

[REDACTED]  
**PROCEEDINGS OF CITY COUNCIL**

**(OFFICIAL)**

**ELIZABETH, N.J.**

Wednesday Evening  
June 9, 2010  
7:30 p.m.

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

President pro tem Edward Jackus 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, Homes News & Tribune, and Cablevision of Elizabeth, and posted and filed in the City Clerk's Office in compliance with the terms of the Open Public Meetings Law, Chapter 231, P.L. 1975, on December 23, 2009.

**PRESENT:** Council Members-at-Large; Patricia Perkins-Auguste;  
Edward Jackus;

Council Members: Manny Grova, 1<sup>st</sup> Ward; Nelson Gonzalez, 2<sup>nd</sup> Ward; Joseph Keenan, 3<sup>rd</sup> Ward; ~~Carlos Cedeno~~, 4<sup>th</sup> Ward; William Gallman, Jr., 5<sup>th</sup> Ward; Frank O. Mazza, 6<sup>th</sup> Ward; and President: ~~Frank O. Mazza~~, Councilman-At-Large - 17

**ABSENT:** Council President Cuesta, Cedeno – 2

**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 else present who desired to be heard, Council President pro tem Jackus declared the public speaking portion of the meeting closed.

**PUBLIC HEARINGS**

Council President pro tem Jackus announced that the next business in order would be a public hearing on **Ordinance No. 4137**, entitled:

**AN ORDINANCE OF THE CITY OF ELIZABETH, IN THE COUNTY OF UNION, NEW JERSEY, APPROPRIATING \$300,000 FOR REHABILITATION OF PARKS IN AND FOR THE CITY OF ELIZABETH, IN THE COUNTY OF UNION, NEW JERSEY**

This ordinance was adopted on its first reading at the meeting of City Council held on **May 11, 2010**.

The Notice of Public Hearing was published in the Star Ledger issue of **May 27, 2010**.

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

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

**PETITIONS, COMMUNICATIONS, ETC.**

By the Clerk:

Letter dated May 21, 2010, from the Business Administrator requesting permission to sell at public auction the following City-owned properties to be held June 22, 2010, at 6:45 p.m. : Vacant Land: 827-831 Pearl Street (Triangle) 96' x 100' x 108' (irr.), minimum bid \$25,000.00; 179 Spring Street, 25' x 40', minimum bid \$30,000.00; 1161 Anna Street, 35'x 98.5' x 15.4' (irr.), minimum bid \$50,000.00; Properties with Structures: 217 Third Street, 25' x 100', minimum bid \$75,000.00. Which was received.

By the Clerk:

Letter dated May 27, 2010, from the Business Administrator recommending the award of a contract to Public Service Electric & Gas Co., 472 Weston Canal Road, Somerset, N.J., for construction costs, engineering time, manhole break-in, street light cable, labor, and traffic control for the Broad Street Streetscape in the amount of \$127,807.55. Which was received.

By the Clerk:

Letter dated May 27, 2010, from the Business Administrator recommending the award of a contract to Avaya, Inc., 161 Clivedon Drive, Newtown, PA, for the purchase of Telecommunications Wired for various departments for the period June 1, 2010 through November 30, 2010, at a cost not to exceed \$70,000.00. Which was received.

[REDACTED]

[REDACTED]

By the Clerk:

Letter dated May 27, 2010, from the Business Administrator recommending the award of a contract to Guard Line Fire & Safety, 75 Main Avenue, Elmwood Park, N.J., for the purchase of MSA SCBA Parts at a cost not to exceed \$40,000.00; Personal Protection Items & Equipment for Emergency Personnel at a cost not to exceed \$50,000.00, under the Morris County Cooperative Purchasing Contract #40, for a total cost not to exceed \$90,000.00 for the period May 25, 2010 through June 30, 2011. Which was received.

By the Clerk:

Letter dated May 27, 2010, from the Business Administrator recommending the award of a contract to EPLUS Technology, 4 Crossroads Drive, Suite 108, Hamilton, N.J., for Hardware for Computers, Printers, Servers, Media, Software Upgrades and other Computer Equipment for various City buildings for the period June 1, 2010 through May 31, 2012, at a cost not to exceed \$40,000.00. Which was received.

By the Clerk:

Letter dated May 28, 2010 from the Business Administrator requesting authorization for the renewal of insurance with Western World Insurance Company, 48 South Franklin Turnpike, Ramsey, N.J., through agent-of-record Hughes-Plumer Associates, covering accident insurance for the Ambulance Drivers & Attendants for the term of June 15, 2010 to June 15, 2011, at an annual premium of \$7,850.00. Which was received.

By the Clerk:

Letter dated May 28, 2010, from the Business Administrator requesting to rescind the resolution adopted March 9, 2010, awarding a contract to Office Depot for the purchase of Office Supplies at a cost not to exceed \$550,000.00 and grant permission for the Purchasing Agent to rebid for same with revised specifications. Which was received.

By the Clerk:

Letter dated May 14, 2010, from the Chief Financial Officer requesting authorization for the Tax Collector to credit said individuals entitled to a Senior Citizen, Disability and/or a Veteran Deduction for the 2010 Tax Year in the amount of \$250.00 as per a delineated list in the total amount of \$2,250.00. Which was received.

By the Clerk:

Letter dated May 20, 2010, from the Chief Financial Officer requesting authorization for the Tax Collector to refund/cancel an over-billing of taxes for the 2009 Tax Year on the property located at R210-R230 Bayway in the amount of \$3,326.07. Which was received.

By the Clerk:

Letter dated June 1, 2010 from the Chief Financial Officer advising that transfers for the 2010 SFY Municipal and Sewer Utility Budgets may be necessary. Which was received.

By the Clerk:

Letter dated June 1, 2010, from the Chief Financial Officer advising that additional grants may be appropriated in the 2010 SFY Budget by budget amendments. Which was received.

~~CONFIDENTIAL~~

~~PLANNING AND COMMUNITY DEVELOPMENT~~

By the Clerk:

Letter dated June 1, 2010, from the Chief Financial Officer recommending that City Council consider approving the resolution for the Certification of the Preliminary 2011 State Fiscal Year Tax Levy in order that tax bills for the second half of Calendar Year 2010 be issued in a timely manner in accordance with State statutes, in order to meet payments due the Board of Education, County of Union and major debt service payments.

Which was received.

By the Clerk:

Letter dated June 1, 2010, from the Chief Financial Officer recommending City Council's approval to request permission of the Director of the Division of Local Government Services for approval as a Dedication by Rider for donations-acceptance of bequests and gifts from Gail and James Kellogg Family Fund to provide for operating costs to administer the Gun Buy Back Program.

Which was received.

By the Clerk:

Letter dated June 1, 2010, from the Chief Financial Officer requesting that your Honorable Body consent to the Director of the Division of Local Government Services making a Change of Title or Text of Appropriation appearing in the FY2010 Municipal Budget.

Which was received.

By the Clerk:

Letter dated May 20, 2010, from the Department of Neighborhood Services requesting permission to have a lien placed against the property located at 450 East Jersey Street for the demolition of said premises in the amount of \$18,500.00.

Which was received.

By the Clerk:

Letter dated April 28, 2010, from the Department of Planning and Community Development requesting authorization for the proper City officials to execute an agreement with the Free Public Library of Elizabeth to provide funds to be used for the external restoration of its facility in the amount of \$548,608.00.

Which was received.

By the Clerk:

Letter dated May 17, 2010, from the Department of Planning and Community Development requesting authorization for the proper City officials to rescind the resolution adopted February 9, 2010, which authorized a grant to the Flynn Christian Fellowship Houses of NJ, Inc., under the Emergency Program, to assist them with sewer line repairs in an amount not to exceed \$8,375.00; inasmuch as the sewer line was not broken but only clogged.

Which was received.

By the Clerk:

Letter dated June 1, 2010, from the Department of Planning and Community Development requesting to amend the resolution adopted May 11, 2010, which authorized the execution of documents to provide a Rental Housing Program Loan to 205 First Street Urban Renewal LP, specifically to change the terms of the loan from a 4.27% interest repayable non-recourse loan to a 0% interest repayable non-recourse loan.

Which was received.

[REDACTED]

[REDACTED]

By the Clerk:

Letter dated June 1, 2010, from the Chief Financial Officer recommending that City Council consider approving the resolution for the Certification of the Preliminary 2011 State Fiscal Year Tax Levy in order that tax bills for the second half of Calendar Year 2010 be issued in a timely manner in accordance with State statutes, in order to meet payments due the Board of Education, County of Union and major debt service payments.  
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Which was received.

By the Clerk:

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Which was received.

By the Clerk:

Letter dated May 28, 2010, from the Department of Public Works recommending the award of a contract to USA Architects, 20 Doughty Avenue, Somerville, N.J., to provide for the preparation of plans, technical specifications, bidding documents and inspection services required for the roof replacement at Erxleben Recreation Center at a cost not to exceed \$30,000.00.  
Which was received.

By the Clerk:

Letter dated May 28, 2010, from the Department of Public Works recommending the award of a contract to Netta Architects, 25 Route 22, East, Suite 290, Springfield, N.J., to provide for the preparation of plans, technical specifications, bidding documents and inspection services required for the roof replacement at Mickey Walker Recreation Center at a cost not to exceed \$30,000.00.  
Which was received.

By the Clerk:

Letter dated June 1, 2010, from the Director of Public Works requesting authorization for Pasquale A. Vella, the City's Acting Recycling Coordinator, to endorse the submission of the recycling tonnage grant application to the N.J. Department of Environmental Protection to ensure that the application is properly filed.  
Which was received.

By the Clerk:

Letter dated June 1, 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 in the amounts indicated for the removal and disposal of debris from said properties in the total amount of \$4,944.78.  
Which was received.

By the Clerk:

Letter dated May 24, 2010, from the Fire Director requesting authorization for the proper City officials to apply, accept and sign all appropriate documents for the 2010 Assistance to Firefighters Grant Program to fund the purchase of items to include an oxygen generator and filling system as well as a foam pumper vehicle, total grant amount not to exceed \$1,275,000.00 with a 20% match from the City.  
Which was received.

By the Clerk:

Letter dated May 19, 2010, from The Elm Group, 2475 Baglyos Circle, Bethlehem, PA, on behalf of Burnham LLC, requesting an Encroachment Permit to perform environmental work in the public right-of-way of Woodruff Lane.  
Which was received.

**REPORTS OF CITY OFFICERS**

By the Clerk:

Letter June 9, 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, June 4, 2010.  
Which was received.

By the Clerk:

Letter dated April 20, 2010, from the Chief Financial Officer submitting the City Treasurer's report of Receipts and Disbursements for the month of January, 2010, and Statement of Bank Balances and Investments as of January 31, 2010.  
Which was received.

By the Clerk:

Letter dated May 17, 2010, from the Chief Financial Officer submitting the City Treasurer's report of Receipts and Disbursements for the month of February, 2010, and Statement of Bank Balances and Investments as of February 28, 2010.  
Which was received.

**ORDINANCES ON FIRST READING**

Council President pro tem Jackus announced that the next business in order would be the introduction of Ordinance No. **4138**, which was seconded by Councilman Keenan, entitled:

**AN ORDINANCE GRANTING AN ENCROACHMENT PERMIT TO THE ELM GROUP, 2475 BAGLYOS CIRCLE, BETHLEHEM, PA 18020 ON BEHALF OF BURNHAM LLC, FOR AN ENCROACHMENT PERMIT TO PERFORM ENVIRONMENTAL WORK ON WOODRUFF LANE.**

The Clerk read the foregoing ordinance.

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

AFFIRMATIVE: Perkins-Auguste, Grova, Gonzalez, Keenan, ,  
Gallman, Mazza, President pro tem Jackus - ~~✗~~ 7

NEGATIVE: None

Council President pro tem Jackus announced that the next business in order would be the introduction of Ordinance No. **4139**, which was seconded by Councilman Keenan, entitled:

**AN ORDINANCE TO AUTHORIZE THE ESTABLISHMENT OF A PERSONALIZED HANDICAPPED PARKING SPACE FOR JOSE F. SIERRA, 218 DELAWARE STREET, ELIZABETH, NEW JERSEY.**

The Clerk read the foregoing ordinance.

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

AFFIRMATIVE: Perkins-Auguste, Grova, Gonzalez, Keenan, ,  
Gallman, Mazza, President pro tem Jackus - ~~✗~~ 7

NEGATIVE: None

Council President pro tem Jackus announced that public notice will be published fixing Tuesday evening, June 22, 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 Ordinance Nos. 4138 and 4139, adopted on first reading.

ORDINANCES ON FINAL PASSAGE

Council President pro tem Jackus announced that the next business in order would be the adoption of **Ordinance No. 4137** , which was seconded by Councilman Keenan:

**AN ORDINANCE OF THE CITY OF ELIZABETH, IN THE COUNTY OF UNION, NEW JERSEY, APPROPRIATING \$300,000 FOR REHABILITATION OF PARKS IN AND FOR THE CITY OF ELIZABETH, IN THE COUNTY OF UNION, NEW JERSEY**

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

Section 1. \$300,000 is hereby appropriated from Capital Surplus for the rehabilitation of parks including, without limitation, sidewalk repairs, drainage improvements and related work at Kellogg Park, Jackson Park, Jefferson Park, Carteret Park and other various parks prioritized according to need, and including all work and materials necessary therefor and incidental thereto.

Section 2. The capital budget or temporary capital budget, as applicable, of the City is hereby amended to conform with the provisions of this 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 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 City Clerk and is available there for public inspection.

Section 3. This ordinance shall take effect in accordance with Law.

The Clerk read the foregoing ordinance by title.

This ordinance was adopted on its first reading at the City Council meeting held .  
**May 11, 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 **May 27, 2010.**

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

AFFIRMATIVE: Perkins-Auguste, Grova, Gonzalez, Keenan, ██████████,  
Gallman, Mazza, President pro tem Jackus - 7

NEGATIVE: None

### NEW BUSINESS

Council President pro tem Jackus congratulated his colleagues on their re-election victory.

Councilwoman Perkins-Auguste echoed the sentiments of her colleague and congratulated them on their victory.

The regular order of business was then resumed.

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By City Council as a Whole:

Resolved, that the following transfers be made in the FY2010 Municipal Budget appropriations:

| Account        | Type               | Description            | Amount           |
|----------------|--------------------|------------------------|------------------|
|                |                    | <b>Transfers To:</b>   |                  |
| 20-130-ACC-325 | Operating Expenses | Accounts & Control     | 5,000.00         |
| 20-145-REV-325 | Operating Expenses | Revenue Department     | 10,000.00        |
| 20-145-REV-101 | Salaries & Wages   | Revenue Department     | 500.00           |
|                |                    | <b>TOTAL</b>           | <b>15,500.00</b> |
|                |                    |                        |                  |
|                |                    |                        |                  |
|                |                    | <b>Transfers From:</b> |                  |
| 27-330-HEA-325 | Operating Expenses | Health Department      | 15,500.00        |
|                |                    | <b>TOTAL</b>           | <b>15,500.00</b> |
|                |                    |                        |                  |

Which was adopted by the following vote:

AFFIRMATIVE: Perkins-Auguste, Grova, Gonzalez, Keenan, ~~Osborne~~, Gallman, Mazza, President pro tem Jackus - **X 7**

NEGATIVE: None

By City Council as a Whole:



WHEREAS, N.J.S. 40A 4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget, and

WHEREAS, said Director may also approve the insertion of an item of appropriation for an equal amount, and

WHEREAS, the City of Elizabeth will receive an amount of \$2,134,856 for the CCTV Public Security Project awarded by the State of NJ Urban Enterprise Zone Authority Department of Commerce and Economic Development and wishes to amend its FY2010 budget to include these amounts as revenue:

NOW, THEREFORE, BE IT RESOLVED that the council of the City of Elizabeth hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the fiscal year 2010 in the total sum of \$2,134,856 which is now available as a revenue from:

- Miscellaneous Revenues
- Special Items of General Revenue Anticipated with Prior Written Consent of the Director of Local Government Services:
  - State and Federal Revenues Off-set with Appropriations:
    - State of NJ-Department of Commerce and Economic Development.
    - CCTV Public Security Project \$2,134,856

BE IT FURTHER RESOLVED, that a like sum of \$2,226,446 be and the same is hereby appropriated under the caption of :

- General Appropriations
  - (a) Operations Excluded from 3 ½ % Caps
    - State and Federal Programs Offset by Revenues:
      - State of NJ-Department of Commerce and Economic Development.
      - UEZ CCTV Public Security Project
      - Other Expenses \$2,134,856
      - Local Share \$91,590

BE IT FURTHER RESOLVED, that City Clerk forward two copies of this resolution to the Director of Local Government Services.

Which was adopted by the following vote:

AFFIRMATIVE: Perkins-Auguste, Grova, Gonzalez, Keenan, ~~Godeaux~~, Gallman, Mazza, President pro tem Jackus - ~~8~~ 7

NEGATIVE: None

By City Council as a Whole:

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WHEREAS, N.J.S. 40A 4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget, and

WHEREAS, said Director may also approve the insertion of an item of appropriation for an equal amount, and

WHEREAS, the City of Elizabeth will receive an amount of \$148,080 for the North Broad Streetscape Project awarded by the State of NJ Urban Enterprise Zone Authority Department of Commerce and Economic Development and wishes to amend its FY2010 budget to include these amounts as revenue:

NOW, THEREFORE, BE IT RESOLVED that the council of the City of Elizabeth hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the fiscal year 2010 in the total sum of \$148,080 which is now available as a revenue from:

Miscellaneous Revenues

Special Items of General Revenue Anticipated with Prior Written Consent of the Director of Local Government Services:

State and Federal Revenues Off-set with Appropriations:

|  |           |
|--|-----------|
| State of NJ-Department of Commerce and Economic Development. |           |
| UEZ North Broad Streetscape Project                          | \$148,080 |

BE IT FURTHER RESOLVED, that a like sum of \$151,600 be and the same is hereby appropriated under the caption of :

General Appropriations

(a) Operations Excluded from 3 ½ % Caps

State and Federal Programs Offset by Revenues:

|  |           |
|--|-----------|
| State of NJ-Department of Commerce and Economic Development. |           |
| UEZ North Broad Streetscape Project                          |           |
| Other Expenses   | \$148,080 |
| Local Share  | \$3,520   |

BE IT FURTHER RESOLVED, that City Clerk forward two copies of this resolution to the Director of Local Government Services.

Which was adopted by the following vote:

AFFIRMATIVE: Perkins-Auguste, Grova, Gonzalez, Keenan, [redacted], Gallman, Mazza, President pro tem Jackus - *R 7*

NEGATIVE: None

By City Council as a Whole:

WHEREAS, N.J.S. 40A 4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget, and

WHEREAS, said Director may also approve the insertion of an item of appropriation for an equal amount, and

WHEREAS, the City of Elizabeth will receive an amount of \$2,262.29 for the Municipal Alcohol Ed, Rehab, and Enforcement Fund awarded by the N.J. Department of Community Affairs and wishes to amend its FY2010 budget to include these amounts as revenue:

NOW, THEREFORE, BE IT RESOLVED that the council of the City of Elizabeth hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the fiscal year 2010 in the total sum of \$2,262.29 which is now available as a revenue from:

- Miscellaneous Revenues
- Special Items of General Revenue Anticipated with Prior Written Consent of the Director of Local Government Services:
  - State and Federal Revenues Off-set with Appropriations:
    - N.J. Department of Community Affairs
    - Municipal Alcohol Ed, Rehab, and Enforcement Fund \$2,262.29

BE IT FURTHER RESOLVED, that a like sum of \$2,262.29 be and the same is hereby appropriated under the caption of :

- General Appropriations
  - (a) Operations Excluded from 3 ½ % Caps
    - State and Federal Programs Offset by Revenues:
      - N.J. Department of Community Affairs
      - Municipal Alcohol Ed, Rehab, and Enforcement Fund
      - Other Expenses \$2,262.29

BE IT FURTHER RESOLVED, that City Clerk forward two copies of this resolution to the Director of Local Government Services.

Which was adopted by the following vote:

AFFIRMATIVE: Perkins-Auguste, Grova, Gonzalez, Keenan,   
 Gallman, Mazza, President pro tem Jackus - **7**

NEGATIVE: None

~~ELIZABETH~~  
~~CITY~~

**A RESOLUTION REQUESTING PERMISSION FOR A DEDICATION BY RIDER FOR DONATIONS-ACCEPTANCE OF BEQUESTS AND GIFTS (FROM GAIL AND JAMES KELLOGG FAMILY FUND) AS REQUIRED BY NJS 40A:5-29**

**BY CITY COUNCIL AS A WHOLE:**

**WHEREAS**, permission is required of the Director of the Division of Local Government Services for approval as a dedication by rider of revenues received by a municipality when the revenue is not subject to reasonably accurate estimates in advance;

**WHEREAS**, NJS 40A:5-29 provides for receipts of donations (Gail and James Kellogg Family Fund) by the municipality to provide for the operating costs (Gun Buy Back Program) to administer this act; and

**WHEREAS**, N.J.S.A. 40A:4-39 provides that the dedicated revenues anticipated from the Donations Fund are hereby anticipated as revenue (Gail and James Kellogg Family Fund) and are hereby appropriated (Gun Buy Back Program) for the purpose to which said revenue is dedicated by State or other legal requirement:

**NOW THEREFORE, BE IT RESOLVED**, by City Council of the City of Elizabeth, County of Union, New Jersey as follows:

1. The City Council does hereby request permission of the Director of the Division of Local Governmental Services to pay expenditures (Gun Buy Back Program) of the Donations Fund from revenues (Gail and James Kellogg Family Fund) per NJS 40A:5-29.
2. The Clerk of the City of Elizabeth, County of Union, New Jersey, is hereby directed to forward two certified copies of this Resolution to the Director of the Division of Local Governmental Services.

Which was adopted by the following vote:

**AFFIRMATIVE:** Perkins-Auguste, Grova, Gonzalez, Keenan,   
Gallman, Mazza, President pro tem Jackus - **RT**

**NEGATIVE:** None

By City Council as a Whole:

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WHEREAS, N.J.S.A. 40A 4-85 provides that the Director of the Division of Local Government Services may, at the request of, or with the consent of, the Governing Body of the Municipality, make such correction of the title, test or amount of any appropriation appearing in the municipal budget as may be necessary to make said item of appropriation available for the purpose or purposes required for the needs of any such municipality,

NOW, THEREFORE, BE IT RESOLVED, that in accordance with the provisions of N.J.S.A. 40A:4-85, that the City Council of the City of Elizabeth hereby requests the Director of the Division of Local Finance to make the following corrections in the 2010 Municipal Budget;

| <u>Name of Appropriation</u> | <u>From</u>  | <u>To</u>    |
|------------------------------|--------------|--------------|
| Matching Funds-City's Share  | \$428,339.00 | \$333,229.00 |

**Local Share:**

|                                     |     |             |
|-------------------------------------|-----|-------------|
| UEZ North Broad Streetscape Project | -0- | \$3,520.00  |
| UEZ CCTV Public Security Project    | -0- | \$91,590.00 |

BE IT FURTHER RESOLVED, that the foregoing correction is, in the opinion of the Governing Body, warranting and authorized by the Statute above referred to, and is necessary for the orderly operation of the City of Elizabeth for the reasons herein above set forth; and,

BE IT FURTHER RESOLVED, that the City Clerk forward two copies of this resolution to the Director of the Division of Local Government Services and one copy each to the Chief Financial Officer, Assistant Comptroller, and Auditor.

Which was adopted by the following vote:

AFFIRMATIVE: Perkins-Auguste, Grova, Gonzalez, Keenan, [REDACTED], Gallman, Mazza, President pro tem Jackus - 7

NEGATIVE: None

By City Council as a Whole:

WHEREAS, Chapter 72, P.L. 1994 requires the governing body to set the Preliminary Municipal Levy so that second half 2010 property tax bills may be issued, and

WHEREAS, the Chief Financial Officer recommends a Preliminary Municipal Levy in the amount of \$110,291,832.60 as per the attached Certification of Preliminary State Fiscal Year Tax Levies,

NOW, THEREFORE, BE IT RESOLVED that the Preliminary Municipal levy for the third and fourth installments 2010 be set in the amount of \$110,291,832.60.

Which was adopted by the following vote:

AFFIRMATIVE: Perkins-Auguste, Grova, Gonzalez, Keenan, [REDACTED],  
Gallman, Mazza, President pro tem Jackus - 7

NEGATIVE: None

17

**BY CITY COUNCIL AS A WHOLE:**

**RESOLVED**, that City Council of the City of Elizabeth does now proceed to sell at public auction to the highest bidder the property more particularly described on the attached Schedule A, the same not being needed for public use, pursuant to and subject to the conditions set forth in the notice heretofore published in accordance with law; and be it

**FURTHER RESOLVED**, that said sale will be conducted in the City Council Chamber, City Hall, Elizabeth, New Jersey, on June 22, 2010, at 6:45 p.m. in accordance with N.J.S.A. 40A:12-13, and shall be sold to the highest bidder, the minimum bid to be received to be listed on the attached Schedules; and be it

**FURTHER RESOLVED**, that the City reserves the right, upon the completion of said public sale, to accept or reject the highest bid or any or all bids made; and be it

**FURTHER RESOLVED** that the premises will be sold in an "As Is" condition and subject to:

1. Any and all restrictions and easements of record, if any.
2. Such state of facts as an accurate survey may reveal and any and all applicable municipal zoning restrictions.
3. Any tenancy or occupancy of the structures located on the property in question.
4. The structures on the property subject to this sale shall be repaired and reconstructed to conform to the standards of all applicable municipal codes within six (6) months of the date of closing of title unless otherwise specified. On application and good cause being shown, the Elizabeth City Council may, by resolution, extend the time specified for the improvements to the premises for an additional period, not to exceed three (3) months.
5. Construction on vacant property in accordance with the Land Development Control Ordinance must begin within one (1) year after closing of title unless successful bidder is the owner of property contiguous to the vacant land, then in that event, the condition of construction within one (1) year will not apply, but property must be paved or fenced with site plan approval within six (6) months of the closing of title. The cash deposit required at the time of an offer shall be 10% of the minimum price of the

property to be sold payable in cash or certified check for properties with a minimum bid price of less than \$100,000.00, and the cash deposit required at the time of the offer shall be 5% of the minimum bid price of the property to be sold, payable in cash or certified check for properties having a minimum price of \$100,000.00 or more. The balance in cash or certified check must be paid to the City of Elizabeth at the time of closing of title, with said closing to take place no later than sixty (60) days subsequent to the time of acceptance of the bid by the City of Elizabeth.

6. Competitive bid will not be accepted by the municipality unless said competitive bid is higher than the last bid by at least one-thousand dollars (\$1,000.00).
7. If the successful bidder neglects or refuses to pay the balance of the bid price on tender of deed by the City, the said deposit of the minimum price of the property previously deposited by cash or certified check, will be retained by the City on account of the damage for failure to perform, and the purchaser shall be responsible for the difference between his bid and the amount obtained on resale.
8. No real estate or legal commissions will be paid by the City. Any title closing shall take place in City Hall, City of Elizabeth no later than sixty (60) days from the time or acceptance of the bid by the City of Elizabeth unless extended from time to time by resolution of the City Council.
9. The name in which the successful bidder wishes the deed to be made out shall be given to the Clerk at the time of the successful bid.
10. The City will convey title by "Quit Claim Deed", which deed will not be accompanied by an affidavit of title.
11. The City will not provide any financing for the acquisition of the property.
12. In the event that successful bidder neglects or refuses to comply with any conditions of sale, then in that event, the City may void the sale. In addition to any other remedy which this municipality may have, title shall revert to the City of Elizabeth upon Resolution duly adopted by the City Council of the City of Elizabeth. The City shall retain all monies paid by the successful bidder including the deposit and balance of the purchase price paid at the closing of title as liquidated damages.

SCHEDULE A

CITY OWNED PROPERTIES

Vacant Land

| <u>Address</u>                               | <u>Block/Lot</u>            | <u>Minimum Bid</u> |
|--|-----------------------------|--------------------|
| 1. 827-831 Pearl Street<br>(Triangle): 6/861 | 96'x 110'x`108 (*irr.*)     | \$ 25,000.00       |
| 2. 179 Spring Street: 8/1618                 | 25' X 40'                   | \$ 30,000.00       |
| 3. 1161 Anna Street: 12/167                  | 35' x 98.5' x 15.4' (irr.*) | \$ 50,000.00       |

Properties with Structures

|                     |                  |              |
|---------------------|------------------|--------------|
| 4. 217 Third Street | 1/922 25' x 100' | \$ 75,000.00 |
|---------------------|------------------|--------------|

\* non-conforming lot

In compliance with applicable State Statute, these non-conforming vacant lots were offered for sale to all owners of contiguous properties who were informed of their right of first refusal. None of the contiguous property owners have expressed interest in purchasing the properties.

Which was adopted by the following vote:

AFFIRMATIVE: Perkins-Auguste, Grova, Gonzalez, Keenan,   
Gallman, Mazza, President pro tem Jackus - 8 7

NEGATIVE: None

**BY CITY COUNCIL AS A WHOLE:**

**WHEREAS**, the Fire Director has requested authorization for the proper City Officials to apply, accept and sign all appropriate documents for the 2010 Assistance to Firefighters Grant Program in an amount not to exceed \$1,275,000.00; and

**WHEREAS**, this grant will allow the Elizabeth Fire Department to fund the purchase of items to include, but not be limited to: an oxygen generator and filling system as well as a foam pumper vehicle. The requested foam pumper will replace the current vehicle, which is aging and inefficient for required operations. The requested oxygen generator and filling system will enable the Department to provide more efficient and effective fire prevention and response safety services to the City of Elizabeth; and

**WHEREAS**, the Assistance to Firefighters Grant Program is designed to award one-year grants to fire departments of a State to enhance their abilities with respect to fire and fire-related hazards. Fire departments, such as Elizabeth, serving populations over 50,000 must agree to match the Federal grant funds with an amount of non-Federal funds equal to 20 percent of the total project cost; and

**WHEREAS**, the program seeks to support departments that lack the tools and resources necessary to protect the health and safety of the public and the fire-fighting personnel with respect to fire and fire related hazards; and

**WHEREAS**, the Elizabeth Fire Department will utilize the anticipated grant funds to better prepare and respond to the ever-present new roles of municipal fire departments, yielding increased services for our residents and thus positively impacting the entire City; now, therefore, be it

**RESOLVED** that the City Council of the City of Elizabeth authorizes the proper City officials to apply, accept and execute all appropriate documents for the 2010 Assistance to Firefighters Program Grant in an amount not to exceed \$1,275,000.00 with a 20% match from the City, to fund the purchase of an oxygen generator and filling system, as well as a foam pumper vehicle to provide the ever present new roles of the City of Elizabeth fire Department stated hereinabove.

Which was adopted by the following vote:

**AFFIRMATIVE:** Perkins-Auguste, Grova, Gonzalez, Keenan,   
Gallman, Mazza, President pro tem Jackus - **8 7**

**NEGATIVE:** None

**BY CITY COUNCIL AS A WHOLE:**

**WHEREAS**, in accordance with NJAC 5:34 it is requested that the award of any contract pursuant to NJSA 40A:11-5 (f) (exception to bidding) exempt from Pay to Play regulations because the vendor's rates are regulated through tariffs approved by the Board of Public Utilities, be awarded by resolution of the governing body; and

**WHEREAS**, the Business Administrator and the Purchasing Agent have requested authorization for the award of a contract be made to **Public Service Electric & Gas Company, 472 Weston Canal Road, Somerset, New Jersey 08873** for construction costs, engineering time, manhole break-in, street light cable, labor and traffic control for the Broad Street Streetscape in the amount of \$127,807.55; and

**WHEREAS**, the Chief Financial Officer has certified that sufficient funds are available and appropriated for this purpose and Certification No. 10-09420 charging the amount of \$127,807.55 to Account No. G-02-41-736, of the Municipal Budget is on file in the Office of the City Clerk; now, therefore, be it

**RESOLVED** by the City Council of the City of Elizabeth that an award of a contract be made to **Public Service Electric & Gas Company, 472 Weston Canal Road, Somerset, New Jersey 08873** for construction costs, engineering time, manhole break-in, street light cable, labor and traffic control for the Broad Street Streetscape in the amount of \$127,807.55.

Which was adopted by the following vote:

**AFFIRMATIVE:** Perkins-Auguste, Grova, Gonzalez, Keenan, [redacted], Gallman, Mazza, President pro tem Jackus - 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 **AVAYA, INC., 161 Cliveden Drive, Newtown, PA** for the purchase of Telecommunications wired for various departments for the period of June 1, 2010 through November 30, 2010 at a cost not to exceed \$70,000.00 under State Contract No. 42285 ; and

**WHEREAS**, State Contracts are exempt from the provisions of Chapter 2.92 of the Code of the City of Elizabeth; and

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

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

**RESOLVED** that the City Council of the City of Elizabeth authorizes the award of a contract to **AVAYA, INC., 161 Cliveden Drive, Newtown, PA** for the purchase of Telecommunications wired for various departments for the period of June 1, 2010 through November 30, 2010 at a cost not to exceed \$70,000.00 under State Contract No. 42285.

Which was adopted by the following vote:

**AFFIRMATIVE:** Perkins-Auguste, Grova, Gonzalez, Keenan, ~~\_\_\_\_\_~~,  
Gallman, Mazza, President pro tem Jackus - 87

**NEGATIVE:** None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the Business Administrator and Purchasing Agent have requested authorization in accordance with NJAC 5:34 and pursuant to N.J.S.A. 40A:11-5 (2) to award a contract to **GUARD LINE FIRE & SAFETY, 75 Main Avenue, Elmwood Park, New Jersey 07407**, for the purchase of MSA SCBA parts at a cost not to exceed \$40,000.00 under the Morris County Cooperative Purchasing Contract #13A; and for the purchase of Personal Protection Items and Equipment for Emergency Personnel at a cost not to exceed \$50,000.00 under the Morris County Cooperative Purchasing Contract #40; for a total cost not to exceed \$90,000.00 for the period of May 25, 2010 through June 30, 2011; and

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

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

**RESOLVED** that City Council of the City of Elizabeth hereby awards a contract to **GUARD LINE FIRE & SAFETY, 75 Main Avenue, Elmwood Park, New Jersey 07407**, for the purchase of MSA SCBA parts at a cost not to exceed \$40,000.00 under the Morris County Cooperative Purchasing Contract #13A; and for the purchase of Personal Protection Items and Equipment for Emergency Personnel at a cost not to exceed \$50,000.00 under the Morris County Cooperative Purchasing Contract #40; for a total cost not to exceed \$90,000.00 for the period of May 25, 2010 through June 30, 2011.

Which was adopted by the following vote:

AFFIRMATIVE: Perkins-Auguste, Grova, Gonzalez, Keenan,   
Gallman, Mazza, President pro tem Jackus - ~~2~~ 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 **EPLUS Technology, 4 Crossroads Drive, Suite 108, Hamilton, New Jersey 08691** for Hardware for Computers, Printers, Servers, Media, Software Upgrades and other Computer Equipment for various City buildings for the period June 1, 2010 through May 31, 2012 at a cost not to exceed \$40,000.00 under State Contract No. 75585

**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 **EPLUS Technology, 4 Crossroads Drive, Suite 108, Hamilton, New Jersey 08691** for Hardware for Computers, Printers, Servers, Media, Software Upgrades and other Computer Equipment for various City buildings for the period June 1, 2010 through May 31, 2012 at a cost not to exceed \$40,000.00 under State Contract No. 75585.

Which was adopted by the following vote:

**AFFIRMATIVE:** Perkins-Auguste, Grova, Gonzalez, Keenan, ██████████, Gallman, Mazza, President pro tem Jackus - ✕ 7

**NEGATIVE:** None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the Business Administrator has requested authorization for the execution of an agreement with the **Free Public Library of Elizabeth, New Jersey, 11 South Broad Street, Elizabeth, New Jersey 07202** for \$548,608.00 of Community Development Block Grant Recover (GDBG-R) funds. The total cost of the project cost will be \$1,866,554.81. The term of the contract will extend from May 1, 2010 through April 30, 2012; and

WHEREAS, funds will be used for the external restoration of the exterior of the building which has been compromised over the years; and

WHEREAS, Community Development Block Grant Recover (CDBG-R) funds, authorized and appropriated under the American Recovery and Investment Act of 2009, will be used to partially defer the cost of the project; and

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available and appropriated for this purpose and Certification No. 10-08914 charging the amount of \$548,608.00 to Account No. T-22-56-XXX-010-149, of the Municipal Budget is on file in the Office of the City Clerk; now, therefore, be it

**RESOLVED** by the City Council of the City of Elizabeth authorizes the execution of an agreement with the **Free Public Library of Elizabeth, New Jersey, 11 South Broad Street, Elizabeth, New Jersey 07202** for \$548,608.00. The total cost of the project cost will be \$1,866,554.81 of Community Development Block Grant Recover (GDBG-R) funds. to be utilized for the External Restoration of the Library Building at 11 South Broad Street, Elizabeth, New Jersey. The term of the contract will extend from May 1, 2010 through April 30, 2012.

Which was adopted by the following vote:

AFFIRMATIVE: Perkins-Auguste, Grova, Gonzalez, Keenan, [redacted], Gallman, Mazza, President pro tem Jackus - **21**

NEGATIVE: None

**BY CITY COUNCIL AS A WHOLE:**

**WHEREAS**, on Friday, March 12, 2010 the Department of Public Works received qualification proposals for architectural services. Having reviewed the qualifications of all respondents, the firm of **USA ARCHITECTS, 20 Doughty Avenue, Somerville, New Jersey 08876** was found to be qualified to provide the City of Elizabeth with architectural services. The project includes the preparation of plans, technical specifications, bidding documents and inspection services required for the complete roof replacement at Erxleben Recreation Center, 513-515 Richmond Street, Elizabeth, New Jersey; and

**WHEREAS**, the Director of the Department of Public Works has requested that an award of contract be made to **USA ARCHITECTS, 20 Doughty Avenue, Somerville, New Jersey 08876** to provide architectural services at a cost not to exceed \$30,000.00 for the preparation of plans, technical specifications, bidding documents and inspection services required for the roof replacement at Erxleben Recreation Center, Elizabeth, New Jersey; 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. 10-09872, charging the amount of \$30,000.00 to Account No. X-04-55-999-X24-004 of the Municipal Budget, is on file in the Office of the City Clerk; and

**WHEREAS**, this contract is being awarded under a fair and open process, in accordance with N.J.S.A. 19:44A-23.5 et seq; now, therefore, be it

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

1. The Mayor and City Clerk are hereby authorized and directed to execute an agreement with **USA ARCHITECTS, 20 Doughty Avenue, Somerville, New Jersey 08876** to provide architectural services at a cost not to exceed \$30,000.00 for the preparation of plans, technical specifications, bidding documents and inspection services required for the roof replacement at Erxleben Recreation Center, 513-515 Richmond Street, Elizabeth, New Jersey.

2. This contract is awarded without competitive bidding as a "Professional Service" in accordance with N.J.S.A. 40A:11-5(1)(a) of the Local Public Contracts Law because these services are being performed by **USA ARCHITECTS**.

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

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

Which was adopted by the following vote:

AFFIRMATIVE: Perkins-Auguste, Grova, Gonzalez, Keenan, ~~Odons~~,  
Gallman, Mazza, President pro tem Jackus - 7

NEGATIVE: None

**BY CITY COUNCIL AS A WHOLE:**

**WHEREAS**, on Friday, March 12, 2010 the Department of Public Works received qualification proposals for architectural services. Having reviewed the qualifications of all respondents, the firm of **NETTA ARCHITECTS, 25 Route 22 East, Suite 290 Springfield, New Jersey 07081**, to be qualified to provide the City of Elizabeth with architectural services. This project includes the preparation of plans, technical specifications, bidding documents and inspection services required for the complete roof replacement at Mickey Walker Recreation Center, 830-860 Anna Street, Elizabeth, New Jersey ; and

**WHEREAS**, the Director of the Department of Public Works has requested that an award of contract be made to **NETTA ARCHITECTS, 25 Route 22 East, Suite 290 Springfield, New Jersey 07081** to provide architectural services at a cost not to exceed \$30,000.00 for the preparation of plans, technical specifications, bidding documents and inspection services required for the roof replacement at Mickey Walker Recreation Center, 830-860 Anna Street, Elizabeth, New Jersey; 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. 0-09871, charging the amount of \$30,000.00 to Account No. X-04-55-999-X24-003 of the Municipal Budget, is on file in the Office of the City Clerk; and

**WHEREAS**, this contract is being awarded under a fair and open process, in accordance with N.J.S.A. 19:44A-23.5 et seq; now, therefore, be it

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

1. The Mayor and City Clerk are hereby authorized and directed to execute an agreement with **NETTA ARCHITECTS, 25 Route 22 East, Suite 290 Springfield, New Jersey 07081** to provide architectural services at a cost not to exceed \$30,000.00 for the preparation of plans, technical specifications, bidding documents and inspection services required for the roof replacement at Mickey Walker Recreation Center, 830-860 Anna Street, Elizabeth, New Jersey.

2. This contract is awarded without competitive bidding as a "Professional Service" in accordance with N.J.S.A. 40A:11-5(1)(a) of the Local Public Contracts Law because these services are being performed by **NETTA ARCHITECTS**.

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

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

Which was adopted by the following vote:

AFFIRMATIVE: Perkins-Auguste, Grova, Gonzalez, Keenan, [redacted]  
Gallman, Mazza, President pro tem Jackus - 87

NEGATIVE: None

**BY CITY COUNCIL AS A WHOLE:**

**WHEREAS**, there exists a need to renew the Accident Insurance Policy covering Ambulance Drivers and Attendants for the period June 15, 2010 to June 15, 2011; and

**WHEREAS**, the Business Administrator has requested authorization for the proper City Officials to enter into a contract with **WESTERN WORLD INSURANCE COMPANY, 48 South Franklin Turnpike, Ramsey, New Jersey 07446, through agent of record, Hughes-Plumer & Associates**, to renew the Accident Insurance Policy covering Ambulance Drivers and Attendants for the period June 15, 2010 to June 15, 2011 for an annual premium of \$7,850.00; and

**WHEREAS**, the Chief Financial Officer has certified that sufficient funds are available and appropriated for this purpose and Certification No. 10-09875, charging the amount of \$7,850.00 to Account Number 10-01-23-210-INS, of the Municipal Budget is on file in the Office of the City Clerk; and

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

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

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

1. The Mayor and the City Clerk are hereby authorized and directed to execute a contract with **WESTERN WORLD INSURANCE COMPANY, 48 South Franklin Turnpike, Ramsey, New Jersey 07446, through the agent of record, Hughes-Plumber & Associates**, to renew the Accident Insurance Policy covering Ambulance Drivers and Attendants for the period June 15, 2010 to June 15, 2011 for an annual premium of \$7,850.00.
2. Insurance is specialized in nature inasmuch as the companies issuing same are limited in number and must be approved by the State of New Jersey, through the Department of Insurance and Banking, in order to qualify to do business within this State.  
New Jersey Statute 40A:11-5(m) exempts the purchasing of insurance coverage from advertising for bids and bidding, which exception shall be in accordance with the requirements for Extraordinary, Unspecifiable Service in accordance with the requirements thereof.
3. This cannot be described by written specifications because of the special nature of the service as described in paragraph (2).
4. A notice of this action shall be published in The Star Ledger.

Which was adopted by the following vote:

**AFFIRMATIVE:** Perkins-Auguste, Grova, Gonzalez, Keenan, ~~Codomo~~, Gallman, Mazza, President pro tem Jackus - ~~7~~ 7

**NEGATIVE:** None

**BY CITY COUNCIL AS A WHOLE:**

WHEREAS, the Director of the Department of Public Works has requested authorization for Pasquale A. Vella, the City of Elizabeth Recycling Coordinator to endorse the submission of the recycling tonnage grant application to the New Jersey Department of Environmental Protection to ensure that the application is properly filed; now, therefore, be it

**RESOLVED** that the City Council of the City of Elizabeth authorizes Pasquale A. Vella, the City of Elizabeth Recycling Coordinator to endorse the submission of the recycling tonnage grant application to the New Jersey Department of Environmental Protection.

Which was adopted by the following vote:

AFFIRMATIVE: Perkins-Auguste, Grova, Gonzalez, Keenan, [redacted], Gallman, Mazza, President pro tem Jackus - 7

NEGATIVE: None

**BY CITY COUNCIL AS A WHOLE:**

**WHEREAS**, the Business Administrator and the Purchasing Agent have advised that on March 9, 2010 City Council adopted a resolution to award a contract for the purchase of Office Supplies to **Office Depot, 100 Delawanna Avenue, Clifton, New Jersey 07014** for the period to two years from the date of award at a cost not to exceed \$550,000.00; and

**WHEREAS**, it has been discovered that Office Depot submitted an amendment page in their bid proposal, which took exception to the bid specifications, causing their bid to be non-responsive; now, therefore, be it

**RESOLVED** that the resolution adopted March 9, 2010, authorizing the award of a contract to **Office Depot, 100 Delawanna Avenue, Clifton, New Jersey 07014**, for the furnishing of Office Supplies for the period to two years from the date of award in an amount not to exceed \$550,00000 is hereby rescinded and permission is authorized for the Purchasing Agent to rebid for same with revised specifications.

Which was adopted by the following vote:

**AFFIRMATIVE:** Perkins-Auguste, Grova, Gonzalez, Keenan, ~~Cedeno~~,  
Gallman, Mazza, President pro tem Jackus - ~~2~~ 7

**NEGATIVE:** None

**BY CITY COUNCIL AS A WHOLE:**

**WHEREAS**, the Business Administrator has requested authorization for the proper City Officials to rescind the resolution dated February 9, 2010 which authorized a grant to The Flynn Christian Fellowship Houses of New Jersey, Inc., under the Emergency Program, to assist them with Sewer Line Repairs in an amount not to exceed \$8,375.00; and

**WHEREAS**, the Department of Planning and Community Development is in receipt of a letter on May 10, 2010 from The Flynn Christian Fellowship House of New Jersey, Inc., indicating that they no longer needed financial assistance from our office to repair the Sewer Line. It appears that the Sewer Line was not broken but only clogged and the problem seems to have been cleared; now, therefore, be it

**RESOLVED** that resolution adopted on February 9, 2010, which authorized an emergency grant to The Flynn Christian Fellowship Houses of New Jersey, Inc., for emergency sewer repair in an amount not to exceed \$8,375.00 is hereby rescinded inasmuch as the sewer line was only clogged.

Which was adopted by the following vote:

**AFFIRMATIVE:** Perkins-Auguste, Grova, Gonzalez, Keenan, ~~Caden~~,  
Gallman, Mazza, President pro tem Jackus - **7**

**NEGATIVE:** None

**BY CITY COUNCIL AS A WHOLE:**

**WHEREAS**, the Business Administrator has requested an amendment to the resolution adopted May 11, 2010, which authorized the execution of documents to provide a Rental Housing Program Loan to **205 First Street Urban Renewal LP** in order to change the terms of the loan from a 4.27% interest repayable non recourse loan to a 0% interest repayable non recourse loan. This is a requirement for Low Income Housing Tax Credits; now, therefore, be it

**RESOLVED** that the City Council of the City of Elizabeth hereby amends the amendment to the resolution adopted May 11, 2010, which authorized the execution of documents to provide a Rental Housing Program Loan to **205 First Street Urban Renewal LP**, in order to change the terms of the loan from a 4.27% interest repayable non recourse loan to a 0% interest repayable non recourse loan. This is a requirement for Low Income Housing Tax Credits.

Which was adopted by the following vote:

**AFFIRMATIVE:** Perkins-Auguste, Grova, Gonzalez, Keenan, [redacted], Gallman, Mazza, President pro tem Jackus - **7**

**NEGATIVE:** None

35

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 |
|-----------|--------------------|-----------------|-----------|
| 4-122     | 548-550 Bayway Ave | Kazanecki, M    | S1        |
| 5-223     | 227 Delaware St    | Berrocal, M & E | S1        |
| 5-877     | 231 Loomis St      | Panetta, C      | S1        |
| 7-19      | 228 Amity St       | Maine, H        | S1        |
| 8-228     | 1008 Augusta St    | Pasquale, A     | S1        |
| 10-1410   | 891-895 Magie Ave  | Da Silva, E     | S1        |

6@\$250.00ea.=\$1500.00

| Acct. No. | Property Location   | Name         | Ded. Code |
|-----------|---------------------|--------------|-----------|
| 4-500     | 836 Garden St       | Fernandez, F | V1        |
| 10-1216   | 740 Linden Ave      | Gora, R      | V1        |
| 10-2276   | 631-635 Wyoming Ave | Di Lollo, W  | V1        |

3@\$250.00ea.=\$750.00

Which was adopted by the following vote:

AFFIRMATIVE: Perkins-Auguste, Grova, Gonzalez, Keenan, ~~Deane~~, Gallman, Mazza, President pro tem Jackus - **7**

NEGATIVE: None

**TO CITY COUNCIL AS A WHOLE:**

**WHEREAS**, EPORT & PA RR CO. is the owner of property located at R210-R230 Bayway ( Tax Account No. 4-68.A ), and

**WHEREAS**, said property for 2009 was classified as Class II Railroad, and

**WHEREAS**, said property owner paid the 2009 property taxes directly to the State of New Jersey, and

**WHEREAS**, for the year 2009 said property was also, taxed locally by the City of Elizabeth in the amount of \$ 3,326.07; now, therefore, be it

**RESOLVED**, that the Tax Collector be authorized to refund/cancel said tax account in the amount of \$ 3,326.07 ( plus any delinquencies charges ); this amount represents over-billing of the 2009 calendar year property taxes

Which was adopted by the following vote:

**AFFIRMATIVE:** Perkins-Auguste, Grova, Gonzalez, Keenan, [REDACTED],  
Gallman, Mazza, President pro tem Jackus - 7

**NEGATIVE:** None

**BY CITY COUNCIL AS A WHOLE:**

**WHEREAS**, under the provisions of N.J.S.A. 52:27D-119 et seq. as amended known as the "State Uniform Construction Code Act", and of N.J.A.C. 5:23.1 et seq., known as the "Regulations for the New Jersey Uniform Construction Code", emergent powers are granted to municipal construction officials to demolish or make safe and secure buildings or structures that have become unsafe, or unsanitary, or which contain deficient or blocked exitway facilities, or which constitute a fire hazard or are otherwise dangerous to human life or the public welfare, or which, by reason of illegal or improper use or occupancy, have become unsafe; and

**WHEREAS**, certain structures on premises located at **450 East Jersey Street, Elizabeth, New Jersey, Tax Account No. 3-311** meet one or more of the criteria hereinabove mentioned; and

**WHEREAS**, the Bureau of Construction has caused to be demolished the said structure located at **450 East Jersey Street, Elizabeth, New Jersey, Tax Account No. 3-311** after due and proper notice to the owner thereof, as required, and the owner thereof having been notified of the cost to the City in the sum of \$18,500.00 and said costs not having been paid to the City of Elizabeth, and the Construction Official of the Bureau of Construction having so advised City Council that said costs have been incurred by the City in the sum of \$18,500.00; and

**WHEREAS**, the City Council having examined the communication to it from the Construction Official of the Bureau of Construction and having found same to be correct; now, therefore, be it

**RESOLVED** by City Council of the City of Elizabeth that the cost as shown on the communication of the Construction Official of the Bureau of Construction of the City of Elizabeth for demolition of a structure at 450 East Jersey Street, Elizabeth, New Jersey, Tax Account No. 3-311 is hereby established as a lien upon said lands in the amount of \$18,500.00, which said lien shall hereafter form 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. 40:48-2.14 and the provisions of the Code of the City of Elizabeth

Which was adopted by the following vote:

**AFFIRMATIVE:** Perkins-Auguste, Grova, Gonzalez, Keenan, ██████████, Gallman, Mazza, President pro tem Jackus - **7**

**NEGATIVE:** None

**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 6/1/2010 Total Amount: \$4,944.78.

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

Which was adopted by the following vote:

**AFFIRMATIVE:** Perkins-Auguste, Grova, Gonzalez, Keenan, ~~Soderstrom~~  
Gallman, Mazza, President pro tem Jackus - **A 7**

**NEGATIVE:** None

BY CITY COUNCIL AS A WHOLE:

~~██████████~~ 39

**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.             | 0-01-31-440         | \$ 5,974.46   |
| ELIZABETHTOWN GAS       | 0-01-31-446         | \$ 2,475.30   |
| LANGUAGE LINE SERVICES  | 0-01-31-440         | \$ 1,273.96   |
| NATIONAL TERMINAL, INC. | 0-01-31-447         | \$ 5,625.54   |
| NEXTEL COMMUNICATIONS   | 0-01-31-440         | \$ 2,960.06   |
| PSE&G                   | 0-07-31-430         | \$ 318,519.28 |
| PSE&G                   | 0-07-55-500-SEW-351 | \$ 72,602.98  |
| SPRINT                  | 0-01-31-440         | \$ 168.23     |
| VERIZON                 | 0-01-31-440         | \$ 43,538.38  |
| VERIZON CABS            | 0-01-31-440         | \$ 192.51     |
| VERIZON ONLINE          | 0-01-31-440         | \$ 147.51     |
| VERIZON WIRELESS        | 0-01-31-440         | \$ 15,283.92  |

Which was adopted by the following vote:

AFFIRMATIVE: Perkins-Auguste, Grova, Gonzalez, Keenan, ~~██████████~~  
Gallman, Mazza, President pro tem Jackus - 7

NEGATIVE: None

**BY CITY COUNCIL AS A WHOLE:**

40

**WHEREAS**, the City Council of the City of Elizabeth has learned of the recent death of Edith (nee Nigro) D'Antico, 94; and

**WHEREAS**, Mrs. D'Antico was a lifelong resident of the City of Elizabeth; and

**WHEREAS**, she was a former bus attendant with the Elizabeth Board of Education. Previously, she was a seamstress with the former Elizabeth Shirt Factory; and

**WHEREAS**, Mrs. D'Antico was a member of the Ladies Vallatase Society of Elizabeth, a member of St. Ann's Rosary Society of St. Anthony's Church, and a member of the Retired Men's and Ladies Club in Peterstown section of Elizabeth; and

**WHEREAS**, she was predeceased by her husband, Nicholas, a son Russell D'Antico, her parents, Frank and Anna Nigro, a sister Mary DePalma, and three brothers, Michael, Americo and Frank Nigro. Surviving are a daughter, Margaret Ecobichon and her husband, Alec; five grandchildren, Christopher Ecobichon and his wife, Lynn, Jeffrey Ecobichon, Margaret Garriel and her late husband, Kevin, Donna Durelli and her husband, Frank and Nicholas D'Antico, five great-grandchildren, Brittany and Kevin Garriel, Matthew Durelli, Mia D'Antico, and Lucas Ecobichon, two sisters, Angelina Gallaso and Anna Harris, and two brothers, Joseph and Angelo Nigro; now, therefore, e it

**RESOLVED** that the City Council of the City of Elizabeth hereby expresses its condolences at the passing of Edith D. Antico and wishes to express sympathy to her family, relatives and friends at this time of their loss; and be it

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

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

**BY CITY COUNCIL AS A WHOLE:**

**WHEREAS**, the City Council of the City of Elizabeth has learned of the recent death of Zeferino Rodrigues, 54; and

**WHEREAS**, born in Lisbon, Portugal, Zeferino came to America and settled in Elizabeth in 1996; and

**WHEREAS**, he was employed by the Elizabeth Board of Education as a custodian for School No. 12 for ten years; and

**WHEREAS**, Zeferino is by his daughter, Ana Sophia Rodrigues; his sister, Mrs. Laura Carvalho; his brother-in-law, Carlos Carvalho, and his nephew, Carlos Carvalho and his wife, Maria, with whom he resided; now, therefore, be it

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

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

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

**BY CITY COUNCIL AS A WHOLE:**

**WHEREAS**, the City Council of the City of Elizabeth has learned of the recent death of Maria Tedeschi (nee Branca), 91, of Clark, New Jersey formerly of Elizabeth, New Jersey; and

**WHEREAS**, Mrs. Tedeschi was born in Vallata, Italy, and came to Elizabeth in 1958; and

**WHEREAS**, she is survived by her daughters, Mrs. Carmela Gough and her husband, Arthur; Mrs. Rose Colicchio and her husband, Thomas; Mrs. Felicia Czin and her husband, Peter; Ms. Lucia Flint; Mrs. Anna Maria Wood and her husband, Gary; sons, Antonio Tedeschi and wife, Virginia; Gianni Tedeschi and his wife, Mary; Mario Tedeschi and his wife, Shelly, and his sisters, Mrs. Pasqualina Parisi and Mrs. Giovannina D'Addesa. She is also survived by eighteen loving and adoring grandchildren and fourteen great-grandchildren. Maria was predeceased by her husband, Pasqual (Aurelio) Tedeschi; now, therefore, be it

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

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

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

BY CITY COUNCIL AS A WHOLE:

42

WHEREAS, the City Council of the City of Elizabeth has learned of the recent death of Charlene Davis, 51; and

WHEREAS, Charlene, Sha, as she was affectionately known, was employed by the Elizabeth Board of Education as a security guard. She was formerly employed by the Whitney Young Daycare Center in Elizabeth; and

WHEREAS, Charlene was a member of New Hope Baptist Church in Elizabeth, New Jersey; and

WHEREAS, Charlene was a member of New Hope Baptist Church in Elizabeth; and

WHEREAS, she was predeceased by her parents, Lamar and Margaret Davis. Surviving are a son, Robert Fowler, and his companion Shantea Cooper, her granddaughter, Justice Fowler; a sister, Jacqueline; five brothers, Lamar (Patricia), Leon (Dowveolean), Tyrone, Anthony (Melody), and Jerome (Yolanda) and a host of other loving relatives and dear friends; now, therefore, be it

RESOLVED that the City Council of the City of Elizabeth hereby expresses its condolences at the passing of Charlene Davis 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 pro tem Jackus declared City Council adjourned at

7:45 p.m.

APPROVED

EDWARD JACKUS  
President pro tem of City Council

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