

CITY COUNCIL - ELIZABETH, N. J.

REGULAR MEETING - TUESDAY, JANUARY 12, 2010

AGENDA

ROLL CALL.

PRAYER AND PLEDGE OF ALLEGIANCE TO THE FLAG.

PUBLIC SPEAKING: RESIDENTS AND TAXPAYERS ADDRESS THE CITY COUNCIL.

PUBLIC HEARINGS

ORD. NO. 4092 - Authorize a Bond Ordinance in an amount not to exceed \$1,500,000.00 for the acquisition of property located at 100-116 and 118 Union Street from New Jersey Transit for infrastructure improvements to the Midtown Elizabeth Redevelopment Area .

ORD. NO. 4093 - Authorize a Sewer Utility Bond Ordinance in an amount not to exceed \$12,000,000.00 to finance various sewer capital projects as part of a long-range plan to upgrade the City's aging sewer utility infrastructure.

ORD. NO. 4094 - Authorize the establishment of a personalized handicapped parking space for Jose Cortes Cedeno, 601 Third Avenue.

PETITIONS, COMMUNICATIONS, ETC.

By the Clerk:

Letter dated December 17, 2009, from the Business Administrator recommending the award of a contract to TUCS Cleaning Service, Inc., 166 Central Avenue, Orange, N.J., for the furnishing of graffiti removal for the Department of Planning and Community Development in an amount not to exceed \$223,278.00 per year for a two year period. Which was received.

By the Clerk:

Letter dated December 22, 2009, from the Business Administrator recommending the award of a contract to Maffey's Lock & Safe Co., Inc., 1172 East Grand Street, Elizabeth, N.J., for locksmith services and the purchase of locking hardware for various departments for the period December 18, 2009 to December 17, 2011, at a cost not to exceed \$130,000.00. Which was received.

By the Clerk:

Letter dated December 29, 2009, from the Business Administrator recommending the award of a contract to Game Time /MRC, P.O. Box 106, Spring Lake, N.J., for the purchase of playground equipment for Grier Park at a total cost of \$65,108.51. Which was received.

PETITIONS, COMMUNICATIONS, ETC.

By the Clerk:

Letter dated December 30, 2009, from the Business Administrator requesting to amend the resolution adopted August 24, 2009, with Midwest Employers Casualty Company, through agent-of-record R.A.M. Agency, to obtain Excess Insurance on Worker's Compensation Coverage at an annual premium of \$144,020.00, specifically to amend the agent-of-record from R.A.M. Agency to Regional Risk Managers, LLC; policy period to July 1, 2009 to July 1, 2010 and the premium amount to \$132,183.00. Which was received.

By the Clerk:

Letter dated December 30, 2009, from the Business Administrator recommending the award of a contract to Ben Shaffer & Associates, Inc., P.O. Box 844, Lake Hopatcong, N.J., for the purchase of park and playground equipment parts for the Public Works and Recreation Departments for the period December 10, 2009 to June 30, 2010, at a cost not to exceed \$55,000.00. Which was received.

By the Clerk:

Letter dated December 30, 2009, from the Business Administrator recommending the award of a contract to National Fuel Oil, Inc., 175 Orange Street, Newark, N.J., for the purchase of gasoline for the Public Works Marina for the period October 1, 2009 to June 30, 2010, at a cost not to exceed \$80,000.00. Which was received.

By the Clerk:

Letter dated December 30, 2009, from the Business Administrator recommending the award of a contract to National Terminal, Inc., 175 Orange Street, Newark, N.J., for the purchase of diesel fuel for the Public Works Marina for the period January 1, 2010 to March 31, 2010, at a cost not to exceed \$30,000.00. Which was received.

By the Clerk:

Letter dated December 30, 2009, from the Business Administrator requesting authorization for the proper City officials to renew the policy of Insurance with Hartford Insurance Company, Hartford, CT., through agent-of-record, Hughes Plumer Associates, 20 West End Avenue Somerville, N.J., covering Fidelity Officials Bond for Robert A. Mack, City Treasurer/Tax Collector, at an annual premium of \$1,750.00. Which was received.

By the Clerk:

Letter dated January 4, 2010, from the Business Administrator, advising that being satisfied that an emergency did exist, recommends the award of a contract to the low bidder, Sacco Contracting, 922 Spring Street, Elizabeth, N.J., for the emergency demolition of 450 East Jersey Street, in the amount of \$18,500.00. Which was received.

By the Clerk:

Letter dated January 5, 2010, from the Chief Financial Officer advising that additional grants may be appropriated in the 2010 SFY Budget by budget amendments Which was received.

PETITIONS, COMMUNICATIONS, ETC.

By the Clerk:

Letter dated January 5, 2010, from the Chief Financial Officer to submit a request the Director of the Division of Local Finance to make the following corrections in the 2010 Municipal Budget to account for the City's share of grants approved subsequent to the adopted budget: Matching funds-City's Share from \$500,000.00 to \$458,009.00; Local share: Safe & Secure Grant from -0- to \$39,131.00; UEZ Elizabeth Avenue Streetscape IV from -0- to \$2,860.00.
Which was received.

By the Clerk:

Letter dated January 5, 2010, from the Chief Financial Officer requesting authorization for the proper City officials to execute any and all documents necessary approving long-term tax abatement agreements (PILOT) with 205 First Street Urban Renewal LP, Elizabeth, and Bond Street Commercial Court Urban Renewal, Inc. Elizabeth, that will occupy the premises at 205-215 First Street and 80-82 Bond Street.
Which was received.

By the Clerk:

Letter dated December 17, 2009, from the Director of Health and Human Services requesting permission to enter into a Memorandum of Agreement with the University Hospital-Lattimore Practice at UMDNJ to provide diagnosis, treatment, monitoring, case management and field services for residents of Elizabeth with confirmed or suspected tuberculosis disease for the period January 1, 2010 to December 31, 2010, in an amount not to exceed \$44,800.00.
Which was received.

By the Clerk:

Letter dated December 21, 2009, from the Director of Planning and Community Development requesting authorization for the proper City officials to execute any and all documents necessary and appropriate to provide a Deferred Payment Loan, Rental Program on the property located at 533 S. Broad Street in the amount of \$287,500.00.
Which was received.

By the Clerk:

Letter dated December 28, 2009, from the Director of Planning and Community Development requesting authorization to amend the contract with PMK Group, 65 Jackson Drive, Cranford, N.J., for preliminary assessment to conduct the necessary site investigation needed for the acquisition of 1 West End Place for the period February 1, 2010 to January 30, 2011, at an additional cost not to exceed \$15,650.00.
Which was received.

By the Clerk:

Letter dated January 4, 2010, from the Director of Planning and Community Development requesting authorization for CIS/Oakwood, LLC., to apply to the New Jersey Department of Community Affairs for \$4.2 million of Neighborhood Preservation Balanced Housing Funds for the Oakwood Plaza redevelopment project.
Which was received.

By the Clerk:

Letter dated January 4, 2010, from the Director of Planning and Community Development requesting authorization to enter into a Memorandum of Agreement with the YMCA of Eastern Union County, the New Jersey State Historic Preservation Office, and the County of Union to ensure compliance with Section 106 of the National Historic Preservation Act and its implementing regulations for "Protection of Historic Properties" regarding the rehabilitation of the YMCA's main building located at 135 Madison Avenue, in accordance with said regulations.
Which was received.

PETITIONS, COMMUNICATIONS, ETC.

By the Clerk:

Letter dated January 4, 2010, from the Director of Planning and Community Development requesting authorization for the proper City officials to execute any and all documents necessary and appropriate to provide a Rental Program, Deferred Payment Loan on the property located at 84-86 First Street, in the amount of \$195,000.00. Which was received.

By the Clerk:

Letter dated January 4, 2010, from the Director of Planning and Community Development requesting to amend the resolution adopted October 28, 2008, for the Coalition to House the Homeless appropriating CDBG funds in the amount of \$5,000.00 from Account No. T-22-56-004-915 and \$8,794.00 from Account No. T-22-56-004-916, to reprogram the total amount of \$13,794.00 to Account No. 0-21-56-182. Which was received.

By the Clerk:

Letter dated January 4, 2009, from the Director of Planning and Community Development requesting authorization to transfer funding from CDBG Year 2004 to 2007 in the total sum of \$78,124.78; Emergency Shelter Grant funds from Funding Year 2005 to 2006 in the total sum of \$3,301.81; and Midtown Section 108 Loan Funding Year 2006 to 2009 in the total sum of \$131,121.25 and placed in a holding account for CDBG, ESG, and Section 108 Loans. Which was received.

By the Clerk:

Letter dated January 4, 2010, from the Director of Planning and Community Development requesting to amend the resolution adopted November 10, 2009, which authorized a Urban Enterprise Zone (UEZ) grant in the amount of \$839,942.00 to Community Investment Strategies, Inc. (CIS), for infrastructure improvements for the 81 unit homeownership project at Front Street and Magnolia Avenue due to changes in the scope of the project and to meet the requirements of the low income housing tax credit regulations, specifically to authorize the disbursement of the UEZ funds as follows: Water's Edge LLC, in the form of a grant, for the construction of infrastructure improvements for the 10 unit homeownership project consisting of 8 condominiums and 2 single family homes \$232,037.00; Waters Edge Apartments, LLC, in the form of a Deferred Payment Loan for the construction of infrastructure improvements for the 71 unit affordable rental project \$607,905.00 with zero percent interest and a balloon payment in 30 years. Which was received.

By the Clerk:

Letter dated December 29, 2009, from the Director of Public Works requesting authorization to renew the contract with Regional Industries, LLC, for a one (1) year period commencing January 1, 2010 to December 31, 2010, at a cost of \$3,995,000.00 for the third year of the five (5) year contract. Which was received.

By the Clerk:

Letter dated December 29, 2009, from the Director of Public Works recommending the award of a contract to Arco Electrical Contractors, Inc., (associated/alternate name) Arco Construction Group, 22-24 South Seventh Street, Elizabeth, N.J., for the Broad Street Improvement Area, from the Elizabeth River to the Stone Arches (Broad Street Streetscape), at a cost of \$1,957,883.50. Which was received.

PETITIONS, COMMUNICATIONS, ETC.

By the Clerk:

Letter dated January 4, 2010, from the Director of Public Works recommending the award of a contract to Kupper, LLC, 1200 Lenox Drive, Suite 101, Trenton, N.J., to provide professional engineering services in connection with sewer rates and assessments at a cost not to exceed \$30,000.00.
Which was received

By the Clerk:

Letter dated December 30, 2009, from the Executive Director of the Parking Authority of the City of Elizabeth requesting an immediate right-of-entry to four (4) vacant lots located on West Jersey Street and Price Street to relocate parking at the Elizabethtown Plaza facility (Lot 1/17) with the intent to enter into a two (2) year lease and indemnification agreement with the City for the property during the construction phase of the new 1500 space parking deck.
Which was received.

REPORTS OF CITY OFFICERS

By the Clerk:

Letter January 12, 2010, from the Finance Department submitting a list of all bills, claims and vouchers which have been paid as of the close of business on Friday, January 8, 2010.
Which was received.

By the Clerk:

Minutes: Fair Rental Housing Board, November 4, 2009 .
Which was received.

ORDINANCES ON FIRST READING

ORD. NO. 4095 - Authorize the execution of a lease agreement between the City of Elizabeth and the Parking Authority of the City of Elizabeth, for property located at West Jersey Street and Price Street, also known as Block 6, Lots 871, 1635, 867 and 1637, for parking.

ORD. NO. 4096 - Authorize the proper City officials to enter into long term tax abatement agreements (PILOT) with 205 First Street Urban Renewal, LP, on the property located at 205-215 First Street, and Bond Street Commercial Court Urban Renewal, Inc., on the property located at 80-82 Bond Street, under the provisions of NJSA 40A:20-1 et seq.

ORD. NO. 4097 - Authorize an amendment to Title 7 of the Code of the City of Elizabeth, entitled "Sanitation Code", specifically to add a new chapter regarding regulations for the establishment of sidewalk cafes.

PUBLIC HEARING AND FURTHER CONSIDERATION OF THE FOREGOING ORDINANCES SHALL TAKE PLACE AT THE CITY COUNCIL MEETING TO BE HELD TUESDAY, JANUARY 26, 2010, AT 7:30 P.M.

ORDINANCES ON FIRST (Cont'd.)

ORD. NO. 4098 - Authorize an amendment to the City's Zoning Map to conform to changes to the Master Plan, as approved by the Planning Board, specifically relating to several parcels of land along Waverly Place, Clinton Place and Hazard Place, to be rezoned and placed within the R-2 (Two Family) Zone.

ORD. NO. 4099 - Authorize an amendment to the City's Zoning Map to conform to changes to the Master Plan, as approved by the Planning Board, specifically relating to two parcels of land bound by Parker Road and Irvington Avenue, to be rezoned and placed within the R-3A (Four Family) Zone.

ORD. NO. 4100 - Authorize an amendment to the City's Zoning Map to conform to changes to the Master Plan, as approved by the Planning Board, specifically relating to several parcels of land along Elmora Avenue, to be rezoned and placed within the C-2 (Commercial) Zone.

ORD. NO. 4101 - Authorize an amendment to the City's Zoning Map to conform to changes to the Master Plan, as approved by the Planning Board, specifically relating to land along South Broad Street, to be rezoned and placed within the C-5 (Special Commercial) Zone.

ORD. NO. 4102 - Authorize an amendment to the City's Zoning Map to conform to changes to the Master Plan, as approved by the Planning Board, specifically relating to several parcels of land along Gibbons Court, to be rezoned and placed within the R-1 (Single Family) Zone.

ORD. NO. 4103 - Authorize an amendment to the City's Zoning Map to conform to changes to the Master Plan, as approved by the Planning Board, specifically relating to several parcels of land along Front Street, Pine Street, First Street and Port Avenue, to be rezoned and placed within the R-3A (Four Family) Zone.

PUBLIC HEARING AND FURTHER CONSIDERATION OF THE FOREGOING ORDINANCES SHALL TAKE PLACE AT THE CITY COUNCIL MEETING TO BE HELD TUESDAY, FEBRUARY 9, 2010, AT 7:30 P.M.

ORDINANCES ON FINAL PASSAGE

ORD. NO. 4092 - Authorize a Bond Ordinance in an amount not to exceed \$1,500,000.00 for the acquisition of property located at 100-116 and 118 Union Street from New Jersey Transit for infrastructure improvements to the Midtown Elizabeth Redevelopment Area .

ORD. NO. 4093 - Authorize a Sewer Utility Bond Ordinance in an amount not to exceed \$12,000,000.00 to finance various sewer capital projects as part of a long-range plan to upgrade the City's aging sewer utility infrastructure.

ORD. NO. 4094 - Authorize the establishment of a personalized handicapped parking space for Jose Cortes Cedeno, 601 Third Avenue.

NEW BUSINESS

Authorize an amendment to the Fiscal Year 2010 Budget to insert, as an Item of Revenue, a U.S. Department of Energy, Energy Efficiency & Conservation Block Grant in the amount of \$1,176,700.00.

Authorize an amendment to the Fiscal Year 2010 Budget to insert, as an Item of Revenue, a New Jersey Department of Transportation, Safe Streets & Neighborhood Program Grant in the amount of \$300,000.00.

Authorize an amendment to the Fiscal Year 2010 Budget to insert, as an Item of Revenue, a New Jersey Department of Commerce & Economic Development UEZ Financial Lending Program II Increase Grant in the amount of \$30,692.00.

Authorize an amendment to the Fiscal Year 2010 Budget to insert, as an Item of Revenue, a State of New Jersey, Department of Law & Public Safety, Safe & Secure Grant in the amount of \$156,525.00 (Local Share - \$39,131.00).

Authorize an amendment to the Fiscal Year 2010 Budget to insert, as an Item of Revenue, a State of New Jersey Urban Enterprise Zone Authority, UEZ Elizabeth Avenue Streetscape Phase IV Grant in the amount of \$46,940.00 (Local Share - \$2,860.00).

Authorize the proper City officials to submit a request to the Director, Division of Local Finance, to make corrections in the City's 2010 Fiscal Year Municipal Budget to account for the City's local share of grants approved subsequent to the adopted budget.

Confirm the appointment of Ms. Yolanda M. Roberts, 177 Elm Street, Elizabeth, to serve as the City Clerk for a term of three (3) years, effective January 1, 2010.

Confirm the appointment of Ms. Mary C. Murphy, 332 Monmouth Road, Elizabeth, to serve as the Deputy Municipal Clerk for a term of five (5) years, effective January 1, 2010.

Support the application of CIS/Oakwood, LLC., 201 Crosswicks Street, Bordentown, N.J., to the New Jersey Department of Community Affairs for Neighborhood Preservation Balanced Housing funds in the amount of \$4,200,000.00 for the Oakwood Plaza Redevelopment Project.

Authorize the proper City officials to enter into an immediate Right-of-Entry agreement with Parking Authority of the City of Elizabeth to four (4) vacant lots located on West Jersey Street and Price Street to relocate parking at the Elizabethtown Plaza facility (Lot 1/17) during the construction phase of the new parking deck.

Authorize the award of a contract to TUCS Cleaning Service, Inc., 166 Central Avenue, Orange, N.J., for the furnishing of graffiti removal for the Department of Planning and Community Development in an amount not to exceed \$223,278.00 per year for a two year period.

Authorize the award of a contract to Maffey's Lock & Safe Company, 1172 East Grand Street, Elizabeth, through the Union County Cooperative Purchasing Contract, for locksmith services and the purchase of locking hardware for various departments for the period December 18, 2009 to December 17, 2011, at a cost not to exceed \$130,000.00.

Authorize the award of a contract to GameTime/MRC, P.O. Box 106, Spring Lake, N.J., for the purchase of playground equipment for Grier Park for the Recreation Department, in the amount of \$65,108.51.

NEW BUSINESS (Cont'd.)

Authorize the award of a contract to Ben Shaffer & Associates, Inc., P.O. Box 844, Lake Hopatcong, N.J., for the purchase of park and playground equipment for the Recreation and Public Works Departments for the period December 10, 2009 to June 30, 2010, at a cost not to exceed \$55,000.00.

Authorize the award of a contract to National Fuel Oil, Inc., 175 Orange Street, Newark, N.J., for the purchase of gasoline for the Public Works Marina for the period October 1, 2009 to June 30, 2010, at a cost not to exceed \$80,000.00.

Authorize the award of a contract to National Terminal, Inc., 175 Orange Street, Newark, N.J., for the purchase of diesel fuel for the Public Works Marina for the period January 1, 2010 to March 31, 2010, at a cost not to exceed \$30,000.00.

Authorize the award of a contract to Hartford Insurance Company, Hartford, CT., through the agent-of-record, Hughes-Plummer and Associates, for the renewal of the policy of insurance covering the Fidelity Officials Bond for City Treasurer/Tax Collector, Robert A. Mack, for the period March 1, 2010 to March 1, 2011, at a premium cost of \$1,750.00.

Authorize the proper City officials to enter into a Memorandum of Agreement with the University Hospital - Lattimore Practice at UMDNJ to provide diagnosis, treatment, monitoring, case management and field services for City residents confirmed or suspected of tuberculosis disease for the period January 1, 2010 to December 31, 2010, in an amount not to exceed \$44,800.00.

Authorize the proper City officials to enter into a Memorandum of Agreement with the YMCA of Eastern Union County, the New Jersey State Historic Preservation Office and the County of Union to ensure compliance with Section 106 of the National Historic Preservation Act regarding the rehabilitation of the YMCA's main building located at 135 Madison Avenue.

Authorize the renewal of the contract with Regional Industries, LLC., 800 East Grand Street, Elizabeth, to provide for the collection, hauling and disposal of garbage, trash and recyclable materials throughout the entire City, including the Housing Authority, all private and public schools and Board of Education buildings, for the third year of the five (5) year contract for a one year period commencing January 1, 2010 to December 31, 2010 in the amount of \$3,995,000.00, in accordance with the schedule of prices submitted at the time of bid.

Authorize the award of a contract to Arco Electrical Contractors, Inc./Arco Construction Group, 22-24 South Seventh Street, Elizabeth, N.J., for the Broad Street Improvement area, from the Elizabeth River to the Stone Arches (Broad Street Streetscape), at a cost of \$1,957,883.50.

Authorize the award of a contract to Kupper, LLC., 1200 Lenox Drive, Trenton, N.J., to provide professional engineering services in connection with sewer rates and assessments at a cost not to exceed \$30,000.00.

Authorize the award of a contract to Harbor Consultants, Inc., 320 North Avenue East, Cranford, N.J., to provide professional planning and engineering services to the Planning and Zoning Boards and the Department of Planning and Community Development for the period December 1, 2009 to November 30, 2010, at a cost of \$60,000.00.

NEW BUSINESS (Cont'd.)

Commwld Authorize an amendment to a resolution adopted November 10, 2009, which authorized a UEZ grant in the amount of \$839,942.00 to Community Investment Strategies (CIS), for infrastructure improvements for the Water's Edge Project, specifically for changes in the scope of the project and to meet the requirements of the low income housing tax credit regulations.

Authorize an amendment to a resolution adopted September 22, 2009, which awarded a contract to the PMK Group to complete an Environmental Preliminary Assessment Report and Survey for the acquisition of 1 West End Place, specifically to conduct additional necessary site investigation in an amount not to exceed \$15,650.00.

Authorize the proper City officials to transfer funding from CDBG grants, Emergency Shelter grants and Section 108 loans, as detailed in Schedule A of Itemization of Transfer Activity listing agencies and amounts.

Authorize an amendment to a resolution adopted August 24, 2009, which awarded a contract to Midwest Employers Casualty Company for a policy of insurance covering Excess Insurance on Workers Compensation, to reflect the period as July 1, 2009 to July 1, 2010; the Agent-of-Record as Regional Risk Managers, LLC., and the annual premium in the amount of \$132,183.00.

Commwld Authorize an amendment to a resolution adopted October 28, 2008, which authorized a CDBG agreement with the Coalition to House the Homeless, Inc., to reflect a consolidation of funds from two accounts to reprogram the total amount of \$13,794.00 into one account.

Authorize the proper City officials to execute all documents necessary to provide a Rental Housing Program Deferred Payment loan to MAR Acquisition Group, LLC., 921 Elizabeth Avenue, Elizabeth, as required under the terms of the U.S. Department of Housing and Urban Development, for assistance in the construction of nine (9) residential units on the property located at 84-86 First Street, in the amount of \$195,000.00

Authorize the proper City officials to execute all documents necessary to provide a Rental Housing Program Deferred Payment loan to Magill Real Estate Holdings, LLC., 806 East Jersey Street, Elizabeth, as required under the terms of the U.S. Department of Housing and Urban Development, for assistance in the construction of five (5) residential units on the property located at 533 South Broad Street in the amount of \$287,500.00.

Establish a handicapped parking space in front of the premises located at 113 Smith Street.

Establish a handicapped parking space in front of the premises located at 624 Norwood Terrace.

Establish a handicapped parking space in front of the premises located at 15 Hayes Avenue.

Pay utility bills.

COMMENDATIONS

MEMORIALS

JOSEPH J. "GRASS" SAUTILLD

ADJOURNMENT 8:05 P.M.