

**PROCEEDINGS OF CITY COUNCIL**

**(OFFICIAL)**

**ELIZABETH, N.J.**

Tuesday Evening  
April 13, 2010  
7:30 p.m.

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

President Frank J. Cuesta 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, Chap. 231, P.L. 1975 on December 23, 2009.

PRESENT: Council Members-at-Large: Patricia Perkins-Auguste; Edward Jackus;  
Council Members: Manny Grova, Jr., 1st Ward;  
Nelson Gonzalez, 2nd Ward; Joseph Keenan, 3rd Ward;  
██████████, 4th Ward; William Gallman, Jr., 5th Ward;  
Frank O. Mazza, 6th Ward; and  
President Frank J. Cuesta, Council Member-at-Large **A 8**

ABSENT: Cedeno - 1

NOTE: Councilman Grova arrived at the meeting at 7:55 p.m. and assumed his seat.

ALSO PRESENT: Raymond T. Bolanowski, First Assistant City Attorney

Councilman Gonzalez delivered the opening prayer and led all present in the Pledge of Allegiance to the American Flag.

**PUBLIC SPEAKING**

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

2

PUBLIC HEARINGS

Council President Cuesta announced that the next business in order would be a public hearing on **Ordinance No. 4122**, entitled:

AN ORDINANCE OF THE CITY OF ELIZABETH, IN THE COUNTY OF UNION, NEW JERSEY, PROVIDING FOR THE ACQUISITION OF CERTAIN PROPERTY LOCATED ON WESTFIELD AVENUE IN THE CITY OF ELIZABETH AND APPROPRIATING \$1,400,000 THEREFOR, AND PROVIDING FOR THE ISSUANCE OF \$1,330,000 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 **March 9, 2010**.

The Notice of Public Hearing was published in the Star Ledger issue of **April 1, 2010**.

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

Council President Cuesta announced that the next business in order would be a public hearing on **Ordinance No. 4123**, entitled:

AN ORDINANCE OF THE CITY OF ELIZABETH, IN THE COUNTY OF UNION, NEW JERSEY, PROVIDING FOR THE RESURFACING OF VARIOUS ROADS LOCATED IN THE CITY OF ELIZABETH AND APPROPRIATING \$4,000,000 THEREFOR, AND PROVIDING FOR THE ISSUANCE OF \$3,800,000 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 **March 9, 2010**.

The Notice of Public Hearing was published in the Star Ledger issue of **April 1, 2010**.

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

3

~~PUBLIC HEARINGS~~

Council President Cuesta announced that the next business in order would be a public hearing on **Ordinance No. 4124**, entitled:

AN ORDINANCE OF THE CITY OF ELIZABETH, IN THE COUNTY OF UNION, NEW JERSEY, PROVIDING FOR ROOF REPLACEMENTS TO VARIOUS BUILDINGS LOCATED IN THE CITY OF ELIZABETH AND APPROPRIATING \$2,200,000 THEREFOR, AND PROVIDING FOR THE ISSUANCE OF \$2,090,000 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 **March 9, 2010**.

The Notice of Public Hearing was published in the Star Ledger issue of **April 1, 2010**.

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

Council President Cuesta announced that the next business in order would be a public hearing on **Ordinance No. 4125**, entitled:

AN ORDINANCE OF THE CITY OF ELIZABETH, IN THE COUNTY OF UNION, NEW JERSEY, PROVIDING FOR IMPROVEMENTS TO THE FRONT STREET SOCCER FIELDS LOCATED IN THE CITY OF ELIZABETH AND APPROPRIATING \$2,750,000 THEREFOR, AND PROVIDING FOR THE ISSUANCE OF \$2,600,000 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 **March 9, 2010**.

The Notice of Public Hearing was published in the Star Ledger issue of **April 1, 2010**.

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

~~CONFIDENTIAL~~

Council President Cuesta announced that the next business in order would be a public hearing on **Ordinance No. 4126**, entitled:

AN ORDINANCE OF THE CITY OF ELIZABETH, IN THE COUNTY OF UNION, NEW JERSEY, PROVIDING FOR IMPROVEMENTS TO WATERFRONT PARK 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 **March 9, 2010**.

The Notice of Public Hearing was published in the Star Ledger issue of **April 1, 2010**.

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

Council President Cuesta announced that the next business in order would be a public hearing on **Ordinance No. 4127**, entitled:

AN ORDINANCE TO AMEND CHAPTER 10.08.010, OF THE CODE OF THE CITY OF ELIZABETH, ENTITLED "FOUR-WAY STOP INTERSECTION", SPECIFICALLY TO ADD THIRD STREET AND FULTON STREET.

This ordinance was adopted on its first reading at the meeting of City Council held on **March 23, 2010**.

The Notice of Public Hearing was published in the Star Ledger issue of **April 5, 2010**.

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

PUBLIC HEARINGS

Council President Cuesta announced that the next business in order would be a public hearing on **Ordinance No. 4128**, entitled:

**AN ORDINANCE GRANTING AN ENCROACHMENT PERMIT TO TYREE ENVIRONMENTAL CORPORATION, 2702 CINDEL DRIVE, CINNAMINSON, NEW JERSEY ON BEHALF OF GETTY SERVICE STATION, #95192, TO PERFORM SOIL SAMPLING ON EAST JERSEY STREET AT THE FORMER GETTY STATION LOCATED AT 201 EAST JERSEY STREET AS DIRECTED BY THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION TO COMPLETE ADDITIONAL REMEDIAL ACTIVITIES.**

This ordinance was adopted on its first reading at the meeting of City Council held on **March 23, 2010**.

The Notice of Public Hearing was published in the Star Ledger issue of **April 5, 2010**.

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

Council President Cuesta announced that the next business in order would be a public hearing on **Ordinance No. 4129**, entitled:

**AN ORDINANCE GRANTING AN ENCROACHMENT PERMIT TO NORDIC CONTRACTING, INC., 111 HOWARD BOULEVARD, LEDGEWOOD, NEW JERSEY ON BEHALF OF THE ELIZABETH PARKING AUTHORITY, TO INSTALL A NEW STORM WATER SEWER WITHWIN THE PUBLIC RIGHT-OF-WAY OF CALDWELL PLACE.**

This ordinance was adopted on its first reading at the meeting of City Council held on **March 23, 2010**.

The Notice of Public Hearing was published in the Star Ledger issue of **April 5, 2010**.

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

PETITIONS, COMMUNICATIONS, ETC.

By the Clerk:

Letter dated March 26, 2010, from His Honor the Mayor, on behalf of the New Jersey State League of Municipalities and Mayor Sharon Robinson-Briggs, Plainfield, N.J., liaison to the New Jersey Organ and Tissue Sharing Network, Inc., is requesting from your Honorable Body a resolution in support of organ and tissue donation; there will be a press conference in Plainfield, N.J., on April 12, 2010 at 10:00 a.m. Which was received.

By the Clerk:

Letter dated March 22, 2010, from the Business Administrator requesting authorization for the proper City officials to apply, accept and sign all appropriate documents for the Mayors' Institute on City Design Grant in order to propose the creation of an Arts District, which would highlight local art and artists throughout the community for an amount not to exceed \$25,000.00. Which was received.

By the Clerk:

Letter dated March 30, 2010, from the Business Administrator recommending the award of a contract to Edmunds & Associates, 301A Tilton Road, Northfield, N.J., for the Annual Software Maintenance for the Departments of Finance, Purchasing and Revenue in the amount of \$33,285.00. Which was received.

By the Clerk:

Letter dated April 1, 2010, from the Business Administrator recommending the award of a contract to Emtec, Inc., 11 Diamond Road, Springfield, N.J., for Hardware for Computers, Printers, Servers, Media, Software Upgrades, Printer Repairs and other Computer Equipment for various City buildings for the period April 1, 2010 to March 31, 2012, at a cost not to exceed \$50,000.00. Which was received.

By the Clerk:

Letter dated April 1, 2010, from the Business Administrator recommending the award of a contract to Turn Out Fire & Safety, Inc., 3468 Kennedy Boulevard, Jersey City, N.J., for the purchase of protective clothing and equipment for the Fire and Police Departments and the Division of Ambulance Service Bureau for the period April 1, 2010 to March 31, 2012, at a cost not to exceed \$200,000.00. Which was received.

By the Clerk:

Letter dated April 1, 2010, from the Business Administrator recommending the award of a contract Sanofi Pasteur, Inc., Discovery Drive, Swiftwater, PA, for the purchase of 200 vials of Fluzone, Influenza Vaccine at a total cost of \$21,301.80. Which was received.

By the Clerk:

Letter dated April 1, 2010, from the Business Administrator recommending the award of a contract to National Terminal, Inc., 175 Orange Street, Newark, N.J., for the purchase of diesel fuel for the Public Works Marina for the period April 1, 2010 to September 30, 2010, at a cost not to exceed \$45,000.00. Which was received.

~~CONFIDENTIAL - APRIL 10, 2010~~

~~LETTERS, COMMUNICATIONS, ETC.~~

By the Clerk:

Letter dated April 5, 2010, from the Business Administrator requesting authorization to offer 827-831 Pearl Street for sale at a minimum price of \$25,000.00 to adjoining property owners and conduct the sale on June 9, 2010. Which was received.

By the Clerk:

Letter dated April 5, 2010, from the Business Administrator requesting authorization for the Mayor to execute a Memorandum of Agreement with the City Hall Supervisors Association and the Public Health Nurses Association for the period July 1, 2009 to June 30, 2013. Which was received.

By the Clerk:

Letter dated April 6, 2010, from the Business Administrator requesting authorization for the Mayor to execute a Memorandum of Agreement with the Fireman's Mutual Benevolent Association, Local 9, for the period July 1, 2009 to June 30, 2014. Which was received.

By the Clerk:

Letter dated March 17, 2010, from the Chief Financial Officer requesting authorization for the Tax Collector to credit individuals entitled to a Senior Citizen, Disability, and/or Veteran deduction for the 2010 Tax Year as per the delineated list in the amount of \$1,500.00. Which was received.

By the Clerk:

Letter dated April 6, 2010, from the Chief Financial Officer advising that additional grants may be appropriated in the 2010 SFY Budget by budget amendments. Which was received.

By the Clerk:

Letter dated April 6, 2010, from the Chief Financial Officer recommending approval of a resolution that will enable the City to commence the In Rem Foreclosure process on City held Tax Sale Certificates. Which was received.

By the Clerk:

Letter dated March 26, 2010, from the Department of Planning and Community Development requesting an amendment to a resolution adopted November 24, 2009, which authorized the execution of an agreement for State Neighborhood Stabilization funds between the City and MAR Acquisition Group, LLC, specifically to change the name of the developer/owner to MAR Eport NSP, LLC. Which was received.

By the Clerk:

Letter dated March 26, 2010 from the Department of Planning and Community Development requesting to Amend the resolution dated November 24, 2009 which authorized the execution of an agreement for State Neighborhood Stabilization funds between the City and MAR Acquisition Group, LLC, specifically to change the name of the developer/owner to MAR New Point NSP, LLC. Which was received.

~~COMMUNICATIONS ETC~~

By the Clerk:

Letter dated April 6, 2010, from the Department of Planning and Community Development requesting to amend the resolution adopted March 23, 2010, for the Analysis of Impediments to Fair Housing Choice, specifically to amend the term of the contract from July 1, 2009 to June 30, 2010, to April 1, 2010 to July 31, 2010. Which was received

By the Clerk:

Letter dated March 17, 2010, from the Director of Public Works recommending the award of a contract to CME Associates, 3141 Bordentown Avenue, Parlin, N.J., to provide professional engineering services in connection with the design and construction administration of the 2010 Road Resurfacing Program – Phase 4, at a cost not to exceed \$68,115.00. Which was received.

By the Clerk:

Letter dated March 26, 2010, from the Director of Public Works recommending the award of a contract to Kupper LLC, 1200 Lenox Drive, Suite 101, Trenton, N.J., to provide professional engineering services in connection with the design and construction administration of the 2010 Road Resurfacing Program – Phase 3, at a cost not to exceed \$187,500.00. Which was received.

By the Clerk:

Letter dated April 5, 2010, from the Director of Public Works recommending the award of a contract to Toll Associates, PA, 388 Elmora Avenue, Elizabeth, N.J., to provide construction management services in connection with the Broad Street Streetscape project at a cost not to exceed \$64,350.00. Which was received.

By the Clerk:

Letter dated April 5, 2010, from the Director of Public Works recommending the award of a contract to the PMK Group, Inc., a Birdsall Service Group, 65 Jackson Drive, Cranford, N.J., to provide professional environmental consulting engineering services Preliminary Assessment Report in connection with the acquisition of 244-246 Harrison Street, 248-252 Harrison Street, 252-254 Union Street, 48-50 Westfield Avenue and 52 Westfield Avenue at a cost not to exceed \$5,500.00. Which was received.

By the Clerk:

Letter dated April 6, 2010, 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 boarding up of said properties in the amount of \$4,105.61. Which was received.

By the Clerk:

Letter dated April 6, 2010, 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 \$3,260.70. Which was received.

By the Clerk:

Letter dated March 23, 2010, from the Police Director requesting of your Honorable Body to continue the Supplemental Pension Benefits for Henry Murawski, who sustained permanent and serious injury in the line of duty. Which was received.

By the Clerk:

Letter dated March 26, 2010, from the Police Director requesting of your Honorable Body to continue the Supplemental Pension Benefits for Peter Campbell, who sustained permanent and serious injuries in the line of duty. Which was received.

By the Clerk:

Letter dated March 12, 2010, from Mr. William M. Lyon, Langan Engineering and Environmental Services, Inc., River Drive Center 1, Elmwood Park, N.J., requesting permission to perform environmental remediation work within the public right-of-way of South Street, Elizabethtown Gas former MGP site. Which was received.

By the Clerk:

Letter dated July 21, 2009, from Harbor Consultants, Inc, 320 North Avenue East, Cranford, N.J., on behalf of 828, LLC, conducted a final inspection of 828 Spring Street and found the site work has been completed; the Division of Engineering inspected the site and found the monuments properly set in accordance with the requirements of the N.J. Map Filing Law, the Division of Engineering recommends to refund the bond amount of \$5,400.00 to 828, LLC. Which was received.

By the Clerk:

Letter dated April 5, 2010, from the Frank O. Mazza Civic Association advising they will host the Saint Vito Procession and Feast on June 13, 2010 at 1:00 p.m. departing from St. Anthony's Church ending at the Vallatese Club Hall located at the corner of High Street and Fourth Avenue, and requesting permission to hold a small festival on June 12, 2010, from 2:30 p.m. to 9:30 p.m. Which was received.

### REPORTS OF CITY OFFICERS

By the Clerk:

Letter April 13, 2010, from the Finance Department submitting a list of all bills, claims and vouchers which have been paid as of the close of business on Friday, April 9, 2010. Which was received.

By the Clerk:

Letter dated March 9, 2010, from the Chief Financial Officer submitting the City Treasurer's report of Receipts and Disbursements for the month of October, 2009, and Statement of Bank Balances and Investments as of October 31, 2009. Which was received.

By the Clerk:

Letter dated March 9, 2010, from the Chief Financial Officer submitting the City Treasurer's report of Receipts and Disbursements for the month of November, 2009, and Statement of Bank Balances and Investments as of November 30, 2009. Which was received.

By the Clerk:

Letter dated March 23, 2010, from the Chief Financial Officer submitting the City Treasurer's report of Receipts and Disbursements for the month of December, 2009, and Statement of Bank Balances and Investments as of December 31, 2009. Which was received.

ORDINANCES ON FIRST READING

Council President Cuesta announced that the next business in order would be the introduction of Ordinance No. 4130, which was seconded by Councilman Keenan, entitled:

**AN ORDINANCE GRANTING AN ENCROACHMENT PERMIT TO LANGAN ENGINEERING AND ENVIRONMENTAL SERVICES, INC., RIVER DRIVE CENTER ONE, ELMWOOD PARK, NEW JERSEY ON BEHALF OF ELIZABHTOWN GAS, TO PERFORM ENVIRONMENTAL WORK AT THE FORMER MGP SITE WITHIN THE PUBLIC RIGHT OF WAY OF SOUTH STREET.**

The Clerk read the foregoing ordinance.

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

AFFIRMATIVE: Perkins-Auguste, Jackus, [redacted] Gonzalez, Keenan, [redacted], Gallman, Mazza, and President Cuesta - ~~8~~ 7

NEGATIVE: None

Council President Cuesta announced that the next business in order would be the introduction of Ordinance No. 4131, which was seconded by Councilman Keenan, entitled:

**AN ORDINANCE TO AMEND CHAPTER 10.16.010 OF THE CODE OF THE CITY OF ELIZABETH SPECIFICALLY RELATING TO FOUR-TON WEIGHT LIMIT, STREETS AFFECTED, EXCEPT FOR PICK-UP AND DELIVERIES.**

The Clerk read the foregoing ordinance.

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

AFFIRMATIVE: Perkins-Auguste, Jackus, [redacted] Gonzalez, Keenan, [redacted], Gallman, Mazza, and President Cuesta - ~~8~~ 7

NEGATIVE: None



Council President Cuesta announced that public notice will be published fixing Wednesday, April 27, 2010 , 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 Ordinances No. 4130 and 4131, adopted on first reading.

### ORDINANCES ON FINAL PASSAGE

Council President Cuesta announced that the next business in order would be the adoption of **Ordinance No. 4122** , which was seconded by Councilman Keenan:

AN ORDINANCE OF THE CITY OF ELIZABETH, IN THE COUNTY OF UNION, NEW JERSEY, PROVIDING FOR THE ACQUISITION OF CERTAIN PROPERTY LOCATED ON WESTFIELD AVENUE IN THE CITY OF ELIZABETH AND APPROPRIATING \$1,400,000 THEREFOR, AND PROVIDING FOR THE ISSUANCE OF \$1,330,000 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 \$1,400,000 including the sum of \$70,000 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 \$1,330,000 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 acquisition of certain property located on Westfield Avenue known as Block 11, Lots 421, 422, 1710, 1773 and 1774 on the tax maps of the City, and including all 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 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 40 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 \$1,330,000, 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 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. 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 .  
**March 9, 2010.**

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 **April 1, 2010.**

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

AFFIRMATIVE: Perkins-Auguste, Jackus, ~~Stowe~~,  
Gonzalez, Keenan, ~~Seane~~, Gallman, Mazza,  
and President Cuesta - 8 7

NEGATIVE: None

Council President Cuesta announced that the next business in order would be the adoption of **Ordinance No. 4123**, which was seconded by Councilman Keenan:

AN ORDINANCE OF THE CITY OF ELIZABETH, IN THE COUNTY OF UNION, NEW JERSEY, PROVIDING FOR THE RESURFACING OF VARIOUS ROADS LOCATED IN THE CITY OF ELIZABETH AND APPROPRIATING \$4,000,000 THEREFOR, AND PROVIDING FOR THE ISSUANCE OF \$3,800,000 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 \$4,000,000 including the sum of \$200,000 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 \$3,800,000 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 reconstruction and resurfacing of various roads in the City, as shown on a list on file with the City Clerk, 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 10 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 \$3,800,000, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An amount not exceeding \$600,000 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. The amount of obligations authorized hereunder shall be reduced to the extent that such funds are so used.

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. 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 .  
**March 9, 2010.**

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 **April 1, 2010.**

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

AFFIRMATIVE: Perkins-Auguste, Jackus, ~~Ortega~~,  
Gonzalez, Keenan, ~~Carbone~~, Gallman, Mazza,  
and President Cuesta - ~~7~~ 7

NEGATIVE: None

Council President Cuesta announced that the next business in order would be the adoption of **Ordinance No. 4124** , which was seconded by Councilman Keenan:

AN ORDINANCE OF THE CITY OF ELIZABETH, IN THE COUNTY OF UNION, NEW JERSEY, PROVIDING FOR ROOF REPLACEMENTS TO VARIOUS BUILDINGS LOCATED IN THE CITY OF ELIZABETH AND APPROPRIATING \$2,200,000 THEREFOR, AND PROVIDING FOR THE ISSUANCE OF \$2,090,000 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 \$2,200,000 including the sum of \$110,000 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 \$2,090,000 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 replacement of the roofs on various buildings in the City, including, but not limited to, Police Headquarters, Miller Evans Logan Recreation Center, Mickey Walker Recreation Center and Erxleben Recreation Center, 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 \$2,090,000, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An amount not exceeding \$330,000 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. The amount of obligations authorized hereunder shall be reduced to the extent that such funds are so used.

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. 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 .  
**March 9, 2010.**

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 **April 1, 2010.**

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

AFFIRMATIVE: Perkins-Auguste, Jackus, ~~Stewart~~,  
Gonzalez, Keenan, ~~Stewart~~, Gallman, Mazza,  
and President Cuesta - 7 7

NEGATIVE: None



Council President Cuesta announced that the next business in order would be the adoption of **Ordinance No. 4125**, which was seconded by Councilman Keenan:

AN ORDINANCE OF THE CITY OF ELIZABETH, IN THE COUNTY OF UNION, NEW JERSEY, PROVIDING FOR IMPROVEMENTS TO THE FRONT STREET SOCCER FIELDS LOCATED IN THE CITY OF ELIZABETH AND APPROPRIATING \$2,750,000 THEREFOR, AND PROVIDING FOR THE ISSUANCE OF \$2,600,000 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 \$2,750,000 including the sum of \$150,000 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 \$2,600,000 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 improvements to the Front Street Soccer Field, including, but not limited to, installation of synthetic turf, drainage improvements and other recreation field and park improvements, 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 \$2,600,000, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An amount not exceeding \$412,500 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. The amount of obligations authorized hereunder shall be reduced to the extent that such funds are so used.

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. 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 .  
**March 9, 2010.**

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 **April 1, 2010.**

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

AFFIRMATIVE: Perkins-Auguste, Jackus, [redacted],  
Gonzalez, Keenan, [redacted], Gallman, Mazza,  
and President Cuesta - 7

NEGATIVE: None

Council President Cuesta announced that the next business in order would be the adoption of **Ordinance No. 4126**, which was seconded by Councilman Keenan:

AN ORDINANCE OF THE CITY OF ELIZABETH, IN THE COUNTY OF UNION, NEW JERSEY, PROVIDING FOR IMPROVEMENTS TO WATERFRONT PARK 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.

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 the construction and installation of improvements to Waterfront

Park, including, but not limited to, erosion control measures along the waterfront, including riprap, sheeting, fencing and improvements to the recreation pier, and related work, 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 \$150,000 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. The amount of obligations authorized hereunder shall be reduced to the extent that such funds are so used.

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. 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 .  
**March 9, 2010.**

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 **April 1, 2010.**

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

AFFIRMATIVE: Perkins-Auguste, Jackus, ~~Cueva,~~  
Gonzalez, Keenan, , Gallman, Mazza,  
and President Cuesta  7

NEGATIVE: None

Council President Cuesta announced that the next business in order would be the adoption of **Ordinance No. 4127**, which was seconded by Councilman Keenan:

**AN ORDINANCE TO AMEND CHAPTER 10.08.010, OF THE CODE OF THE CITY OF ELIZABETH, ENTITLED "FOUR-WAY STOP INTERSECTION", SPECIFICALLY TO ADD THIRD STREET AND FULTON STREET.**

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

**SECTION 1.** That Chapter 10.08.010, of the Code of the City of Elizabeth be amended to add the following:

Establish a four-way stop intersection at Third Street and Fulton Street.

**SECTION 2.** All ordinances and 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 and upon approval by the Commissioner of the State Department of Transportation as 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 **March 23, 2010.**

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 **April 5, 2010.**

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

**AFFIRMATIVE:** Perkins-Auguste, Jackus, ~~Greva~~, Gonzalez, Keenan, ~~...~~, Gallman, Mazza, and President Cuesta 

**NEGATIVE:** None

Council President Cuesta announced that the next business in order would be the adoption of **Ordinance No. 4128**, which was seconded by Councilman Keenan:

**AN ORDINANCE GRANTING AN ENCROACHMENT PERMIT TO TYREE ENVIRONMENTAL CORPORATION, 2702 CINDEL DRIVE, CINNAMINSON, NEW JERSEY ON BEHALF OF GETTY SERVICE STATION, #95192, TO PERFORM SOIL SAMPLING ON EAST JERSEY STREET AT THE FORMER GETTY STATION LOCATED AT 201 EAST JERSEY STREET AS DIRECTED BY THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION TO COMPLETE ADDITIONAL REMEDIAL ACTIVITIES.**

**WHEREAS**, Tyree Environmental Corporation (Tyree) on behalf of Getty Properties Corporation (Getty) has been directed by the New Jersey Department of Environmental Protection (NJDEP) to complete additional remedial activities at the Former Getty Service Station #95192, located at 201 East Jersey Street, Elizabeth, New Jersey; and

**WHEREAS**, in the latest NJDEP correspondence dated August 3, 2009, the NJDEP has requested that petroleum impacted soil at the site be delineated to the new remediation standard, which requires one additional soil sample to be collected from within East Jersey Street; and

**WHEREAS**, this work require a one-day road opening permit consisting of soft-digging the sample location via a small vacuum trailer to identify any potential utilities or conduits located in the proposed sample location; now, therefore,

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

**SECTION 1.** - That an encroachment permit be granted to **Tyree Environmental Corporation (Tyree), 2702 Cindel Drive, Cinnaminson, New Jersey** on behalf of Getty Properties Corporation (Getty), to perform soil sampling in East Jersey Street at the former Getty Service Station #95192, located at 201 East Jersey Street as directed by the New Jersey Department of Environmental Protection to complete additional remedial activities.

**SECTION 2.** The Permittee shall provide a liability insurance certificate in the aggregate amount determined by the City Engineer for property damage and personal injury naming the City of Elizabeth as an additional insured and giving the City a 30-day notice of cancellation of policy, which appeared to be in order.

**SECTION 3.** - All ordinances or parts of ordinance 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 .  
**March 23, 2010.**

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 **April 5, 2010.**

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

AFFIRMATIVE: Perkins-Auguste, Jackus, ~~Ortega~~,  
Gonzalez, Keenan, ~~Ortega~~, Gallman, Mazza,  
and President Cuesta ~~7~~ 7

NEGATIVE: None

Council President Cuesta announced that the next business in order would be the adoption of **Ordinance No. 4129** , which was seconded by Councilman Keenan:

**AN ORDINANCE GRANTING AN ENCROACHMENT PERMIT TO NORDIC CONTRACTING, INC., 111 HOWARD BOULEVARD, LEDGEWOOD, NEW JERSEY ON BEHALF OF THE ELIZABETH PARKING AUTHORITY, TO INSTALL A NEW STORM WATER SEWER WITHIN THE PUBLIC RIGHT-OF-WAY OF CALDWELL PLACE.**

**WHEREAS**, in connection with the Elizabethtown Plaza Redevelopment Project Parking Garage and office building, **Nordic Contracting, Inc., 111 Howard Blvd., Ledgewood, New Jersey** on behalf of Elizabeth Parking Authority is requesting authorization to install a new storm water sewer consisting of approximately 200 linear feet of 15-inch reinforced concrete pipe (RCP) within the sidewalk area of the public right-of-way of Caldwell Place in the vicinity of Elizabethtown Plaza; and

**WHEREAS**, the City of Elizabeth will become the eventual owner of the proposed storm water sewer, which will be operated and maintained by E-Town Services, LLC; now, therefore,

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

**SECTION 1.** - That an encroachment permit be granted to Nordic Contracting, Inc., 111 Howard Blvd., Ledgewood, New Jersey, for the Elizabethtown Plaza Redevelopment Project Parking Garage and office building on behalf of Elizabeth Parking Authority to install a new storm water sewer consisting of approximately 200 linear feet of 15-inch reinforced concrete pipe (RCP) within the Sidewalk area of the public right-of-way of Caldwell Place in the vicinity of Elizabethtown Plaza.

**SECTION 2.** - The Permittee shall provide a liability insurance certificate in the aggregate amount determined by the City Engineer for property damage and personal injury naming the City of Elizabeth as an additional insured and giving the City a 30-day notice of cancellation of policy, which appeared to be in order.

**SECTION 3.** - All ordinances or parts of ordinance 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 .  
**March 23, 2010.**

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 **April 5, 2010.**

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

AFFIRMATIVE: Perkins-Auguste, Jackus, ~~\_\_\_\_\_~~,  
Gonzalez, Keenan, ~~\_\_\_\_\_~~ Gallman, Mazza,  
and President Cuesta - ~~7~~ 7

NEGATIVE: None

Councilwoman Perkins-Auguste **MOVED** for a Suspension of the Rules to consider resolutions which do not appear on the agenda, seconded by Councilman Keenan, and

Which was carried unanimously.

**BY CITY COUNCIL AS A WHOLE:**

**WHEREAS**, the Business Administrator has requested an amendment of an Urban Enterprise Zone (UEZ) contract for a current project titled Customer Service Skills Training and Initiative Program Phase, 2, Project No.: 10-0235-00; and

**WHEREAS**, the reasons for the amendment are for Changes in Type of Service, Changes in the Level of Service, Changes in Program Methodology and that this contract requests an increase in our current UEZ Customer Service Training Initiative Program for FY 2009-2010. Specifically, this increase would go towards funding two empowerment seminars to be held in May and June of 2010, in the amount of \$11,000.00. Therefore, the original contract amount previously approved by the UEZ Authority in the amount of \$300,000.00 will be increased to \$311,000.00; and

**WHEREAS**, the purpose of these empowerment seminars are to provide local City residents with life skills necessary for them to access & retain employment opportunities. These two seminars themselves do not create any actual jobs; now, therefore, be it

**RESOLVED** that the City Council of the City of Elizabeth authorizes the amendment of an Urban Enterprise Zone (UEZ) contract for a current project titled Customer Service Skills Training and Initiative Program Phase, 2, Project No.: 10-0235-00 for Changes in Type of Service, Changes in the Level of Service, Changes in Program Methodology and that this contract requests an increase in our current UEZ Customer Service Training Initiative Program for FY 2009-2010. This increase would go towards funding two empowerment seminars to be held in May and June of 2010, in the amount of \$11,000.00. Therefore, the original contract amount previously approved by the UEZ Authority in the amount of \$300,000.00 will be increased to \$311,000.00.

Which was adopted by the following vote:

AFFIRMATIVE: Perkins-Auguste, Jackus, ~~Greene~~,  
Gonzalez, Keenan, ~~Costello~~, Gallman, Mazza,  
and President Cuesta ~~7~~ 7

NEGATIVE: None

**BY CITY COUNCIL AS A WHOLE:**

**WHEREAS**, Autism has been diagnosed as affecting more and more children; and

**WHEREAS**, the Autism Society of America in order to make aware the growing need for concern and awareness about autism has been celebrating National Awareness Month; and

**WHEREAS**, the United States recognizes the month of April as a special opportunity to educate the public about autism and issues associated with autism in the community; and

**WHEREAS**, the City Council of the City of Elizabeth supports the efforts of the Autism Society of America in order to educate the public about autism; now, therefore, be it

**RESOLVED** that the City Council of the City of Elizabeth designates April as Autism Awareness month in the City of Elizabeth; and be it

**FURTHER RESOLVED** that the City Council of the City of Elizabeth encourages the citizens of Elizabeth to join with the Autism Society of America in bring public awareness to autism and the issues associated with autism.

Councilwoman Perkins-Auguste thanked Councilman Jackus for presenting this to City Council.

Which was adopted by the following vote:

**AFFIRMATIVE:** Perkins-Auguste, Jackus, ██████████, ██████████, Gonzalez, Keenan, ██████████, Gallman, Mazza, and President Cuesta - 8 7

**NEGATIVE:** None

The regular order of business was then resumed.

By City Council as a Whole:

RESOLVED, that the City Council of the City of Elizabeth hereby determines that the City of Elizabeth foreclose, by summary proceedings In Rem, as provided in the In Rem Foreclosure Act, the Tax Sale Certificates held by it as listed on the attached Tax Foreclosure Lists.

NOTE: The referenced list is on file in the City Clerk's Office.

Which was adopted by the following vote:

AFFIRMATIVE: Perkins-Auguste, Jackus, [redacted],  
Gonzalez, Keenan, [redacted], Gallman, Mazza,  
and President Cuesta - 7

NEGATIVE: None

**BY CITY COUNCIL AS A WHOLE:**

**WHEREAS**, in accordance with N.J.S.A 19:44A-20.4 et seq (Local Unit Pay to Play Laws), the Business Administrator, Purchasing Agent and the Supervisor of Data Processing have made a request to award a contract to **Edmunds & Associates, 301A Tilton Road, Northfield, New Jersey 08225** for the Annual Software maintenance for Financial, Purchasing and Revenue in the amount of \$33,285.00 for a period of one year; and

**WHEREAS**, the Chief Financial Officer has certified that sufficient funds are available and appropriated for this purpose and Certification No. 10-7865 charging the amount of \$33,285.00 to Account No. 0-01-20-140-DPR-307 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 **Edmunds & Associates, 301A Tilton Road, Northfield, New Jersey 08225** for the Annual Software maintenance for Financial, Purchasing and Revenue in the amount of \$33,285.00 for a period of one year.

Which was adopted by the following vote:

AFFIRMATIVE: Perkins-Auguste, Jackus, [redacted],  
Gonzalez, Keenan, [redacted], Gallman, Mazza,  
and President Cuesta **7**

NEGATIVE: *NONE*

**BY CITY COUNCIL AS A WHOLE:**

**WHEREAS**, in accordance with NJAC 5:34 it is required that the award of any contract pursuant to NJSA 40A:11-12 be awarded by resolution of the Governing Body; and

**WHEREAS**, the Business Administrator and the Purchasing Agent have recommended an award of a contract be made to **EMTEC, INC., 11 Diamond Road, Springfield, New Jersey 07081** for Hardware for Computers, printers, Servers, Media, Software Upgrades, Printer Repairs and other Computer Equipment for various City buildings for the period of April 1, 2010 through March 31, 2012 at a cost not to exceed \$50,000.00 under State Contract No. A74849; 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 the City Council of the City of Elizabeth authorizes the award of a contract to **EMTEC, INC., 11 Diamond Road, Springfield, New Jersey 07081** for Hardware for Computers, printers, Servers, Media, Software Upgrades, Printer Repairs and other Computer Equipment for various City buildings for the period of April 1, 2010 through March 31, 2012 at a cot not to exceed \$50,000.00 under State Contract No. A74849.

Which was adopted by the following vote:

**AFFIRMATIVE:** Perkins-Auguste, Jackus, ██████████  
Gonzalez, Keenan, ██████████, Galliman, Mazza,  
and President Cuesta - 7

**NEGATIVE:** None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, in accordance with NJAC 5:34 it is required that the award of any contract pursuant to NJSA 40A:11-12 be awarded by resolution of the Governing Body; and

WHEREAS, the Business Administrator and the Purchasing Agent have recommended an award of a contract be made to **TURN OUT FIRE & SAFETY, INC., 3468 Kennedy Boulevard, Jersey City, New Jersey 07307** for the purchase of Protective Clothing and Equipment for the departments of Fire, Police and the Division of ASB for the period April 1, 2010 through March 31, 2012 at a cost not to exceed \$200,000.00 under State Contract No. A76358; 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 the City Council of the City of Elizabeth authorizes the award of a contract to **TURN OUT FIRE & SAFETY, INC., 3468 Kennedy Boulevard, Jersey City, New Jersey 07307** for the purchase of Protective Clothing and Equipment for the departments of Fire, Police and the Division of ASB for the period April 1, 2010 through March 31, 2012 at a cost not to exceed \$200,000.00 under State Contract No. A76358.

Which was adopted by the following vote:

AFFIRMATIVE: Perkins-Auguste, Jackus, [redacted], Gonzalez, Keenan, [redacted] Gallman, Mazza, and President Cuesta - 8 1

NEGATIVE: None

**BY CITY COUNCIL AS A WHOLE:**

**WHEREAS**, in accordance with NJAC 5:34 it is required that the award of any contract pursuant to NJSA 40A:11-12 be awarded by resolution of the Governing Body; and

**WHEREAS**, the Business Administrator,, Purchasing Agent and the Health Director, have recommended an award of a contract be made to **SANOFI PASTEUR, INC., Discovery Drive, Swiftwater, PA 18370-0187** for the purchase of 200 vials of Fluzone: Influenza Vaccine at a total cost of \$21,301.80 under State Contract No. 73936; and

**WHEREAS**, the Chief Financial Officer has certified that sufficient funds are available and appropriated for this purpose and Certification No. 10- 08098 charging the amount of \$21,301.80 to Account No. 0-01-25-240-POL-307 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 **SANOFI PASTEUR, INC., Discovery Drive, Swiftwater, PA 18370-0187** for the purchase of 200 vials of Fluzone: Influenza Vaccine at a total cost of \$21,301.80 under State Contract No. 73936.

Which was adopted by the following vote:

**AFFIRMATIVE:** Perkins-Auguste, Jackus, ██████████  
Gonzalez, Keenan, ██████████, Gallman, Mazza,  
and President Cuesta - 7

**NEGATIVE:** None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, in accordance with NJAC 5:34 it is required that the award of any contract pursuant to NJSA 40A:11-12 be awarded by resolution of the Governing Body; and

WHEREAS, the Business Administrator and the Purchasing Agent have recommended an award of a contract be made to NATIONAL TERMINAL, INC., 175 Orange Street, Newark, New Jersey 07103 for the purchase of Diesel Fuel for the Public Works Marina for the period of April 1, 2010 through September 30, 2010 at a cost not to exceed \$45,000.00 under State Contract No. A41868; 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 the City Council of the City of Elizabeth authorizes the award of a contract to NATIONAL TERMINAL, INC., 175 Orange Street, Newark, New Jersey 07103 for the purchase of Diesel Fuel for the Public Works Marina for the period of April 1, 2010 through September 30, 2010 at a cost not to exceed \$45,000.00 under State Contract No. A41868.

Which was adopted by the following vote:

AFFIRMATIVE: Perkins-Auguste, Jackus, [redacted], Gonzalez, Keenan, [redacted], Gallman, Mazza, and President Cuesta - 7

NEGATIVE: None

**BY CITY COUNCIL AS A WHOLE:**

**WHEREAS**, the Business Administrator has advised that an agreement has been reached with representatives of the following Bargaining Units:

**Supervisors Association**

**Public Health Nurse Association**

**WHEREAS**, contracts between the City of Elizabeth and the above bargaining units are to be executed with the approval of the City Council of the City of Elizabeth; now, therefore, be it

**RESOLVED** that City Council of the City of Elizabeth hereby authorizes the Mayor and Municipal Clerk to execute contracts with the following Bargaining units:

**Supervisors Association**

**Public Health Nurses Association**

for the purpose of satisfying the provisions of Chapter 303 of the Laws of 1968, as amended and supplemented, concerning the terms and conditions of employment of the employees covered in said contracts for the period of four (4) years from July 1, 2009, through June 30, 2013, and said employees are represented by the Bargaining Units:

**Supervisors Association**

**Public Health Nurses Association**

respectfully as their sole exclusive bargaining agent.

Which was adopted by the following vote:

AFFIRMATIVE: Perkins-Auguste, Jackus, ██████████  
Gonzalez, Keenan, ██████████, Gallman, Mazza,  
and President Cuesta - 87

NEGATIVE: None

**BY CITY COUNCIL AS A WHOLE:**

**WHEREAS**, an agreement has been reached with the Firemen's Mutual Benevolent Association - Branch No. 9 for the period July 1, 2009 to June 30 2014. A zero percent (0%) for July 1, 2009, three and a quarter percent (3.25%) for July 1, 2010, three and a quarter percent (3.25%) for July 1, 2011, three and a quarter percent (3.25%) for July 1, 2012, and three and a quarter percent (3.25%) for July 1, 2013 with a contribution towards health insurance at a rate of one and a half percent (1.5%) of base salary starting July 1, 2010; and

**WHEREAS**, a contract between the City of Elizabeth and the Firemen's Mutual Benevolent Association - Branch No. 9 is to be executed with the approval of the City Council of the City of Elizabeth; now, therefore, be it

**RESOLVED** that City Council of the City of Elizabeth hereby authorizes the Mayor and City Clerk to execute a contract with the Firemen's Mutual Benevolent Association - Branch No. 9 for the period July 1, 2009 to June 30 2014. A zero percent (0%) for July 1, 2009, three and a quarter percent (3.25%) for July 1, 2010, three and a quarter percent (3.25%) for July 1, 2011, three and a quarter percent (3.25%) for July 1, 2012, and three and a quarter percent (3.25%) for July 1, 2013 with a contribution towards health insurance at a rate of one and a half percent (1.5%) of base salary starting July 1, 2010, for the purpose of satisfying the provisions of Chapter 303 of the Laws of 1968, as amended and supplemented, concerning the terms and conditions of employment of the employees covered in said contract and said employees are represented by the Firemen's Mutual Benevolent Association Branch 9 as their sole exclusive bargaining agent.

Which was adopted by the following vote:

AFFIRMATIVE: Perkins-Auguste, Jackus, ██████████  
Gonzalez, Keenan, ██████████, Gallman, Mazza,  
and President Cuesta **R 7**

NEGATIVE: None

**BY CITY COUNCIL AS A WHOLE:**

**WHEREAS**, the Director of the Department of Public Works has requested an award of a contract be made to **CME Associates, 3141 Bordentown Avenue, Parlin, New Jersey 08859-1162**, to provide professional engineering services at a cost not to exceed \$68,115.00 in connection with the design and construction administration of the 2010 Road Resurfacing Program - Phase 4 (list attached); and

**WHEREAS**, on Friday, March 12, 2010 the Director of Public Works received qualification proposals for consulting engineering services for roads and streets. The contract is hereby awarded pursuant to a fair and open process in accordance with the provisions of N.J.S.A. 19:44 A-20.5 et.seq. and N.J.S.A. 40a:11-5(a) (i); 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**, the Chief Financial Officer has certified that sufficient funds are available and appropriated for this purpose and Certification No. 10-07813, charging the amount of \$68,115.00 to Account No. X-04-55-999-X08-008 of the Municipal Budget, is on file in the Office in 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 and the contract itself must be available for public inspections; now, therefore, be it

**RESOLVED** by the 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 **CME Associates, 3141 Bordentown Avenue, Parlin, New Jersey 08859**, to provide professional engineering services at a cost not to exceed \$68,115.00 in connection with the design and construction administration of the 2010 Road Resurfacing Program - Phase 4 (list attached).
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 these services require 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.
3. A notice of this action shall be printed once in The Star Ledger.

**2010 ROAD RESURFACING PROGRAM - PHASE 4  
PHASE 4**

	<u>STREET</u>	<u>FROM</u>	<u>TO</u>
1	Durant Street	Newark Avenue	Cross Avenue
2	Grove Street	Westfield Avenue	Jersey Avenue
3	Kilsyth Road	North Avenue	Virginia Street
4	Stiles Street	Magie Avenue	Cherry Street
5	Virginia Street	Cross Avenue	Newark Avenue

Which was adopted by the following vote:

AFFIRMATIVE: Perkins-Auguste, Jackus, ██████████, Gonzalez, Keenan, ██████████, Gailman, Mazza, and President Cuesta **7**

NEGATIVE: None

**BY CITY COUNCIL AS A WHOLE:**

**WHEREAS**, the Director of the Department of Public Works has requested an award of a contract be made to **KUPPER, LLC, 1200 Lenox Drive, Suite 101, Trenton, New Jersey 08648**, to provide the City of Elizabeth with professional engineering services in connection with design and construction administration of the 2010 Road Resurfacing Program – Phase 3 (list of streets attached) at a cost not to exceed \$187,500.00.

**WHEREAS**, on Friday, March 12, 2010, the Department of Public Works received qualification proposals for consulting professional engineering services for roads and streets. The request for qualification was solicited through a fair and open process in accordance with N.J.S.A. 19:44A-20.5, et. seq., and N.J.S.A. 40A11-5 (a) (i); and

**WHEREAS**, the Chief Financial Officer has certified that sufficient funds are available and appropriated for this purpose and Certification No. 10-08056 charging the amount of \$187,500.00 to Zone Account No. 0-04-55-999-XO8-008 of the Municipal Budget, is on file in the Office in 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 inspections; now, therefore, be it

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

1. The Mayor and the Municipal Clerk are hereby authorized and directed to execute a contract with **KUPPER LLC, 1200 Lenox Drive, Suite 101, Trenton, New Jersey 08648**, to provide the City of Elizabeth with professional engineering services in connection with design and construction administration of the 2010 Road Resurfacing Program – Phase 3 (list of streets attached) at a cost not to exceed \$187,500.00.
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 these services require 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.
3. A notice of this action shall be printed once in The Star Ledger.

2010  
ROAD RESURFACING PROGRAM PROGRAM  
PHASE 3

	<u>STREET</u>	<u>FROM</u>	<u>TO</u>
1	Amboy Avenue	Relocated Bayway	Bayway
2	Atlantic Street	Third Aveue	Elizabeth River
3	Bayway	Amboy Avenue (RR Tracks)	Terminus
4	Jersey Gardens Blvd. West*	North Avenue	Kapkowski Road
5	Kapkowski Road*	North Avenue	Jersey Gardens Blvd. West
6	Veterans Memorial Drive*	Trumbull Street	Jersey Gardens Blvd. West
	* Includes conversion of 6 traffic lights from loop detection to photo detection.		
	Amboy Avenue, Atlantic Street and Bayway, construction is funded by a Grant in the amount of \$354,040.00 from the 2010 NDOT Municipal Aid Program		

Which was adopted by the following vote:

AFFIRMATIVE: Perkins-Auguste, Jackus, ██████████, Gonzalez, Keenan, ██████████, Gallman, Mazza, and President Cuesta - 87

NEGATIVE: None

**BY CITY COUNCIL AS A WHOLE:**

**WHEREAS**, the Director of the Department of Public Works has recommended the award of a contract to **TOLL ASSOCIATES, PA, 388 Elmora Avenue, Elizabeth, New Jersey 07308**, to provide construction management services at a cost not to exceed \$64,350.00 in connection with the Broad Street Streetscape project; and

**WHEREAS**, on March 12, 2010 the Department of Public Works received qualification proposals for construction management. The request for qualifications was solicited through a fair and open process in accordance with N.J.S.A. 19:44A-20.5, et seq., and N.J.S.A. 40A:11-5(a) (i); and found that Toll Associates, PA to be qualified to provide the City of Elizabeth with construction management services in connection with the construction of the Broad Street Streetscape; and

**WHEREAS**, this project had received a grant in the amount of \$900,000.00 from the American Recovery and reinvestment Act of 2009 (ARRA) administered by the Federal Highway Administration through the New Jersey Department of Transportation. The grant requires full time inspection as well as a substantial amount of reporting during construction; and

**WHEREAS**, the Chief Financial Officer has certified that sufficient funds are available and appropriated for this purpose and Certification No. 10-08307 charging the amount of \$64,350.00 to Account No. X-04-55-981-000 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 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 **TOLL ASSOCIATES, PA, 388 Elmora Avenue, Elizabeth, New Jersey 07308,** to provide construction management services at a cost not to exceed \$64,350.00 in connection with the Broad Street Streetscape project.
  
2. This contract is awarded without competitive bidding as a "Professional Service" in accordance with N.J.S.A. 40A:11-5(1)(a)(I) of the Local Public Contracts Law because these services require 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.
  
3. A notice of this action shall be printed once in The Star Ledger.

Which was adopted by the following vote:

AFFIRMATIVE: Perkins-Auguste, Jackus, ██████████,  
 Gonzalez, Keenan, ██████████, Gallman, Mazza,  
 and President Cuesta  7

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the Director of the Department of Public Works has requested an award of a contract be made to **PMK Group, Inc. a Business Unit of Birdsall Services Group, Inc., 65 Jackson Drive, Cranford, New Jersey 07016** to provide professional environmental consulting engineering services in connection with the acquisition of 244-246 Harrison Street, 248-252 Harrison Street, 252-254 Union Street, 48-50 Westfield Avenue and 52 Westfield Avenue also known as Tax Accounts Nos. 11-421, 11-422, 11-1710, 11-1773 & 11-1774; at a cost not to exceed \$5,500.00; and

WHEREAS, pursuant to N.J.S.A. 19:44A-20.5 et seq., and N.J.S.A. 40A:11-5 (a) (i) this contract was solicited and is being awarded pursuant to a fair and open procedure; and

WHEREAS, having reviewed the qualifications of all respondents, the PMK Group, Inc., a Birdsall Service Group business unit to be qualified to provide the City of Elizabeth with professional environmental consulting engineering services; and

WHEREAS, the purpose of this preliminary assessment report is to identify the presence of any potentially contaminated areas of concern in order to minimize public liability for site cleanup costs on the properties being acquired; and

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available and appropriated for this purpose and Certification No. 10-08306, charging the amount of \$5,500.00 to Account No. X-04-55-999-X22-001 of the Municipal Budget, is on file in the Office in 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 and the contract itself must be available for public inspections; and

WHEREAS, the Director of the Department of Public Works has certified that this meets the statute and regulations governing the award of said contract; now, therefore, be it

**RESOLVED** by the 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 **PMK Group, Inc.,(a Business Unit of Birdsall Service Group, 65 Jackson Drive, Cranford, New Jersey** to provide professional environmental consulting engineering services in connection with the acquisition of 244-246 Harrison Street, 248-252 Harrison Street, 252-254 Union Street, 48-50 Westfield Avenue and 52 Westfield Avenue also known as Tax Accounts Nos. 11-421, 11-422, 11-1710, 11-1773 & 11-1774 at a cost not to exceed \$5,500.00.
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 these services require 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.
3. A notice of this action shall be printed once in The Star Ledger

Which was adopted by the following vote:

AFFIRMATIVE: Perkins-Auguste, Jackus, ██████████  
 Gonzalez, Keenan, ██████████, Gallman, Mazza,  
 and President Cuesta 

NEGATIVE: None

**BY CITY COUNCIL AS A WHOLE:**

**WHEREAS**, the Business Administrator has requested that a resolution adopted November 24, 2009 which authorized an agreement for State Neighborhood Stabilization funds between the City and **MAR Acquisition Group, LLC** be amended specifically to change the name of the developer/owner to **MAR New Point NSP, LLC**; now, therefore, be it

**RESOLVED** that the City Council of the City of Elizabeth authorizes the amendment to the resolution adopted November 24, 2009 which authorized an agreement for State Neighborhood Stabilization funds between the City and **MAR Acquisition Group, LLC** to change the name of the developer/owner to **MAR New Point NSP, LLC**

Which was adopted by the following vote:

AFFIRMATIVE: Perkins-Auguste, Jackus, ██████████  
Gonzalez, Keenan, ██████████, Gallman, Mazza,  
and President Cuesta ~~7~~ 7

NEGATIVE: None

**BY CITY COUNCIL AS A WHOLE:**

**WHEREAS**, the Business Administrator has requested that a resolution adopted November 24, 2009 which authorized an agreement for State Neighborhood Stabilization funds between the City and **MAR Acquisition Group, LLC** be amended specifically to change the name of the developer/owner to **MAR Eport NSP, LLC**; now, therefore, be it

**RESOLVED** that the City Council of the City of Elizabeth authorizes the amendment to the resolution adopted November 24, 2009 which authorized an agreement for State Neighborhood Stabilization funds between the City and **MAR Acquisition Group, LLC** to change the name of the developer/owner to **MAR Eport NSP, LLC**.

Which was adopted by the following vote:

AFFIRMATIVE: Perkins-Auguste, Jackus, ██████████  
Gonzalez, Keenan, ██████████, Gallman, Mazza,  
and President Cuesta ~~7~~ 7

NEGATIVE: None

Councilman Grova arrived at the meeting.

**BY CITY COUNCIL AS A WHOLE:**

**WHEREAS**, the Business Administrator has advised that on March 23, 2010 your Honorable Body authorized the execution of an agreement with **Community Grants, Planning & Housing, LLC, 569 Abbington Drive, East Windsor, New Jersey 08520** to conduct an Analysis of Impediments to Fair Housing Choice for the period July 1, 2009 to June 30, 2010; and

**WHEREAS**, since this Analysis of Impediments must be completed within four (4) months of the award of contract, the contract period should be amended to April 1, 2010 to July 31, 2010; now, therefore, be it

**RESOLVED** by the City Council of the City of Elizabeth that the resolution adopted March 23, 2010, awarding a contract to **Community Grants, Planning & Housing, LLC, 569 Abbington Drive, East Windsor, New Jersey 08520** be amended to conduct an Analysis of Impediments to Fair Housing Choice be amended to change the period of the contract to April 1, 2010 to July 31, 2010.

Which was adopted by the following vote:

**AFFIRMATIVE:** Perkins-Auguste, Jackus, Grova, Gonzalez, Keenan, ██████████, Gallman, Mazza, and President Cuesta - 8

**NEGATIVE:** None

**BY CITY COUNCIL AS A WHOLE:**

**WHEREAS**, the Business Administrator has requested authorization for the proper City Officials to apply, accept and sign all appropriate documents for the Mayor's Institute on City Design Grant for an amount not to exceed \$25,000.00; and

**WHEREAS**, the Mayor's Institute on City Design (MICD) is a partnership program of the National Endowment for the Arts, the American Architectural Foundation, and the United State Conference of Mayors. In order to showcase and celebrate the goals of the MICD during its anniversary in 2011, a limited number of grants will be made; and

**WHEREAS**, with this anticipated grant, the City of Elizabeth proposes the creation of an Arts District, which would highlight local art and artists throughout the community. This endeavor will enhance the artistic experience along Elizabeth Avenue to the Midtown Train Station, transforming the corridor as well as celebrate diversity and artistry; 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 Mayor's Institute on City Design Grant for an amount not to exceed \$25,000.00 for the reasons stated hereinabove.

Councilman Jackus commended the Mayor for securing the funds for this Institute on City Design grant.

Councilwoman Perkins-Auguste thanked Councilman Jackus for making sure the City revitalized the Broad Street area.

Council President Cuesta thanked Councilman Jackus for all of his efforts in making this happen.

Which was adopted by the following vote:

AFFIRMATIVE: Perkins-Auguste, Jackus, Grova, Gonzalez, Keenan, ~~\_\_\_\_\_~~ Galliman, Mazza, and President Cuesta - ~~X~~ 8

NEGATIVE: None

**BY CITY COUNCIL AS A WHOLE:**

**BE IT RESOLVED** that City owned property, not needed for public use, located at **827-831 Pearl Street, Block 6 - Lot 861** is hereby authorized to be offered for sale to the contiguous property owners pursuant to the provisions of N.J.S.A. 40A:12-13 (b) at a minimum price of \$25,000.00.

Which was adopted by the following vote:

AFFIRMATIVE: Perkins-Auguste, Jackus, Grova,  
Gonzalez, Keenan, ~~\_\_\_\_\_~~, Gallman, Mazza,  
and President Cuesta ~~✗~~ 8

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the following property owner(s) has (have) filed the necessary papers and is (are) entitled to a Senior Citizen (S1) or Disability Deduction (D1), and a Veteran Deduction (V1 & WV) for the 2010 Tax Year and,

WHEREAS, the Tax Assessor has approved same, now therefore, be it

RESOLVED, the Tax Collector is hereby authorized to credit said individual's taxes in the amount of \$250.00 (S1 & D1) & \$250.00 (V1 & WV) for the 2010 Tax Year as follows.

Acct. No.	Property Location	Name	Ded. Code
4-57	617-A Arnett St	Ramos, Z	S1
4-1552	831 Summer St	Usa, J	S1
5-808	57 Geneva St	Scott, A	S1
5-1082	23 Rankin St	Ramirez, M & G	S1
6-1220	917-919 South St	Nabozny, E	S1
7-145	845 Cross St	Martinez, D	S1
8-1539	510 Spring St	Torres, G	D1
9-348	939 Bond St	Harrington, D	S1
10-1858	155 Princeton Rd	O'Donnell, J	S1
13-266	23 Decker Ave	Esposito, B	D1

10@\$250.00ea.=\$1250.00

Acct. No.	Property Location	Name	Ded. Code
10-331	639 Cleveland Ave	Haug, C	V1

1@\$250.00ea.=\$250.00

Which was adopted by the following vote:

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

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

RESOLVED that City Council of the City of Elizabeth hereby establishes a handicapped parking spaces on 224 Franklin Street, Elizabeth, New Jersey 07206 as follows, pursuant to the recommendation of the Elizabeth Police Director:

along the South curb line of Franklin Street  
beginning at a point 311' West of Second Street  
and continuing 22' West thereof;

and be it

FURTHER RESOLVED that said handicapped parking area be posted with proper signs, type R

Which was adopted by the following vote:

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

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

RESOLVED that City Council of the City of Elizabeth hereby establishes a handicapped parking spaces on 23 Sayre Street, Elizabeth, New Jersey 07208 as follows, pursuant to the recommendation of the Elizabeth Police Director:

along the North curb line of Sayre Street  
beginning at a point 285' West of Morris Avenue  
and continuing 22' West thereof;

and be it

FURTHER RESOLVED that said handicapped parking area be posted with proper signs, type R

Which was adopted by the following vote:

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

NEGATIVE: None

**BY CITY COUNCIL AS A WHOLE:**

**RESOLVED** that City Council of the City of Elizabeth hereby establishes a handicapped parking spaces on **302 East Jersey Street, Elizabeth, New Jersey 07206** as follows, pursuant to the recommendation of the Elizabeth Police Director:

along the South curb line of East Jersey Street  
beginning at a point 40' West of Third Street  
and continuing 22' West thereof;

and be it

**FURTHER RESOLVED** that said handicapped parking area be posted with proper signs, type R

Which was adopted by the following vote:

**AFFIRMATIVE:** Perkins-Auguste, Jackus, Grova,  
Gonzalez, Keenan, ██████████, Gallman, Mazza,  
and President Cuesta - 8

**NEGATIVE:** None

**BY CITY COUNCIL AS A WHOLE:**

**WHEREAS**, the Director of the Department of Public Works after notice from the Police Department or the Health Department has caused the boardup of properties listed on Schedule A attached hereto and made a part hereof; and

**WHEREAS**, the buildings or structures listed on the attached Schedule A have become unsafe, or unsanitary or are otherwise dangerous to human life or the public welfare or which by reasons of illegal or improper use or occupancy have become unsafe; and

**WHEREAS**, structures on premises listed on the attached Schedule A meet one or more of the criteria hereinabove mentioned; and

**WHEREAS**, the Department of Public Works has caused to be boarded up the structures on premises listed on the attached Schedule A and the owners having been notified of the cost to the City in the amounts as set fort on the attached Schedule A and said costs not having been paid to the City of Elizabeth as required and the Director of Public Works having issued Certificates to City Council of the cost to the City in the amounts listed on the attached Schedule A; and

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

**RESOLVED** by the City Council of the City of Elizabeth that the costs shown on the Certificates of the Public Works Director of the City of Elizabeth for the boarding up of structures on premises and the costs listed on Schedule A attached hereto and made a part hereof is hereby established as a lien upon the lands listed on the attached Schedule A, which said lien shall hereafter form a part of the taxes next to be assessed and levied upon said lands, 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. 40:48-2.5 and the provisions of the Code of the City of Elizabeth.

Certificate/Invoice 4/6/2010 Total Amount \$4,393.27.

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

Which was adopted by the following vote:

AFFIRMATIVE: Perkins-Auguste, Jackus, Grova, Gonzalez, Keenan, ~~\_\_\_\_\_~~ Gallman, Mazza, and President Cuesta - 

NEGATIVE: None

60

**BY CITY COUNCIL AS A WHOLE:**

**WHEREAS**, the Department of Public Works has caused certain **cleaning 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 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 as shown on the Certificates of the Director of the Department of Public Works of costs to the City for cleanup and removal of debris for the properties at the costs 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.

Certificate Invoice 4/6/2010 Total Amount: \$3,260.70.

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

Which was adopted by the following vote:

**AFFIRMATIVE:** Perkins-Auguste, Jackus, Grova, Gonzalez, Keenan, ██████████, Gallman, Mazza, and President Cuesta - 8

**NEGATIVE:** None

**BY CITY COUNCIL AS WHOLE:**

**WHEREAS**, the City Engineer has advised that the bond in the amount of Five-Thousand Four-Hundred Dollars (\$5,400.00) posted by **828 LLC, (formerly XTRA Auto/Truck Stop, Inc., P. O. Box 1824, Paramus, New Jersey 07653** for the setting of nine (9) monuments at 828 Spring Street, may be refunded since said monuments have been properly set in accordance with the requirements of the New Jersey Map Filing Law; now, therefore, be it

**RESOLVED** that the City Council of the City of Elizabeth authorizes the refund of the bond in the amount of \$5,400.00 posted by **828 LLC, (formerly XTRA Auto/Truck Stop, Inc., P. O. Box 1824, Paramus, New Jersey 07653** for the setting of nine (9) monuments at 828 Spring Street, which have been properly set in accordance with the requirements of the New Jersey Map Filing Law.

Which was adopted by the following vote:

AFFIRMATIVE: Perkins-Auguste, Jackus, Grova,  
Gonzalez, Keenan, ██████████, Gallman, Mazza,  
and President Cuesta - 8

NEGATIVE: None

**BY CITY COUNCIL AS A WHOLE**

**WHEREAS**, a case is currently pending in the matter of **Karla Santos v. Kelly, City of Elizabeth, et al, Docket No.: UNN-L-2204-08;** and

**WHEREAS**, the Law Department and Christopher J. Kinsella, Esq. have recommended settlement in the amount of \$15,000.00 for the claim filed by **Karla Santos;** and

**WHEREAS**, the Chief Financial Officer has certified that sufficient funds are available and appropriated for this purpose and Certification No. 10-08304 charging the amount of \$15,000.00 to Account No. 10-01-55-248-000 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 hereby approves and authorizes the settlement of the claim in an amount of \$15,000.00 payable to **Karla Santos, 439 Jackson Avenue, Elizabeth, New Jersey,** and the Attorney for the Plaintiff, **Nicholas J. Leonardis, Esq., Stathis & Leonardis, 32 South Main Street, Edison, New Jersey 08837.**

Which was adopted by the following vote:

AFFIRMATIVE: Perkins-Auguste, Jackus, Grova,  
Gonzalez, Keenan, ~~\_\_\_\_\_~~ Gallman, Mazza,  
and President Cuesta **X 8**

NEGATIVE: None

**.BY CITY COUNCIL AS A WHOLE:**

**WHEREAS**, the **Frank O. Mazza Civic Association, 630 Third Avenue, Elizabeth, New Jersey** has requested permission to conduct the St. Vito Procession through the streets of Little Italy of Elizabeth, ending at the corner of High Street and Fourth Avenue, and to have a small street festival, on High Street, beginning at Fourth Avenue and ending at the Elizabeth River, to be held June 13, 2010, from 2:30 p.m. to 9:30 p.m; and

**WHEREAS**, during the hours from 2:30 p.m. to 9:30 p.m. the festival will include food, vendors, giveaways, music, cultural performances and much more; and

**WHEREAS**, this City Council deems it is in the best interest of the City of Elizabeth to grant said permission under certain conditions; now, therefore, be it

**RESOLVED** that the City Council of the City of Elizabeth grants permission for the **Frank O. Mazza Civic Association, 630 Third Avenue, Elizabeth, New Jersey**, to conduct the St. Vito Procession through the streets of Little Italy of Elizabeth, ending at the corner of High Street and Fourth Avenue, and a small street festival, on High Street, beginning at Fourth Avenue and ending at the Elizabeth River, on June 13, 2010, provided that they comply with the requirements of (The Festival Ordinance) Chapter 12.56 of the Code of the City of Elizabeth and (The Parade Ordinance) Chapter 12.36 of the Code of the City of Elizabeth; and be it

**FURTHER RESOLVED** that the City the City's support the services in obtaining the following are requested:

Which was adopted by the following vote:

**AFFIRMATIVE:** Perkins-Auguste, Jackus, Grova, Gonzalez, Keenan, ██████████, Galliman, Mazza, and President Cuesta - 8

**NEGATIVE:** None

~~Resolution~~  
~~In Support of Organ and Tissue Donation~~

BY CITY COUNCIL AS A WHOLE:

WHEREAS, every human life has matchless value; we must reaffirm our commitment to raising awareness about the importance of organ and tissue donation. We also wish to express our appreciation to those who have donated organs, tissue, and bone marrow; and

WHEREAS, over 106,000 Americans are currently on the waiting list for an organ transplant and thousands more need life enhancing tissue transplants. The Mayor of the City of Elizabeth urge all New Jersey residents to register with the state's donor registry; say yes to organ and tissue donation on their driver's license; and share their decision with family and friends. By taking these steps, New Jerseyans can help save lives. My Administration is committed to strengthening organ and tissue donation programs and to save lives. The kindness and generosity of donors reflect the compassionate spirit of our state; and

WHEREAS, we celebrate the life-saving work of medical professionals and researchers and the many others whose actions reflect our commitment to a brighter tomorrow. Individuals can visit [www.DonateLifeNJ.org](http://www.DonateLifeNJ.org) to register to become a donor, to learn the facts, and to understand how their decision to give the gift of life can make a difference in the world of so many who are in need; now, therefore, be it

RESOLVED that the City Council of the City of Elizabeth, by, does hereby support organ and tissue donation and calls upon health care professionals, volunteers, educators, government agencies, faith-based and community groups, and private organizations to help raise awareness of the urgent need for organ and tissue donors throughout our state.

Which was adopted by the following vote:

AFFIRMATIVE: Perkins-Auguste, Jackus, Grova,  
Gonzalez, Keenan, ~~\_\_\_\_\_~~ Gallman, Mazza,  
and President Cuesta - **8 8**

NEGATIVE: None

**BY CITY COUNCIL AS A WHOLE:**

**WHEREAS**, the City Council of the City of Elizabeth has learned of New Jersey Transit's proposal to impose a twenty-five percent (25%) fare increase; and

**WHEREAS**, the City believes that it is in the best interest of the citizens of the City of Elizabeth and the citizens of State of New Jersey to maintain the current New Jersey Transit fare due to the unsettling recent economic conditions; now, therefore, be it

**RESOLVED** that the City Council of the City of Elizabeth strongly urges New Jersey Transit to maintain its current fares due to the economic conditions and waive their proposal to impose a twenty-five percent (25%) fare increase which would be in the best interest of the citizens of the City of Elizabeth and the citizens of the State of New Jersey; and be it

**FURTHER RESOLVED** that a copy of this resolution be sent to the administrators of New Jersey Transit.

Which was adopted by the following vote:

**AFFIRMATIVE:** Perkins-Auguste, Jackus, Grova,  
Gonzalez, Keenan, ~~Costa~~, Gallman, Mazza,  
and President Cuesta **8**

**NEGATIVE:** None

**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:

AVAYA, INC.	0-01-31-40	\$ 9,819.27
ELIZABETHTOWN GAS	0-01-31-446	\$ 2,586.19
LANGUAGE LINE SERVICES	0-01-31-440	\$ 1,166.82
NATIONAL FUEL OIL, INC.	0-01-31-447	\$ 4,843.74
NATIONAL TERMINAL, INC.	0-01-31-447	\$ 4,236.38
NEXTEL COMMUNICATIONS	0-01-31-440	\$ 3,100.91
PEPCO ENERGY SERVICES	0-01-31-446	\$ 16,398.56
PSE&G	0-01-31-430	\$ 199,814.45
PSE&G	0-01-31-435	\$ 67,137.85
SPRINT	0-01-31-440	\$ 1,671.23
VERIZON	0-01-31-440	\$ 8,171.82
VERIZON ONLINE	0-01-31-440	\$ 385.82
VERIZON WIRELESS	0-01-31-440	\$ 14,503.97

Which was adopted by the following vote:

AFFIRMATIVE: Perkins-Auguste, Jackus, Grova, Gonzalez, Keenan, ~~\_\_\_\_\_~~, Galiman, Mazza, and President Cuesta - **8**

NEGATIVE: None

**BY CITY COUNCIL AS A WHOLE:**

**WHEREAS**, the City Council of the City of Elizabeth has learned that Dr. Thomas M. Panitch will be honored and named the "2010 Man of the Year, by the Ribera Italian-American Cultural Center on April 24, 2010; and

**WHEREAS**, he was born and raised in Irvington, New Jersey. In 1956, Dr. Tom graduated from Irvington High School, in 1960 he continued his education at Rutgers University and in 1964 he went onto Temple University Dental School; and

**WHEREAS**, after serving two years in the United States Army as a dental Captain from 1964-1966, Dr. Tom went to work for his father in his dental practice in Irvington; and

**WHEREAS**, nearly 46 years later his dental practice has grown and prospered with six full-time employees. In 2002, Dr. Michael Panitch joined his father in the practice of dentistry in Irvington; and

**WHEREAS**, Dr. Tom is the Past-President of the Irvington Chamber of Commerce. In 1995, he started the Irvington Chamber of Commerce Foundation, which provides scholarships for worthy students at Irvington High School. Currently he is the President of the Springfield Avenue Business Improvement District; and

**WHEREAS**, Dr. Tom was introduced to the Ribera Club by his long-time friend and dental technician Peter Agliata. Peter and Dr. Tom have been working together for over forty years and their bond in friendship will surely last forever; and

**WHEREAS**, Dr. Tom has been married for forty-seven years to the wonderful Gerrie Panitch. They have three children, Robin, Billy and Michael and six grandchildren; now, therefore, be it

**RESOLVED** that the City Council of the City of Elizabeth congratulates Dr. Thomas M. Panitch for being honored "2010 Man of the Year, by the Ribera Italian-American Cultural Center on April 24, 2010 and wishes him continued success in all of his future endeavors; and be it

**FURTHER RESOLVED** that a certified copy of this resolution be spread upon the minutes of City Council and a certified copy be sent to Dr. Thomas M. Panitch.

Which was adopted by the following vote:

**AFFIRMATIVE:** Perkins-Auguste, Jackus, Grova, Gonzalez, Keenan, [redacted] Gallman, Mazza, and President Cuesta - 8

**NEGATIVE:** None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the City Council of the City of Elizabeth has learned that Kean University annually selects a group of alumni whose achievements in professional and civic life have brought honor to both themselves and their alma mater; and

WHEREAS, the Honorable J. Christian "Chris" Bollwage is this year's recipient of the Distinguished Alumni Award. He will be honored at a special reception on Saturday, April 24, 2010 in Kean Hall; and

WHEREAS, the Honorable J. Christian "Chris" Bollwage has been the Mayor of the City of Elizabeth for eighteen years. Before becoming Mayor, he was a Councilman for ten years, serving as Council President in 1989; and

WHEREAS, he was appointed co-chair of the U.S. Conference of Mayors Brownfield Taskforce. He elevated Elizabeth's Urban Economic Zone Development, resulting in millions of dollars in additional business; and

WHEREAS, as Mayor he developed initiatives such as: "Year of the Senior," which created 119 affordable housing units with discounted maintenance and two new senior centers. He also spearheaded "New Hope for Our Children," which created an Office on Youth, a Youth Advisory Board, and many after-school and summer programs.

WHEREAS, J. Christian Bollwage is a proud Kean University alumnus. He earned an honorary degree from his alma mater during Commencement in 2002; now, therefore, be it

RESOLVED that the City Council of the City of Elizabeth commends the Honorable J. Christian Bollwage for being the recipient of the 2010 Kean University Distinguished Alumni Award which acknowledges his achievements of both professional and civic dedication to serving the citizens of the City of Elizabeth; and be it

FURTHER RESOLVED that this resolution be spread in full upon the minutes of City Council and that the Municipal Clerk be directed and authorized to forward a certified copy of this resolution to Honorable J. Christian Bollwage.

Which was adopted by the following vote:

AFFIRMATIVE: Perkins-Auguste, Jackus, Grova, Gonzalez, Keenan, ~~Cuesta~~ Gallman, Mazza, and President Cuesta **8**

NEGATIVE: None

**BY CITY COUNCIL AS A WHOLE:**

**WHEREAS**, the City Council of the City of Elizabeth has learned of the death of Mary A. Lenahan, 85; and

**WHEREAS**, Mary was born in Elizabeth and she was a lifelong resident; and

**WHEREAS**, she was a secretary for the Union County Department of Buildings and Grounds in Elizabeth for many years, retiring twenty years ago; and

**WHEREAS**, she was predeceased by her parents Pietro and Josephine (Colletti) Pennica, and her husband, Robert J. Lenahan, Sr.; and

**WHEREAS**, surviving are her four sons, John L. Lenahan, D.D.S., and his wife, Glennis, Robert J. Lenahan, Jr., and his wife, Marylou, LCDR Peter Lenahan, USPHS, and his wife, Claris Gonzalez, and Richard J. Lenahan and his wife, Kathleen, and two sisters, Virginia (Honey) Artrip and Josephine (Joan) Phillips. Also surviving are nine grandchildren, Sean, Kelly, Meaghan, Robert III, Nelson, Brian, Sonia, Shannon and Kevin; now, therefore, be it

**RESOLVED** that the City Council of the City of Elizabeth hereby expresses its condolences at the passing of Mary A. Lenahan 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.

Councilman Keenan moved that City Council do now adjourn,

Which was carried unanimously.

Whereupon Council President Cuesta declared City Council adjourned at

8:00 p.m.

APPROVED

FRANK J. CUESTA  
President of City Council

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