

TOWNSHIP OF IRVINGTON



MUNICIPAL COUNCIL MEETING MINUTES MAY 27, 2025 7:30 PM

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

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Appointments

Virtual - Zoom Meetings
Administration

1. PLEDGE OF ALLEGIANCE

2. MOMENT OF SILENCE

3. ROLL CALL

ROLL CALL	PRESENT	ABSENT	LATE ARRIVAL	EARLY DEPARTURE
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.

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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)

Elouise McDaniel, 214 Nesbit Terrace
Robert Shaw, Sr., 57 Coit Street

5. HEARING OF COUNCIL MEMBERS

Council President Beasley addressed the concerns and questions raised by the above citizenry.

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

A. Reports

1. A/Municipal Court Director/Court Administrator Deshanaye Alexander-Sanders - Weekly Summary Report for the Week of May 5, 2025, to May 12, 2025
2. IT Supervisor Brittany Hayes – Report of the May 6, 2025 Ad Hoc/Technology Committee Meeting
3. Community Development Executive Assistant Attiya Pennix – Report of the May 7, 2025 Redevelopment Committee Meeting
4. Recreation Director Donald Malloy - Report of the May 8, 2025 Recreation Committee Meeting
5. Health Deputy Director Kimberly Pierre - Report of the May 8, 2025 Ad Hoc/Health Committee Meeting
6. A/Municipal Court Director/Court Administrator Deshanaye Alexander-Sanders - Weekly Summary Report for the Week of May 5, 2025, to May 12, 2025
7. Township Attorney Ramon Rivera, Esq. – Report of the May 19, 2025 Legal Committee Meeting

7. REPORTS OF COMMITTEES

None

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

8. ORDINANCES, BILLS & CLAIMS

A. Ordinances on First Reading

1. ~~An Ordinance to Approve Payments In Lieu of Taxes for a Thirty (30) Year Period and Authorize the Execution of a Financial Agreement for Payments in Lieu of Taxes~~

~~for a Proposed 48 Unit Affordable Housing Development Project Between the
Township and Springfield Gateway Partners Urban Renewal LLC~~
[REMOVED BY THE COMMUNITY DEVELOPMENT DIRECTOR 5-27-25]

ORD. No. ____-2025

ORDINANCE OF THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON TO APPROVING PAYMENTS IN LIEU OF TAXES FOR A THIRTY (30) YEAR PERIOD AND AUTHORIZING THE EXECUTION OF A FINANCIAL AGREEMENT FOR PAYMENTS IN LIEU OF TAXES FOR A PROPOSED 48 UNIT AFFORDABLE HOUSING DEVELOPMENT PROJECT BETWEEN THE TOWNSHIP AND SPRINGFIELD GATEWAY PARTNERS URBAN RENEWAL LLC.

WHEREAS, the property located at 749-755 & 759-763 Springfield Avenue, designated as Block 162, Lots 15-17 and 19-25 on the official tax map of the Township of Irvington (collectively, the "**Property**") is located within the East Ward/Springfield Avenue Redevelopment Area and is governed by the Mixed-Use sub-district zoning of the East Ward/Springfield Avenue Redevelopment Plan; and

WHEREAS, Springfield Gateway Partners Urban Renewal, LLC, having its principal office at 211 Warren Street, Suite 518, Newark, New Jersey 07103 (hereinafter referred to as the "**Sponsor**") proposes to undertake a project on the Property consisting of the assemblage of the Property, and the development, financing, construction, implementation, and cohesive redevelopment of the Property with a five (5) story multi-family, residential building of 48 units affordable housing units for families (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 referred to as the "**HMFA Requirements**") within the Township of Irvington (hereinafter referred to as the "**Township**"); and

WHEREAS, the Project will be subject to HMFA Requirements and the mortgage and other loan documents executed between the Sponsor and the New Jersey Housing and Mortgage Finance Agency (hereinafter referred to as the "**Agency**"); and

WHEREAS, pursuant to HMFA Requirements, the Township Council of the Township of Irvington previously determined by Resolution #18, adopted May 12, 2025, that there is a need for this housing project in the Township; and

WHEREAS, the Sponsor has presented to the Mayor and Township Committee a revenue projection for the Project which sets forth the anticipated revenue to be received by the Sponsor from the operation of the Project as estimated by the Sponsor and the Agency; and

WHEREAS, the Sponsor has demonstrated to the satisfaction of the Mayor and Township Council that the granting of a long-term tax exemption and payments in lieu of taxes will improve the quality of life for the occupants of the Project and the quality of life for the Township of Irvington; and

WHEREAS, the Mayor and Township Council finds that the relative benefits of the Project to the Township outweigh the costs to the Township associated with granting the long term tax exemption in that it will provide needed housing and parking, create both temporary and permanent jobs within the Township,

enhance the quality of life for residents in and around the neighborhood, and influence the locational decisions of probable new residents; and

WHEREAS, the Township Council has determined that the assistance provided to the Project pursuant to the Financial Agreement is necessary for the creation of the Project and will be a significant inducement for the Sponsor to proceed with the Project; and

WHEREAS, the Financial Agreement represents an arm's length transaction between the parties and all promises and agreements, express or implied, payment of fees or other benefits, terms or conditions related thereto are incorporated therein as it concerns the Project and the parties hereto as well as their agents and servants; and

WHEREAS, the Entity hereby certifies its compliance with the applicable municipal ordinances as well as the strictures of the HMFA Requirements.

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

SECTION 1: PROVISIONS

1. The Township Council does hereby find and determine that the proposed Project will meet or meets an existing housing need; and
2. The Township Council does hereby adopt the within Ordinance and make the determination and finding herein contained by virtue of, pursuant to, and in conformity with the provisions of HMFA Requirements with the intent and purpose that the Agency shall rely thereon in making a mortgage loan to the Sponsor, which shall construct, own and operate the Project; and
3. The Township Council does hereby adopt the within Ordinance with the further intent and purpose that from the date of execution of the Agency mortgage, the Project, including both the land and improvements thereon, will be exempt from real property taxation as provided in HMFA Requirements, provided that payments in lieu of taxes for municipal services supplied to the Project are made to the municipality in such amounts and manner as set forth in the Agreement for Payments in Lieu of Taxes attached hereto as Exhibit "A"; and
4. The Township Council does hereby authorize and direct the Mayor of the Township of Irvington to execute, on behalf of the Township, an Agreement for Payments in Lieu of Taxes in substantially the form annexed hereto as Exhibit "A"; and
5. The Township Council does hereby understand and agree that the revenue projections are estimates and that the actual payments in lieu of taxes to be paid by the Sponsor to the Township of Irvington shall be determined pursuant to the Agreement for Payments in Lieu of Taxes executed between the Sponsor and Township.

SECTION 2: INCONSISTENCIES

All other ordinances and parts of ordinances in conflict or inconsistent with this ordinance are hereby repealed but only to the extent of such conflict or inconsistency.

SECTION 3: HEADINGS

All headings within this ordinance are for convenience only and are not deemed to be part of this ordinance.

SECTION 4: EFFECTIVE DATE

This ordinance shall take effect as required by law.

ADOPTED:

Shawna Supel
Municipal Clerk

Jamillah Z. Beasley
Council President

APPROVED:

Tony Vauss
Mayor

EXHIBIT A

Frederic – Vauss, Jr. 2. Ordinance Appropriating \$557,000 From the General Capital Surplus Fund for the Irvington Public Library Chiller Replacement Project

ORDINANCE APPROPRIATING \$557,000 FROM THE GENERAL CAPITAL SURPLUS FUND FOR THE IRVINGTON PUBLIC LIBRARY CHILLER REPLACEMENT PROJECT IN AND BY THE TOWNSHIP OF IRVINGTON, IN THE COUNTY OF ESSEX, NEW JERSEY.

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

Section 1. The Township of Irvington, in the County of Essex, New Jersey (the "Township"), hereby appropriates \$557,000 from the General Capital Surplus Fund for the Irvington Public Library Chiller Replacement Project, including the installation of heating, ventilation and air conditioning improvements, including all work and materials necessary therefor and incidental thereto.

Section 2. The Township hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Township is hereby amended to conform with the provisions of this 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 3. This ordinance shall take effect after final adoption and publication and otherwise as provided by law.

Adopted

C. Bills & Claims

Frederic – Vick 1. Bill Lists

RESOLVED THAT THE BILLS AND CLAIMS AGAINST THE TOWNSHIP OF IRVINGTON FOR A PERIOD MAY 27, 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	\$5,827,720.33
TOTAL	\$5,827,720.33

Adopted

Frederic – Vauss, Jr. 2. Payrolls

Payroll Date: May 16, 2025

TOTAL	\$2,353,026.54
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Adopted

9. RESOLUTIONS AND MOTIONS

A. Resolutions

Vick – Brown 1. Authorize the Appointment of Special Law Enforcement Officers Class II
Herbert Calderon, Jamaul Jerido, Cassle Carter, Al-Taqaan Wilson and Dejon Scott

Resolution for the Appointment of Special Law Enforcement Officer Class II

WHEREAS, under Township Ordinance 7-143 POWERS AND DUTIES OF THE PUBLIC SAFETY DIRECTOR, subsection L. The Director may employ Special Law Enforcement Officers in accordance with N.J.S.A. 40A:14-146.8 et. seq. Special Law Enforcement Officers' Act. The Public Safety Director recommends the appointment of Special Law Enforcement Officer Class II for a one-year term commencing **July 1, 2025 and ending June 30, 2026.**

BE IT RESOLVED, the Township of Irvington in accordance with N.J.S.A 40A:14-146.8 et. Seq shall appoint the listed SLEO II Police Officers for a one year term commencing **July 1, 2025 and ending June 30, 2026**:

Special Law Enforcement Officer Class II Herbert Calderon
Special Law Enforcement Officer Class II Jamaul Jerido
Special Law Enforcement Officer Class II Cassle Carter
Special Law Enforcement Officer Class II Al-Taqaan Wilson
Special Law Enforcement Officer Class II Dejon Scott

Adopted

Vick – Frederic 2. Authorize Refund of Subsequent Sewer Payment on Block 343 Lot 1, Paid by Lienholder in the Amount of \$183.28

**Resolution Authorizing Refund of Subsequent Sewer Payment
On Block 343 Lot 1 Qual C9301 Paid by Lienholder**

WHEREAS, Pro Cap 8, LLC, lienholder of Certificate of Sale# 22-01154, remitted a subsequent sewer payment in the amount of \$183.28 on May 23, 2024 for the 2024 annual sewer charge on 89-97 Wagner Pl C93.2; and

WHEREAS, the subsequent annual sewer payment in the amount of \$183.28 was misapplied to Certificate of Sale# 22-01153, held by FIG 20, LLC, on May 23, 2024 on 89-97 Wagner Pl C93.1; and

WHEREAS, Pro Cap 8, LLC, remitted a second subsequent sewer payment in the amount of \$187.12 on August 29, 2024 for the 2024 annual sewer charge; and

WHEREAS, the mortgage company, KeyBank, redeemed lien certificates 22-01153 on 89-97 Wagner Pl C93.1 and 22-01154 on 89-97 Wagner Pl C93.2 on November 22, 2024; and

WHEREAS, Pro Cap 8, LLC is requesting a refund of the misapplied subsequent 2024 annual sewer payment paid on May 23, 2024 in the amount of \$183.28; and

WHEREAS, the Tax Collector requests to refund the misapplied subsequent 2024 annual sewer payment in the amount of \$183.28 to Pro Cap 8, 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 annual sewer sub payment in the amount of \$183.28 to Pro Cap 8, LLC.

Adopted

Vick – Vauss, Jr. 3. Refund Tax Overpayment on Block 332 Lot 33, 129-131 Park Place in the Amount of \$2,742.17

Resolution to Refund Tax Overpayment

on Block 332 Lot 33, 129-131 Park Pl.

WHEREAS, Marie Auguste, remitted an online payment in the amount of \$2,742.17 on April 30, 2025 for the 2025 Q2 taxes on Block 332 Lot 33; and

WHEREAS, Marie Auguste, remitted an online payment in the amount of \$2,742.17 on May 1, 2025 for 2025 Q2 taxes on Block 332 Lot 33; and

WHEREAS, Marie Auguste, has requested to be refunded the tax overpayment in the amount of \$2,742.17 for 129-131 Park Pl., Block 332 Lot 33; and

WHEREAS, the Tax Collector desires to refund the tax overpayment in the amount of \$2,742.17 to Marie Auguste.

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 Marie Auguste, in the amount of \$2,742.17.

Adopted

Vick – Frederic 4. Cancel Tax Sale Certificate and Refund Lienholder Tally Dunky LLC on Block 87 Lot 4, 41 Washington Avenue

Resolution to Cancel Tax Sale Certificate #24-00360 and Refund Lienholder Tally Dunky LLC Block 87 Lot 4, 41 Washington Ave.

WHEREAS, Certificate of Sale #24-00360 was issued to Tally Dunky LLC for delinquent taxes at a Tax Sale held on December 18, 2024; and

WHEREAS, the Tax Collector requests permission to cancel and refund Certificate of Sale #24-00360 and Refund Lienholder Tally Dunky LLC Block 87 Lot 4, 41 Washington Ave; and

WHEREAS, on July 11, 2024, the property located at 41 Washington Ave., on Block 87 Lot 4, received a final judgment on Certificate of Sale #100535 that did not vest title to the Township of Irvington and must be sold in a sheriff's sale; and

WHEREAS, Certificate of Sale #100535 remains open and Certificate of Sale #24-00360 must be added to Certificate of Sale #100535 as a subsequent charge; and

WHEREAS, the Tax Collector requests to refund the lienholder, Tally Dunky LLC, the lien in the amount of \$6,003.83 and the premium in the amount of \$8,400.00.

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:

1. Cancel Certificate of Sale #24-00360 and reopen Certificate of Sale #100535 and

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2. Issue a refund in the amount of \$6,003.83 and the premium in the amount of \$8,400.00 to the lienholder, Tally Dunky LLC.

Adopted

- Vick – Vauss, Jr. 5. Authorize a Fair and Open Contract for Payroll Services to Prime Point LLC - Not to Exceed \$102,980.00

RESOLUTION AUTHORIZING A FAIR AND OPEN CONTRACT FOR PAYROLL SERVICES

WHEREAS, a Request For Proposal for Municipal Payroll services was publicly advertised in the New Jersey Star Ledger on April 10, 2025 with a deadline for RFPs to be submitted on April 30, 2025; and

WHEREAS, one RFP was received and publicly opened; and

WHEREAS, said RFP was referred to the Chief Financial Officer (CFO) and the Business Administrator; and

WHEREAS, the RFP satisfied the bid requirement; and

WHEREAS, the Business Administrator has recommended award should be made to Prime Point LLC, 2 Springside Road, Westhampton, NJ 08060 for one year.

NOW THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that a contract for Municipal Payroll services be awarded to Prime Point LLC, 2 Springside Road, Westhampton, NJ 08060 on the basis of Proposal for an amount not to exceed \$ \$102,980.00 for one year, starting on May 27, 2025, until May 26, 2026; and

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

BE IT RESOLVED that the required certification of availability of funds C25-0058 in the amount of \$20,000.00 from account numbers 5-01-20-130-130-256 has been obtained from the Chief Financial Officer and the remaining balance of \$82,980.00 will be certified upon the adoption of the 2026 budget.

Adopted

- Vick – Vauss, Jr. 6. Authorize Assignment of Tax Sale Certificate(s) to Irvington Redevelopment 2022 LLC - 501 20th Street, 491 21st Street and 16 Highland Terrace

RESOLUTION AUTHORIZING ASSIGNMENT OF TAX SALE CERTIFICATE(S) TO IRVINGTON REDEVELOPMENT 2022 LLC

WHEREAS, pursuant to N.J.S.A. 54:5-113, the State of New Jersey authorizes assignment by a municipality of municipally-held tax sale certificates by private sale for amounts not less than the assessed value of the underlying real estate as of the date of the last tax sale, when the full amount of the liens exceeds such assessed value; and

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WHEREAS, the Township of Irvington (the “**Township**”) is the holder of the following Tax Sale Certificate Nos.:

Tax Cert No.	Tax Cert. Date	Property Address	Block/Lot	Assessed Value	Redemption Total
111229	6/28/2011	501 20 th St	158/ 26	\$144,538.80	\$16,700
101090	7/12/2010	491 21 st St	166/ 31	\$278,439.68	\$110,400
100725	7/12/2010	16 Highland Terr	123/ 23	\$254,788.17	\$91,000

WHEREAS, the Township’s Tax Assessor has determined that the total amount listed herein exceeds the assessed value of the property; and

WHEREAS, the Township is in receipt of an offer by **_Irvington Redevelopment 2022 LLC_** (hereafter Purchaser), whose address is **_4921 Bay Pkwy, Brooklyn, NY 11230_**, to purchase by assignment the above Tax Sale Certificate(s) for a purchase amount equal to **\$_218,100_**, which is not less than the assessed value of the property; and

WHEREAS, the Township Council has determined after due deliberation that the Township’s best interests would be served by proceeding to sell the aforementioned Tax Sale Certificate(s) by assignment at a private sale, for the aforementioned offered payment amount, pursuant to the aforementioned N.J.S.A. 54:5-113; and

WHEREAS, notice of such private sale has been given in accordance with N.J.S.A. 54:5-114,

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

1. The Township is hereby authorized to sell the above Tax Sale Certificate No(s). together with subsequent liens and any accrued penalties, interest and other charges, for the aforementioned payment amount, to Purchaser in accordance with the provisions of N.J.S.A. 54:5-113;
2. Purchaser shall be responsible for executing the attached draft RDA, Power of Attorney and pay the assessed value for each property approved by this resolution; and
3. The requisite Township official is hereby authorized to execute the assignment to effectuate such sale.

Adopted

Vick – Beasley 7. Authorize Assignment of Tax Sale Certificate(s) to Gardenview Management LLC
– 9 20th Avenue and 263 22nd Street

RESOLUTION AUTHORIZING ASSIGNMENT OF TAX SALE CERTIFICATE(S) TO GARDENVIEW MANAGEMENT LLC

WHEREAS, pursuant to N.J.S.A. 54:5-113, the State of New Jersey authorizes assignment by a municipality of municipally-held tax sale certificates by private sale for amounts not less than the assessed value of the underlying real estate as of the date of the last tax sale, when the full amount of the liens exceeds such assessed value; and

WHEREAS, the Township of Irvington (the “**Township**”) is the holder of the following Tax Sale Certificate Nos.:

Tax Cert No.	Tax Cert. Date	Property Address	Block/Lot	Assessed Value	Redemption Total
12-01898	12/27/2012	9 20 th Ave	137/ 19	\$325,151.82	\$170,00
111163	6/28/2011	263 22 nd St	150/14	\$129,072.74	\$15,400

WHEREAS, the Township’s Tax Assessor has determined that the total amount listed herein exceeds the assessed value of the property; and

WHEREAS, the Township is in receipt of an offer by **Gardenview Management LLC** (hereafter Purchaser), whose address is **732 Westwood Ave, Staten Island, NY 10314**, to purchase by assignment the above Tax Sale Certificate(s) for a purchase amount equal to \$**185,400**, which is not less than the assessed value of the property; and

WHEREAS, the Township Council has determined after due deliberation that the Township’s best interests would be served by proceeding to sell the aforementioned Tax Sale Certificate(s) by assignment at a private sale, for the aforementioned offered payment amount, pursuant to the aforementioned N.J.S.A. 54:5-113; and

WHEREAS, notice of such private sale has been given in accordance with N.J.S.A. 54:5-114,

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

4. The Township is hereby authorized to sell the above Tax Sale Certificate No(s). together with subsequent liens and any accrued penalties, interest and other charges, for the aforementioned payment amount, to Purchaser in accordance with the provisions of N.J.S.A. 54:5-113;
5. Purchaser shall be responsible for executing the attached draft RDA, Power of Attorney and pay the assessed value for each property approved by this resolution; and
6. The requisite Township official is hereby authorized to execute the assignment to effectuate such sale.

Adopted

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Vick – Antilus 8. Authorize Service Agreement to Repair Sole Source Ravo Street Sweeper - Northeast Sweepers - Not to Exceed \$50,000.00

AUTHORIZE SERVICE AGREEMENT TO REPAIR SOLE SOURCE RAVO STREET SWEEPER

WHEREAS, Public Works leased two Ravo Street Sweepers to clean various streets in the Township; and

WHEREAS, the maintenance and repair agreement does not include routine repairs and collusion damage; and

WHEREAS, pursuant to N.J.S.A. 40A:11-5(1)(d)(d), parts and services can only be purchased from Northeast Sweepers, 20 Montesano Road, Fairfield, NJ 07004

WHEREAS, the Administration would like to request a sole source exemption for parts and service of the two Ravo Street Sweepers; and

WHEREAS, the Administration would like to award a contract to Northeast Sweepers, 20 Montesano Road, Fairfield, NJ 07004 for an amount not to exceed \$50,000.00

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Irvington in the County of Essex, and State of New Jersey, that Public Works is authorized to purchase parts and service from Northeast Sweepers, 20 Montesano Road, Fairfield, NJ 07004 starting on May 27, 2025 until December 31, 2025 for an amount not to exceed \$50,000.00.

BE IT FUTHER RESLOVED that the required certification of availability of funds C25-0049 in the amount of \$50,000.00 from account number 5-01-28-375-375-299 and 5-01-32-465-465-118 has been obtained from the Chief Financial Officer.

Adopted

Vick – Antilus 9. Authorize a Contract With Sourcewell Coop Vendor TYMCO Inc. for the Purchase of Two Model 600 Sweepers Standard Equipment for the Department of Public Works - Not to Exceed \$771,960.00

RESOLUTION AUTHORIZING A CONTRACT WITH SOURCEWELL COOP VENDOR TYMCO INC FOR THE PURCHASE OF TWO MODEL 600 SWEEPER STANDARD EQUIPMENT FOR DEPARTMENT OF PUBLIC WORKS

WHEREAS, the Township of Irvington became a member of Source Well National Co-operative purchasing by resolution number DPW 22-1212-39; 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 State of New Jersey Cooperative Purchasing Program; and

WHEREAS, the cost savings determination is on file and now part of this contract; and

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

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WHEREAS, Pursuant to, N.J.S.A. 52:34 6.1, a notice of intent/Legal notice for this purchase was advertised in the New Jersey Start Ledger on April 22, 2025, and no comments were submitted by deadline date of May 09, 2025; and

WHEREAS, the Department of Public Works wishes to purchase two (2) Model 600 Sweeper Standard Equipment through TYMCO, Inc located at P.O. Box 2368, Waco, TX, 76703 under Source well contract number 111522 for a total amount not to exceed \$771,960.00; 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 TYMCO, Inc located at P.O. Box 2368, Waco, TX, 76703 under Source well contract number contract number 111522 for an amount not to exceed \$771,960.00 under the Source Well Contract number contract number 111522; and

BE IT FUTHER RESLOVED that the required certification of availability of funds C24-0164 in the amount of \$771,960.00 has been obtained from the Chief Financial Officer, charged to account number C-04-56-853-C24-906 and C-04-56-853-C24-910; 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

Adopted

Vick – Vauss, Jr. 10. Authorize a Service Agreement to Repair Sole Source Elgin Pelican Street Sweeper - W.E. Timmerman Co. Inc. - Not to Exceed \$50,000.00

RESOLUTION AUTHORIZING A SERVICE AGREEMENT TO REPAIR SOLE SOURCE ELGIN PELICAN STREET SWEEPER

WHEREAS, Public Works has an Elgin Pelican Street sweepers to clean various streets in the Township; and

WHEREAS, pursuant to N.J.S.A. 40A:11-5(1)(d)(d), parts and services can only be purchased from W.E. Timmerman Co. Inc., P.O Box 71, Whitehouse, NJ 08888; and

WHEREAS, the Administration would like to request a sole source exemption for parts and service for the street sweepers; and

WHEREAS, the Administration would like to award a sole source contract to W.E. Timmerman Co. Inc., P.O Box 71, Whitehouse, NJ 08888 for an amount not to exceed \$50,000.00

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Irvington in the County of Essex, and State of New Jersey, Public Works is authorized to purchase parts and services from to W.E. Timmerman Co. Inc., P.O Box 71, Whitehouse, NJ 08888 for an amount not to exceed \$50,000.00 starting on May 27, 2025 until December 31, 2025.

BE IT FUTHER RESLOVED that the required certification of availability of funds C25-0069 in the amount of \$50,000.00 from account number 5-01-32-465-465-118 has been obtained from the Chief Financial Officer.

Adopted

Vick – Frederic 11. Qualify Pool of Architectural Services in a Fair and Open Professional Services

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

WHEREAS, the Request for Qualifications (RFQs) for Architectural services was publicly advertised in the New Jersey Star Ledger on April 08, 2025, with a deadline for qualifications to be submitted on April 30, 2025; and

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

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

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

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

James R. Guerra PA
65 Springfield Ave, Springfield, NJ 07081

DMR Architects
777 Terrace Ave, Suite 607, Hasbrouck Heights, NJ 07604

Di Cara/Rubino Architects
35 Waterview Blvd, Suite 303 Parsippany, NJ 07050

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

BE IT FURTHER RESOLVED, that appointment is for one year starting on May 07, 2025 and ending on May 06, 2026; and

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

BE IT RESOLVED that the required Certification of Availability of Funds will be obtained from the Chief Financial Officer when quotes are submitted to the Municipal Council for each individual project.

Adopted

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Hudley – Vick 12. Approve Additional Funds in the Matter of Christina Pierre v. Uber Technologies, et. al. - Antoine Law Firm - Total Contract Amount Not to Exceed \$10,125.00

RESOLUTION APPROVING ADDITIONAL FUNDS FOR CHRISTINA PIERRE V. UBER TECHNOLOGIES, ET. AL. DOCKET NO. ESX-L-006437-23

WHEREAS, on December 23, 2024 the Antoine Law Firm was awarded a contract for Litigation Counsel Services for an amount not to exceed \$5,000.00 by resolution number TA 24-1223-42 ; and

WHEREAS the Antoine Law Firm has submitted an estimated budget in the amount of \$10,125.00 to litigate this matter, however the firm is in the process of filing a motion to dismiss, which has a high chance of being successful;

WHEREAS, the Township seeks to pay the Antoine Law Firm 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 \$10,125.00;

NOW THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that the services performed by the firm of Antoine Law Firm in excess of the contract amount is hereby ratified and confirmed for an amount not to exceed \$10,125.00; and

BE IT FUTHER RESLOVED, that total contract amount for this matter is hereby increased to an amount not to exceed \$10,125.00; and

BE IT FUTHER RESLOVED, 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 \$10,125.00.

Adopted

Hudley – Vick 13. Approve Additional Funds in the Matter of James M. King v. Stephan Antoine, et. al. - Antoine Law Firm - Total Contract Amount Not to Exceed \$16,125.00

RESOLUTION APPROVING ADDITIONAL FUNDS FOR JAMES M. KING V. STEPHAN ANTOINE, ET. AL. DOCKET NO. ESX-L-005041-24

WHEREAS, on September 9, 2024 the Antoine Law Firm was awarded a contract for Litigation Counsel Services for an amount not to exceed \$5,000.00 by resolution number TA 24-0909-28 ; and

WHEREAS the Antoine Law Firm has submitted an estimated budget in the amount of \$16,125.00 to litigate this matter;

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WHEREAS, the Township seeks to pay the Antoine Law Firm 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 \$16,125.00;

NOW THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that the services performed by the firm of Antoine Law Firm in excess of the contract amount is hereby ratified and confirmed for an amount not to exceed \$16,125.00; and

BE IT FUTHER RESLOVED, that total contract amount for this matter is hereby increased to an amount not to exceed \$16,125.00; and

BE IT FUTHER RESLOVED, 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 \$16,125.00.

Adopted

Hudley – Vick 14. Approve the Final Disposition of Booker v. Township of Irvington Workers' Compensation – Not to Exceed \$47,349.25

RESOLUTION APPROVING THE FINAL DISPOSITION OF

**BOOKER V. TOWNSHIP OF IRVINGTON
WORKER'S COMPENSATION CASE NOS: 2021-13973 & 2021-13975**

WHEREAS, the matter of Hazel Booker v. Township of Irvington, was filed in the Department of Labor and Workforce Development, Workers Compensation Division under Case Nos: 2021-13973 and 2021-13975; 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 matters for a total amount not to exceed **Forty Seven Thousand Three Hundred Forty-Nine Dollars and Twenty Five Cents (\$47,349.25)** 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

~~15. Authorize the Submission of a UEZ Funding Request to the State of New Jersey DCA Urban Enterprise Zone Authority for Irvington UEZ Micro Business Loan Program~~

[REMOVED BY THE BUSINESS ADMINISTRATOR 5-27-25]

**RESOLUTION AUTHORIZING SUBMISSION OF A UEZ FUNDING REQUEST
TO THE STATE OF NJ, DCA URBAN ENTERPRISE ZONE AUTHORITY FOR
IRVINGTON UEZ MICRO BUSINESS LOAN PROGRAM**

WHEREAS the Township of Irvington UEZ Program desires to submit for and obtain a grant from the New Jersey Department of Community Affairs, Urban Enterprise Zone Authority in the amount of \$1,000,000 to be used to Provide cost effective, low interest, long term payback loans to existing Irvington UEZ Registered Businesses to expand, upgrade, make physical improvements or repairs to their business. It must be a physical location home based business are not eligible for the Business Micro Loan Program. The business must provide a detailed description what the loan will be used for. It must include cost estimates, bids, quotes, photographs, and any other pertinent information describing how the business will be improved with the loan. Loans shall be used for new equipment/machinery, new furnishings, remodeling, new store fronts, cameras, minor construction, inventory, supplies, etc. Loans cannot be used to for debt, payroll, rents, inventory, utilities or insurance; and

NOW, THEREFORE, BE IT RESOLVED, by the Municipal Council of the Township of Irvington does hereby authorize the application for such funding; and, recognizes and accepts that the Department may offer a lesser or greater amount and therefore, upon receipt of the funding agreement from the New Jersey Department of Community Affairs, does further authorize the execution of any such funding agreement; and also, upon receipt of the fully executed agreement from the Department, does further authorize the expenditure of funds pursuant to the terms of the agreement between the Township of Irvington UEZ Program and the New Jersey Department of Community Affairs, Division of Urban Enterprise Zone's Zone Assistance Fund; and

BE IT FURTHER RESOLVED by the Municipal Council of the Township of Irvington that the council consents to the submission of the Business Micro Loan Program as proposed by the Irvington UEZ.

~~16. Approve UEZ Business Micro Loan Program With Non-For-Profit Organization Local Initiatives Support Corporation~~

[REMOVED BY THE BUSINESS ADMINISTRATOR 5-27-25]

**RESOLUTION APPROVING UEZ BUSINESS MICRO LOAN PROGRAM WITH NON-FOR-
PROFIT ORGANIZATION LOCAL INITIATIVES SUPPORT CORPORATION**

WHEREAS, Local Initiatives Support Cooperation (LISC), a New Jersey Non-Profit Corporation with its office located at 550 Broad Street-Suite 1115, Newark, NJ 07102, established since 1979 is a certified

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Community Development Financial Institution by the U.S. Department of treasury to provide financial products and services to under-resourced communities and population; and

WHEREAS, the UEZ would like to provide cost effective, low interest, long term payback micro loans to existing Irvington UEZ registered businesses to expand, upgrade or make physical improvements to their Irvington based business or property; and

WHEREAS, Local Initiatives Support Cooperation (LISC), has expertise, experience, resources and knowledge to manage and administer this program; and

WHEREAS, Local Initiatives Support Cooperation (LISC) has provided the Township with a detailed proposal for this service and completed Pay to Play forms along with proof of their Non-Profit status, herein attached to this resolution; and

WHEREAS, UEZ has prepared the appropriate summary, scope of work and agreement for this project, herein attached to this resolution.

NOW THEREFORE BE, IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON, that the Township of Irvington is hereby authorized to enter into a contract with Local Initiatives Support Cooperation (LISC) to provide business micro loans to Irvington Business in compliance with all UEZ requirements.

BE IT FURTHER RESOLVED, that the UEZ will manage this contract to ensure that all appropriate performance measures are met and all documentation remains on file for auditing purposes.

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

Vick – Vauss, Jr. 17. Authorize the Execution of the First Amendment of the Redevelopment Agreement With Springfield Gateway Partners Urban Renewal LLC as Redeveloper of the Property Designated as Block 162, Lots 15, 16, 17, 19 (Formerly Lots 19 And 20), 21, 22, 23, 24, and 25, Commonly Known as 413-421 21st Street and 749-755 & 759-763 Springfield Avenue

RESOLUTION OF THE TOWNSHIP OF IRVINGTON, COUNTY OF ESSEX, AUTHORIZING THE EXECUTION OF THE FIRST AMENDMENT OF THE REDEVELOPMENT AGREEMENT WITH SPRINGFIELD GATEWAY PARTNERS URBAN RENEWAL LLC AS REDEVELOPER OF THE PROPERTY DESIGNATED AS BLOCK 162, LOTS 15, 16, 17, 19 (FORMERLY LOTS 19 AND 20), 21, 22, 23, 24, AND 25 IN THE TOWNSHIP OF IRVINGTON, COMMONLY KNOWN AS 413-421 21ST STREET AND 749-755 & 759-763 SPRINGFIELD AVENUE 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 within the Township constitute an area in need of rehabilitation and/or an area in need of redevelopment and to create redevelopment plans which provide development controls for any area so designated; and

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

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

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

WHEREAS, the Township is the owner of certain properties within the Redevelopment Area designated and identified in the Township tax records, respectively, as follows:

Block	Lot	Address
162	24	417 21 st Street
162	25	421 21 st Street
162	16	761 Springfield Avenue
162	17	759 Springfield Avenue
162	23	413 21 st Street

(the “Township Parcels”); and

WHEREAS, the Redeveloper is the owner of or intends to acquire certain properties within the Redevelopment Area designated and identified in the Township tax records, respectively, as follows:

Block	Lot	Address
162	15	763 Springfield Avenue
162	19	755 Springfield Avenue
162	20	753 Springfield Avenue
162	21	751 Springfield Avenue
162	22	749 Springfield Avenue

(the “Redeveloper Parcels” and together with the Township Parcels, referred to herein as the “Property”); and

WHEREAS, the Redeveloper has submitted to the Township its plans for the acquisition of the Township Parcels, the assemblage of the Property, and the development, financing, construction, implementation, and cohesive redevelopment of the Property with a five (5) story multi-family, residential building with fifty-seven (57) residential units (comprised of 16 studio units, 25 one-bedroom units, and 16 two-bedroom units), and forty-seven (47) parking spaces, and certain other on-site and offsite improvements (collectively, the “Project”); and

WHEREAS, on or around September of 2024, the Redeveloper filed a redeveloper application with the Township, seeking to be designated the redeveloper of the Property and to enter into a redevelopment

agreement for a proposed project that consisted of construction five-story multifamily residential building, consisting of fifty-seven (57) market rate rental units, along with forty-seven (47) off-street parking spaces and other amenities for all tenants; and

WHEREAS, by Resolution No. 11, adopted by the Municipal Council of the Township on January 27, 2025, the Redeveloper entered into a Redevelopment Agreement with the Township (“Redevelopment Agreement”), setting forth the terms and conditions by which Redeveloper would redevelop the Property with the Project; and

WHEREAS, since the adoption of the Resolution, the Redeveloper presented the Township with a revised plan for the Project, in which the Redeveloper is now proposing to reduce the number of residential units from 57 to forty-eight (48) affordable units, including 8 one-bedroom units, 28 two-bedroom units and 12 three-bedroom units, along with 47 off-street parking spaces, an ground floor amenity/gym and a ground floor hydro space (“Amended Project”); and

WHEREAS, the Redevelopment Law authorizes the redevelopment entity to arrange or contract for the planning, construction or undertaking of any development project or redevelopment work in an area designated as “an area in need of redevelopment” pursuant to N.J.S.A. 40A:12A-8; and

WHEREAS, the Township has determined that the redevelopment of the Property in accordance with applicable provisions of the Redevelopment Plan will contribute to the redevelopment and reinvigoration of the Township, is in the vital and best interests of the community and promotes the health, safety, morals and welfare of the Township’s residents and is in accord with the legislative intent, goals and objectives of the Redevelopment Law; and

WHEREAS, the Parties acknowledge and agree that, over time, certain laws, conditions and circumstances have materially changed and, thus, the Redevelopment Agreement must be amended to reflect these changes; and

WHEREAS, the Parties continue to cooperate with each other with regard to implementing the overall terms of the Redevelopment Agreement while certain conditions precedent may remain in the process of being satisfied; and

WHEREAS, in the interim, the Parties desire to amend certain portions of the Redevelopment Agreement and execute a First Amendment to the Redevelopment Agreement.

NOW THEREFORE, BE IT RESOLVED by the Township Council of the Township of Irvington, County of Essex, New Jersey, 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 to the Redevelopment Agreement Authorized; Redeveloper Designated.

(a) The Mayor is hereby authorized to execute the First Amendment to the Redevelopment Agreement, substantially in the form attached hereto as Exhibit A, subject to modification or revision

deemed necessary or desirable in consultation with counsel, and to take all other necessary or appropriate action to effectuate such First Amendment to the Redevelopment Agreement.

(b) The Municipal Clerk is hereby authorized and directed, upon the execution of the First Amendment to the Redevelopment Agreement in accordance with the terms of Section II(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 First Amendment of the Redevelopment Agreement, the Mayor, upon consultation with counsel to the Township, is hereby further authorized to take any and all actions, and execute and deliver such other documents, certificates and instruments necessary, desirable or convenient to effectuate the terms of the Redevelopment Agreement.

(d) Upon execution of the First Amendment of the Redevelopment Agreement, and so long as the Redevelopment Agreement remains in full force and effect, Springfield Gateway Partners Urban Renewal LLC is hereby designated as “redeveloper” for the Project in accordance with the Redevelopment Law.

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

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

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

EXHIBIT A

Form of First Amendment to the Redevelopment Agreement

Adopted

Vick – Beasley 18. Authorize the Execution of a Property Exchange Agreement Exchanging Township-Owned Property for Privately-Owned Property Within The Township - Block 219, Lot 22, 462 Nye Avenue

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

WHEREAS, the Municipal Council (the “**Township Council**”) of the Township 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 Redevelopment Law, on July 14, 2015, by resolution No. UEZ 15-0714-11, the Township Council adopted a resolution designating the entire Township as an area in need of rehabilitation (the “**Rehabilitation Area**”); and

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

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

WHEREAS, the Township is the owner of certain property designated on the official tax maps of the Township and identified in the Township tax records as Block 219, Lot 22, located at 462 Nye Avenue within the Township (the “**Substitute Parcel**”); and

WHEREAS, the Township also owns certain property located within the Redevelopment Area, which property is designated on the official tax maps of the Township and identified in the Township tax records as Block 220, Lot 18, located at 486 Nye Avenue within the Township (the “**Chester Parcel**,” and together with the Substitute Parcel, the “**Properties**”); and

WHEREAS, in 2025, Chester successfully bid to acquire the Chester Parcel from the Township pursuant to a duly advertised request for bids to purchase Township-owned properties for redevelopment or rehabilitation purposes; and

WHEREAS, since the parties have discovered, subsequent to Chester’s successful bid for the Chester Parcel, title issues unduly encumbering Chester’s efforts to acquire the Chester Parcel, which the Township seeks to rectify by substituting the Substitute Parcel for the Chester Parcel; and

WHEREAS, the substitution of the Properties would facilitate the commencement of redevelopment or rehabilitation projects within the Township; and

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

NOW, THEREFORE, for and in consideration of the promises and of the mutual representations, covenants and agreements herein set forth, the Parties do mutually promise, covenant and agree as follows:

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

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

Section 2. Execution of Property Exchange Agreement Authorized.

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

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

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

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

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

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

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

Exhibit A

PROPERTY EXCHANGE AGREEMENT

Adopted

Vick – Beasley 19. Authorize the First Amendment to Assignment and Assumption Agreement Pertaining to Life Assets, LLC - 36 Ellis Avenue, 174 Ellis Avenue, 195 19th Avenue, 208 Ellis Avenue, 477 21st Street and 479 21st Street

RESOLUTION OF THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON, COUNTY OF ESSEX, NEW JERSEY AUTHORIZING THE FIRST AMENDMENT TO ASSIGNMENT AND ASSUMPTION AGREEMENT PERTAINING TO LIFE ASSETS, LLC

WHEREAS, Assignor is the “Redeveloper” pursuant to that certain Redevelopment Agreement by and between the Township of Irvington (the “**Township**”) and the Assignor dated as of September 25, 2023 (the “**Redevelopment Agreement**”), for the purposes of constructing one- and two-family dwellings upon parcels identified on the official tax maps and in the Township tax records as follows:

BLOCK	LOT	LOCATION
165	9	36 Ellis Avenue
136	3	174 Ellis Avenue
131	17	195 19th Avenue
136	16	208 Ellis Avenue

166	27	477 21st Street
166	28	479 21st Street

(collectively, the “**Property**”); and

WHEREAS, Assignor desires to assign to Assignee, and Assignee desires to assume, all of Assignor’s right, title and interest in and to the Redevelopment Agreement as it relates to Property; and

WHEREAS, Assignee is an Affiliate of Assignor and is thus a Permitted Transferee under the terms of the Agreement, and

WHEREAS, on March 17, 2025, the Parties executed the Assignment and Assumption of Redevelopment and Land Disposition Agreement (the “Original Assignment”), and now seek to amend the Original Agreement to correct the name of the Assignee, which previously was rendered “Urban Design of Jersey, LLC.”

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. Assignment of the Redevelopment Agreement Authorized.

- a. The Mayor is hereby authorized to execute the First Amendment to Assignment and Assumption Agreement, 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 Assignment and Assumption Agreement, 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 Redevelopment Agreement

Adopted

Vick – Vauss, Jr. 20. Authorize the First Amendment to Redevelopment Agreement by and Between the Township of Irvington and Life Assets, LLC, dba Urban Design of Jersey, LLC

RESOLUTION OF THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON, COUNTY OF ESSEX, NEW JERSEY AUTHORIZING THE FIRST AMENDMENT TO REDEVELOPMENT AGREEMENT BY AND BETWEEN THE TOWNSHIP OF IRVINGTON AND LIFE ASSETS, LLC, DBA URBAN DESIGN OF JERSEY, LLC

WHEREAS, the Township of Irvington (the “**Township**”) is authorized pursuant to the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1 et seq.*, as amended and supplemented (the “**Redevelopment Law**”) to determine whether certain parcels of land within the Township constitute an area in need of redevelopment; and

WHEREAS, in accordance with the Redevelopment Law, on July 14, 2015, by resolution No. UEZ 15-0714-11, the Township Council adopted a resolution designating the entire Township as an area in need of rehabilitation (the “**Rehabilitation Area**”); and

WHEREAS, pursuant to *N.J.S.A. 40A:12A-4(a)(3)* and *N.J.S.A. 40A:12A-7* the Municipal Council is empowered to adopt a redevelopment plan pursuant to which redevelopment projects are to be undertaken or carried out within an area in need of rehabilitation; and

WHEREAS, on August 11, 2015, in accordance with the provisions of *N.J.S.A. 40A:12A-7*, the Township Council duly adopted Ordinance MC. 3549 adopting the “*Township-Wide Area in need of Rehabilitation Redevelopment Plan*” (the “**Township-Wide Redevelopment Plan**”) for the Rehabilitation Area; and

WHEREAS, pursuant to *N.J.S.A. 40A:12A-4*, the Township has determined to act as the “redevelopment entity” (as such term is defined at *N.J.S.A. 40A:12A-3*) for the Rehabilitation Area, to exercise the powers contained in the Redevelopment Law; and

WHEREAS, Life Assets LLC (the “**Redeveloper**”) and Township entered into that certain Redevelopment and Purchase and Sale Agreement, (the “**Redevelopment Agreement**”), with respect to the acquisition and assemblage of the Property (as defined in the Redevelopment Agreement); and to develop, finance, construct, implement, and cohesively redevelop the Property with new one and two-family homes (the “**Project**”); and

WHEREAS, the Parties have determined to amend the terms of the Redevelopment Agreement to authorize Redeveloper to purchase the Property under the business entity formed by Redeveloper for the purpose of acquiring the Property and completing the Project, namely as LAC IRVINGTON PORTFOLIO, LLC, a Division of Life Assets, LLC (the “**First Amendment**”); and

WHEREAS, the Township and Redeveloper have determined to enter into this First Amendment to allow LAC IRVINGTON PORTFOLIO, LLC, a Division of Life Assets, LLC to acquire the Property and to complete the Project, substantially in the form attached hereto,

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 Amendment Agreement Authorized.

- c. The Mayor is hereby authorized to execute the First Amendment to the Redevelopment 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.
- d. The Municipal Clerk is hereby authorized and directed, upon the execution of the Second 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 Redevelopment Agreement

Adopted

Vick – Beasley 21. Authorize the Execution of a First Amended Settlement Agreement Between the Township of Irvington, 21st Street Homes LLC and FIG as Custodian for FIG NJ19 LLC in Connection with the Properties Designated on the Official Tax Map as Block 163, Lots 2.01, 2.02, 9, 10, 11, 12 and 13 and Block 162, Lots 35.01, 35.02, 35.03 on 21st Street

RESOLUTION AUTHORIZING THE EXECUTION OF A FIRST AMENDED SETTLEMENT AGREEMENT BETWEEN THE TOWNSHIP OF IRVINGTON, 21ST STREET HOMES LLC AND FIG AS CUSTODIAN FOR FIG NJ19 LLC IN CONNECTION WITH THE PROPERTIES DESIGNATED ON THE OFFICIAL TAX MAP OF THE TOWNSHIP OF IRVINGTON AS BLOCK 163, LOTS 2.01, 2.02, 9, 10, 11, 12 AND 13 AND BLOCK 162, LOTS 35.01, 35.02, 35.03 ON 21ST STREET

WHEREAS, on October 15, 2024, the Township Council, via Resolution No. TA- TA 24-1015-32, the Township adopted a Resolution authorizing the execution of an Original Settlement Agreement with respect to the matter of 21st Street Homes, LLC v. Township of Irvington, in the Superior Court, Chancery Division, under Docket No. ESX-C-000174-23; and

WHEREAS, on consent following a formal request from the Parties, on October 22, 2024 the Hon. Lisa M. Adubato, J.S.C. entered an Order Enforcing the Original Settlement Agreement (a true and accurate copy of the October 22, 2024 Order is attached hereto as Exhibit A); and

WHEREAS, on or about February 2025, the Township requested to amend the Original Settlement Agreement to provide for the following: (1) keep the affordable housing restrictions on the Properties for the remainder of the twenty (20) year term; (2) waive any and all outstanding taxes that the Developer may owe on the Properties to date; (3) the Township redeeming the tax lien that is the subject matter of the Foreclosure Action; and (4) transfer two (2) properties owned by the Township to the Developer or another entity wholly owned by Carole Dubois as the principal member of the Developer.

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 First Amended Settlement Agreement Authorized.

(a) The Mayor and Township Business Administrator are hereby authorized to execute a First Amended Settlement Agreement, in a form substantially consistent with the Settlement Agreement 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 appropriate action to effectuate such Settlement Agreement.

(b) The Municipal Clerk is hereby authorized and directed, upon the execution of the Settlement Agreement, to attest to the signature of the Mayor and the Township Business Administrator 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 First Amended Settlement Agreement, the Mayor, the Township Business Administrator, the Township Tax Collector and the Township Tax Assessor upon consultation with counsel to the Township, are hereby further authorized to take any and all actions, and execute and deliver such other documents, certificates and instruments necessary, desirable or convenient to effectuate the terms of the First Amended Settlement Agreement.

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

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

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

Exhibit A

PROPERTY CONVEYANCE AND SETTLEMENT AGREEMENT

Adopted

Hudley – Frederic 22. Award a Bid for Irvington Public Library Chiller Replacement Project - Environmental Climate Control - \$557,000

RESOLUTION AWARDDING A BID FOR IRVINGTON PUBLIC LIBRARY CHILLER REPLACEMENT PROJECT

WHEREAS, sealed bids were received on March 26, 2025 to publish advertisement for the Irvington Library Chiller Replacement project to bids in the New Jersey Star Ledger on March 04, 2025; and

WHEREAS, four bids were received and opened from L&M Heating and Cooling, Environmental Climate Control, Desesa Engineering Company LLC and TM Brennan Service Inc.; and

WHEREAS, these bids expired on May 25, 2025 and an extension request was submitted to all bidders requesting an additional 30 days extension; and

WHEREAS, Environmental Climate Control has provided the lowest bid of \$557,000; and

WHEREAS, the Township Engineer, Consultant Engineer, Qualified Purchasing Agent and Library Director has reviewed all bids and the Township Engineer has made a recommendation that the lowest, responsive, responsible bid be awarded to Environmental Climate Control; and

WHEREAS, the Township of Irvington Municipal Council approves this recommendation that a contract be awarded to Environmental Climate Control of 51 Paterson Ave, Wallington NJ 07057 on the basis of their lowest responsible, responsive bid of \$557,000.00; 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 FUTHER RESLOVED that the required certification of availability of C25-0105 in the amount of \$286,000.00 from account number 5-01-55-002-000-001 has been obtained from the Chief Financial Officer and the remaining balance of \$271,000.00. will be certified upon the adoption of Capital Ordinance.

Adopted

Vick – Beasley 23. Authorize the Preparation and Issuance of a Request for Bids to Purchase and Redevelop Certain Township-Owned Properties

RESOLUTION OF THE TOWNSHIP OF IRVINGTON AUTHORIZING THE PREPARATION AND ISSUANCE OF A REQUEST FOR BIDS TO PURCHASE AND REDEVELOP CERTAIN TOWNSHIP-OWNED PROPERTIES

WHEREAS, the Municipal Council (the “**Township Council**”) of the Township of Irvington (the “**Township**”) is authorized pursuant to the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1 et*

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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 Redevelopment Law, on July 14, 2015, by resolution No. UEZ 15-0714-11, the Township Council adopted a resolution designating the entire Township as an area in need of rehabilitation (the “**Rehabilitation Area**”); and

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

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

WHEREAS, the Township is the owner of certain properties within the Rehabilitation Area identified on the official tax maps of the Township and identified in the Township tax records as:

Block	Lot	Property Address
40	2	7 Drakes Lane
79	106	71 Linden Ave
80	35	649 Nye Ave
83	3	1158 Clinton Ave
88	12	110 Washington Ave
115	3	54 Oak Ave
115	6	60 Oak Ave
116	35	28 Grove Terr
154	1	662 18th Ave
159	5	152 21st St
159	7	148 21st St
163	8	446 21st St
168	7	120 Montgomery Ave
205	29	9 Ellis Ave
207	40	81 Ellis Ave
210	8	68 Maple Ave
219	2	118 Grace St
255	1	300 Union Ave
256	4	10 Mt Vernon Ave
266	4	18 Cleremont Ave
300	7	43 Rutgers St
339	15	1251 Springfield Ave

WHEREAS, the Township desires to prepare and circulate a Request for Bids To Purchase and Redevelop Township-Owned Property (“Request for Bids”) in accordance with the Local Land and Buildings Law, specifically N.J.S.A. 40A:12-13(c), in conjunction with the Redevelopment Law, for the purpose of identifying prospective redevelopers interested in redeveloping the Property pursuant to the Redevelopment Plan and Request for Proposals.

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

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

Section 2. The Township Council hereby approves the Request for Bids in the form attached hereto as **Exhibit A**, together with such additions, deletions, and other modifications as deemed necessary or desirable by the Township, upon consultation with the Township redevelopment counsel and planner, and hereby authorize and direct the Office of Community Development and Planning, Business Administrator and the Township’s redevelopment counsel and planner to finalize and distribute the Request for Bids to prospective redevelopers and others interested in the redevelopment of the Property.

Section 3. The Office of Community Development and Planning, Business Administrator, other Township officials, and the Township’s redevelopment counsel and planner are hereby further authorized and directed to take any action necessary to effectuate the transaction contemplated by this resolution and the Request for Bids.

Section 4. This resolution shall take effect in accordance with applicable law.

EXHIBIT A

Form of Request for Bids to Purchase and Redevelop Township-Owned Property

Adopted

10. COMMUNICATION AND PETITIONS

A. Communications

None

11. PENDING BUSINESS

None

NON-CONSENT AGENDA

B. Ordinances on Second Reading

1. President Beasley: An Ordinance Amending and Supplementing Chapter 380 Section 28 Entitled Storage of Inoperable or Unregistered Vehicles will be heard at this time. The Clerk will read the notice of hearing.

The Clerk will read the ordinance by title.

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 380 SECTION 28 ENTITLED
STORAGE OF INOPERABLE OR UNREGISTERED VEHICLES

MC 380-28 Proposed revision (Red)

Current 380-28 Storage of inoperable or unregistered vehicles

~~No person shall keep inoperable or unregistered vehicles on streets, vacant lots or residential lawns.~~

Proposed 380-28 Storage of inoperable or unregistered vehicles

It is prohibited for any individual or entity to keep, store, place or stage an inoperable, wrecked, unregistered, abandoned, damaged, partial, dismantled or in disrepair motor vehicle, boat, trailer or equipment on any streets, residential, commercial or industrial properties in the Township of Irvington.

The Public Hearing on this ordinance is now open.

No public member requested to be heard.

Vick – Brown Motion to close Public Hearing.

Adopted

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

Adopted

2. **President Beasley:** An ordinance amending a section in the Zoning Ordinance regarding regulating Cannabis in the Township of Irvington. For the record, this notice is identical to the prior notice read.

The Clerk will read the ordinance by title.

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

§ 650-47.1

CANNABIS OPERATORS

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

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

CANNABIS ESTABLISHMENTS PERMITTING; RULES AND REGULATIONS Purpose.

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

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

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

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

F.

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

CANNABIS

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

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

CANNABIS DELIVERY SERVICE

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

CANNABIS EXTRACT

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

CANNABIS FLOWER

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

CANNABIS ITEM

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

CANNABIS LEAF

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

CANNABIS MANUFACTURER

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

CANNABIS OPERATOR

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

CANNABIS PERMIT OR LICENSE

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

CANNABIS PERMITTING AUTHORITY

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

CANNABIS PRODUCT

A product containing usable cannabis, cannabis extract, or any other cannabis resin and other ingredients intended for human consumption or use, including a product intended to be applied to the skin or hair, edible

cannabis products, ointments, and tinctures. "Cannabis product" does not include: 1) usable cannabis by itself; or 2) cannabis extract by itself; or 3) any other cannabis resin by itself.

CANNABIS RESIN

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

CANNABIS RETAILER

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

CANNABIS WHOLESALE

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

CANNABIS CULTIVATOR (GROWER)

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

CONSUMER

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

CONSUMPTION

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

CREAMMA

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

DELIVERY

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

HONIG ACT

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

The Public Hearing on this ordinance is now open.

No public member requested to be heard.

Vick – Brown Motion to close Public Hearing.

Adopted

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

Adopted

3. 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 was scheduled to be adopted at this time.

**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.

Frederic – Vick Motion to adjourn final adoption of this ordinance until after approval by the New Jersey Local Finance Board until June 23, 2025

Adopted

**ALCOHOLIC BEVERAGE CONTROL BOARD
MAY 27, 2025**

1. Chairwoman Beasley calls the Meeting to Order

Roll Call

2. New Business

Frederic – Brown A. Renewal of Plenary Retail Distribution Licenses for the 2025-2026 Licensing Year

WHEREAS, the following named individuals, partnerships or corporations, being applicants for Plenary Retail Distribution Licenses for the year 2025-2026, to sell alcoholic beverages under the provisions of N.J.S.A. Title 33 having been investigated as required by said Law, and the Alcoholic Beverage Control Board being satisfied that said applicants in all things have met the requirements of the law and are suitable and proper individuals, partnerships or corporation to whom Plenary Retail Distribution Licenses for the sale of alcoholic beverages should be issued.

NOW THEREFORE BE IT RESOLVED BY THE MUNICIPAL COUNCIL ACTING AS THE ALCOHOLIC BEVERAGE CONTROL BOARD OF THE TOWNSHIP OF IRVINGTON that permanent Plenary Retail Distribution Licenses be issued to the following named individual, partnerships and corporations for the sale of alcoholic beverages in original containers **for consumption off the licensed premises** for the year 2025-2026 at the address set opposite their respective name, viz:

LICENSE NUMBER	NAME	ADDRESS
0709-44-003-013	Smruti Corporation	751 Lyons Avenue
	t/a Rajashri Wine & Liquor	
0709-44-004-004	Irvington Liquors LLC	1398 Springfield Avenue
	t/a Irvington Liquors	
0709-44-032-003	Arnav Liquors Inc.	876 Springfield Avenue
	t/a Irvington-Discount Liquor	
0709-44-056-010	Cordier Liquors Inc.	13-29 Cordier Street
	t/a Lyons Discount Liquors	
0709-44-069-005	Pankil Corporation	1070 Springfield Avenue
	t/a International Liquors	
0709-44-097-006	Maharaj, Inc.	649-18 th Avenue
	t/a Krauzer's	

BE IT FURTHER RESOVED that the said licenses be issued in the name and under the seal of the Township of Irvington and be signed by a representative of the License Bureau, in order to fulfill the provisions of the Irvington Township Code, known as Ordinance MC 3635, which license, after being so signed, shall be release by the License Bureau to the licensee.

Adopted

Frederic – Brown B. Renewal of Plenary Retail Consumption Licenses for the 2025-2026 Licensing Year

WHEREAS, the following named individuals, partnerships or corporations, being applicants for Plenary Retail Consumption Licenses for the year **2025-2026**, to sell alcoholic beverages under the provisions of N.J.S.A. Title 33 having been investigated as required by said Law, and the Alcoholic Beverage Control Board being satisfied that said applicants in all things have met the requirements of the law and are suitable and proper individuals, partnerships or corporation to whom Plenary Retail Consumption Licenses for the sale of alcoholic beverages should be issued.

NOW THEREFORE BE IT RESOLVED BY THE MUNICIPAL COUNCIL ACTING AS THE ALCOHOLIC BEVERAGE CONTROL BOARD OF THE TOWNSHIP OF IRVINGTON that permanent Plenary Retail Consumption Licenses be issued to the following named individual, partnerships and corporations for the sale of alcoholic beverages by the glass or original containers for **consumption on the licensed premises** for the year **2025-2026** at the address set opposite their respective name, viz:

LICENSE NUMBER	NAME	ADDRESS
0709-33-017-007	Antojitos Restaurant, Inc. t/a Antojitos Restaurant	1240 Springfield Avenue
0709-33-018-004	Dairy King, Inc. t/a Mug's Pub	63 New Street
0709-33-034-002	Vic's Place Inc. t/a Vic's Place	395 Stuvesant Avenue
0709-33-075-006	LVJ Planning LLC t/a LVJ Planning LLC	665 Stuyvesant Avenue

BE IT FURTHER RESOVED that the said licenses be issued in the name and under the seal of the Township of Irvington and be signed by a representative of the License Bureau, in order to fulfill the provisions of the Irvington Township Code, known as Ordinance MC 3635, which license, after being so signed, shall be release by the License Bureau to the licensee.

Adopted

Frederic – Brown C. Renewal of Plenary Retail Club Licenses for the 2025-2026 Licensing Year

WHEREAS, the following named individuals, partnerships or corporations, being applicants for Club Licenses for the Year 2025-2026 to sell alcoholic beverages under the provisions of NJSA Title 33, having been investigated as required by said Law, and the Alcoholic Beverage Control Board being satisfied that said applicants in all things have met the requirements of the law and are suitable and proper organizations to whom Plenary Retail Consumption Licenses should be issued; and

NOW, THEREFORE, BE IT RESOLVED by the Municipal Council, acting as the Alcoholic Beverage Control Board of the Township of Irvington, that Club Licenses be issued to the following named individual, partnerships and corporations for the sale of alcoholic beverages by the glass or original container to be **consumed on the licensed premises**, for the Year 2025-2026 at the address set opposite their name.

License Number	Name	Address
0709-31-101-001	The Most Worshipful Garden State Grand Lodge Ancient Free DBA/Club 875	875 Sanford Avenue

BE IT FURTHER RESOLVED that the said licenses be issued in the name and under the seal of the Township of Irvington and be signed by the ABC Board Secretary, in order to fulfil the provisions of Chapter 158 of the Irvington Township Code, known as Ordinance MC 3635, which license, after being so signed, shall be released by the ABC Board Secretary to the licensee.

Adopted

3. Adjournment

12. MISCELLANEOUS

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

Robert Shaw, Sr., 57 Coit Street
Elouise McDaniel, 214 Nesbit Terrace

Council Member Antilus, Council Member Brown and Council Member Vauss Jr. thanked the residents for participating in the meeting. Council Member Vick shared the same sentiments as his Council Colleagues and indicated to Ms. McDaniel that he was not being offensive to her from his comment at the last meeting as he was commending her for enjoying the fruits of her labor and he extended his apologies. Council President Beasley indicated that the streetsweepers need to be repaired in the same manner as motor vehicles. She asked Mr. Shaw Sr. to share with Mrs. Shaw that the upcoming MVC Mobile Unit event on July 3, 2025 registration goes live in June 2025. Council President Beasley closed the meeting by sharing the following upcoming events: Request for Bids, Prostate and Breast Cancer Screening event in June and the Department of Public Works Shred Day in October.

13. ADJOURNMENT (*Roll Call)

There being no further business, the meeting adjourned at 7:56 P.M.

Jamillah Z. Beasley, Council President

Shawna M. Supel, Municipal Clerk