

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

**REGULAR MEETING - TUESDAY, OCTOBER 12, 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.

**PUBLIC HEARINGS**

ORD. NO. 4162 - Authorize an amendment to Chapter 5.100 of the Code of the City of Elizabeth entitled "Taxicabs," specifically to establish the seating capacity of taxicabs.

**PETITIONS, COMMUNICATIONS, ETC.**

By the Clerk:

Letter dated September 30, 2010, from His Honor the Mayor, that subject to confirmation, he herewith reappoints Honorable Daniel J. Russell as Temporary Judge of the Municipal Court in the City of Elizabeth for the period November 1, 2010 through October 31, 2011, on a contractual basis at the rate of \$300.00 per session in an amount not to exceed \$60,000.00.  
Which was received.

By the Clerk:

Letter dated September 24, 2010, from the Business Administrator requesting permission for the Purchasing Agent to make the necessary arrangements to auction impounded property in the possession of the Police Department to be held by Propertyroom.Com, State pre-approved on-line auction site; the date of the sale will be set by the auction company and will be published in the Star Ledger.  
Which was received.

By the Clerk:

Letter dated September 24, 2010, from the Business Administrator recommending the award of a contract to the sole bidder, Campbell Supply, 145 Talmadge Road, Suite 8, Edison, N.J., for the emergency purchase of parts and labor for the repair of Ladder Truck #2 for the Fire Department in the amount of \$5,119.65.  
Which was received.

By the Clerk:

Letter dated September 24, 2010, from the Business Administrator requesting authorization for the proper City officials to sign the release form to allow Travelers Insurance Group to release a bond issued to Movie Gallery, Inc./Hollywood Video.  
Which was received.

**PETITIONS, COMMUNICATIONS, ETC.**

By the Clerk:

Letter dated September 27, 2010, from the Business Administrator recommending the award of a contract to Garden State Highway Products, 1740 East Oak Road, Vineland, N.J., for break-away U-Post and Sign Supports for the Public Works Department for the period September 24, 2010 through June 30, 2012, at a cost not to exceed \$60,000.00.

Which was received.

By the Clerk:

Letter dated September 27, 2010, from the Business Administrator recommending the award of a contract to Garden State Highway Products, 1740 East Oak Road, Vineland, N.J., for Aluminum Sign Blanks for the Public Works Department for the period September 24, 2010 through April 30, 2012, at a cost not to exceed \$50,000.00.

Which was received.

By the Clerk:

Letter dated September 27, 2010, from the Business Administrator recommending the award of a contract to Garden State Highway Products, 1740 East Oak Road, Vineland, N.J., for reflective sheeting for the Public Works Department for the period September 24, 2010 through April 30, 2011, at a cost not to exceed \$30,000.00.

Which was received.

By the Clerk:

Letter dated September 28, 2010, from the Business Administrator recommending the award of a contract to Office Solutions, Inc., 217 Mount Horeb Road, Warren, N.J., for the purchase of miscellaneous telecommunications equipment wired for various departments for the period March 1, 2010 to November 30, 2010, at a cost not to exceed \$50,000.00.

Which was received.

By the Clerk:

Letter dated September 28, 2010, from the Business Administrator requesting an amendment to the lease agreement between the City of Elizabeth and 208 Commerce, LLC, for the Municipal Court Annex located at 208 Commerce Place, specifically to renew a month-to-month lease at the rate of \$8,000.00 per month, commencing October 1, 2010.

Which was received.

By the Clerk:

Letter dated September 29, 2010, from the Business Administrator recommending the award of a contract to Kimball/National, c/o BFI, 1600 Royal Street, Jasper, IN, for the purchase of furniture for the Police Director's Office in the amount of \$3,309.60.

Which was received.

By the Clerk:

Letter dated September 29, 2010, from the Business Administrator recommending the award of a contract to WPCS International, Inc., 1985 Swarthmore Avenue, Suite 4, Lakewood, N.J., for the purchase of five (5) Panasonic Toughbooks in the amount of \$18,447.40; for the purchase of vehicle mounting hardware and docking stations in the amount of \$6,544.40; for the purchase of Installation/Labor in the amount of \$1,925.00 totaling \$26,916.80.

Which was received.

**PETITIONS, COMMUNICATIONS, ETC.**

By the Clerk:

Letter dated October 1, 2010, from the Business Administrator recommending the award of a contract to Mar-Vel International, Inc., 7115 Airport Highway, Pennsauken, N.J., for the purchase of twenty (20) Multi Threat Suits and twenty-six (26) Multi Threat Training Suits with Chempak Ultra Barrier Fabric or Equivalent for the Police Department S.W.A.T. Team in the amount of \$41,438.00.

Which was received.

By the Clerk:

Letter dated October 1, 2010, from the Business Administrator requesting authorization for the proper City officials to execute a contract with The Chubb Group of Companies, 12 Vreeland Road, Florham Park, N.J., through their agent-of-record Otterstedt Agency, for insurance covering City-owned properties for the term of October 1, 2010 to October 1, 2011, at the annual premium of \$83,266.00.

Which was received.

By the Clerk:

Letter dated October 1, 2010, from the Business Administrator recommending the award of a contract to La Voz, 1020 Kipling Road, Elizabeth, N.J., for the publishing of advertising for a period of one year from the date of award in an amount not to exceed \$26,000.00.

Which was received.

By the Clerk:

Letter dated October 1, 2010, from the Business Administrator recommending that your Honorable Body reject all bids received on September 29, 2010, for Miscellaneous Hardware Supplies FY2011, and authorize the Purchasing Agent to re-advertise same with revised specifications.

Which was received.

By the Clerk:

Letter dated October 1, 2010, from the Business Administrator recommending the award of a contract to Daved Fire Systems, Inc., 307 West Pleasantview Avenue, Hackensack, N.J., for the inspection of Fire Alarms at various City-owned buildings, along with any necessary repairs, through the Union County Co-Op, for the period September 22, 2010 through September 21, 2012, at a cost not to exceed \$100,000.00.

Which was received.

By the Clerk:

Letter dated October 4, 2010, from the Business Administrator recommending the award of a contract to the Star Ledger, One Star Ledger Plaza, Newark, N.J., for the publishing of legal notices for a period of two (2) years from the date of award of the contract in the amount of \$160,000.00.

Which was received.

By the Clerk:

Letter dated October 4, 2010, from the Business Administrator requesting authorization for the proper City officials to support and commit \$200,000.00 of matching funds for the Fiscal Year 2010 Choice Neighborhoods Planning Grant being offered by the U.S. Department of Housing and Urban Development being submitted by the City of Elizabeth Housing Authority to assist the Oakwood Plaza Project for a two year term and subject only to an award of Choice Planning Grant Funds.

Which was received.

**PETITIONS, COMMUNICATIONS, ETC.**

By the Clerk:

Letter dated September 29, 2010, from the Second Assistant City Attorney requesting permission to execute a Developer's/Indemnification Agreement between the City of Elizabeth and Preferred Freezer Services of Elizabeth, LLC, and Lucky Bear, LLC, to design, construct and install a new 42" storm sewer line on the portion of Bayway Avenue (108-166 Bayway Avenue).  
Which was received.

By the Clerk:

Letter dated September 24, 2010, from the Chief Financial Officer requesting authorization for the Tax Collector to credit said individual's taxes entitled to a Senior Citizen, Disability Deduction, and/or a Veteran Deduction in the amount of \$250.00 for the 2010 Tax Year totaling \$2,250.00.  
Which was received.

By the Clerk:

Letter dated October 4, 2010, from the Chief Financial Officer advising that there are temporary emergency appropriations for the 2011 SFY Sewer Utility Operations: Other Expenses \$625,000.00; Joint Meeting Surplus to City \$2,500,000.00, totaling \$3,125,000.00.  
Which was received.

By the Clerk:

Letter dated October 5, 2010, from the Chief Financial Officer requesting City Council consider the approval of a bond ordinance authorizing Environmental Engineering, Compliance and Remediation at various properties owned by the City in order to satisfy N.J. Department of Environmental Protection directives in the amount of \$2,000,000.00, with a down payment of \$100,000.00.  
Which was received.

By the Clerk:

Letter dated October 5, 2010, from the Chief Financial Officer requesting City Council consider the approval of a bond ordinance authorizing the installation of traffic lights, road resurfacing and reconstruction at the intersections of West Jersey Street, Elizabethtown Plaza, Union Street and the intersection of Broad Street at Caldwell Place in the amount of \$1,000,000.00, with a down payment of \$50,000.00.  
Which was received.

By the Clerk:

Letter dated October 5, 2010, from the Chief Financial Officer requesting City Council consider the approval of a bond ordinance authorizing the acquisition of two mechanical street sweepers in the amount of \$400,000.00, with a down payment of \$20,000.00.  
Which was received.

By the Clerk:

Letter dated October 5, 2010, from the Chief Financial Officer requesting City Council consider the approval of a Sewer Utility bond ordinance to finance the installation of sewer system improvements that will increase the conveyance capacity of the Western Interceptor Project through the Midtown Area with the design of replacement and relief sewers in addition to the improvement of hydraulic restrictions at the Bridge Street Siphon in the amount not to exceed \$10,000,000.00.  
Which was received.

**PETITIONS, COMMUNICATIONS, ETC.**

By the Clerk:

Letter dated October 5, 2010, from the Chief Financial Officer requesting City Council consider the approval of a Sewer Utility bond ordinance to finance the Third Avenue Combined Sewer Modifications that will relieve flooding of the Third Avenue and South Second Street area in the amount not to exceed \$5,300,000.00.  
Which was received.

By the Clerk:

Letter dated October 5, 2010, from the Chief Financial Officer requesting City Council consider the approval of a Sewer Utility bond ordinance to finance the North Avenue Combined Sewer Modifications that will relieve flooding of the North Avenue section located beneath the Pennsylvania Railroad overpass in the amount not to exceed \$1,200,000.00.  
Which was received.

By the Clerk:

Letter dated September 28, 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 discharge the City's mortgage and cancellation of Deed of Easement and Restrictive Covenant on the property located at 331 Bond Street.  
Which was received.

By the Clerk:

Letter dated October 1, 2010, from the Director of Planning and Community Development requesting authorization for the proper City officials to enter into an agreement with Trinitas Hospital for the purchase of Health Care Apparatus, Material and Activities for the Brother Bonaventure Extended Care Center in the amount of \$5,000.00.  
Which was received.

By the Clerk:

Letter dated October 4, 2010, from the Director of Planning and Community Development requesting authorization for the proper City officials to enter into a contract with PMK Group/Birdsall Services Group, 65 Jackson Drive, Cranford, N.J., to update the site investigation for 801-871 Livingston Street (former N.J. Transit Bus Garage), in an amount not to exceed \$77,900.00.  
Which was received.

By the Clerk:

Letter dated October 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 discharge the City's second mortgage, and cancel the Deed of Easement and Restrictive Covenant on the property located at 515 First Avenue in the amount of \$5,390.00.  
Which was received.

By the Clerk:

Letter dated September 30, 2010, from the Director of Public Works requesting authorization for the proper City officials to endorse the agreement between Joint Meeting of Essex and Union Counties and the City of Elizabeth for the sewer construction contract entitled "Westfield Avenue and Elmora Avenue" Relief Sewer Project; 50% cost sharing for the installation of approximately 260 linear feet of Cured in Place Pipe liner within the interior of the pipe; approximate cost of this item is \$160,000.00.  
Which was received.

**PETITIONS, COMMUNICATIONS, ETC.**

By the Clerk:

Letter dated October 1, 2010, from the Director of Public Works requesting authorization to have liens 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 total amount of \$16,158.18.

Which was received.

By the Clerk:

Letter dated September 29, 2010, from the Police Director recommending the installation of a loading zone located at 740 Lidgerwood Avenue.

Which was received.

By the Clerk:

Letter dated September 26, 2010, from Mr. Jeffrey Howard, 355 Union Avenue, Elizabeth, N.J., requesting of your Honorable Body to be appointed as a Constable for the City of Elizabeth for a period of three years.

Which was received.

By the Clerk:

Letter dated September 29, 2010, from Mr. Rodney White, on behalf of Mr. John S. DiCosmo, 712 Fourth Avenue, Elizabeth, N.J., requesting of your Honorable Body to be appointed as a Constable for the City of Elizabeth for a period of three years.

Which was received.

**REPORTS OF CITY OFFICERS**

By the Clerk:

Letter October 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, October 7, 2010.

Which was received.

By the Clerk:

Minutes: Fair Rental Housing Board, July 21, 2010 .

Which was received.

**ORDINANCES ON FIRST READING**

ORD. NO. 4163 - Authorize the renewal of a lease agreement between the City of Elizabeth and 208 Commerce, LLC, for the use of the premises located at 208 Commerce Street, as a courtroom and ancillary offices on a month to month basis at a rate of \$8,000.00 per month, commencing October 1, 2010.

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

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

- ORD. NO. 4164 - An ordinance to vacate a portion of Hetfield Avenue as hereinafter more particularly described, situate in the City of Elizabeth, County of Union, State of New Jersey.
- ORD. NO. 4165 - Authorize a Bond Ordinance in the amount of \$2,000,000.00, with a down payment of \$100,000.00, for Environmental Engineering, Compliance and Remediation at various City-owned properties to satisfy N.J. Department of Environmental Protection directives.
- ORD. NO. 4166 - Authorize a Bond Ordinance in the amount of \$1,000,000.00, with a down payment of \$50,000.00, for the installation of traffic signals, road resurfacing and reconstruction at the intersections of West Jersey Street, Elizabethtown Plaza, Union Street and the intersection of Broad Street at Caldwell Place.
- ORD. NO. 4167 - Authorize a Bond Ordinance in the amount of \$400,000.00, with a down payment of \$20,000.00, for the acquisition of two mechanical street sweepers.

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

**ORDINANCES ON FINAL PASSAGE**

- ORD. NO. 4162 - Authorize an amendment to Chapter 5.100 of the Code of the City of Elizabeth entitled "Taxicabs," specifically to establish the seating capacity of taxicabs.

**NEW BUSINESS**

Authorize an amendment to the Fiscal Year 2011 Capital Budget in the amount of \$3,400,000.00.

Authorize Temporary Emergency appropriations for the 2011 Fiscal Year Sewer Utility Budget in the amount of \$3,125,000.00.

Adopt a resolution authorizing the preparation and submission of an application to the N.J. Department of Environmental Protection and the N.J. Environmental Infrastructure Trust for loans from the N.J. Environmental Infrastructure Trust Financing Program.

Confirm the reappointment of Honorable Daniel J. Russell to serve as Temporary Judge of the Municipal Court for a term of one (1) year commencing November 1, 2010 through October 31, 2011, in an amount not to exceed \$60,000.00.

Permit the Purchasing Agent to make the necessary arrangements with Property Room.com to auction impounded property in the possession of the Elizabeth Police Department.

Authorize the award of a contract to Campbell Supply, 145 Talmadge Road, Edison, N.J., for the emergency purchase of repair parts and labor for Ladder Truck #2, in the amount of \$5,119.65.

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

Authorize the award of a contract to Garden State Highway Products, 1740 East Oak Road, Vineland, N.J., for the purchase of break-away U-posts and sign supports for the Department of Public Works, for the period September 24, 2010 through June 30, 2012, at a cost not to exceed \$60,000.00.

Authorize the proper City officials to execute an agreement with the Elizabeth Parking Authority for the rental of twenty-one (21) parking spaces in Lot #6 and three hundred (300) parking spaces in Lot #2 at a rate of \$25.00 per parking space per month for the period July 1, 2010 through June 30, 2011, at a total cost of \$96,300.00.

Authorize the award of a contract to Garden State Highway Products, 1740 East Oak Road, Vineland, N.J., for the purchase of aluminum sign blanks for the Department of Public Works, for the period September 24, 2010 through April 30, 2012, at a cost not to exceed \$50,000.00.

Authorize the award of a contract to Garden State Highway Products, 1740 East Oak Road, Vineland, N.J., for the purchase of reflective sheeting for the Department of Public Works, for the period September 24, 2010 through April 30, 2011, at a cost not to exceed \$30,000.00.

Authorize the award of a contract to Office Solutions, Inc., 217 Mount Horeb Road, Warren, N.J., for the purchase of miscellaneous telecommunications equipment wired for various departments for the period March 1, 2010 to November 30, 2010, at a cost not to exceed \$50,000.00.

Authorize the award of a contract to Kimball/National, c/o BFI, 1600 Royal Street, Jasper, IN, for the purchase of furniture for the Police Director's Office, in the amount of \$3,309.60.

Authorize the award of a contract to WPCS International, Inc., 1985 Swarthmore Avenue, Lakewood, N.J., for the purchase of five (5) Panasonic Toughbooks in the amount of \$18,447.40; vehicle mounting hardware and docking stations in the amount of \$6,544.40 and for installation and labor in the amount of \$1,925.00, totaling \$26,916.80.

Authorize the award of a contract to Mar-Vel International, Inc., 7115 Airport Highway, Pennsauken, N.J., for the purchase of twenty (20) Multi Threat suits and twenty-six (26) Multi Threat training suits with Chempak Ultra Barrier Fabric or equivalent for the Police Department S.W.A.T. Team, in the total amount of \$41,438.00.

Authorize the award of a contract to The Chubb Group of Companies, 12 Vreeland Road, Florham Park, N.J., through the agent of record, Otterstedt Agency, to provide insurance covering City-owned properties, for the period October 1, 2010 to October 1, 2011, at an annual premium of \$83,266.00.

Authorize the award of a contract to "La Voz" , 1020 Kipling Road, Elizabeth, for the publishing of advertising for a one year period at a cost not to exceed \$26,000.00

Authorize the award of a contract to the Star Ledger, 1 Star Ledger Plaza, Newark, N.J., for the publishing of legal notices for a two-year period. at a cost not to exceed \$160,000.

Authorize the award of a contract to Daved Fire Systems, Inc., 307 West Pleasantview Avenue, Hackensack, N.J., for the inspection of fire alarms at various City-owned buildings, along with necessary repairs, through the Union County Co-Op, for the period September 22, 2010 to September 21, 2012 , at a cost not to exceed \$100,000.00.

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

Authorize the proper City officials to execute all appropriate documents with Trinitas Regional Medical Center for the purchase of Health Care apparatus, material and activities for the Brother Bonaventure Extended Care Center in the amount of \$5,000.00.

Authorize the award of a contract to the PMK Group/Birdsall Services Group, 65 Jackson Drive, Cranford, N.J., to update the site investigation for 801-871 Livingston Street (former N.J. Transit Bus Garage) at a cost not to exceed \$77,900.00.

Authorize the proper City officials to endorse the agreement between the Joint Meeting of Essex and Union Counties and the City of Elizabeth for the 50% cost sharing for the sewer construction contract entitled "Westfield Avenue and Elmora Avenue Relief Sewer Project."

Authorize the proper City officials to execute a Developer's/Indemnification Agreement between the City of Elizabeth and Preferred Freezer Services of Elizabeth, LLC, and Lucky Bear, LLC, to design, construct and install a new 42" storm sewer line on the portion of Bayway Avenue at 108-166 Bayway Avenue.

Authorize the proper City officials to support and commit \$200,000.00 of matching funds for the Fiscal Year 2010 Choice Neighborhoods Planning Grant offered by the U.S. Department of Housing and Urban Development and submitted by the Elizabeth Housing Authority to assist the Oakwood Plaza Project for a two year term.

Authorize the proper City officials to execute the release form allowing Travelers Insurance Group to release a bond issued to Movie Gallery, Inc./Hollywood Video.

Authorize the discharge of a second mortgage held by the City on the property located at 331 Bond Street and further authorize the cancellation of the Deed of Easement and Restrictive Covenant.

Authorize the discharge of a second mortgage held by the City on the property located at 515 First Avenue and further authorize the cancellation of the Deed of Easement and Restrictive Covenant.

Establish liens for the removal and disposal of debris on properties listed on Schedule A in the total amount of \$16,158.18.

Authorize the Tax Collector to credit senior citizen, disability and/or veteran tax deductions for the Tax Year 2010, pursuant to a delineated list submitted September 24, 2010, in the total amount of \$2,250.00.

Establish a handicapped parking space in front of the premises located at 234 Magnolia Avenue.

Reject all bids received on September 29, 2010, for the furnishing of miscellaneous hardware supplies for various departments and authorize the Purchasing Agent to readvertise for same with revised specifications.

Authorize the establishment of a loading zone for 740 Lidgerwood Avenue, at the easterly curb line of Lidgerwood Avenue, beginning at a point 48 feet south of Meredith Avenue and continuing for a distance of 100 feet southerly thereof, between the hours of 8:00 a.m. to 4:00 p.m.

Appoint Mr. Jeffrey Howard, 355 Union Avenue, Elizabeth, to serve as a Constable in and for the City of Elizabeth for a term of three (3) years.

Appoint Mr. John S. DiCosmo, 712 Fourth Avenue, Elizabeth, to serve as a Constable in and for the City of Elizabeth for a term of three (3) years.

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

Authorize settlement in the workers compensation matter of Orestes Rios vs. the City of Elizabeth in the amount of \$14,214.00.

Authorize settlement in the workers compensation litigation matters (2) of Fernando Costa vs. the City of Elizabeth in the total amount of \$71,400.00.

Pay Utility Bills

**COMMENDATIONS**

**MEMORIALS**

**ADJOURNMENT**