PROCEEDINGS OF CITY COUNCIL

(OFFICIAL)

ELIZABETH, N.J.

Tuesday Evening
July 26, 2011
7:30 p.m.

A regular meeting of the City Council was held this evening in the City Council Chamber, City Hall.

Council President Keenan announced that this regular meeting is listed in the "Annual Notice", as defined by Chapter 231, P.L. 1975, and that copies of the "Annual Notice" have been mailed or delivered to the Star Ledger, Home News and Tribune, and Cablevision of Elizabeth and posted and filed in the City Clerk's Office in compliance with the terms of the Open Public Meetings Law, Chapter 231, P.L. 1975 on December 28, 2010.

PRESENT: Council Members-at-Large: Patricia Perkins-Auguste;
Frank J. Cuesta; [redacted];
Council Members: Manny Grova, Jr., 1st Ward;
Nelson Gonzalez, 2nd Ward; [redacted], 4th Ward;
William Gallman, Jr., 5th Ward; [redacted], 6th Ward;
and President Joseph Keenan, 3rd Ward - 6

ABSENT: Jackus, Cedeno, Mazza - 3

ALSO PRESENT: Rocco DiPaola, Assistant City Attorney

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the Chief Financial Officer has requested that the award of a contract be made to **DECOTIIS, FITZPATRICK, & COLE, LLP, Glenpointe Centre West, 500 Frank W. Burr Boulevard, Suite 31, Teaneck, New Jersey 07666** as Bond Counsel for the City of Elizabeth for the purpose of providing bond counsel services in connection with preparation of ordinances, bond and note sales and related services and that an appropriate contract be executed by the proper City Officials for a one (1) year period effective July 1, 2011 through June 30, 2012, at a cost pursuant to a fee schedule as follows:

A. For services rendered or in connection with each bond sale, a fee of $4,500.00 plus $1.10 per thousand dollars of bonds issued.

B. For services rendered in connection with the preparation or review of each ordinance and the compiling of a certified record of proceedings in connection therewith, a fee of $500.00 for each single purpose ordinance and $675.00 for each multipurpose ordinance. If the preparation of the ordinance involves consultations, meetings or discussions that are out of the ordinary, there will be additional fees to be charged at the hourly rates of $175.00 for partners and up to $120.00 for paralegals. The fees for services in connection with the ordinances will be charged periodically during the course of the year.

C. The fee of any temporary financing involving a private placement and not involving numerous notes, preparation of an Official Statement, complicated arbitrage analysis, investment yield restrictions or attendance at closing, shall be $.50 per thousand dollars of bond anticipation notes and $.50 per thousand dollars of tax anticipation notes, with a minimum fee of 1,000.00 for bond anticipation notes or tax anticipation notes.

D. Services rendered beyond the scope of those described above will be billed at the hourly rates of $175.00 for partners and $120.00 for paralegals. Such services may include attendance of meetings, extraordinary work involved in the preparation of the Official Statement, attention to any litigation that may occur, complicated arbitrage analysis or applications to the Federal Reserve Bank for investments of bond or notes proceeds in State and Local Government Series federal obligations. If the Bond sale involves the sale of minibonds, the sale of obligations to the United States Department of Agriculture, Rural Development, or an application to the Local Finance Board, such services will be billed at said hourly rates, with a minimum fee of $1,500.00 and if the bond sale involves participation in a New Jersey Environmental Infrastructure Trust financing, such services will be billed at $175.00 per hour for partners and $120.00 for paralegals, with a minimum fee of $2,500.00. In the event that bond insurance, a letter of credit or similar credit enhancement facility is used in connection with bond issue, an additional fee based on the responsibility assumed and time involved will be charged.

E. In the event of an advance refunding bond issue providing for an escrow agreement

and an investment of the proceeds consistent with the restrictions of the Internal Revenue Code to provide for the payment of a prior issue of bonds, there will be a fee of $10,000.00 in addition to the fees described herein.

F. In the event that a bond sale is held but all bids are rejected or the sale is canceled, the fee to be charged shall be a reasonable one, based on the services performed.

G. Customary disbursements for postage, telephone, photocopying, travel and out-of-pocket expenses shall be added to the fees referred to in this Agreement.

H. This Agreement shall be for 2012 State Fiscal Year, commencing on the date hereof, unless terminated earlier by written notice from either party to the other party and the total amount of the contract shall not exceed $60,000.00 without further authorization of the City Council ;and

WHEREAS, the contract in question is determined to fall within the Open-end Contract Rule 5:30 14-4 as promulgated by the State of New Jersey, Department of Community Affairs, Division of Local Government Services; and

WHEREAS, the Chief Financial Officer shall execute the Certificate of Availability of Funds at each time an order is placed, and covering the amount of the order, and said execution is to be made just before this order, and said execution is to be made just before this City incurs a contractual liability on its part; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq) requires that the resolution authorizing the award of contracts for Professional Services without competitive bids and the contract itself must be available for public inspection; and

WHEREAS, Professional Service contracts are exempt from the provisions of Chapter Chapter 2.92.010 of the Code of the City of Elizabeth; and

WHEREAS, this contract is awarded through a fair and open process in accordance with N.J.S.A. 19:44A-20.5, et seq.; and

WHEREAS, the Chief Financial Officer has recommended the award of this contract to the firm of **DECOTIIS, FITZPATRICK, & COLE, LLP,**; now, therefore, be it

RESOLVED by City Council of the City of Elizabeth as follows:

1. The Mayor and the City Clerk are hereby authorized and directed to execute a professional service contract with **DECOTIIS, FITZPATRICK, & COLE, LLP, Glenpointe Centre West, 500 Frank W. Burr Boulevard, Suite 31, Teaneck, New Jersey 07666** as Bond Counsel for the City of Elizabeth for the purpose of providing bond counsel services in connection with preparation of

ordinances, bond and note sales and related services and that an appropriate contract be executed by the Proper City Officials for a one (1) year period effective July 1, 2011 through June 30, 2012 without further authorization of City Council.

2. This contract is awarded without competitive bidding as a Professional Service under the provisions of the Local Public Contracts Law because N.J.S.A. 40A:5-11 exempts from bidding professional services, and the services rendered are to be performed by a person authorized by law to practice a recognized profession and whose profession is regulated by law and which requires knowledge of an advanced typed in a field of learning acquired by a prolonged formal course of specialized instruction; distinguished from general academic instruction or apprenticeship and training.

3. A notice of action shall be printed in **The Star Ledger.**

Which was adopted by the following vote:

AFFIRMATIVE: Perkins-Auguste, Cuesta, [redacted], Gonzalez, [redacted], Gallman, [redacted] and President Keenan - 5

NEGATIVE: None

EXCUSED: GROVA — 1

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the City of Elizabeth is desirous of engaging **Acacia Financial Group, Inc., Four Greentree Centre, 13000 Lincoln Drive West, Suite 206, Marlton, New Jersey 08053** to provide Financial Advisory Services to the City of Elizabeth in connection with the City's issuance of debt obligations through the New Jersey Environmental Infrastructure Trust and any other related financial analysis deemed necessary (collectively, the "Financial Advisory Services") for the period July 1, 2011 to June 30, 2012; and

WHEREAS, the Chief Financial Officer has recommended that a contract be awarded to **Acacia Financial Group, Inc., Four Greentree Centre, 13000 Lincoln Drive West, Suite 206, Marlton, New Jersey 08053** for this purpose in an amount not to exceed $40,000.00; and

WHEREAS, the scope of services provided will be in accordance with Schedule 1 attached hereto and made a part hereof; and

WHEREAS, compensation will be in accordance with Schedule 2 attached hereto and made a part hereof; and

WHEREAS, this contract is awarded through a fair and open process in accordance with N.J.S.A. 19:44A-20.5, et seq.; and

WHEREAS, the contract in question is determined to fall within the Open-end Contract Rule 5:30 14-4 as promulgated by the State of New Jersey, Department of Community Affairs, Division of Local Government Services; and

WHEREAS, the Chief Financial Officer shall execute the Certificate of Availability of Funds at each time an order is placed, and covering the amount of the order, and said execution is to be made just before this order, and said execution is to be made just before this City incurs a contractual liability on its part; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40a:11-1 et seq.) requires that the resolution authorizing the award of contracts for "Professional Services" without competitive bids and the contract itself must be available for public inspection; now, therefore, be it

RESOLVED by the City Council of the City of Elizabeth that a contract be awarded to **Acacia Financial Group, Inc., Four Greentree Centre, 13000 Lincoln Drive West, Suite 206, Marlton, New Jersey 08053** to provide the services set forth in Schedule 1 and in accordance with the compensation set forth in Schedule 2; and be it

Further Resolved that this contract is awarded without competitive bidding as a "Professional Service" in accordance **with N.J.S.A. 40A:11-2(6)** of the Local Public Contracts Law because Acacia Financial Group, Inc. is an entity whose practice is authorized and regulated by law and exempted by the provisions of the Local Public Contracts Law, and

Further Resolved that a Notice of this action should be printed once in the Star Ledger.

Schedule 1
Scope of Services

Scope of Services:

Acacia Financial Group, Inc., will provide financial advisory services in connection with the City of Elizabeth's participation in the NJEIT program. Our services will include:

- Preparation of the Financial Addendum and Local Finance Board application.
- Review of all legal documents required to participate in the NJEIT program.
- Attend meetings with City, its staff and professionals as requested.
- Represent City at meeting of Local Finance Board, if required.
- Prepare any analysis needed in connection with the NJEIT financing.
- Assist in any other matters as requested in connection with the NJEIT financing.

Schedule 2
Fee Schedule

Fees:

Acacia Financial Group, Inc., will charge a the following;

1. **Based on Par Amount of the Issue:**

Par Amount (bonds/notes)	
$0-$15,000,000 issued	$15,000
Over $15,000,000	$1.10 per $1,000 issued

2. **Hourly Basis:**

For services engagements compensation will be based upon hourly rates;

Co-President	$250 per hour
Managing Director	$225 per hour
Vice President	$200 per hour
Assistant VP	$175 per hour
Analyst	$150 per hour
Administrative	$50 per hour

3. **Reasonable out of pocket expenses** incurred including graphics, postage, photocopies, telecopies, freight charges, and telephone. AFG will not request reimbursement for travel expenses.

Which was adopted by the following vote:

AFFIRMATIVE: Perkins-Auguste, Cuesta, [redacted] Grova, Gonzalez, [redacted], Gallman, [redacted] and President Keenan - 6

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the City of Elizabeth is desirous of engaging **Powell Capital Markets, 280 Corporate Center, 3 Becker Farm Road, Roseland, New Jersey 07068-1745** to provide Financial Advisory Services to the City of Elizabeth in connection with the City's issuance of municipal and general sewer debt obligations and any other financial analysis necessary (collectively, the "Financial Advisory Services") for the period July 1, 2011 to June 30, 2012; and

WHEREAS, the Chief Financial Officer has recommended that a contract be awarded to **Powell Capital Markets, 280 Corporate Center, 3 Becker Farm Road, Roseland, New Jersey 07068-1745** for this purpose in an amount not to exceed $40,000.00; and

WHEREAS, the scope of services provided will be in accordance with Schedule 1 attached hereto and made a part hereof; and

WHEREAS, compensation will be in accordance with Schedule 2 attached hereto and made a part hereof; and

WHEREAS, this contract is awarded through a fair and open process in accordance with N.J.S.A. 19:44A-20.5, et seq.; and

WHEREAS, the contract in question is determined to fall within the Open-end Contract Rule 5:30 14-4 as promulgated by the State of New Jersey, Department of Community Affairs, Division of Local Government Services; and

WHEREAS, the Chief Financial Officer shall execute the Certificate of Availability of Funds at each time an order is placed, and covering the amount of the order, and said execution is to be made just before this order, and said execution is to be made just before this City incurs a contractual liability on its part; and

WHEREAS, the Local Public Contracts Law (**N.J.S.A.** 40a:11-1 et seq.) requires that the resolution authorizing the award of contracts for "Professional Services" without competitive bids and the contract itself must be available for public inspection; now, therefore, be it

RESOLVED by the City Council of the City of Elizabeth that a contract be awarded to **Powell Capital Markets, 280 Corporate Center, 3 Becker Farm Road, Roseland, New Jersey 07068-1745** to provide the services set forth in Schedule 1 and in accordance with the compensation set forth in Schedule 2; and be it

Further Resolved that this contract is awarded without competitive bidding as a "Professional Service" in accordance **with N.J.S.A. 40A:11-2(6)** of the Local Public Contracts Law because Powell Financial Markets, Inc. is an entity whose practice is authorized and regulated by law and exempted by the provisions of the Local Public Contracts Law, and

Further Resolved that a Notice of this action should be printed once in the Star Ledger

Schedule 1

SCOPE OF SERVICES

1. Provide analytical and support services for financial planning efforts. Review timetable and schedule of long-range operating and capital budget financing strategy;
2. Prepare and coordinate applications to the Local Finance Board and any other agencies, if necessary;
3. Assist in development of a credit rating program. Furnish the rating services with all necessary and relevant documentation and information; attend meetings with rating agencies, if necessary;
4. Assist with preparation of presentations to municipal officials;
5. Assist in obtaining credit enhancement (i.e. municipal bond insurance, letters of credit, governmental guarantees, etc.) if determined to be necessary;
6. Assist in the preparation of the preliminary and final official statements prepared in connection with the sale of securities;
7. Advise CITY OF ELIZABETH in regard to an appropriate and advantageous method of selling debt securities (competitive, negotiated, private placement) given existing legal constraints, market conditions and credit factors;
8. Review the terms, conditions and structure of any proposed securities offerings undertaken by the CITY OF ELIZABETH and provide suggestions and modifications where appropriate and necessary to reflect the constraints of current financial policy and fiscal capability;
9. Assist and advise CITY OF ELIZABETH in negotiations with investment banking groups regarding pricing and final terms of any securities offering and make definitive recommendations to CITY OF ELIZABETH regarding any proposed offer to purchase securities issued by the CITY OF ELIZABETH;
10. Provide alternative repayment options based on analysis of the CITY OF Elizabeth's current debt service and projected debt service;

Schedule 2

COMPENSATION

a. POWELL CAPITAL MARKETS hourly fees are blended hourly rate of $185 for the services of the following professional positions:

Arthur F. Powell, President
Julie K. Ehlers, Senior Vice President
James Ness, Managing Director – Sales, Trading, and Underwriting
Brenda L. Scotland, Business Development Officer

b. In addition, for services provided that result in the issuance of securities, POWELL CAPITAL MARKETS will bill as follows:

For Securities issued:

Par Amount	*Fee*
Up to $5,000,000	$5,000
$5,000,000 up to $30,000,000	$1.00/Bond or Note
$30,000,000 and up	$4,000 plus $0.85/Bond or Note

c. CITY OF ELIZABETH further agrees to reimburse POWELL CAPITAL MARKETS for the following reasonable out-of-pocket expenses incurred by POWELL CAPITAL MARKETS in providing the services set forth in Schedule 1 upon submission of appropriate invoices which are approved by CITY OF ELIZABETH:

a. Graphics/Photocopies
b. Courier Charges
c. Telephone
d. Telecopies
e. Postage

Which was adopted by the following vote:

AFFIRMATIVE: Perkins-Auguste, Cuesta, [redacted], Grova, Gonzalez, [redacted], Gallman, [redacted], and President Keenan - ~~8~~ 6

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the Chief Financial Officer has recommended an award of contract be made to **Louis C. Mai, CPA & Associates, P. O. Box 624, Pompton Plains, New Jersey 07444,** to conduct statutory audits of the City of Elizabeth, General Funds, City of Elizabeth Sewer Utility, City of Elizabeth Other Funds and Single Audit of Federal and State Grants for the fiscal year ending June 30, 2012; and

WHEREAS, the total amount of the contract to be awarded to **Louis C. Mai, CPA & Associates** will not exceed $208,000.00; and

WHEREAS, this contract is awarded through a fair and open process in accordance with N.J.S.A. 19:44A-20.5, et seq.; and

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available and appropriated for this purpose and Certification No. 12-00566, charging the amount of $58,000.00 to Account No.2-01-20-135-001-001, Certification No. 12-00567, charging the amount of $58,000.00 to Account No.2-01-20-135-002-002, Certification No. 12-00568, charging the amount of $58,000.00 to Account No.2-01-20-135-003-003, Certification No. 12-00569, charging the amount of $6,000.00 to Account No.2-01-20-135-004-004, Certification No. 12-00570 charging the amount of $28,000.00, to Account No.2-07-55-500-SEW-302 of the Municipal Budget are on file in the office of the City Clerk; and

WHEREAS, Professional Service contracts are exempt from the provisions of Chapter 2.92.010 of the Code of the City of Elizabeth; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) requires that the resolution authorizing the award of contracts for "Professional Services" without competitive bids and the contract itself must be available for public inspection; now, therefore, be it

RESOLVED by City Council of the City of Elizabeth as follows:

1. The Mayor and the City Clerk are hereby authorized and directed to execute a contract with **Louis C. Mai, CPA & Associates, P. O. Box 624, Pompton Plains, New Jersey 07444** to perform the above described services, at a cost not to exceed $208,000.00 for the fiscal year ending June 30, 2012 without the express approval of this Governing Body.

2. This contract is awarded without competitive bidding as a "Professional Service" in accordance with N.J.S.A. 40A:11-2(6) of the Local Public Contracts Law because the **Louis C. Mai, CPA & Associates, P. O. Box 624, Pompton Plains, New Jersey 07444,** Certified Public Accountants, are exempted by the provisions of the Local Public Contracts Law.

3. A notice of this action shall be printed once in **The Star Ledger.**

Which was adopted by the following vote:

AFFIRMATIVE: Perkins-Auguste, Cuesta, [redacted] Grova, Gonzalez, [redacted] Gallman, [redacted] and President Keenan - 6

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, there exists a need to retain the professional services of an attorney to serve as the Tax Appeal attorney for the Fiscal Year July 1, 2011 through June 30, 2012 in the Tax Court and before the Union County Board of Taxation; and

WHEREAS, the City Attorney has recommended the award of this contract be made to **Blau & Blau, Attorneys at Law, 55 Morris Avenue, Springfield, New Jersey 07081** at an annual fee of $125,000 plus reasonable expenses actually incurred to be paid on a monthly basis; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) requires that the resolution authorizing the award of contracts for "Professional Services" without competitive bids must be publicly advertised and the contract itself must be available for public inspection; and

WHEREAS, this contract is awarded through a fair and open process in accordance with N.J.S.A. 19:44A-20.5, et seq.; and

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available and appropriated for this purpose and Certification No. 12-00565 charging $125,000 to Account No. 2-0120-150-ASE-302 of the Municipal Budget is on file in the Office of the City Clerk; and

WHEREAS, Professional Service contracts are exempt from the provisions of Chapter 2.92.010 of the Code of the City of Elizabeth; now, therefore, be it

RESOLVED by City Council of the City of Elizabeth as follows:

1. The Mayor and the City Clerk are hereby authorized and directed to execute a contract with **Blau & Blau, Attorneys at Law, 55 Morris Avenue, Springfield, New Jersey 07081** to provide the City of Elizabeth with legal services in conjunction with tax appeal cases for the period July 1, 2011 through June 30, 2012 at a cost not to exceed $125,000.

2. This contract is awarded without competitive bidding as a "Professional Service" in accordance with N.J.S.A. 40A:11-2(6) of the Local Public Contracts Law because Blau & Blau, Attorneys-At-Law of the State of New Jersey and is a person whose practice is authorized and regulated by law and is exempted by the provisions of the Local Public Contracts Law.

3. A notice of this action shall be printed once in The Star Ledger.

Which was adopted by the following vote:

AFFIRMATIVE: Perkins-Auguste, Cuesta, [redacted] Grova, Gonzalez, [redacted], Gallman, [redacted] and President Keenan - 6

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the Chief Financial Officer has recommended that a contract be awarded to **Stack , Coolahan & Stack, LLC., Real Estate Appraisers and Consultants, 90 Hudson Street, Suite 200, P. O. Box 731, Hoboken, New Jersey 07080** for the retention of an expert real estate appraiser to prepare appraisal valuations and reports, provide testimony and attendance at conferences scheduled by the Court in connection with State Tax Court Appeals, including preparation and research time on each trial day, at a fixed monthly fee of $6,500.00 for a grand total not to exceed $78,000.00 without the express approval of this Governing Body for the period of July 1, 2011 to June 30, 2012; and

WHEREAS, Stack, Coolahan & Stack, LLC is able to provide these services which are specialized and qualitative in nature requiring expertise, extensive training, and proven reputation in the filing of tax appraisals and testimony; and will be extremely important to the City at this time, since this firm will provide continuity in tax appeal matters; and

WHEREAS, Professional Service contracts are exempt from the provisions of Chapter 2.92.010 of the Code of the City of Elizabeth; and

WHEREAS, the contract in question is determined to fall within the Open-end Contract Rule 5:30 14-4 as promulgated by the State of New Jersey, Department of Community Affairs, Division of Local Government Services; and

WHEREAS, this contract is awarded through a fair and open process in accordance with N.J.S.A. 19:44A-20.5, et seq.; and

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available and appropriated for this purpose and Certification No. 12-00564 charging the amount of $78,000.00, to Account No.2-01-20-150-ASE-302 of the Municipal Budget is on file in the Office of the City Clerk; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) requires That the resolution authorizing the award of contracts for professional Services" without competitive bids must be publicly advertised; now, therefore, be it

RESOLVED by City Council of the City of Elizabeth as follows:

1. The Mayor and City Clerk are hereby authorized and directed to execute an agreement with **Stack, Coolahan & Stack, LLC., 90 Hudson Street, Suite 200, P. O. Box 731, Hoboken, New Jersey 07080,** at a fixed monthly fee of $6,500.00 for a grand total not to exceed $78,000.00 without the express approval of this Governing Body for the period of July 1, 2011 to June 30, 2012; and
2. This contract is awarded without competitive bidding as a "Professional Service" under the provisions of the Local Public Contracts Law because the extensive educational training and qualifications for real estate appraisers are are of a specialized nature and as such are not conducive to the drawing of specifications for the receipt of competitive bids.
3. A copy of this resolution shall be established in The Star Ledger.

Which was adopted by the following vote:

AFFIRMATIVE:	Perkins-Auguste, Cuesta, [redacted] Grova, Gonzalez, [redacted] Gallman, [redacted] and President Keenan - 6
NEGATIVE:	None

72

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the Director of the Department of Public Works has advised on July 1, 2011 the Department of Public Works received seven (7) bids for the Resurfacing of Portions of Amboy Avenue, Atlantic Street and Bayway; and

WHEREAS, the Director of the Department of Public Works has requested authorization to award a contract to the lowest responsible bidder **TILCON NEW YORK, INC., 625 Mt. Hope Road, Wharton, New Jersey 07885,** for the resurfacing of portions of Amboy Avenue, Atlantic Street and Bayway in the amount of $327,180.40; and

WHEREAS, the City received a grant in the amount of $354,040.00 from the New Jersey Department of Transportation (NJDOT) Municipal Aid Program for this project. The award is subject to approval of the NJDOT; and

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available and appropriated for this purpose and Certification No. 12-00162, charging the amount of $327,180.40 to Account No. X-04-55-999-X33-001 of the Municipal Budget is on file in the Office of the City Clerk; and

WHEREAS, Professional Service contracts are exempt from the provisions of Chapter 2.92 of the code of the City of Elizabeth; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40a:11-1 et seq.) requires that the resolution authorizing the award of contracts for "Professional Services" without competitive bids and the contracts itself must be available for public inspection; now, therefore, be it

RESOLVED that the City Council of the City of authorizes the award of a contract to the lowest responsible bidder **TILCON NEW YORK, INC., 625 Mt. Hope Road, Wharton, New Jersey 07885,** for the resurfacing of portions of Amboy Avenue, Atlantic Street and Bayway in the amount of $327,180.40.

Which was adopted by the following vote:

AFFIRMATIVE: Perkins-Auguste, Cuesta, [redacted] Grova, Gonzalez, [redacted], Gallman, [redacted] and President Keenan - 6

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the Director of the Department of Public Works has requested authorization for the proper City Officials to accept and sign a Developers Agreement with Oakmont Hayward 1, LLC Developers Agreement who have agreed to construct and install, at their expense, a new off-site storm sewer line on Fairmount Avenue. This new line will extend approximately 2000 linear feet from the Oakmont complex to a connection at an existing storm sewer at the intersection of Fairmount Avenue and Division Street. This new storm sewer will convey storm water from the Oakmont site as well as reduce flooding in the area of Fairmont Avenue and Henry Street. Oakmont has agreed to construct and install this new storm sewer line concurrently with the proposed development of Tax Account No. 8-804 on or prior to October 14, 2013; now, therefore, be it

RESOLVED that the City Council of the City of Elizabeth authorizes the proper City officials to execute a Developers Agreement with Oakmont Hayward 1, LLC., for the construction and installation of a new storm sewer line on Fairmount Avenue from Oakmont complex to the existing storm sewer at the intersection of Fairmount Avenue and Division Street at their expense.

Which was adopted by the following vote:

AFFIRMATIVE: Perkins-Auguste, Cuesta, [redacted], Grova, Gonzalez, [redacted], Gallman, [redacted] and President Keenan - [redacted] 6

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the Director of the Department of Public Works has advised on June 28, 2011 the Department of Public Works received two (2) bids for a one (1) year and/or two (2) year Preventive Maintenance (PM) and Emergency Repair Service for Heating, Air Conditioning & Automatic Temperature Control; and

WHEREAS, the Director of the Department of Public Works has requested authorization to award a contract to the lowest responsible bidder **SUPREME CONDITIONING SYSTEMS, INC., P. O. Box 206, Hazlet, New Jersey 07730**, for a two (2) year contract for Preventive Maintenance (PM) Emergency Repair Service for Heating, Air Conditioning & Automatic Temperature Control, at a cost of $608,467.08. The two (2) year contract is the most advantageous to the City; and;

WHEREAS, the contract in question is determined to fall within the Open-end Contract Rule 5:30-14.4 as promulgated by the State of New Jersey, Department of Community Affairs, Division of Local Government Services; and

WHEREAS, the Chief Financial Officer shall execute the Certificate of Availability of Funds at each time an order is placed, and covering the amount of the order, and said execution is to be made just before this City incurs a contractual liability on its part; and

WHEREAS, Professional Service contracts are exempt from the provisions of Chapter 2.92 of the code of the City of Elizabeth; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40a:11-1 et seq.) requires that the resolution authorizing the award of contracts for "Professional Services" without competitive bids and the contracts itself must be available for public inspection; now, therefore, be it

RESOLVED that the City Council of the City of authorizes the award of a contract to the lowest responsible **SUPREME CONDITIONING SYSTEMS, INC., P. O. Box 206, Hazlet, New Jersey 07730**, for a two (2) year contract for Preventive Maintenance (PM) Emergency Repair Service for Heating, Air Conditioning & Automatic Temperature Control, at a cost of $608,467.08.

Which was adopted by the following vote:

AFFIRMATIVE: Perkins-Auguste, Cuesta, [redacted] Grova, Gonzalez, [redacted], Gallman, [redacted] and President Keenan - 6

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

75

WHEREAS, the Director of the Department of Pubic Works has requested advised that on April 13, 2010 your Honorable Body adopted a resolution authorizing the City of Elizabeth to award a contract to **TOLL ASSOCIATES, PA., 388 Elmora Avenue, Elizabeth, New Jersey 07208,** to provide construction management services at a cost not to exceed $64,350.00 in connection with the Broad Street Streetscape project; and

WHEREAS, due to delays during the construction of the project, sixty (60) days of additional field supervision is required for the completion of the project at an additional cost not to exceed $45,000.00 for a total contract amount of $109,350.00; and

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available and appropriated for this purpose and Certification No. 12-00056, charging the amount of $45,000.00 to Account No. X-04-55-981-000, of the Municipal Budget is on file in the Office of the City Clerk; now, therefore, be it

RESOLVED that the City Council of the City of Elizabeth authorizes the amendment to the resolution adopted April 13, 2010 which awarded a contract to **TOLL ASSOCIATES, PA., 388 Elmora Avenue, Elizabeth, New Jersey 07208,** to provide construction management services, for an additional sixty (60) days of additional field supervision for the completion of the project in connection with the Broad Street Streetscape at an additional cost of $45,000.00 for a total contract amount of $109,350.00.

Which was adopted by the following vote:

AFFIRMATIVE: Perkins-Auguste, Cuesta, [redacted] Grova, Gonzalez, [redacted], Gallman, [redacted], and President Keenan - 6

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the Director of the Department of Recreation has requested authorization for the proper City Officials to apply, accept and sign all appropriate documents for the Kids Recreation Trust Program in an amount not to exceed $435,000.00; and

WHEREAS, the Union County Kids Recreation Trust is allocating funding, in matching grant dollars, for the expansion of recreational opportunities in the municipality and allowing each municipality the opportunity to address their specific need. The Union County Kids Recreation trust offers summer recreational programming including funding for recreational improvements as well as day trips to Union County Parks as part of the new Discover Our Parks initiative; and

WHEREAS, with this anticipated funding, the Department of Recreation will: replace playground equipment at the Peterstown Community Center for two-five year olds, participate in the Discover Our Parks Program at the Trailside Nature and Science Center, as well as expand upon the Elizabeth River Trail project by implementing Phase II of the initiative, to include but not be limited to: design elements as well as the incorporation of benches, bike racks and garbage receptacles; and

WHEREAS, through this grant opportunity, the City of Elizabeth's recreational facilities will be enhanced and increased opportunities will be provided to our youth; now, therefore, be it

RESOLVED that the City Council of the City of Elizabeth authorizes the proper City Officials to apply, accept and sign all appropriate documents for the Kids Recreation Trust Program to replace playground equipment, participate in Discover Our Parks Program as well as implementing Phase II of the Elizabeth River Trail Project in an amount not to exceed $435,000.00.

Which was adopted by the following vote:

AFFIRMATIVE: Perkins-Auguste, [redacted]uesta, [redacted], Grova, Gonzalez, [redacted], Gallman, [redacted] and President Keenan - 6

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the Director of the Department of Planning and Community Development has requested authorization to prepare and for the proper City Officials submit and execute the necessary documents to the United States Department of Housing & Urban Development (HUD) a Consolidated Plan for CD-37 Fiscal Year 2011 to include applications for funding and Action Plan for Community Development Block Grant (CDBG), Emergency Shelter Grant (ESG) and HOME Program; and

WHEREAS, as required by HUD, on July 22, 2011 the City of Elizabeth will submit a Consolidated Plan for Fiscal Year 2011. This Consolidated Plan incorporates into a single submission the applications for funding for the following formula grant allocations for: CDBG - $1,901,126.00 a decrease of $369,819.00, ESG - $92,006.00, an increase of $714.00 and HOME - $1,325,212.00, a decrease of $176,111.00 from Funding Year 2010. The funding goals of the aforementioned grants are to provide decent housing, to provide a suitable living environment and to expand economic opportunities; now, therefore, be it

RESOLVED that the City Council of the City of Elizabeth authorizes the proper City Officials to prepare, submit and execute all necessary documents with the United States Department of Housing & Urban Development (HUD) a Consolidated Plan for CD-37 Fiscal Year 2011 to include applications for funding and Action Plan for Community Development Block Grant (CDBG), Emergency Shelter Grant (ESG) and HOME Program..

Which was adopted by the following vote:

AFFIRMATIVE: Perkins-Auguste, Cuesta, [redacted] Grova, Gonzalez, [redacted], Gallman, [redacted] and President Keenan - 6

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the Business Administrator has requested authorization for the proper City Officials to apply and accept the Over the Limit Under Arrest 2011 Statewide Crackdown Grant in the amount of $4,400.00 sponsored by the New Jersey Division of Highway Traffic Safety; and

WHEREAS, impaired drivers on our nation's roads kill someone every 30 minutes, 50 people per day, and almost 18,000 people per year; and

WHEREAS, 25% of motor vehicle fatalities in New Jersey are alcohol related; and

WHEREAS, an enforcement crackdown is planned to combat impaired driving; and

WHEREAS, the summer season and the Labor Day holiday in particular are traditionally times of social gatherings which include alcohol; and

WHEREAS, the State of New Jersey, Division of Highway Traffic Safety, has asked law enforcement agencies throughout the state to participate in the Over the Limit Under Arrest 2011 Statewide Crackdown; and

WHEREAS, the project will involve increased impaired driving enforcement from August 19, 2011 through September 5, 2011; and

WHEREAS, an increase in impaired driving enforcement and a reduction impaired driving will save lives on our roadways; now, therefore, be it

RESOLVED that the City Council of the City of Elizabeth declares it's support for the Over the Limit Under Arrest 2011 Statewide Crackdown from August 19, 2011 through September 5, 2011 and pledges to increase awareness of dangers of drinking and driving; and be it

FURTHER RESOLVED that the proper City officials are authorized to apply and accept the Over the Limit Under Arrest 2011 Statewide Crackdown Grant in the amount of $4,400.00 sponsored by the New Jersey Division of Highway Traffic Safety for the reasons stated hereinabove.

Which was adopted by the following vote:

AFFIRMATIVE: Perkins-Auguste, Cuesta, [redacted] Grova, Gonzalez, [redacted] Gallman, [redacted] and President Keenan - 6

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the Director of the Police Department has requested authorization for the proper City Officials to apply, accept and sign all appropriate documents for the 2011 State Body Armor Replacement Fund Program; and

WHEREAS, the New Jersey State Body Armor Grant funds can be used to purchase a body vest which is designed to be worn for protection against blunt force trauma associated either with the impact of firearm projectile, with a knife, or other pointed instrument, and which meets or exceeds either of the National Institute of Justice's (NJT) applicable standards for either "ballistic resistant body armor" or "stab resistant body armor"; and

WHEREAS, this Program provides lifesaving equipment for law enforcement officers and is formula based; now, therefore, be it

RESOLVED that the City Council of the City of Elizabeth authorizes the proper City Officials apply, accept and to execute all appropriate documents for the 2011 State of New Jersey Body Armor Replacement Fund Grant.

Which was adopted by the following vote:

AFFIRMATIVE:	Perkins-Auguste, Cuesta, [redacted] Grova, Gonzalez, [redacted], Gallman, [redacted] and President Keenan - 6
NEGATIVE:	None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, each year several municipal agencies in the City of Elizabeth are granted permission by the Elizabeth Board of Education to utilize school facilities; and

WHEREAS, in exchange for this permission, the Elizabeth Board of Education requires the execution of an Indemnification Agreement as well as insurance naming the Board of Education as an insured; and

WHEREAS, since the City of Elizabeth is self-insured, it cannot furnish the Board of Education with a Certificate of Insurance; now, therefore, be it

RESOLVED that the City Council of the City of Elizabeth hereby authorizes the proper City Officials to provide the Elizabeth Board of Education with appropriate assurances that the City's self-insurance program will cover the Elizabeth Board of Education in the following amounts for the utilization of school facilities during Fiscal Year July 1, 2011 to June 30, 2012:

Combined Single Limit	$	1,000,000.00
Each Occurrence	$	1,000,000.00
Aggregate	$	1,000,000.00

FURTHER RESOLVED that the City Council of the City of Elizabeth hereby authorizes the proper City Officials to execute an Indemnification Agreement to the Elizabeth Board of Education for the use of school facilities for the Fiscal Year, July 1, 2011 to June 30, 2012.

Which was adopted by the following vote:

AFFIRMATIVE: Perkins-Auguste, Cuesta, [redacted] Grova, Gonzalez, [redacted], Gallman, [redacted] and President Keenan - 6

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the Director of the Department of Health and Human Services, has advised that the Office of Youth, S.O.A.R. (Special Opportunities for Achievement & Reawakening) Summer Program utilizes Nicholas Murray Butler School #23 to offer academic and recreational activities for children between the ages of 6-13 of the City of Elizabeth for the period July 5, 2011 through August 12, 2011; and

WHEREAS, a bill has been presented to the Department of Health and Human Services in the amount of Twenty-One Thousand Four-Hundred Seventy-Four Dollars, $21,474.00 for the use of custodial, security & bus services for summer program beginning on July 5, 2011 and ending on August 12, 2011. Authorization is requested to pay said bill to the Elizabeth Board of Education; and

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available and appropriated for this purpose and Certification No. 12-00054, charging the amount of $24,474.00 to Account No. 2-01-27-330-OYS-325 the Municipal Budget is on file in the Office of the City Clerk; now, therefore, be it

RESOLVED that the City Council of the City of Elizabeth authorizes payment of $24,474.00 to the Elizabeth Board of Education for Custodial Security and Bus Services for the S.O.A.R. (Special Opportunities for Achievement & Reawakening) Summer Program at the Nicholas Murray Butler School #23 which offers academic and recreational activities for youth ages 6-13 from July 5, 2011 through August 12, 2011.

Which was adopted by the following vote:

AFFIRMATIVE: Perkins-Auguste, Cuesta, [redacted], Grova, Gonzalez, [redacted], Gallman, [redacted] and President Keenan - [redacted] 6

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the Director of the Department of Planning and Community Development has requested authorization for the proper City officials to execute any and all documents necessary and appropriate to provide a Rental Housing Program Deferred Payment Loan to **COMMUNITY ACCESS INSTITUTE, INC., 80 West Grand Street, Elizabeth, New Jersey 07202,** for the rehabilitation of one (1) condo unit; ;and

WHEREAS, the purpose is for rehabilitation costs in the maximum amount of assistance to be provided is $50,000.00 (HOME) and the total project cost is $100,000.00; and

WHEREAS, the terms are that the loan will be forgiven after a fifteen year period of affordability; and

WHEREAS, the amount of the contract in question exceeds $50,000.00 and the provisions of Chapter 2.92 of the Code of the City of Elizabeth have been complied with by **COMMUNITY ACCESS INSTITUTE, INC**.; and

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available and appropriated for this purpose in Certification No. 11-09631 charging the amount of $50,000.00 to Account Number 1-14-56-813 of the Municipal Budget and is on file in the Office of the City Clerk; now, therefore, be it

RESOLVED that the City Council of the City of Elizabeth authorizes a Rental Housing Program Deferred Payment Loan in the maximum amount of $50,000.00 to **COMMUNITY ACCESS INSTITUTE, INC., 80 West Grand Street, Elizabeth, New Jersey, 07202,** for the rehabilitation of one (1) condo unit for a maximum amount of assistance to be provided $50,000.00; and be it

FURTHER RESOLVED the funds shall not be released until after execution of the necessary and appropriate documents including the Environmental Review Process and, upon receipt of the Release of Funds, if necessary, and any other requirements deemed necessary by the U.S. Department of Housing & Urban Development in accordance with HOME Program rules and regulations

Which was adopted by the following vote:

AFFIRMATIVE: Perkins-Auguste, Cuesta, [redacted] Grova, Gonzalez, [redacted], Gallman, [redacted] and President Keenan - 6

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the Business Administrator has recommended the award of a contract to **MIDWEST EMPLOYERS CASUALTY COMPANY, (through Regional Risk Managers, LLC, Agency, agent-of-record), 13801 Riverport Drive, Maryland Heights, MO. 63043,** for Excess Insurance on Worker's Compensation Coverage for the period of July 1, 2011 to June 30, 2012 at a cost of $172,069.00; and

WHEREAS, this policy of insurance will be processed through Regional Risk Managers, LLC Agency, agent-of-record; and

WHEREAS, the Business Administrator has advised that this request is being made with the full concurrence of the members of the Insurance Fund Commission; and

WHEREAS, the Chief financial Officer has certified that sufficient funds are available and appropriated for this purpose and Certification No. 12-00164 charging the amount of $172,069.00 to Account No. 12-01-23-210-INS of the Municipal Budget, is on file in the Office of the City Clerk; and

WHEREAS, insurance companies are exempt from the provisions of Chapter 2.92 of the code of the City of Elizabeth; and

WHEREAS, the Local Public Contracts Law (**N.J.S.A**. 40A:11-1 et seq.) requires that the resolution authorizing the award of contracts for "Extraordinary, Unspecifiable Services" without competitive bids and the contract itself must be available for public inspection; and

WHEREAS, the Business Administrator has certified that this meets the statute and regulations governing the award of said contract; now, therefore, be it

RESOLVED by City Council of the City of Elizabeth, New Jersey as follows:

1. .The Mayor and the City Clerk are hereby authorized and directed to execute an agreement with **MIDWEST EMPLOYERS CASUALTY COMPANY, ,13801 Riverport Drive, Maryland Heights, MO. 63043,** for Excess Insurance on Worker's Compensation Coverage for the period of July 1, 2011 to June 30, 2012 at a cost of $172,069.00. This policy of insurance will be processed through Regional Risk Managers, LLC, agent-of-record.

2. Insurance is specialized in nature inasmuch as the companies issuing same are limited in number and must be approved by the State of new Jersey, through the Department of Insurance and Banking in order to qualify to do business within this State. New Jersey Statute 40A:11-5(m) exempts the purchasing of insurance converge from advertising for bids and bidding, which exception shall be in accordance with the requirements for Extraordinary, Unspecifiable Service.

3. This cannot be described by written specifications because of the unique nature of the service to be rendered as more fully explained in paragraph (2) above.

4. A notice of this action shall be published in **The Star Ledger.**

Which was adopted by the following vote:

AFFIRMATIVE: Perkins-Auguste, Cuesta, [redacted] Grova, Gonzalez, [redacted], Gallman, [redacted] and President Keenan - 6

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, Moral, Daniel D & Paola K. are the owner of the property located at 734-36 Fay Ave (Tax Account #6 - 370), and

WHEREAS, the property had an Added Assessment placed on it for 8 months of the 2010 Tax Year, and

WHEREAS, the Added Assessment should have been placed on the neighboring property, and

WHEREAS, this resulted in an Added Assessment Bill for 2010 in the amount of $395.28, now, therefore, be it

RESOLVED, That the Tax Collector be authorized to cancel/refund/credit the total sum of $395.28. This amount represents an over billing of taxes for the 2010 Tax Year.

Which was adopted by the following vote:

AFFIRMATIVE: Perkins-Auguste, Cuesta, [redacted] Grova, Gonzalez, [redacted] Gallman, [redacted] and President Keenan - X 6

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the Department of Public Works has caused certain **clean up and removal of debris** from the properties at the costs listed on **Schedule A** attached hereto and made a part hereof after due and proper notice to the owners thereof as required; and the owners thereof having been notified of the cost to the City in the sums listed on **Schedule A** and said costs not having been paid to the City of Elizabeth as required; and the Director of the Department of Public Works having issued certificates to City Council of the costs to the City of same; and

WHEREAS, City Council having examined the Certificates of the said Director of the Department of Public Works and having found the same to be correct; now, therefore, be it

RESOLVED by City Council of the City of Elizabeth that the cost of clean up and removal of debris as shown for the properties listed on the **Schedule A** attached hereto and made a part hereof is hereby made a lien on said properties, which lien shall hereafter form part of the taxes next to be assessed and levied upon said lands in the sums set forth on **Schedule A** the same to bear interest at the same rate as taxes and to be collected and enforced by the same officers and in the same manner as taxes in accordance with the provisions of **N.J.S.A.** 40:48-2.14 and Chapter 15.12.180, of the Code of the City of Elizabeth.

NOTE: The above referenced "attached Schedule A" is on file in the City Clerk's Office.

Certificate Invoice 6/29/2011 Total Amount: $8,173.62.

Which was adopted by the following vote:

AFFIRMATIVE: Perkins-Auguste, Cuesta, [redacted] Grova, Gonzalez, [redacted] Gallman, [redacted] and President Keenan - [redacted] 6

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

RESOLVED that City Council of the City of Elizabeth hereby establishes a handicapped parking space in front of **37 Delaware Street, Elizabeth, New Jersey 07206,** as follows, pursuant to the recommendation of the Elizabeth Police Director:

along the South curb line of Delaware Street
beginning at a point 137' South of Merrit Avenue
and continuing 22' South thereof;

and be it

FURTHER RESOLVED that said handicapped parking area be posted with proper signs, type R-7-8.

Which was adopted by the following vote:

AFFIRMATIVE: Perkins-Auguste, Cuesta, [redacted]
Grova, Gonzalez, [redacted], Gallman, [redacted]
and President Keenan - ~~7~~ 6

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE: [redacted]

RESOLVED that City Council of the City of Elizabeth hereby confirms and approves the payment of all utility bills for the City of Elizabeth as indicated hereinbelow; and be it

FURTHER RESOLVED that the foregoing payments are excepted from the requirement of bidding by the provisions of the Local Public Contracts Law N.J.S.A. 40A:11-5(1)(f); and be it

FURTHER RESOLVED that the following certifications of availability of funds are on file in the office of the City Clerk:

ELIZABETHTOWN GAS	**1-01-31-446**	**$ 5,335.09**
HESS CORPORATION	**1-0-31-435**	**$ 27,338.60**
NATIONAL FUEL OIL, INC.	**1-01-31-460**	**$ 14,913.31**
PSE&G	**1-01-31-435**	**$ 422,192.53**
SPRINT	**1-01-31-440**	**$ 1,811.32**
VERIZON	**1-01-31-440**	**$ 34,304.93**
VERIZON WIRELESS	**1-01-31-440**	**$ 672.14**

Which was adopted by the following vote:

AFFIRMATIVE: Perkins-Auguste, Cuesta, [redacted] Grova, Gonzalez, [redacted], Gallman, [redacted] and President Keenan - 6

NEGATIVE: None

[redacted]

BY COUNCIL AS A WHOLE:

RESOLVED that the following bingo and raffle licenses issued by the City Clerk are here by approved:

ORGANIZATION	AG	B.L.	R.L.	DATE
Ss. Peter & Paul Russian Ort.			5260	8-2-11
Rotary Club of Elizabeth			5261	8-8-11

Which was adopted by the following vote:

AFFIRMATIVE: Perkins-Auguste, Cuesta, [redacted] Grova, Gonzalez, [redacted] Gallman, [redacted] and President Keenan - 6

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the City Council of the City of Elizabeth has learned that the Research & Development Council of New Jersey, on behalf of Exxon Mobil, announces the award of a 2011 Merit Scholarship to Jorge Conde of Elizabeth; and

WHEREAS, Exxon Mobil, is an American multinational oil and gas corporation with New Jersey research facilities located in both Annadale and Paulsboro, New Jersey; and

WHEREAS, Jorge Conde plans on completing his education at Union County College and a four-year college to study Petroleum Engineering; and

WHEREAS, Jorge is a member of the Student Athletic Advisory Committee and coaches basketball and also tutors young children. He has logged over 600 hours of community service; and

WHEREAS, on August 19, 2011, Jorge and the eighteen other recipients will attend a luncheon at Exxon Mobil's office in Annandale, New Jersey in order to cultivate further interest in their field of study and strengthen their relationship with the Research and Development community. This opportunity will allow Jorge to meet prominent New Jersey based researchers and innovators in science, technology, engineering and mathematics; now, therefore, be it

RESOLVED that the City Council of the City of Elizabeth congratulates Jorge Conde for being the recipient of the Research & Development Council of New Jersey, on behalf of Exxon Mobil, 2011 Merit Scholarship and wishes Jorge Conde success in all of his future endeavors as he pursues a career in the Research and Development community, of scientist, technology, engineering and mathematics.

Which was adopted by the following vote:

AFFIRMATIVE: Perkins-Auguste, Cuesta, [redacted] Grova, Gonzalez, [redacted], Gallman, [redacted] and President Keenan - 6

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the City Council of the City of Elizabeth would like to commend Stefanie Fletcher for her dedicated and devoted service as a registered nurse for over twenty-six; and

WHEREAS, Stefanie in the wake of Haiti's devastating earthquake, felt a need to assist the wounded people of Haiti. She flew to Haiti; and

WHEREAS, Stefanie scours the island of Haiti traveling to remote areas where there are not any medical facilities or hospitals; and

WHEREAS, in the wake of the cholera epidemic in Haiti, she was determined to help the needy and she phoned her friend and together they created "Operation Saving Lives"; and

WHEREAS, since its early inception, "Operation Saving Lives" has raised well over $19,000.00 dollars to purchase oral rehydration salt to be use to combat the cholera in Haiti; and

WHEREAS, since January 2011, "Operation Savings Lives" has shipped well over 300 cases of oral rehydration salt to Haiti and saved over a thousand people from the dreadful cholera bacteria; now, therefore, be it

RESOLVED that the City Council of the City of Elizabeth commends Stephanie Fletcher for her pioneer spirit and her dedication as a registered nurse to help the devastated earthquake victims of Haiti. Her determination to help the cholera epidemic with the creation of "Operation Saving Lives" and the distribution of 300 cases of oral rehydration salt to Haiti saved over a thousand people from the dreadful cholera bacteria. The City Council wishes her continued success in all of his future endeavors; and be it

FURTHER RESOLVED that a certified copy of this resolution be spread in full upon the minutes of City Council and a certified copy be presented to Stephanie Fletcher.

Which was adopted by the following vote:

AFFIRMATIVE: Perkins-Auguste, Cuesta, [redacted], Grova, Gonzalez, [redacted], Gallman, [redacted] and President Keenan - [redacted] 6

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the City Council of the City of Elizabeth wishes to recognize Joanne Wilkerson at the City's annual National Night Out Event, on August 2, 2011 for her effort to improve the City of Elizabeth and for her dedication to serve the community; and

WHEREAS, Joanne Wilkerson is an outstanding citizen who goes above and beyond expectations. She is the first person to call, the first to act and the first to serve her community; and

WHEREAS, her time and commitment to the City of Elizabeth is greatly appreciated and has not gone unnoticed; now, therefore, be it

RESOLVED that the City Council of the City of Elizabeth hereby commends Joanne Wilkerson for her leadership, dedication and unselfish service to the residents of the City of Elizabeth and extends to Joanne Wilkerson its sincerest best wishes in all her future endeavors; and be it

FURTHER RESOLVED that a certified copy of this resolution be spread in full upon the minutes of City Council and a certified copy be presented to Joanne Wilkerson.

Which was adopted by the following vote:

AFFIRMATIVE: Perkins-Auguste, Cuesta, [redacted] Grova, Gonzalez, [redacted], Gallman, [redacted] and President Keenan - 6

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the City Council of the City of Elizabeth wishes to recognize Babe Darlene Frazier at the City's annual National Night Out Event, on August 2, 2011 for her effort to improve the City of Elizabeth and for her dedication to serve the community; and

WHEREAS, Babe Darlene Frazier has been a resident at Rebecca Place and is a block watcher against crimes and drugs. She has focused her concerns about those related issues on East Jersey Street; and

WHEREAS, her time and commitment to the City of Elizabeth is greatly appreciated and has not gone unnoticed; now, therefore, be it

RESOLVED that the City Council of the City of Elizabeth hereby commends Babe Darlene Frazier for her leadership, dedication and unselfish service to the residents of the City of Elizabeth and extends to Babe Darlene Frazier its sincerest best wishes in all her future endeavors; and be it

FURTHER RESOLVED that a certified copy of this resolution be spread in full upon the minutes of City Council and a certified copy be presented to Babe Darlene Frazier.

Which was adopted by the following vote:

AFFIRMATIVE: Perkins-Auguste, Cuesta, [redacted] Grova, Gonzalez, [redacted] Gallman, [redacted] and President Keenan - [redacted] 6

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the City Council of the City of Elizabeth wishes to recognize Richard Long at the City's annual National Night Out Event, on August 2, 2011 for his effort to improve the City of Elizabeth and for his dedication to serve the community; and

WHEREAS, Richard Long has been a resident of the Elmora section of Elizabeth for the last twenty-five years. He graduated from Florida A&M University with a degree in Construction Management and has worked in the field of Housing Rehabilitation for the Cities of Elizabeth, Newark and Rahway; and

WHEREAS, he has participated in many civic-mined engagements, ranging from Municipal Court Mediator to Community Development Committee Member; and

WHEREAS, his current interests are in the promotion and implementation of Building Science principles in all fields of Construction, understanding the importance of economic development in the stabilization and growth of the local marketplace and in the use of social media as a means to raise participation in community organizations and local civic-events. He is a regular attendee of the Third Ward Block Watch meetings; and

WHEREAS, his time and commitment to the City of Elizabeth is greatly appreciated and has not gone unnoticed; now, therefore, be it

RESOLVED that the City Council of the City of Elizabeth hereby commends Richard Long for his leadership, dedication and unselfish service to the residents of the City of Elizabeth and extends to Richard Long its sincerest best wishes in all his future endeavors; and be it

FURTHER RESOLVED that a certified copy of this resolution be spread in full upon the minutes of City Council and a certified copy be presented to Richard Long.

Which was adopted by the following vote:

AFFIRMATIVE: Perkins-Auguste, Cuesta, [redacted] Grova, Gonzalez, [redacted] Gallman, [redacted] and President Keenan - [redacted] 6

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the City Council of the City of Elizabeth wishes to recognize Steve Wallace at the City's annual National Night Out Event, on August 2, 2011 for his effort to improve the City of Elizabeth and for his dedication to serve the community; and

WHEREAS, Steve Wallace works hard and continues to be involved in the neighborhood. He is an example of how each one of us can help build a better Elizabeth; and

WHEREAS, his time and commitment to the City of Elizabeth is greatly appreciated and has not gone unnoticed; now, therefore, be it

RESOLVED that the City Council of the City of Elizabeth hereby commends Steve Wallace for his leadership, dedication and unselfish service to the residents of the City of Elizabeth and extends to Steve Wallace its sincerest best wishes in all his future endeavors; and be it

FURTHER RESOLVED that a certified copy of this resolution be spread in full upon the minutes of City Council and a certified copy be presented to Steve Wallace.

Which was adopted by the following vote:

AFFIRMATIVE: Perkins-Auguste, Cuesta, [redacted] Grova, Gonzalez, [redacted], Gallman, [redacted] and President Keenan - [redacted] 6

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the City Council of the City of Elizabeth wishes to recognize Willie Borders at the City's annual National Night Out Event, on August 2, 2011 for his effort to improve the City of Elizabeth and for his dedication to serve the community; and

WHEREAS, Willie Borders works hard and continues to be involved in the neighborhood. He is an example of how each one of us can help build a better Elizabeth; and

WHEREAS, his time and commitment to the City of Elizabeth is greatly appreciated and has not gone unnoticed; now, therefore, be it

RESOLVED that the City Council of the City of Elizabeth hereby commends Willie Borders for his leadership, dedication and unselfish service to the residents of the City of Elizabeth and extends to Willie Borders its sincerest best wishes in all his future endeavors; and be it

FURTHER RESOLVED that a certified copy of this resolution be spread in full upon the minutes of City Council and a certified copy be presented to Willie Borders.

Which was adopted by the following vote:

AFFIRMATIVE: Perkins-Auguste, Cuesta, [redacted] Grova, Gonzalez, [redacted], Gallman, [redacted] and President Keenan - 6

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the City Council of the City of Elizabeth wishes to recognize J. D. Smith at the City's annual National Night Out Event, on August 2, 2011 for his effort to improve the City of Elizabeth and for his dedication to serve the community; and

WHEREAS, J. D. Smith works hard and continues to be involved in the neighborhood . He is an example of how each one of us can help build a better Elizabeth; and

WHEREAS, his time and commitment to the City of Elizabeth is greatly appreciated and has not gone unnoticed; now, therefore, be it

RESOLVED that the City Council of the City of Elizabeth hereby commends J. D. Smith for his leadership, dedication and unselfish service to the residents of the City of Elizabeth and extends to J. D. Smith its sincerest best wishes in all his future endeavors; and be it

FURTHER RESOLVED that a certified copy of this resolution be spread in full upon the minutes of City Council and a certified copy be presented to J. D. Smith.

****

Which was adopted by the following vote:

AFFIRMATIVE: Perkins-Auguste, Cuesta, [redacted] Grova, Gonzalez, [redacted], Gallman, [redacted] and President Keenan - [redacted] 6

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the City Council of the City of Elizabeth wishes to recognize Detective Vito Tropeano at the City's annual National Night Out Event, on August 2, 2011 for his effort to improve the City of Elizabeth and for his dedication to serve the community; and

WHEREAS, Detective Vito Tropeano works hard and continues to be involved in the neighborhood and is an example of how each one of us can help build a better Elizabeth; and

WHEREAS, his time and commitment to the City of Elizabeth is greatly appreciated and has not gone unnoticed; now, therefore, be it

RESOLVED that the City Council of the City of Elizabeth hereby commends Detective Vito Tropeano for his leadership, dedication and unselfish service to the residents of the City of Elizabeth and extends to Detective Vito Tropeano its sincerest best wishes in all his future endeavors; and be it

FURTHER RESOLVED that a certified copy of this resolution be spread in full upon the minutes of City Council and a certified copy be presented to Detective Vito Tropeano.

Which was adopted by the following vote:

AFFIRMATIVE: Perkins-Auguste, Cuesta, [redacted] Grova, Gonzalez, [redacted], Gallman, [redacted], and President Keenan - [redacted] 6

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the City Council of the City of Elizabeth wishes to recognize Police Officer Dennis Carbale at the City's annual National Night Out Event, on August 2, 2011 for his effort to improve the City of Elizabeth and for his dedication to serve the community; and

WHEREAS, Police Officer Dennis Carbale is dedicated works hard and continues to be involved in the neighborhood and is an example of how each one of us can help build a better Elizabeth; and

WHEREAS, his time and commitment to the City of Elizabeth is greatly appreciated and has not gone unnoticed; now, therefore, be it

RESOLVED that the City Council of the City of Elizabeth hereby commends Police Officer Dennis Carbale for his leadership, dedication and unselfish service to the residents of the City of Elizabeth and extends to Police Officer Dennis Carbale its sincerest best wishes in all his future endeavors; and be it

FURTHER RESOLVED that a certified copy of this resolution be spread in full upon the minutes of City Council and a certified copy be presented to Police Officer Dennis Carbale.

Which was adopted by the following vote:

AFFIRMATIVE: Perkins-Auguste, Cuesta, [redacted] Grova, Gonzalez, [redacted] Gallman, [redacted] and President Keenan - [redacted] 6

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the City Council of the City of Elizabeth has learned of the recent death of Emanuel C. Caravano, 85; and

WHEREAS, Mr. Caravano was born in the Peterstown section of Elizabeth. He held the last live-stock license in the City of Elizabeth and was the owner and operator of Caravano Diary until 1985. In 1986, he was employed by the City of Elizabeth as supervisor of weights and measures before retiring early this year; and

WHEREAS, Mr. Caravano served in the U.S. Navy during World War II and was an active member in his community. He was an usher at St. Anthony's R.C. Church; a member of the Knights of Columbus Council 3310, serving on the executive board and was honored in 1997 for his commitment; and

WHEREAS, he was a member of the Retired Men's and Ladies Club of Elizabeth and the Sons of Peterstown Sports Club. Mr. Cravano was defined by his strong work ethic, his outgoing personality and his sense of humor. Most important was his commitment to his loving family; and

WHEREAS, he is survived by his devoted wife of 61 years, Tessie (nee LaRocca) Caravano, and their children, Joseph and his wife Anna Maria; Jim and his wife, Eileen, Phyllis Gallo and her husband, Mike; Manny and his wife, Frances, and Carmel Paternostro. He is also survived by 20 grandchildren, Joseph, Sandra, Nina, Mark, Matthew, Emanuel, Lauren, Margo, Nick, Vincent, Ali, Anthony, Michael, Gina Marie, Nicole, Christina, Francesca, LCpl. Jerry Paternostero (U.S.Marine Corps), Ana Maria, and Giuseppe, and three great-grandchildren, Mark, Joseph and John Emanuel; and

WHEREAS, Mr. Caravano is survived by his sister, Mrs. Lee Merlo, and his goddaughter, Carmela Lucio. He was predeceased by his parents, Giuseppe and Filippa Caravano, and his brothers, Joseph, Anthony, Peter and Biagio Caravano; his sister, Carmela Quatarro, and his son-in-law, Giuseppe Paternostro; now, therefore, be it

RESOLVED that the City Council of the City of Elizabeth hereby expresses its condolences at the passing of Emanuel C. Caravano and wishes to express sympathy to his family, relatives and friends at this time of their loss; and be it

FURTHER RESOLVED that this expression of our sympathy be recorded in full upon the minutes of City Council and a certified copy be sent to his family.

Which was adopted unanimously by a standing vote and minute of silent prayer.

BY CITY CUNCIL AS A WHOLE:

WHEREAS, the City Council of the City of Elizabeth has learned of the recent death of Giacomo P. Agliata, 84; and

WHEREAS, Giacomo was born in Ribera, Sicily,Italy. Giacomo came to America in 1954 and settled in Elizabeth; and

WHEREAS, he was employed by Interbake, General Motors and Fabco as a master mechanic for forty-five years, retiring in 1991; and

WHEREAS, Giacomo loved listening to opera and as a musician played the organ. He enjoyed his garden and, most of all spending time with his family and friends at the Men's and Women's Retirement Club of St. Anthony's Church and the Crestlin's Boys Club; and

WHEREAS, Giacomo is survived by his loving wife of fifty-seven years, Mrs. Frances (nee Colletti) Agliaia; his loving children, Mrs. Frances Giannattasio and her husband, Antonio; Joseph Agliata and his wife, Stella, and Anthony Agliata and his wife, Lisa; his brothers, Peter Agliata and his wife, Maria, Gioacchino and Guiseppe, and his sisters, Margherita and Angelina, and many nieces and nephews Giacomo is survived by twelve loving and adoring grandchildren; now, therefore, be it

RESOLVED that the City Council of the City of Elizabeth hereby expresses its condolences at the passing of Giacomo P. Agliata and wishes to express sympathy to his family, relatives and friends at this time of their loss; and be it

FURTHER RESOLVED that this expression of our sympathy be recorded in full upon the minutes of the City Council and a certified copy be sent to his family.

Which was adopted unanimously by a standing vote and minute of silent prayer.

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the City Council of the City of Elizabeth has learned of the recent death of Henrietta Gabriel Cerullo, 80; and

WHEREAS, Mrs. Cerullo was a resident of Elizabeth for seventy-five years; and

WHEREAS, she was a supervisor for the former Bristol-Myers drug company, Hillside, New Jersey for twenty years, retiring in 1971; and

WHEREAS, Mrs. Cerullo was a former member of St. Anthony Rosary Society, and a former member of St. Anthony's Altar Guild; and

WHEREAS, surviving are her beloved husband, Dr. Carmen Cerullo, and two brothers, Frederick and Anthony Gabriel. She is also survived by two nephews, John and David Mayer; now, therefore, be it

RESOLVED that the City Council of the City of Elizabeth hereby expresses its condolences at the passing Henrietta Gabriel Cerullo and wishes to express sympathy to her family, relatives and friends at this time of their loss; and be it

FURTHER RESOLVED that this expression of our sympathy be recorded in full upon the minutes of City Council and a certified copy be sent to her family.

Which was adopted unanimously by a standing vote and minute of silent prayer.

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the City Council of the City of Elizabeth has learned of the recent death of Amerigo Altobelli, 93; and

WHEREAS, born in Robertsvale, Pa., Amerigo came to Elizabeth in 1937 and moved to Cranford eight years ago; and

WHEREAS, he was employed in the office of ShopRite Corp. in Freehold for fifteen years, retiring in 1990. Amerigo loved reading poetry and he wrote many poems. He was also an avid hunter and a member of the National Rifle Association; and

WHEREAS. Amerigo is survived by his daughter, Mrs. Barbara Weist, and his son, Emory Altobelli, and his wife, Sandra; his sister Mary Fordorka, and four loving and adoring grandchildren and seven great-grandchildren. He was predeceased by his loving wife, Mildred (nee Cascarelli) Altobelli, and many brothers and sisters; now, therefore, be it

RESOLVED that the City Council of the City of Elizabeth hereby expresses its condolences at the passing of Amerigo Altobelli and wishes to express sympathy to his family, relatives and friends at this time of their loss; and be it

FURTHER RESOLVED that this expression of our sympathy be recorded in full upon the minutes of the City Council and a certified copy be sent to his family.

Which was adopted unanimously by a standing vote and minute of silent prayer.

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the City Council of the City of Elizabeth has learned of the recent death of Robert Blowe, 91; and

WHEREAS, born in Sussex, Va., and he moved to Elizabeth in 1938; and

WHEREAS, he was retired from GAF in Linden, New Jersey; and

WHEREAS, Mr. Blowe also served as a house parent at the St. Timothy's House for Boys in Newark. He was a faithful and dedicated member of the New Zion Baptist Church. He served as chairman of the Trustee Board, Superintendent of Sunday School, and founder and scout leader of the New Zion Troop 101; and

WHEREAS, he was predeceased by his loving wife, Sadie Blowe, in 2005. He is also survived by a loving son Melvin (ShaRon) Blowe, and a loving and devoted sister, Arnethia Blowe; three grandchildren, Nicole, Lynse and Devin, along with a host of other loving relatives and dear friends; now, therefore, be it

RESOLVED that the City Council of the City of Elizabeth hereby expresses its condolences at the passing of Robert Blowe and wishes to express sympathy to his family, relatives and friends at this time of their loss; and be it

FURTHER RESOLVED that this expression of our sympathy be recorded in full upon the minutes of the City Council and a certified copy be sent to his family.

Which was adopted unanimously by a standing vote and minute of silent prayer.

Councilman Cuesta moved that City Council do now adjourn,

Which was carried unanimously.

Whereupon Council President Keenan declared City Council adjourned at

8:05 p.m.

APPROVED

JOSEPH KEENAN
President of City Council

YOLANDA M. ROBERTS, R.M.C.
City Clerk

PUBLIC SPEAKING

There being no one present who desired to be heard, Council President Keenan declared the public hearing portion of the meeting closed.

PUBLIC HEARINGS

Council President Keenan announced that the next business in order would be a public hearing on **Ordinance No. 4223**, entitled:

AN ORDINANCE OF THE CITY OF ELIZABETH, IN THE COUNTY OF UNION, NEW JERSEY, AMENDING ORDINANCE NO. 3560 OF THE CITY FINALLY ADOPTED NOVEMBER 12, 2003 PROVIDING FOR THE CONSTRUCTION OF THE BROAD STREET STREETSCAPE LOCATED IN THE CITY OF ELIZABETH AND APPROPRIATING $1,500,000 THEREFOR, AND PROVIDING FOR THE ISSUANCE OF $1,425,000 IN BONDS OR NOTES OF THE CITY OF ELIZABETH TO FINANCE THE SAME

This ordinance was adopted on its first reading at the meeting of City Council held on **June 28, 2011**.

The Notice of Public Hearing was published in the Star Ledger issue of **July 14, 2011**.

The Clerk read the foregoing ordinance by title and Council President Keenan asked if there was anyone present who wished to speak either for or against the adoption of the ordinance.

There being no one else present who desired to be heard, Council President Keenan declared the public hearing portion of the meeting closed.

Council President Keenan announced that the next business in order would be a public hearing on **Ordinance No. 4224**, entitled:

AN ORDINANCE OF THE CITY OF ELIZABETH, IN THE COUNTY OF UNION, NEW JERSEY, AMENDING ORDINANCE NO. 3661 OF THE CITY FINALLY ADOPTED OCTOBER 26, 2004, PROVIDING FOR THE CONSTRUCTION OF THE BROAD STREET STREETSCAPE LOCATED IN THE CITY OF ELIZABETH AND APPROPRIATING $2,000,000 THEREFOR, AND PROVIDING FOR THE ISSUANCE OF $1,900,000 IN BONDS OR NOTES OF THE CITY OF ELIZABETH TO FINANCE THE SAME

This ordinance was adopted on its first reading at the meeting of City Council held on **June 28, 2011**.

The Notice of Public Hearing was published in the Star Ledger issue of **July 14, 2011**.

The Clerk read the foregoing ordinance by title and Council President Keenan asked if there was anyone present who wished to speak either for or against the adoption of the ordinance.

There being no one else present who desired to be heard, Council President Keenan declared the public hearing portion of the meeting closed.

Council President Keenan announced that the next business in order would be a public hearing on **Ordinance No. 4225**, entitled:

AN ORDINANCE OF THE CITY OF ELIZABETH, IN THE COUNTY OF UNION, NEW JERSEY, PROVIDING FOR THE DESIGN AND IMPLEMENTATION OF SOLAR PANEL SYSTEMS ON VARIOUS MUNICIPAL BUILDINGS LOCATED IN THE CITY OF ELIZABETH AND APPROPRIATING $1,000,000 THEREFOR, AND PROVIDING FOR THE ISSUANCE OF $950,000 IN BONDS OR NOTES OF THE CITY OF ELIZABETH TO FINANCE THE SAME

This ordinance was adopted on its first reading at the meeting of City Council held on **June 28, 2011**.

The Notice of Public Hearing was published in the Star Ledger issue of **July 14, 2011**.

The Clerk read the foregoing ordinance by title and Council President Keenan asked if there was anyone present who wished to speak either for or against the adoption of the ordinance.

There being no one else present who desired to be heard, Council President Keenan declared the public hearing portion of the meeting closed.

Council President Keenan announced that the next business in order would be a public hearing on **Ordinance No. 4226**, entitled:

AN ORDINANCE TO RESCIND ORDINANCE NO. 3996, AUTHORIZING THE ESTABLISHMENT OF A PERSONALIZED HANDICAPPED PARKING SPACE FOR ROSA E. DELFINO, 617 MEADOW STREET, ELIZABETH, NEW JERSEY.

This ordinance was adopted on its first reading at the meeting of City Council held on **June 28, 2011**.

The Notice of Public Hearing was published in the Star Ledger issue of **July 18, 2011**.

The Clerk read the foregoing ordinance by title and Council President Keenan asked if there was anyone present who wished to speak either for or against the adoption of the ordinance.

There being no one else present who desired to be heard, Council President Keenan declared the public hearing portion of the meeting closed.

Council President Keenan announced that the next business in order would be a public hearing on **Ordinance No. 4227**, entitled:

AN ORDINANCE TO RESCIND ORDINANCE NO. 4038, AUTHORIZING THE ESTABLISHMENT OF A PERSONALIZED HANDICAPPED PARKING SPACE FOR RUBEN LAMAISON, 35 NILES STREET, ELIZABETH, NEW JERSEY.

This ordinance was adopted on its first reading at the meeting of City Council held on **June 28, 2011**.

The Notice of Public Hearing was published in the Star Ledger issue of **July 18, 2011**.

The Clerk read the foregoing ordinance by title and Council President Keenan asked if there was anyone present who wished to speak either for or against the adoption of the ordinance.

There being no one else present who desired to be heard, Council President Keenan declared the public hearing portion of the meeting closed.

Council President Keenan announced that the next business in order would be a public hearing on **Ordinance No. 4228**, entitled:

AN ORDINANCE TO RESCIND ORDINANCE NO. 4074, AUTHORIZING THE ESTABLISHMENT OF A PERSONALIZED HANDICAPPED PARKING SPACE FOR PEDRO HERRERA, 922 GROVE STREET, ELIZABETH, NEW JERSEY.

This ordinance was adopted on its first reading at the meeting of City Council held on **June 28, 2011**.

The Notice of Public Hearing was published in the Star Ledger issue of **July 18, 2011**.

The Clerk read the foregoing ordinance by title and Council President Keenan asked if there was anyone present who wished to speak either for or against the adoption of the ordinance.

There being no one else present who desired to be heard, Council President Keenan declared the public hearing portion of the meeting closed.

Council President Keenan announced that the next business in order would be a public hearing on **Ordinance No. 4229**, entitled:

AN ORDINANCE TO AUTHORIZE THE ESTABLISHMENT OF A PERSONALIZED HANDICAPPED PARKING SPACE FOR FRANCISCA MILANES, 461 FRANKLIN STREET, ELIZABETH, NEW JERSEY 07206.

This ordinance was adopted on its first reading at the meeting of City Council held on **June 28, 2011**.

The Notice of Public Hearing was published in the Star Ledger issue of **July 18, 2011**.

The Clerk read the foregoing ordinance by title and Council President Keenan asked if there was anyone present who wished to speak either for or against the adoption of the ordinance.

There being no one else present who desired to be heard, Council President Keenan declared the public hearing portion of the meeting closed.

[redacted]

PETITIONS, COMMUNICATIONS, ETC.

By the Clerk:
Letter dated June 23, 2011, from His Honor the Mayor advising that he has appointed Reverend Haneef R. Rashada, 126 Broadway, Elizabeth, to serve as a Member of the Human Rights Commission.
Which was received.

By the Clerk:
Letter dated June 30, 2011, from the Business Administrator recommending the award of a contract to Motorola Communications & Electronics Inc., P.O. Box 305, Bordentown, NJ, for the purchase of a Service Agreement for Communications Infrastructure and Maintenance on all portable radios for the Police and Fire Departments at a cost of $101,483.88.
Which was received.

By the Clerk:
Letter dated June 30, 2011, 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 2011-2012 Fiscal Year.
Which was received.

By the Clerk:
Letter dated June 30, 2011, from the Business Administrator requesting authorization for the proper City officials to execute an agreement with the Elizabeth Parking Authority for the rental of 21 parking spaces in Lot No. 6 and 300 parking spaces in Lot No. 2 at a rate of $25.00 per parking space per month for a period of one (1) year effective July 1, 2011 through June 30, 2012; total monthly cost will be $8,025.00 or $96,300.00 for one year.
Which was received.

By the Clerk:
Letter dated June 30, 2011, from the Business Administrator recommending the award of a contract to Firefighter One, 26 Gail Court, Suite 1, Sparta, NJ, for the purchase of personal protection items and equipment for the period of July 1, 2011 through June 30, 2012, in an amount not to exceed $60,000.00.
Which was received.

By the Clerk:
Letter dated July 1, 2011, from the Business Administrator requesting authorization for the proper City officials to renew the policy of insurance to Midwest Employers Casualty Company, 13801 Riverport Drive, Maryland Heights, MO, through the agent-of-record Regional Risk Managers, LLC, covering the Excess Insurance on Workers Compensation for the period July 1, 2011 through June 30, 2012, at an annual premium of $172,069.00.
Which was received.

By the Clerk:
Letter dated July 1, 2011, from the Business Administrator requesting authorization for the proper City officials to execute a contract with Kean University, 1000 Morris Avenue, Union, NJ, for Data Processing and Telecommunications Technical Services for a one year period commencing July 1, 2011 to June 30, 2012, at a cost not to exceed $50,500.00.
Which was received.

[redacted]

[redacted]

By the Clerk:
Letter dated July 1, 2011, from the Business Administrator recommending the award of a professional service contract to Dr. Michael R. Zaboski, 240 Williamson Street, Suite 204, Elizabeth, NJ, as the Physician for the Elizabeth Police Department for the period of July 1, 2011 through June 30, 2012, at a total fee not to exceed $18,000.00.
Which was received.

By the Clerk:
Letter dated July 1, 2011, from the Business Administrator recommending the award of a contract to William H. Malone, P.O. Box 586, Paramus, NJ, to provide insurance management consulting services for the period July 1, 2011 to June 30, 2012, at a total cost of $25,000.00.
Which was received.

By the Clerk:
Letter dated July 1, 2011, from the Business Administrator requesting authorization for the proper City officials to apply, accept and sign all appropriate documents for the New Jersey Division of Highway Traffic Safety Project, Over the Limit Under Arrest 2011 Statewide Crackdown Grant in the amount of $4,400.00.
Which was received.

By the Clerk:
Letter dated July 1, 2011, from the Business Administrator recommending the award of a contract to Bayway Lumber, 400 Ashton Avenue, Linden, NJ, under the Morris County Cooperative Purchasing Contract No. 10, for the purchase of lumber and associated materials for various departments for the period of July 1, 2011 through June 30, 2012, at a cost not to exceed $150,000.00.
Which was received.

By the Clerk:
Letter dated July 1, 2011, from the Business Administrator recommending the award of a contract to AutoZone Northeast, Inc., 200 Rahway Avenue, Elizabeth, NJ, for the purchase of auto parts and accessories for various departments for the period of June 25, 2011 through September 25, 2011, at a cost not to exceed $35,000.00.
Which was received.

By the Clerk:
Letter dated July 1, 2011, from the Business Administrator recommending the award of a contract to Certified Products Co., 400 West Side Avenue, Jersey City, NJ, for parts and repairs for road maintenance equipment for various departments for the period of June 30, 2011 through June 30, 2012, at a cost not to exceed $150,000.00.
Which was received.

By the Clerk:
Letter dated July 1, 2011, from the Business Administrator recommending the award of a contract to American Hose & Hydraulics Co., 700 21st Avenue, Paterson, NJ, for the purchase of miscellaneous automotive and hydraulic truck parts and repairs for road maintenance equipment for various departments for the period of June 30, 2011 through June 30, 2012, at a cost not to exceed $150,000.00.
Which was received.

[redacted]

[redacted]

By the Clerk:
Letter dated July 1, 2011, from the Business Administrator recommending the award of a contract to Royal Printing Service, P.O. Box 547, West New York, NJ, to purchase sample election ballots in the amount of $37,502.00.
Which was received.

By the Clerk:
Letter dated July 5, 2011, from the Business Administrator recommending the award of a contract to Old Dominion Brush Company, 5118 Glen Alden Drive, Richmond, VA, for the purchase of parts and repairs for road maintenance equipment for the period of June 30, 2011 through June 30, 2012, at a cost not to exceed $250,000.00.
Which was received.

By the Clerk:
Letter dated July 5, 2011, from the City Attorney recommending the renewal of a contract with the law firm of LaCorte, Bundy, Varady & Kinsella, 989 Bonnel Court, Union, NJ, to provide the same civil litigation in auto and general liability cases, as well as matters included in the City's self- insurance program at a rate of $175.00 per hour for the fiscal year July 1, 2011 through June 30, 2012, at a cost not to exceed $450,000.00.
Which was received.

By the Clerk:
Letter dated July 5, 2011, from the City Attorney recommending the renewal of a contract with the law firm of LaCorte, Bundy, Varady & Kinsella, 989 Bonnel Court, Union, NJ, to provide the same defense of Workers' Compensation cases, as well as matters included in the City's self insurance program at a rate of $175.00 per hour for the fiscal year July 1, 2011 through June 30, 2012, at a cost not to exceed $150,000.00.
Which was received.

By the Clerk:
Letter dated July 5, 2011, from the City Attorney recommending the award of a contract for legal representation of the City and City employees in litigation where LaCorte, Bundy, Varady & Kinsella have conflicts of interest, with an hourly rate of $175.00; with a cap of $65,000.00, for the period of July 1, 2011 through June 30, 2012, with the following attorneys: Kologi-Simitz, 923 North Wood Avenue, Linden, NJ, Robert F. Renaud, Palumbo & Renaud, Attorneys at Law; 190 North Avenue East, Cranford, NJ, Daniel Antonelli, Daniel Antonelli, LLC, 2004 Morris Avenue, Union, NJ, Peter H. Spaeth, Wolff, Helies, Duggan, Spaeth & Lucas, Counsellors at Law, Valley Park Professional Center, 2517 Highway 35, Building K, Suites 201 & 202, Manasquan, NJ, Guy P. Ryan, Secare, Ryan & Hensel, 16 Madison Avenue – Building 1, Toms River, NJ, Kraig M. Dowd, Weber Dowd Law, LLC, 365 Rifle Camp Road, Woodland Park, NJ, Alan C. Roth, Roth D'Aquanni, Counsellors at Law, 150 Morris Avenue, Suite 206, Springfield, NJ, Joseph A. Ascione & Janyce M. Wilson, Ascione & Wilson, 226 St. Paul Street, Westfield, NJ, Raymond S. Londa, Londa & Londa, 277 North Broad Street, Elizabeth, NJ, Edwin R. Matthews, Bourne, Noll & Kenyon, 382 Springfield Avenue, Box 690, Summit, NJ.
Which was received.

By the Clerk:
Letter dated July 5, 2011, from the City Attorney recommending the award of a contract to the law firm of Ascione & Wilson, 226 St. Paul Street, Westfield, NJ, as Midtown Redevelopment Counsel for the City of Elizabeth to maintain continuity of service for the period of July 1, 2011 through June 30, 2012, 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.

[redacted]

[redacted]

By the Clerk:
Letter dated June 22, 2011, from the Chief Financial Officer requesting authorization for the Tax Collector to cancel/refund/credit an over billing of taxes on the property located at 734-736 Fay Avenue for the 2010 Tax Year in the amount of $395.28.
Which was received.

By the Clerk:
Letter dated July 5, 2011, from the Chief Financial Officer advising that Temporary Emergency Appropriations for the 2012 SFY Municipal and Sewer Utility Budgets may be necessary.
Which was received.

By the Clerk:
Letter dated July 5, 2011, from the Chief Financial Officer advising that transfers for the 2011 SFY Municipal and Sewer Utility Budgets may be necessary.
Which was received.

By the Clerk:
Letter dated July 5, 2011, from the Chief Financial Officer that City Council consider for introduction and approval the Elizabeth Avenue Special Improvement District 2012 Fiscal Budget.
Which was received.

By the Clerk:
Letter dated July 5, 2011, from the Chief Financial Officer requesting authorization for the proper City officials to enter into a contract with DeCotiis, FitzPatrick and Cole, LLP, Glenpointe Centre West, 500 Frank W. Burr Boulevard, Suite 31, Teaneck, NJ, to provide bond counsel services to the City in connection with the City's issuance of debt obligations and to provide for the terms and security of such obligations in accordance with the law of the State of New Jersey in an amount not to exceed $60,000.00.
Which was received.

By the Clerk:
Letter dated July 5, 2011, from the Chief Financial Officer requesting authorization for the proper City officials to enter into a contract with Acacia Financial Group, Inc., Four Greentree Centre, 13000 Lincoln Drive West, Suite 206, Marlton, NJ, to provide financial advisory services to the City in connection with the City's issuance of municipal and sewer utility debt obligations including bonds and bond anticipation notes and any other financial analysis deemed necessary in an amount not to exceed $40,000.00.
Which was received.

By the Clerk:
Letter dated July 5, 2011, from the Chief Financial Officer requesting authorization for the proper City officials to enter into a contract with Powell Capital Markets, Inc., 280 Corporate Center, 3 Becker Farm Road, Roseland, NJ, to provide financial advisory services to the City in connection with the City's issuance of municipal and sewer utility debt obligations including bonds and bond anticipation notes and any other financial analysis deemed necessary in an amount not to exceed $40,000.00.
Which was received.

[redacted]

[redacted]

By the Clerk:
Letter dated July 5, 2011, from the Chief Financial Officer requesting authorization for the proper City officials to enter into a contract with Louis C. Mai, CPA & Associates, 6 Moonshadow Court, Kinnelon, NJ, to provide statutory audits of the General Funds, Sewer Utility Funds, Other Funds, the Single Audit and also for 5 year comparative statements in an amount not to exceed $205,000.00.
Which was received.

By the Clerk:
Letter dated July 5, 2011, from the Chief Financial Officer requesting authorization for the proper City officials to enter into a contract with the law firm of Blau & Blau, 55 Morris Avenue, Springfield, NJ, to be the primary legal representative of the City in all matters relating to tax appeals including preparation for trials, discovery and motions, and the appearance at trials and other court appearances pertaining to tax appeals at the Union County Tax Board and New Jersey Tax Court and other venues.
Which was received.

By the Clerk:
Letter dated July 5, 2011, from the Chief Financial Officer requesting authorization for the proper City officials to enter into a contract with Stack, Coolahan & Stack, LLC, 90 Hudson Street, P.O. Box 731, Hoboken, NJ, to provide appraisal and consulting services to the City including testimony and attendance at conferences scheduled by the Court in connection with State Tax Court appeals, in an amount not to exceed $78,000.00.
Which was received.

By the Clerk:
Letter dated July 5, 2011, from the Chief Financial Officer requesting authorization for the Mayor to have the City enter into a tax abatement agreement for thirty (30) years with the Westminster Heights Urban Renewal LLC, c/o Community Investment Strategies, 1970 Brunswick Avenue, Lawrenceville, NJ, for the renovation of 380 Irvington Avenue and the addition of a new structure at 400 Irvington Avenue.
Which was received.

By the Clerk:
Letter dated July 5, 2011, from the Chief Financial Officer requesting authorization for the Mayor to have the City enter into a tax abatement agreement for thirty years (30) with the Oaks at Westminster Urban Renewal LLC, c/o Community Investment Strategies, 1970 Brunswick Avenue, Lawrenceville, NJ, for the renovation of 350 Irvington Avenue.
Which was received.

By the Clerk:
Letter dated June 23, 2011, from the Director of Health and Human Services requesting authorization to expend $21,474.00 to the Elizabeth Board of Education for the S.O.A.R. (Special Opportunities for Achievement & Reawakening) Summer Program for the use of custodial, security & bus services commencing July 5, 2011 and ending on August 12, 2011.
Which was received.

By the Clerk:
Letter dated June 27, 2011, 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 Housing Program, Deferred Payment Loan to Community Access Institute, Inc., 80 West Grand Street, Elizabeth, NJ, on the property located at 14-20 Jacques Street in the amount of $50,000.00.
Which was received.

[redacted]

[redacted]

By the Clerk:

Letter dated July 1, 2011, 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 submit to the U.S. Department of Housing and Urban Development (HUD) a Consolidated Plan for CD-37, Fiscal Year 2011, for Community Development Block Grant (CDBG) $1,901.126, a decrease of $369,819.00, Emergency Shelter Grant (ESG) $92,006.00, an increase of $714.00 and HOME Program $1,325,212.00 a decrease of $176,111.00 from Funding Year 2010.
Which was received.

By the Clerk:

Letter dated June 29, 2011, from the Director of Public Works recommending the award of a contract to Supreme Conditioning Systems, Inc., P.O. Box 206, Hazlet, NJ, for Preventive Maintenance and Emergency Repair Service for Heating, Air Conditioning and Automatic Temperature Control for a two (2) year period, at a cost of $608,467.08.
Which Was Referred To Council As A Whole.

By the Clerk:

Letter dated June 29, 2011, from the Director of Public Works requesting permission to have liens placed against the 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 $8,173.62.
Which was received.

By the Clerk:

Letter dated June 30, 2011, from the Director of Public Works requesting approval of Contract Amendment No. 1 for the contract awarded to Toll Associates, PA, to provide construction management services in connection with the Broad Street Streetscape Project, at an original cost not to exceed $64,350.00, to provide further for sixty (60) days of required additional field supervision, at an additional cost not to exceed $45,000.00; raising the contract amount to $109,350.00.
Which Was Referred To Council As A Whole.

By the Clerk

Letter dated July 1, 2011, from the Director of Public Works recommending the award of a contract to Tilcon New York, Inc., 625 Mt. Hope Road, Wharton, NJ, for the resurfacing of portions of Amboy Avenue, Atlantic Street and Bayway at a cost of $327,180.40.
Which was received.

By the Clerk:

Letter dated July 1, 2011, from the Director of Public Works requesting authorization for the proper City officials to accept and sign all appropriate documents for the Oakmont Hayward I, LLC, 3520 Piedmont Road, Suite 100, Atlanta, Georgia, Developers Agreement to construct and install at their expense a new off-site storm sewer line in Fairmount Avenue extending approximately 2000 linear feet from the Oakmont complex to the connection to an existing storm sewer at the intersection of Fairmount Avenue and Division Street.
Which was received.

[redacted]

[redacted]

By the Clerk:

Letter dated June 30, 2011, from the Director of Recreation requesting authorization for the proper City officials to apply, accept and sign all appropriate documents for the Union County Open Space, Recreation & Historic Preservation Kids Recreation Trust Fund; anticipated funding will replace playground equipment at the Peterstown Community Center, participate in the Discover Our Parks Program at the Trailside Nature and Science Center; Elizabeth River Trail project by implementing Phase II of the initiative, to include design elements as well as the incorporation of benches, bike racks and garbage receptacles, in an amount not to exceed $435,000.00
Which was received.

By the Clerk:

Letter dated June 29, 2011, from the Police Director requesting authorization for the proper City officials to apply, accept and sign all appropriate documents for the 2011 State Body Armor Replacement Fund Program.
Which was received.

REPORTS OF CITY OFFICERS

By the Clerk:

Letter July 26, 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, July 22, 2011.
Which was received.

By the Clerk:

Letters dated June 27, 2011, from the Chief Financial Officer submitting the City Treasurer's report of Receipts and Disbursements for the month of April, 2011, and Statement of Bank Balances and Investments as of April 30, 2011.
Which was received.

ORDINANCES ON FIRST READING

Council President Keenan announced that the next business in order would be the introduction of **Ordinance No. 4230** , which was seconded by Councilman Cuesta, entitled:

STATE FISCAL YEAR 2012
ORDINANCE TO EXCEED THE MUNICIPAL BUDGET
COST OF LIVING ALLOWANCE (COLA) AND TO ESTABLISH A
CAP BANK WHEN THE COLA IS EQUAL TO OR LESS THAN 2.5 PERCENT
(N.J.S.A. 40A:4-45.14)

The Clerk read the foregoing ordinance.

The ordinance was then adopted on its first reading by the following vote:

AFFIRMATIVE: Perkins-Auguste, Cuesta. [redacted]
Grova, Gonzalez, [redacted], Gallman, [redacted],
and President Keenan - 6

NEGATIVE: None

Council President Keenan announced that the next business in order would be the introduction of **Ordinance No. 4233** , which was seconded by Councilman Cuesta, entitled:

AN ORDINANCE TO AUTHORIZE THE ESTABLISHMENT OF A PERSONALIZED HANDICAPPED PARKING SPACE FOR ROLANDO ANDERSON, 429 MARSHALL STREET, ELIZABETH, NEW JERSEY 07206.

The Clerk read the foregoing ordinance.

The ordinance was then adopted on its first reading by the following vote:

AFFIRMATIVE: Perkins-Auguste, Cuesta. [redacted],
Grova, Gonzalez, [redacted], Gallman, [redacted]
and President Keenan - 6

NEGATIVE: None

Council President Keenan announced that public notice will be published fixing Tuesday, August 23, 2011 , at 7:30 p.m., City Council Chambers, City Hall, Elizabeth, N.J., as the time and place that City Council will conduct public hearings and further consider the foregoing Ordinance Nos. 4230 and 4233, adopted on first reading.

ORDINANCES ON FINAL PASSAGE

Council President Keenan announced that the next business in order would be the adoption of **Ordinance No. 4223**, which was seconded by Councilman Cuesta.

AN ORDINANCE OF THE CITY OF ELIZABETH, IN THE COUNTY OF UNION, NEW JERSEY, AMENDING ORDINANCE NO. 3560 OF THE CITY FINALLY ADOPTED NOVEMBER 12, 2003 PROVIDING FOR THE CONSTRUCTION OF THE BROAD STREET STREETSCAPE LOCATED IN THE CITY OF ELIZABETH AND APPROPRIATING $1,500,000 THEREFOR, AND PROVIDING FOR THE ISSUANCE OF $1,425,000 IN BONDS OR NOTES OF THE CITY OF ELIZABETH TO FINANCE THE SAME

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ELIZABETH, IN THE COUNTY OF UNION, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring), AS FOLLOWS:

Bond Ordinance No. 3560 of the City of Elizabeth, in the County of Union, New Jersey, finally adopted on November 12, 2003 (the "Prior Ordinance"), is hereby amended in full to read as follows:

Section 1. The improvement or purpose described in Section 3 of this bond ordinance is hereby authorized to be undertaken by the City of Elizabeth, in the County of Union, New Jersey (the "City") as a general improvement. For the improvement or purpose described in Section 3 hereof, there is hereby appropriated the sum of $1,500,000 including the sum of $75,000 as the down payment for the improvement or purpose pursuant to the Local Bond Law. The down payment has been made available by virtue of the provision in the capital improvement fund in one or more previously adopted budgets.

Section 2. In order to finance the cost of the improvement or purpose not covered by application of the down payment or otherwise provided for hereunder, negotiable bonds or notes are hereby authorized to be issued in the principal amount of $1,425,000 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds or notes, negotiable bond anticipation notes are

hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvement hereby authorized and the purpose for which the bonds or notes are to be issued is to provide for the construction of the Broad Street Streetscape and streetscape improvements to North Broad Street from Chestnut Street to Arch, East Grand Street from Broad Street to Jefferson Avenue, Elizabeth Avenue from Catherine Street to Broad Street, the Transit Village Midtown Train Station area and Morris Avenue from Phil Rizzuto Park to Irvington Avenue, including, but not limited to, traffic signals, concrete sidewalk pavers, street signs, trash receptacles, trees, tree grates, light poles and enhancements to bus stops, and including all other work and materials necessary therefor and incidental thereto.

(b) The estimated maximum amount of bonds or notes to be issued for the improvement or purpose is as stated in Section 2 hereof.

(c) The estimated cost of the improvement or purpose is equal to the amount of the appropriation herein made therefor.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with notes issued pursuant to this bond ordinance, and the chief financial officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of the Local Bond Law. The chief financial officer is hereby authorized to sell part or all of the notes from time to time, at not less than par and accrued interest, at public or private sale and to deliver them to the purchasers thereof upon receipt

of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the notes sold, the price obtained and the name of the purchaser.

Section 5. The capital budget or temporary capital budget (as applicable) of the City is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. In the event of any such inconsistency and amendment, the resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget or amended temporary capital budget (as applicable) and capital program as approved by the Director of the Division of Local Government Services is on file with the Clerk and is available there for public inspection.

Section 6. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvement or purpose described in Section 3 of this bond ordinance is not a current expense. No part of the costs thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The period of usefulness of the improvement or purpose, within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is 15 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the

Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the City as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by $1,425,000, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An amount not exceeding $300,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the improvement or purpose.

Section 7. Any grant moneys received for the purposes described in Section 3 hereof shall be applied either to direct payment of the cost of the improvement or to payment of the obligations issued pursuant to this bond ordinance.

Section 8. The full faith and credit of the City is hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the City, and the City shall be obligated to levy ad valorem taxes upon all the taxable real property within the City for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 9. This Ordinance amends Bond Ordinance 3560 of the City of Elizabeth, in the County of Union, New Jersey, finally adopted November 12, 2003. To the extent that any previous ordinance or resolution is inconsistent herewith or contradictory hereto, said ordinance or resolution is hereby repealed or amended to the extent necessary to make it consistent herewith.

Section 10. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

The Clerk read the foregoing ordinance by title.

This ordinance was adopted on its first reading at the City Council meeting held . **June 28, 2011.**

Annexed to the ordinance was an affidavit from the publisher of the Star Ledger certifying the publication of the ordinance and notice of public hearing thereon in its issue of **July 14, 2011.**

The ordinance was then adopted on its final passage by the following vote:

AFFIRMATIVE: Perkins-Auguste, Cuesta, [redacted], Grova, Gonzalez, [redacted], Gallman, [redacted] and President Keenan - #6

NEGATIVE: None

Council President Keenan announced that the next business in order would be the adoption of **Ordinance No. 4224** , which was seconded by Councilman Cuesta

AN ORDINANCE OF THE CITY OF ELIZABETH, IN THE COUNTY OF UNION, NEW JERSEY, AMENDING ORDINANCE NO. 3661 OF THE CITY FINALLY ADOPTED OCTOBER 26, 2004, PROVIDING FOR THE CONSTRUCTION OF THE BROAD STREET STREETSCAPE LOCATED IN THE CITY OF ELIZABETH AND APPROPRIATING $2,000,000 THEREFOR, AND PROVIDING FOR THE ISSUANCE OF $1,900,000 IN BONDS OR NOTES OF THE CITY OF ELIZABETH TO FINANCE THE SAME

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ELIZABETH, IN THE COUNTY OF UNION, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring), AS FOLLOWS:

Bond Ordinance No. 3661 of the City of Elizabeth, in the County of Union, New Jersey, finally adopted on October 26, 2004 (the "Prior Ordinance"), is hereby amended in full to read as follows:

Section 1. The improvement or purpose described in Section 3 of this bond ordinance is hereby authorized to be undertaken by the City of Elizabeth, in the County of Union, New Jersey (the "City") as a general improvement. For the improvement or purpose described in Section 3 hereof, there is hereby appropriated the sum of $2,000,000 (representing a reduction of $500,000 from the Prior Ordinance and deleting the reference in the Prior Ordinance to a $400,000 grant from the New Jersey Department of Transportation and $500,000 in Urban Enterprise Zone Financing expected to be received) and including the sum of $100,000 as the down payment for the improvement or purpose pursuant to the Local Bond Law. The down payment has been made available by virtue of the provision in the capital improvement fund in one or more previously adopted budgets.

Section 2. In order to finance the cost of the improvement or purpose not covered by application of the down payment or otherwise provided for hereunder, negotiable bonds or notes are hereby authorized to be issued in the principal amount of $1,900,000 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds or notes, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvement hereby authorized and the purpose for which the bonds or notes are to be issued is to provide for the construction to extend the Broad Street Streetscape from the Elizabeth River to the railroad archway and the construction of streetscape improvements to North Broad Street from Chestnut Street to Arch, East Grand Street from Broad Street to Jefferson Avenue, Elizabeth Avenue from Catherine Street to Broad Street, the Transit Village Midtown Train Station area and Morris Avenue from Phil Rizzuto Park to Irvington Avenue, including, but not limited to, trash receptacles, sidewalk curbs, trees, traffic signals and lights, and including all other work and materials necessary therefor and incidental thereto.

(b) The estimated maximum amount of bonds or notes to be issued for the improvement or purpose is as stated in Section 2 hereof.

(c) The estimated cost of the improvement or purpose is equal to the amount of the appropriation herein made therefor.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with notes issued pursuant to this bond ordinance, and the chief financial officer's signature upon the

notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of the Local Bond Law. The chief financial officer is hereby authorized to sell part or all of the notes from time to time, at not less than par and accrued interest, at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the notes sold, the price obtained and the name of the purchaser.

Section 5. The capital budget or temporary capital budget (as applicable) of the City is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. In the event of any such inconsistency and amendment, the resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget or amended temporary capital budget (as applicable) and capital program as approved by the Director of the Division of Local Government Services is on file with the Clerk and is available there for public inspection.

Section 6. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvement or purpose described in Section 3 of this bond ordinance is not a current expense. No part of the costs thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The period of usefulness of the improvement or purpose, within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is 15 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the City as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by $1,900,000, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An amount not exceeding $100,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the improvement or purpose.

Section 7. Any grant moneys received for the purposes described in Section 3 hereof, and not otherwise appropriated for the purposed described in Section 3 hereof, shall be applied either to direct payment of the cost of the improvement or to payment of the obligations issued pursuant to this bond ordinance.

Section 8. The full faith and credit of the City is hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the City, and the City shall be obligated to levy ad valorem taxes upon all the taxable real property within the City for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 9. This Ordinance amends Bond Ordinance 3661 of the City of Elizabeth, in the County of Union, New Jersey, finally adopted October 26, 2004. To the extent that any previous ordinance or resolution is inconsistent herewith or contradictory hereto, said ordinance or resolution is hereby repealed or amended to the extent necessary to make it consistent herewith.

Section 10. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

The Clerk read the foregoing ordinance by title.

This ordinance was adopted on its first reading at the City Council meeting held . **June 28, 2011.**

Annexed to the ordinance was an affidavit from the publisher of the Star Ledger certifying the publication of the ordinance and notice of public hearing thereon in its issue of **July 14, 2011.**

The ordinance was then adopted on its final passage by the following vote:

AFFIRMATIVE: Perkins-Auguste, Cuesta, [redacted]
Grova, Gonzalez, [redacted], Gallman, [redacted]
and President Keenan - 6

NEGATIVE: None

Council President Keenan announced that the next business in order would be the adoption of **Ordinance No. 4225** , which was seconded by Councilman Cuesta.

AN ORDINANCE OF THE CITY OF ELIZABETH, IN THE COUNTY OF UNION, NEW JERSEY, PROVIDING FOR THE DESIGN AND IMPLEMENTATION OF SOLAR PANEL SYSTEMS ON VARIOUS MUNICIPAL BUILDINGS LOCATED IN THE CITY OF ELIZABETH AND APPROPRIATING $1,000,000 THEREFOR, AND PROVIDING FOR THE ISSUANCE OF $950,000 IN BONDS OR NOTES OF THE CITY OF ELIZABETH TO FINANCE THE SAME

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ELIZABETH, IN THE COUNTY OF UNION, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring), AS FOLLOWS:

Section 1. The improvement or purpose described in Section 3 of this bond ordinance is hereby authorized to be undertaken by the City of Elizabeth, in the County of Union, New Jersey (the "City"), as a general improvement. For the improvement or purpose described in Section 3 hereof, there is hereby appropriated the sum of $1,000,000 including the sum of $50,000 as the down payment for the improvement or purpose pursuant to the Local Bond Law. The down payment has been made available by virtue of the provision in the capital improvement fund in one or more previously adopted budgets. This City is adopting this ordinance intending that it will provide the City's 100% match to a $1,000,000 Energy Efficiency and Conservation Block Grant anticipated to be received by the City from the United States Department of Energy.

Section 2. In order to finance the cost of the improvement or purpose not covered by application of the down payment or otherwise provided for hereunder, negotiable bonds or notes are hereby authorized to be issued in the principal amount of $950,000 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds or notes, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvement hereby authorized and the purpose for which the bonds or notes are to be issued is to provide for the design and implementation of a solar panel system on the roofs of eligible municipal buildings pursuant to a feasibility study, and including all other work and materials necessary therefor and incidental thereto.

(b) The estimated maximum amount of bonds or notes to be issued for the improvement or purpose is as stated in Section 2 hereof.

(c) The estimated cost of the improvement or purpose is equal to the amount of the appropriation herein made therefor.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with notes issued pursuant to this bond ordinance, and the chief financial officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of the Local Bond Law. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the notes sold, the price obtained and the name of the purchaser.

Section 5. The capital budget or temporary capital budget (as applicable) of the City is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. In the event of any such inconsistency and amendment, the resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget or

amended temporary capital budget (as applicable) and capital program as approved by the Director of the Division of Local Government Services is on file with the Clerk and is available there for public inspection.

Section 6. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvement or purpose described in Section 3 of this bond ordinance is not a current expense. No part of the costs thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The period of usefulness of the improvement or purpose, within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is 15 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the City as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by $950,000, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An amount not exceeding $200,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the improvement or purpose.

Section 7. Except for the grant referred to in Section 8, any grant moneys received for the purposes described in Section 3 hereof shall be applied either to direct payment of the cost of the

improvement or to payment of the obligations issued pursuant to this bond ordinance. The amount of obligations authorized hereunder shall be reduced to the extent that such funds are so used.

Section 8. This City is adopting this ordinance intending that it will provide the City's 100% match to a $1,000,000 Energy Efficiency and Conservation Block Grant anticipated to be received by the City from the United States Department of Energy. Upon receipt of this grant from the United States Department of Energy, the City expects to appropriate same toward an additional $1,000,000 of the costs of the improvement or purpose provided for herein.

Section 9. The full faith and credit of the City is hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the City, and the City shall be obligated to levy ad valorem taxes upon all the taxable real property within the City for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 10. To the extent that any previous ordinance or resolution is inconsistent herewith or contradictory hereto, said ordinance or resolution is hereby repealed or amended to the extent necessary to make it consistent herewith.

Section 11. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

The Clerk read the foregoing ordinance by title.

This ordinance was adopted on its first reading at the City Council meeting held . **June 28, 2011.**

Annexed to the ordinance was an affidavit from the publisher of the Star Ledger certifying the publication of the ordinance and notice of public hearing thereon in its issue of **July 14, 2011.**

The ordinance was then adopted on its final passage by the following vote:

AFFIRMATIVE: Perkins-Auguste, Cuesta, [redacted] Grova, Gonzalez, [redacted], Gallman, [redacted] and President Keenan - X 6

NEGATIVE: None

Council President Keenan announced that the next business in order would be the adoption of **Ordinance No. 4226**, which was seconded by Councilman Cuesta.

AN ORDINANCE TO RESCIND ORDINANCE NO. 3996, AUTHORIZING THE ESTABLISHMENT OF A PERSONALIZED HANDICAPPED PARKING SPACE FOR ROSA E. DELFINO, 617 MEADOW STREET, ELIZABETH, NEW JERSEY.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ELIZABETH:

SECTION 1. - Ordinance No. 3996 is hereby rescinded.

SECTION 2. - All ordinances or parts of ordinances inconsistent with the provisions of this ordinance be and the same are hereby repealed.

SECTION 3. - If any portion or clause of this ordinance is declared invalid for any reason whatsoever, same shall not affect the validity or constitutionality of any other part or portion of this ordinance.

SECTION 4. - The effective date of this ordinance shall be twenty (20) days after its final passage by City Council and approval by the Mayor at the time and in the manner provided by law.

The Clerk read the foregoing ordinance by title.

This ordinance was adopted on its first reading at the City Council meeting held **June 28, 2011.**

Annexed to the ordinance was an affidavit from the publisher of the Star Ledger certifying the publication of the ordinance and notice of public hearing thereon in its issue of **July 18, 2011.**

The ordinance was then adopted on its final passage by the following vote:

AFFIRMATIVE: Perkins-Auguste, Cuesta, [redacted] Grova, Gonzalez, [redacted], Gallman, [redacted] and President Keenan - 6

NEGATIVE: None

Council President Keenan announced that the next business in order would be the adoption of **Ordinance No. 4227** , which was seconded by Councilman Cuesta.

AN ORDINANCE TO RESCIND ORDINANCE NO. 4038, AUTHORIZING THE ESTABLISHMENT OF A PERSONALIZED HANDICAPPED PARKING SPACE FOR RUBEN LAMAISON, 35 NILES STREET, ELIZABETH, NEW JERSEY.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ELIZABETH:

SECTION 1. - Ordinance No. 4038 is hereby rescinded.

SECTION 2. - All ordinances or parts of ordinances inconsistent with the provisions of this ordinance be and the same are hereby repealed.

SECTION 3. - If any portion or clause of this ordinance is declared invalid for any reason whatsoever, same shall not affect the validity or constitutionality of any other part or portion of this ordinance.

SECTION 4. - The effective date of this ordinance shall be twenty (20) days after its final passage by City Council and approval by the Mayor at the time and in the manner provided by law.

The Clerk read the foregoing ordinance by title.

This ordinance was adopted on its first reading at the City Council meeting held . **June 28, 2011.**

Annexed to the ordinance was an affidavit from the publisher of the Star Ledger certifying the publication of the ordinance and notice of public hearing thereon in its issue of **July 18, 2011.**

The ordinance was then adopted on its final passage by the following vote:

AFFIRMATIVE: Perkins-Auguste, Cuesta, [redacted] Grova, Gonzalez, [redacted], Gallman, [redacted] and President Keenan - ~~8~~ 6

NEGATIVE: None

Council President Keenan announced that the next business in order would be the adoption of **Ordinance No. 4228**, which was seconded by Councilman Cuesta.

AN ORDINANCE TO RESCIND ORDINANCE NO. 4074, AUTHORIZING THE ESTABLISHMENT OF A PERSONALIZED HANDICAPPED PARKING SPACE FOR PEDRO HERRERA, 922 GROVE STREET, ELIZABETH, NEW JERSEY.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ELIZABETH:

SECTION 1. - Ordinance No. 4074 is hereby rescinded.

SECTION 2. - All ordinances or parts of ordinances inconsistent with the provisions of this ordinance be and the same are hereby repealed.

SECTION 3. - If any portion or clause of this ordinance is declared invalid for any reason whatsoever, same shall not affect the validity or constitutionality of any other part or portion of this ordinance.

SECTION 4. - The effective date of this ordinance shall be twenty (20) days after its final passage by City Council and approval by the Mayor at the time and in the manner provided by law.

The Clerk read the foregoing ordinance by title.

This ordinance was adopted on its first reading at the City Council meeting held **June 28, 2011.**

Annexed to the ordinance was an affidavit from the publisher of the Star Ledger certifying the publication of the ordinance and notice of public hearing thereon in its issue of **July 18, 2011.**

The ordinance was then adopted on its final passage by the following vote:

AFFIRMATIVE: Perkins-Auguste, Cuesta, [redacted] Grova, Gonzalez, [redacted], Gallman, [redacted] and President Keenan - 6

NEGATIVE: None

Council President Keenan announced that the next business in order would be the adoption of **Ordinance No. 4229**, which was seconded by Councilman Cuesta.

AN ORDINANCE TO AUTHORIZE THE ESTABLISHMENT OF A PERSONALIZED HANDICAPPED PARKING SPACE FOR FRANCISCA MILANES, 461 FRANKLIN STREET, ELIZABETH, NEW JERSEY 07206.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ELIZABETH:

SECTION 1. - A personalized handicapped parking space for **Francisca Milanes** is established in front of **461 Franklin Street, Elizabeth, New Jersey 07206,** as follows and pursuant to the recommendation of the Elizabeth Police Director: along the North curb line of Franklin Street beginning at a point 46' East of Fifth Street and continuing 22' East thereof.

SECTION 2. - The administrative and enforcement aspects of this Ordinance shall be under the jurisdiction of the Police Department of the City of Elizabeth.

SECTION 3. - All Ordinances or parts of Ordinances inconsistent with the provisions of this Ordinance be and the same are hereby repealed.

SECTION 4 - If any portion or clause of this Ordinance is declared invalid for any reason whatsoever, same shall not affect the validity or constitutionality of any other part or portion of this Ordinance.

SECTION 5 - The effective date of this Ordinance shall be twenty (20) days after its final passage by City Council and approval by the Mayor at the time and in the manner provided by law.

The Clerk read the foregoing ordinance by title.

This ordinance was adopted on its first reading at the City Council meeting held . **June 28, 2011.**

Annexed to the ordinance was an affidavit from the publisher of the Star Ledger certifying the publication of the ordinance and notice of public hearing thereon in its issue of **July 18, 2011.**

The ordinance was then adopted on its final passage by the following vote:

AFFIRMATIVE: Perkins-Auguste, Cuesta, [redacted]
Grova, Gonzalez, [redacted], Gallman, [redacted]
and President Keenan - 6

NEGATIVE: None

Councilman Grova **MOVED** for a Suspension of the Rules to consider resolutions which do not appear on the agenda, seconded by Councilman Gonzalez and

Which was carried unanimously.

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the Director of the Department of Public Works has requested authorization to award an extension from NJDOT for the FY 2010 Transit Village Program North Broad Street Streetscape; and

WHEREAS, on December 14, 2009, the New Jersey Department of Transportation approved an allotment of $530,000.00 for the FY2010 Transit Village Program. The scope of work for this project is to install new PSE&G pedestrian lighting, curbing with public sidewalk curb ramps, new sidewalks, striping, trees and trash receptacles on North Broad Street between Commerce Place and Chestnut Street. This streetscape will build upon the same design features within the Broad Street Streetscape. This project is to be awarded by August 25, 2011; and

WHEREAS, part of the project area is in the Mid-Town Historic District which is listed on the New Jersey and National Register of Historic Places. This designation requires the City to submit plans and specification to the State Historic Preservation office (SHOP) for review and approval prior to bidding the project. The plans and specification are currently 95 percent complete and will be submitted to SHPO within the next thirty (30) days; now, therefore, be it

RESOLVED that the City Council of the City of Elizabeth authorizes the proper City Officials to request the New Jersey Department of Transportation grant the City of Elizabeth an extension of six (6) months, extending the award date for the FY 2010 Transit Village Program, North Broad Street Streetscape, from August 25, 2011 to February 25, 2012 for the reasons stated hereinabove.

Which was adopted by the following vote:

AFFIRMATIVE: Perkins-Auguste, Cuesta, [redacted] Grova, Gonzalez, [redacted], Gallman, [redacted] and President Keenan - 6

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the Director of the Department of Public Works has advised that on July 26, 2011, the undersigned received six (6) bids for the Elizabeth River Trail – Phase 1; and

WHEREAS, the lowest responsible bidder was **Colonnelli Brothers, Inc., 409 South River Street, Hackensack, New Jersey 07601,** for the Elizabeth River Trail Phase 1 in the amount of $1,317,168.00; and

WHEREAS, the City has received funding for this project from the Federal Highway Administration, High Priority Project administered through the New Jersey Department of Transportation, in the amount not to exceed$359,960.00 and a grant and low interest loan from the Green Acres Program in the amount of $1,153,673.00. The project consists of a hardscape and landscape project along the southern edge of the Elizabeth River between South Broad Street and Bridge Street. The award is subject to approval of the NJDOT; and

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available and appropriated for this purpose and Certification No. 12-00650, charging the amount of $957,208.00 to Account No. X-04-55-999-X36-001, and Certification No. 12-00649, charging the amount of $359,960.00 to Account No. G-02-41-855-12 of the Municipal Budget are on file in the Office of the City Clerk; now, therefore, be it

RESOLVED that the City Council of the City of Elizabeth authorizes the award of a contract to the lowest responsible bidder, **Colonnelli Brothers, Inc., 409 South River Street, Hackensack, New Jersey 07601** for the Elizabeth River Trail Phase 1, in the amount of $1,317,168.00 and authorizes the proper City Officials to execute the same.. This project has received funding from the Federal Highway Administration, High Priority Project administered through the New Jersey Department of Transportation, in the amount not to exceed $359,960.00 and a grant and low interest loan from the Green Acres Program in the amount of $1,153,673.00. The project consists of a hardscape and landscape project along the southern edge of the Elizabeth River between South Broad Street and Bridge Street. The award is subject to approval of the NJDOT.

Which was adopted by the following vote:

AFFIRMATIVE: Perkins-Auguste, Cuesta, [redacted]
Grova, Gonzalez, [redacted], Gallman, [redacted]
and President Keenan - 6

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, Melly Mell Productions, Inc., on behalf of the Elizabeth Latin Chamber of Commerce, (CAMACOL)requests permission to conduct their 29th Annual Carnaval Elizabeth, to be held on Labor Day Weekend, September 4, 2011 and September 5, 2011, between the hours of 12:00 noon to 8:00 p.m. on Elizabeth Avenue, from New Point Road to Fourth Street, Elizabeth, New Jersey; now, therefore, be it

RESOLVED that the City Council of the City of Elizabeth does hereby grant permission to Melly Mell Productions, Inc., on behalf of the Elizabeth Latin Chamber of Commerce, (CAMACOL) to conduct their 29th Annual Carnaval Elizabeth, to be held on Labor Day Weekend, September 4, 2011, and September 5, 2011, between the hours of 12:00 noon to 8:00 p.m. on Elizabeth Avenue, from New Point Road to Fourth Street, Elizabeth, New Jersey, on condition that it comply with all provisions contained in Chapter 72B of the Code of the City of Elizabeth

Councilman Cuesta stated that he would be happy to support this request. Also, to Mrs. Mary Arias and the Morris Midtown Business Association on their festival, hoping her a successful festival this weekend.

Which was adopted by the following vote:

AFFIRMATIVE: Perkins-Auguste, Cuesta, [redacted] Grova, Gonzalez, [redacted], Gallman, [redacted] and President Keenan - [redacted] 6

NEGATIVE: None

The regular order of business was then resumed.

NEW BUSINESS

ELIZABETH AVENUE SPECIAL IMPROVEMENT DISTRICT BUDGET NOTICE

Elizabeth Avenue Special Improvement District of the City of Elizabeth, County of Union, for the Fiscal Year 2012.

BE IT RESOLVED that the following statements of revenue and appropriations shall constitute the Elizabeth Avenue Special Improvement District Budget for the Fiscal Year 2012.

BE IT FURTHER RESOLVED that said Budget be published in The Star-Ledger in the issue of August 12, 2011.

NOW THEREFORE, BE IT RESOLVED that the governing body of the City of Elizabeth does hereby approve the following as the Elizabeth Avenue Special Improvement District Budget for the Fiscal Year 2012.

Recorded vote:

[redacted]

Notice is hereby given that the Elizabeth Avenue Special Improvement District Budget was approved by the City Council of the City of Elizabeth, County of Union, on July 26, 2011.

A hearing on said budget will be held at Elizabeth City Hall on August 23, 2011, at 7:30 P.M. at which time and place objections to said Budget for the Fiscal Year 2012 may be presented by Elizabeth Avenue Special Improvement District taxpayers or other interested persons.

REVENUES	
Private Sponsor	$27,000.00
UEZ	$167,062.50
Amount to be Raised by Special Improvement District	$220,000.00
Surplus Utilized	
Total Revenues	$414,062.50

APPROPRIATIONS	
Promotions	$173,982.00
Safety & Security	$49,388.00
Administration	$190,692.50
Total Appropriations	$414,062.50

Which was adopted by the following vote:

AFFIRMATIVE: Perkins-Auguste, Cuesta, [redacted] Grova, Gonzalez, [redacted], Gallman, [redacted] and President Keenan - [redacted] 6

NEGATIVE: None

[redacted]

By City Council as a Whole:

WHEREAS an emergent condition has arisen with respect to the need for payment of certain bills before the adoption of the FY 2012 budget , and no adequate provision has been made in the Fiscal Year 2012 appropriations for the aforesaid purpose, and N.J.S. 40A:4-20 provides for the creation of an emergency temporary appropriation for the purpose above mentioned, and

WHEREAS, the total emergency resolutions adopted for the Fiscal Year 2012 pursuant to the provisions of Chapter 96, P.L. 1951 (N.J.S. 40A:4-20) including this resolution total $65,536,120.07, now therefore be it

RESOLVED that in accordance with the provisions of N.J.S. 40A: 4-20

1. An emergency appropriation be and the same is hereby made for and said emergency appropriations will be provided in the FY 2012 budget under the titles of:

	Description	**Salaries and Wages**	**Other Expenses**
	Annual City Audit		1,000.00
	Single Audit		1,000.00
	Audit-Other Funds		1,000.00
	Financial Audit		1,000.00
	Grants:		
	Edward Byrne Discretionary Grant	500,000.00	
	Drunk Driving Grant 2011	4,000.00	
	Summer Food Service Program 2011		206,469.10
	subtotal	504,000.00	210,469.10
	TOTAL		714,469.10

Be it further resolved that one copy of this resolution be filed with the Director of Local Government Services.

Which was adopted by the following vote:

AFFIRMATIVE: Perkins-Auguste, Cuesta, [redacted] Grova, Gonzalez, [redacted] Gallman, [redacted] and President Keenan - 6

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the Business Administrator and the Purchasing Agent have recommended, as per the request of the Director of the Police, the award of a contract to **MOTOROLA COMMUNICATIONS & ELECTRONICS, INC., P. O. BOX 305, Bordontown, New Jersey 08505,** for the purchase of a Service Agreement for Communications Infrastructure and Maintenance on all Portable Radios for the Police and Fire Departments at a cost of $101,483.88 under State Contract #A53804; and

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available and appropriated for this purpose and Certification No. 11-09623 charging the amount of $101,483.88 to Account No. 1-01-25-240-POL-307, of the Municipal Budget is on file in the Office of the City Clerk; and

WHEREAS, the Business Administrator and the Purchasing Agent have advised that the contract in question is a purchase through a State of New Jersey Contract #A53804, requiring approval by this Governing Body in accordance with the provisions of **N.J.A.C.**5:34-1.2; now, therefore, be it

RESOLVED, that City Council of the City of Elizabeth hereby awards a contract to **MOTOROLA COMMUNICATIONS & ELECTRONICS, INC., P. O. BOX 305, Bordontown, New Jersey 08505, as** per the request of the Police Director, for the purchase of a Service Agreement for Communications Infrastructure and Maintenance on all Portable Radios for the Police and Fire Departments at a cost of $101,483.88 under State Contract #A53804.

Which was adopted by the following vote:

AFFIRMATIVE: Perkins-Auguste, Cuesta, [redacted], Grova, Gonzalez, [redacted], Gallman, [redacted] and President Keenan - [redacted] 6

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the Business Administrator has recommended that the City of Elizabeth enter into an agreement with the Elizabeth Parking Authority for the rental of 21 parking spaces in Lot No. 6 and the rental of 300 parking spaces in Lot No. 2, for a one (1) year period effective July 1, 2011 through June 30, 2012, at a rate of $25.00 per parking space per month, for the monthly cost of $8,025.00, and at a total annual cost of $96,300.00; and

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available and appropriated for this purpose and Certification No. 12-00275 charging the amount of $96,300.00 to Account No. 2-01-30-411-002-000 of the Municipal Budget is on file in the Office of the City Clerk; and

WHEREAS, this contract is awarded without competitive bidding since it is excepted under the provisions of N.J.S.A. 40A:11-5 (2) in that it is to be entered into with a subdivision of the City of Elizabeth; now, therefore, be it

RESOLVED by City Council of the City of Elizabeth that the proper City officials are hereby authorized to execute an agreement with the Elizabeth Parking Authority for the rental of 21 parking spaces in Lot No. 6 and 300 parking spaces in Lot No. 2 for a period of one (1) year effective July 1, 2011 through June 30, 2012 at a rate of $25.00 per parking space per month, for the monthly cost of $8,025.00, and at a total annual cost of $96,300.00.

Which was adopted by the following vote:

AFFIRMATIVE: Perkins-Auguste, Cuesta, [redacted], Grova, Gonzalez, [redacted], Gallman, [redacted] and President Keenan - ~~7~~ 6

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the Business Administrator and the Purchasing Agent have recommended, as per the request of the Director of the Fire Department, the award of a contract to **FIREFIGHTER ONE, 26 Gail Court, Suite 1, Sparta, New Jersey 07871,** for the purchase of Personal Protection Items & Equipment, for the period of July 1, 2011 through June 30, 2012, in the amount not to exceed $60,000.00 under Morris County Cooperative Purchasing Contract #40; and

WHEREAS, the contract in question is determined to fall within the Open-end Contract Rule 5:30-14.4 as promulgated by the State of New Jersey, Department of Community Affairs, Division of Local Government Services; and

WHEREAS, the Chief Financial Officer shall execute the Certificate of Availability of Funds at each time an order is placed, and covering the amount of the order, and said execution is to be made just before this City incurs a contractual liability on its part; now, therefore, be it

RESOLVED, that City Council of the City of Elizabeth hereby awards a contract to **FIREFIGHTER ONE, 26 Gail Court, Suite 1, Sparta, New Jersey 07871,** for the purchase of Personal Protection Items & Equipment, for the period of July 1, 2011 through June 30, 2012, in the amount not to exceed $60,000.00 under Morris County Cooperative Purchasing Contract #40.

Which was adopted by the following vote:

AFFIRMATIVE: Perkins-Auguste, Cuesta, [redacted] Grova, Gonzalez, [redacted], Gallman, [redacted] and President Keenan - X 6

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, there exists a need for billing services and premium collection and administrative services in connection with **COBRA** mandate; and

WHEREAS, the Business Administrator has recommended an award of contract be made to **DISCOVERY BENEFITS, 3216 13TH Avenue S, Fargo , ND 58103,** to provide the City of Elizabeth with billing services and premium Collection in connection with the Federal Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA) which mandates the employers who provide medical, dental, prescription drug and/or HMO coverage be required to provide employees and their dependents with the option to continue identical group health coverage after termination and/or other qualifying events for which they will be responsible for paying the premium for said coverage for the period July 1, 2011 to June 30, 2014 at a cost not to exceed $1,750.00 per year; and

WHEREAS, included in the **Discovery Benefits** service are management reports on the status of coverage elections; premium billing and collection activities which will enable the employer to better monitor compliance with the law, accounts receivable activities an adjustments for bad debt; and

WHEREAS, the fees for employee billing and premium collection are as follows:

1. Enrollment per beneficiary $ 4.50

2. Minimum Monthly Service Fee $1,000.00

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available and appropriated for this purpose and Certification No. 12-00051, charging the amount of $1,750.00 to Account No. 2-01-23-220-COB-000, of the Municipal Budget is on file in the Office of the City Clerk; and

WHEREAS, the contract is to be awarded without competitive bid as an Extraordinary, Unspecifiable Service pursuant to N.J.S.A. 40:11-5(1) (a) and N.J.S.A. 40:11-5(1) (m) which is the specific insurance exception to the advertisement for bids and bidding including the purchase of insurance coverage; and

WHEREAS, the Business Administrator has certified that this meets the statute and regulations governing the award of said contracts; now, therefore, be it

RESOLVED by City Council of the City of Elizabeth, New Jersey as follows:

1. The Mayor and the Municipal Clerk are hereby authorized and directed to execute a contract with **DISCOVERY BENEFITS, 3216 13TH Avenue S, Fargo , ND 58103,** to provide the City of Elizabeth with billing services and premium Collection in connection with the Federal Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA) which mandates the employers who provide medical, dental, prescription drug and/or HMO coverage be required to provide employees and their dependents with the option to continue identical group health coverage after termination and/or other qualifying events for which they will be responsible for paying the premium for said coverage for the period July 1, 2011 to June 30, 2014 at a cost not to exceed $1,750.00 per year.

Included in the **Discovery** Benefits service are management reports on the Status of coverage elections; premium billing and collection activities which will enable the employer to better monitor compliance with the law, accounts receivable activities an adjustments for bad debt.
\

2. Quotations were not solicited for this contract because it was determined that **DISCOVERY BENEFITS** was the most qualified firm and are presently provide the services needed at a reasonable cost. **DISCOVERY BENEFITS** has a long history in employee benefit administration services and is the seventh largest Third party Administrator in the country.

3. This service is specialized in nature inasmuch as professional expertise is required in the areas of auditing, etc. and in having the most complete knowledge of the **COBRA** mandate.

4. This cannot be described by written specifications because of the special nature of the services as described in paragraph two (2).

5. A notice of this action shall be published in **The Star Ledger.**

Which was adopted by the following vote:

AFFIRMATIVE: Perkins-Auguste, Cuesta, [redacted], Grova, Gonzalez, [redacted], Gallman, [redacted] and President Keenan - X 6

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, there exists a need for accident insurance coverage for Auxiliary Police Officers; and

WHEREAS, the Business Administrator has recommended the award of a contract to **HARTFORD INSURANCE COMPANY, One Hartford Plaza, Hartford, Connecticut 06115 (through its agent of record, Hughes-Plumer Associates)** to renew the Accident Insurance Policy covering the Auxiliary Police Officers for the period of July 1, 2011 to June 30, 2012 at an annual premium of $310.00; and

WHEREAS, this request is being made with the full concurrence of the Insurance Fund Commission; and

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available and appropriated for this purpose and Certification No. 12-00053, charging the amount of $310.00 to Account No. 2-01-23-210-INS of the Municipal Budget, is on file in the Office of the City Clerk; and

WHEREAS, the Local Public Contracts Law (**N.J.S.A.** 40A:11-1 et seq.) requires that the resolution authorizing the award of contracts for "Extraordinary, Unspecifiable Services" without competitive bids and the contract itself must be available for public inspection; and

WHEREAS, the Business Administrator has certified that this meets the statute and regulations governing the award of said contract; now, therefore, be it

RESOLVED by City Council of the City of Elizabeth, New Jersey as follows:

1. The Mayor and the City Clerk are hereby authorized and directed to execute an agreement with the **HARTFORD INSURANCE COMPANY, One Hartford Plaza, Hartford, Connecticut 06115 (through its agent of record, Hughes-Plumer Associates)** to renew an Accident Insurance Policy covering the Auxiliary Police Officers for the period July 1, 2011 to June 30, 2012 at an annual premium of $310.00.

2. The recommendation to award the contract is being made because This proposal offers a continuation of the present insurance for the purpose stated above.

3. Insurance is specialized in nature inasmuch as the companies issuing same are limited in number and must be approved by the State of New Jersey, through the Department of Insurance and Banking in order to qualify to do business within this State. New Jersey Statute 40A:11-5(1)(m) exempts the purchasing of insurance coverage from advertising for bids and bidding, which exception shall be in accordance with the requirements for Extraordinary, Unspecifiable Service in accordance with the requirements thereof.

4. This cannot be described by written specifications because of the special nature of the services as described above.

5. A notice of this action shall be published in **The Star Ledger.**

Which was adopted by the following vote:

AFFIRMATIVE: Perkins-Auguste, Cuesta, [redacted] Grova, Gonzalez, [redacted], Gallman, [redacted] and President Keenan - 6

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the Business Administrator has requested authorization to execute a contract with **Kean University, 1000 Morris Avenue, Union, New Jersey 07083,** for computer consulting services for a one year period commencing on July 1, 2011 to June 30, 2012 at a cost not to exceed $50,500.00; and

WHEREAS, Kean University will provide the following data processing and telecommunication technical service:

1. Design and integration of the complete implementation of the Geographic Information System; design and implementation of a fully integrated public safety (EPIC) human resources/payroll system; completing design interfaces of the financial system; preliminary design of a payroll system; implementing the design of an emergency response system; and design specifications for tax collection and related assessment systems.

2. Office automation needs assessment and program implementation for all Departments. Support for standard applications in word processing spreadsheet and database management.

3. Designing new information subsystems as needed, redesign of existing systems, operation system, and major application upgrade and training of DP staff to implement new designs and maintain the state-of-the-art concurrency of all subsystems. Technical assistance in developing system procedures and application and training documentation for better utilization of system resources. Design on special management reports and reconfigurations as may be needed to reorganize and realignment.

4. Development of hardware, software, telecommunication and system specification, generating bid specifications on above and maintenance contract and review of bid specification for acquisition of upgrades and additional data processing equipment and providing recommendations.

5. Technical assistance in designing networking and telecommunication for data transmission to local cluster and local area City-owned networks; and

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available and appropriated for this purpose and Certification No.12-00167 charging the amount of $50,500.00 to Account No. 12-01-20-100-ADM-302 of the Municipal Budget is on file in the Office of the City Clerk; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) requires that the resolution authorizing the award of contracts for "Extraordinary, Unspecifiable Services" without competitive bids and the contract itself must be available for public inspection; and

WHEREAS, this contract is exempt from the requirements of Chapter 2.92 of the Code of the City of Elizabeth as it is a contract with a state body, agency or authority; and

WHEREAS, the Business Administrator has certified that this meets the statute and regulations governing the award of said contract; now, therefore, be it

RESOLVED by City Council of the City of Elizabeth, New Jersey as follows:

1. The Mayor and the City Clerk are hereby authorized and directed to execute a contract with **Kean University, 1000 Morris Avenue, Union, New Jersey 07083** for computer consulting services for a one year period commencing on July 1, 2011 to June 30, 2012, at a cost not to exceed $50,500.00 based on the Universities specialized expertise in data processing and technical telecommunication field qualifying them to perform the requested services.
2. The services to be performed by Kean University are of such a technical nature as to make a description of all actions to be taken unfeasible.
3. This cannot be described by written specifications because of the special nature of the service to be provided.
4. A notice of this action shall be published in The Star Ledger

Which was adopted by the following vote:

AFFIRMATIVE: Perkins-Auguste, Cuesta, [redacted] Grova, Gonzalez, [redacted], Gallman, [redacted] and President Keenan - [redacted] 6

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, there exists a need for the services of a physician for the Elizabeth Police Department; and

WHEREAS, the Business Administrator and the Police Director have recommended that a contract be awarded to **Dr. Michael R. Zaboski, 240 Williamson Street, Suite 204, Elizabeth, New Jersey 07202,** to provide the professional services of a physician for the Elizabeth Police Department for a period of one year commencing July 1, 2011 through June 30, 2012 for a total fee of $18,000.00; and

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available and appropriated for this purpose and Certification No. 12-00169 charging the amount of $18,000.00 to Account No. 12-01-25-240-POL-302, of the Municipal Budget is on file in the Office of the City Clerk; and

WHEREAS, the Local Public Contracts Law **N.J.S.A.** 40A:11-5(1)(a) et seq. requires that the resolution authorizing the award of contracts for "Professional Services" without competitive bids and the contract itself must be available for public inspection; and

WHEREAS, pursuant to **N.J.S.A.** 19:44A-20.5 et seq., this contract is being awarded under a fair and open procedure; and

WHEREAS, the services are being performed by a physician operating under Medical License MA 55077 of the State of New Jersey; now, therefore, be it

RESOLVED by City Council of Elizabeth as follows:

1. The Mayor and the City Clerk are hereby authorized and directed to execute a contract with **Dr. Michael R. Zaboski, 240 Williamson Street, Suite 204, Elizabeth, New Jersey 07202** to provide the professional services of a physician for the Elizabeth Police Department for a period of one year commencing July 1, 2011 through June 30, 2012 at a total fee of $18,000.00.

2. This contract is awarded without competitive bidding as a "Professional Service" in accordance with **N.J.S.A.** 40A:11-5(1) (a) of the Local Public Contracts Law because these services are being performed by a physician operating under Medical License MA55077 State of New Jersey.

3. Also, the performance of these services requires knowledge of an advanced type in a field of learning acquired by a prolonged formal course of specialized instruction and study as distinguished from general academic instruction or apprenticeship and training.

4. A notice of this action shall be printed once in **The Star Ledger**.

Which was adopted by the following vote:

AFFIRMATIVE: Perkins-Auguste, Cuesta, [redacted] Grova, Gonzalez, [redacted] Gallman, [redacted] and President Keenan - 6

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the Business Administrator has recommended that a contract be awarded to **WILLIAM H. MALONE, P. O. Box 586, Paramus, New Jersey 07653** to provide technical assistance to the City of Elizabeth in management of its insurance programs for the period July 1, 2011 through June 30, 2012 at a total cost of $25,000.00; and

WHEREAS, Mr. Malone is a resident of Elizabeth, New Jersey and has more than thirty (30) years of specialized expertise in insurance; and

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available and appropriated for this purpose and Certification No. 12-00168 charging the amount of $25,000.00 to Account No. 12-01-23-210-INS of the Municipal Budget is on file in the Office of the City Clerk; and

WHEREAS, the Local Public Contracts Law (**N.J.S.A.** 40A:11-1 et seq.) requires that the resolution authorizing the award of contracts for "Extraordinary, Unspecifiable Services" without competitive bids and the contract itself must be available for public inspection; and

WHEREAS, pursuant to **N.J.S.A.** 19:44A-20.5 et seq., this contract is being awarded under a fair and open procedure; and

WHEREAS, the Business Administrator has certified that this meets the statute and regulations governing the award of said contract; now, therefore, be it

RESOLVED by City Council of the City of Elizabeth, New Jersey as follows:

1. The Mayor and the City Clerk are hereby authorized and directed to execute a contract with **WILLIAM H. MALONE, P. O. Box 586, Paramus, New Jersey 07653** to provide technical assistance to the City of Elizabeth in management of its insurance programs for the period July 1, 2011 through June 30, 2012 at a total cost of $25,000.00.
2. Recommendation is based on the thirty (30) years of experience in specialized insurance enjoyed by William H. Malone, who is a City of Elizabeth resident.
3. The services available from William H. Malone includes all aspects of risk management necessary to determine whether a client's assets are properly protected and at the lowest possible cost.
4. A notice of this action shall be published in **The Star Ledger.**

Which was adopted by the following vote:

AFFIRMATIVE: Perkins-Auguste, Cuesta, [redacted], Grova, Gonzalez, [redacted], Gallman, [redacted] and President Keenan - 6

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the Business Administrator and Purchasing Agent per the request of the Director of the Department of Public Works have recommended the award of a contract to **BAYWAY LUMBER, 400 Ashton Avenue, Linden, New Jersey 07036**, for the purchase of Lumber and Associated Materials for various departments at a cost not to exceed $150,000.00 under Morris County Cooperative Purchasing Contract #10 for the period July 1, 2011 through June 30, 2012; and;

WHEREAS, the Chief Financial Officer shall execute the Certificate of Availability of Funds at each time an order is placed, and covering the amount of the order, and said execution is to be made just before this City incurs a contractual liability on its part; now, therefore, be it ,

WHEREAS, the Business Administrator and the Purchasing Agent have advised that the contract in question is a purchase through a State of New Jersey Contract #69730, requiring approval by this Governing Body in accordance with the provisions of **N.J.A.C**.5:34-1.2; now, therefore, be it

RESOLVED, that City Council of the City of Elizabeth hereby awards a contract to **BAYWAY LUMBER, 400 Ashton Avenue, Linden, New Jersey 07036**, for the purchase of Lumber and Associated Materials for various departments at a cost not to exceed $150,000.00 under Morris County Cooperative Purchasing Contract #10 for the period July 1, 2011 through June 30, 2012.

Which was adopted by the following vote:

AFFIRMATIVE: Perkins-Auguste, Cuesta, [redacted] Grova, Gonzalez, [redacted] Gallman, [redacted] and President Keenan - [redacted] 6

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the Business Administrator and the Purchasing Agent have recommended the award of a contract to **AUTOZONE NORTHEAST, INC., 200 Rahway Avenue, Elizabeth, New Jersey 07202**, for the purchase of Auto Parts and Accessories for the various Departments for the period of June 25, 2011 through September 25, 2011 at a cost not to exceed $35,000.00 under State Contract #71188; and

WHEREAS, the contract in question is determined to fall within the Open-end Contract Rule 5:30-14.4 as promulgated by the State of New Jersey, Department of Community Affairs, Division of Local Government Services; and

WHEREAS, the Chief Financial Officer shall execute the Certificate of Availability of Funds at each time an order is placed, and covering the amount of the order, and said execution is to be made just before this City incurs a contractual liability on its part; and

WHEREAS, the Business Administrator and the Purchasing Agent have advised that the contract in question is a purchase through a State of New Jersey Contract #71188, requiring approval by this Governing Body in accordance with the provisions of **N.J.A.C.**5:34-1.2; now, therefore, be it

RESOLVED, that City Council of the City of Elizabeth hereby awards a contract to **AUTOZONE NORTHEAST, INC., 200 Rahway Avenue, Elizabeth, New Jersey 07202**, for the purchase of Auto Parts and Accessories for the various Departments for the period of June 25, 2011 through September 25, 2011 at a cost not to exceed $35,000.00 under State Contract #71188.

Which was adopted by the following vote:

AFFIRMATIVE: Perkins-Auguste, Cuesta, [redacted] Grova, Gonzalez, [redacted], Gallman, [redacted] and President Keenan - ~~X~~ 6

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the Business Administrator and the Purchasing Agent have recommended as per the request of the Director of the Department of Public Works, the award of a contract to **CERTIFIED PRODUCTS CO., 400 West Side Avenue, Jersey City, New Jersey 07305**, for Parts and Repairs for Road Maintenance Equipment for various Departments for the period of June 30, 2011 through June 30, 2012 at a cost not to exceed $150,000.00 under State Contract #69708; and

WHEREAS, the contract in question is determined to fall within the Open-end Contract Rule 5:30-14.4 as promulgated by the State of New Jersey, Department of Community Affairs, Division of Local Government Services; and

WHEREAS, the Chief Financial Officer shall execute the Certificate of Availability of Funds at each time an order is placed, and covering the amount of the order, and said execution is to be made just before this City incurs a contractual liability on its part; and

WHEREAS, the Business Administrator and the Purchasing Agent have advised that the contract in question is a purchase through a State of New Jersey Contract #69708, requiring approval by this Governing Body in accordance with the provisions of **N.J.A.C.**5:34-1.2; now, therefore, be it

RESOLVED, that City Council of the City of Elizabeth hereby awards a contract to **CERTIFIED PRODUCTS CO., 400 West Side Avenue, Jersey City, New Jersey 07305**, as per the request of the Director of the Department of Public Works, for Parts and Repairs for Road Maintenance Equipment for various Departments for the period of June 30, 2011 through June 30, 2012 at a cost not to exceed $150,000.00 under State Contract #69708.

Which was adopted by the following vote:

AFFIRMATIVE: Perkins-Auguste, Cuesta, [redacted] Grova, Gonzalez, [redacted], Gallman, [redacted] and President Keenan - 6

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the Business Administrator and Purchasing Agent per the request of the Director of the Department of Public Works have recommended the award of a contract to **AMERICAN HOSE & HYDRAULICS CO., 700 21st Avenue, Paterson, New Jersey 07513,** for the purchase of Miscellaneous Automotive and Hydraulic Truck Parts and Repairs for Road Maintenance Equipment for various departments for the period of June 30, 2011 through June 30, 2012 a cost not to exceed $150,000.00 under State Contract #69730; and

WHEREAS, the contract in question is determined to fall within the Open-end Contract Rule 5:30-14.4 as promulgated by the State of New Jersey, Department of Community Affairs, Division of Local Government Services; and

WHEREAS, the Chief Financial Officer shall execute the Certificate of Availability of Funds at each time an order is placed, and covering the amount of the order, and said execution is to be made just before this City incurs a contractual liability on its part; now, therefore, be it,

WHEREAS, the Business Administrator and the Purchasing Agent have advised that the contract in question is a purchase through a State of New Jersey Contract #69730, requiring approval by this Governing Body in accordance with the provisions of **N.J.A.C.**5:34-1.2; now, therefore, be it

RESOLVED, that City Council of the City of Elizabeth hereby awards a contract to **AMERICAN HOSE & HYDRAULICS CO., 700 21st Avenue, Paterson, New Jersey 07513,** for the purchase of Miscellaneous Automotive and Hydraulic Truck Parts and Repairs for Road Maintenance Equipment for various departments for the period of June 30, 2011 through June 30, 2012 a cost not to exceed $150,000.00 under State Contract #69730.

Which was adopted by the following vote:

AFFIRMATIVE: Perkins-Auguste, Cuesta, [redacted] Grova, Gonzalez, [redacted] Gallman, [redacted] and President Keenan - 6

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the Business Administrator as per the request of the City Clerk, has requested authorization to award a contract for the printing of sample primary and general election ballots to **ROYAL PRINTING SERVICE, P. O. BOX 547, West New York, New Jersey 07093** in an amount not to exceed $37,502.00; and

WHEREAS, this contract has been awarded by a Fair and Open Process by the County of Union; and

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available and appropriated for this purpose and Certification No. 12-00018 charging the amount of $37,502.00 to Account No. 2-01-200120-ELE-319, of the Municipal Budget is on file in the Office of the City Clerk; now, therefore, be it

RESOLVED that the City Council of the City of Elizabeth authorizes the award of a contract to **ROYAL PRINTING SERVICE, P. O. BOX 547, West New York, New Jersey 07093** for the printing of sample primary and general election ballots for the Office of the City Clerk in the amount not to exceed $37,502.00.

Which was adopted by the following vote:

AFFIRMATIVE: Perkins-Auguste, Cuesta, [redacted] Grova, Gonzalez, [redacted], Gallman, [redacted], and President Keenan - 6

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the Business Administrator and the Purchasing Agent have recommended, as per the request of the Director of the Department of Public Works, the award of a contract to **OLD DOMINION BRUSH COMPANY, 5118 Glen Alden Drive, Richmond, VA 23231,** for the purchase of Parts and Repairs for Road Maintenance Equipment for the period of June 30, 2011 through June 30, 2012 at a cost not to exceed $250,000.00 under State Contract #69723; and

WHEREAS, the contract in question is determined to fall within the Open-end Contract Rule 5:30-14.4 as promulgated by the State of New Jersey, Department of Community Affairs, Division of Local Government Services; and

WHEREAS, the Chief Financial Officer shall execute the Certificate of Availability of Funds at each time an order is placed, and covering the amount of the order, and said execution is to be made just before this City incurs a contractual liability on its part; and

WHEREAS, the Business Administrator and the Purchasing Agent have advised that the contract in question is a purchase through a State of New Jersey Contract #69723, requiring approval by this Governing Body in accordance with the provisions of **N.J.A.C.**5:34-1.2; now, therefore, be it

RESOLVED, that City Council of the City of Elizabeth hereby awards a contract to **OLD DOMINION BRUSH COMPANY, 5118 Glen Alden Drive, Richmond, VA 23231,** as per the request of the Director of Public Works, for the purchase of Parts and Repairs for Road Maintenance Equipment for the period of June 30, 2011 through June 30, 2012 at a cost not to exceed $250,000.00 under State Contract #69723.

Which was adopted by the following vote:

AFFIRMATIVE: Perkins-Auguste, Cuesta, [redacted] Grova, Gonzalez, [redacted], Gallman, [redacted] and President Keenan - 6

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, there exists a need for the appointment of attorneys to represent the City in the defense of Civil Litigation in auto/general liability cases and matters included within the City's self-insurance program for the fiscal year July 1, 2011 to June 30, 2012; and

WHEREAS, the Local Public Contracts Law (**N.J.S.A**. 40A:11-1 et seq.) requires that the resolution authorizing the award of contracts for Professional Services without competitive bids and the contract itself must be available for public inspection; and

WHEREAS, pursuant to **N.J.S.A**. 19:44A-20.5 et seq., this contract is being awarded under a fair and open procedure; and

WHEREAS, the City Attorney has recommended an award be made in this matter to the law firm listed below; and

WHEREAS, the contract in question is determined to fall within the Open-end Contract Rule 5:30-14.4 as promulgated by the State of New Jersey, Department of Community Affairs, Division of Local Services; and

WHEREAS, Professional Service contracts are exempt from the provisions of Chapter 2.92. of the code of the City of Elizabeth; and

WHEREAS, the Chief Financial Officer shall execute the Certificate of Availability of Funds at each time an order is placed, and covering the amount of the order, and said execution is to be made just before this City incurs a contractual liability on its part; now, therefore, be it

RESOLVED by City Council of the City of Elizabeth that the law firm listed below is hereby authorized to act as counsel for the City of Elizabeth in matters referenced hereinabove under the following terms and conditions:

LaCorte, Bundy, Varady & Kinsella Esqs.
989 Bonnel Court
Union, New Jersey 07083

a. Civil Court Litigation at a rate of $175.00 per hour in the Trial and Appellate court. This includes all legal work necessary, but does not include reasonable expenses which are to be paid in addition to these amounts. Expenses are to include filing fees, expert witness fees, overnight mail, parking and tolls. Postage and regular photocopying are to be accounted for in the hourly rate of $175.00.

b. Legal work required to defend against late notice of claim motions and for other miscellaneous matters shall be compensated at $175.00 per hour together with reasonable expenses.

c. Subrogation claims to recover property damage losses shall be paid on the basis of 25% of the amount of recovery, plus reasonable expenses.

d. All of the foregoing costs and expenses are not to exceed $450,000.00, except as specifically authorized by resolution of this Governing body; and be it

FURTHER RESOLVED that the Purchasing Agent is hereby authorized to place sufficient orders in connection therewith, subject to the requirements of the Local Public Contracts Law and guidelines promulgated thereunder; and be it

FURTHER RESOLVED that this contract is awarded without competitive bidding as a Professional Service in accordance with **N.J.S.A**. 40A:11-5(1)(A) of the Local Public Contracts Law because the contractors are Attorneys-At-Law of the State of New Jersey and licensed to practice therein; and

FURTHER RESOLVED that a notice of this action shall be printed once in **The Star Ledger.**

Which was adopted by the following vote:

AFFIRMATIVE: Perkins-Auguste, Cuesta, [redacted], [redacted], Gonzalez, [redacted], Gallman, [redacted] and President Keenan - 5

NEGATIVE: None

EXCUSED: GROVA - 1

BY CITY COUNCIL AS A WHOLE:

WHEREAS, there exists a need for the appointment of attorneys to represent the City in the defense of Worker's Compensation cases and matters included within the City's partial self-insurance program for the fiscal year July 1, 2011 to June 30, 2012; and

WHEREAS, the Local Public Contracts Law (**N.J.S.A**. 40A:11-1 et seq.) requires that the resolution authorizing the award of contracts for Professional Services without competitive bids and the contract itself must be available for public inspection; and

WHEREAS, pursuant to **N.J.S.A**. 19:44A-20.5 et seq., this contract is being awarded under a fair and open procedure; and

WHEREAS, the City Attorney has recommended an award be made in this matter to the law firm listed below; and

WHEREAS, Professional Service contracts are exempt from the provisions of Chapter 2.92 of the code of the City of Elizabeth; and

WHEREAS, the contract in question is determined to fall within the Open-end Contract Rule 5:30-14.4 as promulgated by the State of New Jersey, Department of Community Affairs, Division of Local Services; and

WHEREAS, the Chief Financial Officer shall execute the Certificate of Availability of Funds at each time an order is placed, and covering the amount of the order, and said execution is to be made just before this City incurs a contractual liability on its part; now, therefore, be it

RESOLVED by City Council of the City of Elizabeth that the law firm listed below is hereby authorized to act as defense counsel for the City of Elizabeth in matters referenced hereinabove under the following terms and conditions:

LaCorte, Bundy, Varady & Kinsella Esqs.
989 Bonnel Court
Union, New Jersey 07083

a. Formal petitions in Workers' Compensation at a rate of $175.00 per hour for each petition which includes attendance at all hearings, negotiations, trials, appeals, etc., together with reasonable expenses.

b. At a rate of 15% of recovery of liens involving third party actions.

c. All of the foregoing costs and expenses are not to exceed $150,000.00, except as specifically authorized by resolution of this Governing body; and be it

FURTHER RESOLVED that the Purchasing Agent is hereby authorized to place sufficient orders in connection therewith, subject to the requirements of the Local Public Contracts Law and guidelines promulgated thereunder; and be it

FURTHER RESOLVED that this contract is awarded without competitive bidding as a Professional Service in accordance with **N.J.S.A**. 40A:11-5(1)(A) of the Local Public Contracts Law because the contractors are Attorneys-At-Law of the State of New Jersey and licensed to practice therein; and

FURTHER RESOLVED that a notice of this action shall be printed once in **The Star Ledger,**

Which was adopted by the following vote:

AFFIRMATIVE: Perkins-Auguste, Cuesta, [redacted] Gonzalez, [redacted], Gallman, [redacted] and President Keenan - [redacted] 5

NEGATIVE: None

EXCUSED: GROVA - 1

BY CITY COUNCIL AS A WHOLE:

WHEREAS, there exists a need to retain legal counsel for representation of the City in tort litigation in situations where the law firm of **LaCorte, Bundy, Varady & Kinsella, Esqs., 989 Bonnel Court, Union, New Jersey 07083,** has conflicts of interest; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) requires that the resolution authorizing the award of contracts for Professional Services without competitive bids and the contract itself must be available for public inspection; and

WHEREAS, pursuant to N.J.S.A. 19:44A-20.5 et seq., this contract is being awarded under a fair and open procedure; and

WHEREAS, the Law Department has recommended an award be made in this matter to the following attorneys for the period of **July 1, 2011 to June 30, 2012:**

Kologi • Simitz
Counsellors at Law
Edward J. Kologi
Michael S. Simitz
923 North Wood Avenue
Linden, New Jersey 07036

Robert F. Renaud, Esq.
PALUMBO & RENAUD
Attorneys at Law
190 North Avenue East (Rte 28)
Cranford, New Jersey 07016

Daniel Antonelli, Esq.
DANIEL ANTONELLI, L.L.C.
2004 Morris Avenue
Union, New Jersey 07083

Peter H. Spaeth
Wolff, Helies, Duggan, Spaeth & Lucas
Counsellors at Law
Valley Park Professional Center
2517 Highway 35
Building K, Suites 201 & 202
Manasquan, New Jersey 08736-1994

Guy P. Ryan, Esq.
Secare, Ryan & Hensel
16 Madison Avenue
Building 1
Toms River, New Jersey 08753

Kraig M. Dowd, Esq.
Weber Dowd Law, LLC
365 Rifle Camp Road
Woodland Park, New Jersey 07424

Allan C. Roth
Roth D'Aquanni
Counsellors at Law
150 Morris Avenue
Suite 206
Springfield, New Jersey 07081

Joseph A. Ascione & Janyce M. Wilson
ASCIONE & WILSON
226 St. Paul Street
Westfield, New Jersey 07090

Raymond S. Londa
Londa & Londa
277 North Broad Street
Elizabeth, New Jersey 07208

Edwin R. Matthews
Bourne, Noll & Kenyon
382 Springfield Avenue
Box 690
Summit, New Jersey 07902

WHEREAS, the contract in question is determined to fall within the Open-end Contract Rule 5:30-14.4 as promulgated by the State of New Jersey, Department of Community Affairs, Division of Local Services; and

WHEREAS, the Chief Financial Officer shall execute the Certificate of Availability of Funds at each time an order is placed, and covering the amount of the order, and said execution is to be made just before this City incurs a contractual liability on its part; now, therefore, be it

RESOLVED by City Council of the City of Elizabeth that the Mayor and City Clerk are hereby authorized to enter into a contract with **the attorneys listed hereinabove**, to act as counsel for the City of Elizabeth in tort litigation, where the law firm of LaCorte, Bundy, Varady & Kinsella, Esqs. has conflicts of interest under the following terms and conditions:

a. Civil Court Litigation at a rate of $175.00 per hour in the Trial and Appellate court. This includes all legal work necessary, but does not include reasonable expenses which are to be paid in addition to these amounts. Expenses are to include filing fees, expert witness fees, overnight mail, parking and tolls. Postage and regular photocopying are to be accounted for in the hourly rate of $175.00.

b. Legal work required to defend against late notice of claim motions and for other miscellaneous matters shall be compensated at $175.00 per hour together with reasonable expenses.

c. Subrogation claims to recover property damage losses shall be paid on the basis of 25% of the amount of recovery, plus reasonable expenses.

d. All of the foregoing costs and expenses are not to exceed $65,000.00, for each attorney except as specifically authorized by resolution of this Governing body; and be it

[redacted]

FURTHER RESOLVED that the Purchasing Agent is hereby authorized to place sufficient orders in connection therewith, subject to the requirements of the Local Public Contracts Law and guidelines promulgated thereunder; and be it

FURTHER RESOLVED that this contract is awarded without competitive bidding as a Professional Service in accordance with N.J.S.A. 40A:11-5(1)(A) of the Local Public Contracts Law because the contractor is an Attorney-At-Law of the State of New Jersey and licensed to practice herein; and be it

FURTHER RESOLVED that a notice of this action shall be printed once in **The Star Ledger.**

Which was adopted by the following vote:

AFFIRMATIVE: Perkins-Auguste, Cuesta, [redacted] Gonzalez, [redacted], Gallman, [redacted] and President Keenan - 5

NEGATIVE: None

EXCUSED: GROVA -1

BY CITY COUNCIL AS A WHOLE:

WHEREAS, there exists a need to provide legal services in connection with the Elizabeth Midtown Redevelopment Project; and

WHEREAS, the Local Public Contracts Law (**N.J.S.A**. 40A:11-1 et seq.) requires that the resolution authorizing the award of contracts for "Professional Services" without competitive bids and the contract itself must be available for public inspection; and

WHEREAS, Professional Service contracts are exempt from the provisions of Chapter 2.92.of the Code of the City of Elizabeth; and

WHEREAS, the contract in question is determined to fall within the Open-end Contract Rule 5:30-14.4 as promulgated by the State of New Jersey, Department of Community Affairs, Division of Local Government Services; and

WHEREAS, the Chief Financial Officer shall execute the Certificate of Availability of Funds at each time an order is placed, and covering the amount of the order, and said execution is to be made just before this City incurs a contractual liability on its part; and

WHEREAS, pursuant to **N.J.S.A**. 19:44A-20.5 et seq., this contract was solicited and is being awarded pursuant to a fair and open procedure; and

WHEREAS, the Law Department has recommended the award of this contract to **Ascione & Wilson Attorneys at Law, 226 St. Paul Street, Westfield, New Jersey; now,** therefore, be it

RESOLVED by City Council of the City of Elizabeth as follows:

1. The Mayor and City Clerk are hereby authorized and directed to execute a contract with **ASCIONE & WILSON, Attorneys at Law, 226 St. Paul Street, Westfield, New Jersey 07090,** for the purpose of rendering legal services in conjunction with the Midtown Redevelopment Project for the period July 1, 2011 through June 30, 2012 at the rate of $175.00 per hour at for an amount not to exceed $90,000.00 without further authorization by your Honorable Body.

2. This contract is awarded without competitive bidding as a "Professional Service" under the provisions of the Local Public Contracts Law because **N.J.S.A.** 40A:5-11 exempts from bidding professional services, and the services rendered are to be performed by a person authorized by law to practice a recognized profession and whose profession is regulated by law and which requires knowledge of an advanced type in a field of learning acquired by a prolonged formal course of specialized instruction; distinguished from general academic instruction or apprenticeship and training.

3. A notice of this action shall be printed once in **The Star Ledger.**

Which was adopted by the following vote:

AFFIRMATIVE: Perkins-Auguste, Cuesta, [redacted], Gonzalez, [redacted], Gallman, [redacted] and President Keenan - 5

NEGATIVE: None

EXCUSED: GRORA - 1