

**CITY COUNCIL - ELIZABETH, N. J.**

**REGULAR MEETING - TUESDAY, JULY 27, 2010**

**7:30 P. M.**

**AGENDA**

ROLL CALL.

PRAYER AND PLEDGE OF ALLEGIANCE TO THE FLAG.

PUBLIC SPEAKING: RESIDENTS AND TAXPAYERS ADDRESS THE CITY COUNCIL.

APPROVAL OF MINUTES: Conference Meeting, October 20, 2009; Regular Meeting, October 27, 2009; Conference Meeting, November 4, 2009; Regular Meeting, November 10, 2009; Conference Meeting, November 17, 2009; Regular Meeting, November 24, 2009; Conference Meeting, December 1, 2009; Regular Meeting, December 8, 2009; Conference Meeting, December 15, 2009; Regular Meeting, December 22, 2009;

**PUBLIC HEARINGS**

ORD. NO. 4140 - Authorize an amendment to Chapters 13.16.130 (B) (2); 13.16.130 (B) (3) (a); 13.16.130 (B) (3) (b) and H of the Code of the City of Elizabeth, entitled "Sewer Service System," specifically to increase the sewer rates.

**PUBLIC HEARING REGARDING ORD. NO. 4141, LISTED BELOW, HAS BEEN CANCELLED.**

ORD. NO. 4141 - Authorize amendments to various Chapters of the Code of the City of Elizabeth, specifically to revise fees and fines charged for services provided by the City.

ORD. NO. 4142 - Authorize the establishment of a personalized handicapped parking space for Stephanie Lubas, 208 Geneva Street.

ORD. NO. 4143 - An ordinance to exceed the Fiscal Year 2011 Municipal Budget Cost of Living Allowance (COLA) and to establish a Cap Bank when the COLA is equal to or less than 2.5 per cent (N.J.S.A. 40A:45.14).

**PETITIONS, COMMUNICATIONS, ETC.**

By the Clerk:

Letter dated July 6, 2010, from His Honor the Mayor reappointing Public Defenders for the Elizabeth Municipal Court: Candido Rodriguez, Jr., Esq. (Chief Public Defender) and Diene Hernandez-Rodriguez, Esq., of Candido Rodriguez, Jr., Diene

**PETITIONS, COMMUNICATIONS, ETC.**

Hernandez-Rodriguez, L.L.C., Attorneys at Law, 442 Westfield Avenue, Elizabeth, N.J.; Chanima K. Odoms, Esq., 1812 Front Street, Scotch Plains, N.J.; Deirdre M. Mason, Esq., 1812 Front Street, Scotch Plains, N.J.; Celeste Dudley-Smith, Esq., 1185 Morris Avenue, Suite 103, Union N.J.; Nuno Afonso, Esq., 1235 Morris Avenue, Union, N.J.; appointment of Paul Femia, Esq., Law Office of Paul Femia, 511 Westminster Avenue, Elizabeth, N.J. and Lindal Scott Foster, Esq., Scott Foster, LLC, 1139 East Jersey Street, Suite 401, Elizabeth, N.J.; appointment of Maria M. Dias, Attorney at Law, 701 Westfield Avenue, Elizabeth, N.J. for the period covering July 1, 2010 to June 30, 2011, at a rate of \$300.00 per session, for a total amount not to exceed \$140,000.00. Which was received.

By the Clerk:

Letter dated June 18, 2010, from the Business Administrator requesting authorization for the proper City officials to execute an Indemnification Agreement with the Elizabeth Board of Education covering the City's utilization of their facilities during the 2010-2011 Fiscal Year July 1, 2010 to June 30, 2011. Which was received.

By the Clerk:

Letter dated June 23, 2010, from the Business Administrator recommending the award of a contract to Gen-el Safety & Industrial Products, 961 Route 10 East, Suite 2M, Randolph, N.J., for monitors and accessories for environmental testing for the period June 11, 2010 through November 30, 2010, at a cost not to exceed \$40,000.00. Which was received.

By the Clerk:

Letter dated June 23, 2010, from the Business Administrator recommending the award of a contract to Campbell Supply, 145 Talmadge Road, Suite 8, Edison, N.J., for the emergency purchase of Fire Pump assembly repair parts for Fire Pumper #10 in the amount of \$7,000.00. Which was received.

By the Clerk:

Letter dated June 23, 2010, from the Business Administrator recommending the award of a contract to Gen-el Safety & Industrial Products, 961 Route 10 East, Suite 2M, Randolph, N.J., for Pelican lights and storage cases, for the period June 11, 2010 through April 30, 2011, at a cost not to exceed \$40,000.00. Which was received.

By the Clerk:

Letter dated June 25, 2010, from the Business Administrator requesting authorization for the proper City officials to award a contract to William H. Malone, P.O. Box 586, Paramus, N.J., to provide insurance management consulting services for the period July 1, 2009 to June 30, 2010, for a flat fee of \$25,000.00. Which was received.

By the Clerk:

Letter dated June 25, 2010, from the Business Administrator requesting authorization for the proper City officials to execute a contract with Kean University, 1000 Morris Avenue, Union, N.J., for Data Processing & Telecommunications Technical Services for a one-year period commencing July 1, 2010 to June 30, 2011, at a cost not to exceed \$50,500.00. Which was received.

**PETITIONS, COMMUNICATIONS, ETC.**

By the Clerk:

Letter dated June 25, 2010, from the Business Administrator recommending the award of a professional service contract to Dr. Michael R. Zabolski, 240 Williamson Street, Suite 204, Elizabeth, N.J., as the Physician for the Elizabeth Police Department for the period July 1, 2010 to June 30, 2011, at a total fee not to exceed \$18,000.00. Which was received.

By the Clerk:

Letter dated June 25, 2010, from the Business Administrator recommending the renewal of the contract with International Healthcare Services, Inc., c/o Dimensional Management, 1030 St. George Avenue, Avenel, N.J., in order to continue the HMO Dental Insurance Program for employees of the City of Elizabeth for a three (3) year period commencing July 1, 2010 to June 30, 2013, at a cost not to exceed \$245,000.00. Which was received.

By the Clerk:

Letter dated July 1, 2010, from the Business Administrator requesting authorization for the proper City officials to enter into a contract with the State of New Jersey to provide gasoline to the Department of Environmental Protection, Division of Fish and Wildlife, which will be billed in accordance with the requirements of the Public Works Department. Which was received.

By the Clerk:

Letter dated July 1, 2010, from the Business Administrator recommending the award of a contract to Ben Shaffer & Associates, Inc., P.O. Box 844, Lake Hopatcong, N.J., for Park and Playground Equipment for the Recreation and Public Works Departments, for the period July 1, 2010 through February 28, 2011, at a cost not to exceed \$30,000.00. Which was received.

By the Clerk:

Letter dated July 1, 2010, from the Business Administrator recommending the award of a contract to National Fuel Oil, Inc., 175 Orange Street, Newark, N.J., for gasoline for the Public Works Marina, for the period July 1, 2010 through March 31, 2011, at a cost not to exceed \$90,000.00. Which was received.

By the Clerk:

Letter dated July 1, 2010, from the Business Administrator requesting authorization for the proper City officials to execute a policy of insurance to Midwest Employers Casualty Company, 13801 Riverport Drive, Maryland Heights, MO, through the agent-of-record, Regional Risk Managers, LLC, to cover the Excess Insurance on Worker's Compensation for the period July 1, 2010 to June 30, 2011, at an annual premium of \$162,071.00. Which was received.

By the Clerk:

Letter dated July 1, 2010, from the Business Administrator requesting from your Honorable Body an ordinance to amend Chapter 2.104.030 of the Code of the City of Elizabeth relating to Residence in City Required—Exception, specifically to waive the residency requirement for all employees after fifteen (15) years of permanent employment with the City. Which was received.

**PETITIONS, COMMUNICATIONS, ETC.**

By the Clerk:

Letter dated July 2, 2010, from the Business Administrator recommending the award of a contract to Archonix Systems, 17000 Commerce Parkway, Suite C, Mount Laurel, N.J., for Maintenance and Annual License for software for the Police System, for a one year period in the amount of \$69,921.00.

Which was received.

By the Clerk:

Letter dated July 2, 2010, from the Business Administrator recommending the award of a contract to Hess Corporation, 1 Hess Plaza, Woodbridge, N.J., for purchase of electricity, through the New Jersey Sustainable Energy Joint Meeting, for the period July 1, 2010 through May 31, 2011, at a rate of 11% below basic generation service.

Which was received.

By the Clerk:

Letter dated July 2, 2010, from the Business Administrator recommending the award of a contract to Maffey's Lock & Safe Co., Inc., 1172 East Grand Street, Elizabeth, N.J., under the Union County Cooperative Purchasing contract, for the purchase of Surveillance Equipment for the Police Department for the period June 7, 2010 through June 6, 2012, at a cost not to exceed \$400,000.00.

Which was received.

By the Clerk:

Letter dated July 2, 2010, from the Business Administrator requesting authorization for the proper City officials to negotiate and execute an amendment to the Baker Center Redevelopment Agreement adopted August 23, 2005.

Which was received.

By the Clerk:

Letter dated July 6, 2010, from the Business Administrator recommending the renewal of a contract to Genova, Burns & Giantomasi, 494 Broad Street, Newark, N.J., to provide employment counsel for the period July 1, 2010 to June 30, 2011, at a rate of \$175.00 per hour for attorneys, \$75.00 per hour for paralegals and \$25.00 per hour for secretarial overtime, if authorized by the City Attorney, for a total cap of \$95,000.00.

Which was received.

By the Clerk:

Letter dated July 6, 2010, from the Business Administrator requesting an ordinance authorizing non-represented City employees (Chief Financial Officer, City Tax Assessor, Deputy Tax Assessor, Municipal Court Director, Municipal Court Judge, Municipal Court Judge, Chief, Municipal Engineer, Municipal Treasurer and Tax Collector, and Secretary to Board of ABC) base salary annual percentage increases at zero percent (0%) for July 1, 2009, three and one quarter percent (3.25%) increases for the period July 1, 2010 through June 30, 2013, with each individual contributing 1.5% as of June 30, 2010 towards their Health Benefits.

Which was received.

By the Clerk:

Letter dated July 6, 2010, from the Business Administrator requesting a resolution authorizing non-represented City employees (Municipal Clerk and Deputy Municipal Clerk) base salary annual percentage increases at zero percent (0%) for July 1, 2009, three and one quarter percent (3.25%) increases for July 1, 2010 through June 30, 2013, with each individual contributing 1.5% as of June 30, 2010 towards their Health Benefits.

Which was received.

**PETITIONS, COMMUNICATIONS, ETC.**

By the Clerk:

Letter dated July 1, 2010, from the City Attorney recommending the award of respective contracts for legal representation of the City and City employees in litigation where Lacorte, Bundy, Varady & Kinsella, Esqs., have conflicts of interest: Kologi-Simitz, Counselors at Law / Edward J. Kologi, Michael S. Simitz, 923 North Wood Avenue, Linden, N.J.; Robert F. Renaud, Palumbo & Renaud, Attorneys at Law, 190 North Avenue East, (Rte 28) Cranford, N.J.; Daniel Antonelli, Esq., Daniel Antonelli, LLC, 2004 Morris Avenue, Union, N.J.; Peter H. Spaeth, Wolff, Helies, Duggan, Spaeth & Lucas, Counselors at Law, Valley Park Professional Center, 2517 Highway 35, Building K, Suites 201 & 202, Manasquan, N.J.; Guy P. Ryan, Secare, Delanoy, Martino & Ryan, 16 Madison Avenue – Building 1, Toms River, N.J.; Kraig M. Dowd, G. Weber Law, LLC, 188 Newark Pompton Turnpike (Rt. 23), Little Falls, N.J.; Allan C. Roth, Roth Horowitz, LLC, Counselors at Law, 150 Morris Avenue, Suite 206, Springfield, N.J.; Joseph A. Ascione & Janyce M. Wilson, Ascione & Wilson, 226 St. Paul Street, Westfield, N.J.; Raymond S. Londa, Londa & Londa, 277 North Broad Street, Elizabeth, N.J.; Edwin R. Matthews, Bourne, Knoll & Kenyon, 382 Springfield Avenue, Box 690, Summit, N.J., for the period July 1, 2010 to June 30, 2011, at the same rates as the LaCorte, Bundy, Varady & Kinsella contract with an hourly rate of \$175.00 and a cap of \$65,000.00. Which was received.

By the Clerk:

Letter dated July 1, 2010, from the City Attorney recommending awarding a contract to LaCorte, Bundy, Varady & Kinsella, Esqs., 989 Bonnel Court, Union, N.J., to provide defense of Workers' Compensation cases, as well as matters included in the City's self insurance program, for the Fiscal Year July 1, 2010 to June 30, 2011, at a rate of \$175.00 per hour for each hour for each petition, which includes attendance at all hearings, negotiations trials, appeals, etc., plus reasonable expenses; a rate of 15% of recovery of liens involving third party actions, not to exceed \$150,000.00, except as specifically authorized by City Council. Which was received.

By the Clerk:

Letter dated July 1, 2010, from the City Attorney recommending awarding a contract to LaCorte, Bundy, Varady & Kinsella, Esqs., 989 Bonnel Court, Union, N.J., for defense of civil litigation in auto/general liability cases and matters included within the City's self insurance program for the period July 1, 2010 to June 30, 2011, at a rate of \$175.00 per hour for civil litigation in the trial and appellate courts; shall be compensated at \$175.00 per hour for legal work required to defend against late notices of claim, motions and for other miscellaneous matters; shall be paid on the basis of 25% of the amount of recovery, plus reasonable expenses for subrogation claims to recover property damage losses, not to exceed \$450,000.00, except as specifically authorized by City Council. Which was received.

By the Clerk:

Letter dated July 6, 2010, from the City Attorney recommending the award of a contract to Ascione & Wilson, 226 St. Paul Street, Westfield, N.J., to provide Midtown Redevelopment Counsel for the period July 1, 2010 through June 30, 2011, at the rate of \$175.00 per hour for an amount not to exceed \$90,000.00, without further authorization by your Honorable Body. Which was received.

**PETITIONS, COMMUNICATIONS, ETC.**

By the Clerk:

Letter dated June 14, 2010, from the Chief Financial Officer requesting authorization for the Tax Collector to credit/refund John Pasko, owner of the property located at 463-465 Third Avenue, a Veteran deduction for Tax Year 2010 in the amount of \$250.00.

Which was received.

By the Clerk:

Letter dated June 21, 2010, from the Chief Financial Officer requesting authorization for the Tax Collector to cancel disallowed senior citizen deductions for the Tax Year 2009 as per delineated list in the total amount of \$1,500.00.

Which was received.

By the Clerk:

Letter dated July 1, 2010, from the Chief Financial Officer requesting authorization for the City Treasurer to cancel outstanding and unclaimed checks as set forth on the schedule attached and made a part hereof in the total amount of \$184,519.41, said amount thereof be credited to Miscellaneous Revenue.

Which was received.

By the Clerk:

Letter dated July 6, 2010, from the Chief Financial Officer requesting that your Honorable Body consider for introduction and approval the Elizabeth Avenue Special Improvement District 2011 Fiscal Budget.

Which was received.

By the Clerk:

Letter dated July 6, 2010, from the Chief Financial Officer advising that temporary emergency appropriations for the 2011 SFY Municipal and Sewer Utility Budgets may be necessary.

Which was received.

By the Clerk:

Letter dated July 6, 2010, from the Chief Financial Officer advising that transfers for the 2010 SFY Municipal and Sewer Utility Budgets may be necessary.

Which was received.

By the Clerk:

Letter dated July 6, 2010, from the Chief Financial Officer requesting authorization for the proper City officials to execute a contract with Acacia Financial Group, Inc., Four Greentree Centre, 13000 Lincoln Drive West, Suite 206, Marlton, N.J., in connection with the City's issuance of municipal and sewer utility debt obligations including bonds and bond anticipation notes for an amount not to exceed \$40,000.00.

Which was received.

By the Clerk:

Letter dated July 6, 2010, from the Chief Financial Officer requesting authorization for the proper City officials to execute a contract with Blau & Blau, 55 Morris Avenue, Springfield, N.J., to be the primary legal representative of the City in all matters relating to tax appeals for an amount not to exceed \$125,000.00.

Which was received.

**PETITIONS, COMMUNICATIONS, ETC.**

By the Clerk:

Letter dated July 6, 2010, from the Chief Financial Officer requesting authorization for the proper City officials to execute a contract with DeCotiis, FitzPatrick, Cole & Wisler, LLP, Glenpointe Centre West, 500 Frank W. Burr Boulevard, Suite 31, Teaneck, N.J., to provide bond counsel services in connection with the City's issuance of debt obligations for an amount not to exceed \$60,000.00.

Which was received.

By the Clerk:

Letter dated July 6, 2010, from the Chief Financial Officer requesting authorization for the proper City officials to execute a contract with Louis C. Mai, CPA & Associates, P.O. Box 624, Pompton Plains, N.J., to provide statutory audits of the General Funds, Sewer Utility Funds, Other Funds, the Single Audit and 5 year comparative statements in an amount not to exceed \$205,000.00.

Which was received.

By the Clerk:

Letter dated July 6, 2010, from the Chief Financial Officer requesting authorization for the proper City officials to execute a contract with Powell Capital Markets, Inc., 280 Corporate Center, 3 Becker Farm Road, Roseland, N.J., to provide financial advisory services in connection with the City's issuance of municipal and sewer utility debt obligations for an amount not to exceed \$40,000.00.

Which was received.

By the Clerk:

Letter dated July 6, 2010, from the Chief Financial Officer requesting authorization for the proper City officials to execute a contract with Stack, Coolahan & Stack, LLC, 90 Hudson Street, Hoboken, N.J., to provide appraisal and consulting services in connection with State Tax Court appeals in an amount not to exceed \$78,000.00.

Which was received.

By the Clerk:

Letter dated June 17, 2010, from the Director of Health and Human Services requesting authorization to remit to the Elizabeth Board of Education the amount of \$21,474.00 for the use of Nicholas Murray Butler School #23, including custodial, security and bus driver services for the S.O.A.R. Summer Program commencing July 6, 2010 through August 13, 2010.

Which was received.

By the Clerk:

Letter dated June 18, 2010, from the Department of Planning and Community Development requesting authorization for the proper City officials to amend the resolution, adopted November 10, 2009, with the Urban League of Union County, specifically to extend the contract term to December 31, 2010.

Which was received.

By the Clerk:

Letter dated June 22, 2010, from the Department of Planning and Community Development requesting that City Council declare August 3, 2010, as the 27<sup>th</sup> Anniversary of National Night Out to be held at Carteret Park from 6 p.m. to 8 p.m.

Which was received.

**PETITIONS, COMMUNICATIONS, ETC.**

By the Clerk:

Letter dated June 23, 2010, from the Department of Planning and Community Development requesting authorization for the proper City officials to provide funds to partially defray the recreation costs for the Bureau of Tourism, Cultural Affairs' Annual 5<sup>th</sup> Ward Cookout/Health Fair to be held on July 10, 2010; the term of the contract will extend from July 1, 2010 to June 30, 2011, in the amount of \$1,425.00. Which was received.

By the Clerk:

Letter dated June 28, 2010, from the Department of Planning and Community Development requesting authorization to amend a resolution adopted July 28, 2009, authorizing an agreement with Central Jersey Legal Services for Homeless Prevention and Rapid Re-Housing Program funding, under the American Recovery and Reinvestment Act (ARRA), specifically to accelerate the funds allocated for Year Two amending the period of September 1, 2009 to October 31, 2011, resulting in additional funds in the amount of \$10,000.00. Which was received.

By the Clerk:

Letter dated July 2, 2010, from the Department of Planning and Community Development recommending the award of a contract to PMK Group, Inc., a Birdsall Service Group business unit, 65 Jackson Drive, Cranford, N.J., to provide professional environmental consulting engineering services in connection with the acquisition of 244-246, 248-252 Harrison Street; 252-254 Union Street; 48-50, 52 Westfield Avenue in the Midtown Redevelopment Area at a cost not to exceed \$81,800.00. Which was received.

By the Clerk:

Letter dated June 28, 2010, from the Director of Public Works requesting permission to have a lien placed against properties listed on Schedule A attached hereto and made a part hereof for the removal and disposal of debris from said properties in the amount of \$9,200.01. Which was received.

By the Clerk:

Letter dated July 1, 2010, from the Director of Public Works recommending the award of a contract to Toll Associates, PA, 388 Elmora Avenue, Elizabeth, N.J., to provide architectural and construction management services in connection with the North Broad Street Streetscape Project at a cost not to exceed \$68,400.00. Which was received.

By the Clerk:

Letter dated July 1, 2010, from the Director of Public Works recommending the award of a contract to Envar Services, Inc., 505 Milltown Road, New Brunswick, N.J., to provide marina and waterfront engineering services in connection with repairs to the Wave Screen at the Municipal Marina at a cost not to exceed \$40,000.00. Which was received.

By the Clerk:

Letter dated July 2, 2010, from the Director of Public Works recommending the award of a contract to Maser Consulting, P.A., One River Centre- Building Two, 331 Newman Springs Road, Red Bank, N.J., to provide professional engineering services for the design and construction management of the Fred Erxleben Recreation Center gymnasium floor resurfacing at a cost not to exceed \$8,500.00. Which was received.

**PETITIONS, COMMUNICATIONS, ETC.**

By the Clerk:

Letter dated June 14, 2010, from the Police Director requesting authorization for the proper City officials to apply, accept and sign all appropriate documents for the 2010 State Body Armor Replacement Fund program.  
Which was received.

By the Clerk:

Letter dated June 21, 2010, from the Police Director requesting permission to establish handicapped parking spaces in front of the following premises: 806 Garden Street, (personalized); 157 ½ Franklin Street (personalized); 1011 Olive Street; 717 Clarkson Avenue; 522 Marshall Street (personalized); 138 Franklin Street; 602 First Avenue; 140 Court Street; 413 South Broad Street; 838 Grove Street; deletions: 156 Magnolia Avenue; 525 Fulton Street; 726 Jackson Avenue, 15 Palmer Street.  
Which was received.

By the Clerk:

Letter dated June 23, 2010, from Mr. Stephen F. Hehl, 370 Chestnut Street, Union, N.J., on behalf of Metalico, Inc., 502 York Street, Elizabeth, requesting an Encroachment Permit for twenty (20) parking spaces in front of the building that are located partially in the right-of-way.  
Which was received.

**REPORTS OF CITY OFFICERS**

By the Clerk:

Letter July 27, 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, July 23, 2010.  
Which was received.

**ORDINANCES ON FIRST READING**

- ORD. NO. 4144 - Authorize an amendment to Chapter 2.104.030 of the Code of the City of Elizabeth, entitled "Residence in City Required – Exception," specifically to waive the residency requirement for all employees after fifteen (15) years of permanent employment with the City.
- ORD. NO. 4145 - An Ordinance to establish the salary for certain unclassified positions for the period July 1, 2009 through June 30, 2013, and for a 1.5% contribution of their salary toward health benefits.
- ORD. NO. 4146 - Grant an encroachment permit to Mr. Stephen F. Hehl, Esq., 370 Chestnut Street, Union, on behalf of Metalico, Inc., 520 York Street, Elizabeth, for twenty (20) parking spaces in front of the building located partially in the public-right-of way of York Street.
- ORD. NO. 4147 - Authorize the establishment of a personalized handicapped parking space for Nancy B. McDougald, 522 Marshall Street.

**ORDINANCES ON FIRST (Cont'd.)**

ORD. NO. 4148 - Authorize the establishment of a personalized handicapped parking space for Manuela D. Freire, 806 Garden Street.

**PUBLIC HEARING AND FURTHER CONSIDERATION OF THE FOREGOING ORDINANCES SHALL TAKE PLACE AT THE CITY COUNCIL MEETING TO BE HELD TUESDAY, AUGUST 24, 2010, AT 7:30 P.M.**

**ORDINANCES ON FINAL PASSAGE**

ORD. NO. 4140 - Authorize an amendment to Chapters 13.16.130 (B) (2); 13.16.130 (B) (3) (a); 13.16.130 (B) (3) (b) and H of the Code of the City of Elizabeth, entitled "Sewer Service System," specifically to increase the sewer rates.

ORD. NO. 4142 - Authorize the establishment of a personalized handicap parking space for Stephanie Lubas, 208 Geneva Street.

ORD. NO. 4143 - An ordinance to exceed the Fiscal Year 2011 Municipal Budget Cost of Living Allowance (COLA) and to establish a Cap Bank when the COLA is equal to or less than 2.5 per cent (N.J.S.A. 40A:45.14).

**NEW BUSINESS**

Authorize Fiscal Year 2010 Municipal and Sewer Utility Budget transfers in the amount of \$325,000.00.

Introduce and approve the Elizabeth Avenue Special Improvement District Fiscal Year 2011 Budget in the amount of \$469,500.00.

**(PUBLIC HEARING AND FURTHER CONSIDERATION TO BE HELD TUESDAY EVENING, AUGUST 24, 2010.)**

Confirm the appointment of Candido Rodriguez, Jr., Esq., as Chief Municipal Defender; and Diene Hernandez-Rodriguez, Esq., Elizabeth, N.J.; Chanima K. Odoms, Esq., Scotch Plains, N.J.; Deidre M. Mason, Esq., Scotch Plains, N.J.; Celeste Dudley-Smith, Esq., Union, N.J.; Nuno Afonso, Esq., Union, N.J.; Paul Femia, Esq., Elizabeth, N.J.; Lindal Scott Foster, Esq., Elizabeth, N.J.; Maria M. Dias, Esq., Elizabeth, N.J., to serve as Municipal Public Defenders for the Municipal Court for the period July 1, 2010 to June 30, 2011, at a rate of \$300.00 per session, for a total amount not to exceed \$145,000.00.

Authorize a 3.25% base salary increase for the Municipal City Clerk and the Deputy Municipal Clerk, non-represented City employees, beginning July 1, 2009 through June 30, 2013, and for a 1.5% contribution of their salary toward health benefits.

Authorize the proper City officials to execute an Indemnification Agreement with the Elizabeth Board of Education, covering the City's utilization of Board of Education facilities during the 2010-2011 school year.

**NEW BUSINESS (Cont'd.)**

Authorize the expenditure of \$21,474.00 to the Elizabeth Board of Education, 500 North Broad Street, Elizabeth, for security and custodial services for the S.O.A.R. Summer Program utilizing Nicholas Murray Butler School #23 for the period July 6, 2010 to August 13, 2010.

Authorize the award of a contract to Gen-el Safety and Industrial Products, 961 Route 10 East, Randolph, N.J., for monitors and accessories for environmental testing for the period June 11, 2010 through November 30, 2010, at a cost of \$40,000.00.

Authorize the award of a contract to Campbell Supply, 145 Talmadge Road, Edison, N.J., for the purchase of Fire Pump Assembly Repair Parts for Fire Pumper #10, in the amount of \$7,000.00.

Authorize the award of a contract to Gen-el Safety and Industrial Products, 961 Route 10 East, Randolph, N.J., for the purchase of Pelican lights and storage cases for Police and Homeland Security for the period June 11, 2010 through April 30, 2011, at a cost not to exceed \$40,000.00.

Authorize the award of a contract to William H. Malone, P. O. Box 586, Paramus, N.J., to provide the City with Insurance Management Consulting Services for the period July 1, 2010 through June 30, 2011, at a flat fee of \$25,000.00.

Authorize the award of a contract to Kean University, 1000 Morris Avenue, Union, N.J., for Data Processing and Telecommunications Technical Services for the period July 1, 2010 to June 30, 2011, at a cost not to exceed \$50,500.00.

Authorize the award of a contract to Dr. Michael R. Zabolski, 240 Williamson Street, Elizabeth, N.J., to serve as the physician for the Elizabeth Police Department for the period July 1, 2010 to June 30, 2011, at a fee not to exceed \$18,000.00.

Authorize the award of a contract to International Healthcare Services, Inc., c/o Dimensional Management, 1030 St. George Avenue, Avenel, N.J., to provide an HMO Dental Insurance Program option for City employees for the period July 1, 2010 to June 30, 2013, at a cost not to exceed \$245,000.00.

Authorize the proper City officials to enter into a contract with the State of New Jersey to provide gasoline to the Department of Environmental Protection, Division of Fish and Wildlife, which will be billed in accordance with the requirements of the Public Works Department.

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 July 1, 2010 through February 28, 2011, at a cost not to exceed \$30,000.00.

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 July 1, 2010 through March 30, 2010, at a cost not to exceed \$90,000.00.

Authorize the award of a contract to Midwest Employers Casualty Company, 13801 Riverport Drive, Maryland Heights, MO, through the agent-of-record, Regional Risk Managers, LLC., for a policy of insurance covering Excess Insurance on Workers Compensation for the period July 1, 2010 to June 30, 2011 at an annual premium of \$162,071.00.

**NEW BUSINESS (Cont'd.)**

Authorize the award of a contract to Archonix Systems, LLC., 17000 Commerce Parkway, Mount Laurel, N.J., for maintenance and annual license fees for software for the Police Department for a one year period at a cost of \$69,921.00.

Authorize the award of a contract to Hess Corporation, 1 Hess Plaza, Woodbridge, N.J., for the purchase of electricity, through the New Jersey Sustainable Energy Joint Meeting, for the period July 1, 2010 through May 31, 2011, at a rate of 11% below basic generation service.

Authorize the award of a contract to Maffey's Lock and Safe Company, Inc., 1172 East Grand Street, Elizabeth, N.J., under the Union County Cooperative Purchasing Contract, for the purchase of surveillance equipment for the Police Department, for the period June 7, 2010 through June 6, 2012, at a cost not to exceed \$400,000.00.

Authorize the award of a contract with the law firm of Genova, Burns and Giantomasi, Esqs., 494 Broad Street, Newark, N.J., to provide the City with Employment Counsel with the City's recognized bargaining units for the period July 1, 2010 through June 30, 2011, at a cost not to exceed \$95,000.00.

Authorize the award of a contract with the law firm of LaCorte, Bundy, Varady and Kinsella, Esqs., 989 Bonnel Court, Union, N.J., to provide the City with legal services in the defense of Workers' Compensation cases and matters included within the City's partial self-insurance program for the period July 1, 2010 to June 30, 2011, at a cost not to exceed \$150,000.00, except as specifically authorized by City Council.

Authorize the award of a contract with the law firm of LaCorte, Bundy, Varady and Kinsella, Esqs., 989 Bonnel Court, Union, N.J., to provide the City with legal services in the defense of civil litigation in auto/general liability cases and matters included within the City's self-insurance program for the period July 1, 2010 to June 30, 2011, at a cost not to exceed \$450,000.00, except as specifically authorized by City Council.

Authorize the award of respective contracts to: Kologi & Smitz, Esqs., Linden, N.J.; Robert F. Renaud, Esq., Cranford, N.J.; Daniel Antonelli, Esq., Union, N.J.; Peter H. Spaeth, Esq., Manasquan, N.J.; Guy P. Ryan, Esq., Toms River, N.J.; Kraig M. Dowd, Esq., Little Falls, N.J.; Allan C. Roth, Esq., Springfield, N.J.; Ascione and Wilson, Esqs., Westfield, N.J., Raymond S. Londa, Esq., Elizabeth, N.J., and Edwin R. Matthews, Esq., Summit, N.J. to serve as legal counsel for representation of the City and City employees in tort litigation where the law firm of LaCorte, Bundy, Varady, and Kinsella, Esqs., have a conflict of interest, for the period July 1, 2010 to June 30, 2011, at a cost not to exceed \$65,000.00 per Attorney.

Authorize the award of a contract to Ascione and Wilson, Esqs., 226 St. Paul Street, Westfield, N.J., to provide the City with legal counsel for the Midtown Redevelopment Project for the period July 1, 2010 to June 30, 2011, at a cost not to exceed \$90,000.00, unless further authorized by City Council.

Authorize the proper City officials to enter into a contract with Acacia Financial Group, Inc., 13000 Lincoln Drive West, Marlton, N.J., to provide financial advisory services in connection with the City's issuance of municipal and sewer utility debt obligations, through the N.J. Environmental Infrastructure Trust, for Fiscal Year 2011 in an amount not to exceed \$40,000.00.

Authorize the proper City officials to enter into a contract with the law firm of Blau and Blau, Esqs., 55 Morris Avenue, Springfield, N.J., to provide the City with legal services in conjunction with tax appeal cases for Fiscal Year 2011 in an amount not to exceed \$125,000.00.

**NEW BUSINESS (Cont'd.)**

Authorize the award of a contract to the law firm of DeCotiis, Fitzpatrick, Cole and Wisler, LLP., 500 Frank W. Burr Boulevard, Teaneck, N.J., to provide the City with bond counsel services in connection with the City's issuance of debt obligations for Fiscal Year 2011, at a cost not to exceed \$60,000.00.

Authorize the proper City officials to enter into a contract with Louis C. Mai, CPA. and Associates, P.O. Box 624, Pompton Plains, N.J., to conduct statutory audits of the General Funds, Sewer Utility, other funds and single audit of Federal and State Grants for Fiscal Year 2011 and five year comparative statements in an amount not to exceed \$205,000.00.

Authorize the proper City officials to enter into a contract with Stack, Coolahan & Stack, LLC., 90 Hudson Street, Hoboken, N.J., to provide the City with expert real estate appraisal services in connection with State Tax Court appeals, for Fiscal Year 2011 at a cost not to exceed \$78,000.00.

Authorize the proper City officials to enter into a contract with Powell Capital Markets, Inc., 280 Corporate Center, 3 Becker Farm Road, Roseland, N.J., to provide financial advisory services in connection with the City's issuance of municipal and sewer utility debt obligations, including bonds and bond anticipation notes for the State Fiscal Year 2011, in an amount not to exceed \$40,000.00.

Authorize the rescission of a long term tax abatement agreement with 107 First Street Realty Urban Renewal, Inc., in accordance with the terms of the agreement, return the property located at 81-83 East Jersey Street to the tax rolls, and notify the Department of Community Affairs, Division of Local Government Services, of same, for any action deemed appropriate pursuant to law.

Authorize the rescission of a long term tax abatement agreement with Burnett Investors Urban Renewal, Inc., in accordance with the terms of the agreement, return the property located at 111-113 First Street to the tax rolls, and notify the Department of Community Affairs, Division of Local Government Services, of same, for any action deemed appropriate pursuant to law.

Authorize the proper City officials to provide funds in the amount of \$1,425.00 to the Bureau of Tourism, Cultural Affairs, Elizabeth, to partially defray the costs for the Annual 5<sup>th</sup> Ward Cookout/Health Fair to be held on July 10, 2010.

Authorize the award of a contract to the PMK Group, Inc., a Birdsall Service Group, 65 Jackson Drive, Cranford, N.J., to provide professional environmental consulting services in connection with the acquisition of 244-246 Harrison Street, 248-252 Harrison Street, 252-254 Union Street, 48-50 Westfield Avenue and 52 Westfield Avenue, in the Midtown Redevelopment area at a cost not to exceed \$81,800.00.

Authorize the award of a contract to Toll and Associates, PA, 388 Elmora Avenue, Elizabeth, N.J., to provide architectural and construction management services in connection with the North Broad Street Streetscape Project at a cost of \$68,400.00.

Authorize the award of a contract to Envar Services, Inc., 505 Milltown Road, North Brunswick, N.J., to provide marina and waterfront engineering services in connection with repairs to the Wave Screen at the Municipal Marina Pier, at a cost not to exceed \$40,000.00.

Authorize the award of a contract to Maser Consulting, PA., 331 Newman Springs Road, Red Bank, N.J., to provide professional engineering services for the design and construction management of the Fred Erleben Recreation Center gymnasium floor resurfacing at a cost not to exceed \$8,500.00.

**NEW BUSINESS (Cont'd.)**

Amend a resolution adopted November 10, 2009, which awarded a contract with the Urban League of Union County to provide comprehensive housing counseling services, specifically to extend the term of the contract to December 31, 2010.

Amend a resolution adopted July 28, 2009, which provided funding to Central Jersey Legal Services for Homeless Prevention and Rapid Re-Housing Program, under the American Recovery and Reinvestment Act, specifically to accelerate funds in the amount of \$10,000.00 allocated for Year Two by extending the term of the contract to October 31, 2011.

Authorize the proper City officials to execute all appropriate documents for the 2010 State of New Jersey Body Armor Replacement Fund Grant.

Authorize the Tax Collector to credit/refund a veteran deduction for tax year 2010 in the amount of \$250.00 to the owner of the property located at 463-465 Third Avenue.

Authorize the Tax Collector to cancel disallowed senior citizen deductions for Tax Year 2009, pursuant to a delineated list submitted June 21, 2010, in the total amount of \$1,500.00.

Authorize the City Treasurer to cancel previous years' outstanding and unclaimed tax credits and the total amount of \$184,519.41 thereof be credited to Miscellaneous Revenue.

Establish liens for the removal and disposal of debris on properties listed on Schedule A in the total amount of \$9,220.01.

Establish a handicapped parking space in front of the premises located at 21 Chilton Street.

Establish a handicapped parking space in front of the premises located at 602 First Avenue.

Establish a handicapped parking space in front of the premises located at 247 Marshall Street.

Establish a handicapped parking space in front of the premises located at 614 Marshall Street.

Establish a handicapped parking space in front of the premises located at 1011 Olive Street.

Establish a handicapped parking space in front of the premises located at 419 Spencer Street.

Establish a handicapped parking space in front of the premises located at 553 Third Avenue.

Establish a handicapped parking space in front of the premises located at 413 South Broad Street.

Establish a handicapped parking space in front of the premises located at 717 Clarkson Avenue.

Delete the following handicapped parking spaces from in front of the premises located at: 156 Magnolia Avenue; 525 Fulton Street; 726 Jackson Avenue; 15 Palmer Street

**NEW BUSINESS (Cont'd.)**

Declare July 22, 2010, as Olympic and Paralympic Day.

Declare August 3, 2010, as National Night Out.

Pay utility bills.

Approve Bingo and Raffle licenses

**COMMENDATIONS**

Steele Memorial F.B.H. Church, 80<sup>TH</sup> Annual Sunday School and HYP  
Convention

**MEMORIALS**

Mrs. Josephine (nee Travisano) Meo

**ADJOURMENT**