

PROCEEDINGS OF CITY COUNCIL

(OFFICIAL)

ELIZABETH, N.J.

Tuesday Evening
October 12, 2010
7:30 p.m.

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

President Frank J. Cuesta announced that this regular meeting is listed in the "Annual Notice", as defined by Chapter 231, P.L. 1975, and that copies of the "Annual Notice" have been mailed or delivered to the Star Ledger, Home News and Tribune, and Cablevision of Elizabeth and posted and filed in the City Clerk's Office in compliance with the terms of the Open Public Meetings Law, Chap. 231, P.L. 1975 on December 23, 2009.

PRESENT: Council Members-at-Large: ██████████; Edward Jackus;
Council Members: Manny Grova, Jr., 1st Ward;
Nelson Gonzalez, 2nd Ward; Joseph Keenan, 3rd Ward;
Carlos Cedeno, 4th Ward; William Gallman, Jr., 5th Ward;
Frank O. Mazza, 6th Ward; and
President Frank J. Cuesta, Council Member-at-Large - 9

ABSENT: Perkins-Auguste - 1

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

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

2

PUBLIC SPEAKING

Mr. Abdel Elgendy, 435-552 U.S. Route 1 & 9, Elizabeth, spoke regarding the vacation of Hetfield Avenue. He continued that his property is abutting to the Portuguese Social Club and he has not received any information about what they are planning to do.

Council President Cuesta remarked that it is his understanding that Mr. Elgendy has an attorney.

Mr. Elgendy responded that he is currently trying to obtain an attorney.

The City Attorney stated that the ordinance has nothing to do with the subdivision of the property. It is only to vacate the street.

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

PUBLIC HEARINGS

Council President Cuesta announced that the next business in order would be a public hearing on **Ordinance No. 4162**, entitled:

AN ORDINANCE AMENDING CHAPTER 5.100 OF THE CODE OF THE CITY OF ELIZABETH, ENTITLED "TAXICABS," TO ESTABLISH THE SEATING CAPACITY OF TAXICABS.

This ordinance was adopted on its first reading at the meeting of City Council held on **September 28, 2010**.

The Notice of Public Hearing was published in the Star Ledger issue of **October 4, 2010**.

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

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

3

PETITIONS, COMMUNICATIONS, ETC.

By the Clerk:

Letter dated September 30, 2010, from His Honor the Mayor, that subject to confirmation, he herewith reappoints Honorable Daniel J. Russell as Temporary Judge of the Municipal Court in the City of Elizabeth for the period November 1, 2010 through October 31, 2011, on a contractual basis at the rate of \$300.00 per session in an amount not to exceed \$60,000.00.
Which was received.

By the Clerk:

Letter dated September 24, 2010, from the Business Administrator requesting permission for the Purchasing Agent to make the necessary arrangements to auction impounded property in the possession of the Police Department to be held by Propertyroom.Com, State pre-approved on-line auction site; the date of the sale will be set by the auction company and will be published in the Star Ledger.
Which was received.

By the Clerk:

Letter dated September 24, 2010, from the Business Administrator recommending the award of a contract to the sole bidder, Campbell Supply, 145 Talmadge Road, Suite 8, Edison, N.J., for the emergency purchase of parts and labor for the repair of Ladder Truck #2 for the Fire Department in the amount of \$5,119.65.
Which was received.

By the Clerk:

Letter dated September 24, 2010, from the Business Administrator requesting authorization for the proper City officials to sign the release form to allow Travelers Insurance Group to release a bond issued to Movie Gallery, Inc./Hollywood Video.
Which was received.

By the Clerk:

Letter dated September 27, 2010, from the Business Administrator recommending the award of a contract to Garden State Highway Products, 1740 East Oak Road, Vineland, N.J., for Break away U-Post and Sign Supports for the Public Works Department for the period September 24, 2010 through June 30, 2012, at a cost not to exceed \$60,000.00.
Which was received.

By the Clerk:

Letter dated September 27, 2010, from the Business Administrator recommending the award of a contract to Garden State Highway Products, 1740 East Oak Road, Vineland, N.J., for Aluminum Sign Blanks for the Public Works Department for the period September 24, 2010 through April 30, 2012, at a cost not to exceed \$50,000.00.
Which was received.

By the Clerk:

Letter dated September 27, 2010, from the Business Administrator recommending the award of a contract to Garden State Highway Products, 1740 East Oak Road, Vineland, N.J., for reflective sheeting for the Public Works Department for the period September 24, 2010 through April 30, 2011, at a cost not to exceed \$30,000.00.
Which was received.

By the Clerk:

Letter dated September 28, 2010, from the Business Administrator recommending the award of a contract to Office Solutions, Inc., 217 Mount Horeb Road, Warren, N.J., for the purchase of miscellaneous telecommunications equipment wired for various departments for the period March 1, 2010 to November 30, 2010, at a cost not to exceed \$50,000.00.
Which was received.

By the Clerk:

Letter dated September 28, 2010, from the Business Administrator requesting an amendment to the lease agreement between the City of Elizabeth and 208 Commerce, LLC, for the Municipal Court Annex located at 208 Commerce Place, specifically to renew a month-to-month lease at the rate of \$8,000.00 per month, commencing October 1, 2010.

Which was received.

By the Clerk:

Letter dated September 29, 2010, from the Business Administrator recommending the award of a contract to Kimball/National, c/o BFI, 1600 Royal Street, Jasper, IN, for the purchase of furniture for the Police Director's Office in the amount of \$3,309.60.

Which was received.

By the Clerk:

Letter dated September 29, 2010, from the Business Administrator recommending the award of a contract to WPCS International, Inc., 1985 Swarthmore Avenue, Suite 4, Lakewood, N.J., for the purchase of five (5) Panasonic Toughbooks in the amount of \$18,447.40; for the purchase of vehicle mounting hardware and docking stations in the amount of \$6,544.40; for the purchase of Installation/Labor in the amount of \$1,925.00 totaling \$26,916.80.

Which was received.

By the Clerk:

Letter dated October 1, 2010, from the Business Administrator recommending the award of a contract to Mar-Vel International, Inc., 7115 Airport Highway, Pennsauken, N.J., for the purchase of twenty (20) Multi Threat Suits and twenty-six (26) Multi Threat Training Suits with Chempak Ultra Barrier Fabric or Equivalent for the Police Department S.W.A.T. Team in the amount of \$41,438.00.

Which was received.

By the Clerk:

Letter dated October 1, 2010, from the Business Administrator requesting authorization for the proper City officials to execute a contract with The Chubb Group of Companies, 12 Vreeland Road, Florham Park, N.J., through their agent-of-record Otterstedt Agency, for insurance covering City-owned properties for the term of October 1, 2010 to October 1, 2011, at the annual premium of \$83,266.00.

Which was received.

By the Clerk:

Letter dated October 1, 2010, from the Business Administrator recommending the award of a contract to La Voz, 1020 Kipling Road, Elizabeth, N.J., for the publishing of advertising for a period of one year from the date of award in an amount not to exceed \$26,000.00.

Which was received.

By the Clerk:

Letter dated October 1, 2010, from the Business Administrator recommending that your Honorable Body reject all bids received on September 29, 2010, for Miscellaneous Hardware Supplies FY2011, and authorize the Purchasing Agent to re-advertise same with revised specifications.

Which was received.

By the Clerk:

Letter dated October 1, 2010, from the Business Administrator recommending the award of a contract to Daved Fire Systems, Inc., 307 West Pleasantview Avenue, Hackensack, N.J., for the inspection of Fire Alarms at various City-owned buildings, along with any necessary repairs, through the Union County Co-Op, for the period September 22, 2010 through September 21, 2012, at a cost not to exceed \$100,000.00.

Which was received.

By the Clerk:

Letter dated October 4, 2010, from the Business Administrator recommending the award of a contract to the Star Ledger, One Star Ledger Plaza, Newark, N.J., for the publishing of legal notices for a period of two (2) years from the date of award of the contract in the amount of \$160,000.00.

Which was received.

By the Clerk:

Letter dated October 4, 2010, from the Business Administrator requesting authorization for the proper City officials to support and commit \$200,000.00 of matching funds for the Fiscal Year 2010 Choice Neighborhoods Planning Grant being offered by the U.S. Department of Housing and Urban Development being submitted by the City of Elizabeth Housing Authority to assist the Oakwood Plaza Project for a two year term and subject only to an award of Choice Planning Grant Funds.

Which was received.

By the Clerk:

Letter dated September 29, 2010, from the Second Assistant City Attorney requesting permission to execute a Developer's/Indemnification Agreement between the City of Elizabeth and Preferred Freezer Services of Elizabeth, LLC, and Lucky Bear, LLC, to design, construct and install a new 42" storm sewer line on the portion of Bayway Avenue (108-166 Bayway Avenue).

Which was received.

By the Clerk:

Letter dated September 24, 2010, from the Chief Financial Officer requesting authorization for the Tax Collector to credit said individual's taxes entitled to a Senior Citizen, Disability Deduction, and/or a Veteran Deduction in the amount of \$250.00 for the 2010 Tax Year totaling \$2,250.00.

Which was received.

By the Clerk:

Letter dated October 4, 2010, from the Chief Financial Officer advising that there are temporary emergency appropriations for the 2011 SFY Sewer Utility Operations: Other Expenses \$625,000.00; Joint Meeting Surplus to City \$2,500,000.00, totaling \$3,125,000.00.

Which was received.

By the Clerk:

Letter dated October 5, 2010, from the Chief Financial Officer requesting City Council consider the approval of a bond ordinance authorizing Environmental Engineering, Compliance and Remediation at various properties owned by the City in order to satisfy N.J. Department of Environmental Protection directives in the amount of \$2,000,000.00, with a down payment of \$100,000.00.

Which was received.

By the Clerk:

Letter dated October 5, 2010, from the Chief Financial Officer requesting City Council consider the approval of a bond ordinance authorizing the installation of traffic lights, road resurfacing and reconstruction at the intersections of West Jersey Street, Elizabethtown Plaza, Union Street and the intersection of Broad Street at Caldwell Place in the amount of \$1,000,000.00, with a down payment of \$50,000.00.

Which was received.

By the Clerk:

Letter dated October 5, 2010, from the Chief Financial Officer requesting City Council consider the approval of a bond ordinance authorizing the acquisition of two mechanical street sweepers in the amount of \$400,000.00, with a down payment of \$20,000.00.

Which was received.

By the Clerk:

Letter dated October 5, 2010, from the Chief Financial Officer requesting City Council consider the approval of a Sewer Utility bond ordinance to finance the installation of sewer system improvements that will increase the conveyance capacity of the Western Interceptor Project through the Midtown Area with the design of replacement and relief sewers in addition to the improvement of hydraulic restrictions at the Bridge Street Siphon in the amount not to exceed \$10,000,000.00. Which was received.

By the Clerk:

Letter dated October 5, 2010, from the Chief Financial Officer requesting City Council consider the approval of a Sewer Utility bond ordinance to finance the Third Avenue Combined Sewer Modifications that will relieve flooding of the Third Avenue and South Second Street area in the amount not to exceed \$5,300,000.00. Which was received.

By the Clerk:

Letter dated October 5, 2010, from the Chief Financial Officer requesting City Council consider the approval of a Sewer Utility bond ordinance to finance the North Avenue Combined Sewer Modifications that will relieve flooding of the North Avenue section located beneath the Pennsylvania Railroad overpass in the amount not to exceed \$1,200,000.00. Which was received.

By the Clerk:

Letter dated September 28, 2010, from the Director of Planning and Community Development requesting authorization for the proper City officials to execute any and all documents necessary and appropriate to discharge the City's mortgage and cancellation of Deed of Easement and Restrictive Covenant on the property located at 331 Bond Street. Which was received.

By the Clerk:

Letter dated October 1, 2010, from the Director of Planning and Community Development requesting authorization for the proper City officials to enter into an agreement with Trinitas Hospital for the purchase of Health Care Apparatus, Material and Activities for the Brother Bonaventure Extended Care Center in the amount of \$5,000.00. Which was received.

By the Clerk:

Letter dated October 4, 2010, from the Director of Planning and Community Development requesting authorization for the proper City officials to enter into a contract with PMK Group/Birdsall Services Group, 65 Jackson Drive, Cranford, N.J., to update the site investigation for 801-871 Livingston Street (former N.J. Transit Bus Garage), in an amount not to exceed \$77,900.00. Which was received.

By the Clerk:

Letter dated October 4, 2010, from the Director of Planning and Community Development requesting authorization for the proper City officials to execute any and all documents necessary and appropriate to discharge the City's second mortgage, and cancel the Deed of Easement and Restrictive Covenant on the property located at 515 First Avenue in the amount of \$5,390.00. Which was received.

By the Clerk:

Letter dated September 30, 2010, from the Director of Public Works requesting authorization for the proper City officials to endorse the agreement between Joint Meeting of Essex and Union Counties and the City of Elizabeth for the sewer construction contract entitled "Westfield Avenue and Elmora Avenue" Relief Sewer Project; 50% cost sharing for the installation of approximately 260 linear feet of Cured in Place Pipe liner within the interior of the pipe; approximate cost of this item is \$160,000.00. Which was received.

[REDACTED]

[REDACTED]

By the Clerk:

Letter dated October 1, 2010, from the Director of Public Works requesting authorization to have liens placed against properties listed on Schedule A attached hereto and made a part hereof for the removal and disposal of debris from said properties in the total amount of \$16,158.18.

Which was received.

By the Clerk:

Letter dated September 29, 2010, from the Police Director recommending the installation of a loading zone located at 740 Lidgerwood Avenue.

Which was received.

By the Clerk:

Letter dated September 26, 2010, from Mr. Jeffrey Howard, 355 Union Avenue, Elizabeth, N.J., requesting of your Honorable Body to be appointed as a Constable for the City of Elizabeth for a period of three years.

Which was received.

By the Clerk:

Letter dated September 29, 2010, from Mr. Rodney White, on behalf of Mr. John S. DiCosmo, 712 Fourth Avenue, Elizabeth, N.J., requesting of your Honorable Body to be appointed as a Constable for the City of Elizabeth for a period of three years.

Which was received.

REPORTS OF CITY OFFICERS

By the Clerk:

Letter October 12, 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, October 7, 2010.

Which was received.

By the Clerk:

Minutes: Fair Rental Housing Board, July 21, 2010 .

Which was received.

ORDINANCES ON FIRST READING

Council President Cuesta announced that the next business in order would be the introduction of **Ordinance No. 4163** , which was seconded by Councilman Keenan, entitled:

AN ORDINANCE TO AMEND ORDINANCE NO. 3927, ENTITLED AN ORDINANCE TO AMEND ORDINANCE NO. 3250 ENTITLED AN ORDINANCE TO AUTHORIZE THE EXECUTION OF A LEASE AGREEMENT BETWEEN THE CITY OF ELIZABETH AND HAWKE ASSOCIATES FOR PREMISES LOCATED AT 268 COMMERCE PLACE FOR A COURTROOM AND ANCILLARY OFFICES FOR A TEN (10) YEAR PERIOD WITH AN OPTION TO RENEW FOR AN ADDITIONAL TEN (10) YEARS.

The Clerk read the foregoing ordinance.

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

AFFIRMATIVE: [REDACTED], Jackus, [REDACTED], Gonzalez, Keenan, [REDACTED], Gallman, [REDACTED] and President Cuesta - **5**

NEGATIVE: [REDACTED] **GROVA, CEDENO, MAZZA - 3**

Councilman Mazza stated that he did not receive a response to his questions, so he will not vote in favor of this ordinance.

Council President Cuesta announced that public notice will be published fixing Tuesday, October 26, 2010 , at 7:30 p.m., City Council Chambers, City Hall, Elizabeth, N.J., as the time and place that City Council will conduct public hearings and further consider the foregoing Ordinances No. 4163, adopted on first reading.

Council President Cuesta announced that the next business in order would be the introduction of **Ordinance No. 4164**, which was seconded by Councilman Keenan, entitled:

AN ORDINANCE TO VACATE A PORTION OF HETFIELD AVENUE IN THE CITY OF ELIZABETH, COUNTY OF UNION, STATE OF NEW JERSEY.

Councilman Gonzalez stated that this ordinance has nothing to do with the subdivision of the property.

The Clerk read the foregoing ordinance.

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

AFFIRMATIVE: [redacted], Jackus, [redacted], Gonzalez, Keenan, Cedeno, Gallman, Mazza, and President Cuesta - **8 7**

NEGATIVE: None

EXCUSED: GROVA - 1

Council President Cuesta announced that the next business in order would be the introduction of **Ordinance No. 4165**, which was seconded by Councilman Keenan, entitled:

AN ORDINANCE OF THE CITY OF ELIZABETH, IN THE COUNTY OF UNION, NEW JERSEY, PROVIDING FOR ENVIRONMENTAL ENGINEERING AND REGULATORY COMPLIANCE SERVICES FOR THE CITY OF ELIZABETH AND APPROPRIATING \$2,000,000 THEREFOR, AND PROVIDING FOR THE ISSUANCE OF \$1,900,000 IN BONDS OR NOTES OF THE CITY OF ELIZABETH TO FINANCE THE SAME

The Clerk read the foregoing ordinance.

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

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

NEGATIVE: None

Council President Cuesta announced that the next business in order would be the introduction of **Ordinance No. 4166** , which was seconded by Councilman Keenan, entitled:

AN ORDINANCE OF THE CITY OF ELIZABETH, IN THE COUNTY OF UNION, NEW JERSEY, PROVIDING FOR THE INSTALLATION OF TRAFFIC LIGHTS AND RECONSTRUCTION OF INTERSECTIONS IN AND FOR THE CITY OF ELIZABETH AND APPROPRIATING \$1,000,000 THEREFOR, AND PROVIDING FOR THE ISSUANCE OF \$950,000 IN BONDS OR NOTES OF THE CITY OF ELIZABETH TO FINANCE THE SAME

The Clerk read the foregoing ordinance.

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

AFFIRMATIVE: [Redacted], Jackus, Grova, Gonzalez, Keenan, Cedeno, Gallman, Mazza, and President Cuesta - 8
NEGATIVE: None

Council President Cuesta announced that the next business in order would be the introduction of **Ordinance No. 4167** , which was seconded by Councilman Keenan, entitled:

AN ORDINANCE OF THE CITY OF ELIZABETH, IN THE COUNTY OF UNION, NEW JERSEY, PROVIDING FOR THE ACQUISITION OF STREET SWEEPERS IN AND FOR THE CITY OF ELIZABETH AND APPROPRIATING \$400,000 THEREFOR, AND PROVIDING FOR THE ISSUANCE OF \$380,000 IN BONDS OR NOTES OF THE CITY OF ELIZABETH TO FINANCE THE SAME

The Clerk read the foregoing ordinance.

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

AFFIRMATIVE: [Redacted], Jackus, Grova, Gonzalez, Keenan, Cedeno, Gallman, Mazza, and President Cuesta - 8
NEGATIVE: None

Council President Cuesta announced that public notice will be published fixing Tuesday, November 9, 2010 , at 7:30 p.m., City Council Chambers, City Hall, Elizabeth, N.J., as the time and place that City Council will conduct public hearings and further consider the foregoing Ordinances Nos. 4165, 4166 and 4167, adopted on first reading.

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ORDINANCES ON FINAL PASSAGE

Council President Cuesta announced that the next business in order would be the adoption of **Ordinance No. 4162** , which was seconded by Councilman Keenan:

AN ORDINANCE AMENDING CHAPTER 5.100 OF THE CODE OF THE CITY OF ELIZABETH, ENTITLED "TAXICABS," TO ESTABLISH THE SEATING CAPACITY OF TAXICABS.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Elizabeth that Chapter 5.100 of the Code of the City of Elizabeth is amended as follows:

SECTION 1.

Chapter 5.100.190 (B) Capacity, shall be amended to read as follows:

B. No taxicab for hire operating on the streets of the City of Elizabeth shall carry more passengers than the seating capacity as established by the manufacturer for the vehicle, but in no case shall the seating capacity be greater than the number of manufacturer installed seat belts.

SECTION 2.

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

SECTION 3.

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

SECTION 4.

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

The Clerk read the foregoing ordinance by title.

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

September 28, 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 **October 4, 2010.**

Councilman Keenan thanked the Law Department for drafting the ordinance. He continued that residents were returning from a trip and could not be accommodated with a van because of the restriction on the number of passengers that are allowed. He stated further that he is glad that this ordinance is in effect.

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

AFFIRMATIVE: [REDACTED], Jackus, Grova,
Gonzalez, Keenan, Cedeno, Galiman, Mazza,
and President Cuesta - 18

NEGATIVE: None

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6 YEAR CAPITAL PROGRAM FY2011 TO FY2016
 ANTICIPATED PROJECT SCHEDULE AND FUNDING REQUIREMENT

Local Unit CITY OF ELIZABETH

| PROJECT TITLE | PROJECT NUMBER | ESTIMATED TOTAL COST | ESTIMATED COMPLETION TIME | FUNDING AMOUNTS PER BUDGET YEAR | | | | | |
|--|----------------|----------------------|---------------------------|---------------------------------|--------|--------|--------|--------|--------|
| | | | | FY2011 | FY2012 | FY2013 | FY2014 | FY2015 | FY2016 |
| Environmental Services, Engineering, Regulatory Compliance | | 2,000,000.00 | | 2,000,000.00 | | | | | |
| Traffic Lights and Road Resurfacing | | 1,000,000.00 | | 1,000,000.00 | | | | | |
| Mechanical Street Sweepers | | 400,000.00 | | 400,000.00 | | | | | |
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| | | | | | | | | | |
| | | | | | | | | | |
| Totals - All Projects | | 3,400,000.00 | | 3,400,000.00 | | | | | |

6 YEAR CAPITAL PROGRAM FY2014 TO FY2016
SUMMARY OF ANTICIPATED FUNDING SOURCES AND AMOUNTS

Local Unit _____ CITY OF ELIZABETH

| 1 PROJECT TITLE | 2 ESTIMATED TOTAL COST | 3 BUDGET APPROPRIATION | | 4 CAPITAL IMPROVEMENT FUND | 5 CAPITAL SURPLUS | 6 GRANTS-IN-AID AND OTHER FUNDS | BONDS AND NOTES | | | | |
|--|------------------------------|------------------------------|--------------------|-------------------------------------|-------------------------|--|-----------------|------------------------|------------------|--------------|--|
| | | 3a Current Year FY2010 | 3b Future Years | | | | 7a General | 7b Self Liquidating | 7c Assessment | 7d School | |
| Environmental Services, Engineering, Regulatory Compliance | 2,000,000.00 | 2,000,000.00 | | 100,000.00 | | | 1,900,000.00 | | | | |
| Traffic Lights and Road Resurfacing | 1,000,000.00 | 1,000,000.00 | | 50,000.00 | | | 950,000.00 | | | | |
| Mechanical Street Sweepers | 400,000.00 | 400,000.00 | | 20,000.00 | | | 380,000.00 | | | | |
| | | | | | | | | | | | |
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| | | | | | | | | | | | |
| Totals - All Projects | 3,400,000.00 | 3,400,000.00 | | 170,000.00 | | | 3,230,000.00 | | | | |

Be it Further Resolved, that two certified copies of this resolution be filed forthwith in the office of the Director of Local Government Services.

It is hereby certified that this is a true copy of a resolution constituting a part of the capital budget section of the Temporary 2011 Fiscal Year Capital Budget

Which was adopted by the following vote:

AFFIRMATIVE:

~~Porter, Angione~~, Jackus, Grova,
Gonzalez, Keenan, ~~...~~ Gallman, Mazza,
and President Cuesta - **87**

NEGATIVE:

~~...~~ **CEDENO** - **1**

By City Council as a Whole:

Whereas, an emergent condition has arisen to the need for payment of certain bills before the adoption of the Fiscal Year 2011 Budget, and no adequate provision has been made in the Fiscal Year 2011 Sewer Utility appropriations for the aforesaid purpose, and N.J.S. 40:4-20 provides for creation of an emergency temporary appropriation for the purpose above mentioned; and

Whereas, the total emergency resolutions adopted for the Fiscal Year 2011 pursuant to the provisions of Chapter 96, P.L. 1951 (N.J.S. 40A:4-20) including this resolution total: \$3,125,000.00 now therefore be it

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

1. An emergency appropriation be and the same is hereby made for and said emergency appropriation will be provided in the Fiscal Year 2011 Sewer Utility Budget under the titles of

TEMPORARY EMERGENCY BUDGET APPROPRIATIONS FISCAL YEAR 2011

SEWER UTILITY

OPERATIONS

| | |
|-----------------|---------------|
| Other Expenses | \$ 625,000.00 |
| Joint Meeting | 2,500,000.00 |
| Surplus to City | |

CAPITAL IMPROVEMENT & CAPITAL OUTLAY

| | |
|---------------------------------------|----|
| Down Payment/Capital Improvement Fund | \$ |
| Capital Outlay | |

DEBT SERVICE

| | |
|--|-----------------------|
| Payment of Bond Principal | \$ |
| Notes Payment | |
| Interest on Bonds | |
| Interest on Notes | |
| Payment of Bond Principal Wastewater Trust | |
| Interest Wastewater Trust | |
| Sewer System Lease Payments—Principal & Interest | |
| Total Debt Service | \$ <u>0.00</u> |

| | |
|--|-------------------------------|
| TOTAL PRELIMINARY FISCAL YEAR 2011 BUDGET | \$ <u>3,125,000.00</u> |
|--|-------------------------------|

That one certified copy of this resolution be filed with the Director of Local Government Services.

Which was adopted by the following vote:

AFFIRMATIVE: [Redacted], Jackus, Grova, Gonzalez, Keenan, Cedeno, Gallman, Mazza, and President Cuesta - 8

NEGATIVE: None

RESOLUTION OF THE CITY OF ELIZABETH, IN THE COUNTY OF UNION, NEW JERSEY, AUTHORIZING THE PREPARATION AND SUBMISSION OF AN APPLICATION OR APPLICATIONS TO THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION AND THE NEW JERSEY ENVIRONMENTAL INFRASTRUCTURE TRUST FOR LOANS FROM THE NEW JERSEY ENVIRONMENTAL INFRASTRUCUTRE TRUST FINANCING PROGRAM

WHEREAS, the City of Elizabeth (the "City"), is a municipal corporation and public body politic and corporate under the laws of the State of New Jersey (the "State"); and

WHEREAS, pursuant to the provisions of the New Jersey Environmental Infrastructure Trust Financing Program (the "Program"), established pursuant to N.J.S.A. 58:11B-1 et. seq. (the "Trust Act"), funds may be available for the purpose of financing certain projects eligible for inclusion in the Program ("Program Eligible Projects"); and

WHEREAS, the City desires to authorize the submission of an application or applications for, and participation in, the Program in order to finance all or a portion of the costs of construction of sewer system improvements to increase the conveyance capacity of the Western Interceptor Project through the Midtown area, the Third Avenue Combined Sewer Modifications to relieve flooding of the Third Avenue and South Second Street area, and the North Avenue Combined Sewer Modifications to relieve flooding of the North Avenue section located below the Pennsylvania Railroad overpass, and including all other work and materials necessary therefor and incidental thereto (collectively, the "Projects"); and

WHEREAS, the City desires to finance all, or a portion, of the costs of the Projects from (i) the proceeds of a loan or loans (the "2011 Trust Loan") from the Trust to the City, such 2011 Trust Loan to be secured by a Bond or Bonds issued by the City to the Trust (the "2011 Trust Loan Bond"), and (ii) the proceeds of a loan or loans (the "2011 Fund Loan" and together with the 2011 Trust Loan, the "2011 Program Loans") from the State, acting by and through the DEP (the "Fund") to the City, such 2011 Fund Loan to be secured by a Bond or Bonds issued by the City to the Fund (the "2011 Fund Loan Bond" and together with the 2011 Trust Loan Bond, the "2011 Program Loan Bonds"); and

WHEREAS, pursuant to the requirements of the Program and the Trust Act, Program loans, unless funded under the hereinafter defined Interim Loan, have, to date, only been issued once a year in or around November or December of any given calendar year with a maximum final maturity of twenty (20) years from issuance; and

WHEREAS, prior to the issuance of the 2011 Program Loan Bonds, the City may issue one or more series of Notes directly to the Trust under a zero interest interim loan agreement with the Trust (the "Interim Loan") (such notes to be designated as the "Trust Interim Notes", and together with the 2011 Program Loan Bonds, the "2011 Project Loan Bonds"); and

WHEREAS, the proceeds of the Trust Interim Notes, if applicable, shall be used to pay for those costs of the Projects to be incurred by the City prior to the issuance of the 2011 Program Loan Bonds ; and

WHEREAS, the principal of the Trust Interim Notes, if applicable, there being no interest due, shall be paid with the proceeds of the 2011 Program Loan Bonds, unless a portion of the costs of the Projects are ultimately deemed ineligible under the Program, in which case such ineligible costs may be ultimately financed by one or more series of notes or, ultimately, on a long term basis, by one or more series of bonds; and

WHEREAS, the 2011 Program Loan Bonds shall be the direct, unlimited obligations of the City, and the City shall be obligated to levy ad valorem taxes upon all the taxable real property within the City for the payment of the 2011 Program Loan Bonds and the interest thereon without limitation or amount; and

WHEREAS, pursuant to the requirements of the Program and the Trust Act, the City intends to file an application or applications for the 2011 Program Loans, and if applicable, the Interim Loan (the "Program Application"), with the DEP and the Trust.

NOW THEREFORE BE IT RESOLVED as follows:

Section 1. The Mayor, the Chief Financial Officer and the Director of Public Works of the City (including their designees, each an "Authorized Officer") are each hereby severally authorized to prepare and submit the Program Application to the DEP and the Trust and to represent the City in all matters relating to the Projects. The Authorized Officer shall act in consultation with the City's counsel and bond counsel, DeCotiis, FitzPatrick & Cole, LLP, hereby confirmed to act as bond counsel to the City for this financing, the engineering staff of the City and any outside engineering services as needed, and any other consultants of the City (collectively, the "Consultants"), in the preparation and submission of the Program Application. All actions taken to date by such parties in connection with the Program Application are hereby ratified and approved. All of such parties are hereby authorized and directed to represent the City in matters pertaining thereto. The Authorized Officer may be contacted at 50 Winfield Scott Plaza, Elizabeth, NJ 07201 (908/820-4097).

Section 2. All actions of the Authorized Officers and the Consultants taken prior to the date of adoption hereof in connection with the Project or any of the transactions related thereto are hereby ratified and approved.

Section 3. This resolution shall take effect immediately.

Which was adopted by the following vote:

AFFIRMATIVE: ~~Richard Auguste~~, Jackus, Grova, Gonzalez, Keenan, Cedeno, Gallman, Mazza, and President Cuesta - 18

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, pursuant to the provisions of N.J.S.A. 2B:12.5-b, the Assignment Judge of the Union County, has consented to the appointment of a Temporary Municipal Court Judge in the City of Elizabeth to handle municipal code violations and any other matters that might be assigned to such Judge; and

WHEREAS, the Mayor has appointed **Daniel J. Russell as Temporary Municipal Court Judge** subject to the advice and consent of the City Council, for a one-year period from November 1, 2010 to October 31, 2011; and

WHEREAS, the Law Department has advised that it will be necessary for the City of Elizabeth to enter into a contract with **Daniel J. Russell, Esq.**, with regard to this appointment, setting forth the terms of compensation which will be at the rate of \$300.00 per session not to exceed \$60,000.00; and

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

WHEREAS, the 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 to be made just before this City incurs a contractual liability on its part;

NOW, THEREFORE, BE IT RESOLVED that City Council of the City of Elizabeth does hereby advise and consent the appointment of **Daniel J. Russell, Esq., 201 Shelley Avenue, Elizabeth, New Jersey 07208**, to serve as Temporary Municipal Court Judge for a term commencing November 1, 2010 to October 31, 2011; and be it

FURTHER RESOLVED, by City Council of the City of Elizabeth that the Mayor and City Clerk are hereby authorized to enter into a contract with **Daniel J. Russell, Esq.**, to serve as Temporary Municipal Court Judge for a one-year period from November 1, 2010 through October 31, 2011, at the rate of \$300.00 per session, at a cost not to exceed \$60,000.00, without further authorization of this Governing Body; and be it

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

Which was adopted by the following vote:

AFFIRMATIVE: [Redacted], Jackus, Grova, Gonzalez, Keenan, Cedeno, Gallman, Mazza, and President Cuesta - ~~X~~ 8

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, this Municipality is authorized to dispose of surplus personal property in the possession of the Elizabeth Police Department P.L. 2001,C.30 by sale at public auction in accordance with the provisions of N.J.S.A.40A:14-157; and

WHEREAS, certain tangible property has come into the possession of the Elizabeth Police Department, which includes but is not limited to electronics, home goods, clothing, jewelry, shoes and power tools; and

WHEREAS, the said property has been in the possession of the Elizabeth Police Department for more than six months; and

WHEREAS, the surplus personal property are no longer needed for public use; and

WHEREAS, the sale is being conducted pursuant to Local Finance Notice 2008-9; and

WHEREAS, the auction will conform to all State and Municipal regulations and can be disposed of in accordance with N.J.S.A. 40-157 and P.L.2001, c.30. **The auction is being requested to be held by Property Room.com, State preapproved on-line auction site.** The date of the sale will be set by the auction company and will be published in the "Newark Star Ledger"; and

WHEREAS, the terms of the agreement entered into with Property Room.com are available on its website and are available in the Office of the Purchasing Agent; now, therefore, be it

RESOLVED that City Council of the City of Elizabeth hereby authorizes the sale of the surplus personal property in possession of the Elizabeth Police Department set forth hereinabove by PropertyRoom.com State preapproved online auction site; and be it

FURTHER RESOLVED that viewing of the surplus personal property may be reviewed on the web-site of Property Room.com, State pre-approved on-line auction site; and be it

FURTHER RESOLVED that the net proceeds from the within sale shall be paid into the general municipal treasury of the City of Elizabeth.

Which was adopted by the following vote:

AFFIRMATIVE: [Redacted], Jackus, Grova, Gonzalez, Keenan, Cedeno, Gallman, Mazza, and President Cuesta - 8

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the Business Administrator and the Purchasing Agent that in accordance with emergency purchases and contracts section (40A:11-6) of the Local Public Contracts Law, the Fire Director, certified that an emergency existed on April 22, 2010 affecting the public health and safety requiring immediate purchase of Repair Parts and Labor to Repair Ladder Truck #2; and

WHEREAS, the Business Administrator, Purchasing Agent and Director of the Fire Department have requested authorization for the emergency purchase of Repair Parts and Labor to Repair Ladder Truck #2 from **CAMPBELL SUPPLY, 145 Talmadge Road, Suite 8, Edison, New Jersey 08817**; and

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available and appropriated for this purpose and Certification No. 11-02128, charging the amount of \$5,119.65 to Account No. 1-01-26-290-EYM-307, of the Municipal Budget is on file in the Office of the City Clerk; now, therefore, be it

RESOLVED that the City Council of the City of Elizabeth authorizes the emergency purchase of Repair Parts and Labor to Repair Ladder Truck #2 **CAMPBELL SUPPLY, 145 Talmadge Road, Suite 8, Edison, New Jersey 08817** in the amount of \$5,119.65.

Which was adopted by the following vote:

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

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the Business Administrator has requested authorization to award a contract to **GARDEN STATE HIGHWAY PRODUCTS, 1740 East Oak Road, Vineland, New Jersey 08361** for Break Away U-Post and Sign Supports for the Public Works Department for the period September 24, 2010 through June 30, 2012 at a cost not to exceed \$60,000.00 under their State Contract No. 76835; and

WHEREAS, the Business Administrator and the Purchasing Agent have advised that the contract in question is a purchase through a State of New Jersey Contract under the State Contract No. 76835 requiring approval by this Governing Body in accordance with the provisions of N.J.A.C. 5:34-1.2; 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 by the City Council of the City of Elizabeth that an award of contract be made to **GARDEN STATE HIGHWAY PRODUCTS, 1740 East Oak Road, Vineland, New Jersey 08361** for Break Away U-Post and Sign Supports for the Public Works Department for the period September 24, 2010 through June 30, 2012 at a cost not to exceed \$60,000.00 under their State Contract No. 76835.

Which was adopted by the following vote:

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

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the Business Administrator has recommended that the City of Elizabeth enter into an agreement with the Elizabeth Parking Authority for the rental of 21 parking spaces in Lot No. 6 and the rental of 170 parking spaces in Lot No. 2, for a one (1) year period from July 1, 2010 through June 30, 2011, at a rate of \$25.00 per parking space per month, for the monthly cost of \$8,025.00 at a total cost of \$96,300.00 for the contract period of one (1) year; and

WHEREAS, in addition the City will pay a one time cost for tags at Twenty Dollars (\$20.00) each for a total of \$6,420.00; and

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available and appropriated for this purpose and Certification No. 11-02124 charging the amount of \$102,720.00 to Account No. 1-01-30-411-002-000 of the Municipal Budget is on file in the Office of the City Clerk; and

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

RESOLVED by City Council of the City of Elizabeth that the proper City officials are hereby authorized to execute an agreement with the Elizabeth Parking Authority for the rental of 21 parking spaces in Lot No. 6 and 170 parking spaces in Lot No. 2 for a period of one (1) year effective July 1, 2010 through June 30, 2011 at a rate of \$25.00 per parking space per month, for the monthly cost of \$8,025.00 at a total cost of \$96,300.00 for the contract period of one (1) year, and a one time cost for tags at Twenty Dollars (\$20.00) each for a total of \$6,420.00 for a total contract cost of \$102,720.00

Which was adopted by the following vote:

AFFIRMATIVE: [REDACTED], Jackus, Grova, Gonzalez, Keenan, Cedeno, Gallman, Mazza, and President Cuesta - 8

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the Business Administrator has requested authorization to award a contract to **GARDEN STATE HIGHWAY PRODUCTS, 1740 East Oak Road, Vineland, New Jersey 08361** for Aluminum Sign Blanks for the Public Works Department for the period September 24, 2010 through April 30, 2012 at a cost not to exceed \$50,000.00 under their State Contract No. 76455; and

WHEREAS, the Business Administrator and the Purchasing Agent have advised that the contract in question is a purchase through a State of New Jersey Contract under the State Contract No. 76455 requiring approval by this Governing Body in accordance with the provisions of N.J.A.C. 5:34-1.2; 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 by the City Council of the City of Elizabeth that an award of contract be made to **GARDEN STATE HIGHWAY PRODUCTS, 1740 East Oak Road, Vineland, New Jersey 08361** for Aluminum Sign Blanks for the Public Works Department for the period September 24, 2010 through April 30, 2012 at a cost not to exceed \$50,000.00 under their State Contract No. 76455.

Which was adopted by the following vote:

AFFIRMATIVE: [Redacted], Jackus, Grova, Gonzalez, Keenan, Cedeno, Gallman, Mazza, and President Cuesta - **8**

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the Business Administrator and the Purchasing Agent have requested authorization in accordance with NJAC 5:34 and pursuant to N.J.S.A. 40A:11-12 to award a contract to **GARDEN STATE HIGHTWAY PRODUCTS, 1740 East Oak Road, Vineland, New Jersey 08361** for reflective shetting for the Public Works Department for the period of September 24, 2010 through April 30, 2011 at a cost not to exceed \$30,000.00 under state contract #74075; 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 by City Council of the City of Elizabeth that a contract be awarded to **GARDEN STATE HIGHTWAY PRODUCTS, 1740 East Oak Road, Vineland, New Jersey 08361** for reflective shetting for the Public Works Department for the period of September 24, 2010 through April 30, 2011 at a cost not to exceed \$30,000.00 under state contract #74075.

Which was adopted by the following vote:

AFFIRMATIVE: ~~_____~~, Jackus, Grova,
Gonzalez, Keenan, Cedeno, Gallman, Mazza,
and President Cuesta - 8

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the Business Administrator and the Purchasing Agent have requested authorization in accordance with NJAC 5:34 and pursuant to N.J.S.A. 40A:11-12 to award a contract to **OFFICE SOLUTIONS, INC., 217 Mount Horeb Road, Warren, New Jersey 07059** for the purchase of miscellaneous Telecommunications Equipment Wired for various departments for the period March 1, 2010 to November 30, 2010 at a cost not to exceed \$50,000.00 under state contract #42285; 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 by City Council of the City of Elizabeth that a contract be awarded to **OFFICE SOLUTIONS, INC., 217 Mount Horeb Road, Warren, New Jersey 07059** for the purchase of miscellaneous Telecommunications Equipment Wired for various departments for the period March 1, 2010 to November 30, 2010 at a cost not to exceed \$50,000.00 under state contract #42285

Which was adopted by the following vote:

AFFIRMATIVE: [REDACTED], Jackus, Grova, Gonzalez, Keenan, Cedeno, Gallman, Mazza, and President Cuesta - 8

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the Business Administrator and the Purchasing Agent have requested authorization in accordance with NJAC 5:34 and pursuant to N.J.S.A. 40A:11-12 to award of contract to **KIMBALL/NATIONAL, c/o BFI 1600 Royal Street, Jasper, IN 47549** for furniture for the Police Director's Office in the amount of \$3,309.60 under state contract #A-69941; and

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available and appropriated for this purpose and Certification No. 11-02365, charging the amount of \$3,309.60 to Account No. X-04-55-000-X18-000, of the Municipal Budget is on file in the Office of the City Clerk; and

RESOLVED by City Council of the City of Elizabeth that a contract be awarded to **KIMBALL/NATIONAL, c/o BFI 1600 Royal Street, Jasper, IN 47549** for furniture for the Police Director's Office in an amount of \$3,309.60 in the amount of \$3,309.60 under state contract #A-69941

Which was adopted by the following vote:

AFFIRMATIVE: [Redacted], Jackus, Grova, Gonzalez, Keenan, Cedeno, Gallman, Mazza, and President Cuesta - 18

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the Business Administrator, Purchasing Agent and the Fire Director have requested authorization in accordance with NJAC 5:34 and pursuant to N.J.S.A. 40A:11-12 to award a contract to **WPCS International, Inc., 1985 Swarthmroe Avenue, Suite 4, Lakewood, New Jersey 08701** for the purchase of five (5) Panasonic Toughbooks in the amount of \$18,447.40 under their Morris County Co-Op Contract #56; and for the purchase Of Vehicle Mounting Hardware and Docking Stations in the amount of \$6,544.40 under their Cranford Police Cooperative Pricing System; and for the purchase o f Installation/Labor in the amount of \$1,925.00 under their state contract #53766 for a total cost of \$26,916.80; and

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available and appropriated for this purpose and Certification No. 11-02350, charging the amount of \$26,916.80 to Account No. 1-01-25-260-ASB-325, of the Municipal Budget is on file in the Office of the City Clerk; now, therefore, be it ,

RESOLVED by City Council of the City of Elizabeth that a contract be awarded to **WPCS International, Inc., 1985 Swarthmroe Avenue, Suite 4, Lakewood, New Jersey 08701** for the purchase of five (5) Panasonic Toughbooks in the amount of \$18,447.40 under their Morris County Co-Op Contract #56; and for the purchase Of Vehicle Mounting Hardware and Docking Stations in the amount of \$6,544.40 under their Cranford Police Cooperative Pricing System; and for the purchase o f Installation/Labor in the amount of \$1,925.00 under their state contract #53766 for a total cost of \$26,916.80

Which was adopted by the following vote:

AFFIRMATIVE: [REDACTED], Jackus, Grova, Gonzalez, Keenan, Cedeno, Gallman, Mazza, and President Cuesta - **AB**

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the Purchasing Agent has advised that on September 16, 2010 sealed bids were received for the furnishing of Twenty (20) Multi Threat Suits and Twenty-six (26) Multi Threat Training Suits for the Police Department S.W.A.T. Team; and

WHEREAS, the Business Administrator has requested an award of a contract to the sole responsible bidder **Mar-Vel International, Inc., 7115 Airport Highway, Pennsauken, New Jersey 08109** for the purchase of twenty (20) Multi Threat Suits and Twenty-Six (26) Multi Threat Training Suits for the Police Department S.W.A.T. Team in the amount of \$41,438.00; and

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available and appropriated for this purpose and Certification No.11-02390, charging the amount of \$41,438.00 to Account No. 0-21-56-130, 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 **Mar-Vel International, Inc., 7115 Airport Highway, Pennsauken, New Jersey 08109** for the purchase of twenty (20) Multi Threat Suits and Twenty-Six (26) Multi Threat Training Suits for the Police Department S.W.A.T. Team in the amount of \$41,438.00.

Which was adopted by the following vote:

AFFIRMATIVE: [Redacted], Jackus, Grova, Gonzalez, Keenan, Cedeno, Gallman, Mazza, and President Cuesta - 48

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the Business Administrator has recommended an award of contract be made to **The Chubb Group of Companies, 12 Vreeland Road, Florham Park, New Jersey 07932 through their agent Otterstedt Agency, 540 Sylvan Avenue, Englewood Cliffs, New Jersey 07632** for insurance covering City-owned properties for the annual premium of \$83,266.00 The term of the policy is October 1, 2010 to October 1, 2011; and

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available and appropriated for this purpose and Certification No. 11-02557 charging the amount of \$83,266.00 to Account Number 11-01-23-210-INS of the Municipal Budget, is on file in the Office of the City Clerk; and

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

WHEREAS, this recommendation is made with the full concurrence of members of the Insurance Fund Commission; and

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

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

1. The Mayor and the City Clerk are hereby authorized to execute a contract with **The Chubb Group of Companies, 12 Vreeland Road, Florham Park, New Jersey 07932 through their agent Otterstedt Agency, 540 Sylvan Avenue, Englewood Cliffs, New Jersey 07632** for insurance covering City-owned properties for the annual premium is \$83,266.00. The term of the policy is October 1, 2010 to October 1, 2011.

- 2. The Chubb group of Companies' premium was the most competitive and current proposal offers a continuation of the present property Insurance coverage.
- 3. Insurance is specialized in nature inasmuch as the companies issuing same are limited in number and must be approved by the State of New Jersey through the Department of Insurance and Banking, in order to qualify to do business within this State. New Jersey Statutes 40A:11-5(m) exempts the purchasing of insurance coverage from advertising for bids and bidding, which exception shall be in accordance with the requirements thereof.
- 4. This cannot be described by written specifications because of the special nature of the services described in Paragraph 3.
- 5. A notice of this action shall be published in The Star Ledger.

Which was adopted by the following vote:

AFFIRMATIVE: [redacted], Jackus, Grova, Gonzalez, Keenan, Cedeno, Gallman, Mazza, and President Cuesta - 18

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the Business Administrator and the Purchasing Agent have advised that in accordance with NJSA 19:44A-20.4 et seq (Local Unit Pay to Play Laws a request to award a contract to **LaVoz , 1020 Kipling Road, Elizabeth, New Jersey 07208** for Publishing of Advertising for a period of one year from the date of award of contract in the amount not to exceed \$26,000.00; and

WHEREAS, this request is for a “Non-Fair and Open Process”; 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 **LaVoz , 1020 Kipling Road, Elizabeth, New Jersey 07208** for Publishing of Advertising for a period of one year from the date of award of contract in the amount not to exceed \$26,000.00.

Which was adopted by the following vote:

AFFIRMATIVE: [REDACTED], Jackus, Grova, Gonzalez, Keenan, Cedeno, Gallman, Mazza, and President Cuesta - 8

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the Business Administrator and the Purchasing Agent have advised that in accordance with NJAC 5:34 pursuant to N.J.S.A. 40A:11-5 (j) they recommend an award of contract be made to **Star Ledger, One Star Ledger Plaza, Newark, New Jersey 07102** for the Publishing of Legal Notices (Excepted from Bidding) for a period of two (2) years from the award of the contract in the amount of \$160,000.00; and

WHEREAS, this request is being made to comply with Local Unit Pay to Play laws (N.J.S.A. 19:44A-20.4 et seq) for “Non-fair and Open Process”; 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 Star Ledger. 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 by City Council of the City of Elizabeth authorizes the award of a contract to **Star Ledger, One Star Ledger Plaza, Newark, New Jersey 07102** for the Publishing of Legal Notices (Excepted from Bidding) for a period of two (2) years from the award of the contract in the amount of \$160,000.00.

Which was adopted by the following vote:

AFFIRMATIVE: [REDACTED], Jackus, Grova, Gonzalez, Keenan, Cedeno, Gallman, Mazza, and President Cuesta - **18**

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the Business Administrator and the Public Works Director have have advised that in accordance with NJAC 5:34 and N.J.S.A 40A:11-5(2) (exception to bidding) to award a contract to **Daved Fire Systems, Inc., 307 West Pleasantview Avenue, Hackensack, New Jersey 07601** for the Inspection of Fire Alarms at Various City Owned Buildings along with any necessary repairs for the period September 22, 2010 through September 21, 2012 at a cost not to exceed \$100,000.00 under the Union County Cooperative Purchasing Contract #CK-07-UNION; 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 to **Daved Fire Systems, Inc., 307 West Pleasantview Avenue, Hackensack, New Jersey 07601** for the Inspection of Fire Alarms at Various City Owned Buildings along with any necessary repairs for the period September 22, 2010 through September 21, 2012 at a cost not to exceed \$100,000.00 under the Union County Cooperative Purchasing Contract #CK-07-UNION.

Which was adopted by the following vote:

AFFIRMATIVE: [REDACTED], Jackus, Grova, Gonzalez, Keenan, Cedeno, Gallman, Mazza, and President Cuesta - 8

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the Director of the Department of Planning & Community Development has requested authorization for the proper City officials to enter into an agreement with Trinitas Hospital for the purchase of Health Care Apparatus, Material and Activities for the Brother Bonaventure Extended Care Center; and

WHEREAS, the Center is located in the New Point Campus building on East Jersey Street. It serves long-term and sub-acute patients requiring the use of special apparatus and materials to avoid stagnation and vegetation. The Center services 120 patients, of which 75% are Elizabeth residents; and

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available and appropriated for this purpose and Certification No. 11-02622, charging the amount of \$5,000.00 to Account No. 1-21-56-182, 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 proper City officials to enter into an agreement with Trinitas Regional Medical Center for the purchase of Health Care Apparatus, Material and Activities for the Brother Bonaventure Extended Care Center in the amount of \$5,000.00.

Which was adopted by the following vote:

AFFIRMATIVE: [Redacted] Jackus, Grova, Gonzalez, Keenan, Cedeno, Gallman, Mazza, and President Cuesta - 8

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the Director of the Department of Planning & Community Development has requested an award of a contract be made to **The PMK Group, a Birdsall Service Group Business Unit, 65 Jackson Drive, P. O. BOX 5000, Cranford, New Jersey 07016**, update the Site investigation for 801-871 Livingston Street (former NJ Transit Bus Garage) in an amount not to exceed \$77,900.00. The report was previously prepared in 1999; and

WHEREAS, on September 14, 2010 a resolution was adopted authorizing the City of Elizabeth to be responsible for the cost of environmental remediation for the property to be developed into a supermarket anchored shopping center; and

WHEREAS, the request for qualification was solicited through a fair and open process in accordance with N.J.S.A. 19:44A-20.5, et. seq., and N.J.S.A. 40A11-5 (a) (i); and

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available and appropriated for this purpose and Certification No. 11-02458 charging the amount of \$77,900.00 to Account No. X-04-55-948-001 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 Municipal Clerk are hereby authorized and directed to execute a contract with **The PMK Group, a Birdsall Service Group Business Unit, 65 Jackson Drive, P. O. BOX 5000, Cranford, New Jersey 07016**, update the Site investigation for 801-871 Livingston Street (former NJ Transit Bus Garage) in an amount not to exceed \$77,900.00. The report was previously prepared in 1999
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: [Redacted], Jackus, Grova, Gonzalez, Keenan, Cedeno, Gallman, Mazza, and President Cuesta - 8

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the Director of Public works has advised that the City of Elizabeth and E'Town Services, LLC are preparing plans and specifications for a sewer construction project entitled "Westfield Avenue/Elmora Avenue Relief Sewer Project" to construct a 54-inch reinforced concrete pipe (RCP) sewer beneath the existing 42-inch diameter brick sewer operated the Joint Meeting of Essex and Union Counties (JMEUC) at the intersection of Westfield Avenue and Elmora Avenue. This project will help alleviate the existing flood condition on Park Avenue near Glenwood Road; and

WHEREAS, in order to ensure that no damage occurs to the JMEUC trunk sewer it has been agreed between JMEUC and the City to install approximately 260 linear feet of Cured in Place Pipe (CIPP) liner within the interior of the pipe. The approximately cost of this item is \$160,000.00; and

WHEREAS, the JMEUC and the City of Elizabeth have agreed to share the cost of this construction item and JMEUC will reimburse the City for 50% of the cost at the completion of the contract; now, therefore, be it

RESOLVED that the City Council of the City of Elizabeth authorizes the adoption of a resolution authorizing the proper City Officials to endorse the agreement between Joint Meeting of Essex and Union Counties (JMEUC) and the City of Elizabeth for the 50% cost sharing of the sewer construction contract entitled "Westfield Avenue and Elmora Avenue" Relief Sewer Project

Which was adopted by the following vote:

AFFIRMATIVE: ██████████, Jackus, Grova,
Gonzalez, Keenan, Cedeno, Gallman, Mazza,
and President Cuesta - 18

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the Second Assistant City Attorney has requested permission to execute a Developer's/Indemnification Agreement between the City of Elizabeth and Preferred Freezer Services of Elizabeth, LLC (PFSE); and

WHEREAS, the Developer's/Indemnification Agreement will permit PFSE to design, construct and install a new 42" storm sewer line on the portion of Bayway Avenue, (108-166 Bayway Avenue), Elizabeth, New Jersey at its own cost and expense. PFSE will also indemnify and hold harmless the City of Elizabeth from liability and property damage; now, therefore, be it

RESOLVED that the City Council of the City of Elizabeth authorizes the proper City Officials to execute the Developer's/Indemnification Agreement between the City of Elizabeth and Preferred Freezer Services of Elizabeth, LLC (PFSE), which will permit PFSE to design, construct and install a new 42" storm sewer line on the portion of Bayway Avenue, (108-166 Bayway Avenue), Elizabeth, New Jersey at its own cost and expense.

Which was adopted by the following vote:

AFFIRMATIVE: [Redacted], Jackus, Grova, Gonzalez, Keenan, Cedeno, Gallman, Mazza, and President Cuesta - 8

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the Business Administrator has requested authorization for the proper City Officials to support and commit matching funds for the Fiscal Year 2010 Choice Neighborhoods Planning Grant; and

WHEREAS, the City Council of Elizabeth intended to commit \$200,000.00 to funding planning studies, architectural and engineering services and market studies for the FY 2010 Choice Neighborhoods Planning Grant being offered by the United States Department of Housing and Urban Development. This Grant application is being submitted by the Housing Authority of the City of Elizabeth to assist the Oakwood Plaza Project in developing a transformation plan for Oakwood Plaza and the surrounding neighborhood. The term of this commitment is two (2) years and is subject only to an award of Choice Planning Grant Funds from the United States Department of Housing and Urban Development; and

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available and appropriated for this purpose and Certification No.11-02626, charging the amount of \$200,000.00 to Account No. 1-01-30-41-008, of the Municipal Budget is on file in the Office of the City Clerk; and

WHEREAS, funds are available in the City of Elizabeth Fiscal year 2011 Budget under Local Match; now, therefore, be it

RESOLVED that the City Council of the City of Elizabeth supports and commits \$200,000.00 of matching funds for the Fiscal Year 2010 Choice Neighborhoods Planning Grant offered by the U.S. Department of Housing and Urban Development and submitted by the Elizabeth Housing Authority to assist the Oakwood Plaza Project for a two (2) year term.

Which was adopted by the following vote:

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

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the Business Administrator has requested authorization for the proper City Officials to sign the release form to allow Travelers Insurance Group to release a bond issued to Movie Gallery, Inc./Hollywood Video; now, therefore, be it

RESOLVED that the City Council of the City of Elizabeth authorizes the proper City officials to execute the release from allowing Travelers Insurance Group to release a bond issued to Movie Gallery, Inc./Hollywood Video.

Which was adopted by the following vote:

AFFIRMATIVE: [Redacted] Jackus, Grova,
Gonzalez, Keenan, Cedeno, Gallman, Mazza,
and President Cuesta - 8 8

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the Director of the Department of Planning and Community Development has requested adoption of a resolution authorizing the proper City Officials to execute any and all documents necessary and appropriate to discharge a second mortgage and cancel the Deed of Easement and Restrictive Covenant held by the City of Elizabeth; and

WHEREAS, the City of Elizabeth holds second mortgage and a Deed of Easement and Restrictive Covenant given by **Pauline Shirley** the owner of the mortgage premises located at **331 Bond Street, Elizabeth, New Jersey 07206**; and

WHEREAS, this is a First Time Homebuyer Program mortgage given on June 26, 2003 Book No. M10233 Page No.0863-0871 in the original amount of \$10,000.00 as security for a forgivable loan after five (5) years and a Deed of Easement and Restrictive Covenant Book on August 5, 2003, Recorded Date M10233, Recorded Deed Book No. 0872-0877; and

WHEREAS, the Director advises that the owners have fulfilled their obligations under the terms of the mortgage loan and are therefore entitled to a Discharge of Mortgage and Cancellation of the Deed of Easement and Restrictive Covenant; now, therefore, be it **RESOLVED** that the City Council of the City of Elizabeth does hereby authorize the Mayor to execute any and all documents in order to discharge said mortgage and cancellation of the Deed of Easement and Restrictive Covenant

Which was adopted by the following vote:

AFFIRMATIVE: [Redacted], Jackus, [Redacted], Gonzalez, Keenan, Cedeno, Gallman, Mazza, and President Cuesta - 8 7

NEGATIVE: None

EXCUSED: GROVA - 1

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the Director of the Department of Planning and Community Development has requested adoption of a resolution authorizing the proper City Officials to execute any and all documents necessary and appropriate to discharge a second mortgage and cancel the Deed of Easement and Restrictive Covenant held by the City of Elizabeth; and

WHEREAS, the City of Elizabeth holds second mortgage and a Deed of Easement and Restrictive Covenant given by **Alberto Rosado Guzman & Carmen Aviles** the owners of the mortgage premises located at **515 First Avenue, Elizabeth, New Jersey**; and

WHEREAS, this is a HOME Owner Occupied Basic Program mortgage given on June 17, 2003 Book No. MB9913 Page No.0777 in the original amount of \$5,390.00 as security for a forgivable loan after five (5) years and a Deed of Easement MB9913-0782; and

WHEREAS, the Director advises that the owners have fulfilled their obligations under the terms of the mortgage loan and are therefore entitled to a Discharge of Mortgage and Cancellation of the Deed of Easement and Restrictive Covenant; now, therefore, be it

RESOLVED that the City Council of the City of Elizabeth does hereby authorize the Mayor to execute any and all documents in order to discharge said mortgage and cancellation of the Deed of Easement and Restrictive Covenant

Which was adopted by the following vote:

AFFIRMATIVE: [Redacted] Jackus, Grova, Gonzalez, Keenan, Cedeno, Gallman, Mazza, and President Cuesta **AB**

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

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

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

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

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

Certificate Invoice 10/12/2010 Total Amount: \$16,158.18.

Which was adopted by the following vote:

AFFIRMATIVE: [REDACTED] Jackus, Grova, Gonzalez, Keenan, Cedeno, Gallman, Mazza, and President Cuesta - 18

NEGATIVE: None

44

BY CITY COUNCIL AS A WHOLE:

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

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

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

| Acct. No. | Property Location | Name | Ded. Code |
|-----------|-------------------|---------------|-----------|
| 1-135.O | 137 Port Ave | Dosantos, A | S1 |
| 3-358 | 125-127 Fifth St | Szewczyk, J | S1 |
| 5-417 | 230 Erie St | Franco, J & A | D1 |
| 7-4 | 18 Amity St | Stanco, P | S1 |
| 13-261 | 13 Decker Ave | Rendon, S | S1 |
| 13-709.A | 166 Lincoln Ave | Laks, N | S1 |

6@\$250.00ea.=\$1500.00

| Acct. No. | Property Location | Name | Ded. Code |
|-----------|--------------------|----------------|-----------|
| 2-931 | 52 S Second St | Rosales, Jr, R | V1 |
| 5-1302 | 504-508 Spencer St | Marangella, J | V1 |
| 9-89 | 231 Broad St | Farinas, L | V1 |

3@\$250.00ea.=\$750.00

Which was adopted by the following vote:

AFFIRMATIVE: [Redacted], Jackus, Grova, Gonzalez, Keenan, Cedeno, Gallman, Mazza, and President Cuesta - 8

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

RESOLVED that City Council of the City of Elizabeth hereby establishes a handicapped parking space in front of **234 Magnolia Avenue, Elizabeth, New Jersey** as follows, pursuant to the recommendation of the Elizabeth Police Director:

along the South curb line of Magnolia Avenue
beginning at a point 489' West of Second Street
and continuing 22' West thereof;

and be it

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

Which was adopted by the following vote:

AFFIRMATIVE: ~~Forzano, Regatta,~~ Jackus, Grova,
Gonzalez, Keenan, Cedeno, Gallman, Mazza,
and President Cuesta - **8**

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the Business Administrator and the Purchasing Agent have recommended that the sole bid received for the furnishing of Miscellaneous Hardware Supplies FY 2011 be rejected; and

WHEREAS, the sole bid received did not meet the City's statutory requirements. The bid received did not contain the necessary Consent of Surety; now, therefore, be it

RESOLVED that the City Council of the City of Elizabeth rejects the bid received for the furnishing of Miscellaneous Hardware Supplies FY 2011 and authorizes the Purchasing Agent to re-advertise for same with revised specifications.

Which was adopted by the following vote:

AFFIRMATIVE: ~~Richard Auguste~~, Jackus, Grova, Gonzalez, Keenan, Cedeno, Gallman, Mazza, and President Cuesta - 88

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

RESOLVED by City Council of the City of Elizabeth that the following described location is hereby established as a designated Loading Zone in front of 740 Lidgerwood Avenue, Elizabeth, New Jersey:

LOCATION: Along the east curb line of Lidgerwood Avenue beginning at a point 48 feet south of Meredith Avenue and continuing for a distance of 100 feet south thereof.

Which was adopted by the following vote:

AFFIRMATIVE: ~~Richard Auguste~~, Jackus, Grova, Gonzalez, Keenan, Cedeno, Gallman, Mazza, and President Cuesta - 18

NEGATIVE: None

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. Jeffrey Howard, 355 Union Avenue, Elizabeth, New Jersey 07208** to serve as a Constable for a term of three years effective from date of appointment; the said **Mr. Jeffrey Howard**, having been investigated and approved by the Department of Police; and be it

FURTHER RESOLVED that the said **Mr. Jeffrey Howard, , 355 Union Avenue, Elizabeth, New Jersey 07208** 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: [REDACTED] Jackus, Grova, Gonzalez, Keenan, Cedeno, Gallman, Mazza, and President Cuesta - 18

NEGATIVE: None

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. John S. DiCosmo, 712 4th Avenue, Elizabeth, New Jersey 07202** to serve as a Constable for a term of three years effective from date of appointment; the said **Mr. John S. DiCosmo**, having been investigated and approved by the Department of Police; and be it

FURTHER RESOLVED that the said **Mr. John S. DiCosmo, 712 4th Avenue, Elizabeth, New Jersey 07202** 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: [Redacted], Jackus, Grova, Gonzalez, Keenan, Cedeno, Gallman, Mazza, and President Cuesta - **8**

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, a case is currently pending in the Worker's Compensation Court under Claim Petition No. 2009-20401 entitled **Orestes Rios v. City of Elizabeth Fire Department**; and

WHEREAS, the Law Department and Christopher J. Kinsella, Esq., recommend that this matter be settled for 30% of the left foot for the amount of \$14, 214.00; and

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available and appropriated for this purpose and Certification No. 11-02530 charging the amount of \$14,214.00 to Account No. 1-21-56-249 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 \$14,214.00 as set forth above payable to **Orestes Rios, 323 Cedar Grove Terrace, Scotch Plains, New Jersey 07076 and Attorney for the Plaintiff: BRAFF, HARRIS & SUKONECK, 570 W. Mt. Pleasant Avenue, P. O. Box 657, Livingston, New Jersey.**

Which was adopted by the following vote:

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

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, a case is currently pending in the Worker's Compensation Court under Claim Petition No. 2006-29896 and Claim Petition No. 2008-16450 entitled **Fernando Costa v. City of Elizabeth v.**; and

WHEREAS, the Law Department and Christopher J. Kinsella, Esq., recommend that C.P. No. 2006-29896 be settled for \$16,560.00 and C. P. No. 2008-16450 be settled for a net of \$54,840.00 with a total monetary award of \$71,400.00; and

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available and appropriated for this purpose and Certification No. 11-02532 charging the amount of \$71,400.00 to Account No. 1-21-56-249 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 \$71,400.00 as set forth above and payable to **Fernando Costa, 34 Jacques Street, Elizabeth, New Jersey 07016 and Attorney for the Plaintiff: KIRSCH, GELBAND & STONE, P.A., 17 Academy Street, Newark, New Jersey 07102.**

Which was adopted by the following vote:

AFFIRMATIVE: ~~Redacted~~, Jackus, Grova, Gonzalez, Keenan, Cedeno, Gallman, Mazza, and President Cuesta **8**

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

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

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

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

| | | |
|-------------------------|---------------------|---------------|
| ELIZABETHTOWN GAS | 0-01-31-446 | \$ 2,173.53 |
| NATIONAL FUEL OIL, INC. | 1-02-31-460 | \$ 11,253.00 |
| NEXTEL COMMUNICATIONS | 1-01-31-440 | \$ 2,988.41 |
| PEPCO ENERGY SERVICES | 1-01-31-446 | \$ 386.31 |
| PSE&G | 1-07-55-500-SEW-351 | \$ 2,611.51 |
| VARIOUS ELECTRICITY | 1-02-31-435 | \$ 174,136.30 |
| SPRINT | 1-01-31-440 | \$ 301.75 |
| USA MOBILITY | 1-01-31-440 | \$ 566.86 |
| VERIZON | 1-01-31-440 | \$ 43,926.79 |
| VERIZON CABS | 1-01-31-440 | \$ 289.80 |
| VERIZON WIRELESS | 1-01-31-440 | \$ 587.55 |
| VERIZON COMMUNICATIONS | 1-01-31-440 | \$ 716.36 |
| VERIZON WIRELESS | 1-01-31-440 | \$ 14,396.04 |
| AVAYA, INC. | 0-01-31-440 | \$ 5,619.72 |
| HESS CORP. | 1-01-31-430 | \$ 61,475.75 |
| LANGUAGE LINE SERVICES | 1-01-31-440 | \$ 1,060.92 |

Which was adopted by the following vote:

AFFIRMATIVE: [redacted], Jackus, Grova, Gonzalez, Keenan, Cedeno, Gallman, Mazza, and President Cuesta - **AB**

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the City Council of the City of Elizabeth has learned of the recent death of Marie C. (Tricomi), Barone, 99 of Elizabeth; and

WHEREAS, born in New York City, Ms. Barone moved to Elizabeth seventy-five years ago; and

WHEREAS, she was a floor Supervisor for Manheim Manufacturing in Elizabeth where she worked for forty-two years before retiring in 1978; and

WHEREAS, Ms. Barone was also a member of St. Anthony's Senior Citizens Club; and

WHEREAS, she was the beloved daughter of the late Michelangelo and Settima Tricomi. Ms. Barone was the loving mother of Joseph Barone and his wife, Mary, of Elizabeth, and the late Michael Barone cherished grandmother of Michael Barone and his wife, Jacqueline, Anthony Barone and his wife Heather, and the late Michael George, and Joseph Barone, and great-grandmother of Michael Robert, Anthony James, Alexandra, and Anthony. She was predeceased by two sisters, Angela Caturo and Santa Mirabella. Ms. Barone is also survived by several nieces and nephews; now, therefore, be it

RESOLVED that the City Council of the City of Elizabeth hereby expresses its condolences at the passing of Marie C. (Tricomi) Barone 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 record in full upon the minutes of City Council and a certified copy be sent to her family.

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

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the City Council of the City of Elizabeth as learned of the recent death of Lucia Cordero, 52; and

WHEREAS, Mrs. Cordero was born in Italy. In 1964, when she was seven years old, she came to the United States and resided in New Jersey for the past forty-six years; and

WHEREAS, she was predeceased by her husband, Jose Cordero, and her parents, Antonio and Loretta (Rea) Paolozzi. Surviving are her two sons, Jose, Jr. and Antonio Cordero; a brother Franco Paolozzi, and a sister Anna Carus; now, therefore, be it

RESOLVED that the City Council of the City of Elizabeth hereby expresses its condolences at the passing of Lucia Cordero 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 record in full upon the minutes of City Council and a certified copy be sent to her family.

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

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the City Council of the City of Elizabeth has learned of the recent death of Margaret DeMaio, 84; and

WHEREAS, Margaret DeMaio was a life-long resident of the City of Elizabeth; and

WHEREAS, Mrs. DeMaio was a member of St. Anthony's R.C. Church and the St. Anthony's Senior Citizens Association; and

WHEREAS, Mrs. DeMaio was predeceased by her husband Ross (Duke) DeMaio, and her parents, Anthony and Lillian Signorelli. Surviving are her beloved sons, Russell and his wife, Karen; Arthur; Anthony and his wife, Theresa, and Salvatore and his wife, Linda. She is also survived by her cherished grandchildren, Allison, Ross, Amanda, John and Gianna Demaio; now, therefore, be it

RESOLVED that the City Council of the City of Elizabeth hereby expresses its condolences at the passing of Margaret DeMaio 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 record in full upon the minutes of City Council and a certified copy be sent to her family.

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

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the City Council of the City of Elizabeth has learned of the recent death of James "Jimmy" Malta; and

WHEREAS, he was a lifelong resident of the City of Elizabeth; and

WHEREAS, he was employed from 1946 to 1986 as a lab technician for the former General Aniline Chemical Company of Linden. He retired after forty years of faithful service; and

WHEREAS, in 1968, he became the proprietor of Malta's Luncheonette, located at Third Avenue and Center Street, Elizabeth, the meeting place for all the activities in the burg and City of Elizabeth. After twenty-five years, Jimmy retired in 1993; and

WHEREAS, he was a veteran of World War II, serving in the U.S. Army Air Force and a member of the Knights of Columbus Council 3310 in Elizabeth; and

WHEREAS, he was predeceased by his parents, Frank and Nunzia Malta. Surviving are his wife of sixty-four years, Sara Malta (nee Renda); two sons, Frank Malta and his wife, Linda, and Vincent Malta and his wife, Dianna, a daughter, Nancy Malta; four grandchildren, Frank and his wife, Joanne Malta, Anthony and his wife, Jessica Malta, Michael, and Kristen Malta; three great-grandchildren, Marisa, Anthony and Mia Malta, and his granddog, Tori; now; therefore, be it

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

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

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

Councilman Keenan moved that City Council do now adjourn,

Which was carried unanimously.

Whereupon Council President Cuesta declared City Council adjourned at

8:00 p.m.

APPROVED

FRANK J. CUESTA
President of City Council

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