

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

**REGULAR MEETING - TUESDAY, SEPTEMBER 27, 2011**

**7:30 P. M.**

**AGENDA**

ROLL CALL.

PRAYER AND PLEDGE OF ALLEGIANCE TO THE FLAG.

PUBLIC SPEAKING.

**PUBLIC HEARINGS**

- ORD. NO. 4246 - Grant an encroachment permit to Sovereign Consulting, Inc., 111-A North Gold Drive, Robbinsville, N.J., for the installation of two (2) groundwater monitoring wells in the public right-of-way of Fairmount Avenue in the vicinity of the Shell Service Station at 574 Newark Avenue.
- ORD. NO. 4247 - Rescind Ord. No. 4212, adopted May 11, 2011, which authorized the execution of a lease agreement with the National Retail Skills Federation,
- ORD. NO. 4248 - Authorize the proper City officials to enter into a lease agreement with JG Elizabeth, LLC., 180 East Broad Street, Columbus, Ohio, for space at the Jersey Gardens Mall, commencing November 1, 2011, with an expiration date of October 31, 2016, at no cost to the City.

**PETITIONS, COMMUNICATIONS, ETC.**

By the Clerk:

Letter dated September 15, 2011, from His Honor the Mayor, subject to confirmation, herewith reappoints the Honorable Richard Obuch, 1049 Coolidge Road, Elizabeth, N.J., to serve as a Judge of the Municipal Court for another term of three years, effective October 1, 2011.  
Which was received.

By the Clerk:

Letter dated September 9, 2011, from the Business Administrator requesting authorization for Three Star Transportation, Inc. (Three Star) to operate in the City of Elizabeth as an Autobus, pursuant to Chapter 5.16 of the Code of the City of Elizabeth; traveling to and from Newark, Sayreville, Dayton and Monroe, N.J.; the vans will be parked at 509 Lee Avenue, North Brunswick, N.J.  
Which was received.

PETITIONS, COMMUNICATIONS, ETC.

By the Clerk:

Letter dated September 9, 2011, from the Business Administrator requesting authorization for VIP, LLC (VIP) to operate in the City of Elizabeth as an Autobus, pursuant to Chapter 5.16 of the Code of the City of Elizabeth; traveling to and from Edison, Carteret, Linden, Rahway, South Plainfield, and South Brunswick, N.J.; the vans will be parked at 159 New Brunswick Avenue, Perth Amboy, N.J.

Which was received.

By the Clerk:

Letter dated September 9, 2011, from the Business Administrator requesting authorization for the proper City officials to renew participation with and sign an agreement with the Morris County Cooperative Pricing Council for the period of October 1, 2011 through September 30, 2016, in the amount of \$1,000.00 per year.

Which was received.

By the Clerk:

Letter dated September 16, 2011, from the Business Administrator, advising that being satisfied that an emergency did exist, recommends the award of a contract to Big Top Contractors, Inc., 31 Elliot Street, Avenel, N.J., for the immediate demolition of 1011 East Grand Street, Elizabeth, in the amount of \$16,375.00.

Which was received.

By the Clerk:

Letter dated September 16, 2011, from the Business Administrator, advising that being satisfied that an emergency did exist, recommends the award of a contract to JPM Demolition, P.O. Box 5828, Newark, N.J., for the immediate demolition of 632 Trumbull Street, Elizabeth, in the amount of \$15,800.00.

Which was received.

By the Clerk:

Letter dated September 16, 2011, from the Business Administrator recommending the award of a contract to Bengal Enterprises, Inc., t/a Penn Auto Painting, 527 Pennsylvania Avenue, Elizabeth, for the furnishing of Repairs and Painting of City Vehicles in the amount of \$15,460.00.

Which was received.

By the Clerk:

Letter dated September 16, 2011, from the Business Administrator recommending the award of a contract to Saf-Gard Shoe Company, Nixon Plaza, 2058 Route 27, Edison, N.J., for Safety Boots for the Public Works Department laborers, Recreation Department laborers and Health Department dog wardens for the period of September 1, 2011 through December 31, 2011, at a total cost not to exceed \$25,000.00, under the Morris County Co-Op.

Which was received.

By the Clerk:

Letter dated September 16, 2011, from the Business Administrator recommending the award of a contract to Public Service Electric & Gas Co., 472 Weston Canal Road, Somerset, N.J., for the purchase of three (3) 25 foot Deco Poles with attachments for the Safe Streets to Transit Streetscape, West Jersey Street, between Union Street and Broad Street, in the amount of \$17,054.43.

Which was received.

**PETITIONS, COMMUNICATIONS, ETC.**

By the Clerk:

Letter dated September 16, 2011, from the Business Administrator recommending the award of a contract to Flemington Chevy, Buick, GMC, Cadillac, LLC, 211 Route 202 & 31 South, Flemington, N.J., for the purchase of four (4) 2012 GMC Sierra 3500 DHD 4 WD Trucks replacing Trucks No. 8, 15, 28, and 30, which have been scrapped, at a cost of \$64,823.00 each, totaling \$259,292.00.

Which was received.

By the Clerk:

Letter dated September 16, 2011, from the Business Administrator recommending the award of a contract to W. W. Grainger, Inc., Grainger Industrial Supply Division, 55 Jackson Drive, Cranford, N.J., for Industrial Maintenance Repair Operation Supplies and Equipment for various departments for the period of September 15, 2011 through September 14, 2013, at a cost not to exceed \$120,000.00.

Which was received.

By the Clerk:

Letter dated September 19, 2011, from the Business Administrator requesting authorization for the proper City officials to execute a contract with TALX Employer Services, 11432 Lackland Road, St. Louis, MO, for unemployment insurance cost control services, for the period of July 1, 2011 through June 30, 2013, at a total cost of \$7,520.00.

Which was received.

By the Clerk:

Letter dated September 19, 2011, from the Business Administrator requesting authorization for the proper City officials to enter into and execute an agreement to participate in the Union County Newly Forming Energy Co-Op, as well as to enter into and execute an agreement with Birdsall Services Group, Inc., 65 Jackson Drive, Cranford, N.J., to serve as the designated energy consultant to conduct and administer Reverse On-Line Bids for Energy, at no cost to the City; the County will make the application to the Division of Local Government Services for approval of the energy procurement waiver on behalf of all co-op members.

Which was received.

By the Clerk:

Letter dated September 19, 2011, from the Business Administrator requesting that City Council reject the sole bid received on September 13, 2011, for one (1) EMS CBRNE/Decon support vehicle for the Fire Department, Ambulance Service Bureau and authorize the Purchasing Agent to re-advertise with revised specifications.

Which was received.

By the Clerk:

Letter dated September 20, 2011, from the Business Administrator requesting to rescind a resolution dated December 21, 2010, between the Union County Utilities Authority and the City entering into a Municipal Waste Disposal Agreement, and that City Council consider authorizing the execution of the First Amendment to the Local Waste Agreement to reflect the reduced term of the Agreement through 2031.

Which was received.

By the Clerk:

Letter dated September 8, 2011, from the Chief Financial Officer requesting authorization for the Tax Collector to refund/credit all taxes billed to Mr. Joseph Lipke as of July 20, 2011, on the property located at 216-218 Halsted Road, being qualified for 100% disability as established by the U.S. Department of Veterans Affairs, in the amount of \$2,758.62.

Which was received.

**PETITIONS, COMMUNICATIONS, ETC.**

By the Clerk:

Letter dated September 19, 2011, from the Chief Financial Officer requesting authorization for the Tax Collector to refund/credit an over-billing of the 2011 property taxes on the property located at 828-830 Park View Terrace in the sum of \$2,277.80.

Which was received.

By the Clerk:

Letter dated September 20, 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 September 20, 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 September 20, 2011, from the Chief Financial Officer requesting authorization for the Tax Collector to credit said individual's taxes entitled to a Senior Citizen, Disability Deduction, and/or Veteran Deduction for the 2011 Tax Year as per delineated list totaling \$1,750.00.

Which was received.

By the Clerk:

Letter dated September 9, 2011, from the Director of Planning and Community Development requesting authorization for the proper City officials to execute any and all documents necessary to Discharge the City's second mortgage, Basic Owner-Occupied Program, and cancellation of the affordability agreement on the property located at 162 Smith Street, in the amount of \$1,411.00.

Which was received.

By the Clerk:

Letter dated September 19, 2011, from the Director of Planning and Community Development requesting an amendment to a resolution adopted May 24, 2011, which authorized reallocation and reprogrammed previously approved funds for the Elizabeth Development Company (EDC) to clean-up residual pre-approved balances from CD-26 through CD-36 Community Development Block Grant (CDBG) funds, specifically to reprogram from the EDC First Street Project to the new Elizabethport Presbyterian Center for the purchase of furniture in the amount of \$36,000.00.

Which was received.

By the Clerk:

Letter dated September 19, 2011, from the Director of Planning and Community Development requesting an amendment to a resolution adopted June 22, 2010, which authorized a Deferred Payment Loan, to Brand New Day, Inc. for the rehabilitation/ conversion of 217-219 First Street into condominiums under the City's For Sale Housing Program, specifically to proceed as a rental project, under the City's Rental Housing Program, in the amount of \$230,000.00 in HOME Funds and \$40,000.00 of CDBG funds totaling \$270,000.00.

Which was received.

**PETITIONS, COMMUNICATIONS, ETC.**

By the Clerk:

Letter dated September 12, 2011, from the Director of Public Works requesting permission to establish liens on 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 \$9,254.91.  
Which was received.

By the Clerk:

Letter dated September 19, 2011, from the Director of Public Works recommending the award of a contract to Netta Architects, 25 Route 22, East, Suite 290, Springfield, N.J., to provide professional architectural services in connection with the City Hall cupola restoration project at a cost not to exceed \$24,500.00.  
Which was received.

By the Clerk:

Letter dated September 19, 2011, from the Director of Public Works requesting approval of Change Order No. 1 to the contract awarded to Maser Consulting, P.A., for the design and construction management for the Mickey Walker Spray Park Facility, specifically to provide professional engineering services for an additional 12 foot by 40 foot shade structure at an additional cost not to exceed \$4,400.00, raising the contract amount to \$164,400.00.  
Which was received.

By the Clerk:

Letter dated April 7, 2011, from Olivio E. Barardo, 284 Kipp Avenue, Elmwood Park, N.J., requesting that City Council consider authorizing the Release of Bond for the setting of three (3) monuments instead of four (4) on the property located at 637-643 Jefferson Avenue in the amount of \$1,800.00.  
Which was received.

By the Clerk:

Letter dated September 14, 2011, from the Union County Utilities Authority, 1499 Routes 1 & 9 North, Rahway, N.J., in order to finalize the proposed extension of the contract and to receive the \$12.00 per ton reduction in disposal costs retroactive to January 1, 2011, it will be necessary for City Council to consider authorizing the execution of the First Amendment to the Local Waste Agreement to reflect the reduced term of the agreement through 2031, subject to final approval by the N.J. Department of Environmental Protection.  
Which was received.

By the Clerk:

Letter dated September 19, 2011, from the UNICO National, Elizabeth Chapter, N.J., requesting that City Council consider declaring the month of October, Italian-American Heritage Month; flag raising ceremony to be held at City Hall on October 6, 2011 at 12:00 p.m.  
Which was received.

**REPORTS OF CITY OFFICERS**

By the Clerk:

Letter September 27, 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, September 21, 2011.  
Which was received.

**ORDINANCES ON FIRST READING**

**MOTION TO REMOVE FROM THE TABLE**

ORD. NO. 4249 - Authorize the proper City officials to enter into a long term tax abatement agreement (PILOT) with Danic URC for Danic Two Urban Renewal Corporation, 64-138 Atalanta Plaza, to provide an estimated Annual Service Charge to the City in an amount in excess of \$200,000.00 for thirty (30) years.

**MOTION TO REMOVE FROM THE TABLE**

ORD. NO. 4250 - Authorize an amendment to Chapter 12.56.040, of the Code of the City of Elizabeth, entitled "Festivals," specifically to amend license fees.

**PUBLIC HEARING AND FURTHER CONSIDERATION OF THE FOREGOING ORDINANCES SHALL TAKE PLACE AT THE CITY COUNCIL MEETING TO BE HELD TUESDAY, OCTOBER 11, 2011, AT 7:30 P.M.**

**ORDINANCES ON FINAL PASSAGE**

ORD. NO. 4246 - Grant an encroachment permit to Sovereign Consulting, Inc., 111-A North Gold Drive, Robbinsville, N.J., for the installation of two (2) groundwater monitoring wells in the public right-of-way of Fairmount Avenue in the vicinity of the Shell Service Station at 574 Newark Avenue.

ORD. NO. 4247 - Rescind Ord. No. 4212, adopted May 11, 2011, which authorized the execution of a lease agreement with the National Retail Skills Federation,

ORD. NO. 4248 - Authorize the proper City officials to enter into a lease agreement with JG Elizabeth, LLC., 180 East Broad Street, Columbus, Ohio, for space at the Jersey Gardens Mall, commencing November 1, 2011, with an expiration date of October 31, 2016, at no cost to the City.

**NEW BUSINESS**

Authorize Temporary Emergency appropriations for the 2012 Fiscal Year Municipal and Sewer Utility Budgets in the amount of \$46,199,800.00.

Certify to the State of New Jersey Local Finance Board that each member of City Council has reviewed and is familiar with, as a minimum, the sections of the 2010 Annual Audit Report entitled: General Comments/Recommendations.

Confirm the reappointment of Honorable Richard Obuch, 1049 Coolidge Road, Elizabeth, N.J., to serve as a Judge of the Municipal Court for a term of three (3) years effective October 1, 2011.

Authorize the proper City officials to execute an agreement to renew participation with the Morris County Cooperative Pricing Council for the period October 1, 2011 through September 30, 2016, at a cost of \$1,000.00 per year.

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

Authorize the award of a contract to Bengal Enterprises, Inc., t/a Penn Auto Body & Painting, 527 Pennsylvania Avenue, Elizabeth, N.J., for the furnishing of repairs and painting of City vehicles in the amount of \$15,460.50.

Authorize the award of a contract to Saf-Gard Safety Shoe Company, Nixon Plaza, 2058 Route 27, Edison, N.J., for the purchase of safety boots for City of Elizabeth laborers, under the Morris County Co-Op, for the period September 1, 2011 to December 31, 2011, in an amount not to exceed \$25,000.00.

Authorize the award of a contract to Public Service Electric and Gas Company, 472 Weston Canal Road, Somerset, N.J., for the purchase of three (3) 25 foot Deco Poles with attachments for the Safe Streets to Transit Streetscape Project, West Jersey Street, between Union Street and Broad Street, in the amount of \$17,054.43.

Authorize the award of a contract to Flemington Chevy, Buick, GMC, Cadillac, LLC., 211 Routes 202 and 31 South, Flemington, N.J., for the purchase of four (4) 2012 GMC Sierra 4 WD trucks, for the Department of Public Works at a total cost of \$259,292.00.

Authorize the award of a contract to W.W. Grainger, Inc., Grainger Industrial Supply Division, 55 Jackson Drive, Cranford, N.J., for Industrial Maintenance Repair Operation Supplies and Equipment for various departments for the period September 15, 2011 through September 14, 2013, at a cost not to exceed \$120,000.00.

Authorize the proper City officials to execute a contract with TALX Employer Services, 11432 Lackland Road, St. Louis, MO, to provide the City with Unemployment Cost Control Services for the period July 1, 2011 to June 30, 2013, at a total cost of \$7,520.00.

Authorize the proper City officials to execute an agreement to participate in the Union County Newly Forming Energy Co-Op and with State pre-approved vendor, Birdsall Services Group, Inc., 65 Jackson Drive, Cranford, N.J., to serve as the Designated Energy Consultant to conduct and administer reverse on-line bids for energy at no cost to the City.

Authorize the award of a contract to Netta Architects, 25 Route 22 East, Springfield, N.J., to provide architectural services in connection with the City Hall cupola restoration project, at a cost not to exceed \$24,500.00.

Authorize the Release of Bond in the amount of \$1,800.00 to Mr. Olivio E. Barardo, 284 Kipp Avenue, Elmwood Park, N.J., for the setting of three (3) monuments at 637-643 Jefferson Avenue.

Authorize the proper City officials to execute all necessary documents to discharge a Basic Owner-Occupied Program second mortgage held by the City on the property located at 162 Smith Street, and further authorize the cancellation of the Affordability Agreement.

Rescind a resolution adopted December 21, 2010, authorizing an amendment to the Municipal Waste Disposal Agreement with the Union County Utilities Authority and the City.

Authorize the proper City officials to execute the First Amendment to the Municipal Waste Disposal Agreement between the Union County Utilities Authority and the City of Elizabeth to reduce the term of the agreement through 2031.

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

Amend a resolution adopted May 24, 2011, which authorized reallocation of previously approved Community Development Block Grant funds for the Elizabeth Development Company, specifically to transfer funds from the Elizabeth Development Company First Street Project to the Elizabethport Presbyterian Center for the purchase of furniture in the amount of \$36,000.00.

Amend a resolution adopted June 22, 2010, authorizing a Deferred Payment Loan to Brand New Day, Inc., for the 217-219 First Street Project under the City's "For Sale" Housing Program, specifically to proceed with the project as a Rental Project under the City's Rental Housing Program in the amount of \$230,000.00 in HOME Funds and \$40,000.00 of CDBG Funds, totaling \$270,000.00.

Authorize Change Order No. 1 to the contract awarded to Maser Consulting, P.A., for the design and construction management for the Mickey Walker Spray Park facility at a cost not to exceed \$160,000.00, specifically to provide an additional shade structure at a cost not to exceed \$4,400.00, raising the contract amount to \$164,400.00.

Reject the sole bid received on September 13, 2011, for one (1) EMS CBRNE/Decon support vehicle for the Fire Department, Ambulance Service Bureau, and authorize the Purchasing Agent to readvertise with revised specifications.

Authorize the Tax Collector to credit/refund a 100% disability veteran deduction for the remainder of Tax Year 2011 in the amount of \$2,758.62 to Mr. Joseph Lipke, 216-218 Halsted Road.

Authorize the Tax Collector to refund/credit an overbilling of taxes on the property located at 828-830 Park View Terrace for Tax Year 2011 in the amount of \$2,277.80.

Authorize the Tax Collector to credit senior citizen, disability and/or veteran tax deductions for the Tax Year 2011, pursuant to a delineated list submitted September 20, 2011, in the total amount of \$1,750.00.

Authorize the proper City officials to permit Three Star Transportation, Inc., (Three Star), 509 Lee Avenue, North Brunswick, N.J., to operate as an Autobus, pursuant to Chapter 5.16 of the Code of the City of Elizabeth, travelling to and from Newark, Sayerville, Dayton and Monroe, N.J., and utilizing the parking of vans at 509 Lee Avenue, North Brunswick.

Authorize the proper City officials to permit VIP, LLC., (VIP), 159 New Brunswick Avenue, Perth Amboy, N.J., to operate as an Autobus, pursuant to Chapter 5.16 of the Code of the City of Elizabeth, travelling to and from Edison, Carteret, Linden, Rahway, South Plainfield and South Brunswick, N.J. and utilizing the parking of vans at 159 New Brunswick Avenue, Perth Amboy, N.J.

Establish liens for the removal and disposal of debris on properties listed on Schedule A, in the total amount of \$9,254.91.

Establish a handicapped parking space in front of the premises located at 14 Rankin Street.

Establish a handicapped parking space in front of the premises located at 321 Centre Street.

Declare the month of October, 2011, as Italian-American Heritage Month and their flag raising in front of City Hall on October 6, 2011, at 12 Noon.

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

Amend the 2011 Annual Meeting Notice of City Council to reschedule the pre meeting conference from Tuesday, November 15, 2011 to Monday, November 14, 2011 at 7:30 p.m. in Room No. 307.

Adopt a resolution demanding the immediate resignation of Ms. Marie Munn, President of the Elizabeth Board of Education, in view of the recent findings by the State Attorney General's Office.

Pay Utility Bills.

Approve Bingo and Raffle licenses.

**COMMENDATIONS**

**MEMORIALS**

Lillian Padas

**ADJOURNMENT**