

CITY COUNCIL - ELIZABETH, N. J.

REGULAR MEETING - TUESDAY, MARCH 22, 2011

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 Meetings: September 7, 21; October 5, 19;
November 3, 16; December 7, 21, 2010
Regular Meetings: May 11, 25; June 9, 22; July 27;
August 24; September 14, 28; October 12, 26;
November 9, 23; December 14, 28, 2010

PUBLIC HEARINGS

- ORD. NO. 4195 - Authorize a Bond Ordinance in the amount of \$5,000,000.00, with a down payment of \$250,000.00, for the resurfacing of various roads.
- ORD. NO. 4196 - Authorize a Bond Ordinance in the amount of \$600,000.00, with a down payment of \$30,000.00, for the installation of traffic lights, road resurfacing and reconstruction at the intersections of West Jersey Street at Broad Street, and a traffic light upgrade at the intersection of Broad Street and Elizabeth Avenue.
- ORD. NO. 4197 - Authorize a Bond Ordinance in the amount not to exceed \$3,000,000.00, with a down payment of \$150,000.00, for environmental engineering compliance services, including demolition and/or soil removal, and related work at the former New Jersey Transit bus garage property located at 801-871 Livingston Street.
- ORD. NO. 4198 - Authorize a Sewer Utility Bond Ordinance in an amount not to exceed \$12,000,000, to finance the sewer system improvements for the Western Interceptor Project through the Midtown area with the design replacement and relief sewers, including the improvement of hydraulic restrictions at the Bridge Street Siphon.
- ORD. NO. 4199 - Authorize a Sewer Utility Bond Ordinance in an amount not to exceed \$2,600,000, to finance the Third Avenue Combined Sewer modifications that will relieve flooding of the Third Avenue and South Second Street area.
- ORD. NO. 4200 - Authorize a Sewer Utility Bond Ordinance in an amount not to exceed \$1,500,000, to finance the South Street Combined Sewer modifications that will relieve flooding at South Street, beneath the Pennsylvania Railroad.
- ORD. NO. 4201 - Authorize an amendment to Chapter 2.56, Article X, of the Code of the City of Elizabeth, entitled "Constables," specifically to establish and govern the appointment of constables.

PUBLIC HEARINGS (Cont'd.)

- ORD. NO. 4202 - Authorize an amendment to Chapter 15.12, of the Code of the City of Elizabeth, entitled "Housing Code," specifically to comply with the New Jersey Administrative Code and New Jersey State Statutes.
- ORD. NO. 4203 - Authorize the execution of a lease agreement between the City of Elizabeth and the Girl Scouts Heart of New Jersey, West Service Center, 1171 State Route 28, North Branch, N.J., for the continued use of their Elizabeth Girl Scout House, situated on City-owned property at 100-106 Cherry Street, for twenty (20) years at an annual cost of \$1.00.
- ORD. NO. 4204 - Grant an encroachment permit to Kleinfelder, 3 AAA Drive, Hamilton, N.J. on behalf of ExxonMobil Services Company, for the advancement of eight (8) soil borings and to install one (1) monitoring well in the public right-of-way of South Fifth Street and Third Avenue.
- ORD. NO. 4205 - Authorize the establishment of a personalized handicapped parking space for Kazimierz Ciuba, 21 South Second Street.
- ORD. NO. 4206 - Authorize the establishment of a personalized handicapped parking space for Pablo Casas, 1043 Louisa Street.
- ORD. NO. 4207 - Authorize the establishment of a personalized handicapped parking space for Winston Tidd, 920 Olive Street.
- ORD. NO. 4208 - Authorize the establishment of a personalized handicapped parking space for Aurora E. Fernandez, 557 Marshall Street.

PETITIONS, COMMUNICATIONS, ETC.

By the Clerk:

Letter dated March 7, 2011, from the Business Administrator requesting authorization for the proper City officials to accept from Robert J. Bauer of RJB Associates, L.P., 530 South Avenue East, Cranford, N.J., a donation of a glass framed Historical Print depicting farmland and available land lots in the City of Elizabeth during 1892.

Which was received.

By the Clerk:

Letter dated March 7, 2011, from the Business Administrator recommending the award of a contract to Wolfington Body Co., Inc., 1315 Route 38, Hainsport, N.J., to purchase one (1) Senior Citizen Bus for the Health Department, at a cost of \$68,990.00. Which was received.

By the Clerk:

Letter dated March 10, 2011, from the Business Administrator recommending the award of a contract to Air Brake & Equipment, 225 Route 22 West, Hillside, N.J., for Auto Maintenance and Repair for heavy duty vehicles for various departments for the period February 28, 2011 through February 29, 2012, at a cost not to exceed \$75,000.00.

Which was received.

PETITIONS, COMMUNICATIONS, ETC.

By the Clerk:

Letter dated March 10, 2011, from the Business Administrator recommending the award of a contract to Airgas East, 490 Stelton Road, Piscataway, N.J., for the rental of Oxygen Cylinders for the Police Department, Ambulance Service Bureau, Fire Department and the Public Works Department for the period February 28, 2011 through August 31, 2011, at a cost not to exceed \$8,000.00.
Which was received.

By the Clerk:

Letter dated March 10, 2011, from the Business Administrator recommending the award of a contract to W.W. Grainger, Inc., Grainger Industrial Supply Division, 55 Jackson Drive, Cranford, N.J., for Industrial Maintenance Repair Operation Supplies and Equipment for various departments for the period February 28, 2011 through April 30, 2011, at a cost not to exceed \$20,000.00.
Which was received.

By the Clerk:

Letter dated March 11, 2011, from the Business Administrator recommending the award of a contract to Pitney Bowes, Inc., 300 Phillips Boulevard, Trenton, N.J., for the purchase of a new Pitney Bowes Machine Model #DM1100 for the Mail Room at a total cost of \$16,994.00.
Which was received.

By the Clerk:

Letter dated March 11, 2011, from the Business Administrator recommending the award of a contract to Gametime/MRC, PO. Box 106, Spring Lake, N.J., for the purchase and installation of a Spray Park for the Mickey Walker Center at a cost of \$220,000.00.
Which was received.

By the Clerk:

Letter dated March 11, 2011, from the Business Administrator advising, that being satisfied that an emergency did exist, recommends the award of a contract to Doma Construction, Inc., 215 North 12th Street, Newark, N.J., for the partial demolition of 874 Flora Street, Elizabeth, in the amount of \$12,000.00.
Which was received.

By the Clerk:

Letter dated March 11, 2011, from the Business Administrator advising, that being satisfied that an emergency did exist, recommends the award of a contract to Doma Construction, Inc., 215 North 12th Street, Newark, N.J., for the partial demolition of 213 Oak Street, Elizabeth, in the amount of \$9,000.00.
Which was received.

By the Clerk:

Letter dated March 11, 2011, 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 and Parts for the Recreation and Public Works Departments, for the period February 28, 2011 through August 31, 2011, at a cost not to exceed \$50,000.00.
Which was received.

By the Clerk:

Letter dated March 11, 2011, from the Business Administrator recommending the award of a contract to Air Brake & Equipment, 225 Route 22 West, Hillside, N.J., for auto parts for heavy duty vehicles for the various departments for the period February 28, 2011 through March 17, 2012, at a cost not to exceed \$75,000.00.
Which was received.

PETITIONS, COMMUNICATIONS, ETC.

By the Clerk:

Letter dated March 11, 2011, from the Business Administrator requesting authorization for the proper City officials to enter into a new agreement with the Union County Cooperative Pricing System for the purchases of work, services, materials and supplies.

Which was received.

By the Clerk:

Letter dated March 14, 2011, from the Business Administrator recommending the award of a contract to Ricoh America's Corporation c/o Ikon Office Solutions, Inc., 100 Passaic Avenue, Fairfield, N.J., for the Maintenance of the City's owned photocopiers for the period March 8, 2011 through June 30, 2011; and with Ikon Office Solutions, Inc., 100 Passaic Avenue, Fairfield, N.J., for the leasing of new photocopiers for the period March 8, 2011 through June 30, 2011, in the amount not to exceed \$10,000.00 each, totaling \$20,000.00.

Which was received.

By the Clerk:

Letter dated March 14, 2011, from the Business Administrator requesting authorization for the proper City officials to accept an Emergency Management Assistance Subgrant award from the Federal FY 2011 Homeland Security Grant Program.

Which was received.

By the Clerk:

Letter dated March 14, 2011, from the Business Administrator recommending the award of a contract to Warnock Fleet, 175 Route 10, East Hanover, N.J., for eight (8) 2011 Ford Explorers for the Police Department Safenet Program, under the Cranford Police Cooperative Pricing System, at a total cost of \$202,024.00.

Which was received.

By the Clerk:

Letter dated March 14, 2011, from the City Attorney, on behalf of NextG Networks, Inc., requesting a Right-of-Way Use Agreement to install, operate and maintain fiber optic cable and associated equipment, including optical repeaters and antennas to the utility poles, within the public right-of-way at the following locations: 325 Christine Street, 544 Third Avenue, 201 Loomis Street, across 455 Elizabeth Avenue.

Which was received.

By the Clerk:

Letter dated March 1, 2011, from the Chief Financial Officer requesting authorization for the Tax Collector to credit tax accounts entitled to a Senior Citizen, Disability and/or Veteran Deduction for the 2011 Tax Year, pursuant to a delineated list submitted March 1, 2011, in the total amount of \$4,250.00.

Which was received.

By the Clerk:

Letter dated March 3, 2011, from the Chief Financial Officer requesting authorization for the Tax Collector to cancel/refund/credit an overbilling of taxes for the 2010 Tax Year on the property located at 310 First Avenue the total sum of \$18,557.17.

Which was received

PETITIONS, COMMUNICATIONS, ETC.

By the Clerk:

Letter dated March 4, 2011, from the Chief Financial Officer requesting authorization for the Tax Collector to cancel/refund/credit an overbilling of taxes for the 2010 Tax Year on the property located at 55 Erie Street the total sum of \$13,500.06. Which was received.

By the Clerk:

Letter dated March 15, 2011, from the Chief Financial Officer advising that additional grants may be appropriated in the 2011 SFY Budget by budget amendments. Which was received.

By the Clerk:

Letter dated March 15, 2011, from the Chief Financial Officer requesting of your Honorable Body a resolution providing for a Single and Combined Issue of General Obligation Bonds authorizing the sale of \$12,755,000.00 principal amount of General Improvement Bonds, Series 2011 and \$1,230,000.00 Refunding Bonds; authorizing advertisement of a Notice of Sale; authorizing the Chief Financial Officer to sell and award the bonds, determining the form and other details of the bonds; and authorizing other matters relating thereto. Which was received.

By the Clerk:

Letter dated March 11, 2011, from the Director of Planning and Community Development requesting authorization to submit an Urban Enterprise Zone proposal for Zone Assistance Funds to Elberon Development Company, LLC, for the acquisition of two (2) parcels of land necessary to enable Wakefern Corp. to construct a new 524,000 sq. ft. state-of-the-art Warehouse Distribution Facility in the amount of \$2.5 million. Which was received.

By the Clerk:

Letter dated March 15, 2011, from the Director of Planning and Community Development requesting authorization for the proper City officials to enter into a contract with PMK Group, 65 Jackson Drive, Cranford, N.J., for supplemental testing on the former supermarket property, 59-81 Livingston Street (a/k/a 70 Broadway) in an amount not to exceed \$34,400.00. Which was received.

By the Clerk:

Letter dated March 10, 2011, from the Director of Public Works requesting permission to have a lien placed against the properties listed on Schedule A, attached hereto and made a part hereof, for the removal of snow in the total amount of \$1,051.46. Which was received.

By the Clerk:

Letter dated March 14, 2011, from the Director of Public Works requesting an amendment to a resolution adopted on February 9, 2010, awarding a contract to the PMK Group, a Birdsall Service Group, Inc., to provide for the implementation of a Remedial Action Workplan for a portion of property known as Sullivan Road in the amount of \$126,350.00, specifically to provide Remediation Oversight Services at a portion of Sullivan Road, 630 Dowd Avenue, at an additional cost not to exceed \$82,670.00, raising the contract amount to \$209,020.00. Which was received.

PETITIONS, COMMUNICATIONS, ETC.

By the Clerk:

Letter dated March 15, 2011, from the Director of Public Works recommending the award of a contract to the Birdsall Service Group, Inc., 65 Jackson Drive, Cranford, N.J., to provide environmental consulting engineering services related to the former Saxony Motel Property, now City-owned, at a cost not to exceed \$110,500.00. Which was received.

By the Clerk:

Letter dated March 15, 2011, from the Director of Public Works recommending the award of a contract to S. Batata Construction, Inc., 11 Jackson Street, Suite 2G, South River, N.J., for the Safe Streets to Transit Streetscape on West Jersey Street, between Union Street and Broad Street, at a cost of \$89,972.50. Which was received.

By the Clerk:

Letter dated March 9, 2011, from the Chairman, Planning Board, Department of Planning and Community Development, recommending that your Honorable Body adopt the Oakwood Plaza and Old Fire Station Properties Redevelopment Study. Which was received.

By the Clerk:

Letter dated March 11, 2011, from Catherine Rousseau Saintillen, Executive Director, Jefferson Park Ministries, Inc., 477 Madison Avenue, Elizabeth, N.J., requesting of your Honorable Body a commendation acknowledging Mr. Patrick Corvington, Chief Executive Officer of the Corporation for National and Community Service, to be presented at their annual volunteer recognition dinner in honor of its "Silent Heroes." Which was received.

REPORTS OF CITY OFFICERS

By the Clerk:

Letter March 22, 2011, 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, March 18, 2011. Which was received.

By the Clerk:

Letters dated March 1, 2011, from the Chief Financial Officer submitting the City Treasurer's report of Receipts and Disbursements for the month of November, 2010, and Statement of Bank Balances and Investments as of November 30, 2010. Which was received.

By the Clerk:

Minutes: Fair Rental Housing Board, January 19, 2011. Which was received.

ORDINANCES ON FIRST READING

ORD. NO. 4210 - Rescind Ordinance No. 3872, authorizing the establishment of a personalized handicapped parking space for Elethen Stokes, 949 Anna Street.

PUBLIC HEARING AND FURTHER CONSIDERATION OF THE FOREGOING ORDINANCE SHALL TAKE PLACE AT THE CITY COUNCIL MEETING TO BE HELD TUESDAY, APRIL 12, 2011, AT 7:30 P.M.

ORDINANCES ON FINAL PASSAGE

- ORD. NO. 4195 - Authorize a Bond Ordinance in the amount of \$5,000,000.00, with a down payment of \$250,000.00, for the resurfacing of various roads.
- ORD. NO. 4196 - Authorize a Bond Ordinance in the amount of \$600,000.00, with a down payment of \$30,000.00, for the installation of traffic lights, road resurfacing and reconstruction at the intersections of West Jersey Street at Broad Street, and a traffic light upgrade at the intersection of Broad Street and Elizabeth Avenue.
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- ORD. NO. 4202 - Authorize an amendment to Chapter 15.12, of the Code of the City of Elizabeth, entitled "Housing Code," specifically to comply with the New Jersey Administrative Code and New Jersey State Statutes.
- ORD. NO. 4203 - Authorize the execution of a lease agreement between the City of Elizabeth and the Girl Scouts Heart of New Jersey, West Service Center, 1171 State Route 28, North Branch, N.J., for the continued use of their Elizabeth Girl Scout House, situated on City-owned property at 100-106 Cherry Street, for twenty (20) years at an annual cost of \$1.00.
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- ORD. NO. 4207 - Authorize the establishment of a personalized handicapped parking space for Winston Tidd, 920 Olive Street.
- ORD. NO. 4208 - Authorize the establishment of a personalized handicapped parking space for Aurora E. Fernandez, 557 Marshall Street.

NEW BUSINESS

Authorize an amendment to the Fiscal Year 2011 Budget to insert, as an Item of Revenue, a New Jersey Department of Health and Senior Services STD Grant in the amount of \$45,335.00.

Authorize an amendment to the Fiscal Year 2011 Budget to insert, as an Item of Revenue, a State of New Jersey Office of Homeland Security and Preparedness UASI Urban Areas Security Initiative 2009 Grant in the amount of \$25,000.00.

Approve the Oakwood Plaza and the Old Fire Station Property Redevelopment Study pursuant to the Planning Board recommendation.

Authorize a Right-of-Way Use Agreement, on behalf of NextG Networks, Inc., to install, operate and maintain fiber optic cable and associated equipment to the utility poles within the public right-of-way at the following locations: 325 Christine Street, 544 Third Street, 201 Loomis Street and across 455 Elizabeth Avenue.

Authorize a resolution providing for a single and combined issue of General Obligation Bonds; authorizing the sale of \$12,755,000.00 principal amount of General Improvement Bonds, Series 2011 and \$1,230,000.00 Refunding Bonds, Series 2011; authorizing advertisement of a Notice of Sale; authorizing the Chief Financial Officer to sell and award the Bonds; determining the form and other details, and authorizing other matters relating thereto.

Authorize the proper City officials to submit a proposal to the New Jersey Urban Enterprise Zone Authority for the use of City of Elizabeth Zone Assistance Funds in the amount of \$2,500,000.00 to Elberon Development Company, LLC., for the acquisition of two (2) parcels of land to enable Wakefern Corporation to construct a new 524,000 sq. ft. warehouse distribution facility.

Authorize the Tax Collector to establish rules and regulations for the payment of taxes and to fix the rate of interest to be charged for delinquent taxes, assessments, water and sewer charges, etc.

Authorize the award of a contract to Wolfington Body Company, Inc., 1315 Route 38, Hainsport, N.J., for the purchase of one (1) senior citizen bus for the Health Department, at a cost of \$68,990.00.

Authorize the award of a contract to Air Brake & Equipment, 225 Route 22 West, Hillside, N.J., for auto maintenance and repair for heavy duty vehicles for various departments for the period February 28, 2011 through February 29, 2012, at a cost not to exceed \$75,000.00.

Authorize the award of a contract to Airgas East, 490 Stelton Road, Piscataway, N.J., for the rental of oxygen cylinders for the Departments of Police, Fire, Ambulance Service Bureau and Public Works for the period February 28, 2011 through August 31, 2011, at a cost not to exceed \$8,000.00.

Authorize the award of a contract to W.W. Grainger, Inc., Grainger Industrial Supply Division, 55 Jackson Drive, Cranford, N.J., for Industrial Maintenance Repair, Operation Supplies and Equipment for various departments for the period February 28, 2011 through April 30, 2011, at a cost not to exceed \$20,000.00

Authorize the award of a contract to Pitney Bowes, Inc., 300 Phillips Boulevard, Ewing, N.J., for the purchase of a new Pitney Bowes Machine for the Mail Room at a total cost of \$16,994.00.

Authorize the award of a contract to GameTime/MRC, P.O. Box 106, Spring Lake, N.J., for the purchase and installation of a spray park for the Mickey Walker Center at a total cost of \$220,000.00.

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 and parts for the Recreation and Public Works Departments for the period February 28, 2011 through August 31, 2011, at a cost not to exceed \$50,000.00.

Authorize the award of a contract to Air Brake & Equipment, 225 Route 22 West, Hillside, N.J., for auto parts for heavy duty vehicles for various departments for the period February 28, 2011 through March 17, 2012, at a cost not to exceed \$75,000.00.

Authorize the proper City officials to enter into a new agreement with the Union County Cooperative Pricing System for the purchase of work, services, materials and supplies.

Authorize the award of a contract to Ricoh America's Corporation, c/o Ikon Office Solutions, Inc., 100 Passaic Avenue, Fairfield, N.J., for the maintenance of City-owned photocopiers in the amount of \$10,000.00 and with Ikon Office Solutions, Inc., 100 Passaic Avenue, Fairfield, N.J., for the leasing of new photocopiers in the amount of \$10,000.00, for the period March 8, 2011 through June 30, 2011, at a total cost of \$20,000.00.

Authorize the proper City officials to accept an Emergency Management Assistance Subgrant award from the Federal Fiscal Year 2011 Department of Homeland Security Emergency Management Performance Grant Program.

Authorize the award of a contract to Warnock Fleet, 175 Route #10, East Hanover, N.J., for the purchase of eight (8) 2011 Ford Explorers, under the Cranford Police Co-Op, for the Police Department Safenet Program, at a total cost of \$202,024.00.

Authorize the proper City officials to award a contract to the PMK Group, 65 Jackson Drive, Cranford, N.J., for supplemental testing on the former supermarket site located at 59-81 Livingston Street (aka 70 Broadway) in an amount not to exceed \$34,400.00.

Authorize an amendment to a resolution adopted February 9, 2010, awarding a contract to The PMK Group, a Birdsall Service Group, Inc., to provide for a remedial action workplan for a portion of Sullivan Road (City-owned property) at 630 Dowd Avenue, at a cost of \$126,350.00, specifically to provide remediation oversight services at the same location, at an additional cost not to exceed \$62,670.00, raising the contract amount to \$209,020.00.

Authorize the award a contract to the Birdsall Service Group, Inc., 65 Jackson Drive, Cranford, N.J., to provide environmental consulting engineering services related to the former Saxony Motel property (now City-owned) located at 330-338 Atlantic Street, at a cost not to exceed \$110,500.00.

Authorize the award of a contract to S. Batata Construction, Inc., 11 Jackson Street, South River, N.J., for the Safe Streets to Transit Streetscape on West Jersey Street, between Union Street and Broad Street, at a cost of \$89,972.50.

Authorize the proper City officials to accept as a donation a glass-framed historical print depicting farmland and available lots in the City during 1892 from Robert J. Bauer of RJB Associates, LP, 530 South Avenue East, Cranford, N.J.

Authorize the Tax Collector to credit senior citizen, disability and/or veteran tax deductions for the Tax Year 2011, pursuant to a delineated list submitted March 1, 2011, in the total amount of \$4,250.00.

Authorize the Tax Collector to cancel/refund/credit an overbilling of taxes on the property located at 443 Jersey Avenue for Tax Year 2010 in the total amount of \$18,557.17.

NEW BUSINESS (Cont'd.)

Authorize the Tax Collector to cancel/refund/credit an overbilling of taxes on the property located at 55 Erie Street for Tax Year 2010 in the total amount of \$13,500.06.

Establish liens for the removal of snow from properties listed on Schedule A in the total amount of \$1,051.46

Establish a handicapped parking space in front of the premises located at 25 Catherine Street.

Pay utility bills.

Approve Bingo and Raffle licenses.

COMMENDATIONS

Patrick Corvington, Chief Executive Officer, Corporation for National and Community Service

Jefferson Park Day Care Center, 40 years of Family and Child Services

MEMORIALS

ADJOURNMENT