

(PRO TEM)  
PROCEEDINGS OF CITY COUNCIL

(OFFICIAL)

ELIZABETH, N.J.

Tuesday Evening  
June 22, 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: ~~Frank J. Cuesta~~, 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 J. Cuesta Jr.~~, Councilman-At-Large - ~~8~~ 7

ABSENT: Council President Cuesta, Grova - 2

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

Councilwoman Perkins-Auguste delivered the opening prayer and led all present in the Pledge of Allegiance to the American Flag.

NOTE: Councilman Gonzalez arrived at the meeting at 7:35 p.m. and assumed his seat.

**PUBLIC SPEAKING**

Richard Diegnan, Jr., Esq., 794 Mountain Boulevard, Watchung, N.J., representing Tumino's Towing, 900 Julia Street, Elizabeth, spoke regarding a bid for towing for the City in March, 2009. He continued that Tumino's Towing lost the bid to Highway Service, but was subcontracted by Highway Service to provide towing services in the City of Elizabeth. He stated further that Tumino's Towing found discrepancies in the towing charges with Highway Service and then brought this to the attention of the City of Elizabeth's Law Department.

Mr. Diegnan stated that these violations give the City Council the ability not to extend Highway Service's contract. He continued that City Council needs to be aware of this and, again, does not have to renew the contract with Highway Service. He stated further that the City of Elizabeth needs to adopt a towing ordinance and, in some of these ordinances, City Council may find an administrative fee or reimbursement to the City.

Mr. Diegnan stated that most of the larger cities have adopted towing ordinances and utilize more than one towing company.

In closing, Mr. Diegnan petitioned City Council to consider adopting a towing ordinance.

Mr. John Tumino, Vice President, Tumino's Towing, stated that he employs approximately 20 people and submitted a bid to provide towing services for the City of Elizabeth. He continued that his company was subcontracted by Highway Service for towing services. He stated further that 25 to 55 invoices were overcharged by Highway Service.

Mr. Tumino petitioned City Council to hold the renewal of Highway Service's contract until it is confirmed if and how these refunds were done.

Mr. Tumino stated he tows for Bayonne, Hackensack and Jersey City. He continued that a rotation system could be established, i.e. by the week, month, etc. He stated further that the bid process "pins" businesses against one another.

In closing, Mr. Tumino stated that the City stipulated the towing charges for each tow and Highway Service did not comply.

5

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. 4138**, 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.**

This ordinance was adopted on its first reading at the meeting of City Council held on **June 9, 2010**.

The Notice of Public Hearing was published in the Star Ledger issue of **June 15, 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.

Council President pro tem Jackus announced that the next business in order would be a public hearing on **Ordinance No. 4139**, entitled:

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

This ordinance was adopted on its first reading at the meeting of City Council held on **June 9, 2010**.

The Notice of Public Hearing was published in the Star Ledger issue of **June 15, 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 June 11, 2010, from the Business Administrator recommending the award of a contract to W. B. Mason Co., 535 Secaucus Road, Secaucus, N.J., for the purchase of office supplies for all departments and divisions for the period July 23, 2010 through February 1, 2012, at a cost not to exceed \$550,000.00. Which was received.

By the Clerk:

Letter dated June 11, 2010, from the Business Administrator recommending the award of a contract to Cleveland Auto & Tire Company, 462 Third Avenue, Elizabeth, N.J., for tires and tubes for Public Works, Police and Fire Department vehicles for the period June 8, 2010 through July 8, 2010, at a cost not to exceed \$35,000.00. Which was received.

By the Clerk:

Letter dated June 11, 2010, from the Business Administrator recommending the award of a respective contracts to the following: Herman Miller Inc., c/o BFI, Business Furniture Inc., 10 Lanidex Center West, Parsippany, N.J., in the amount of \$83,833.44; Metalworks, Inc., d/b/a Great Openings, 902 East Fourth Street, Ludington, MI, in the amount of \$27,945.28; Kimball International Marketing Inc, d/b/a Kimball Office, 1600 Royal Street, Jasper, IN, in the amount of \$69,742.20; BFI, Business Furniture Inc., 10 Lanidex Center West, Parsippany, N.J., in the amount of \$22,442.62 for furniture for the Police Headquarters at a total cost of \$203,963.54. Which was received.

5

~~CONFIDENTIAL~~ JUNE 22, 2010

~~CONFIDENTIAL~~

By the Clerk:

Letter dated June 11, 2010, from the Business Administrator recommending the renewal of the contract with Highway Service, 548 Trumbull Street, Elizabeth, N.J., for towing and storage for the second year with the option to renew for a third year, under the same terms and conditions as the current contract.  
Which Was Referred To Council As A Whole.

By the Clerk:

Letter dated June 11, 2010, from the Business Administrator recommending the award of a contract to Continental Fire & Safety, 180 Volusia Avenue, Trenton, N.J., for Police and Homeland Security equipment and supplies for the period August 8, 2010 through April 30, 2011, at a cost not to exceed \$30,000.00.  
Which was received.

By the Clerk:

Corrected letter dated June 17, 2010, from the Business Administrator requesting an amendment to a resolution adopted May 25, 2010, authorizing Urban Enterprise Zone Assistance funds for the administration of the UEZ Program in an amount not to exceed \$595,000.00, specifically to correct the proposal amount not to exceed \$669,000.00.  
Which was received.

By the Clerk:

Letter dated June 11, 2010, from the Business Administrator requesting authorization to submit an Urban Enterprise Zone proposal for Zone Assistance funds for a Customer Service Skills Training Initiative Program-Phase 3, to fund a UEZ employment and training position as well as provide classroom training and job placement opportunities for Elizabeth residents to be administered through the Retail Skills Center for the period August 11, 2010 through August 31, 2011, in the amount of \$395,400.00.  
Which was received.

By the Clerk:

Letter dated June 15, 2010, from the Business Administrator requesting authorization for the proper City officials to apply, accept and sign all appropriate documents for the Targeting Violent Crime Initiative Program, approved by the U.S. Department of Justice, to target violent crimes and violent offenders in the amount of \$69,000.00.  
Which was received.

By the Clerk:

Letter dated June 15, 2010, from the Business Administrator recommending a revision of fees and fines charged by the City of Elizabeth.  
Which was received.

By the Clerk:

Letter dated May 27, 2010, from the Chief Financial Officer requesting authorization for the Tax Collector to cancel disallowed senior citizen deductions pursuant to a delineated list submitted May 27, 2010, for the Tax Year 2009 in the amount of \$3,250.00.  
Which was received.

~~CONFIDENTIAL~~

~~CONFIDENTIAL~~

By the Clerk:

Letter dated June 2, 2010, from the Chief Financial Officer requesting authorization for the City Treasurer to cancel the following tax credits: YR 1996: \$4,141.72; YR 1999: \$2,383.30; YR 2000: \$4,263.47; YR 2001: \$104,144.73; YR 2002: \$124,838.56 in the total sum of \$239,781.78 and be credited to Miscellaneous Revenue not anticipated and should any payee presenting adequate proof of payment at a future date, the City Treasurer be authorized to issue a replacement check in the same amount.

Which was received.

By the Clerk:

Letter dated June 15, 2010, from the Chief Financial Officer advising that 107 First Street Realty Urban Renewal, Inc., 25 Route 22 East, Springfield, N.J., is in default of its financial agreement with the City and the prevailing tax abatement statute and recommends that 81-83 East Jersey Street be returned to the tax rolls upon City Council approval.

Which Was Referred To Council As A Whole.

By the Clerk:

Letter dated June 15, 2010, from the Chief Financial Officer advising that The Burnett Investors Urban Renewal, Inc., 25 Route 22 East, Springfield, N.J., is in default of its financial agreement with the City and the prevailing tax abatement statute and recommends that 111-113 First Street be returned to the tax rolls upon City Council approval.

Which Was Referred To Council As A Whole.

By the Clerk:

Letter dated June 15, 2010, from the Chief Financial Officer advising that 620 First Urban Renewal, L.P., 600 Fulton Street, Elizabeth, N.J., is in default of its financial agreement with the City and the prevailing tax abatement statute and recommends that 620 First Avenue be returned to the tax rolls upon City Council approval.

Which Was Referred To Council As A Whole.

By the Clerk:

Letter dated June 15, 2010, from the Chief Financial Officer advising that Millennium Urban Renewal, L.P., 600 Fulton Street, Elizabeth, N.J., is in default of its financial agreement with the City and the prevailing tax abatement statute and recommends that 600 Fulton Street be returned to the tax rolls upon City Council approval.

Which Was Referred To Council As A Whole.

By the Clerk:

Letter dated June 15, 2010, from the Chief Financial Officer advising that 2011 SFY Municipal and Sewer Utility Temporary Budgets; Introduce 2011 SFY "CAP" Ordinance; 2011 SFY Temporary Emergency Appropriations, and 2010 SFY Transfers be considered at a special meeting to be held Tuesday, July 6, 2010 at 7:15 p.m.

Which was received.

By the Clerk:

Letter dated June 15, 2010, from the Chief Financial Officer advising that transfers for the 2010 SFY Municipal and Sewer Utility Budgets may be necessary.

Which was received.

~~CONFIDENTIAL~~

By the Clerk:

Letter dated June 15, 2010, from the Chief Financial Officer requesting the adoption of a resolution that would pre-qualify prospective Property Tax Attorneys, Blau & Blau, Attorneys-at-Law, who submitted a Request for Qualifications (RFQ) to the City that was solicited through a fair and open process.

Which was received.

By the Clerk:

Letter dated June 15, 2010, from the Chief Financial Officer requesting the adoption of a resolution that would pre-qualify prospective Auditors, Louis C. Mai, CPA & Associates, who submitted a Request for Qualifications (RFQ) to the City that was solicited through a fair and open process.

Which was received.

By the Clerk:

Letter dated June 15, 2010, from the Chief Financial Officer requesting the adoption of a resolution that would pre-qualify prospective Bond Attorneys, DeCotiis, FitzPatrick, Cole & Wisler, LLC, and Hawkins, Delafield & Wood, LLP, who submitted Request for Qualifications (RFQ) to the City that was solicited through a fair and open process.

Which was received.

By the Clerk:

Letter dated June 15, 2010, from the Chief Financial Officer requesting the adoption of a resolution that would pre-qualify prospective Financial Advisors, Powell Capital Markets, Inc., NW Financial Group, and Acacia Financial Group, Inc., who submitted Request for Qualifications (RFQ) to the City that was solicited through a fair and open process.

Which was received.

By the Clerk:

Letter dated June 15, 2010, from the Chief Financial Officer requesting the adoption of a resolution that would pre-qualify prospective Appraisers, Stack, Coolahan & Stack, LLC who submitted Request for Qualifications (RFQ) to the City that was solicited through a fair and open process.

Which was received.

By the Clerk:

Letter dated June 15, 2010, from the Chief Financial Officer requesting an Ordinance to amend Chapters 13.16.130 (B) (2); 13.16.130 (B) (3) (a), 13.16.130 (B) (3) (b), and H of the Code of the City of Elizabeth to increase the Sewer rates in the City of Elizabeth.

Which was received.

By the Clerk:

Letter dated June 15, 2010, from the Chief Financial Officer advising to formally cancel \$4,000,000.00 of a current balance of \$5,788,724.63 in the Midtown General Capital Improvement Appropriation and credit General Capital Surplus in order to utilize these funds as needed to stabilize taxes or to fund other economic development projects.

Which was received.



~~CONFIDENTIAL - JUNE 23, 2010~~

~~CONFIDENTIAL - JUNE 23, 2010~~

By the Clerk:

Letter dated June 7, 2010, from the Department of Planning and Community Development requesting authorization for the proper City officials to execute an agreement with Future City, Inc., 1045 East Jersey Street, Suite 204, Elizabeth, N.J., to provide funds to administer the agency's Sustainable City Project for the period July 1, 2010 to June 30, 2011 in the amount of \$15,000.00.  
Which was received.

By the Clerk:

Letter dated June 11, 2010, from the Department of Planning and Community Development requesting to rescind the resolution adopted December 23, 2008, authorizing a Deferred Payment Loan to Brand New Day, Inc. for the 217-219 First Street Project under the City's For Sale Housing Program.  
Which was received.

By the Clerk:

Letter dated June 11, 2010, from the Department of Planning and Community Development requesting authorization for the proper City officials to execute any and all documents necessary and appropriate to provide a Deferred Payment Loan for the rehabilitation/conversion of a vacant mixed-use building into 6 condo units under the "For Sale" Housing Program on the property located at 217-219 First Street in the amount of \$230,000.00 in HOME funds and \$40,000.00 in CDBG funds, totaling \$270,000.00.  
Which was received.

By the Clerk:

Letter dated June 8, 2010, from the Director of Public Works requesting authorization for the Mayor to endorse the modification to existing NJDEP Land Use Regulation Permits for AGL Resources (a/k/a Elizabethtown Gas Company) on properties located on South Street, Fourth Avenue, and Centre Street that requires the signature of the Mayor as one of the landowners identified in "Item B. Property Owner's Certification".  
Which was received.

By the Clerk:

Letter dated June 9, 2010, from the Director of Public Works recommending the award of a contract to U.S.A. General Contractors Corp., 980 DeHart Place, Elizabeth, N.J., for the re-roofing at Elizabeth Police Headquarters and the Municipal Court Facility at a cost of \$540,500.00.  
Which was received.

By the Clerk:

Letter dated June 9, 2010, from the Director of Public Works recommending the award of a contract to Grinnell Recycling, Inc., 482 Houses Corner Road, Sparta, N.J., for the demolition and related work at Brophy Field House at a cost of \$29,000.00.  
Which was received.

By the Clerk:

Letter dated June 9, 2010, from the Director of Public Works recommending the award of a contract to T & M Associates, Eleven Tindall Road, Middletown, N.J., to provide professional engineering services in connection with traffic signals design and construction inspection on West Jersey Street, at the intersection of Union Street and Elizabethtown Plaza; Broad Street, at the intersection of Caldwell Place, at a cost not to exceed \$117,805.00.  
Which was received.

[REDACTED]

[REDACTED]

By the Clerk:

Letter dated June 11, 2010, from the Director of Public Works requesting that City Council reject the one bid received on June 8, 2010, for a two-year contract for repairs and maintenance of the plumbing systems at various Public Buildings owned by the City and authorize the Director of Public Works to re-advertise for this project.

Which was received.

By the Clerk:

Letter dated June 14, 2010, from the Director of Public Works requesting approval of Change Order No. 1 to the contract awarded to Underground Utilities Corp., for the Summer Street CSO Flood Relief, New Storm Sewer Project, in the original amount of \$597,288.30, to provide further for utility conflicts encountered on Summer Street which have resulted in the need to install a double 20 inch section of storm sewer and additional manholes instead of a 30 inch storm sewer to avoid conflicts with a 20 inch water main and a PSE&G electric duct bank at an additional cost of \$42,290.31 raising the amount of the contract to \$639,578.61.

Which was received.

By the Clerk:

Letter dated June 14, 2010 from the Director of Public Works requesting authorization for the proper City officials to apply, accept and sign all appropriate documents for the N.J. Department of Transportation's Urban Aid Program for the purpose of implementing pedestrian safety improvements at the intersections of Elizabethtown Plaza, Union Street and West Jersey Street as well as Broad Street and Caldwell Place to include but not limited to: installation of a traffic light system, curbing, striping, signage and designated crosswalks with diagonal lines, total grant amount not to exceed \$420,000.00

Which was received.

By the Clerk:

Letter dated June 15, 2010, from the Director of Public Works recommending the award of a contract to Maser Consulting P.A., One River Center – Building Two, 331 Newman Springs Road, Red Bank, N.J., to provide professional engineering services for the design and construction management of the improvements to the Front Street Fields at a cost not to exceed \$214,400.00.

Which was received.

By the Clerk:

Letter dated June 15, 2010, from the Director of Public Works requesting approval of Change Order No. 1 to the contract awarded to Montana Construction Corporation for the Verona Avenue/Gebhardt Avenue Storm Sewer Improvement Project in the original amount of \$5,823,050.00, to further include providing main power by PSE&G to the Storm Water Pumping Station located at Kean University property, water service repairs to 335, 379, and 387 Verona Avenue, and the removal and replacement of sanitary sewer manholes and sewer pipes along Verona Avenue at an additional cost of \$186,441.90, increasing the amount of the contract to \$6,009,491.90.

Which was received.

By the Clerk:

Letter dated June 15, 2010, from the Director of Public Works recommending the award of a contract to M & M Construction Company, Inc., 540 North Avenue, Union, N.J., for renovations to the Elizabeth Police Headquarters at a cost of \$2,482,000.00.

Which was received.

By the Clerk:

Letter dated June 14, 2010, from the Director of Public Works recommending the award of a contract to KG Marine contracting, Inc., 29 Princeton Drive, Delran, N.J., for the correction of beach erosion at walkway north of the Municipal Marina and miscellaneous work at the Municipal Marina and at the Recreation Pier at a cost of \$681,246.44.

Which was received.

By the Clerk:

Letter dated June 10, 2010, from the Director of Recreation requesting an amendment to the resolution adopted May 11, 2010, authorizing execution of appropriate documents for the Kids Recreation Trust program for an amount not to exceed \$75,000.00. to also apply for the incorporation of artificial turf at the Waterfront Soccer Fields in addition to the Kellogg Park and O'Brien Field improvements, as well as the scholarship program for an amount not to exceed \$300,000.00.

Which was received.

By the Clerk:

Letter dated June 14, 2010, from the Police Department requesting authorization for the proper City officials to apply, accept and sign all appropriate documents for the 2010 N.J. State Body Armor Replacement Fund Program grant for funds to be used to purchase body vests.

Which was received.

**REPORTS OF CITY OFFICERS**

By the Clerk:

Letter June 22, 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 18, 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. 4140, which was seconded by Councilman Keenan, entitled:

**AN ORDINANCE TO AMEND CHAPTER 13.16.130 (B) (2), 13.16.130 (B) (3) (a), 13.16.130 (B) (3) (b) AND H OF THE CODE OF ELIZABETH TO INCREASE THE SEWER RATES IN THE CITY OF ELIZABETH.**

Councilman Mazza announced that he is completely against this increase during this economical time and cannot vote in favor of it.

The Clerk read the foregoing ordinance.

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

AFFIRMATIVE: Perkins-Auguste, ~~Keenan~~, Gonzalez, Keenan, ~~Cedeno~~, Gallman, ~~Mazza~~, President pro tem Jackus - 8 5

NEGATIVE: ~~Keenan~~ CEDENO, MAZZA - 2

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Council President pro tem Jackus announced that the next business in order would be the introduction of Ordinance No. 4141, which was seconded by Councilman Keenan, entitled:

AN ORDINANCE AUTHORIZING AMENDMENTS TO VARIOUS CHAPTERS OF THE CODE OF THE CITY OF ELIZABETH, SPECIFICALLY TO REVISE FEES AND FINES CHARGED FOR SERVICES PROVIDED BY THE CITY.

Councilman Mazza announced he cannot support these increases in fees.

The Clerk read the foregoing ordinance.

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

AFFIRMATIVE: Perkins-Auguste, █████, Gonzalez, Keenan, █████, Gallman, █████, President pro tem Jackus - ✕ 5

NEGATIVE: █████ CEDENO, MAZZA - 2

Council President pro tem Jackus announced that the next business in order would be the introduction of Ordinance No. 4142, which was seconded by Councilman Keenan, entitled:

AN ORDINANCE TO AUTHORIZE THE ESTABLISHMENT OF A PERSONALIZED HANDICAPPED PARKING SPACE FOR STEPHANIE LUBAS, 208 GENEVA 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, █████, Gonzalez, Keenan, Cedeno, Gallman, Mazza, President pro tem Jackus - ✕ 7

NEGATIVE: None

Council President pro tem Jackus announced that public notice will be published fixing Tuesday evening, July 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 Ordinance Nos. 4140, 4141 and 4142 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. 4138**, which was seconded by Councilman Keenan:

**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.**

**WHEREAS**, the Division of Engineering has reviewed an application submitted to the City of Elizabeth by 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; and

**WHEREAS**, the general scope of the work consists of the installation of sixteen (16) injection wells, injection of a remediation solution to remediate contaminated groundwater migrating from an up gradient property, groundwater sampling and eventual system shut down and well abandonment over an approximately six year period; now, therefore, be it

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

**SECTION 1.** - That an encroachment permit be granted to The Elm Group, 2475 Baglyos Circle, Bethlehem, PA, on behalf of Burnham, LLC, to perform environmental work within the public-right-of-way of Woodruff Lane.

**SECTION 2.** - The support documentation including a set of plans dated May 14, 2010 prepared by Lauren J. LaPort, PE. is on file in the City Engineer's Office.

**SECTION 3.** - 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.

**SECTION 4.** - All ordinances or parts of ordinance inconsistent with the provisions of this ordinance be and the same are hereby repealed.

**SECTION 5.** -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 6.** - The effective date of this ordinance shall be twenty (20) days after its final passage by City Council and approval by the Mayor at the time and in the manner provided by law.

The Clerk read the foregoing ordinance by title.

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

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

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

NEGATIVE: None

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

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

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

**SECTION 1.** - A personalized handicapped parking space for Jose F. Sierra, is established in front of **218 Delaware Street, Elizabeth, New Jersey** as follows pursuant to the recommendation of the Elizabeth Police Director: along the East curb line of Delaware Street beginning at a point 237' South of Second Avenue and continuing 22' South thereof.

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

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

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

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

14

The Clerk read the foregoing ordinance by title.

This ordinance was adopted on its first reading at the City Council meeting held .

**June 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 **May 27, 2010.**

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

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

NEGATIVE: None

**NEW BUSINESS**

Councilman Kennan **MOVED** for a Suspension of the Rules to consider a resolution which did not appear on the agenda, seconded by Councilman Gonzalez , and

Which was carried unanimously.

**BY CITY COUNCIL AS A WHOLE:**

**WHEREAS**, the Director of the Department of Health and Human Services, has advised that the Office on Youth, conducts summer enrichment and education program annually; and

**WHEREAS**, the Department of Health and Human Services have actively researched professional training for the staff and coordinators, and have identified Foundations, Inc., Center for Afterschool Education for this training. The summer program is scheduled to begin on Tuesday, July 5, 2010. Therefore a training date of June 29, 2010 is essential; and

**WHEREAS**, the Director of the Department of Health and Human Services has requested the award of a contract to **FOUNDATIONS, INC., 2 Executive Drive, Suite One, Moorestown, New Jersey 08057** to provide the staff training to the Office on Youth Staff for the Summer Youth Programs on June 29, 2010 at a total cost of \$1,519.50; and

**WHEREAS**, the Chief Financial Officer has certified that sufficient funds are available and appropriated for this purpose and Certification No. 10-10248, charging the amount of \$1,519.50 to Account No. 0-01-27-330-OYS-346, 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 **FOUNDATIONS, INC., 2 Executive Drive, Suite One, Moorestown, New Jersey 08057** to provide the Staff Training to the Office on Youth Staff for the Summer Youth Programs on June 29, 2010 at a total cost of \$1,519.50.

Which was adopted by the following vote:

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

**NEGATIVE:** None

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>	
20-100-ADM-101	Salaries & Wages	Administration	800.00
20-100-PUR-101	Salaries & Wages	Purchasing	3,000.00
20-105-PER-101	Salaries & Wages	Personnel	2,500.00
20-110-CCO-101	Salaries & Wages	City Council	7,300.00
20-110-MAY-101	Salaries & Wages	Mayor's Office	5,990.00
20-120-ABC-101	Salaries & Wages	Alcohol Beverage Contro	3,800.00
20-120-CCL-101	Salaries & Wages	City Clerk	300.00
20-140-DPR-101	Salaries & Wages	Data Processing	5,500.00
20-145-REV-101	Salaries & Wages	Revenue	17,300.00
20-155-LAW-101	Salaries & Wages	Law Department	12,400.00
20-170-ECD-101	Salaries & Wages	Bureau of Economic Development	550.00
20-170-PZO-101	Salaries & Wages	Planning & Zoning	3,100.00
21-105-HRC-101	Salaries & Wages	Human Rights Commission	1,000.00
22-195-CLI-101	Salaries & Wages	Central Licensing	9,900.00
22-195-REN-101	Salaries & Wages	Rent Control	600.00
22-195-WME-101	Salaries & Wages	Weights & Measures	700.00
25-250-PST-101	Salaries & Wages	Public Safety Telecommunications	20,000.00
25-265-FIR-101	Salaries & Wages	Fire Department	448,660.00
25-265-FCI-101	Salaries & Wages	Fire Civilians	12,000.00
25-265-UFS-101	Salaries & Wages	Uniform Fire Safety	15,800.00
26-300-SPT-101	Salaries & Wages	Streets Parks & Trees	155,000.00
27-330-DHH-101	Salaries & Wages	Director of Health	7,800.00

17

Account	Type	Description	Amount
27-330-OYS-101	Salaries & Wages	Office on Youth Services	10,000.00
25-240-POL-101	Salaries & Wages	Police Department	440,220.00
20-105-PER-325	Operating Expenses	Personnel Department	100.00
26-310-BLD-308	Operating Expenses	Building Maintenance	75,000.00
26-290-EYM-307	Operating Expenses	City Yard	100,000.00
20-150-ASE-302	Operating Expenses	Tax Assessor	5,000.00
		<b>TOTAL</b>	<b>1,364,320.00</b>
		<b>Transfers From:</b>	
20-105-EMP-101	Salaries & Wages	Employee Benefits	1,000.00
20-130-ACC-101	Salaries & Wages	Accounts & Control	15,000.00
20-150-ASE-101	Salaries & Wages	Tax Assessor	15,000.00
20-170-CHA-101	Salaries & Wages	Bureau of Cultural & Heritage Affairs	17,000.00
20-170-DPC-101	Salaries & Wages	Director of Planning	45,000.00
20-170-PIN-101	Salaries & Wages	Public Information	30,000.00
22-195-CON-101	Salaries & Wages	Construction Department	26,000.00
22-195-DNS-101	Salaries & Wages	Director Neighborhood Services	8,000.00
22-195-HOU-101	Salaries & Wages	Bureau of Housing	12,000.00
25-240-PSS-101	Salaries & Wages	Police Signal System Repairs	35,000.00
25-250-PCV-101	Salaries & Wages	Police Civilian	65,000.00
25-260-ASB-101	Salaries & Wages	Ambulance Department	180,000.00
25-260-EMS-101	Salaries & Wages	Emergency Medical Services	20,000.00
26-310-BLD-101	Salaries & Wages	Building Maintenance	130,000.00





By City Council as a Whole:

Whereas, the Midtown General Capital Improvement Appropriation which is dedicated to economic development projects, is not fully required at this time due to the general economic downturn, and

Whereas, it is necessary to formally cancel \$4,000,000.00 of a current balance of \$5,788,724.63 in the Midtown General Capital Improvement Appropriation and credit General Capital Surplus in order to utilize these funds as needed to stabilize taxes or to fund other economic development projects, and

Whereas, the City of Elizabeth in the County of Union, New Jersey, plans to reappropriate this canceled \$4,000,000.00 in future years as needed for economic development projects;

Now Therefore, Be It Resolved, that \$4,000,000.00 of the Midtown General Capital Improvement appropriation balance of \$5,788,724.63 be canceled and credited to General Capital Surplus in order to utilize these funds as needed to stabilize taxes or to fund other economic development projects, and

Now Therefore, Be It Further Resolved, that the canceled \$4,000,000.00 of the Midtown General Capital Improvement appropriation balance of \$5,788,724.63 be reappropriated in future years as needed for economic development projects.

Which was adopted by the following vote:

AFFIRMATIVE: Perkins-Auguste, ██████, Gonzalez, Keenan, Cedeno, Gallman, Mazza, President pro tem Jackus - 27

NEGATIVE: None

**BY CITY COUNCIL AS A WHOLE:**

**WHEREAS**, the Director of the Department of Public Works has advised that the New Jersey Department of Environmental Protection has made a request to AGL Resources (Also known as Elizabethtown Gas Company) to modify to the existing, Freshwater Wetland Letter of Interpretation, Freshwater Wetland General Permit No. 4, and Coastal General Permit No. 15; and

**WHEREAS**, since the approval of the referenced permits by NJDEP on October 28, 2009, it has become necessary to modify the permit for a minor increase (approximately 0.15 of an acre) in the areas of wetlands disturbance near the Elizabeth River; and

**WHEREAS**, in order to have the existing permit modified for this minor expansion of the areas of wetlands disturbance, it is necessary to submit a modification application to the State that requires the signature of the J. Christian Bollwage, Mayor as one of the landowners identified in "item B. PROPERTY OWNERS CERTIFICATION" on the LURP-2 form submitted by Langan Engineering & Environmental Services to the City Clerk's Office; and

**WHEREAS**, authorization is requested for the for the Mayor to endorse the aforementioned application; now, therefore, be it

**RESOLVED** that the City Council of the City of Elizabeth authorizes the Mayor to endorse the modification applications for the above-referenced permits for AGL Resources (also known as Elizabethtown Gas) filed with the New Jersey Department of Environmental Protection requested to AGL Resources (Also known as Elizabethtown Gas Company) to the existing NJDEP Land Use Regulation Permit Numbers: 2004-02-0002.2, CAF 090001 GP 15 and FFW 09001 GP4 for South Street, Fourth Avenue and Centre Street. Freshwater Wetland Letter of Interpretation, Freshwater Wetland General Permit No. 4, and Coastal General Permit No. 15. for this minor expansion of the areas of wetlands disturbance.

Which was adopted by the following vote:

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

**NEGATIVE:** None

**BY CITY COUNCIL AS A WHOLE:**

**WHEREAS**, the Business Administrator, Acting Director of Planning & Community Development has requested authorization to amend the resolution adopted May 25, 2010, which authorized a submittal of the Administration Budget for UEZ funds in the amount of \$595,000.00; and

**WHEREAS**, the City Council letter dated May 14, 2010 requesting said authorization to submit an Urban enterprise Zone proposal for Zone Assistance funds to the New Jersey Urban Enterprise Authority for the administration of the UEZ program had an incorrect proposal amount of \$595,000.00. The correct proposal amount should reflect \$669,000.00, an increase of \$74,000.00; and

**WHEREAS**, these funds will be used to provide for administrative funding of UEZ program for the fiscal year of July 1, 2010 through June 30, 2011 as well as the Second Generation Funds for FY 2011; now, therefore, be it

**RESOLVED** that the City Council of the City of Elizabeth hereby amends the resolution adopted May 25, 2010 which authorized a submittal of the Administration Budget for UEZ funds in the amount of \$595,000.00 to reflect the correct proposal amount of \$669,000.00 for increase of \$74,000.00 to provide for administrative funding of UEZ program for the fiscal year of July 1, 2010 through June 30, 2011 as well as the Second Generation Funds for FY 2011.

Which was adopted by the following vote:

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

**NEGATIVE:** None

**BY CITY COUNCIL AS A WHOLE:**

**WHEREAS**, as a result of the City of Elizabeth’s designation as an Urban Enterprise Zone, qualified businesses are eligible to collect sales tax at the rate of 3.5%; and

**WHEREAS**, the monies collected at this reduced sales tax are deposited in the Urban Enterprise Zone Assistance Fund by the New Jersey Division of Taxation and are available for use by the City of Elizabeth for programs and projects designed to promote economic development; and

**WHEREAS**, the Business Administrator has requested authorization to submit a proposal to the New Jersey Urban Enterprise Zone Authority for \$395,400.00 in Zone Assistance Funds to provide for funding for the Customer Service Skills Training Initiative Program – Phase 3; and

**WHEREAS**, these funds will be used to fund a UEZ employment & training position as well as provide classroom training & job placement opportunities for Elizabeth residents.. This program initiative would be administered through our Retail Skills Center located at the Jersey Gardens Mall in Elizabeth from August 11, 2010 through August 31, 2011; now, therefore, be it

**RESOLVED** that the City Council of the City of Elizabeth authorizes the submittal of a proposal to the New Jersey Urban Enterprise Zone Authority, for in the amount of Authority for \$395,400.00 to provide for funding for the Customer Service Skills Training Initiative Program – Phase 3. These funds will be used to fund a UEZ employment & training position as well as provide classroom training & job placement opportunities for Elizabeth residents.. This program initiative would be administered through our Retail Skills Center located at the Jersey Gardens Mall in Elizabeth from August 11, 2010 through August 31, 2011

**FURTHER RESOLVED** that the Mayor is authorized to execute all documents and to enter into any agreements with the Elizabeth Development Company (EDC), or any other party necessary to carry out this resolution.

Which was adopted by the following vote:

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

**NEGATIVE:** None

STATE OF NEW JERSEY  
EDWARD BYRNE DISCRETIONARY GRANT -  
TARGETING VIOLENT CRIME INITIATIVE (TVCI)  
GRANT PROGRAM

RESOLUTION OF PARTICIPATION

A RESOLUTION APPROVING PARTICIPATION WITH THE STATE OF NEW JERSEY EDWARD BYRNE DISCRETIONARY GRANT - TARGETING VIOLENT CRIME INITIATIVE (TVCI) GRANT PROGRAM ADMINISTERED BY THE DIVISION OF CRIMINAL JUSTICE, DEPARTMENT OF LAW AND PUBLIC SAFETY.

WHEREAS, the City of Elizabeth wishes to apply  
Applicant's Unit of Government/Non Profit Organization

for funding for a project under State of New Jersey Edward Byrne Discretionary Grant - Targeting Violent Crime Initiative (TVCI) Grant Program, and

WHEREAS, the City Council of the City of Elizabeth has reviewed the  
Applicant's Governing Body/Board of Directors

accompanying application and has approved said request, and

WHEREAS, the project is a joint effort between the Department of Law and Public Safety and the City of Elizabeth for the purpose described  
Applicant's Unit of Government/Non Profit Organization

in the application;

THEREFORE, BE IT RESOLVED by the City Council of the City of Elizabeth that  
Applicant's Governing Body/Board of Directors

1. As a matter of public policy City of Elizabeth wishes to  
Applicant's Unit of Government/Non Profit Organization participate to the fullest extent possible with the Department of Law and Public Safety.
2. The Attorney General will receive funds on behalf of the applicant.
3. The Division of Criminal Justice shall be responsible for the receipt and review of the applications for said funds.

- 4. The Division of Criminal Justice shall initiate allocations to each applicant as authorized.
- 5. The following are the applicant's authorized signatories for the grant agreement documents, detailed cost statements, State payment vouchers and programmatic progress reports:

<b>Name</b> J. Christian Bollwage	J. Christian Bollwage, Mayor
	<b>Title</b>
<b>Name</b> James Cosgrove	James Cosgrove, Police Director
	<b>Title</b>
<b>Name</b> Ronald Simon	Ronald Simon, Police Chief
	<b>Title</b>

We certify that the information contained in, or included with, this contract document is accurate and complete.

J. Christian Bollwage, Mayor	June 22, 2010
	<b>Date</b>
James Cosgrove, Police Director	June 22, 2010
	<b>Date</b>

[TVCI rev'd 5/10]

Which was adopted by the following vote:

AFFIRMATIVE: Perkins-Auguste, ██████████ Gonzalez, Keenan, Cedeno, Gallman, Mazza, President pro tem Jackus - **87**

NEGATIVE: None

BY CITY COUNCIL AS WHILE:

WHEREAS, the Director of Department of Public Works has requested authorization for the proper City Officials to apply, accept and sign all appropriate documents for the New Jersey Department of Transportation's Urban Aid Program Grant. The amount of grant dollars being requested is not to exceed \$420,000.00; and

WHEREAS, with this anticipated funding, the Department of Public Works will implement pedestrian safety improvements at the intersections of Elizabethtown Plaza, Union Street and West Jersey Streets as well as Broad Street and Caldwell Place to include but not limited to: installation of a traffic light system, curbing, striping, signage and designated crosswalks with diagonal lines; and

WHEREAS, this project will assist with increased pedestrian and vehicular traffic due to the incorporation of Union County College's Kellogg Building as well as the anticipated new 1500 car parking garage at West Jersey Street and Elizabethtown Plaza; and

WHEREAS, the aforementioned improvements would improve pedestrian and vehicular safety as well as calm local traffic conditions at this busy intersection through the implementation of these traffic signal systems, 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 New Jersey Department of Transportation's Urban Aid Program Grant. With this anticipated funding, the Department of Public Works will implement pedestrian safety improvements at the intersections of Elizabethtown Plaza, Union Street and West Jersey Streets as well as Broad Street and Caldwell Place to include but not limited to: installation of a traffic light system, curbing, striping, signage and designated crosswalks with diagonal lines. The amount of grant dollars being requested is not to exceed \$420,000.00.

Which was adopted by the following vote:

AFFIRMATIVE: Perkins-Auguste, ██████, Gonzalez, Keenan, Cedeno, Gallman, Mazza, President pro tem Jackus - 27

NEGATIVE: None

**BY CITY COUNCIL AS A WHOLE:**

**WHEREAS**, the Director of the Police Department has requested authorization for the proper City Officials to apply, accept and sign all appropriate documents for the 2010 State Body Armor Replacement Fund Program Grant; and

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

**WHEREAS**, this program provides lifesaving equipment for law enforcement officers, Municipal funding is formula based; 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 State of New Jersey Body Armor Replacement Fund Grant for the purchase of body vests for the reasons stated hereinabove.

Which was adopted by the following vote:

**AFFIRMATIVE:** Perkins-Auguste, ██████████, Gonzalez, Keenan, Cedeno, Gallman, Mazza, President pro tem Jackus - 27

**NEGATIVE:** None

**BY CITY COUNCIL AS A WHOLE:**

**WHEREAS**, on May 11, 2010 a resolution was adopted that authorized the proper City Officials to apply, accept and sign all appropriate documents in connection with the Union County Open Space, Recreation & Historic Preservation, Kids Recreation Trust Funds Grant for improvements to Kellogg Park and O'Brien Field, as well as Scholarship Program, in an amount not to exceed \$75,000.00; and

**WHEREAS**, the Director of the Department of Recreation has requested that the resolution adopted May 11, 2010 be amended to authorize the proper City Officials to apply, accept and sign all appropriate documents for the Kids Recreation Trust Program Grant for an amount not to exceed \$300,00.00; and

**WHEREAS**, the scope of allowable recreational improvements has recently been expanded by the County of Union and, therefore, the City of Elizabeth will also be applying for the incorporation of artificial turf at the Waterfront Soccer Fields in addition to the Kellogg Park and O'Brien Field improvements, as well as the scholarship program; and

**WHEREAS**, the Union County Kids Recreation Trust is allocating funding, in matching grant dollars, for the expansion of recreation opportunities in the municipality; allowing each municipality the opportunity to address their specific need. The Union County Kids Recreation Trust offers recreation opportunities including funding for scholarships pertaining to summer recreational activities and playground equipment; and

**WHEREAS**, with this anticipated funding, the Department of Recreation will implement additional recreational equipment, including, but not limited to swings, at O'Brien Field and Kellogg Park to increase and enhance recreational experiences throughout the City of Elizabeth. In addition, the City of Elizabeth will incorporate artificial turf at the Waterfront Soccer Fields, to increase durability and overall quality of field conditions; and

**WHEREAS**, the City of Elizabeth will also participate in the Kids Recreation Trust Fund Scholarship Program and has requested applications of interest from 501c3 non-profit organizations throughout the City of Elizabeth. Interested organizations that will provide 2011 summer camp services, will be required to submit scholarship activity details including, but not limited to: description of request, need, and required participant/registration information; and

WHEREAS, through this grant opportunity, scholarship funding will be provided to defray and/or provide complete enrollment costs for Elizabeth children, who intend or participating in 2011 summer camp activities associated with Elizabeth non-profit organizations; now, therefore, be it

RESOLVED that the City Council of the City of Elizabeth amends the resolution adopted May 11, 2010, authorizing an application for Kids Recreation Trust Funds Grants for improvements to O'Brien Field and Kellogg Park, as well as the Scholarship Program, to also include artificial turf at the Waterfront Soccer Field thereby amending the May 11, 2010 resolution from an amount not to exceed \$75,000.00 to an amount not to exceed \$300,000.00 for the purposes stated hereinabove.

Council President pro tem Jackus thanked the Administration for including artificial turf.

Councilwoman Perkins-Auguste stated that these fields will also be used for football.

Which was adopted by the following vote:

AFFIRMATIVE: Perkins-Auguste, ██████████ Gonzalez, Keenan, Cedeno, 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 requested that the award of any contract pursuant to NJSA 40A:11-5 (2) be awarded by resolution of the Governing Body; and

WHEREAS, the Business Administrator the Purchasing Agent have recommended an award of a contract be made to W. B. MASON COMPANY, 535 Secaucus Road, Secaucus, New Jersey 07094 for the purchasing of Office Supplies for all departments and divisions at a cost not to exceed \$550,000.00 under the Somerset County Cooperative Purchasing Contract #CC-01-10 for the period of July 23, 2010 through February 1, 2012; 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 be made to W. B. MASON COMPANY, 535 Secaucus Road, Secaucus, New Jersey 07094 for the purchasing of Office Supplies for all departments and divisions at a cost not to exceed \$550,000.00 under the Somerset County Cooperative Purchasing Contract #CC-01-10 for the period of July 23, 2010 through February 1, 2012.

Which was adopted by the following vote:

AFFIRMATIVE: Perkins-Auguste, ██████████ Gonzalez, Keenan, Cedenó, 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 CLEVELAND AUTO & TIRE COMPANY, 462 Third Avenue, Elizabeth, New Jersey for Tires and Tubes for Public Works, Police and Fire Department Vehicles for the period June 8, 2010 through July 8, 2010 at a cost not to exceed \$35,000.00 under State Contract No. 71687, 71688 & 71689; 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 be made to CLEVELAND AUTO & TIRE COMPANY, 462 Third Avenue, Elizabeth, New Jersey for Tires and Tubes for Public Works, Police, and Fire Department Vehicles for the period of June 8, 2010 through July 8, 2010 at a cost not to exceed \$35,000.00 under State Contract No. 71687, 71688 & 71689.

Which was adopted by the following vote:

AFFIRMATIVE: Perkins-Auguste, ██████████, Gonzalez, Keenan, Cedeno, 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 contracts be made as follows for the purchase of Furniture for Police Headquarters to **Herman Miller, Inc., c/o BFI, Business Furniture, Inc., 10 Ladix Center West, Parsippany, New Jersey 07054**, in the amount of \$83,833.44 under their state contract #A57053; **Metalworks, Inc./dba Great Openings, 902 East Fourth Street, Ludington, MI 49431**, in the amount of \$27,945.28 under their state contract #70308; **Kimball International Marketing, Inc./dba Kimball Office, 1600 Royal Street, Jasper, IN 47549**, in the amount of \$69,742.20 under their state contract #A69941; **BFI Business Furniture, Inc., 10 Lanidex Center West, Parsippany, New Jersey 07054**, in the amount of \$22,442.62 under their state contract #69935, for a total cost of \$203,963.54; and

**WHEREAS**, the Chief Financial Officer has certified that sufficient funds are available and appropriated for this purpose and Certification No. 10-09862 , charging the amount of \$59,413.90 to Account No. X-04-55-999-X17-001, Certification No.10-09863, charging the amount of \$24,419.54 to Account No. X-04-55-99-X17-001, Certification No. 10-09864 charging the amount of \$20,152.00 to Account No. X-04-55-999-X17-001, Certification No. 10-09865 charging the amount of \$7,793.28 to Account No. X-04-55-999-X17-001, Certification No. 10-09866 charging the amount of \$53,851.60 to Account No. X-04-55-999-X17-001, Certification No. 10-09867 charging the amount of \$15,890.60 to Account No. X-04-55-999-X17-001, Certification No. 10-10170 charging the amount of \$21,474.00 to Account No. 0-01-27-330-OYS-325, Certification No. 10-09868 charging the amount of \$6,190.42 to Account No. X-04-55-99-X17-001, Certification No. 10-09869 charging the amount of \$16,252.20 to Account No. X-04-55-99-X17-001 of the Municipal Budget are on file in the Office of the City Clerk; now, therefore, be it

**RESOLVED** that the City Council of the City of Elizabeth authorizes the award of a contracts for furniture for the Police Department as follows to **Herman Miller, Inc., c/o BFI, Business Furniture, Inc., 10 Ladix Center West, Parsippany, New Jersey 07054**, in the amount of \$83,833.44 under their state contract #A57053; **Metalworks, Inc./dba Great Openings, 902 East Fourth Street, Ludington, MI 49431**, in the amount of \$27,945.28 under their state contract #70308; **Kimball International Marketing, Inc./dba Kimball Office, 1600 Royal Street, Jasper, I 47549**, in the amount of \$69,742.20 under their state contract #A69941; **BFI Business Furniture, Inc., 10 Lanidex Center West, Parsippany, New Jersey 07054**, in the amount of \$22,442.62 under their state contract #69935, for a total cost of \$203,963.54.

Which was adopted by the following vote:

AFFIRMATIVE: Perkins-Auguste, ██████, Gonzalez, Keenan, Cedeno, 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 CONTINENTAL FIRE & SAFETY, 180 Volusia Avenue, Trenton, New Jersey 08610-2826 for Assorted Paratech Rescue Equipment for the period of August 8, 2010 through April 30, 2011 at cost not to exceed \$30,000.00 under State Contract No. A76130; 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 CONTINENTAL FIRE & SAFETY, 180 Volusia Avenue, Trenton, New Jersey 08610-2826 for Assorted Paratech Rescue Equipment for the period of August 8, 2010 through April 30, 2011 at cost not to exceed \$30,000.00 under State Contract No. A76130.

Which was adopted by the following vote:

AFFIRMATIVE: Perkins-Auguste, ██████, Gonzalez, Keenan, Cedeno, Gallman, Mazza, President pro tem Jackus - 87

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the Acting Director of the Department of Planning and Community Development has requested authorization to enter into an agreement with **Future City, Inc., 1045 East Jersey Street, Elizabeth, New Jersey 07201** for its Sustainable City Project to provide funds in the amount of \$15,000.00. The term of the contract will extend from July 1, 2010 to June 30, 2011, and the total cost of the program will be \$30,200.00; and.

WHEREAS, funds will be used to administer the agency's Sustainable City Project by providing educational resources on healthy homes, green construction and restoration, to developers in order to strengthen the City's economic development infrastructure and improve resident's quality of life; and

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available and appropriated for this purpose and Certification No. 10-09889 charging the amount of \$15,000.00 to Account No.0-21-56-182 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 Acting Director of the Planning and Community Development 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 **Future City, Inc., 1045 East Jersey Street, Suite 204, Elizabeth, New Jersey 07201** for its Sustainable City Project in the amount of \$15,000.00. The term of the contract will extend from July 1, 2010 to June 30, 2011, and the total cost of the program will be \$30,200.00.
2. Quotations were not solicited because of the unique nature of the contractor as a non-profit agency within the City of Elizabeth that provides multilingual information, technical assistance, and resources to City residents regarding the hazards of lead-based paints, and the importance of monitoring and improving water quality for recreational, health, and environmental purposes.
3. The nature of the service provided requires experience and extensive training in business administration, sustainable economic development, software and website development, research skills pertaining to lead-based paint and local water quality monitoring issues, and multilingual media marketing skills.
4. The performance of the service cannot be reasonably described by written specifications, as project success is contingent upon coordination of multimedia efforts, availability and access to quality resources securing additional funding sources, and cooperation of local contractors, historical property owners, and affordable housing organizations.
5. A notice of this action shall be published in The Star Ledger.

Which was adopted by the following vote:

AFFIRMATIVE: Perkins-Auguste, ██████, Gonzalez, Keenan, Cedeno, Gallman, Mazza, President pro tem Jackus - **87**

NEGATIVE: None

**BY CITY COUNCIL AS A WHOLE:**

**WHEREAS**, on June 8, 2010 the Director of Public Works received eight bids for the Re-Roofing the Elizabeth Police Headquarters and Municipal Court Facility; and

**WHEREAS**, the Director of the Department of Public Works has requested authorization to authorize the award of a contract to the lowest responsible bidder **U.S.A. GENERAL CONTRACTORS CORPORATION, 980 DeHart Place, Elizabeth, New Jersey 07207** for the re-roofing at Elizabeth Police Headquarters and Municipal Court Facility in the amount of \$540,500.00; and

**WHEREAS**, the amount of the contract in question exceeds \$50,000.00 and the provisions of Chapter 2.92 of the Code of the City of Elizabeth have been complied with by **U.S.A. GENERAL CONTRACTORS CORPORATION**; and

**WHEREAS**, the Chief Financial Officer has certified that sufficient funds is available and appropriated for this purpose and Certification No. 10-10169 charging the amount of \$540,500.00 to Account No. X-04-55-999-X24-001 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 authorizes the award of a contract to lowest responsible bidder **U.S.A. GENERAL CONTRACTORS CORPORATION, 980 DeHart Place, Elizabeth, New Jersey 07207** for the re-roofing at Elizabeth Police Headquarters and Municipal Court Facility in the amount of \$540,500.00.

Which was adopted by the following vote:

**AFFIRMATIVE:** Perkins-Auguste, ██████, Gonzalez, Keenan, Cedeno, Gallman, Mazza, President pro tem Jackus - **27**

**NEGATIVE:** None

**BY CITY COUNCIL AS A WHOLE:**

**WHEREAS**, on June 8, 2010, the Director of Public Works received one (1) bid for the demolition and related work at the Brophy Field House; and

**WHEREAS**, the Director of the Department of Public Works has requested authorization to award a contract to the sole responsible bidder **GRINNELL RECYCLING, INC., 482 Houses Corner Road, Sparta, New Jersey 07871** for the Demolition and Related Work at Brophy Field House in the amount of \$29,000.00; and

**WHEREAS**, the Chief Financial Officer has certified that sufficient funds are available and appropriated for this purpose and Certification No. 10-10168, charging the amount of \$29,000.00 to Account No. 0-04-55-999-X13-413, 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 the sole responsible bidder **GRINNELL RECYCLING, INC., 482 Houses Corner Road, Sparta, New Jersey 07871** for the Demolition and Related Work at Brophy Field House in the amount of \$29,000.00.

Which was adopted by the following vote:

**AFFIRMATIVE:** Perkins-Auguste, ██████████, Gonzalez, Keenan, Cedeno, Gallman, Mazza, President pro tem Jackus - **11**

**NEGATIVE:** None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the Director of the Department of Public Works has advised that on June 15, 2010 qualification proposals for consulting professional engineering services were received.; and

WHEREAS, the Director of the Department of Public Works has requested an award of a contract be made to **Maser Consulting, P.A. One River Centre, Building Two, 331 Newman Springs Road, Red Bank, New Jersey 07701** to provide the City of Elizabeth with professional engineering services in connection with the design and construction management of the improvements to the Front Street Fields at a cost not to exceed \$214,400.00 and

WHEREAS, the design of improvements to the existing fields will include construction of synthetic turf for football and soccer as well as drainage and infrastructure improvements; and

WHEREAS, 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

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available and appropriated for this purpose and Certification No. 10-10224, charging the amount of \$214,400.00 to Account No. X-04-55-999-X25-001 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 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 City Clerk are hereby authorized and directed to execute a contract with **Maser Consulting, P.A. One River Centre, Building Two, 331 Newman Springs Road, Red Bank, New Jersey 07701** to provide the City of Elizabeth with professional engineering services in connection with the design and construction management of the improvements to the Front Street Fields at a cost not to exceed \$214,400.00
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, ██████████, Gonzalez, Keenan, Cedeno, Gallman, Mazza, President pro tem Jackus - 87

NEGATIVE: None

**BY CITY COUNCIL AS A WHOLE:**

**WHEREAS**, on June 10, 2010 the Director of the Department of Public Works received nine (9) bids for the Elizabeth Police Headquarters Renovations; and

**WHEREAS**, the Director of the Department of Public Works has requested authorization to award a contract to the lowest responsible bidder **M & M Construction Company, Inc., 540 North Avenue, Union, New Jersey 07083** for the Elizabeth Police Headquarters Renovations at a cost of \$2,482,000.00; and

**WHEREAS**, a bid protest received from one of the bidders complained that **M & M Construction Company, Inc.** had not provided four copies of its bid. This protest was rejected in as much as the failure to submit four copies of the bid was not a material defect and therefore may be waived by the City; and

**WHEREAS**, the amount of the contract in question exceeds \$50,000.00 and the provisions of Chapter 2.92 of the Code of the City of Elizabeth have been complied with by **M & M Construction Company, Inc;** and

**WHEREAS**, the Chief Financial Officer has certified that sufficient funds are available and appropriated for this purpose and Certification No. 10-10225 charging the amount of \$61,586.46 to Account No. X-04-55-999-X17-001 and Certification No. 10-10226 charging the amount of \$2,420.413.54 to Account No. X-04-55-999-X18-001 of the Municipal Budget are on file in the Office of the City Clerk; now, therefore, be it

**RESOLVED** that the City Council of the City of Elizabeth authorizes the award of a contract to the lowest responsible bidder **M & M Construction Company, Inc., 540 North Avenue, Union, New Jersey 07083** for the Elizabeth Police Headquarters Renovations at a cost of \$2,482,000.00; and be it

**FURTHER RESOLVED** that the City Council of the City of Elizabeth waives the requirement that the bids be submitted in quadruplicate and determines that the failure of **M & M Construction Company, Inc.** to submit four copies of its bid is not a material defect and therefore may be waived.

Which was adopted by the following vote:

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

**NEGATIVE:** None

BY CITY COUNCIL AS A WHOLE:

39

WHEREAS, on June 11, 2010 the Director of Public Works received seven (7) bids for the Correction of Beach Erosion at Walkway North of the Municipal Marina and Miscellaneous Work in the Municipal Marina and at the Recreation Pier; and

WHEREAS, the lowest responsible bidder **H. C. Constructors, Inc., 295 Route 22 East, Whitehouse Station, New Jersey 08889** failed to provide an unconditional Consent of Surety which is a material defect therefore their bid was not responsive and must be rejected; and

WHEREAS, the second lowest responsive bidder was **KG MARINE CONTRACTING, INC., 29 Princeton Drive, Delran, New Jersey 08075**, in the amount of \$681,246.44; and

WHEREAS, the Director of the Department of Public Works has requested the award of a contract to the second lowest bidder **KG MARINE CONTRACTING, INC., 29 Princeton Drive, Delran, New Jersey 08075**, for the correction of beach erosion at Walkway North of the Municipal Marina and Miscellaneous Work in the Municipal Marina and at Recreation Pier at a cost of \$681,246.44; and

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

WHEREAS, the Chief Financial Officer has certified that sufficient funds is available and appropriated for this purpose and Certification No.10-102222 charging the amount of \$214,330.00 to Account No. X-04-55-990-000, Certification No. 10-10223 charging the amount of \$466,916.44 to Account No. X-04-55-999-X26-001 of the Municipal Budget are on file in the Office of the City Clerk; now, therefore, be it

**RESOLVED** that the City Council of the City of authorizes the award of a contract to second lowest responsible bidder **KG MARINE CONTRACTING, INC., 29 Princeton Drive, Delran, New Jersey 08075**, for the correction of beach erosion at Walkway North of the Municipal Marina and Miscellaneous Work in the Municipal Marina and at the Recreation Pier at a cost of \$681,246.44; and be it

**FURTHER RESOLVED** that the bid of **H.C. Construction, Inc.** be rejected for the reasons set forth hereinabove.

Which was adopted by the following vote:

AFFIRMATIVE: Perkins-Auguste, ██████████ Gonzalez, Keenan, Cedeno,  
Gallman, Mazza, President pro tem Jackus - **87**

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the Director of the Department of Public Works has advised that on December 22, 2009 your Honorable Body adopted a resolution awarding a contract to **Underground Utilities Corporation, 711 Commerce Road, Linden, New Jersey 07036** for the Summer Street CSO Flood Relief, New Storm Sewer Project in the amount of \$597,288.30; and

WHEREAS, **KUPPER, LLC**, the project engineer for this project, has submitted to the City of Elizabeth on behalf of Underground Utilities Corporation, Change Order No. 1 in the amount of \$42,290.32. Utility conflicts encountered on Summer Street have resulted in the need to install a double 20 inch section of storm sewer and additional manholes instead of a to 30 inch storm sewer to avoid conflicts with a 20 inch water main and a PSE&G electric duct bank. These changes are the most cost effective alternative; and

WHEREAS, the New Jersey Environmental Infrastructure Trust (State Project Number S340942-12) has provided to the City of Elizabeth a loan for this project in the amount of \$1,155,824.00. This change order is an allowable cost and as such, will be included in the fifty percent (50%) principal forgiveness on the loan under the American Recovery and Reinvestment Act; and

WHEREAS, the Chief Financial Officer has certified that sufficient funds Certificate No. 10-10253 charging the amount of \$42,290.31 to Account No. X-04-55-034-034, 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 Change Order No. 1 to the contract with **Underground Utilities Corporation, 711 Commerce Road, Linden, New Jersey 07036** referenced hereinabove in the amount of \$42,290.31 . This Change Order No. 1 represents a total increase of 7.08% of the original contract amount of \$597,288.30. The new contract amount is \$639,578.61.

Which was adopted by the following vote:

AFFIRMATIVE: ~~PERKINS-AUGUSTE~~, ~~PERKINS-AUGUSTE~~ Gonzalez, Keenan, Cedeno, Gallman, Mazza, President pro tem Jackus - **6**

NEGATIVE: ~~PERKINS-AUGUSTE~~ **PERKINS-AUGUSTE** — **1**

BY CITY COUNCIL AS A WHOLE:

WHEREAS, on October 13, 2009 your Honorable Body adopted a resolution awarding a contract to **Montana Construction Corporation, 80 Contant Avenue, Lodi, New Jersey 07644** for the Verona Avenue – Gebhardt Avenue Storm Sewer Improvement Project in the amount of \$5,823,050.00; and

WHEREAS, Hatch Mott MacDonald, the Project Engineer for this project, has submitted to the City of Elizabeth on behalf of Montana Construction Corporation, Change Order No. 1 in the amount of \$186,441.90; and

WHEREAS, the scope of the work in this change order includes providing main power by PSE&G to the Storm Water Pumping Station located at Kean University property, water service repairs to 335 Verona Avenue, 379 Verona Avenue, and 387 Verona Avenue, and the removal and replacement of sanitary sewer manholes and sewer pipes along Verona Avenue;

WHEREAS, the New Jersey Environmental Infrastructure trust (State Project Number S340942-09) has provided to the City of Elizabeth a loan for this project in the amount of \$8,053,300.00. This change Order is an allowable cost and as such, will be included in the fifty (50%) principal forgiveness on the loan under the American Recovery and Reinvestment Act; and

WHEREAS, authorization is requested for Change Order No. 1 in the amount of \$186,441.90. This Change Order No. 1 represents a total increase of 3.20% of the original contract amount of \$5,823,050.00, for a new contract amount of \$6,009,491.90.

WHEREAS, the Chief Financial Officer has certified that sufficient funds Certificate No. 10-10165 charging the amount of \$186,441.90 to Account No. X-08-55-033-034 of the Municipal Budget are on file in the Office of the City Clerk; now, therefore, be it

**RESOLVED** that the City Council of the City of Elizabeth authorizes Change Order No. 1 to the contract awarded to **Montana Construction Corporation, 80 Contant Avenue, Lodi, New Jersey 07644** for the Verona Avenue – Gebhardt Avenue Storm Sewer Improvement Project in the amount of \$5,823,050.00. Change Order No. 1 is to provide main power by PSE&G to the Storm Water Pumping Station located at Kean University property, water service repairs to 335 Verona Avenue, 379 Verona Avenue, and 387 Verona Avenue, and the removal and replacement of sanitary sewer manholes and sewer pipes along Verona Avenue for the amount of \$186,441.90, which represents a total increase of 3.20% of the original contract amount of \$5,823,050.00 for a new contract amount of \$6,009.491.90.

Council President pro tem Jackus suggested that during the construction of the Storm Sewer Improvement to have Montana Construction spray water to reduce the dust level.

Which was adopted by the following vote:

AFFIRMATIVE: ~~Perkins~~, ~~Auguste~~, Gonzalez, Keenan, Cedeno, Gallman, Mazza, President pro tem Jackus - ~~2~~ 6

NEGATIVE: None *PERKINS-AUGUSTE - 1*

**BY CITY COUNCIL AS A WHOLE:**

**WHEREAS**, the Director of the Department of Public Works has advised that on March 12, 2010 qualification proposals for consulting professional engineering services were received; and

**WHEREAS**, 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

**WHEREAS**, the Director of the Department of Public Works has requested an award of a contract be made to **T & M Associates, Eleven Tindall Road, Middletown, New Jersey 07748-2792**, for professional engineering services to the City of Elizabeth in connection with the traffic signals design and construction inspection on West Jersey Street at the intersection of Union Street and Elizabethtown Plaza and Broad Street at the intersection of Caldwell Place at a cost not to exceed \$117,805.00; and

**WHEREAS**, this project will be implemented in conjunction with the 1,500 car parking garage the Parking Authority is currently constructing on Elizabethtown Plaza; and

**WHEREAS**, the Chief Financial Officer has certified that sufficient funds are available an appropriated for this purpose and Certification No. 10-10166 charging the amount of \$37,422.71 to Account No X-04-55-985-000 and Certification No. 10-10167 charging the amount of \$80,382.29 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 City Clerk are hereby authorized and directed to execute a contract with **T & M Associates, Eleven Tindall Road, Middletown, New Jersey 07748-2792**, to provide professional engineering services in connection with the traffic signals design and construction inspection on West Jersey Street at the intersection of Union Street and Elizabethtown Plaza and Broad Street at the intersection of Caldwell Place at a cost not to exceed \$117,805.00
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, ██████████ Gonzalez, Keenan, Cedeno, Gallman, Mazza, President pro tem Jackus - ~~8~~ 7

NEGATIVE: None

**BY CITY COUNCIL AS A WHOLE:**

WHEREAS, the Director of the Department of Public Works has advised that on June 8, 2010 one (1) bid was received for a two-year contract for the repairs and maintenance of the Plumbing Systems at various Public Buildings owned by the City of Elizabeth; and

WHEREAS, the only bid received was from Magic Touch Construction Company, Inc., 59 West Front Street, Keyport, New Jersey 07735, which failed to provide an unconditional Consent of Surety, which is a material defect, therefore, their bid was not responsive and must be rejected; now, therefore, be it

RESOLVED that the City Council of the City of Elizabeth rejects the sole bid received on June 8, 2010 from Magic Touch Construction Company, Inc., 59 West Front Street, Keyport, New Jersey 07735 for the reasons setforth hereinabove and authorizes the Director of the Department of Public Works to readvertise for the project.

Which was adopted by the following vote:

AFFIRMATIVE: Perkins-Auguste, ██████, Gonzalez, Keenan, Cedeno, Gallman, Mazza, President pro tem Jackus - 87

NEGATIVE: None

44

**BY CITY COUNCIL AS WHOLE:**

**WHEREAS**, the Chief Financial Officer has requested authorization to pre-qualify those eligible Property Tax Attorneys who submitted a Request for Qualifications (RFQ) to the City that was solicited through a fair and open process; and

**WHEREAS**, the RFQ does not constitute a bid and is intended solely to obtain qualifications from which the City may choose a property tax attorney service that best meets the City's needs. The RFQ is for the sole purpose of pre-qualifying prospective property tax attorneys based on their qualification statements and experience achieved in the area of Property Tax Attorney Services. One or more individuals/firms may be selected to provide property tax attorney in the future; and

**WHEREAS**, this RFQ was solicited through a fair and open process in accordance with N.J.S.A. 19:44A-20.5 et seq; and

**WHEREAS**, the entity that should be pre-qualified is as follows:

**Blau & Blau, Attorneys at Law**

; now, therefore, be it

**RESOLVED** that the City Council of the City of Elizabeth authorizes the Chief Financial Officer to pre-qualify **Blau & Blau, Attorneys at Law** who submitted a proposal in response to the Request for Qualifications (RFQ) to the City of Elizabeth to provide Property Tax Attorney Services.

Which was adopted by the following vote:

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

**NEGATIVE:** None

**BY CITY COUNCIL AS WHOLE:**

**WHEREAS**, the Chief Financial Officer has requested authorization to pre-qualify those eligible Auditors who submitted a Request for Qualifications (RFQ) to the City that was solicited through a fair and open process; and

**WHEREAS**, the RFQ does not constitute a bid and is intended solely to obtain qualifications from which the City may choose an auditing service that best meets the City's needs. The RFQ is for the sole purpose of pre-qualifying prospective auditing firms based on their qualification statements and experience achieved in the area of Auditing Services. One or more individuals/firms may be selected to provide auditing services in the future; and

**WHEREAS**, this RFQ was solicited through a fair and open process in accordance with N.J.S.A. 19:44A-20.5 et seq; and

**WHEREAS**, the entity that should be pre-qualified is as follows:

**Louis C. Mai, CPA & Associates**

; now, therefore, be it

**RESOLVED** that the City Council of the City of Elizabeth authorizes the Chief Financial Officer to pre-qualify **Louis C. Mai, CPA & Associates** who submitted a proposal in response to the Request for Qualifications (RFQ) to the City of Elizabeth to provide Auditing Services.

Which was adopted by the following vote:

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

**NEGATIVE:** None

**BY CITY COUNCIL AS WHOLE:**

**WHEREAS**, the Chief Financial Officer has requested authorization to pre-qualify those eligible Bond Attorneys who submitted a Request for Qualifications (RFQ) to the City that was solicited through a fair and open process; and

**WHEREAS**, the RFQ does not constitute a bid and is intended solely to obtain qualifications from which the City may choose a bond attorney service that best meets the City's needs. The RFQ is for the sole purpose of pre-qualifying prospective bond attorneys based on their qualification statements and experience achieved in the area of Bond Attorney Services. One or more individuals/firms may be selected to provide bond attorney services in the future; and

**WHEREAS**, this RFQ was solicited through a fair and open process in accordance with N.J.S.A. 19:44A-20.5 et seq; and

**WHEREAS**, the entity that should be pre-qualified are as follows:

**DeCotiis, FitzPatrick, Cole & Wisler, LLP  
Hawkins Delafield & Wood LLP**

; now, therefore, be it

**RESOLVED** that the City Council of the City of Elizabeth authorizes the Chief Financial Officer to pre-qualify **DeCotiis, FitzPatrick, Cole & Wisler, LLP** and **Hawkins Delafield & Wood LLP** who submitted a proposal in response to the Request for Qualifications (RFQ) to the City of Elizabeth to provide Bond Attorney Services.

Which was adopted by the following vote:

**AFFIRMATIVE:** Perkins-Auguste, ████████, Gonzalez, Keenan, Ceden, Gallman, Mazza, President pro tem Jackus - **27**

**NEGATIVE:** None

**BY CITY COUNCIL AS WHOLE:**

**WHEREAS**, the Chief Financial Officer has requested authorization to pre-qualify those eligible Financial Advisors who submitted a Request for Qualifications (RFQ) to the City that was solicited through a fair and open process; and

**WHEREAS**, the RFQ does not constitute a bid and is intended solely to obtain qualifications from which the City may choose a financial advisory service that best meets the City's needs. The RFQ is for the sole purpose of pre-qualifying prospective financial advisory firms based on their qualification statements and experience achieved in the area of Financial Advisory Services. One or more individuals/firms may be selected to provide Financial Advisory Services in the future; and

**WHEREAS**, this RFQ was solicited through a fair and open process in accordance with N.J.S.A. 19:44A-20.5 et seq; and

**WHEREAS**, the entities that should be pre-qualified are as follows:

- |                                     |                                     |
|-------------------------------------|-------------------------------------|
| <b>Powell Capital Markets, Inc.</b> | <b>Acacia Financial Group, Inc.</b> |
| <b>NW Financial Group</b>           |                                     |

; now, therefore, be it

**RESOLVED** that the City Council of the City of Elizabeth authorizes the Chief Financial Officer to pre-qualify **Powell Capital Markets, Inc., Acacia Financial Group, Inc., and NW Financial Group** who submitted a proposal in response to the Request for Qualifications (RFQ) to the City of Elizabeth to provide Financial Advisory Services.

Which was adopted by the following vote:

- AFFIRMATIVE:** Perkins-Auguste, ██████, Gonzalez, Keenan, Cedeno, Gallman, Mazza, President pro tem Jackus - **27**
- NEGATIVE:** None

**BY CITY COUNCIL AS WHOLE:**

**WHEREAS**, the Chief Financial Officer has requested authorization to pre-qualify those eligible Appraisers who submitted a Request for Qualifications (RFQ) to the City that was solicited through a fair and open process; and

**WHEREAS**, the RFQ does not constitute a bid and is intended solely to obtain qualifications from which the City may choose an appraiser service that best meets the City's needs. The RFQ is for the sole purpose of pre-qualifying prospective appraisal firms based on their qualification statements and experience achieved in the area of Appraisal Services. One or more individuals/firms may be selected to provide appraisal services in the future; and

**WHEREAS**, this RFQ was solicited through a fair and open process in accordance with N.J.S.A. 19:44A-20.5 et seq; and

**WHEREAS**, the entities that should be pre-qualified is as follows:

**Stack, Coolahan & Stack, LLC.**

; now, therefore, be it

**RESOLVED** that the City Council of the City of Elizabeth authorizes the Chief Financial Officer to pre-qualify **Stack, Coolahan & Stack, LLC.** who submitted a proposal in response to the Request for Qualifications (RFQ) to the City of Elizabeth to provide Appraisal Services.

Which was adopted by the following vote:

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

NEGATIVE: None

**BY CITY COUNCIL AS A WHOLE:**

**WHEREAS**, the Business Administrator has advised that the on December 23, 2008 a resolution was adopted which authorized a Deferred Payment Loan to Brand New Day, Inc., for the 217-219 First Street, Elizabeth, New Jersey Project under the City's FOR SALE Housing Program; and

**WHEREAS**, authorization is requested to rescind the December 23, 2008 resolution due to a reduction in home funds and allocation of CDBG funds; now, therefore, be it

**RESOLVED** that the resolution adopted December 23, 2008, authorizing the 217-219 First Street, Elizabeth, New Jersey Project under the City's FOR SALE Housing Program be rescinded for the reasons stated hereinabove.

Which was adopted by the following vote:

**AFFIRMATIVE:** Perkins-Auguste, ██████████, Gonzalez, Keenan, Ceden, Gallman, Mazza, President pro tem Jackus - **87**

**NEGATIVE:** None

BY CITY COUNCIL AS A WHOLE:

50

WHEREAS, the City of Elizabeth, Department of Planning and Community Development has requested a resolution authorizing a deferred payment loan from the For Sale Housing Program; and

WHEREAS, **Brand New Day, Inc., 176 First Street, Elizabeth, New Jersey 07206** the owner of the property located at **217-219 First Street, Elizabeth, New Jersey 07206** has requested HOME funds in the amount of \$230,000.00 and CDBG funds in the amount of \$40,000.00 for the rehabilitation and conversion of a vacant mixed use building into six (6) condo units under the "For Sale" Housing Program. The Total Project cost is \$2,296,707.00; and

WHEREAS, the terms are that this is a forgivable loan to Developer with resale restrictions to individual purchasers, 0% interest, forgiven after fifteen (15) years affordability period; and

WHEREAS, the amount of the contract in questions is more than \$50,000.00 and the provisions of Chapter 2.92 of the Code of the City of Elizabeth have been complied with by said applicants; and

WHEREAS, this Program will be administered by the Elizabeth Home Improvement Program which will verify income eligibility conduct building inspections, analyze contract costs and estimates, prepare work write-ups, certify final inspections, and monitor future compliance with all Federal regulations and City requirements for the entire period of affordability; and

WHEREAS, the Director of the Department of Planning and Community Development has requested that the City Council of the City of Elizabeth authorize the requested loan; and

WHEREAS, that the Chief Financial Officer has certified that sufficient funds are available and appropriated for this purpose and Certification No. 10-10147, charging the amount of \$230,000.00 to Account Number 0-14-56-813, Certification No. 10-10148 charging the amount of \$40,000.00 to Account No. T-22-56-010-RHB-188-CDBG of the Municipal Budget are on file in the Office of the City Clerk; now, therefore, be it

**RESOLVED** that the City Council of the City of Elizabeth hereby authorizes a For Sale Housing Program loan in an amount not to exceed \$270,000.00, to the applicant for the aforesaid purpose; and be it

**FURTHER RESOLVED** that actual commitment of funds and execution of documents will only occur upon satisfactory completion of the Environmental Review Process, upon receipt of the Release of Funds, if necessary, and any other requirements deemed necessary by the U.S. Department of Housing & Urban Development in accordance with HOME & CDBG Program rules and regulations; and be it

**FURTHER RESOLVED** the funds shall not be released until after execution of the necessary and appropriate documents including Mortgage Note, Mortgage and Deed Restriction to the City of Elizabeth as lender for the purpose of securing the loan made herein

Which was adopted by the following vote:

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

NEGATIVE: None

BY CITY COUNCIL AS WHOLE:

52

WHEREAS, various senior citizens were disallowed senior citizen deductions in the amount of \$250.00 for the Tax Year 2009 as a result of failure to file a Post-Tax Year Statement as set forth below:

<u>Block &amp; Lot</u>	<u>Owner</u>	<u>Property Description</u>	<u>Amount</u>
03-0820	NewBorn, Louisa	557 Magnolia Ave,	\$ 250.00
04-0819	Dawidowicz, Mary	927 Kenneth Ave.	250.00
05-1033	Rodriguez, Georgelina	557 Marshall St.	250.00
06-0781	Zamarra, Alfosina	617-619 Norwood Ter.	250.00
08-0395	Austion, Finnetia	423 Catherine St.	250.00
08-0794	Woodard, M & J.R	424-426 Henry Street	<u>250.00</u>
			<u>\$ 1,500.00</u>

WHEREAS, the above mentioned senior citizens were ill and unable to file said form on time, but have now filed the necessary Post-Tax Year Statement for the Tax Year 2009 attached with a doctor's certificate; and

WHEREAS, there remains on the tax records of the City of Elizabeth the sum of \$1500.00 as stated above; now, therefore, be it

RESOLVED, that the Tax Collector is hereby authorized to cancel the said disallowed senior citizen deductions in the amount of \$1,500.00 for the Tax Year 2009.

Which was adopted by the following vote:

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

NEGATIVE: None

**BY CITY COUNCIL AS WHOLE:**

*WHEREAS*, the listed senior citizens were disallowed senior citizen deductions in the amount of \$250.00 for the Tax Year 2009 as a result of erroneously filing a Post Tax Year Statement indicating that their income exceeded \$10,000.00 as set forth below:

<u>Block &amp; Lot</u>	<u>Owner</u>	<u>Property Description</u>	<u>Amount</u>
06-0370.B	Molina, R & C.	738 Fay Avenue	\$ 250.00
08-0783	Hunter, Ezell	935 Flora St.	250.00
13-1611	Arancio, Rosaria	513 Westfield Ave.	<u>250.00</u>
			<u>\$ 750.00</u>

*WHEREAS*, the above mentioned senior citizens have now correctly filed their Annual Post-Tax Year Statement for the Tax Year 2009; and

*WHEREAS*, there remains on the tax records of the City of Elizabeth the sum of \$750.00 as stated above; now, therefore, be it

*RESOLVED*, that the Tax Collector is hereby authorized to cancel the said disallowed senior citizen deductions in the amount of \$750.00 for the Tax Year 2009.

Which was adopted by the following vote:

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

NEGATIVE: None

**BY CITY COUNCIL AS A WHOLE:**

*WHEREAS*, the listed senior citizens were disallowed senior citizen deductions in the amount of \$250.00 for the Tax Year 2009 as a result of non-filing a Post Tax Year Statement indicating that their income exceeded \$10,000.00 as set forth below:

Block & Lot	Owner	Property Description	Amount
04-1059	Mikula, Robert	928 Meredith Ave.	250.00
04-1147	Stec, J	Pt. 806-808 Myrtle St.	250.00
07-0477	Rodriguez, Alberto	613 Franklin St.	250.00
11-1084 C-5F	Weislo, E -Bartell R	704-712 N. Broad St.	250.00
			<u>\$1,000.00</u>

*WHEREAS*, the above mentioned senior citizens are deceased and the necessary filing of the Post-Tax Year Statement is not required; and

*WHEREAS*, there remains on the tax records of the City of Elizabeth the sum of \$1,000.00 as stated above; now, therefore, be it

*RESOLVED*, that the Tax Collector is hereby authorized to cancel the said disallowed senior citizen deductions in the amount of \$1,000.00 for the tax year 2009.

Which was adopted by the following vote:

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

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

**WHEREAS**, certain tax credits in the previous years of 1996, 1999, 2000, 2001 and 2002 remain outstanding and unclaimed; and

**WHEREAS**, the retention period for these records is six years per the State Division of Archives, and the banking institution only retains records for a period of seven years, and

**WHEREAS**, the City auditors have recommended that all credits outstanding for such a length of time be cancelled and the total amount represented by such credits be received as Miscellaneous Revenue; now, therefore, be it

**RESOLVED**, that the City Treasurer be and he is hereby authorized to cancel the following tax credits in the amount of 1996: \$4,141.72; 1999: \$2,383.30; 2000: \$4,263.47; 2001: \$104,144.73; 2002: \$124,848.56 as set forth in the attached schedule and the sum of \$239,781.78 the total thereof be credited to Miscellaneous Revenue not anticipated; and be it

**FURTHER RESOLVED**, that should any payee presenting adequate proof of payment at a future date, the City Treasurer is hereby authorized to issue a replacement check in the same amount and to charge the amount thereof to the contingent account.

Which was adopted by the following vote:

AFFIRMATIVE: Perkins-Auguste, ██████, Gonzalez, Keenan, Cedeno, Gallman, Mazza, President pro tem Jackus - 87

NEGATIVE: None

**BY CITY COUNCIL AS A WHOLE:**

**WHEREAS**, on April 14, 2009 this Honorable Body adopted a resolution awarding a contract for Towing and Storage Service to **Highway Service, 548 Trumbull Street, Elizabeth, New Jersey 07206** for a period of one year with an option to renew same for a second and third year; and

**WHEREAS**, the Business Administrator and the Purchasing Agent have recommended the renewal of said contact for the second year to **Highway Service, 548 Trumbull Street, Elizabeth, New Jersey 07206**, for the furnishing of towing and storage service for the Police Department for a second year. Highway Service has advised that they are willing to renew the contract; now, therefore, be it

**RESOLVED** by the City Council of the City of Elizabeth that **Highway Service, 548 Trumbull Street, Elizabeth, New Jersey 07206**, is hereby awarded the renewal of a contract to provide towing service and storage for the Police Department for the second year with the option to renew for a third year, under the same terms and conditions as the current contract.

Councilman Gallman stated that he did some research and the City receives revenue from the storage tax and has received approximately \$11,484.87. He continued that he agrees with the attorney who spoke earlier that Council needs to receive more information from the towing company. He stated further that he agrees to renew the contract for one year but, in the next bid, there needs to be some changes made.

Councilman Gallman stated that there was an ordinance passed in 1995 regarding cars and trucks striking bridges and there should be two costs, one for cars and one for trucks. He continued that this ordinance could be amended to include towing regulations. In closing, he stated that he is willing to renew this contract for one year.

Councilwoman Perkins-Auguste stated that after listening to tonight's speakers and to her colleague from the Sixth Ward regarding raising fees, she will be excusing herself.

Councilman Mazza stated that apparently this went to the Law Department for review. He continued that he has to disagree with them because the City is here to serve the people and not here to make money.

Councilman Mazza stated that if Highway Service does not comply the Law Department can go after them.

Councilman Mazza stated that the Ward Councilman just ran for reelection and "didn't you hear what the people said."

Councilman Cedeno stated that he heard what Highway Service's reasons were, but it did not "sit well" with him because they were overcharging the residents.

Councilman Gonzalez stated that if the City were to give them another opportunity, their performance should be monitored.

Council President pro tem Jackus stated that if there is any doubt, the League of Municipalities could be contacted for any information regarding fees or storage. He continued that the Law Department has confirmed that this contract is valid.

Council President pro tem Jackus stated that City Council really needs to consider that if this resolution does not pass, there will be no contractor to tow any vehicles and Council must make sure "we" have a safe community. He continued that the contract, whether City Council likes it or not, the City must have a contractor to move these cars. He stated further that what if there is a fire, who is going to tow the cars.

Councilwoman Perkins-Auguste stated that the City has a Law Department to review; they are the Administrators, the people elect "us". She continued that towing will not stop; they will continue to tow cars, whether this "Body" passes this resolution or not.

Which was adopted by the following vote:

AFFIRMATIVE: ██████████, ██████████, ██████████, Keenan, ██████████  
Gallman, Mazza, President pro tem Jackus - 4

NEGATIVE: ██████████ CEDENO - 1

EXCUSED: PERKINS-AUGUSTE, GONZALEZ - 2

**BY CITY COUNCIL AS A WHOLE:**

**RESOLVED** that pursuant to the provisions of N.J.S.A. 40A:9-120, City Council of the City of Elizabeth does hereby appoint, **Mr. Otis Hill, 950 East Grand Street, Elizabeth, New Jersey**, to serve as a Constable for a term of three (3) years effective from date of appointment; the said **Mr. Otis Hill**, having been investigated and approved by the Department of Police; and be it

**FURTHER RESOLVED** that the said **Mr. Otis Hill**, shall deliver to the City Clerk within thirty (30) days of the date of appointment a surety bond in the sum of \$1,000.00 in order to insure the faithful performance of his duties; that upon failure to deliver such surety bond within the time stated herein, said office shall be deemed vacant, pursuant to N.J.S.A. 40A:9-120.

Which was adopted by the following vote:

- AFFIRMATIVE: Perkins-Auguste, ~~G...~~, Gonzalez, Keenan, Cedeno, Gallman, Mazza, President pro tem Jackus - **X 7**
- NEGATIVE: None

**BY CITY COUNCIL AS A WHOLE:**

**WHEREAS**, the City of Elizabeth instituted a condemnation action to acquire the Saxony Motel property on /or about January 4, 2008; and

**WHEREAS**, the City's appraiser, Richard M. Chaiken, MAI, appraised the property as of the date of the filing of the complaint at \$1,802,000.00, which was paid into court by the City.

**WHEREAS**, subsequently, the City's appraiser amended his appraisal report to \$1,750,000.00, as a result of a reduction in the area of the building.

**WHEREAS**, the owner's appraiser, Joseph E. Baldoni, MAI, appraised the property as of the date of the filing of the complaint at \$2,500,000.00. Both the City's appraiser and the owner's appraiser utilized the cost and income approaches to arrive at their respective values of the property; and

**WHEREAS**, Commissioners were appointed by the Court and they rendered an opinion of value of \$1,900,000.00 for the property, however, as a result of the owner filing an appeal from that determination the award was nullified and would be inadmissible at trial. The matter was scheduled for a jury trial and prior thereto Judge William L'E Wertheimer conducted a settlement conference; and thereafter, the trial Judge, Judge Kathryn A. Brock, JSC also conducted settlement discussions prior to the commencement of the trial. As a result of these discussions, a settlement amount was proposed of \$2,100,000.00 which includes interest up to August 1, 2010 on the difference between the \$1,802,000.00 previously deposited with the court and \$2,100,000.00; and

**WHEREAS**, there remains on deposit in Court the amount of \$442,700.00 as environmental escrow from the \$1,802,000.00 initially deposited into Court by the City; and

**WHEREAS**, the additional amount to be paid in settlement of this matter is \$298,000.00 which shall be paid by the City by August 1, 2010; and

**WHEREAS**, the Chief Financial Officer has certified that sufficient funds are available and appropriated for this purpose and Certification No. 10-10252 charging the amount of \$298,000.00 to Account No. X-04-55-999-X11-011 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 the Settlement in the amount of \$2,100,000.00 less \$1,802,000.00 previously deposited into Court by the City in the matter of City of Elizabeth v. Saxony Motels, Inc., et al, Docket No. UNN-0026-08 as set forth hereinabove; and be it

**FURTHER RESOLVED** that the environmental escrow in the amount of \$442,700.00 will remain on deposit in Court on account of the City's claims for environmental remediation costs, pending the outcome of a separate cost recovery action or other resolution.

Which was adopted by the following vote:

AFFIRMATIVE: Perkins-Auguste, ██████, Gonzalez, Keenan, Cedeno, ██████, Mazza, President pro tem Jackus - X 6

NEGATIVE: ~~██████~~ GALLMAN - 1

61

**BY CITY COUNCIL AS A WHOLE:**

WHEREAS, a case is currently pending in the Worker's Compensation Court under Claim Petition No. 2008-24151 entitled **James Pronto v. City of Elizabeth**; and

WHEREAS, the Law Department and Christopher J. Kinsella, Esq., recommend that this matter be settled at 33-1/3% of partial total would or \$62,200.00 for the claim filed by Petitioner pursued a third-party action against the vehicle which hit him and obtained a settlement in that case. Accordingly, the City would be entitled to a 2/3's credit or \$42,466.62 from the third party action that brings this settlement to a net to the petitioner of \$20,733.38; and

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available and appropriated for this purpose and Certification No. 10-10254 charging the amount of \$20,733.38 to Account No. 10-01-55-249 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 made by **James Ponto**, under **C.P. No.2008-24151**, for 33-1/3% of partial total or \$62,200.00 less a credit of \$42,466.62 for a third party action filed by petitioner resulting in a net to petitioner of \$20,733.38 and payable to **Joseph Ponto, 129 Oak Drive, Cranford, New Jersey 07016 and Attorney for the Plaintiff: BALK & GEDDES, P.A., 2013 Morris Avenue, Second Floor, Union, New Jersey; and be it**

**FURTHER RESOLVED** that a check in the amount of \$20,733.38 be payable to Joseph Pinto and Attorney for the Plaintiff.

Which was adopted by the following vote:

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

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE

WHEREAS, a case is currently pending in the matter of **Anthony and Claudia Hernandez v. City of Elizabeth, et al**, Docket No.: UNN-L-2871-08; and

WHEREAS, the Law Department and Christopher J. Kinsella, Esq. have recommended settlement in the amount of \$30,000.00 for the claim filed by **Anthony and Claudia Hernandez**; and

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available and appropriated for this purpose and Certification No. 10-10180 charging the amount of \$30,000.00 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 \$30,000.00 payable to **Anthony and Claudia Hernandez, 203 Third Street, Apartment 2, Elizabeth, New Jersey**, and the Attorney for the Plaintiff, **Friedman, Friedman, Carlson & Scherman, P.A., 9 Commerce Street, Newark, New Jersey 07102.**

Which was adopted by the following vote:

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

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.	0-01-31-440	\$ 5,617.79
ELIZABETHTOWN GAS	0-01-31-446	\$ 16,403.57
PEPCO ENERGY SERVICES	0-01-31-446	\$ 3,215.01
PSE&G	0-01-31-430	\$ 57.84
PSE&G	0-01-31-430	\$ 3,087.88
PSE&G	0-01-31-430	\$ 7,883.57
SPRINT	0-01-31-440	\$ 1,816.92
USA MOBILITY	0-01-31-440	\$ 557.51
VERIZON	0-01-31-440	\$ 6,031.31
VERIZON WIRELESS	0-01-31-440	\$ 672.14
VERIZON ONLINE	0-01-31-440	\$ 158.38

Which was adopted by the following vote:

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

NEGATIVE: None

~~June 22, 2010~~

BY COUNCIL AS A WHOLE:

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

<u>ORGANIZATION</u>	<u>AG</u>	<u>B.L.</u>	<u>R.L.</u>	<u>DATE</u>
Auxiliary of Trinitas Hospital			5237	6-16-10
St. Hedwig's Church			5238	6-25-10
St. Peter & Paul Russian Orthodox			5239	7-8-10

Which was adopted by the following vote:

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

NEGATIVE: None

**BY CITY COUNCIL AS A WHOLE:**

**WHEREAS**, the City Council of the City of Elizabeth would like to extend its gratitude to Father Patrick Diver for his six years of service to the St. Anthony's Roman Catholic Church Community, and acknowledge that he will be honored by the St. Anthony's family at a farewell dinner on June 21, 2010; and

**WHEREAS**, Father Pat was born in the Dorchester section of Boston; the second child of Patrick and Mary Diver; and

**WHEREAS**, Father Pat left home to become a Salesian at the young age of eighteen. He always looked forward to coming "home" and participating in lots of family gatherings. He often officiated over most of his nephews' Baptisms, First Communions, Confirmations and marriages; and

**WHEREAS**, he was in the Philippines for three years during formation. He also was assigned for seven years to East Boston and then later he was assigned to New York; and

**WHEREAS**, Father Pat has spent the last six years at St. Anthony's Parish, an experience where he was welcomed and his priestly vocation enhanced and his personal well being was heightened; now, therefore, be it

**RESOLVED** that the City Council of the City of Elizabeth commends Father Patrick Diver for his dedicated service to the parishioners of St. Anthony's Church community and wishes him continued success with God's blessing for health and happiness in all of his future endeavors; and be it

**FURTHER RESOLVED** that as a token of appreciation, a copy of this resolution shall be spread in full upon the minutes of City Council and that a certified copy be forwarded to Father Patrick Diver.

Which was adopted by the following vote:

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

**NEGATIVE:** None

**BY CITY COUNCIL AS A WHOLE:**

**WHEREAS**, it is with deep regret that the City Council of the City of Elizabeth has learned of the recent death of Jose "Joe" Gutierrez, 49, License Inspector, baseball, and basketball coach; and

**WHEREAS**, born in Bayamo, Cuba, Mr. Gutierrez immigrated to the United States and Elizabeth in 1964; and

**WHEREAS**, Mr. Gutierrez was communicant of St. Genevieve R.C. Church, Elizabeth, New Jersey; and

**WHEREAS**, Mr. Gutierrez was a baseball and basketball coach for the North Elizabeth Little League, Elmora Youth League and St. Genevieve C.Y.O. Sports League. He was a dedicated coach, who taught the youth of the City of Elizabeth to be the best they could, to be enthusiastic thereby instilling in them sportsmanship qualities; and

**WHEREAS**, he was the beloved husband of twenty-three years to Bernadette (Kurinzi) Gutierrez; loving son of Mrs. Dinorah (Alvarez) Gutierrez of Ft. Lauderdale and the late Julio Gutierrez, devoted father of Katelyn and Joseph Jr., both of Elizabeth and loving brother of Julio of Ft. Lauderdale, Florida and Richard of Hillside; now, therefore, be it

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

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

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

**BY CITY COUNCIL AS AWHOLE:**

**WHEREAS**, the City Council of the City of Elizabeth has learned of the recent passing of Lelia Kosberg Poch, a dedicated community advocate, and public servant 79;and

**WHEREAS**, born in Elizabeth, Mrs. Poch graduated from Battin High School in 1948 and earned her bachelor of science degree at Purdue University in 1952; and

**WHEREAS**, she married Herbert Poch, M.D., also an Elizabeth native, who became a prominent pediatrician . Lelia with her husband worked together in their parallel commitments to the City and its residents; and

**WHEREAS**, Mrs. Poch established the Elizabeth Committee for UNICEF in the early 1960's. She participated in community efforts, assuming increasingly significant roles in several organizations and in work with local schools; and

**WHEREAS**, she was involved with state and national democratic candidates and her local participation challenging practices and policies of the municipal government and management of the schools. She amended the Charter of the City of Elizabeth, providing for the City's first elected school board. She played a significant role in the planning for Elizabeth High School, which fully restored co-education to the City in 1980 for the first time since 1927; and

**WHEREAS**, Mrs. Poch was in the first group elected to the Elizabeth Board of Education, serving multiple terms, including one term as president; and

**WHEREAS**, in 1993, Mrs. Poch relocated to the Elizabeth section of Long Branch, where she continued public involvement, eventually serving as a board member and later President of the Elberon Voters and Property Owners Association. She also served as Monmouth County Democratic Committeewoman through 2010; and

**WHEREAS**, Mrs. Poch is survived by her husband of 58 years, Herbert Poch, M.D. and three children, Bruce Poch of Pasadena, California, Andrea Poch of Wayside, New Jersey and Lesley Poch of Elberon, New Jersey and New York City; and a brother, Edward Kosberg of Shrewsbury, New Jersey. She was predeceased by her parents, Morris Kosberg and Sadie Kosberg, and her sister RoseBette Brinkmann; now, therefore, be it

**RESOLVED** that the City Council of the City of Elizabeth hereby expresses its condolences at the passing of Lelia Kosberg Poch 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 AWHOLE:**

**WHEREAS**, the City Council of the City of Elizabeth has learned of the recent passing of Lelia Kosberg Poch, a dedicated community advocate, and public servant 79;and

**WHEREAS**, born in Elizabeth, Mrs. Poch graduated from Battin High School in 1948 and earned her bachelor of science degree at Purdue University in 1952; and

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**WHEREAS**, Mrs. Poch was in the first group elected to the Elizabeth Board of Education, serving multiple terms, including one term as president; and

**WHEREAS**, in 1993, Mrs. Poch relocated to the Elberon section of Long Branch, where she continued public involvement, eventually serving as a board member and later President of the Elberon Voters and Property Owners Association. She also served as Monmouth County Democratic Committeewoman through 2010; and

**WHEREAS**, Mrs. Poch is survived by her husband of 58 years, Herbert Poch, M.D. and three children, Bruce Poch of Pasadena, California, Andrea Poch of Wayside, New Jersey and Lesley Poch of Elberon, New Jersey and New York City; and a brother, Edward Kosberg of Shrewsbury, New Jersey. She was predeceased by her parents, Morris Kosberg and Sadie Kosberg, and her sister RoseBette Brinkmann; now, therefore, be it

**RESOLVED** that the City Council of the City of Elizabeth hereby expresses its condolences at the passing of Lelia Kosberg Poch 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

8:25 p.m.

APPROVED

EDWARD JACKUS  
President pro tem of City Council

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