

PROCEEDINGS OF CITY COUNCIL

(OFFICIAL)

ELIZABETH, N.J.

Tuesday Evening
December 14, 2010
7:30 p.m.

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

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

PRESENT: Council Members-at-Large: Patricia Perkins-Auguste; Edward Jackus;
Council Members: ~~Manny Grova~~, 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 - ~~8~~ 8

ABSENT: Grova - 1

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

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



PRESENTATION

Council President Cuesta announced that tonight Council will deviate from tonight's Agenda for a presentation.

Councilman Gallman expressed that he is thankful for this opportunity to honor a great woman. He continued that he has known Dr. Hurd for a long time.

At this time, Councilman Gallman asked Dr. Hurd to come forward.

Councilman Gallman stated that she has been so inspirational to him and to the children throughout the City. He then read the commendation.

Dr. Hurd stated: Councilman Gallman, President Cuesta, City Council and Guests, she has never been so honored. She continued that she was the fourth Principal in five years at School No. 20 and when she entered that "dark, dirty dungeon," she said she would make this school as good as or if not better than the Pingry School.

Dr. Hurd thanked City Council , "God Bless."

Council President Cuesta stated that Dr. Hurd's career has been stellar.

PUBLIC SPEAKING

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

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PUBLIC HEARINGS

Council President Cuesta announced that the next business in order would be a public hearing on **Ordinance No. 4173**, entitled:

REFUNDING BOND ORDINANCE OF THE CITY OF ELIZABETH, IN THE COUNTY OF UNION, NEW JERSEY, PROVIDING FOR THE REFUNDING OF CERTAIN GENERAL IMPROVEMENT BONDS OF THE CITY AND APPROPRIATING AN AMOUNT NOT EXCEEDING \$3,000,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$3,000,000 REFUNDING BONDS OF THE CITY OF ELIZABETH FOR FINANCING THE COST THEREOF

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

The Notice of Public Hearing was published in the Star Ledger issue of **December 2, 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.

Council President Cuesta announced that the next business in order would be a public hearing on **Ordinance No. 4174**, entitled:

REFUNDING BOND ORDINANCE OF THE CITY OF ELIZABETH, IN THE COUNTY OF UNION, NEW JERSEY, PROVIDING FOR THE REFUNDING OF CERTAIN SEWER UTILITY BONDS OF THE CITY AND APPROPRIATING AN AMOUNT NOT EXCEEDING \$2,800,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$2,800,000 REFUNDING BONDS OF THE CITY OF ELIZABETH FOR FINANCING THE COST THEREOF

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

The Notice of Public Hearing was published in the Star Ledger issue of **December 2, 2010**.

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 present who desired to be heard, Council President Cuesta declared the public hearing closed.

Council President Cuesta announced that the next business in order would be a public hearing on **Ordinance No. 4176**, entitled:

AN ORDINANCE GRANTING AN ENCROACHMENT PERMIT TO CRAIG TEST BORING COMPANY, INC., 5435 HARDING HIGHWAY, MAYS LANDING, NEW JERSEY ON BEHALF OF THE PORT AUTHORITY OF NEW YORK AND NEW JERSEY TO PERFORM TEST BORINGS AT VARIOUS CITY STREETS (LISTED BELOW) WHICH ARE SOUTH OF THE GOETHALS BRIDGE STRUCTURE.

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

The Notice of Public Hearing was published in the Star Ledger issue of **December 6, 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.

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Council President Cuesta announced that the next business in order would be a public hearing on **Ordinance No. 4177**, entitled:

AN ORDINANCE GRANTING AN ENCROACHMENT PERMIT TO TYREE ENVIRONMENTAL CORPORATION, 2701 CINDEL DRIVE, CINNAMINSON, NEW JERSEY ON BEHALF OF GETTY PETROLEUM MARKETING, INC., TO COMPLETE ADDITIONAL ENVIRONMENTAL REMEDIAL ACTIVITIES AT THE GETTY STATION LOCATED AT 1101 EAST JERSEY STREET.

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

The Notice of Public Hearing was published in the Star Ledger issue of **December 6, 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.

Council President Cuesta announced that the next business in order would be a public hearing on **Ordinance No. 4178**, entitled:

AN ORDINANCE TO AUTHORIZE THE ESTABLISHMENT OF A PERSONALIZED HANDICAPPED PARKING SPACE FOR BERNABE R. VARONA, 525 FULTON STREET, ELIZABETH, NEW JERSEY 07206.

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

The Notice of Public Hearing was published in the Star Ledger issue of **December 6, 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

PETITIONS, COMMUNICATIONS, ETC.

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By the Clerk:

Letter dated November 30, 2010, from the Business Administrator requesting authorization for the proper City officials to renew the insurance policy with Fidelity & Deposit Company of Maryland, a member of Zurich Financial Services Group, 1400 American Lane, Schaumburg, IL, through the agent-of-record, Hughes Plumer Associates, for the renewal of the policy of insurance for a Fidelity Blanket Bond covering employee dishonesty for the period January 1, 2011 to January 1, 2012, at an annual premium of \$4,049.99.

Which was received.

By the Clerk:

Letter dated November 30, 2010, from the Business Administrator recommending the award of a contract to Thomson West, a Division of West Publishing Corporation, 610 Opperman Drive, Eagan, MN, for the purchase of On-line Legal Research Services for the Law Department and the Municipal Court Division for the period November 24, 2010 to December 31, 2011, at a cost not to exceed \$25,000.00.

Which was received.

By the Clerk:

Letter dated November 30, 2010, from the Business Administrator advising that being satisfied that an emergency did exist, recommends the award of a contract to Doma Construction, Inc., 215 North Street, Newark, NJ, for the demolition of 155 Reid Street in the amount of \$10,950.00.

Which was received.

By the Clerk:

Letter dated November 30, 2010, from the Business Administrator recommending the award of a contract to Cliffside Body, 130 Broad Avenue, Fairview, NJ, for a new dump body and associated parts/repairs for a 1994 Tandem Truck, at a cost of \$25,000.00.

Which was received.

By the Clerk:

Letter dated November 30, 2010, from the Business Administrator recommending the award of a contract to Security Guard, Inc., t/a Tri-County Security, 189 Chestnut Avenue, Vineland, NJ, to provide Security Guard Services for the Department of Public Works, Division of Public Buildings, the Municipal Court and any other department requiring said service for a two year period in an amount not to exceed \$250,000.00.

Which Was Referred To Council As A Whole.

By the Clerk:

Letter dated November 30, 2010, from the Business Administrator recommending the award of a contract to Edmunds & Associates, 301A Tilton Road, Northfield, NJ, for the Annual Software Maintenance for Departments of Finance, Purchasing and Revenue for a one year period in the amount of \$33,285.00.

Which was received.

By the Clerk:

Letter dated November 30, 2010, from the Business Administrator requesting an amendment to the resolution adopted June 9, 2010, with Guard Line Fire & Safety, for the purchase of personal protection items and equipment in the original amount of \$90,000.00, specifically to purchase additional equipment totaling \$50,000.00, thereby raising the amount of the contract to \$140,000.00.

Which was received.

By the Clerk:

Letter dated December 1, 2010, from the Chief Financial Officer advising of the appointment of Mr. Paul Lesniak as Tax Collector/Treasurer effective December 1, 2010.

Which was received.

By the Clerk:

Letter dated December 2, 2010, from the Chief Financial Officer requesting authorization for the Tax Collector to cancel/refund/credit an overbilling of taxes for the 2010 Tax Year on the property located at 460 Fourth Avenue in the total amount of \$6,372.77.

Which was received.

~~CONFIDENTIAL~~

~~CONFIDENTIAL~~

By the Clerk:

Letter dated December 3, 2010, from the Chief Financial Officer requesting authorization for the Tax Collector to refund/cancel an overbilling of the 2009 property taxes in the amount of \$2,232.50 and the 2010 property taxes in the amount of \$9,379.20 on the property located at 65 Butler Street, totaling \$11,611.70.

Which was received.

By the Clerk:

Letter dated December 6, 2010, from the Chief Financial Officer requesting authorization for the Tax Collector to refund/cancel an overbilling of the 2010 property taxes on the property located at 529-531 Lidgerwood Avenue in the amount of \$9,675.60.

Which was received.

By the Clerk:

Letter dated December 7, 2010, from the Chief Financial Officer advising that additional grants may be appropriated in the 2011 SFY Budget by budget amendments.

Which was received.

By the Clerk:

Letter dated December 3, 2010, from the Director of Planning and Community Development requesting to rescind the resolution adopted on November 23, 2010, CD-36 Funding Year 2010 Emergency Shelter Block Grant Funding (ESG), specifically to reflect accurate certificate numbers listed on Schedule A, totaling \$91,292.00.

Which was received.

By the Clerk:

Letter dated December 3, 2010, from the Director of Planning and Community Development requesting to rescind the resolution adopted on November 23, 2010, CD-36 Funding Year 2010 Community Development Block Grant Funding (CDBG), specifically to reflect accurate certificate numbers listed on Schedule, totaling \$2,282,818.31.

Which was received.

By the Clerk:

Letter dated December 6, 2010, from the Director of Planning and Community Development requesting an amendment to the resolution adopted on September 28, 2010, authorizing a \$150,000.00 Deferred Payment Loan to Community Investment Strategies, Inc. (CIS) for predevelopment costs associated with the redevelopment of Oakwood Plaza, specifically for no mortgage be placed on this loan because of CIS being the developer not the owner of the property.

Which was received.

By the Clerk:

Letter dated December 6, 2010, from the Director of Planning and Community Development requesting authorization for His Honor the Mayor to execute an Analysis of Impediments (AI) to Fair Housing Choice Certification for the City of Elizabeth.

Which was received.

By the Clerk:

Letter dated December 6, 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 partially discharge the City's mortgage on Brand New Day's, "For Sale Housing" on the property located at 144-152 First Street, Unit B.

Which was received.

~~COUNCIL DECEMBER~~

~~REPORTS OF CITY OFFICERS~~

By the Clerk:

Letter dated December 6, 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 partially discharge the City's mortgage on Brand New Day's "For Sale Housing" on the property located at 144-152 First Street, Unit C.

Which was received.

By the Clerk:

Letter dated December 1, 2010, from the Director of Public Works requesting permission 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 totaling \$4,713.03.

Which was received.

By the Clerk:

Letter dated December 7, 2010, from the Director of Public Works recommending the renewal of the contract with Regional Industries, LLC, for the collection, hauling and disposal of garbage, trash and recyclable materials throughout the City, for a one (1) year period, commencing January 1, 2011 to December 31, 2011, at a cost of \$3,995,000.00 for the fourth year of the five (5) year contract.

Which was received.

REPORTS OF CITY OFFICERS

By the Clerk:

Letter December 14, 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, December 10, 2010.

Which was received.

By the Clerk:

Minutes: Fair Rental Housing Board, October 20, 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. 4180** , which was seconded by Councilman Keenan, entitled:

RIPARIAN ZONE ORDINANCE

The Clerk read the foregoing ordinance.

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

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

NEGATIVE: None

Council President Cuesta announced that the next business in order would be the introduction of **Ordinance No. 4181** , which was seconded by Councilman Keenan, entitled:

STEEP SLOPE ORDINANCE

The Clerk read the foregoing ordinance.

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

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

NEGATIVE: None

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Council President Cuesta announced that the next business in order would be the introduction of **Ordinance No. 4182**, which was seconded by Councilman Keenan, entitled:

AN ORDINANCE TO AUTHORIZE THE ESTABLISHMENT OF A PERSONALIZED HANDICAPPED PARKING SPACE FOR WALTER J. SCAVINO, 425 FIRST AVENUE, ELIZABETH, NEW JERSEY 07206.

The Clerk read the foregoing ordinance.

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

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

NEGATIVE: None

Council President Cuesta announced that public notice will be published fixing Tuesday, December 28, 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. 4180, 4181 and 4182, 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. 4173** , which was seconded by Councilman Keenan:

REFUNDING BOND ORDINANCE OF THE CITY OF ELIZABETH, IN THE COUNTY OF UNION, NEW JERSEY, PROVIDING FOR THE REFUNDING OF CERTAIN GENERAL IMPROVEMENT BONDS OF THE CITY AND APPROPRIATING AN AMOUNT NOT EXCEEDING \$3,000,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$3,000,000 REFUNDING BONDS OF THE CITY OF ELIZABETH FOR FINANCING THE COST THEREOF

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

Section 1. The City of Elizabeth, in the County of Union, New Jersey (the "City"), is hereby authorized to refund all or a part of the City's \$2,615,000 General Improvement Bonds, Series 2001, dated November 1, 2001, maturing on November 1 in the years 2012 to 2021, inclusive, such bonds being subject to redemption on any date on or after November 1, 2011 at a redemption price of 100% of the maturing principal, plus accrued interest to the redemption date.

Section 2. In order to finance the cost of the purpose described in Section 1 hereof, negotiable refunding bonds are hereby authorized to be issued in the principal amount not to exceed \$3,000,000 pursuant to the Local Bond Law.

Section 3. An aggregate amount not exceeding \$82,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-51(b) has been included in the aggregate principal amount of refunding bonds authorized herein.

Section 4. The purpose of the refunding is to provide for savings in the debt service payable by the City with respect to its outstanding obligations.

Section 5. The full faith and credit of the City are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this refunding bond ordinance. The obligations shall be direct, unlimited obligations of the City, and the City shall be obligated to levy ad valorem taxes upon all the taxable real property within the City for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 6. A certified copy of this refunding bond ordinance as adopted on first reading has been filed with the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey prior to final adoption, together with a complete statement in the form prescribed by the Director as to the indebtedness to be financed by the issuance of the refunding bonds authorized herein.

Section 7. This refunding bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law, provided that the consent of the Local Finance Board has been endorsed upon a certified copy of this ordinance as finally adopted.

The Clerk read the foregoing ordinance by title.

This ordinance was adopted on its first reading at the City Council meeting held **November 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 **December 2, 2010.**

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

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

NEGATIVE: None

Council President Cuesta announced that the next business in order would be the adoption of **Ordinance No. 4174**, which was seconded by Councilman Keenan:

REFUNDING BOND ORDINANCE OF THE CITY OF ELIZABETH, IN THE COUNTY OF UNION, NEW JERSEY, PROVIDING FOR THE REFUNDING OF CERTAIN SEWER UTILITY BONDS OF THE CITY AND APPROPRIATING AN AMOUNT NOT EXCEEDING \$2,800,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$2,800,000 REFUNDING BONDS OF THE CITY OF ELIZABETH FOR FINANCING THE COST THEREOF

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

Section 1. The City of Elizabeth, in the County of Union, New Jersey (the "City"), is hereby authorized to refund all or a part of the City's Sewer Utility Bonds, Series 2001, dated November 1, 2001, maturing on November 1 in the years 2012 to 2021, inclusive, such bonds being subject to redemption on any date on or after November 1, 2011 at a redemption price of 100% of the maturing principal, plus accrued interest to the redemption date, and the City's Sewer Utility Refunding Bonds, Series 2001, dated December 1, 2001, maturing November 15 in the years 2011 and 2012, inclusive, such bonds being subject to redemption on any date on or after November 15, 2010 at a redemption price of 100% of the maturing principal, plus accrued interest to the redemption date.

Section 2. In order to finance the cost of the purpose described in Section 1 hereof, negotiable refunding bonds are hereby authorized to be issued in the principal amount not to exceed \$2,800,000 pursuant to the Local Bond Law.

Section 3. An aggregate amount not exceeding \$77,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-51(b) has been included in the aggregate principal amount of refunding bonds authorized herein.

Section 4. The purpose of the refunding is to provide for savings in the debt service payable by the City with respect to its outstanding obligations.

Section 5. The full faith and credit of the City are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this refunding bond ordinance. The obligations shall be direct, unlimited obligations of the City, and the City shall be obligated to levy ad valorem taxes upon all the taxable real property within the City for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 6. A certified copy of this refunding bond ordinance as adopted on first reading has been filed with the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey prior to final adoption, together with a complete statement in the form prescribed by the Director as to the indebtedness to be financed by the issuance of the refunding bonds authorized herein.

Section 7. This refunding bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law, provided that the consent of the Local Finance Board has been endorsed upon a certified copy of this ordinance as finally adopted.

The Clerk read the foregoing ordinance by title.

This ordinance was adopted on its first reading at the City Council meeting held **November 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 **December 2, 2010.**

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

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

NEGATIVE: None

Council President Cuesta announced that the next business in order would be the adoption of Ordinance No. 4176, which was seconded by Councilman Keenan:

AN ORDINANCE GRANTING AN ENCROACHMENT PERMIT TO CRAIG TEST BORING COMPANY, INC., 5435 HARDING HIGHWAY, MAYS LANDING, NEW JERSEY ON BEHALF OF THE PORT AUTHORITY OF NEW YORK AND NEW JERSEY TO PERFORM TEST BORINGS AT VARIOUS CITY STREETS (LISTED BELOW) WHICH ARE SOUTH OF THE GOETHALS BRIDGE STRUCTURE.

WHEREAS, the Division of Engineering has reviewed an application submitted to the City of Elizabeth by Mr. Thomas Spero, Senior Inspector of Craig Test Boring Company, Inc., on behalf of the Port Authority of New York and New Jersey to mobilize crew and equipment to perform a comprehensive boring and testing program at the Locations listed below which are south of the Goethals Bridge;

- Amboy Avenue from Krakow Street to Bay Way
- Burlington Avenue from Krakow Street to Bay Way
- Krakow Street from Burlington Avenue to Amboy Avenue
- South Front Street from Bay Way to the existing Goethals Bridge structure; now, therefore,

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

SECTION 1. - That an encroachment permit be granted to Craig Test Boring Company, Inc., 5435 Harding Highway, Mays Landing, New Jersey, on behalf of the Port Authority of New York and New Jersey, to conduct test borings at Amboy Avenue from Krakow Street to Bay Way; Burlington Avenue from Krakow Street to Bay Way; Krakow Street from Burlington Avenue to Amboy Avenue; South Front Street from Bay Way to the existing Goethals Bridge structure as set forth in the support documentation including plans dated October 27, 2010 prepared by The Port Authority of New York and New Jersey Engineering Department Inc. on file in the City Engineer's Office in conjunction with the Goethals Bridge Modernization Program.

SECTION 2. - The Permittee shall provide a liability insurance certificate in the aggregate amount determined by the City Engineer for property damage and personal injury naming the City of Elizabeth as an additional insured and giving the City a thirty (30) day notice of cancellation of policy. The Permittee shall also be responsible for all maintenance with regard to the encroachment.

SECTION 3. - All ordinances or parts of ordinance inconsistent with the provisions of this ordinance be and the same are hereby repealed.

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

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

The Clerk read the foregoing ordinance by title.

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

November 23, 2010.

Annexed to the ordinance was an affidavit from the publisher of the Star Ledger certifying the publication of the ordinance and notice of public hearing thereon in its issue of **December 6, 2010.**

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

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

NEGATIVE: None

Council President Cuesta announced that the next business in order would be the adoption of **Ordinance No. 4177** , which was seconded by Councilman Keenan:

AN ORDINANCE GRANTING AN ENCROACHMENT PERMIT TO TYREE ENVIRONMENTAL CORPORATION, 2701 CINDEL DRIVE, CINNAMINSON, NEW JERSEY ON BEHALF OF GETTY PETROLEUM MARKETING, INC., TO COMPLETE ADDITIONAL ENVIRONMENTAL REMEDIAL ACTIVITIES AT THE GETTY STATION LOCATED AT 1101 EAST JERSEY STREET.

WHEREAS, the Division of Engineering has reviewed an application submitted to the City of Elizabeth by Adams Sretz, Project Environmental Scientist with Tyree Environmental Corporation, 2702 Cindel Drive, Suite 7, Cinnaminson, New Jersey 08077 to complete additional environmental remedial activities at the Getty Service Station No. 56075 located at 1101 East Jersey Street, Elizabeth, New Jersey; and

WHEREAS, the scope of work will require a one (1) day road opening permit to perform soil sampling activities in East Jersey Street in accordance with NJDEP technical requirement; 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 Tyree Environmental Corporation, 2702 Cindel Drive, Suite 7, Cinnaminson, New Jersey 08077 to complete additional environmental remedial activities at the Getty Service Station No. 56075 located at 1101 East Jersey Street, Elizabeth, New Jersey as set forth in the support documentation including plans dated June 8, 2006, April 25, 2008 and October 25, 2010 prepared by Michael R. Vargo, PLS that are depicted on the plans on file in the City Engineer's Office.

SECTION 2. - The Permittee shall provide a liability insurance certificate in the aggregate amount determined by the City Engineer for property damage and personal injury naming the City of Elizabeth as an additional insured and giving the City a thirty (30) day notice of cancellation of policy. The Permittee shall also be responsible for all maintenance with regard to the encroachment.

SECTION 3. - All ordinances or parts of ordinance inconsistent with the provisions of this ordinance be and the same are hereby repealed.

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

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

The Clerk read the foregoing ordinance by title.

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

Annexed to the ordinance was an affidavit from the publisher of the Star Ledger certifying the publication of the ordinance and notice of public hearing thereon in its issue of **December 6, 2010.**

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

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

NEGATIVE: None

Council President Cuesta announced that the next business in order would be the adoption of **Ordinance No. 4178**, which was seconded by Councilman Keenan:

AN ORDINANCE TO AUTHORIZE THE ESTABLISHMENT OF A PERSONALIZED HANDICAPPED PARKING SPACE FOR BERNABE R. VARONA, 525 FULTON STREET, ELIZABETH, NEW JERSEY 07206.

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

SECTION 1. - A personalized handicapped parking space for **Bernabe R.**

Varona is established in front of **525 Fulton Street, Elizabeth, New Jersey 07206** as follows pursuant to the recommendation of the Elizabeth Police Director: along the North curb line of Fulton Street beginning at a point 289' West of Fifth Street and continuing 22' West 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

The Clerk read the foregoing ordinance by title.

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

Annexed to the ordinance was an affidavit from the publisher of the Star Ledger certifying the publication of the ordinance and notice of public hearing thereon in its issue of **December 6, 2010.**

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

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

NEGATIVE: None

NEW BUSINESS

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BY CITY COUNCIL AS A WHOLE:

WHEREAS, the Director of the Department of Planning & Community Development has requested authorization to conduct an Analysis of Impediments (AI) to Fair Housing Choice for the City of Elizabeth on March 23, 2010 consistent with the intent, directives, rules and regulations of the Housing Community Development Act of 1974; as amended; and

WHEREAS, the U.S. Department of Housing & Urban Development (HUD) requires each community directly receiving Community Development Block Grant funds (CDBG) and HOME funds to complete such an analysis and have it updated consistent with the HUD five year planning cycle; and

WHEREAS, the Analysis of Impediments (AI) has been completed in compliance with the HUD requirement and authorization is requested to execute the analysis to Impediments to Fair Housing Choice certification; now, therefore, be it

RESOLVED that the City Council of the City of Elizabeth authorizes the Mayor to execute an Analysis of Impediments (AI), in compliance with U.S. Department of Housing & Urban Development requirement to Fair Housing Choice certification for the City of Elizabeth.

Which was adopted by the following vote:

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

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, there exists a need for renewal of a policy of insurance covering the Fidelity Blanket Bond for Public Officials; and

WHEREAS, the Business Administrator has requested authorization for the proper City officials to renew the policy of insurance with **Fidelity & Deposit Company of Maryland (A member of Zurich Financial Services Group) Zurich Towers, 1400 American Lane, Schaumburg, Illinois 60196-1056, (Through Hughes Plumer Associates)** for the Fidelity Blanket Bond covering employees dishonesty. The premium is \$4,049.00 The period of the policy is January 1, 2011 to January 1, 2012 and provides \$170,000.00 of coverage with a \$5,000.00 deductible and

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

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available and appropriated for this purpose and Certification No. 11-04514, charging the amount of \$4,049.00 to Account Number 11-01-23-210-INS of the 2011 Fiscal 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 Chief Financial Officer 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 an agreement with **Fidelity & Deposit Company of Maryland, (A member of Zurich Financial Services Group) Zurich Towers, 1400 American Lane, Schaumburg, Illinois 60196-1056, (Through Hughes Plumer Associates)** for the renewal of the policy of insurance covering the Fidelity Blanket Bond covering employees dishonesty. The premium is \$4,050.00. The period of the policy is January 1, 2010 to January 1, 2012 and provides \$170,000.00 of coverage with a \$5,000.00 deductible.
2. Insurance is specialized in nature inasmuch as the companies issuing same are limited in number and must be approved by the State of New Jersey, through the Department of Insurance and Banking in order to qualify to do business within this State. New Jersey Statute 40A:11-5(1) (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 as described above.
5. A notice of this action shall be published in The Star Ledger.

Which was adopted by the following vote:

AFFIRMATIVE: Perkins-Auguste, Jackus, ██████████
 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 the award of a contract be made to **THOMSON WEST a Division of West Publishing Corporation, 610 Opperman Drive, Eagan, MN 55123** for the purchase of On-line Legal Research Services for the Law Department and Municipal Court Division for a period fo time from November 24, 2010 to December 31, 2011 at a cost not to exceed \$25,000.00 under State Contract No. 62040; 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; 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 No.62040, requiring approval by this Governing Body in accordance with the provisions of N.J.A.C. 5:34-1.2;now, therefore, be it

RESOLVED, that City Council of the City of Elizabeth hereby awards a contract to **THOMSON WEST a Division of West Publishing Corporation, 610 Opperman Drive, Eagan, MN 55123** for the purchase of On-line Legal Research Services for the Law Department and Municipal Court Division for a period fo time from November 24, 2010 to December 31, 2011 at a cost not to exceed \$25,000.00 under State Contract No. 62040.

Which was adopted by the following vote:

AFFIRMATIVE: Perkins-Auguste, Jackus, ██████████
Gonzalez, Keenan, Cedeno, Gallman, Mazza,
and President Cuesta - 1 8

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the Business Administrator and the Purchasing Agent have recommended the award of a contract be made to **CLIFFSIDE BODY, 130 Broad Avenue, Fairview, New Jersey 07022** for a New Dump Body and Associated parts/Repairs for a 1994 Tandem Truck at a cost of \$25,000.00 under State Contract Nos. 73499 & 74178; and

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available and appropriated for this purpose and Certification No. 11-03603, charging the amount of \$25,000.00 to Account No. X-04-55-999-X14-414, of the Municipal Budget is on file in the Office of the City Clerk; 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 No.62040, requiring approval by this Governing Body in accordance with the provisions of N.J.A.C. 5:34-1.2;now, therefore, be it

RESOLVED, that City Council of the City of Elizabeth hereby awards a contract to **CLIFFSIDE BODY, 130 Broad Avenue, Fairview, New Jersey 07022** for a New Dump Body and Associated parts/Repairs for a 1994 Tandem Truck at a cost of \$25,000.00 under State Contract Nos. 73499 & 74178.

Which was adopted by the following vote:

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

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, in accordance with N.J.S.A. et.seq and N.J.S.A. 40A:11-1 (dd) exception to bidding, the Business Administrator, Purchasing Agent, and Supervisor of Data Processing have made a request to award a contract to **Edmunds & Associates, 301A Tilton Road, Northfield, New Jersey 08225** for the Annual Software Maintenance for Financial, Purchasing, and Revenue in the amount of \$33,285.00 for a period of one year; and

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available and appropriated for this purpose and Certification No.11-03612, charging the amount of \$33,285.00 to Account No. 1-01-20-140-DPR-307, of the Municipal Budget is on file in the Office of the City Clerk; now, therefore, be it

RESOLVED that the City Council of the City of Elizabeth authorizes the award of a contract to **Edmunds & Associates, 301A Tilton Road, Northfield, New Jersey 08225** for the Annual Software Maintenance for Financial, Purchasing, and Revenue in the amount of \$33,285.00 for a period of one year.

Which was adopted by the following vote:

AFFIRMATIVE: Perkins-Auguste, Jackus, ,
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 Public Works has advised that on November 27, 2007, your Honorable Body adopted a resolution awarding a contract to **Regional Industries, LLC, 800 East Grand Street, Elizabeth, New Jersey 07201**, for the collection, hauling and disposal of garbage, trash (Municipal Waste Type 10, Bulk Waste Type 13B), and recyclable materials on separate vehicles throughout the entire City, including the Housing Authority, all private and public schools and Board of Education buildings for a five (5) year period commencing January 1, 2008 in the amount of \$19,585,000.00 to be renewed every year thereafter in accordance with schedule of prices submitted at time of bid; and

WHEREAS, authorization is requested for the renewal of the contract with **Regional Industries, LLC**, for a one (1) year period commencing January 1, 2011 to December 31, 2011 at a cost of \$3,995,000.00, **for the fourth year of the five (5) year contract**; 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 **Regional Industries, LLC**; and

WHEREAS, the contract will be renewed every year in accordance with the Schedule of prices submitted with the bid and subject to the issuance of a Certificate of Availability of Funds by the Chief Financial Officer; and

WHEREAS, pursuant to N.J.A.C. 5:30-14.5 (c) 3, contracts awarded for a period of up to twelve (12) months not coinciding with the local unit's fiscal year, shall have funds certified and charged to the two respective years' appropriations as required by N.J.A.C. 5:30-14.5(c)3.ii; and

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available and appropriated for this purpose for the period January 1, 2011 to December 31, 2011, in the amount of \$3,995,000.00 as evidence by Certification No. 11-03239 but charging the amount of \$1,997,500.00 to Account No. 1-01-26-305-GAR of the Municipal Budget on file in the Office of the City Clerk . **The remaining balance of the fourth year contract in the amount of \$1,997, 500.00 for the period July 1, 2011 to December 31, 2011 will be charged after the adoption of the temporary budget**; now, therefore, be it

RESOLVED that the City Council of the City of Elizabeth authorize the renewal of the contract with **Regional Industries, LLC., 800 East Grand Street, Elizabeth, New Jersey**, to provide for the collection, hauling and disposal of garbage, trash and recyclable materials throughout the entire City, including the Housing Authority, all private and public schools and Board of Education buildings, for the fourth year of the five (5) year contract for a one (1) year period commencing January 1, 2011 to December 31, 2011 in the amount of \$3,995,000.00 in accordance with the schedule of prices submitted at the time of bid.

Which was adopted by the following vote:

AFFIRMATIVE: Perkins-Auguste, Jackus, ██████████
Gonzalez, Keenan, Ceden, Gallman, Mazza,
and President Cuesta - 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 provide a Partial Discharge of the City's Mortgage and on the following property:

**144-152 First Street, Unit B
Block No. 2, Lot 367**

WHEREAS, Brand New Day, Inc., has received HOME funds to construct nine (9) units of For Sale housing. Brand New Day, Inc., has sold the property to a qualified purchaser and therefore, Brand New Day, Inc., is eligible to a partial release of lien. The property will remain affordable for a period of fifteen (15) years by way of a deed restriction; and

WHEREAS, the City now holds a mortgage on this property in the amount of \$54,444.00; and

WHEREAS, the Director of the Department of Planning and Community Development advises that Brand New Day is entitled to a Partial Discharge of Mortgage held by the City on the property located at

**144-152 First Street, Unit B
Block No. 2, Lot 367; 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 partially discharge said mortgage on the above property.

Which was adopted by the following vote:

AFFIRMATIVE: Perkins-Auguste, Jackus, ██████████
Gonzalez, Keenan, Cedenno, Gallman, Mazza,
and President Cuesta - 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 provide a Partial Discharge of the City's Mortgage and on the following property:

**144-152 First Street, Unit C
Block No. 2, Lot 367**

WHEREAS, Brand New Day, Inc., has received HOME funds to construct nine (9) units of For Sale housing. Brand New Day, Inc., has sold the property to a qualified purchaser and therefore, Brand New Day, Inc., is eligible to a partial release of lien. The property will remain affordable for a period of fifteen (15) years by way of a deed restriction; and

WHEREAS, the City now holds a mortgage on this property in the amount of \$54,444.00; and

WHEREAS, the Director of the Department of Planning and Community Development advises that Brand New Day is entitled to a Partial Discharge of Mortgage and Cancellation of the Restrictive Covenant held by the City on the property located at

**144-152 First Street, Unit C
Block No. 2, Lot 367; 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 partially discharge said mortgage on the above property.

Which was adopted by the following vote:

AFFIRMATIVE: Perkins-Auguste, Jackus, ██████████, Gonzalez, Keenan, Cedeno, Gallman, Mazza, and President Cuesta - 28

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, Paz, Jose L. is the owner of the property located at 460 Fourth Ave (Tax Account #5 - 656.A), and

WHEREAS, The property was erroneously removed from the Tax Abatement Program For the 2010 Tax Year, and

WHEREAS, This resulted in an over billing for the 2010 Tax Year in the amount of \$6,372.77 (\$30,100 Improvement Assessed Value x \$21.172 2010 Tax Rate) now, therefore, be it

RESOLVED, That the Tax Collector be authorized to cancel/refund/credit the total sum of \$6,372.77. This amount represents an over billing of taxes for the 2010 Tax Year.

Which was adopted by the following vote:

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

NEGATIVE: None

TO CITY COUNCIL AS A WHOLE:

WHEREAS, Tayum, Roger is the owner of property located at 65 Butler Street (Tax Account No. 2-92), and

WHEREAS, said property had qualified, and, was paying property taxes based on a 5-year tax abatement due to expire in 2012, and

WHEREAS, said property was prematurely removed from the Tax Abatement Program as a result of a computer glitch, and

WHEREAS, The premature removal from the Tax Abatement resulted in a Omitted/Added Assessment for 3 months of 2009 in the amount of \$ 2,232.50, and

WHEREAS, The premature removal from the Tax Abatement, also, resulted in an over-billing of the 2010 property taxes in the amount of \$ 9,379.20 (44,300 assessment x \$ 21.172 tax rate), now therefore, be it

RESOLVED, that the Tax Collector be authorized to refund/cancel said property owner the over-payment of the 2009 and 2010 property taxes in the amount of: \$ 11,611.70 (\$ 2,232.50 + \$ 9,379.20)

Which was adopted by the following vote:

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

NEGATIVE: None

TO CITY COUNCIL AS A WHOLE:

WHEREAS, Vilaro, Lidia A. is the owner of property located at 529-531 Lidgerwood Ave (Tax Account No. 6-570.A), and

WHEREAS, said property had qualified, and, was paying property taxes based on a 5-year tax abatement due to expire in 2011, and

WHEREAS, said property, because of a computer glitch, was incorrectly Removed from the Tax Abatement Program for tax year 2010

WHEREAS, The premature removal from the Tax Abatement resulted over billing of the calendar year 2010 taxes in the amount of:
\$ 9,675.60 (45,700 assessment x \$ 21.172 tax rate),now therefore, be it

RESOLVED, that the Tax Collector be authorized to refund/cancel said property owner the over-payment of the 2010 property taxes in the amount of: \$ 9,675.60.

Which was adopted by the following vote:

AFFIRMATIVE: Perkins-Auguste, Jackus, ~~Casta~~
Gonzalez, Keenan, Cedeno, Gallman, Mazza,
and President Cuesta - ~~X~~ 8

NEGATIVE: None

BY CITY COUNCIL AS AWHOLE:

WHEREAS, the Director of the Department of Planning & Community Development has advised that on September 28, 2010 your Honorable Body adopted a resolution authorizing a 0% interest \$150,000.00 Deferred Payment Repayable Loan to Community Investment Strategies, Inc., (CIS) for predevelopment costs associated with the redevelopment of Oakwood Plaza; and

WHEREAS, CIS is the developer and the property is owned by CIS Oakwood, LLC. typically predevelopment loans without mortgages, such as this, are provided to the developer and not the property owner. No mortgage should be placed on this loan because CIS does not own the property. Such loans are allowable under Housing & Urban Development (HUD) regulations; now, therefore, be it

RESOLVED that the resolution adopted September 28, 2010 authorizing a Repayable Deferred Payment Loan in the amount of \$150,000.00 to Community Investment Strategies (CIS), for pre-redevelopment costs associated with the redevelopment of Oakwood Plaza, be amended specifically that a no mortgage be placed on this loan as CIS is the developer and not the owner of the property.

Which was adopted by the following vote:

AFFIRMATIVE: Perkins-Auguste, Jackus, ██████████, Gonzalez, Keenan, Cedeno, Gallman, Mazza, and President Cuesta - 1 8

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

RESOLVED that the resolution adopted November 23, 2010 concerning CDBG FY 36 agency agreements for 2010 for various agencies is amended to replace the Schedule A attached to that resolution with the Schedule A dated December 14, 2010 attached hereto and made a part hereof.

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

Which was adopted by the following vote:

AFFIRMATIVE: Perkins-Auguste, Jackus, ~~Crowley~~
Gonzalez, Keenan, Cedeno, Gallman, Mazza,
and President Cuesta - ✕ 8

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

RESOLVED that the resolution adopted November 23, 2010 concerning CDBG FY36 Emergency Shelter Grant Agreements for 2010 with various agencies is amended to replace the Schedule A attached to that resolution with Schedule A dated December 14, 2010 attached hereto and made a part hereof.

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

Which was adopted by the following vote:

AFFIRMATIVE: Perkins-Auguste, Jackus, ~~Crowley~~,
Gonzalez, Keenan, Cedenno, 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 **1445 Concord Place, Elizabeth, New Jersey** as follows, pursuant to the recommendation of the Elizabeth Police Director:

along the North curb line of Concord Place
beginning at a point 223' East of North Broad Street
and continuing 22' East 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: Perkins-Auguste, Jackus, ██████████
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 **1448 Lexington Place, Elizabeth, New Jersey** as follows, pursuant to the recommendation of the Elizabeth Police Director:

along the South curb line of Lexington Place
beginning at a point 205' East of North Broad Street
and continuing 22' East 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: Perkins-Auguste, Jackus, ██████████
Gonzalez, Keenan, Cedenno, Gallman, Mazza,
and President Cuesta - 8

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 12/01/2010 Total Amount: \$4,713.03.

Which was adopted by the following vote:

AFFIRMATIVE: Perkins-Auguste, Jackus, ██████████
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 matter of **Egberto Colon v. City of Elizabeth, et al, CP No.: 2005-28956**; and

WHEREAS, the Law Department and Christopher J. Kinsella, Esq. have recommended settlement in the amount of \$16,917.00 for the claim filed by **Egberto Colon**; and

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available and appropriated for this purpose and Certification No. 11-04782 charging the amount of \$16,917.00 to Account No. 1-21-56-249-000 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 \$16,917.00 payable to **Egberto Colon, 400 Atlantis Avenue, Manahawkin, New Jersey**, and the **Attorney for the Plaintiff, Anthony D. Rinaldo, Jr., 405 Westfield Avenue, Elizabeth, New Jersey 07208**

Which was adopted by the following vote:

AFFIRMATIVE: Perkins-Auguste, Jackus, ██████████
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 matter of **David Conrad v. City of Elizabeth, et al, CP No.: 2009-17586**; and

WHEREAS, the Law Department and Christopher J. Kinsella, Esq. have recommended settlement in the amount of \$17,820.00 for the claim filed by **David Conrad**; and

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available and appropriated for this purpose and Certification No. 11-04783 charging the amount of \$17,820.00 to Account No. 1-21-56-249-000 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 \$17,820.00 payable to **David Conrad, 501 High Street, Cranford, Jersey 07016, and the Attorney for the Plaintiff, Daniel Geddes, LLC, 1435 Morris Avenue, Third Floor, Union, New Jersey 07083.**

Which was adopted by the following vote:

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

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

~~DATE~~ ~~_____~~ ~~_____~~ 40

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:

ELIZABETH TOWN GAS	1-07-55- SEW -500-351	\$ 379.68
HESS CORP.	1-02-31-430	\$ 31,453.33
LANGUAGE LINE SERVICES	1-01-31-440	\$ 1,093.53
NATIONAL TERMINAL, INC.	1-01-31-447	\$ 6,507.80
PSE&G	1-01-31-435	\$ 202,200.25
SPRINT	1-01-31-440	\$ 1,814.33
USA MOBILITY	1-01-31-440	\$ 611.23
VERIZON	1-01-31-440	\$ 13,270.92
VERIZON WIRELESS	1-01-31-440	\$ 587.49
VERIZON COMMUNICATIONS, INC.	1-01-31-440	\$ 525.72

Which was adopted by the following vote:

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

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the City Council of the City of Elizabeth strives to conserve tax dollars, assure clean air and healthy quality of life for the residents and business community, improve working and living environments building a community that is sustainable economically and socially, a community which would thrive well into the new century; and

WHEREAS, the City Council of the City of Elizabeth desires to build a model of government and partnerships which benefits our residents and business community now and far into the future with initiatives which are easy to replicate and affordable to implement; and

WHEREAS, the City Council and the City of Elizabeth has recently partnered with Future City, Incorporated, the New Jersey Department of Environmental Protection’s Diesel Risk Reduction Program and the Elizabeth Diesel Collaborative; and

WHEREAS, the City of Elizabeth has begun the process of assuring its air quality is cleaner and more environmentally friendly, beginning with, in partnership with the Elizabeth Diesel Collaborative, with the education and enforcement of our trucks to pinpoint the most effective ways to reduce idling and energy consumption; and

WHEREAS, as a key partner, Melinda Dower, Outreach Coordinator for the New Jersey Department of Environmental Protection’s Diesel Risk Reduction Program, has been recognized by the United States Environmental Protection Agency, Region 2’s Northeast Diesel Collaborative for her professionalism and commitment to improving the quality of life of the residents and business community of the City of Elizabeth; now, therefore, be it

RESOLVED, that the City Council of the City of Elizabeth applaud Melinda Dower for this well deserved recognition for her excellent work with the Elizabeth Diesel Collaborative.

Which was adopted by the following vote:

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

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the City Council of the City of Elizabeth strives to build proactive partnerships and relationships, conserve tax dollars, assure clean air and healthy quality of life for the residents and business community, improve working and living environments building a community that is sustainable economically and socially, a community which would thrive well into the new century; and

WHEREAS, the City Council and the City of Elizabeth has recently partnered with Future City, Incorporated, the New Jersey Department of Environmental Protection’s Diesel Risk Reduction Program and the Elizabeth Diesel Collaborative; and

WHEREAS, the City of Elizabeth in partnership with the Elizabeth Diesel Collaborative, has recently conducted research and education outreach on the idling of diesel trucks, and its impact on our residents and business community; and

RESOLVED that the City Council of the City of Elizabeth thanks the members of the Elizabeth Diesel Collaborative:

**Viola M. Cade
Gisela Calle
Jose Calle
Leydi Calle
Pedro Cruz, Sr.
Pedro Cruz, Jr.**

**Elliot Danso
Jermiah Davis
Piterson Massenat Desir
Michelle Doran-McBean
Chisom P. Emeana
Mirta Gonzalez
Chiyel Hayles**

**Bryan Lopez
Michael N. McBean
Sergio C. Moreno
Tracy A. Parham
Julio Cesar Remedios
Jonny R. Rosser**

for their pioneering environmental research and education efforts on behalf of the residents and business community of the City of Elizabeth.

Which was adopted by the following vote:

AFFIRMATIVE: Perkins-Auguste, Jackus, ██████████
Gonzalez, Keenan, Cedeno, Galiman, Mazza,
and President Cuesta - 8

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

43

WHEREAS, the City Council of the City of Elizabeth has learned that Dr. Thelma C. Hurd will retire as Principal of John Marshall School No. 20, Elizabeth, New Jersey on December 23, 2010; and

WHEREAS, Dr. Thelma C. Hurd is a member of the City of Elizabeth Human Rights Commission; and

WHEREAS, Dr. Thelma C. Hurd has provided unparalleled leadership that motivate high standards from students and teachers and emphasizes accountability and accomplishments for the past fifty-one years in education and over four decades at John Marshall School #20. She was the fourth principal in five years and the first African American to hold this position. The Leadership Team, staff and educational leader were determined to prepare the students to lead successful lives in the highly complex and competitive world of the 21st Century. Dr. Hurd's aim was always to maximize student learning; and

WHEREAS, she began her quest to improve test scores in 1999 when less than 30% of the school's pupils passed the ESPA language section, and 25% were unable to pass the math portion. She soon achieved her goal and for the past decade John Marshall School #20 has received some of the highest test scores in the district. She is referred to as an icon and a legend throughout the school system. Dr. Hurd showed the children she really believed they could succeed; and

WHEREAS, another of Dr. Hurd's visions was to have children in Uniform Dress. Within two years, 98% of her students were in Uniform Dress. This set the trend for the entire district, and today, all but three schools in Elizabeth require children to wear uniforms. Always ready with a hug, words of encouragement, a school uniform, or a ride home, Dr. Hurd serves as a role model, a charitable benefactor and guardian angel for the children in our community; and

WHEREAS, the faculty at School #20 are to be commended for their professional dress. They serve as role models to our children. The male staff wear neck ties daily and all females are smartly professionally dressed; and

WHEREAS, working beyond the customary retirement age, Dr. Hurd has been quoted as saying, "There is still too much to do. I enjoy coming here and I like what I do, and I am good at it";now, therefore, be it

RESOLVED that the City Council of the City of Elizabeth extends to Dr. Thelma C. Hurd its gratitude for her dedication for her educational leadership to the City of Elizabeth's youth and wishes to express to her the City Council's best wishes for continued happiness and good health in the future; and be it

FURTHER RESOLVED that as a token of appreciation to Dr. Thelma C. Hurd that this resolution be spread in full upon the minutes of this meeting of City Council and that the Municipal Clerk be directed and authorized to forward a certified copy of this resolution to Dr. Thelma Hurd.

Which was adopted by the following vote:

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

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the City Council of the City of Elizabeth has learned of the recent death of Mary Lou Daniels; and

WHEREAS, Mary Lou Daniels was born on December 19, 1923 in Pamplin City, Virginia; and

WHEREAS, she was married to the late John G. Daniels; and

WHEREAS, Mary Lou was quiet, loving and possessed a compassionate spirit. She was very generous and loved to make those around her laugh. She enjoyed family and played a role in raising her grandchildren, nieces and nephews. She enjoyed sewing, watching soap operas, bingo, slot machines, and she loved to cook her favorite dishes; and

WHEREAS, for many years she worked as a domestic aide and in textile work and later became a full time housewife. Her family was very precious to her and she enjoyed her time with them. She instilled strong values in her sons and taught them to be independent, productive and respectful men; and

WHEREAS, Mary Lou served as a member of Mt. Mariah Baptist Church in Linden, New Jersey and Shiloh Baptist Church in Elizabeth, New Jersey. She often spent hours listening to gospel music and hymns; and

WHEREAS, Mary Lou is survived by her sons and their wives: George & Cheryl Daniels; Stanley Gregory and Lori Daniels; and Terry and Donna Daniels; and Fred Douglas Daniels. She is also survived by one brother, Edmond Ligon, and a sister, Maude Goodman, fifteen grandchildren, fifteen great grandchildren and a host of loving relatives and dear friends; now, therefore, be it

RESOLVED that we the members of City Council of the City of Elizabeth hereby express our sincere sorrow at the death of Mary Lou Daniels to her family, relatives and friends over their great loss; and be it

FURTHER RESOLVED that this expression of our sympathy 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 Sarah Renda Malta, 84; and

WHEREAS, Mrs. Malta was a lifelong resident of the City of Elizabeth; and

WHEREAS, she was a co-owner with her husband, Jimmy, of the former Malta's Luncheonette, located at Third Avenue and Centre Street, Elizabeth, which was the local source of news for "the berg" and the City; and

WHEREAS, she was a lunch aide at the Nicholas LaCorte School No. 3 in the Peterstown Section of Elizabeth until the time of her passing; and

WHEREAS, she was predeceased by her beloved husband, James Malta, on October 8, 2010; her parents, James and Frances Renda; a brother, Joseph Renda, and her sister, Pauline Cupito; and

WHEREAS, surviving are her 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 her granddog, Tori; now, therefore, be it

RESOLVED that we the members of City Council of the City of Elizabeth hereby express our sincere sorrow at the death of Sarah Renda Malta to her family, relatives and friends over their great loss; and be it

FURTHER RESOLVED that this expression of our sympathy 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:

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WHEREAS, the City Council of the City of Elizabeth has learned of the recent death of Sally Bell (Butts) Roberts; and

WHEREAS, Sally was raised in St. Mark SME Church in Sparta, Georgia and continued her worship by joining Mt. Teman AME Church in Elizabeth, New Jersey; and

WHEREAS, she spent her early years in Georgia and moved to New York state in her teens. She then settled in Elizabeth, where she worked as a domestic. She had several other occupations, she worked for and retired from the Elizabeth Board of Education as a school bus attendant, and custodial matron for Elizabeth High School in 1986. She also volunteered as a probation officer for youth in Elizabeth under the Supervision of Milton and Rosa Floyd; and

WHEREAS, she married, James Maceo Roberts in November 1947 and they had a daughter, Patricia Ann Roberts; and

WHEREAS, Sally possessed a strong drive and determination, which she demonstrated by going back to school and trained to become a Home Health Aide for Visiting Health Services of Union County, a position she held well into her eighties; and

WHEREAS, Sally enjoyed her life as a wife and mother. She excelled at several hobbies which included cooking, gardening, baking, sewing, and home decorating. She participated on numerous fundraising and building fund committees as well as many church beautification projects; and

WHEREAS, Sally was predeceased by her husband, James; sisters Evangeline Blassingame and Adel Williams of Atlanta, Georgia; brothers, Aris Butts and Frank Butts. She is survived by her daughter, Patricia Ann Roberts; brother-in-law, June Williams, grand- daughter, Rene (William) Clemons; great grandchildren William, Kyle and Nia Clemons; nephews, nieces, cousins, relatives, and friends; now, therefore, be it

RESOLVED that we the members of City Council of the City of Elizabeth hereby express our sincere sorrow at the death of Sally Bell (Butts) Roberts to her family, relatives and friends over their great loss; and be it

FURTHER RESOLVED that this expression of our sympathy 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.

Councilman Keenan moved that City Council do now adjourn,

Which was carried unanimously.

Whereupon Council President Cuesta declared City Council adjourned at

7:55 p.m.

APPROVED

FRANK J. CUESTA
President of City Council

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