsistent with the Act or the rules and regulations of the State of New Jersey. The regulations of this ordinance are subject to the enabling authority of the state pursuant to N.J.S.A., 24:6I-45 and are subject to compliance with all statutes and regulations adopted by the state or its instrumentalities, including the CRC. If any provision of this ordinance is inconsistent with state statutes or any regulations thereof, the state statutes and regulations shall prevail. General Provisions.
- B. Prior to the operation of any Cannabis Establishment in the Township, a conditional License must be obtained from the state pursuant to the Act and a permit must be obtained from the Township pursuant to this chapter for the particular class of operation being conducted.
- a. The Township of Irvington shall have an application process for the Cannabis License approval from the Township and by completing and submitting said application for consideration each applicant is certifying that it has:

- i. Applicant's name, principal address, telephone number, email address, contact name and title;
 - ii. Class of License sought; Proposed site location with evidence of site control or plans to obtain site control, floor plan(s), and a brief statement of suitability of the site for operation as a Cannabis Establishment;
 - iii. Certification that applicant has reviewed the city's zoning ordinances and that to the best of applicant's knowledge the proposed site location meets the requisite zoning applicable to the location for the class of License sought either on a permitted use or conditional use basis and, if permitted on a conditional use basis, the reasons why the city should grant the applicant a variance;
 - iv. Any prior experience owning, operating or working in cannabis establishments, or in other highly regulated industries such as pharmaceuticals, banking and insurance;
 - v. Brief description of security plan that specifically addresses proposed onsite security and surveillance, diversion prevention and emergency management;
 - vi. Brief description of nuisance mitigation plan that specifically addresses proposed plans to address noise, odor, waste disposal and vehicular congestion mitigation;
 - vii. Brief description of community impact plan summarizing how the applicant intends to have a positive impact on the community in which the proposed cannabis establishment is to be located; applicant's ties to the proposed host community (including the percentage of owners, if any, that are residents of the city or a municipality bordering the city); and which shall include an economic impact plan and a description of community outreach activities;
 - viii. Brief description of workforce development and job creation plan ensuring that 35% or more of the applicant's workforce will come from city residents; and which may include information on the applicant's history of job creation or planned job creation at the proposed cannabis establishment; education, training and resources to be made available for employees; any relevant certifications, and an optional diversity plan;
 - ix. A written description of the applicant's record of social responsibility, philanthropy, and ties to the proposed host community;
 - x. Any other information, consistent with state licensing and city permitting requirements, which the Board requests; and
 - xi. Any other information, consistent with state licensing requirements, which the applicant wishes for the city to consider in reviewing its Proposal.
- C. Denials. Applicants who are denied local support will have thirty (30) days within which to correct any deficiency cited in the city's denial letter and to resubmit an amended Proposal. The Board will then have up to thirty (30) days from receipt of the amended Proposal within which to review the amended portions of applicant's Proposal. At the conclusion of this review period, the city will once again issue a written determination either approving or denying applicant's request in the form and manner prescribed in §265-5(C) above. There is no limitation on the number of times an applicant may resubmit amended Proposals for reconsideration by the Board. However, the times prescribed for resubmission and review herein shall remain in effect during each review period. G. Fees. A non-refundable, administrative fee of \$200 shall be submitted with each Proposal and amended Proposal submitted to the Board for review.

- D. Following receipt of a conditional approval from the state and approval of a Cannabis License from the Township of Irvington, the applicant must obtain a Zoning Determination from the Department of Housing and Building Construction and/or Community Development.
 - a. Zoning Generally. Cannabis Establishments shall only be permitted to operate in zoning districts within the Township that specifically allow for such class of operation as a permitted use or a conditional use. If a zoning district within the 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 WHOLESALER

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

CANNABIS CULTIVATOR (GROWER)

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

CONSUMER

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

CONSUMPTION

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

CREAMMA

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

DELIVERY

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

HONIG ACT

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

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	\$10,000.00	\$5,000.00
Manufacturer	\$10,000.00	\$10,000.00	\$7,500.00
Grower	\$10,000.00	\$10,000.00	\$7,500.00
Distributor	\$10,000.00	\$10,000.00	\$7,500.00
Distributor	\$10,000.00	\$10,000.00	\$7,500.00
Delivery Service	\$10,000.00	\$10,000.00	\$5,000.00
Micro Retailer	\$5,000.00	\$5,000.00	\$2,500.00

(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.

(10) The Township hereby caps all license classes at no more than 2 operators per license type within the boundaries of the Township.

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. Conditionally Permitted and Permitted zone districts.

i. 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) 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

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

)

ii. Cannabis Delivery businesses and off-site Cannabis office spaces shall be permitted uses in the following districts B-1, B-2, B-3 and B-4 so long as they operate consistent with statute and code and in accordance with CRC regulations.

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.
 - d.

Adopted

Vick – Hudley 2. An Ordinance Allowing Residential Permit Parking on Lehigh Place (Entire Length) from 6:00 PM to 6:00 AM, Seven Days a Week

AN ORDINANCE PROVIDING RESIDENTIAL PARKING PERMITS ON LEHIGH PLACE (ENTIRE LENGTH), SEVEN DAYS A WEEK, 6:00 PM TO 6:00 AM.

WHEREAS, the Township of Irvington has received concerns from its residents concerning the availability of resident parking on Lehigh Place (Entire Length), seven days a week, from 6:00 PM to 6:00 AM; and

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

NOW, THEREFORE, BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that parking shall be restricted and a parking permit required for residents of Lehigh Place (Entire Length), seven days a week, from 6:00 PM to 6:00 AM.

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

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

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

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

Adopted

~~3. An Ordinance Amending and Supplementing Chapter 650, Titled “Zoning”, to Amend 650-11. Titled “Restrictions.” and Article VIII Titled “Off-Street Parking and Loading” to Update Same~~

[REMOVED BY ADMINISTRATION 4-14-2025]

**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 AND SUPPLEMENTING
CHAPTER 650, TITLED “ZONING”, TO AMEND §650-11. TITLED “RESTRICTIONS.” AND
ARTICLE VIII TITLED “OFF-STREET PARKING AND LOADING” TO UPDATE SAME**

WHEREAS, the State of New Jersey, by enacting the Municipal Land Use Law (N.J.S.A. 40: 55d-1 et seq. ~ “MLUL”), permits municipalities to adopt and subsequently amend a zoning ordinance governing the nature and extent of the uses of land, buildings and structures within a municipality (N.J.S.A. 40:55d-62); and

WHEREAS, section 62 of the MLUL requires that a zoning ordinance be drawn “with reasonable consideration to the character of each district and its peculiar suitability for particular uses and to encourage the most appropriate use of land”; and

WHEREAS, the Township of Irvington (“Township”) first adopted a comprehensive zone plan in or about 1986; and

WHEREAS, Chapter 650, which as has been amended from time to time, is the current zone plan for the Township; and

WHEREAS, the Township Council via Resolution No. UEZ 15-0714-11, on July 14, 2015 has designated the entirety of the Township as an area in need of rehabilitation;

WHEREAS, the 2022 Master Plan Update further has the goal of improving the overall appearance of the Township;

WHEREAS, the 2022 Master Plan Update recommends maintaining housing that is affordable to all income levels;

WHEREAS, fences and private detached garages are not included in the zoning requirements therefore creating the need for variances;

WHEREAS, the variance process creates additional costs and slows down the development process for one and two-family residential dwellings;

NOW, THEREFORE, BE IT ORDAINED by the Township Council of the Township of Irvington, County of Essex, State of New Jersey, that Chapter 650 titled “Zoning” of the Township Code be and is hereby amended to revise the following §650-11. Titled “Restrictions.” and Article VIII Titled “Off-Street Parking And Loading”:

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

§ 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, except that parking on residential properties shall be permitted on designated parking areas, in a front yard with a Zoning Permit or Planning/Zoning Board approval. 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.⁶
 - (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 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 "dollar stores" within the boundaries of the Township of Irvington are hereby limited within a one-thousand-foot radius of any existing "dollar store."
[Added 6-14-2016 by Ord. No. MC 3576]
- S. All fences shall be setback 6 inches off the property line and comply with Chapter 294.

-
- 6. 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.**

ARTICLE VIII
Off-Street Parking and Loading

§ 650-32. Off-street parking regulations.

- A. Every use or activity constructed or created within the Township of Irvington subsequent to the passage of this chapter shall be accompanied by off-street parking space as defined within this chapter according to the requirements set forth below and shall be furnished with all necessary passageways and driveways.
- (1) All such space shall be deemed to be required space on the lot on which it is situated and shall not be encroached upon or reduced in any manner. Such space may be considered as yard area in meeting the requirements of the schedule.
 - (2) In the CBD Zoning District, for lots fronting on Springfield Avenue, Clinton Avenue, New Street, Nye Avenue (east of Lincoln Place), Union Avenue, and Washington Avenue, the following provisions shall apply:
 - (a) Any change of use and any renovation or reconstruction of an existing building that does not involve any increase in building footprint or floor area may be permitted, and no additional on-site parking spaces will be required.
 - (b) Any new development or any expansion of the building footprint or floor area of an existing building shall not be permitted unless the applicant can demonstrate that there are adequate, available parking spaces on the street, in public parking lots or garages, or in publicly accessible private lots within a walking distance of the main building entrance of 1,500 linear feet. The applicant must take into account the competing demand for available spaces from adjacent uses. The applicant must demonstrate that an adequate number of spaces will be available to serve all the proposed uses within the building on an average weekday between the hours of 12:00 noon and 2:00 p.m. and between the hours of 4:00 p.m. and 8:00 p.m., and on an average Saturday between the hours of 12:00 noon and 2:00 p.m.
 - (c) To the greatest extent practicable, no private garage doors, driveways, or parking lots shall front on these streets, in order to promote pedestrian safety and maintain the pedestrian activity that the retail businesses in those locations rely upon.
 - (3) All parking areas, passageways and driveways, except when provided in connection with one- or two-family residences, shall be surfaced with a concrete or bituminous concrete surface, clearly marked for car spaces, shall be adequately drained and maintained free of obstruction and snow, all subject to the approval of the Township Engineer.
- B. Additional off-street parking as required by this chapter shall not be required for any existing building or use unless said building shall be enlarged or extensively altered or if the use is changed, in which case off-street parking shall be provided up to the requirements of this section.
- C. Parking areas may be located in any yard space for uses in the industrial or residential districts and in any yard.
- D. The collective provisions of off-street parking areas by two or more buildings or uses located on adjacent lots is permitted, provided that the total of such facilities shall not be less than the sum required of the various buildings or uses computed separately, and further provided that the land upon which the collective facilities are located is owned or is leased for a minimum period of 10 years by one or more of the collective owners.

- E. All parking areas and appurtenant passageways and driveways serving commercial or industrial uses shall be illuminated during the hours between sunset and sunrise when the use is in operation. [See Ordinance No. MC 2492, Article X, Section 2C(7).⁴¹]
- F. All parking spaces shall have a slope of less than 15%.
- G. Where more than one use or activity is present within a single building or on a single parcel, off-street parking shall be provided for each of the uses or activities according to § 650-33.
- H. Access lanes shall be provided to allow for ingress and egress and maneuverability, with no parking on any aisles, driveways or access lanes, based on the degree of angle parking: 90° shall be 25 feet in depth, 60° and 45° shall be 22 feet in depth.
- I. Exemption. Municipal garages and multistory parking garages maintained and operated by the Township of Irvington are exempted and excluded from the requirements of this article.

§ 650-32.1 Private Detached Garages.

- A. A private detached garage accessory to a single- or two-family dwelling is permitted in any zoning district.
- B. Private detached garage space must provide an adequate and accessible driveway of at least eight feet in width, in compliance with the parking requirements of this chapter.
- C. No garage shall be higher than 1 1/2 stories and 12 feet in height, such that the half-story above shall not be habitable and for storage only. Bathroom facilities (i.e. toilet, shower, tub, sink) are not permitted in a garage.
- D. Maximum permitted garage size is 550 square feet.
- E. Minimum side and rear yard setback shall be 3 feet or the required principal building setback if less.
- F. Detached garages are not permitted in a front yard.
- G. The exterior finish of all detached garages in residential zones shall be substantially similar to that of the principal dwelling with regards to color. Fabric or corrugated metal siding or roofing shall be prohibited.

§ 650-33. Off-street parking standards.

The following off-street parking spaces are required:

- A. All residential uses: one parking space per dwelling unit. The standard review may be superseded by the requirements of the New Jersey Residential Site Improvement Standards Act, N.J.A.C. 5:21-4.14, as amended and in effect at the time of the applicant filing their application. [Amended 1-11-2021 by Ord. No. MC 3753]
- B. Motels: one parking space per sleeping or dwelling unit.
- C. Retail establishment, wholesale store and personal service establishment:
 - (1) Each retail store, wholesale store and personal service shop in any one building or structure, which building or structure contains not more than 2,500 square feet of floor areas: no parking spaces shall be required.

- (2) Each retail store, wholesale store or personal service shop in any one building or structure, which building or structure contains more than 2,500 square feet of floor area but not more than 20,000 square feet of floor area: four parking spaces, plus one parking space for each 333 square feet above 2,500 square feet of floor area.
- (3) Each retail store, wholesale store and personal service shop in any one building or structure, which building or structure contains more than 20,000 square feet of floor area: 62 parking spaces, plus one parking space for each 250 square feet above 20,000 square feet of floor area.

D. Banks, financial and business offices and professional and commercial offices:

- (1) Banks, financial and business offices and professional and commercial offices: one parking space for every 400 square feet of building area or major fraction thereof.
- (2) Exceptions.
 - (a) Those premises which lie within the business zone as delineated on the Zoning Map^[1] of the Township of Irvington, fronting on Springfield Avenue, northerly side of the street, between Maple Avenue westerly to Florence Avenue; and those premises which lie in the business zones as delineated on the Zoning Map of the Township of Irvington, fronting on Springfield Avenue, southerly side of street, between Maple Avenue westerly to 40th Street, and which are used and maintained as a commercial or professional office type of enterprise shall be required to maintain two parking spaces for each 1,200 square feet of floor area.
[1] Editor's Note: The Zoning Map is [included as an attachment to this chapter](#).
 - (b) Those premises which lie in a business zone as delineated on the Zoning Map of the Township of Irvington and which are used as a commercial or professional office type of enterprise and which lie within 350 feet of a municipal parking lot need not provide off-street parking, provided that they rent space from the municipal parking garage on a yearly basis.

E. Supermarkets, self-service food stores: one parking space for every 250 square feet of building area.

F. Automobile service stations: one parking space for each service bay, plus one parking space for every employee present for duty at the time the highest number are present on a daily basis. [See Ord. No. MC 2492, Article [X](#), Section 2C and 2D.^[2]]
[2]Editor's Note: See § [560-50C](#) and [D](#).

G. Motor vehicle sales and service:

- (1) Any building or structure containing not more than 2,500 square feet of floor area: two parking spaces shall be required.
- (2) Any building or structure containing more than 2,500 square feet of floor area but not more than 20,000 square feet of floor area: two parking spaces, plus one parking space for each 333 square feet above 2,500 square feet of floor area.
- (3) Any building or structure which contains more than 20,000 square feet of floor area: 62 parking spaces, plus one parking space for each 250 square feet above 20,000 square feet of floor area.

- H. Used car sales: five parking spaces, plus one parking space for each employee present for duty at the time the highest number are present, on a daily basis.
- I. Restaurants, cafeterias, taverns and bars, having more than 1,500 square feet of floor area: 10 parking spaces, plus one parking space for each 100 square feet of floor area over 1,500 square feet.
- J. Bowling alleys: four parking spaces for each bowling lane.
- K. Auditoriums, exhibition halls, union halls, community centers, dance halls, churches, theaters, stadiums, assembly halls and similar places of public assembly having fixed seating facilities: one parking space for every 100 square feet of total building area.
- L. Hospitals, nursing homes and similar institutional uses for care of the ill or aged: two parking spaces for every six beds.
- M. Mortuaries and funeral homes: two parking spaces for every 50 square feet of floor area in the slumber rooms, parlors or individual funeral service rooms.
- N. Industrial manufacturing establishments: three parking spaces for every five employees on the largest shift.
- O. Public swim clubs: one parking space for every full-time employee, and one parking space for every four separate memberships.
- P. Within the B-1 Neighborhood Business District, off-street parking space shall be provided for each employee present at the time of the greatest number of employees present.
- Q. Research and office building uses in any district shall provide one off-street parking facility for every 400 square feet of floor space, unless an amount is required under any other ordinance. Said required area shall be permitted in the side and rear yards, but not in the front yard, provided that said permitted area is at no point closer than 25 feet to any property line and not closer than 10 feet to any residential zone.
- R. Off-street parking for schools shall be provided in the following ratio: elementary schools shall provide one parking space for each staff member and/or employee, plus adequate space for buses and delivery vehicles. All other schools shall provide 1 1/2 parking spaces for each member or employee, plus adequate space for buses and delivery vehicles. These requirements may be increased if, in the judgment of the Board of Adjustment and/or the Planning Board, the unavailability of bus services, the particular location or a relatively high percentage of pupils driving or anticipated to be driving cars to school make such increased requirements desirable.
- S. Driveways shall have a minimum width of 10 feet.

§ 650-34. Off-street loading and unloading.

- A. For every building, structure or part thereof having over 3,000 square feet of gross building area erected and occupied for commerce, hospital, laundry, dry cleaning, places of public and quasi-public assembly industry and other similar uses involved in the receipt and distribution by vehicles of materials or merchandise, there shall be provided and permanently maintained adequate space for standing, loading and unloading services in order to avoid undue interference with the public use of streets or alleys. Every use or activity constructed or created within the

Township of Irvington subsequent to the passage of this chapter which complies with the above definitions shall be provided with at least one truck standing, loading and unloading space on the premises of not less than 12 feet in width, 55 feet in length and with at least 14 feet overhead clearance. One additional truck space of these dimensions shall be provided for every additional 10,000 square feet or fraction thereof of gross floor area in the building. No zones are excepted from this requirement.

- B. Access to truck standing, loading and unloading space shall be directly from any public street or alley or from any right-of-way that will not interfere with public convenience and will permit the orderly and safe movement of traffic.
- C. Loading space as required under this section shall be provided in addition to off-street parking space and shall not be considered as supplying off-street parking space.
- D. Off-street loading and unloading area shall be surfaced with a concrete or bituminous concrete surface, which shall be adequately drained, all subject to the approval of the Township Engineer.
- E. Whenever an off-street loading and unloading area shall be located adjacent to or across the street from a residential zone, appropriate evergreen planting or attractive noncorrosive fencing shall be provided and maintained, thereby screening the residential zone.
- F. Off-street loading spaces shall be located entirely on the lot, and no truck or trailer truck occupying any such berth shall project into or encroach upon a public sidewalk or upon the roadway of a public street.

§ 650-35. Parking lot layout and landscaping.

- A. Except for parking lots serving single-family and two-family dwellings, suitable landscaping shall be provided, as required pursuant to Articles VI and IX, along the periphery of parking lots and within parking lots.
- B. All parking lots and loading spaces shall be curbed, screened, and landscaped with appropriate trees, shrubs, hedges, ground cover, and other plant materials along the periphery of parking lots and within parking lots to assure the establishment of a safe, convenient, and attractive facility. Parking lots serving single-family and two-family dwellings and parking lots with less than 10 spaces shall be exempt from this requirement.
- C. Such landscaping as required under Subsection B above shall be planted and maintained in accordance with the following standards. For certain uses, Article IX requires alternate landscaping standards. In case of any discrepancy between the following provisions and those in Article IX, the more stringent shall be required.
 - (1) The entire perimeter of the parking lot shall be surrounded by a landscaped area having a minimum width of five feet.
 - (2) Not including landscaped areas along the periphery of the parking, at least 6% of the total parking lot shall be landscaped.
 - (3) There shall be a minimum of one landscaped island the size of a single normal-sized parking space for every 15 parking spaces. The islands shall be evenly distributed throughout the parking lot. Each landscaped island shall be planted with at least one evergreen or deciduous tree of not less than three inches caliper.
 - (4) All landscaped areas shall be protected from adjacent parking and loading areas by curbs or concrete, metal, or wood bumpers at least six inches in height and securely anchored to the ground.

- (5) Raised planting islands shall be provided in appropriate locations in order to guide vehicle movement, to provide adequate space for plant growth, and to accommodate pedestrian circulation or vehicle overhang. Such raised planting islands and the landscaping within them shall be designed and arranged so as to provide vertical definition to major traffic circulation aisles, entrances, and exits, to channel internal traffic flow, to prevent indiscriminate diagonal movement of vehicles, and to provide cooling shade and visual relief from the visual monotony and summer heat of a large paved parking lot. Curbs of such islands shall be designed so as to facilitate surface drainage and prevent vehicles from overhanging sidewalks and damaging landscaping materials.
- D. The selection, amount, and location of all landscaping materials shall be subject to approval by the Planning Board, based upon considerations of the adequacy of the proposed landscaping to serve its intended purpose with minimal maintenance problems, including plant care, snowplowing, and lead removal.
- E. All landscaped areas shall be attractively planted, and all landscaping shall be maintained in a manner satisfactory to the Township at all times.
- F. The placement of landscaping shall not obstruct a driver's vision at traffic intersections or driveway openings.
- G. Except for parking lots serving single-family and two-family dwellings, aAll off-street parking lots shall be designed in accordance with the following standards:
- (1) Unobstructed access from a parking or loading area to and from a street shall be designed so as to not require the backing of any vehicle across a sidewalk or into a street except for permitted single-family and two-family homes.
 - (2) In order to provide maximum efficiency, minimum curb cuts, and encourage safe and convenient traffic circulation, an applicant may request, as part of the site plan application, an interconnection of parking lots via access drives within and between adjacent lots, provided that the applicant has obtained the written consent of the owners of those adjacent lots. The Planning Board may require deed restrictions to be adopted in order to bind the owner of the properties to maintain the interconnection permanently.
 - (3) Off-street parking areas shall be designed to prevent the maneuvering of vehicles into or out of parking spaces or the parking or storage of vehicles within any portion of an entrance driveway or driveways that is within 10 feet of the right-of-way line of any road.
 - (4) No required off-street parking space, including adjacent parking access lanes or maneuvering space, shall be located within an existing or proposed right-of-way of any road, nor within 10 feet of any existing or proposed right-of-way line or any public street or highway. Fire lanes shall be provided to give access to buildings for firefighting, as required.
 - (5) Parking spaces shall be usable without requiring excessive maneuvering when all other spaces are occupied by vehicles. The Planning Board shall make a determination of whether a parking space is usable. Parking spaces that are not usable shall not count toward satisfying any parking requirement and shall not be approved.
 - (6) In order to provide visibility and definition at the ends of parking aisles, a planted area enclosed by concrete curbing shall be provided. Such planted islands may be used to partially satisfy the landscaping requirements of this section.
 - (7) Dead-end parking aisles shall not be permitted except where unavoidable, as determined by the Planning Board.
 - (8) Concrete wheel stops or raised curbing shall be provided as required by the Planning Board and shall be so located as to prevent the overhang of any vehicle into any pedestrian sidewalk or landscaped area or required buffer strip.
 - (9) Each parking space shall not be less than nine feet wide and 18 feet long, except that where a parking space is bounded by a curb or the wall of a building, each space shall be a minimum

of 10 feet wide. Parallel parking spaces shall be minimum of 10 feet wide and 22 feet long. Handicapped parking spaces shall be designed in accordance with the Americans with Disabilities Act.⁴⁴

- (10) The side perimeter of each parking space shall be delineated by painted lines on the pavement.
- (11) The facilities provided in any parking lot and their arrangement shall not be changed without due consideration and approval by the Planning Board. Furthermore, any modification of fire lanes in a parking lot shall be reviewed and approved by the Township.
- H. Appropriate signs shall be provided in parking lots to direct internal traffic flow. Such signs shall generally not exceed one square foot in area.
- I. Lighting.
 - (1) Mounting heights shall not exceed 20 feet above grade. Lower heights shall be used for walkways.
 - (2) All luminaires shall be shielded to eliminate glare, especially on any other property and public streets off the site, to the greatest extent possible. Lamps shall be recessed in the luminaire.
 - (3) All wires and cables shall be underground.
 - (4) At least 50% of all lighting shall be turned off after business hours, when only lights necessary for security purposes shall be left on.
 - (5) Luminaires shall be manufactured by a major manufacturer of illumination equipment.
 - (6) The lighting plan shall be designed by an experienced lighting designer who shall certify that the lighting plan conforms with these standards.
- J. Any person(s) found guilty of violating any section in this chapter shall be required at his or her expense to remove, demolish or otherwise abate the violation and return the property to its previous condition.

44. Editor's Note: See 42 U.S.C. § 12101 et seq.

C. Bills & Claims

Hudley – Brown 1. Bill Lists

RESOLVED THAT THE BILLS AND CLAIMS AGAINST THE TOWNSHIP OF IRVINGTON FOR A PERIOD **APRIL 14, 2025** AS ENUMERATED ON THIS LIST FOR MATERIALS, SUPPLIES AND SERVICES FURNISHED, DELIVERED AND/OR PERFORMED HAVE BEEN CERTIFIED BY THE DEPARTMENTS AS CORRECT, EACH CLAIM AND PURCHASE ORDER HAVE BEEN VERIFIED AND REVIEWED FOR THE AVAILABILITY OF FUNDS, ACCURACY OF ACCOUNT CODING AND COMPLETENESS BY THE ADMINISTRATION, THEREFORE:

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

BILL LIST	\$3,327,339.24
TOTAL	\$3,327,339.24

Adopted

Hudley – Brown 2. Payrolls

Payroll Date: March 21, 2025

TOTAL \$2,450,597.82

Payroll Date: April 4, 2025

TOTAL \$2,335,799.34

Adopted

9. RESOLUTIONS AND MOTIONS

A. Resolutions

Hudley – Vick 1. Authorize The Purchase of Firefighter Protective Clothing and Equipment From State Contract Vendor Firefighter One - Not to Exceed \$470,592.66

RESOLUTION AUTHORIZING THE PURCHASE OF FIREFIGHTER PROTECTIVE CLOTHING AND EQUIPMENT FROM STATE CONTRACT VENDOR FIREFIGHTER ONE FOR AN AMOUNT NOT TO EXCEED \$470,592.66

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

WHEREAS the Township wishes to purchase new Fire Fighter protective clothing and equipment from Fire Fighter One, State of New Jersey Contract number 24-FLEET-61850/T-0790; and

WHEREAS, the Township Irvington intends to enter into contracts with Fire Fighter One through this resolution and properly executed purchase orders for an amount not to exceed \$470,592.66; and

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON hereby authorizes a service contract with Fire Fighter One of 34 Wilson Drive, Sparta, NJ 07871 for an amount not to exceed \$470,592.66 and;

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

BE IT FUTHER RESLOVED, that the required certification of availability of funds C25-0066 in the amount of \$470,592.66 from account number C-04-56-853-B24-907 has been obtained from the Chief Financial Officer.

Adopted

Hudley – Frederic 2. Award CDBG CARES Act (COVID-19) Business Economic Relief Grant to Majestic Cleaners Inc. - \$50,000.00

Resolution to Award CDBG CARES Act (COVID-19) Business Economic Relief Grant to Majestic Cleaners Inc

WHEREAS, the Township of Irvington, Department of Economic Development and Grants Oversight (DEDGO) is a recipient of Cares Act CDBG COVID-19 Grant Funds awarded by the U.S. Department of Housing and Urban Development to use said funds to prepare, for, prevent, and respond to the COVID-19 Pandemic; and

WHEREAS, numerous businesses in the Township of Irvington were closed for extended periods of time and/or were otherwise negatively impacted by the COVID-19 Pandemic requiring them to seek financial assistance to remain open, reopen and/or make necessary expenditures to put in place and maintain appropriate social distancing and sanitary measures;

WHEREAS, the DEDGO has determined that **Majestic Cleaners Inc** upon review meets the requirements to receive CDBG CARES Act COVID-19 Grant Funds and that the use of such funds will further and enhance the economic development activities of the Township;

WHEREAS, the Township of Irvington wishes to award Business Economic Relief Grant Funds in the amount **fifty thousand dollars** to **Majestic Cleaners Inc** a private corporation under the laws of the State of New Jersey with a principal business located at **970 Springfield Avenue Irvington, New Jersey 07111**.

WHEREAS, the DEDGO has allocated sufficient CDBG Cares Act funds to fund a proposed grant agreement in the amount of **\$50,000.00** with **Majestic Cleaners Inc** ; and,

WHEREAS, the U.S. Department of Housing and Urban Development has issued federal regulations which revise 24 CFR 570 Sub-Part J, requiring all CDBG recipients to enter into formal legal agreements with private businesses called "CDBG sub-recipients", in order for these organizations to receive CDBG funding from the Township of Irvington; and

WHEREAS, the Township of Irvington is also subject to the provisions of federal OMB Circular A-102 Attachment 0, "Procurement Standards" which apply the Township's procurement of services, supplies and property with CDBG funds; and

WHEREAS, OMB Circular A-102 also requires the Township to conform to all applicable state and local laws relating to formal legal agreements by municipal government procurement of goods and services; and

WHEREAS, the governing body of the Township of Irvington is required under state law (N.J.S.A. 40A:11-1 et seq.) to authorize the execution of formal grant agreements and procurement contracts (in excess of \$8,500.00) with private contractors:

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

1. The Mayor and the Township Clerk are hereby authorized and directed to execute an agreement with **Majestic Cleaners Inc** awarded COVID-19 Small Business Economic Relief Grant in the amount of **\$50,000.00**.

2. Pursuant to N.J.A.C. 5:34-5.2, the required certificate of Availability of Funds No. C25-0071 in the amount of for the above has been obtained from the Chief Financial Officer of the Township of Irvington. The appropriation to be charged for this expenditure is Account No. T-21-41-850-21G-801.

Adopted

Hudley – Frederic 3. Award CDBG CARES Act (COVID-19) Business Economic Relief Grant to Chong T. Kim dba as Mayfair Cleaners - \$50,000.00

Resolution to Award CDBG CARES Act (COVID-19) Business Economic Relief Grant to Chong T. Kim dba as Mayfair Cleaners

WHEREAS, the Township of Irvington, Department of Economic Development and Grants Oversight (DEDGO) is a recipient of Cares Act CDBG COVID-19 Grant Funds awarded by the U.S. Department of Housing and Urban Development to use said funds to prepare, for, prevent, and respond to the COVID-19 Pandemic; and

WHEREAS, numerous businesses in the Township of Irvington were closed for extended periods of time and/or were otherwise negatively impacted by the COVID-19 Pandemic requiring them to seek financial assistance to remain open, reopen and/or make necessary expenditures to put in place and maintain appropriate social distancing and sanitary measures;

WHEREAS, the DEDGO has determined that **Chong T. Kim dba as Mayfair Cleaners** upon review meets the requirements to receive CDBG CARES Act COVID-19 Grant Funds and that the use of such funds will further enhance the economic development activities of the Township;

WHEREAS, the Township of Irvington wishes to award Business Economic Relief Grant Funds in the amount **fifty thousand dollars** to **Chong T. Kim dba as Mayfair Cleaners** a private corporation under the laws of the State of New Jersey with a principal business located at **291 40TH STREET Irvington, New Jersey 07111**.

WHEREAS, the DEDGO has allocated sufficient CDBG Cares Act funds to fund a proposed grant agreement in the amount of **\$50,000.00** with **Chong T. Kim dba as Mayfair Cleaners** ; and,

WHEREAS, the U.S. Department of Housing and Urban Development has issued federal regulations which revise 24 CFR 570 Sub-Part J, requiring all CDBG recipients to enter into formal legal agreements with private businesses called "CDBG sub-recipients", in order for these organizations to receive CDBG funding from the Township of Irvington; and

WHEREAS, the Township of Irvington is also subject to the provisions of federal OMB Circular A-102 Attachment 0, "Procurement Standards" which apply the Township's procurement of services, supplies and property with CDBG funds; and

WHEREAS, OMB Circular A-102 also requires the Township to conform to all applicable state and local laws relating to formal legal agreements by municipal government procurement of goods and services; and

WHEREAS, the governing body of the Township of Irvington is required under state law (N.J.S.A. 40A:11-1 et seq.) to authorize the execution of formal grant agreements and procurement contracts (in excess of \$8,500.00) with private contractors:

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

1. The Mayor and the Township Clerk are hereby authorized and directed to execute an agreement with **Chong T. Kim dba as Mayfair Cleaners** awarded COVID-19 Small Business Economic Relief Grant in the amount of **\$50,000.00**.
2. Pursuant to N.J.A.C. 5:34-5.2, the required certificate of **Availability of Funds No. C25-0072** in the amount of for the above has been obtained from the Chief Financial Officer of the Township of Irvington. The appropriation to be charged for this expenditure is **Account No. T-21-41-850-21G-801**.

Adopted

- Vick – Vauss, Jr. 4. Authorize Refund of Tax Overpayment on 16 Welland Avenue, Block 198.01, Lot 26, Qualifier B01 - \$317.60 Plus \$0.71 Interest

**Resolution Authorizing Refund of Tax Overpayment on
Block 198.01 Lot 26 Qual B01, 16 Welland Avenue.**

WHEREAS, The preliminary 2025 Q1 & Q2 taxes were billed in the amount of \$635.20 on Block 198.01 Lot 26 Qual B01, commonly known as 16 Welland Avenue; and

WHEREAS, the property, by way of evidence of the tax assessor's records, the billboard has been removed on July 10, 2024; and

WHEREAS, the taxpayer, Tzvi Friedman, has paid 2025 Q1 in the amount of \$317.60 plus \$0.71 interest and said taxpayer has requested a refund of same; and

WHEREAS, the property, by way of evidence of the Township of Irvington Tax Collector's records, was being erroneously billed the preliminary Q1 & Q2 taxes; and

WHEREAS, the Tax Collector requests permission to cancel the preliminary Q1 & Q2 billing to reflect the same; and

WHEREAS, the Tax Collector requests to refund erroneous Q1 payments in the amount of \$317.60 plus \$0.71 interest to Tzvi Friedman.

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON, COUNTY OF ESSEX, STATE OF NEW JERSEY that the Township of Irvington Tax Collector is authorized to:

1. Refund Q1 tax overpayment in the amount of \$317.60 plus \$0.71 interest to Tzvi Friedman
2. Change record to reflect billboard removed from Block 198.01 Lot 26 Qual B01, 16 Welland Avenue for the preliminary 2025 Q1 & Q2 billing.

Adopted

- Vick – Brown 5. Authorize Cancellation of Preliminary Tax Billing on 460 Grove Street, Block 157, Lot 16, Qualifier B01

**Resolution to Cancel Preliminary Tax Billing on
Block 157 Lot 16 Qual B01, 460 Grove St.**

WHEREAS, The preliminary 2025 Q1 & Q2 taxes were billed in the amount of \$303.66 on Block 157 Lot 16 Qual B01, commonly known as 460 Grove St.; and

WHEREAS, the property, by way of evidence of the tax assessor's records, the billboard was removed on November 7, 2024; and

WHEREAS, the property, by way of evidence of the Township of Irvington Tax Collector's records, was being erroneously billed the preliminary Q1 & Q2 taxes; and

WHEREAS, the Tax Collector requests permission to cancel the preliminary Q1 & Q2 billing to reflect the same; and

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON, COUNTY OF ESSEX, STATE OF NEW JERSEY that the Township of Irvington Tax Collector is authorized to:

3. Change record to reflect billboard removed from Block 157 Lot 16 Qual B01, 460 Grove St. for the preliminary 2025 Q1 & Q2 billing.

Adopted

Vick – Vauss, Jr. 6. Refund Tax Overpayment on 26 Union Avenue, Block 278, Lot 3 in the Amount of \$5,256.57

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

WHEREAS, DSHC Enterprises LLC, lien holder of TSC# 23-00776, remitted a payment for subsequent taxes in the amount of \$5,256.57 for the 2024 Q3 taxes on Block 278 Lot 3; and

WHEREAS, said subsequent payment was erroneously applied to Block 278 Lot 3 as tax payment, on August 19, 2024; and

WHEREAS, DSHC Enterprises LLC has requested to be refunded the tax 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 2024 Q3 subsequent tax payment 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 to issue a refund of the 2024 Q3 tax sub payment in the amount of \$5,256.57 to DSHC Enterprises LLC.

Adopted

Vick – Brown 7. Refund Tax Overpayment on 319 Coit Street, Block 195 Lot 18 in the Amount of \$4,076.08

**Resolution to Refund Tax Overpayment
on Block 195 Lot 18, 319 Coit St.**

WHEREAS, Leaders Title Agency, remitted payments in the amount of \$8,152.16 for the 2025 Q1 and Q2 taxes on Block 195 Lot 18; and

WHEREAS, due to online duplicate posting 2025 Q2 taxes were erroneously paid in the amount of \$4,076.08; and

WHEREAS, Land Track Title LLC, has requested to be refunded the tax payment in the amount of \$4,076.08 for 319 Coit St., Block 195 Lot 18; and

WHEREAS, the Tax Collector desires to refund the tax overpayment in the amount of \$4,076.08 to Leaders Title Agency.

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON, COUNTY OF ESSEX, STATE OF NEW JERSEY that the Township of Irvington Tax Collector is authorized and directed to refund the overpaid taxes to Leaders Title Agency, in the amount of \$4,076.08.

Adopted

Vick – Frederic 8. Cancel Exempt Property Taxes on 913 Stuyvesant Avenue, Block 351, Lot 30

**Resolution to Cancel Exempt Property Taxes
On Block 351 Lot 30**

WHEREAS, Holy Dove Christian Fellowship of 913 Stuyvesant Ave. on Block 351 Lot 30 filed an exempt property application with the Tax Assessor's office on September 24, 2024 ; and

WHEREAS, Holy Dove Christian Fellowship of 913 Stuyvesant Ave. on Block 351 Lot 30 was approved for tax exemption by the Tax Assessor's office; and

WHEREAS, the 2025 Q1 and Q2 preliminary taxes were billed in the amounts of \$5,809.69 and \$5,809.69 respectively; and

WHEREAS, Holy Dove Christian Fellowship of 913 Stuyvesant Ave. on Block 351 Lot 30 is not obligated to pay the 2025 Q1 and Q2 preliminary taxes; and

WHEREAS, the Tax Collector desires to cancel the 2025 Q1 and Q2 preliminary taxes that were billed in the amounts of \$5,809.69 and \$5,809.69 respectively.

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

MINUTES – REGULAR COUNCIL MEETING – APRIL 14, 2025 - PAGE 29

Tax Collector is authorized and directed to cancel the 2025 Q1 and Q2 preliminary taxes that were billed in the amounts of \$5,809.69 and \$5,809.69 respectively on 913 Stuyvesant Ave. on Block 351 Lot 30.

Adopted

Frederic – Vick 9. Cancel Exempt Property Taxes on 664 Chancellor Avenue, Block 252, Lot 22

**Resolution to Cancel Exempt Property Taxes
On Block 252 Lot 22**

WHEREAS, French Speaking Emmanuel Baptist of 664 Chancellor Ave. on Block 252 Lot 22 filed an exempt property application with the Tax Assessor's office on October 29, 2024 ; and

WHEREAS, French Speaking Emmanuel Baptist of 664 Chancellor Ave. on Block 252 Lot 22 was approved for tax exemption by the Tax Assessor's office; and

WHEREAS, the 2025 Q1 and Q2 preliminary taxes were billed in the amounts of \$2,410.64 and \$2,410.63 respectively; and

WHEREAS, French Speaking Emmanuel Baptist of 664 Chancellor Ave. on Block 252 Lot 22 is not obligated to pay the 2025 Q1 and Q2 preliminary taxes; and

WHEREAS, the Tax Collector desires to cancel the 2025 Q1 and Q2 preliminary taxes that were billed in the amounts of \$2,410.64 and \$2,410.63 respectively.

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON, COUNTY OF ESSEX, STATE OF NEW JERSEY that the Township of Irvington Tax Collector is authorized and directed to cancel the 2025 Q1 and Q2 preliminary taxes that were billed in the amounts of \$2,410.64 and \$2,410.63 respectively on 664 Chancellor Ave. on Block 252 Lot 22.

Adopted

Frederic – Vauss, Jr. 10. Cancel Exempt Property Taxes on 84 Beverly Street, Block 173, Lot 5

**Resolution to Cancel Exempt Property Taxes
On Block 173 Lot 5**

WHEREAS, Revivalist Celestial Church of Christ of 84 Beverly St. on Block 173 Lot 5 filed an exempt property application with the Tax Assessor's office on October 21, 2024 ; and

WHEREAS, Revivalist Celestial Church of Christ of 84 Beverly St. on Block 173 Lot 5 was approved for tax exemption by the Tax Assessor's office; and

WHEREAS, the 2025 Q1 and Q2 preliminary taxes were billed in the amounts of \$700.26 and \$700.26 respectively; and

WHEREAS, Revivalist Celestial Church of Christ of 84 Beverly St. on Block 173 Lot 5 is not obligated to pay the 2025 Q1 and Q2 preliminary taxes; and

WHEREAS, the Tax Collector desires to cancel the 2025 Q1 and Q2 preliminary taxes that were billed in the amounts of \$700.26 and \$700.26 respectively.

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON, COUNTY OF ESSEX, STATE OF NEW JERSEY that the Township of Irvington Tax Collector is authorized and directed to cancel the 2025 Q1 and Q2 preliminary taxes that were billed in the amounts of \$700.26 and \$700.26 respectively on 84 Beverly St. on Block 173 Lot 5.

Adopted

Vick – Frederic 11. Authorize Cancellation and Refund of a Tax Sale Certificate due to Invalid Tax Sale Certificate on 468-80 Chancellor Avenue/Rear, Block 188, Lot 5

**Resolution Authorizing Cancellation and Refund of
Tax Sale Cert # 22-00695 due to Invalid Tax Sale Certificate
on Block 188 Lot 5, 468-80 Chancellor Av/Rear**

WHEREAS, Certificate of Sale #22-00695 was issued to Pine Valley One Real Est LLC for delinquent 2022 billboard taxes on Block 188 Lot 5 commonly known as 468-80 Chancellor Av/Rear, at a Tax Sale held on December 15, 2022; and

WHEREAS, the President of Valley Mall Plaza/Valley Fair informed on March 20, 2025 that said billboard was removed July 25, 2019; and

WHEREAS, due to the erroneous tax lien cert sold, the Tax Collector requests to cancel Certificate of Sale #22-00695 that was issued to Pine Valley One Real Est LLC for delinquent 2022 taxes on said parcel; and

WHEREAS, the Tax Collector requests to refund tax sale certificate # 22-00695 in the amount of \$28,494.00 along with interest and fees in the amount of \$308.73 to Pine Valley One Real Est LLC, upon receipt of duly endorsed tax sale certificate for cancellation, and change lien account status to canceled.

WHEREAS, the preliminary 2025 Q1 and Q2 taxes were billed in the amount of \$2,692.60; and

WHEREAS, the Tax Collector requests permission to cancel the preliminary 2025 Q1 and Q2 taxes that were billed in the amount of \$2,692.60; and

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON, COUNTY OF ESSEX, STATE OF NEW JERSEY that the Township of Irvington Tax Collector is authorized to cancel and refund tax sale certificate # 22-00695 in the amount of \$28,494.00 and along with interest and fees in the amount of \$308.73 to Pine Valley One Real Est LLC and change lien account status to canceled.

BE IT FURTHER RESOLVED, that the Tax Collector is authorized to cancel 2025 Q1 and Q2 preliminary taxes in the amount of \$2,692.60.1

Adopted

Vick – Beasley 12. Authorize 5 Year Old Premiums for Tax Sale Certificates to Escheat to the Township

Authorize 5 Year Old Premiums for Tax Sale Certificates to Escheat to the Township

WHEREAS, N.J.S.A. 54:5-32 permits the Tax collector to sell taxes, assessments or other municipal liens at Tax Sale to the bidder who offers to pay the highest amount of premium; and

WHEREAS, pursuant to N.J.S.A. 54:5-33 any premium payment shall be held by the collector and returned to the purchaser of the fee if and when redemption is made. If redemption is not made within five years from the date of tax sale, the premium shall be turned over to the Treasurer of the municipality and become part of the funds of the municipality; and

WHEREAS, as a continuation of resolution DRF 23-0814-34, the records of the Tax Office indicate the attached Tax Sale Certificate is a premium from 2019 which remains outstanding for greater than five years from the date of tax sale; and

NOW THEREFORE BE IT RESOLVED, by the Township Council of the Township of Irvington that the Chief Financial Officer is authorized to transfer the following funds:

A. The total premium in the amount of \$4,300.00 as unanticipated revenue

Adopted

Vick – Brown 13. Determine the Form and Other Details of Not Exceeding \$2,605,000.00 Bonds of the Township of Irvington, in the County of Essex, New Jersey, and Provide for Their Sale to the New Jersey Infrastructure Bank and the State of New Jersey and Further Authorize the Execution of Various Agreements, all Pursuant to and as Required by the New Jersey Water Bank

RESOLUTION DETERMINING THE FORM AND OTHER DETAILS OF NOT EXCEEDING \$2,605,000 BONDS OF THE TOWNSHIP OF IRVINGTON, IN THE COUNTY OF ESSEX, NEW JERSEY, AND PROVIDING FOR THEIR SALE TO THE NEW JERSEY INFRASTRUCTURE BANK AND THE STATE OF NEW JERSEY AND FURTHER AUTHORIZING THE EXECUTION OF VARIOUS AGREEMENTS, ALL PURSUANT TO AND AS REQUIRED BY THE NEW JERSEY WATER BANK

WHEREAS, the Township of Irvington, in the County of Essex, New Jersey (the "*Local Unit*"), has determined that there exists a need within the Local Unit to acquire, construct, renovate or install, as applicable, the Township's allocable share of capital improvement projects being undertaken by the Joint Meeting of Essex and Union Counties (the "*Joint Meeting*"), including, but not limited to: (i) waste gas burner upgrades, consisting of (a) the replacement of waste gas burners at the Digester Building and (b) upgrades to sludge storage tanks with state-of-the-art flares to meet current air emission permitting requirements; (ii) rehabilitation of various structures, including, but not limited to, concrete repairs and/or reconstruction of the Screen House, the Old Chlorine Building, the Chlorination Building, the Aeration Gallery and the Waste Gas Building, replacement of brick veneer panels and supporting walls in the Dewatering Building and replacement of the coping and brick façade on the sludge storage tanks; and (iii) replacement and construction of the Tunnel Building along with the replacement of severely corroded piping within the tunnel, including installation of

new sludge pumps (the "*Project*"), and it is the desire of the Township to obtain financing for such Project through participation in the environmental infrastructure financing program (the "*New Jersey Water Bank*") of the New Jersey Infrastructure Bank (the "*I-Bank*") as defined in each of that certain Loan Agreement (the "*I-Bank Loan Agreement*") to be entered into by and between the Local Unit and the New Jersey Infrastructure Bank (the "*I-Bank*") and that certain Loan Agreement (the "*Fund Loan Agreement*"; and together with the I-Bank Loan Agreement, the "*Loan Agreements*") to be entered into by and between the Local Unit and the State of New Jersey, acting by and through the New Jersey Department of Environmental Protection (the "*State*"), all pursuant to the New Jersey Water Bank (the "*Program*");

WHEREAS, the Local Unit has determined to finance the acquisition, construction, renovation or installation of the Project with the proceeds of a loan to be made by each of the I-Bank (the "*I-Bank Loan*") and the State (the "*Fund Loan*"; and together with the I-Bank Loan, the "*Loans*") pursuant to the I-Bank Loan Agreement and the Fund Loan Agreement, respectively;

WHEREAS, to evidence the Loans, each of the I-Bank and the State require the Local Unit to authorize, execute, attest and deliver the Local Unit's Bond to the I-Bank (the "*I-Bank Loan Bond*") and to the State (the "*Fund Loan Bond*"; and together with the I-Bank Loan Bond, the "*Local Unit Bonds*"), said Local Unit Bonds to be issued in an aggregate principal amount not to exceed \$2,605,000, pursuant to the terms of the Local Bond Law of the State of New Jersey, constituting Chapter 2 of Title 40A of the Revised Statutes of the State of New Jersey (the "*Local Bond Law*"), other applicable law and the Loan Agreements;

WHEREAS, N.J.S.A. 40A:2-27(a)(2) of the Local Bond Law allows for the sale of the I-Bank Loan Bond and the Fund Loan Bond to the I-Bank and the State, respectively, without any public offering, and N.J.S.A. 58:11B-9(a) allows for the sale of the I-Bank Loan Bond to the I-Bank without any public offering, all under the terms and conditions set forth herein;

WHEREAS, the I-Bank and the State have expressed their desire to close in escrow the making of the Loans, the issuance of the Local Unit Bonds and the execution and delivery of the Loan Agreements, all pursuant to the terms of an Escrow Agreement (the "*Escrow Agreement*") to be entered into by and among the I-Bank, the State, the Local Unit and the escrow agent named therein.

NOW, THEREFORE, BE IT RESOLVED by a 2/3 vote of the full membership of the governing body of the Local Unit as follows:

Section 1. The I-Bank Loan Agreement, the Fund Loan Agreement and the Escrow Agreement (collectively, the "*Financing Documents*") are hereby authorized to be executed and delivered on behalf of the Local Unit by either the Mayor or the Director of Revenue and Finance in substantially the forms on file with the Municipal Clerk, with such changes as the Mayor or the Director of Revenue and Finance (each an "*Authorized Officer*"), in their respective sole discretion, after consultation with counsel and any advisors to the Local Unit (collectively, the "*Local Unit Consultants*") and after further consultation with the I-Bank, the State and their representatives, agents, counsel and advisors (collectively, the "*Program Consultants*"; and together with the Local Unit Consultants, the "*Consultants*"), shall determine, such determination to be conclusively evidenced by the execution of such Financing Documents by an Authorized Officer as determined hereunder. The Municipal Clerk is hereby authorized to attest to the execution of the Financing Documents by an Authorized Officer of the Local Unit as determined hereunder and to affix the corporate seal of the Local Unit to such Financing Documents.

Section 2. The Authorized Officers of the Local Unit are hereby further severally authorized to (i) execute and deliver, and the Municipal Clerk is hereby further authorized to attest to such execution and to affix the corporate seal of the Local Unit to, any document, instrument or closing certificate deemed necessary,

desirable or convenient by the Authorized Officers or the Municipal Clerk, as applicable, in their respective sole discretion, after consultation with the Consultants, to be executed in connection with the execution and delivery of the Financing Documents and the consummation of the transactions contemplated thereby, which determination shall be conclusively evidenced by the execution of each such certificate or other document by the party authorized hereunder to execute such certificate or other document, and (ii) perform such other actions as the Authorized Officers deem necessary, desirable or convenient in relation to the execution and delivery thereof.

Section 3. In accordance with N.J.S.A. 40A:2-27(a)(2) of the Local Bond Law and N.J.S.A. 58:11B-9(a), the Local Unit hereby sells and awards its I-Bank Loan Bond to the I-Bank and its Fund Loan Bond to the State, in a total aggregate principal amount not to exceed \$2,605,000, all in accordance with the provisions hereof. The Local Unit Bonds have been referred to and are described in a bond ordinance entitled, "Bond Ordinance Providing for the Local Unit's Allocable Share of the Capital Improvement Projects for the Joint Meeting of Essex and Union Counties, by and in the Township of Irvington, in the County of Essex, State of New Jersey (the "Local Unit"); Appropriating \$2,605,000 Therefor and Authorizing the Issuance of \$2,605,000 Bonds or Notes to Finance the Cost Thereof". The aforementioned ordinance was finally adopted by the Local Unit at a meeting duly called and held on April 14, 2025, at which time a quorum was present and acted throughout, all pursuant to the terms of the Local Bond Law and other applicable law.

Section 4. The Director of Revenue and Finance of the Local Unit is hereby authorized to determine, in accordance with the Local Bond Law and pursuant to the terms and conditions established by the I-Bank and the State under the Loan Agreements and the terms and conditions hereof, the following items with respect to the I-Bank Loan Bond and the Fund Loan Bond:

- (a) The aggregate principal amounts of the I-Bank Loan Bond and the Fund Loan Bond to be issued;
- (b) The maturity and annual principal installments of the Local Unit Bonds, which maturity shall not exceed 30 years;
- (c) The date of the Local Unit Bonds;
- (d) The interest rates of the Local Unit Bonds;
- (e) The purchase price for the Local Unit Bonds; and
- (f) The terms and conditions under which the Local Unit Bonds shall be subject to redemption prior to their stated maturities.

Section 5. Any determination made by the Director of Revenue and Finance pursuant to the terms hereof shall be conclusively evidenced by the execution and attestation of the Local Unit Bonds by the parties authorized under Section 6(c) hereof.

Section 6. The Local Unit hereby determines that certain terms of the Local Unit Bonds shall be as follows:

- (a) The I-Bank Loan Bond shall be issued in a single denomination and shall be numbered R-1. The Fund Loan Bond shall be issued in a single denomination and shall be numbered R-2;
- (b) The Local Unit Bonds shall be issued in fully registered form and shall be payable to the registered owners thereof as to both principal and interest in lawful money of the United States of America; and

(c) The Local Unit Bonds shall be executed by the manual or facsimile signatures of the Mayor and the Director of Revenue and Finance under official seal or facsimile thereof affixed, printed, engraved or reproduced thereon and attested by the manual signature of the Municipal Clerk.

Section 7. The I-Bank Loan Bond and the Fund Loan Bond shall be substantially in the form set forth in the I-Bank Loan Agreement and the Fund Loan Agreement, respectively.

Section 8. The law firm of McManimon, Scotland & Baumann, LLC is hereby authorized to arrange for the printing of the Local Unit Bonds, which law firm may authorize McCarter & English, LLP, bond counsel to the I-Bank and the State for the Program, to arrange for same. The Local Unit auditor is hereby authorized to prepare the financial information necessary in connection with the issuance of the Local Unit Bonds. The Mayor, the Director of Revenue and Finance and the Municipal Clerk are hereby authorized to execute any certificates necessary or desirable in connection with the financial and other information.

Section 9. The Mayor and the Director of Revenue and Finance are hereby severally authorized to execute any certificates or documents necessary or desirable in connection with the sale of the Local Unit Bonds, and are further authorized to deliver same to the I-Bank and the State upon delivery of the Local Unit Bonds and the receipt of payment therefor in accordance with the Loan Agreements.

Section 10. This resolution shall take effect immediately.

Section 11. Upon the adoption hereof, the Municipal Clerk shall forward certified copies of this resolution to Matthew D. Jessup, Esq., McManimon, Scotland & Baumann, LLC, bond counsel to the Local Unit, and Richard T. Nolan, Esq., McCarter & English, LLP, bond counsel to the I-Bank.

Adopted

Vick – Antilus 14. Authorize the Issuance of Not Exceeding \$10,500,000.00 Tax Anticipation Notes for Calendar Year 2025

**RESOLUTION AUTHORIZING THE ISSUANCE OF NOT EXCEEDING \$10,500,000 TAX
ANTICIPATION NOTES OF CY 2025
OF THE TOWNSHIP OF IRVINGTON, IN THE COUNTY OF ESSEX, NEW JERSEY.**

BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF IRVINGTON, IN THE COUNTY OF ESSEX, NEW JERSEY (not less than the majority of the full membership of the governing body) AS FOLLOWS:

Section 1. In anticipation of the collection of taxes during the current fiscal year, we are hereby authorized to be issued tax anticipation notes of the Township, each to be known as "Tax Anticipation Note of CY-2025," in amounts not exceeding \$10,500,000.00. The proceeds of such notes shall be applied only to purposes provided for in the budget or for which taxes are levied for the current year.

Section 2. The following certificate has been prepared by the Chief Financial Officer and is filed in the office of the Township Clerk:

CERTIFICATE WITH RESPECT TO TAX ANTICIPATION NOTES

I, Faheem J. Ra'Oof, Chief Financial Officer of the Township of Irvington, in the County of Essex, New Jersey HEREBY CERTIFY as follows:

1. The gross borrowing power in respect to tax anticipation notes for the calendar fiscal year of 2025, being 30 percent of the tax levy for all purposes of the calendar fiscal year of 2024, plus 30 percent of the amount of miscellaneous revenues realized in cash during the calendar fiscal year of 2024, is \$47,654,262.26.

2. The amount of notes outstanding in anticipation of the collection of taxes of the calendar fiscal year of 2024, except such notes as will be renewed by or paid from the proceeds of the notes to be issued, is \$ -0-.

3. The net borrowing power, being the excess of the first over the second of the two above amounts, is \$47,654,262.26.

4. This certificate is made with respect to \$10,500,000.00 Tax Anticipation Notes of CY-2025 about to be authorized by the Township Council of the Township of Irvington.

IN WITNESS WHEREOF, I have hereunto set my hand this 14th day of March, 2025.

Faheem J. Ra'Oof, Chief Financial Officer

Section 3. The following matters in connection with the notes are hereby determined:

(a) All notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer, provided that no note shall mature later than 120 days following the end of the calendar fiscal year.

(b) All notes issued hereunder shall bear interest at such rate or rates as may be determined by the Chief Financial Officer.

(c) All notes shall be in the form prescribed by the Local Budget Law and otherwise as determined by the Chief Financial Officer and such officer's signature upon the notes shall be conclusive as to such determination;

(d) Notes issued hereunder may be renewed from time to time, provided, however, that no renewal note shall be issued later than the last day of the fiscal year.

(e) All notes shall be executed by the Mayor and the Chief Financial Officer and attested by the Township Clerk.

Section 4. The Chief Financial Officer is authorized and directed to determine all matters in connection with the notes not determined by this or by a subsequent resolution and such officer's signature upon the notes shall be conclusive as to such determination.

Section 5. The Chief Financial Officer is hereby authorized to sell the notes from time to time at public or private sale in such amounts as such officer may determine at not less than par and to deliver them from time to time to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof and payment therefore.

Section 6. Any instrument issued pursuant to this resolution shall be a general obligation of the Township, and the full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and the interest on the obligations.

Section 7. The Chief Financial Officer is authorized and is directed to report in writing to the Township Council at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this resolution is made, such report to include the amount, the description, the interest rate and the maturity of the notes sold, the price obtained and the name of the purchaser.

Section 8. The Chief Financial Officer, in connection with other professionals of the Township acting under his direction, is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document for the Township, as it may be so updated from time to time, to be distributed in connection with the sale of obligations of the Township. The Chief Financial Officer is hereby authorized to execute such disclosure document on behalf of the Township.

Section 9. (a) Solely for purposes of complying with Rule 15c2-12 of the Securities and Exchange Commission (the "Rule"), and provided that an issue of notes authorized by this resolution is not exempt from the Rule and provided that an issue of notes is not exempt from the following requirements in accordance with paragraph (d) of the Rule, for so long as an issue of notes of the Issuer remains outstanding (other than an issue of notes which has been wholly defeased), the Township shall provide in a timely manner to each nationally recognized municipal securities information repository ("National Repositories") or to the Municipal Securities Rulemaking Board, and to the appropriate State information depository, if any, ("State Depository," and together with the National Repositories, the "Repositories") notice of the following events with respect to an issue of notes, if material (herein "Material Events"):

- (1) Principal and interest payment delinquencies;
- (2) Non-payment related defaults;
- (3) Unscheduled draws on debt service reserves reflecting financial difficulties;
- (4) Unscheduled draws on credit enhancements reflecting financial difficulties;
- (5) Substitution of credit or liquidity providers, or their failure to perform;
- (6) Adverse tax opinions or events affecting the tax-exempt status of the security;
- (7) Modifications to rights of security holders;
- (8) Bond calls;
- (9) Defeasances;
- (10) Release, substitution, or sale of property securing repayment of the securities; and
- (11) Rating changes.

(b) The covenants and undertakings contained in this Section are made for the benefit of the holders or beneficial owners of the notes issued under this resolution.

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

(d) In the event that the Township fails to comply with this resolution or the written contract or undertaking, the Township shall not be liable for monetary damages, remedy of the holders or beneficial

owners of the notes being hereby specifically limited to specific performance of the covenants contained in this resolution or the written contract or undertaking.

Section 10. This resolution shall take effect immediately.

CERTIFICATE

I, Shawna Supel, Clerk of the Township of Irvington, in the County of Essex, State of New Jersey, HEREBY CERTIFY that the foregoing annexed extract from the minutes of a meeting of the governing body of the Township duly called and held on March 14, 2025 has been compared by me with the original minutes as officially recorded in my office in the Minute Book of the governing body and is a true, complete and correct copy thereof and of the whole of the original minutes so far as they relate to the subject matters referred to in the extract.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the Township this 11th day of March 14, 2025.

Shawna Supel, Clerk

(SEAL)

Adopted

Frederic – Vauss, Jr. 15. Authorize Tax Appeal Settlement With Fleet Holdings, LLC, For 25 Fleetwood Place, Block 361, Lot 4 and Lot 4, Qualifier T01

**RESOLUTION: AUTHORIZING TAX APPEAL SETTLEMENT FOR
FLEET HOLDINGS, LLC V IRVINGTON TOWNSHIP
BLOCK 361, LOT 4 and LOT 4 QUAL. T01**

WHEREAS, Fleet Holdings, LLC owns property located at 25 Fleetwood Place, which is designated as Block 361, Lot 4 and Lot 4 Qual. T01, on the official tax maps of the Township of Irvington (“Subject Property”); and

WHEREAS, Fleet Holdings, LLC filed appeals to the Tax Court of New Jersey challenging the Subject Property's 2015 through 2023 property tax assessments; and

WHEREAS, the parties have engaged in discovery and settlement negotiations; and

WHEREAS, as a result of that discovery and settlement negotiations, a settlement has been reached upon the recommendation and concurrence of the Township Attorney, Special Tax Attorney and Municipal Assessor; and

WHEREAS, as part of the settlement, Fleet Holdings, LLC has agreed to withdraw the 2015, 2016 and 2017 property tax appeals; and

MINUTES – REGULAR COUNCIL MEETING – APRIL 14, 2025 - PAGE 38

WHEREAS, Fleet Holdings, LLC has agreed to waive all interest due on any refund providing that same is paid by the municipality within one hundred and eighty (180) days from the date of entry of the Tax Court Judgment; and

WHEREAS, the Township Attorney, Special Tax Attorney and the Municipal Assessor have all recommended said settlement to the Township Council; and

WHEREAS, the Township Council is of the opinion that said settlement is in the best interests of Irvington Township;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Township Council of Irvington Township, County of Essex, State of New Jersey, that settlement of the pending tax appeal is hereby authorized as follows:

For Block 361, Lot 4

2018 TAX YEAR

Original Assessment		Settlement Amount	
Land:	\$187,800	Land:	\$187,800
Improvements	\$1,516,400	Improvements	\$1,492,200
TOTAL	\$1,704,200	TOTAL	\$1,680,000

2019 TAX YEAR

Original Assessment		Settlement Amount	
Land:	\$187,800	Land:	\$187,800
Improvements	\$1,516,400	Improvements	\$1,462,200
TOTAL	\$1,704,200	TOTAL	\$1,650,000

2020 TAX YEAR

Original Assessment		Settlement Amount	
Land:	\$187,800	Land:	\$187,800
Improvements	\$1,516,400	Improvements	\$1,462,200
TOTAL	\$1,704,200	TOTAL	\$1,650,000

2021 TAX YEAR

Original Assessment		Settlement Amount	
Land:	\$187,800	Land:	\$187,800
Improvements	\$1,516,400	Improvements	\$1,362,200
TOTAL	\$1,704,200	TOTAL	\$1,550,000

2022 TAX YEAR

Original Assessment		Settlement Amount	
Land:	\$187,800	Land:	\$187,800
Improvements	\$1,516,400	Improvements	\$1,262,200
TOTAL	\$1,704,200	TOTAL	\$1,450,000

2023 TAX YEAR

Original Assessment		Settlement Amount	
Land:	\$187,800	Land:	\$187,800
Improvements	\$1,516,400	Improvements	\$1,162,200
TOTAL	\$1,704,200	TOTAL	\$1,350,000

For Block 361, Lot 4 Qual. T01

2018 – 2023 TAX YEARS

Original Assessment		Settlement Amount	
Land:	\$0	Land:	\$0
Improvements	\$503,300	Improvements	\$350,000
TOTAL	\$503,300	TOTAL	\$350,000

NOW, THEREFORE, BE IT RESOLVED that all municipal officials are hereby authorized to take whatever action may be necessary to implement the terms of the resolution.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Irvington, County of Essex, State of New Jersey, that the settlement in this matter as set forth herein above, be and the same is approved, and Counsel is hereby authorized and directed to affect said settlement.

Approved as to form and procedure on basis of facts set forth.

Director of Law-Township Attorney

I hereby certify that the above resolution was duly adopted by the Mayor and Council of the Township of Irvington at a meeting of said Township Council held on _____, 2024.

Municipal Clerk of the Township of Irvington

Mayor of the Township of Irvington

Adopted

Brown – Hudley 16. Award a Bid for Two Mobile Office With Restrooms to Aries Building Systems - \$138,213.00 for Two Years

RESOLUTION AWARDING A BID FOR TWO MOBILE OFFICE WITH RESTROOMS

WHEREAS, sealed bids were received on February 19, 2025, for two mobile office with restrooms to published advertisement for bids in the New Jersey Star Ledger on January 23, 2025; and

MINUTES – REGULAR COUNCIL MEETING – APRIL 14, 2025 - PAGE 40

WHEREAS, two bids were received and opened from Aries Building Systems and United Rentals Inc., (North America); and

WHEREAS, the lowest bidder United Rentals Inc., (North America) was deemed nonresponsive as the vendor pricing did not include water service as required by the bid specifications; and

WHEREAS, said bids were referred to the Public Works Director for recommendation to the Municipal Council; and

WHEREAS, the Public Works Director has recommended that the award should be made to Aries Building Systems of 1913 Atlantic Ave, Suite 198A, Manasquan, NJ 087336 on the basis of their lowest responsible, responsive bid of \$138,213.00 for two years starting on April 15, 2025 until April 14, 2027; and

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

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

BE IT FURTHER RESOLVED that the required certification of availability of C25-0017 in the amount of \$30,000.00 from account number 5-01-26-290-290-118 has been obtained from the Chief Financial Officer and the remaining balance of \$108,213.00. will be certified upon the adoption of the 2026 and 2027 budgets.

Adopted

Hudley – Antilus 17. Award a Proprietary Service Contract for Advertising and Display Marketing Service to Post Opioid Awareness Information Around the Township - Out Front Media - \$38,677.50

RESOLUTION TO AWARD A PROPRIETARY SERVICE CONTRACT FOR ADVERTISING AND DISPLAY MARKETING SERVICE TO POST OPIOIDS AWARENESS INFORMATION AROUND THE TOWNSHIP

WHEREAS, the Office of Mayor is in need of display and advertising services to post Opioids Awareness information to residents; and

WHEREAS, Out Front Media of 185 Route 46, Fairfield, NJ 07004 owns, markets and operates all billboards in the Township of Irvington; and

WHEREAS, the total cost of this service will exceed the Play to Pay threshold; and

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

WHEREAS, the Township would like to take advantage of provisions of NJSA 40:11-5 (aa) and award a service contract to Out Front Media of 185 Route 46, Fairfield, NJ 07004 for the total sum of \$38,677.50

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON hereby authorizes a service contract to Out Front Media of 185 Route 46, Fairfield, NJ 07004 under provisions of NJSA 40:11-5aa to purchase proprietary service for the total sum of \$38,677.50; and

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

BE IT FURTHER RESOLVED that Certification of Funds number C25-0074 has been obtained from the Chief Financial Officers for the total sum of \$38,677.50 charged to budget account number G-02-xx-910-22A-299.

Adopted

Brown – Antilus 18. Resolution of Sorrow – Valeria Shanda Anderson Mial

**RESOLUTION OF SORROW
VALERIA SHANDA ANDERSON MIAL**

WHEREAS, Valeria Shanda Anderson Mial was born December 22, 1952, in Newark New Jersey to the late Vera Jean Lanier Anderson & Marvin Anderson Sr. She attended Crosby Garfield Elementary and then John W. At Liggon High School, she met her future husband, Harold. They married in 1997 and had one daughter, Stephanie; and

WHEREAS, Valeria worked for many companies but went on to work where she could highlight her amazing talents for names and numbers with Internal Revenue Service where she retired. After retiring her biggest pride was her daughter and helping to raise her Grandchildren. She always said Stephanie had that boy (Craig)for me. Valeria was a person to know you had to love her. She was a woman of God. Valerias' ministry was through song. She was always the lead singer in church steppin sharp. She was a Prayer warrior who Loved to read & study her Bible. She was a woman of her word, straight forward, we just have to say it she was a cussologist she specialized in colorful vocabulary! Valeria wanted you to be recognized with your name and number. She loved to count money always adding never subtracting still coming with the correct numbers; and

WHEREAS, Valeria leaves to cherish her precious memories her Husband Mr. Harold Darnell Mial, her only daughter Ms. Stephanie Anderson-Davis (Craig Sr.) her 6 Stepchildren Lacrison, Harold Darnell Jr. Kelly, Darryl, Russel Mial, Darnell Wayne Ray, 25 Grandchildren 35 Great Grandchildren. Valeria's Grandchildren Kristaleigh Yahvonne Anderson-Davis(Best girlfriend), Adearah Vonnaeh-Shanaz Anderson-Davis(Muffin)Craig S.A. Davis Jr.(Duke), Grandchidren also Denicea Lavonne Weaver, Cleasteree(Cleo)Lucille Davis, Zaria Jasmine Singletary(Chocolate),Anitrah Hassanah Williams, Tajae Shawn & Sanyia Yvonne Grant, Aminah Drake, Daquan Taleem Berger, Darren Fields III, Nasir Jasayah Gibbs Diggs(Lucky),Donlushy Philippe(DonRuchy)Timothy Constander Heyward, Great Grandchildren Julian Andrew Davis Shannon(White boy),Dream Cecilia Berger(Dreamy Sikel),Sky'lar Lucille Berger(Sky Baby)Shanda leaves her only Sibling her brother Mr. Marvin Dantly Anderson Jr.(Janet)Her nieces, nephews Mirandee Ruegg, Joel Anderson, Monté Sr., Brittany Nicole, Monte Jr. Aliyah, LaMaia Monet, Dominique Ivana, Rodney Ray Wilson, Tabitha, Erica Jones, also a host of Family and Friends. Valeria leaves special memories with her best friend Ms. Carol Mack; and

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

BE IT FURTHER RESOLVED that a copy of this resolution be spread upon the minutes of this Governing Body in lasting tribute to Valeria Shanda Anderson Mial.

Adopted

Vick – Brown 19. Resolution of Need and Support for a Housing Development Proposed by Springfield Gateway Partners Urban Renewal LLC, for Block 162, Lots 15, 16, 17, 19 (Formerly Lots 19 and 20), 21, 22, 23, 24, and 25, and Commonly Known as 413-421 21st Street and 749-755 & 759-763 Springfield Avenue

RESOLUTION OF NEED AND SUPPORT FOR A HOUSING DEVELOPMENT PROPOSED BY SPRINGFIELD GATEWAY PARTNERS URBAN RENEWAL LLC, FOR BLOCK 162, LOTS 15, 16, 17, 19 (FORMERLY LOTS 19 AND 20), 21, 22, 23, 24, AND 25, AND COMMONLY KNOWN AS 413-421 21ST STREET AND 749-755 & 759-763 SPRINGFIELD AVENUE IN THE TOWNSHIP OF IRVINGTON

WHEREAS, Springfield Gateway Partners Urban Renewal LLC (the “Sponsor”) presently owns and controls a fee simple interest or is the contract purchaser of real property within the Township of Irvington (the “Township”), said property being identified as Block 162, Lots 15, 16, 17, 19 (formerly Lots 19 and 20), 21, 22, 23, 24, and 25 on the official tax maps of the Township, and described as 413-421 21st Street and 749-755 & 759-763 Springfield Avenue in the Township tax records (the “Project Site”); and

WHEREAS, the Sponsor proposes to develop the Project Site with a total of fifty-five (55) residential units, wherein twenty (20) units, will be reserved for low income housing (hereinafter referred to as the “Project”) pursuant to the provisions of the New Jersey Housing and Mortgage Finance Agency Law of 1983, as amended (N.J.S.A. 55:14K-1 et seq.), the rules promulgated thereunder at N.J.A.C. 5:80-1 et seq., and all applicable guidelines (the foregoing hereinafter collectively referred to as “HMFA Requirements”); and

WHEREAS, the Sponsor will be submitting an application issued by the New Jersey Housing and Mortgage Finance Agency (the “Agency”) to finance the Project; and

WHEREAS, the Sponsor will be requesting an issuance of either 4% or 9% federal low income housing tax credits from the Agency to fund the Project;

WHEREAS, the Project will be subject to the HMFA Requirements and the mortgage and other loan documents executed between the Sponsor and the Agency; and,

WHEREAS, the Sponsor will further be requesting an award of Aspire Tax Credits from the New Jersey Economic Development Authority (“EDA”) to fund the Project;

WHEREAS, pursuant to the HMFA Requirements, the governing body of the Township hereby determines that there is a need for this housing project in the Township and consequently supports the pursuance of same by the Sponsor.

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

1. The Municipal Council finds and determines that the Project, proposed by Springfield Gateway Partners Urban Renewal LLC, the Sponsor, meets or will meet an existing housing need within the Township with the construction of a new multifamily residential building consisting of a total of fifty-five (55) units, wherein twenty (20) units, will be reserved for low income housing on a site identified on the Official Tax Map of the Township of Irvington Block 162, Lots 15, 16, 17, 19, (formerly Lots 19 and 20), 21, 22, 23, 24, and 25 and more commonly known as 413-421 21st Street and 749-755 & 759-763 Springfield Avenue, Irvington, New Jersey; and
2. The Municipal Council does hereby adopt the within Resolution in Support of the NJHMFA 9% Federal Low Income Housing Tax Credit Application or, NJHMFA 4% Federal Low Income Housing Tax Credit Application and EDA Aspire Tax Credit Application on behalf of the Project; and
3. The Municipal Council does hereby make the determination and findings herein contained by virtue of, pursuant to, and in conformity with the provisions of the HMFA Requirements to enable the Agency to process the Sponsor's application for Agency funding to finance the Project.

BE IT FURTHER RESOLVED that a certified copy of this Resolution be forwarded to the New Jersey Housing and Mortgage Finance Agency and the New Jersey Economic Development Authority.

Adopted

Vick – Brown 20. Authorize the Execution of Property Exchange and Settlement Agreement
Exchanging Township-Owned Property for Rights to Municipally-Owned Tax Sale
Certificates - Vision Investment Group, LLC - 763 Lyons Avenue, Block 285, Lot 7

**RESOLUTION OF THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF
IRVINGTON AUTHORIZING THE EXECUTION OF PROPERTY EXCHANGE
AND SETTLEMENT AGREEMENT EXCHANGING TOWNSHIP-OWNED
PROPERTY FOR RIGHTS TO MUNICIPALLY-OWNED TAX SALE
CERTIFICATES**

WHEREAS, on September 11, 2023, the Township Council, via Resolution No. OCDP 23-0911-22, authorized the execution of that certain Redevelopment and Purchase and Sale Agreement (the “**Redevelopment Agreement**”) dated _____, which, *inter alia*, approved the sale to Vision Investment Group, LLC (the “**Redeveloper**”) of certain real properties owned by the Township, in exchange for the Redeveloper’s promise and commitment to timely redevelop said properties in accordance with all applicable laws, ordinances and regulations and with the terms of the Redevelopment Agreement; and

WHEREAS, the Resolution specifically authorized the sale to the Redeveloper, as the winning bidder in a duly conducted public bidding process, of the parcels of real property identified on the Township’s official tax maps and in the Township tax records as Block 126, Lot 20 and Block 142, Lot 11, located, respectively, at 15 Montrose Terrace (the “**Montrose Property**”) and 142 22nd Street within the Township; and

WHEREAS, prior to the date of the aforementioned offer and pursuant to its authority under the statutory framework outlined in the recitals contained herein below, the Township had commenced an unrelated effort connected to a potential redevelopment project involving the Montrose Property; and

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

WHEREAS, in accordance with the requirements of the Redevelopment Law, on July 14, 2015, by resolution No. UEZ 15-0714-11, the Municipal Council (the “**Township Council**”) of the Township of Irvington (the “**Township**”) designated the entirety of the Township as an area in need of rehabilitation (the “**Rehabilitation Area**,” and, together with the Redevelopment Plan, the “**Township’s Redevelopment Initiatives**”); and

WHEREAS, the Township is the owner in fee simple of an additional parcel of real property, identified on the official tax maps and in the Township tax records as: Block 285, Lot 7, located at 763 Lyons Avenue (“**763 Lyons Avenue**”); and

WHEREAS, the Township hereby agrees to convey to the Redeveloper the Township’s fee simple ownership of 763 Lyons Avenue, in exchange for 1) the Purchase Price as defined below; 2) Vision’s agreement to surrender its rights with respect to the Montrose Property; and 3) for Vision’s further agreement to use diligent efforts to seek and obtain approvals for a project to redevelop the Property (the “**Project**”), and to commence said Project in accordance with all applicable laws, ordinances and regulations, including the terms of the Township’s Redevelopment Initiatives; and

WHEREAS, while there is no formal adversarial proceeding filed and pending in a court or other tribunal of the State, the Parties deem it in their best interests to enter into this Agreement so as to amicably resolve the potential dispute described herein,

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

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

Section 2. Designation as Redeveloper. Vision Investment Group, LLC is hereby designated Redeveloper of the property identified on the official tax maps and in the Township tax records as Block 285, Lot 7, located at 763 Lyons Avenue, situate within the Township-wide Rehabilitation Area.

Section 3. Execution of Property Conveyance and Settlement Agreement Authorized.

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

(b) The Municipal Clerk is hereby authorized and directed, upon the execution of the Property Conveyance and Settlement Agreement in accordance with the terms of Section 2(a) hereof, to attest to the

signature of the Mayor upon such document and is hereby further authorized and directed to affix the corporate seal of the Township upon such document.

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

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

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

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

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

Exhibit A

PROPERTY CONVEYANCE AND SETTLEMENT AGREEMENT

Adopted

Vick – Vauss, Jr. 21. Authorize the First Amendment to the Property Conveyance and Settlement Agreement by and Between the Township of Irvington and Global Houz, LLC

RESOLUTION AUTHORIZING THE FIRST AMENDMENT TO THE PROPERTY CONVEYANCE AND SETTLEMENT AGREEMENT BY AND BETWEEN THE TOWNSHIP OF IRVINGTON AND GLOBAL HOUZ, LLC

WHEREAS, on October 28, 2024, the Township Council, via Resolution No. DRF 24-1125-97, authorized the private sale of certain municipally-held tax sale certificates for sale to Global, in exchange for a promise and commitment by the potential redevelopers to timely foreclose the right of redemption to the Property, use diligent efforts to seek and obtain approvals for a project to redevelop the Property, and to commence said Project in accordance with all applicable laws, ordinances and regulations and with the terms of this Agreement; and

WHEREAS, Resolution No. specifically authorized the private sale to Global of Tax Sale Certificate Nos. 100976 and 100977 (the “**Subject Liens**”), held by the Township against certain parcels of real property identified on the official tax maps and in the Township tax records as Block 152 & Lots 2 and 3, Block 150 & Lot 14 and Block 158 & Lot 26 respectively, located, respectively, at 220 21st Street, 218 21st Street, 263 22nd Street and 501 20th Street within the Township (the “**Underlying Properties**”); and

WHEREAS, prior to the date of the aforementioned offer and pursuant to its authority under the statutory framework outlined in the recitals contained herein below, the Township had commenced an unrelated effort connected to a potential redevelopment project involving the Underlying Properties; and

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

WHEREAS, on August 13, 2002, the Township Council, by Resolution No. UEZ 02-0813-14, the Township Council adopted a resolution designating certain properties within the East Ward of the Township as an area in need of redevelopment (the “**Redevelopment Area**”); and

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

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

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

WHEREAS, in accordance with the requirements of the Redevelopment Law, on July 14, 2015, by resolution No. UEZ 15-0714-11, the Municipal Council (the “**Township Council**”) of the Township of Irvington (the “**Township**”) designated the entirety of the Township as an area in need of rehabilitation (the “**Rehabilitation Area**,” and, together with the Redevelopment Plan, the “**Township’s Redevelopment Initiatives**”); and

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

WHEREAS, the Township is the owner in fee simple of three parcels of real property, identified on the official tax maps and in the Township tax records as: Block 207, Lot 41, located at 77-79 Ellis Avenue (the “**Ellis Parcel**”); Block 155, Lot 14, located at 349 16th Avenue; and Block 157, Lot 20, located at 404 14th Avenue (all three parcels being the “**Township Parcels**”); and

WHEREAS, the Ellis Parcel, specifically, is situated within the area covered by the Redevelopment Plan, and the two other Township Parcels are located within the Rehabilitation Area; and

WHEREAS, on _____, the Township adopted Resolution No. _____, which authorized the execution of that certain Property Conveyance and Settlement Agreement dated _____, 2025 (the “**Agreement**”), which conveyance to Global of the Township’s fee simple ownership of the Township Parcels, in exchange for 1) the Purchase Price as defined below; 2) Global’s agreement to surrender its rights with respect to the Subject Liens; and 3) for Global’s further agreement to use diligent efforts to seek and obtain approvals for a project to redevelop the Property (the “**Project**”), and to commence said Project in accordance with all applicable laws, ordinances and regulations, including the terms of the Township’s Redevelopment Initiatives; and

WHEREAS, in consideration of the Council’s authorization of the Agreement, Global has established the following single-purpose affiliated entities to serve as the owners of the Township Parcels, for the purpose of securing the financing necessary to effectuate the terms of the Agreement: Irvington 77 Ellis LLC; Irvington 404 LLC; and Irvington 349 LLC (the “**Affiliated Entities**,” each an “**Affiliated Entity**”); and

WHEREAS, the Township wishes to amend the Agreement to authorize the Township to effectuate the Township Parcels to their respective Affiliated Entities.

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

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

SECTION 2. Execution of the First Amendment Authorized.

- a. The Mayor is hereby authorized to execute the First Amendment to the Property Conveyance and Settlement Agreement, substantially in the form attached hereto as Exhibit A, subject to modification or revision deemed necessary and appropriate in consultation with counsel, and to take all other necessary and appropriate action to effectuate the Agreement, as amended.
- b. The Municipal Clerk is hereby authorized and directed, upon the execution of the First Amendment, to attest to the signature of the Mayor upon such documents and is hereby further authorized and directed to affix the corporate seal of the Township upon such document.

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

SECTION 4. Availability of the Resolution. A copy of this Resolution shall be available for public inspection at the offices of the Township.

SECTION 5. Effective Date. This Resolution shall take effect immediately.

EXHIBIT A

First Amendment to the Property Conveyance and Settlement Agreement

Adopted

Hudley – Brown 22. Award a Contract for Special Investigation Counsel to The Law Firm of Hunt, Hamlin & Ridley - Not to Exceed \$25,000.00

AWARDING A CONTRACT FOR SPECIAL INVESTIGATION COUNSEL

WHEREAS, sealed RFPs were received on March 19, 2025, for Special Investigation Counsel in response to published advertisement for RFPs in the New Jersey Star Ledger on March 03, 2025; and

WHEREAS, two RFPs were received and opened from Ruderman & Roth LLC and The Law Firm of Hunt, Hamlin & Ridley by the Municipal Clerk and Purchasing Agent; and

WHEREAS, said RFPs were referred to the Township Attorney for recommendation to the Municipal Council; and

WHEREAS, the Township Attorney has recommended that the award should be made to The Law Firm of Hunt, Hamlin & Ridley of 60 Park Place, 16th Floor, Newark, NJ 07102 at an hourly rate of \$250.00, for an amount not to exceed \$25,000.00.

NOW THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that a contract for Special Investigation Counsel be awarded to The Law Firm of Hunt, Hamlin & Ridley of 60 Park Place, 16th Floor, Newark, NJ 07102 on the basis of their response to the request for an amount not to exceed \$25,000.00 for one year starting on April 14, 2025 until April 15, 2026

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

BE IT FURTHER RESOLVED that the required certification of availability of funds C25-0051 in the amount of \$6,249.99 from account number 5-01-20-155-155-256 has been obtained from the Chief Financial Officer and the remaining balance of \$18,750.01 will be certified upon the adoption of the 2025 and 2026 Municipal budget.

Adopted

Hudley – Vick 23. Approve Additional Funds in the Matter of Benjamin Nduagubu v. Essex County, et al. - Murphy Orlando, LLC - Not to Exceed \$88,120.00

**RESOLUTION APPROVING ADDITIONAL FUNDS FOR
BENJAMIN NDUAGUBU V. ESSEX COUNTY, et al.
CASE NO. 2:23-CV-00961-JMV-ESK**

WHEREAS, on February 13, 2024 the law firm of Murphy Orlando, LLC. was awarded a contract for Litigation Counsel Services for an amount not to exceed \$88,120.00 by resolution number TA 24-0213-2; and

WHEREAS the law firm of Murphy Orlando, LLC. has submitted an amended estimated budget in the amount of \$88,120.00 to litigate this matter;

WHEREAS, the Township seeks to pay the law firm of Murphy Orlando, LLC. for services provided within the scope of the contract, during the contract period but in excess of the contract amount;

WHEREAS, the total contract amount for this matter is hereby increased to an amount not to exceed \$88,120.00.

NOW THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that the services performed by the firm of Murphy Orlando, LLC. in excess of the contract amount is hereby ratified and confirmed for an amount not to exceed \$88,120.00; and

BE IT FUTHER RESOLVED, that total contract amount for this matter is hereby increased to an amount not to exceed \$88,120.00; and

BE IT FUTHER RESOLVED, that the Mayor and Municipal Clerk is hereby authorized to sign and execute an amended contract for Litigation Counsel Service; and

BE IT RESOLVED, that funds for this service will be paid from the Insurance Fund for a contract amount not to exceed \$88,120.00.

Adopted

Hudley – Vauss, Jr. 24. Ratify Professional Services Contract for Litigation/Defense Counsel Services – Eric M. Bernstein & Associates, LLC - Not to Exceed \$6,900.00

**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 Eric M. Bernstein & Associates, LLC has the most experience to defend the Township of Irvington in the matter of Pro Cap 8 FBO Firsttrust Bank v. Block 156, Lot 29, et al., Docket No.F-9895-25; and

WHEREAS, the Township Attorney has recommended that a contract be awarded to Eric M. Bernstein & Associates, LLC, 34 Mountain Blvd., Bldg. A, P.O. Box 4922, Warren, NJ, 07059; 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 Eric M. Bernstein & Associates, LLC, 34 Mountain Blvd., Bldg. A, P.O. Box 4922, Warren, NJ, 07059 for a contract amount not to exceed \$6,900.00. 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 \$6,900.00. The billing rate for this contract is \$150.00 per hour.

Adopted

Hudley – Vick 25. Approve the Final Disposition in the Matter of George St. Fucy v. Township of

Irvington Worker's Compensation

**RESOLUTION APPROVING THE FINAL DISPOSITION OF
GEORGE ST. FUCY V. TOWNSHIP OF IRVINGTON
WORKER'S COMPENSATION CASE NO: 2022-18725**

WHEREAS, the matter of George St. Furcy v. Township of Irvington, was filed in the Department of Labor and Workforce Development, Workers Compensation Division under Case No: 2022-18725; and

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

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

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that it hereby agrees to a settlement of the above matter in the amount not to exceed **One Hundred Four Thousand, Three Hundred and Seventy Dollars with 1/3 being payable by the Township in the amount of Thirty Four Thousand, Seven Hundred and Ninety Dollars (\$34,790.00)** plus fees and costs to be awarded by the Court in the amount of **thirteen thousand, and five dollars (\$13,005.00)** pursuant to the terms of the Settlement Order to be executed by the Judge of the Division of Workers' Compensation; and

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

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

Adopted

Beasley – Antilus 26. Resolution of Commemoration – Sexual Assault Awareness Month, April 2025

**TOWNSHIP OF IRVINGTON RESOLUTION FAMILY SERVICE LEAGUE'S
SAVE OF ESSEX COUNTY PROGRAM SEXUAL ASSAULT AWARENESS
MONTH 2025**

WHEREAS, Sexual Assault Awareness Month (SAAM) was first nationally recognized in April 2001 to increase awareness of sexual violence and its profound impact on individuals and communities; and

WHEREAS, studies indicate that over half of women and more than one in three men experience sexual violence involving physical contact during their lifetimes, with the majority of survivors knowing the person who harmed them, underscoring the urgent need for education, prevention, and survivor-centered support; and

WHEREAS, studies further indicate that individuals in the LGBTQIA+ community are at an increased risk of experiencing sexual violence, with 47% of transgender individuals, 2 in 5 gay men, and 1 in 8 lesbian women reported experiencing sexual assault or violence in their lifetimes; and

WHEREAS, sexual violence does not discriminate and affects individuals of all gender identities, races, ethnicities, ages, and socioeconomic backgrounds. Survivors often remain silent due to fear of blame, shame, disbelief, or re-victimization, making it crucial to foster a culture of belief and support; and

WHEREAS, the goal of SAAM is to bring visibility to the issue of sexual violence and promote prevention efforts, symbolized by the teal ribbon, which represents trust, devotion, and healing. Over time, SAAM has expanded to focus on prevention education in communities, workplaces, and campuses, encouraging behavior change and respect to prevent the physical, emotional, and social impacts of sexual violence; and

WHEREAS, Family Service League (FSL), established in 1881, is a nonprofit organization committed to strengthening and supporting individuals through counseling, sexual violence advocacy, and education. FSL provides trauma-informed services to survivors, their loved ones, and the broader community; and

WHEREAS, SAVE (Sexual Assault and Violence Education), established by FSL in 2004, is the state-designated sexual violence program for Essex County. SAVE plays a critical role on the county's Sexual Assault Response Team, which includes Forensic Nurse Examiners, law enforcement, and Confidential Sexual Violence Advocates. This multidisciplinary team works to provide direct support to survivors while advancing prevention through education and advocacy; and

WHEREAS, since 2015, SAVE has answered **4,145 hotline calls**, provided **1,344 accompaniments** to survivors at hospitals and law enforcement agencies, and served **4,750 survivors of sexual violence through various services**. Since 2017, SAVE has provided **15,570 sexual violence counseling sessions**. Additionally, since 2021, SAVE has facilitated **1,653 Uber rides** to ensure transportation-challenged survivors have safe and reliable transportation to access services; and

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that it hereby formally recognizes April 2025 as Sexual Assault Awareness Month, commends Family Service League's SAVE of Essex County Program for its unwavering dedication to supporting survivors, educating the public, and advocating for a future free from sexual violence, and calls upon all residents to take an active role in prevention and awareness efforts within our community; and

BE IT FURTHER RESOLVED that a copy of this resolution be spread upon the minutes of this Governing Body in lasting tribute to Sexual Assault Awareness Month, April 2025.

Adopted

Antilus – Vick

27. Authorize a Contract With the Educational Service Commission of New

Jersey Co-Op to Purchase Class 4-8 Truck for Department of Public Works - Gabrielli
Kenworth of NJ LLC - \$107,004.00

**RESOLUTION AUTHORIZING A CONTRACT WITH THE EDUCATIONAL SERVICE
COMMISSION OF NEW JERSEY CO-OP TO PURCHASE CLASS 4-8 TRUCK FOR
DEPARTMENT OF PUBLIC WORKS**

WHEREAS, the Township of Irvington became a member of the Educational Service Commission of New Jersey on January 27, 2024 by resolution number DA 25-0127-5; and

WHEREAS, the Co-op issued a bid on May 25, 2023 for Class 4-8 Truck and the Township of Irvington received written approval from the vendor and Co-op to purchase goods under this contract as required by N.J.A.C 5:34-7;and

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

WHEREAS, Pursuant to, N.J.S.A. 52:34 6.2, all procurement forms have been submitted to the Qualified Purchasing Agent and is now part of this contract; and

WHEREAS, Pursuant to, N.J.S.A. 52:34 6.1, the legal notice for bids was advertised in the My Central Jersey.com and the Irvington Municipal Clerk will advertise this contract award in the Township official newspaper; and

WHEREAS, the Department of Public Works wishes to purchase one Class 4-8 truck under Bid number ESCNJ 23/24-04 from Gabrielli Kenworth of NJ LLC located at 2306 Route 130 N Dayton, NJ 08810 for a total amount not to exceed \$107,004.00; and

NOW, THEREFORE, BE IT RESLOVED, that the Municipal Council of the Township of Irvington hereby authorizes the Qualified Purchasing Agent to enter into a contract with Gabrielli Kenworth of NJ LLC located at 2306 Route 130 N Dayton, NJ 08810 under the under Bid number ESCNJ 23/24-04; and

BE IT FUTHER RESLOVED that the required certification of availability of funds C25-0043 in the amount of \$107,004.00 has been obtained from the Chief Financial Officer, charged to account number C-04-56-853-C24-906; and

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

BE IT FURTHER RESOLVED, that the Township is directed to advertised this resolution in the Township Official newspaper.

Adopted

Antilus – Hudley	28. Authorize a Contract With the Educational Service Commission of New Jersey Co-Op to Purchase Class 4-8 Truck for Department of Public Works - Sanitation Equipment Corporation - \$136,167.39
------------------	---

**RESOLUTION AUTHORIZING A CONTRACT WITH THE EDUCATIONAL SERVICE
COMMISSION OF NEW JERSEY CO-OP TO PURCHASE CLASS 4-8 TRUCK FOR
DEPARTMENT OF PUBLIC WORKS**

WHEREAS, the Township of Irvington became a member of the Educational Service Commission of New Jersey on January 27, 2024 by resolution number DA 25-0127-5; and

WHEREAS, the Co-op issued a bid on May 25, 2023 for Class 4-8 Truck and the Township of Irvington received written approval from the vendor and Co-op to purchase goods under this contract as required by N.J.A.C. 5:34-7; and

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

WHEREAS, Pursuant to, N.J.S.A. 52:34 6.2, all procurement forms have been submitted to the Qualified Purchasing Agent and is now part of this contract; and

WHEREAS, Pursuant to, N.J.S.A. 52:34 6.1, the legal notice for bids was advertised in the My Central Jersey.com and the Irvington Municipal Clerk will advertise this contract award in the Township official newspaper; and

WHEREAS, the Department of Public Works wishes to purchase one Class 4-8 truck under Bid number ESCNJ 23/24-04 from Sanitation Equipment Corporation located at 80 Furler Street, Totowa, NJ 07512 for a total amount not to exceed \$136,167.39; and

NOW, THEREFORE, BE IT RESLOVED, that the Municipal Council of the Township of Irvington hereby authorizes the Qualified Purchasing Agent to enter into a contract with Sanitation Equipment Corporation located at 80 Furler Street, Totowa, NJ 07512 under Bid number ESCNJ 23/24-04; and

BE IT FUTHER RESLOVED that the required certification of availability of funds C25-0038 in the amount of \$136,167.39 has been obtained from the Chief Financial Officer, charged to account number C-04-56-853-C24-906; and

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

BE IT FURTHER RESOLVED, that the Township is directed to advertised this resolution in the Township Official newspaper.

Adopted

10. COMMUNICATION AND PETITIONS

A. Communications

None

11. PENDING BUSINESS

None

NON-CONSENT AGENDA

B. Ordinances on Second Reading

1. **President Beasley:** A bond ordinance Providing for the Local Unit's Allocable Share of Capital Improvement Projects for the Joint Meeting of Essex and Union Counties, by and in the Township of Irvington, in the County of Essex, State of New Jersey (the "Local Unit"); Appropriate \$2,605,000.00 and authorize the issuance of \$2,605,000.00 bonds or notes to finance the cost will be heard at this time. The Clerk will read the notice of hearing.

The Clerk will read the ordinance by title.

**BOND ORDINANCE PROVIDING FOR THE LOCAL UNIT'S
ALLOCABLE SHARE OF CAPITAL IMPROVEMENT PROJECTS FOR
THE JOINT MEETING OF ESSEX AND UNION COUNTIES, BY AND
IN THE TOWNSHIP OF IRVINGTON, IN THE COUNTY OF ESSEX,
STATE OF NEW JERSEY (THE "LOCAL UNIT"); APPROPRIATING
\$2,605,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF
\$2,605,000 BONDS OR NOTES TO FINANCE THE COST THEREOF**

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

SECTION 1. The improvements described in Section 3 of this bond ordinance are hereby authorized to be undertaken by the Joint Meeting of Essex and Union Counties (the "Joint Meeting") on behalf of the Township of Irvington, in the County of Essex, State of New Jersey (the "Local Unit") as general improvements. For the said improvements stated in Section 3, there is hereby appropriated the aggregate sum of \$2,605,000. Pursuant to the provisions of N.J.S.A. 40A:2-11(c) of the Local Bond Law, N.J.S.A. 40A:2-1 *et seq.*, as amended and supplemented (the "Local Bond Law"), no down payment is required as this bond ordinance authorizes obligations for environmental infrastructure projects which are funded by a loan from the New Jersey Infrastructure Bank (the "I-

Bank").

SECTION 2. For the financing of said improvements or purposes described in Section 3 hereof and to meet the \$2,605,000 appropriation, negotiable bonds of the Local Unit are hereby authorized to be issued in the principal amount of \$2,605,000 pursuant to, and within all limitations prescribed by, the Local Bond Law. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable notes of the Local Unit in a principal amount not exceeding \$2,605,000 are hereby authorized to be issued pursuant to, and within the limitations prescribed by, said Local Bond Law.

SECTION 3. The improvements hereby authorized and purposes for the financing of which said debt obligations are to be issued are for the Local Unit's allocable share of the 2025 capital improvement projects being undertaken by the Joint Meeting, including, but not limited to, (i) the replacement of the Digester #3 Cover consisting of, but not limited to, the replacement of the steel floating, gas-holding digester tank cover, the replacement of internal piping including sludge inlet, sludge withdrawal and digester gas withdrawal piping and associated pipe supports, and the rehabilitation of sludge and digester gas piping and associated Digester #3 equipment in the Digester Building; (ii) upgrades to Primary Settling Tank #4 consisting of, but not limited to, the replacement of the traveling bridge, cross collector, and associated equipment in Primary Settling Tank #4; and (iii) the construction of six (6) platforms in the Co-Generation Facility to allow for safe access for personnel to perform regular maintenance on the Co-Generation engines.

a. All improvements shall include, as applicable, all work, materials, equipment, engineering, design, architectural, environmental consulting work, preparation of plans and specifications, permits, bid documents, conducting and preparation of reports and studies, equipment rental, labor and appurtenances necessary therefore or incidental thereto.

b. The aggregate estimated maximum amount of bonds or notes to be issued for said improvements or purposes is \$2,605,000.

- c. The aggregate estimated cost of said improvements or purposes is \$2,605,000.

SECTION 4. In the event the United States of America, the State of New Jersey and/or the County of Essex make a loan, contribution or grant-in-aid to the Local Unit for the improvements authorized hereby and the same shall be received by the Local Unit prior to the issuance of the bonds or notes authorized in Section 2 hereof, then the amount of such bonds or notes to be issued shall be reduced by the amount so received from the United States of America, the State of New Jersey and/or the County of Essex. In the event, however, that any amount so loaned, contributed or granted by the United States of America, the State of New Jersey and/or the County of Essex shall be received by the Local Unit after the issuance of the bonds or notes authorized in Section 2 hereof, then such funds shall be applied to the payment of the bonds or notes so issued and shall be used for no other purpose. This Section 4 shall not apply, however, with respect to any contribution or grant in aid received by the Local Unit as a result of using such funds from this bond ordinance as "matching local funds" to receive such contribution or grant in aid.

SECTION 5. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer of the Local Unit, provided that no bond anticipation note shall mature later than one (1) year from its date, unless such bond anticipation notes are permitted to mature at such later date in accordance with the provisions of the New Jersey Infrastructure Trust Act, N.J.S.A. 58:11B-1 *et seq.* ("NJIT Act"). The bond anticipation notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer of the Local Unit shall determine all matters in connection with the bond anticipation notes issued pursuant to this bond ordinance, and the signature of the Chief Financial Officer upon the bond anticipation notes shall be conclusive evidence as to all such determinations. All bond anticipation notes issued hereunder may be renewed from time to time in accordance with the provisions of Section 8.1 of the Local Bond Law and, as applicable, the provisions of the NJIT Act. The Chief Financial Officer is hereby authorized to sell part or all of the

bond anticipation notes from time to time at public or private sale and to deliver them to the purchaser thereof upon receipt of payment of the purchase price and accrued interest thereon from their dates to the date of delivery thereof. The Chief Financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the bond anticipation notes pursuant to this bond ordinance is made. Such report must include the principal amount, the description, the interest rate, and the maturity schedule of the bond anticipation notes so sold, the price obtained and the name of the purchaser.

SECTION 6. The Local Unit hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Local Unit is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

SECTION 7. The following additional matters are hereby determined, declared, recited and stated:

a. The improvements described in Section 3 of this bond ordinance are not current expenses and are improvements which the Local Unit may lawfully undertake as general capital improvements, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

b. The average period of usefulness of said improvements, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is 30 years, which is within the limitations of said Local Bond Law.

c. The supplemental debt statement required by the Local Bond Law has been duly made and filed in the Office of the Clerk of the Local Unit and a complete executed duplicate thereof has been filed in the Office of the Director of the Division of Local Government Services within the

Department of Community Affairs of the State of New Jersey, and such statement shows that the gross debt of the Local Unit, as defined in the Local Bond Law, is increased by the authorization of the bonds and notes provided for in this bond ordinance by \$2,605,000 and the said obligations authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

d. An aggregate amount not exceeding \$519,846 for items of expense listed in and permitted under section 20 of the Local Bond Law is included in the estimated cost indicated herein for the improvements hereinbefore described.

e. In accordance with N.J.S.A. 40:63-134, bonds authorized and issued by the Local Unit to finance improvements or works for the Joint Meeting shall not be taken to be included within or governed by any limitation fixed by law to the amount of bonds authorized to be issued by the Local Unit.

SECTION 8. The full faith and credit of the Local Unit are hereby pledged to the punctual payment of the principal of and the interest on the debt obligations authorized by this bond ordinance. The debt obligations shall be direct, unlimited obligations of the Local Unit, and the Local Unit shall be obligated to levy ad valorem taxes upon all the taxable property within the Local Unit for the payment of the debt obligations and the interest thereon without limitation as to rate or amount.

SECTION 9. The Local Unit reasonably expects to reimburse any expenditures toward the costs of the improvements or purposes described in Section 3 hereof and paid prior to the issuance of any bonds or notes authorized by this bond ordinance with the proceeds of such bonds or notes. This Section 9 is intended to be and hereby is a declaration of the Local Unit's official intent to reimburse any expenditures toward the costs of the improvements or purposes described in Section 3 hereof to be incurred and paid prior to the issuance of bonds or notes authorized herein in accordance with Treasury Regulations Section 150-2.

SECTION 10. The Local Unit covenants to maintain the exclusion from gross income under

section 103(a) of the Code, of the interest on all tax-exempt bonds and notes issued under this ordinance.

SECTION 11. Upon adoption hereof, the Clerk of the Local Unit shall forward certified copies of this bond ordinance to Everett M. Johnson, Esq., Wilentz, Goldman & Spitzer, P.A., bond counsel to the Joint Meeting, and Richard T. Nolan, Esq., McCarter & English, LLP, bond counsel to the I-Bank.

SECTION 12. This bond ordinance shall take effect twenty (20) days after the first publication of this bond ordinance after final adoption, as provided by the Local Bond Law.

ADOPTED ON FIRST READING

DATED: _____, 2025

Shawna Supel, Municipal Clerk

ADOPTED ON SECOND READING

DATED: _____, 2025

Shawna Supel, Municipal Clerk

APPROVAL BY THE MAYOR ON THIS ____ DAY OF _____, 2025

Anthony Vauss, Mayor

The Public Hearing on this ordinance is now open.

No public members requested to be heard.

Frederic – Vick Motion to close Public Hearing.

Frederic – Vick **Motion to adjourn final adoption of this ordinance until after approval by the New Jersey Local Finance Board until May 27, 2025**

12. MISCELLANEOUS

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

No public members requested to be heard.

Council Member Brown thanked the residents for their participation and wished them a Happy Resurrection Day. Council Member Antilus and Council Member Dr. Hudley thanked the residents for attending the meeting. Council Member Dr. Frederic thanked the residents for their participation and asked the residents to participate in the upcoming Community Garden, Shred Day and Textile Day events. Council Member Vauss Jr. wished the attendees a Happy Easter and thanked his Council colleagues for their dedication. Council Member Vick wished the attendees an enjoyable holiday and to stay safe. Council President Beasley thanked the residents for their participation. She invited the attendees to participate in various events in the month of April sponsored by the Public Works and Health Departments and in her event in May with Surrogate Kenney.

13. ADJOURNMENT (*Roll Call)

There being no further business, the meeting adjourned at 7:46 P.M.

Jamillah Z. Beasley, Council President

Shawna M. Supel, Municipal Clerk