PROCEEDINGS OF CITY COUNCIL

(OFFICIAL)

ELIZABETH, N.J.

Tuesday Evening
January 11, 2011
7:30 p.m.

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

Council President Keenan 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 28, 2010.

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

ABSENT: Gallman - 1

ALSO PRESENT: William R. Holzapfel, City Attorney

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

NOTE: Councilwoman Perkins-Auguste arrived at the meeting at 7:33 p.m. and assumed his seat.

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PUBLIC SPEAKING

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

PUBLIC HEARINGS

Council President Keenan announced that the next business in order would be a public hearing on **Ordinance No. 4183**, entitled:

AN ORDINANCE TO AUTHORIZE THE ESTABLISHMENT OF A PERSONALIZED HANDICAPPED PARKING SPACE FOR LORETTA GWALDIS, 148 INSLEE PLACE, ELIZABETH, NEW JERSEY.

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

The Notice of Public Hearing was published in the Star Ledger issue of **January 4, 2011.**

The Clerk read the foregoing ordinance by title and Council President Keenan 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 Keenan declared the public hearing portion of the meeting closed.

PETITIONS, COMMUNICATIONS, ETC.

By the Clerk:
Letter dated January 3, 2011, from His Honor the Mayor, advising that subject to your advice and consent, he is making the following appointments: Norma M. Murgado, Esq., Chief Municipal Prosecutor; Ashton E. Thomas, Esq., Patricia A. Mack, Esq., Tangerla Mitchell Thomas, Esq., Assistant Municipal Prosecutors; Robert Carroll, Esq., Lawrence M. Centanni, Esq., Vito-Antoine Mazza, Esq., Anabela Dacruz-Melo, Esq., Annette Quijano, Esq., Christopher Howard, Esq., Temporary Municipal Prosecutors, for a term of one year effective January 1, 2011.
Which was received.

By the Clerk:
Letter dated January 3, 2011, from the Business Administrator recommending that your Honorable Body consider adopting a resolution authorizing the proper City Officials to renew with the Hartford Insurance Company, through agent-of-record, Hughes Plumer Associates, 20 West End Avenue, Somerville, N.J., a Fidelity Officials Bond covering Paul Lesniak, City Treasurer/Tax Collector, for the period December 1, 2010 to December 1, 2011 at an annual premium of $1,318.00.
Which was received.

By the Clerk:

Letter dated January 3, 2011, from the Business Administrator recommending the award of a contract to W. W. Grainger, Inc., Grainger Industrial Supply Division, 55 Jackson Drive, Cranford, N.J., for Industrial Maintenance Repair Operation Supplies and Equipment for various departments for the period January 1, 2011 through January 31, 2011, at a cost not to exceed $10,000.00.
Which was received.

By the Clerk:

Letter dated January 3, 2011, from the Business Administrator requesting an amendment to a resolution adopted October 12, 2010, awarding a contract to Mar-Vel International, Inc., for the purchase of Multi-Threat Suits for the Police Department S.W.A.T. Team in the amount of $41,438.00, specifically to reflect a name change to Atlantic Diving Supply, Inc., d/b/a ADS, Inc.
Which was received.

By the Clerk:

Letter dated January 4, 2011, 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 January 4, 2011, from the Chief Financial Officer requesting an ordinance approving the application and Financial Agreement with Elberon Elizabeth Urban Renewal, LLC. 235 Birchwood Avenue, Cranford, N.J., for the construction of a new state of the art 524,000 square foot facility to be occupied by Wakefern Food Corporation within the York Street Redevelopment Area parcels.
Which was received.

By the Clerk:

Letter dated December 20, 2010, from the Director of Planning and Community Development requesting authorization for the acquisition of Block 6, Lots 1407, 1411, and 1634, known as 100-118 Union Street, from New Jersey Transit, One Penn Plaza East, Newark, N.J., in the amount of $1.5 million dollars, as well as, entering into a contract of sale with New Jersey Transit.
Which was received.

By the Clerk:

Letter dated January 4, 2011, from Mr. Dodlay Zamor, 111 Race Street, Elizabeth, requesting to be reappointed as Constable for a three (3) year term.
Which was received.

REPORTS OF CITY OFFICERS

By the Clerk:

Letter January 11, 2011, 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, January 7, 2011.
Which was received.

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ORDINANCES ON FIRST READING

Council President Keenan announced that the next business in order would be the introduction of **Ordinance No. 4175** , which was seconded by Councilman Grova, entitled:

AN ORDINANCE TO AMEND CHAPTER 8.80.030 and CHAPTER 8.80.020 OF THE CODE OF THE CITY OF ELIZABETH, ENTITLED "REGULATION OF VACANT AND FORECLOSING RESIDENTIAL PROPERTIES," AND "DEFINITIONS 'ENFORCEMENT AUTHORITY' " SPECIFICALLY REFERRING TO REGISTRATION FEES AND ENFORCEMENT AUTHORITY.

The Clerk read the foregoing ordinance.

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

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

NEGATIVE: None

Council President Keenan announced that the next business in order would be the introduction of **Ordinance No. 4184** , which was seconded by Councilman Grova, entitled:

ORDINANCE OF THE CITY OF ELIZABETH, COUNTY OF UNION, STATE OF NEW JERSEY APPROVING THE APPLICATION AND THE FINANCIAL AGREEMENT WITH ELBERON ELIZABETH URBAN RENEWAL, L.L.C. FOR A LONG TERM TAX-EXEMPTION FOR THE CONSTRUCTION OF WAREHOUSE, OFFICE SPACE AND RELATED IMPROVEMENTS LOCATED ON BLOCK 1, LOTS 999, 999.A4 AND 999.A3, BLOCK 8, LOTS 428Y11, 1866, 1867, AND 1873 AND CERTAIN ASSOCIATED RIGHTS OF WAY

The Clerk read the foregoing ordinance.

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

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

NEGATIVE: None

5

Council President Keenan announced that the next business in order would be the introduction of **Ordinance No. 4185** , which was seconded by Councilman Grova, entitled:

AN ORDINANCE TO AUTHORIZE THE ACQUISITION OF N.J. TRANSIT PROPERTY, LOCATED AT 100-118 UNION STREET, ELIZABETH, NEW JERSEY WARD 6, ACCOUNT NO. 6-1407, 6-1411, AND 6-1634 AS PART OF THE MIDTOWN REDEVELOPMENT PROJECT PURSUANT TO N.J.S.A. 20:3-1 ET. SEQ. IN THE SUM OF $1,500,000.00.

The Clerk read the foregoing ordinance.

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

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

NEGATIVE: None

Council President Keenan announced that public notice will be published fixing Tuesday, January 25, 2011 , at 7:30 p.m., City Council Chambers, City Hall, Elizabeth, N.J., as the time and place that City Council will conduct public hearings and further consider the foregoing Ordinance Nos. 4175, 4184 and 4185, adopted on first reading.

ORDINANCES ON FINAL PASSAGE

Council President Keenan announced that the next business in order would be the adoption of **Ordinance No. 4183**, which was seconded by Councilman Grova.

AN ORDINANCE TO AUTHORIZE THE ESTABLISHMENT OF A PERSONALIZED HANDICAPPED PARKING SPACE FOR LORETTA GWALDIS, 148 INSLEE PLACE, ELIZABETH, NEW JERSEY.

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

SECTION 1. - A personalized handicapped parking space for **Loretta Gwaldis,** is established in front of **148 Inslee Place, Elizabeth, New Jersey** as follows pursuant to the recommendation of the Elizabeth Police Director: along the South curb line of Inslee Place beginning at a point 187' East of Second Street and continuing 22' East 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 . **December 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 **January 4, 2011.**

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

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

NEGATIVE: None

7

NEW BUSINESS

By City Council as a Whole:

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

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

WHEREAS, the City of Elizabeth will receive an amount of $931,200 for the Housing Opportunities for Persons with AIDS (HOPWA) Grant awarded by the U.S. Department of Housing and Urban Development (HUD) via the City of Newark Department of Health and Human Services and wishes to amend its FY2011 budget to include these amounts as revenue:

NOW, THEREFORE, BE IT RESOLVED that the council of the City of Elizabeth hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the fiscal year 2011 in the total sum of $931,200 which is now available as a revenue from:

Miscellaneous Revenues
Special Items of General Revenue Anticipated with Prior Written Consent of the Director of Local Government Services:
State and Federal Revenues Off-set with Appropriations:

U.S. Department of Housing and Urban Development (HUD)	
HOPWA Grant 2011	$931,200

BE IT FURTHER RESOLVED, that a like sum of $931,200 be and the same is hereby appropriated under the caption of :

General Appropriations
(a) Operations Excluded from 3 ½ % Caps
State and Federal Programs Offset by Revenues:

U.S. Department of Housing and Urban Development (HUD)	
HOPWA Grant 2011	
Other Expenses	$931,200

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

Which was adopted by the following vote:

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

NEGATIVE: None

By City Council as a Whole:

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

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

WHEREAS, the City of Elizabeth will receive an amount of $56,310.16 for the Recycling Tonnage Grant awarded by the State of New Jersey Department of Environmental Protection and wishes to amend its FY2011 budget to include these amounts as revenue:

NOW, THEREFORE, BE IT RESOLVED that the council of the City of Elizabeth hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the fiscal year 2011 in the total sum of $56,310.16 which is now available as a revenue from:

Miscellaneous Revenues
Special Items of General Revenue Anticipated with Prior Written Consent of the Director of Local Government Services:
State and Federal Revenues Off-set with Appropriations:

State of New Jersey Department of Environmental Protection Recycling Tonnage Grant	$56,310.16

BE IT FURTHER RESOLVED, that a like sum of $56,310.16 be and the same is hereby appropriated under the caption of :

General Appropriations
(a) Operations Excluded from 3 ½ % Caps
State and Federal Programs Offset by Revenues:

State of New Jersey Department of Environmental Protection Recycling Tonnage Grant Other Expenses	$56,310.16

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

Which was adopted by the following vote:

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

NEGATIVE: None

By City Council as a Whole:

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

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

WHEREAS, the City of Elizabeth will receive an amount of $11,648.95 for the Highway Safety Grant 2011 awarded by the State of New Jersey Department of Law & Public Safety and wishes to amend its FY2011 budget to include these amounts as revenue:

NOW, THEREFORE, BE IT RESOLVED that the council of the City of Elizabeth hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the fiscal year 2011 in the total sum of $11,648.95 which is now available as a revenue from:

Miscellaneous Revenues
Special Items of General Revenue Anticipated with Prior Written Consent of the Director of Local Government Services:
State and Federal Revenues Off-set with Appropriations:

State of New Jersey Department of Law & Public Safety Drunk Driving Grant	$11,648.95

BE IT FURTHER RESOLVED, that a like sum of $11,648.95 be and the same is hereby appropriated under the caption of :

General Appropriations
(a) Operations Excluded from 3 ½ % Caps
State and Federal Programs Offset by Revenues:

State of New Jersey Department of Law & Public Safety Drunk Driving Grant Other Expenses	$11,648.95

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

Which was adopted by the following vote:

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

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

RESOLVED that City Council of the City of Elizabeth does hereby give its advice and consent to the appointment of **Norma M. Murgado, Esq.**, to serve as Chief Municipal Prosecutor of the Elizabeth Municipal Court, of the City of Elizabeth, for a term of one year commencing January 1, 2011.

Which was adopted by the following vote:

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

NEGATIVE: None

EXCUSED: GROYA — 1

BY CITY COUNCIL AS A WHOLE:

RESOLVED that City Council of the City of Elizabeth does hereby give its advice and consent to the appointment of **Ashton E. Thomas Esq.**, to serve as Assistant Municipal Prosecutor at the Elizabeth Municipal Court of the City of Elizabeth, for a one year term, commencing January 1, 2011.

Which was adopted by the following vote:

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

NEGATIVE: None

EXCUSED: GROYA — 1

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BY CITY COUNCIL AS A WHOLE:

RESOLVED that City Council of the City of Elizabeth does hereby give its advice and consent to the appointment of **Patricia A. Mack, Esq.,** to serve as Assistant Municipal Prosecutor at the Elizabeth Municipal Court of the City of Elizabeth, for a one year term, commencing January 1, 2011.

Which was adopted by the following vote:

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

NEGATIVE: None

EXCUSED: GROVA - 1

BY CITY COUNCIL AS A WHOLE:

RESOLVED that City Council of the City of Elizabeth does hereby give its advice and consent to the appointment of **Tangerla Mitchell Thomas, Esq.,** to serve as **Assistant Municipal Prosecutor** at the Elizabeth Municipal Court of the City of Elizabeth, for a one year term, commencing January 1, 2011.

Which was adopted by the following vote:

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

NEGATIVE: None

EXCUSED: GROVA - 1

BY CITY COUNCIL AS A WHOLE:

RESOLVED that City Council of the City of Elizabeth does hereby advise and consent to the appointment of **Robert C. Carroll, Esq.,** as **Temporary Municipal Prosecutor** at the Elizabeth Municipal Court of the City of Elizabeth for a term of one year commencing, January 1, 2011.

Which was adopted by the following vote:

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

NEGATIVE: None

EXCUSED: GROVA — 1

BY CITY COUNCIL AS A WHOLE:

RESOLVED that City Council of the City of Elizabeth does hereby advise and consent to the appointment of **Lawrence M. Centanni, Esq.,** as **Temporary Municipal Prosecutor** at the Elizabeth Municipal Court of the City of Elizabeth for a term of one year commencing, January 1, 2011.

Which was adopted by the following vote:

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

NEGATIVE: None

EXCUSED: GROVA - 1

BY CITY COUNCIL AS A WHOLE:

RESOLVED that City Council of the City of Elizabeth does hereby advise and consent to the appointment of **Vito-Antoine Mazza, Esq.** as **Temporary Municipal Prosecutor** at the Elizabeth Municipal Court of the City of Elizabeth for a term of one year commencing, January 1, 2011.

Which was adopted by the following vote:

AFFIRMATIVE: Perkins-Auguste, Cuesta, Jackus, [redacted] Gonzalez, Cedeno, [redacted], [redacted] and President Keenan - [redacted] 6

NEGATIVE: None

EXCUSED: GROVA, MAZZA – 2

BY CITY COUNCIL AS A WHOLE:

RESOLVED that City Council of the City of Elizabeth does hereby give its advice and consent to the appointment of **Anabela Dacruz-Melo, Esq.,** to serve as Temporary Municipal Prosecutor at the Elizabeth Municipal Court of the City of Elizabeth, for a term of one year effective January 1, 2011.

Which was adopted by the following vote:

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

NEGATIVE: None

EXCUSED: GROVA — 1

BY CITY COUNCIL AS A WHOLE:

RESOLVED that City Council of the City of Elizabeth does hereby give its advice and consent to the appointment of **Annette Quijano, Esq.,** to serve as **Temporary Municipal Prosecutor** at the Elizabeth Municipal Court of the City of Elizabeth, for a one year term, commencing January 1, 2011.

Which was adopted by the following vote:

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

NEGATIVE: None

EXCUSED: GROVA – 1

BY CITY COUNCIL AS A WHOLE:

RESOLVED that City Council of the City of Elizabeth does hereby give its advice and consent to the appointment of **Christopher Howard, Esq.,** to serve as **Temporary Municipal Prosecutor** at the Elizabeth Municipal Court of the City of Elizabeth, for a one year term, commencing January 1, 2011.

Which was adopted by the following vote:

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

NEGATIVE: None

EXCUSED: GROVA – 1

BY CITY COUNCIL AS A WHOLE:

WHEREAS, there exists a need for renewal of policy of insurance covering the Fidelity Officials Bond for Paul Lesniak, City Treasurer/Tax Collector; and

WHEREAS, the Business Administrator has requested authorization for the proper City officials to authorize the policy of insurance with **THE HARTFORD INSURANCE GROUP, Hartford, Connecticut 061115, through agent-of-record, Hughes Plumer Associates, 20 West End Avenue, Somerville, New Jersey 08876** covering the Fidelity Officials Bond for Paul Lesniak, Treasurer/Tax Collector at a cost of $1,318.00. The term of the policy is December 1, 2010 to December 1, 2011; 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 11-05149, charging the amount of $1,318,00 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, 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 **HARTFORD FIRE INSURANCE GROUP, Hartford, Connecticut 061115, through it's agent of record Hughes-Plumer & Associates, 20 West End Avenue, Somerville, New Jersey 08876** to authorize the policy of insurance covering the Fidelity Officials Bond for Paul Lesniak, City Treasurer/Tax Collector at a cost of $1,318.00 for the period December 1, 2010 to December 1, 2011.

2. Quotations were not solicited for this contract because it was determined that the above company is a currently providing this service to the City of Elizabeth. This recommendation to award the contract is being made because this proposal offers a continuation of the present insurance for the purpose stated above.

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 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 for Extraordinary, Unspecifiable Service.

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, Cuesta, Jackus, Grova, Gonzalez, Cedeno, [redacted], Mazza, and President Keenan - X 8

NEGATIVE: None

17

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the Business Administrator and the Purchasing Agent have recommended the award of a contract be made to **W. W. GRAINGER, INC., GRAINGER INDUSTRIAL SUPPLY DIVISION, 55 Jackson Drive, Cranford, New Jersey 07016-3582** for Industrial Maintenance Repair Operation Supplies & Equipment for various departments for the period of January 1, 2011 through January 31, 2011 at a cost not to exceed $10,000.00 under State Contract No. A72605; 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. 75724, 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 **W. W. GRAINGER, INC., GRAINGER INDUSTRIAL SUPPLY DIVISION, 55 Jackson Drive, Cranford, New Jersey 07016-3582** for Industrial Maintenance Repair Operation Supplies & Equipment for various departments for the period of January 1, 2011 through January 31, 2011 at a cost not to exceed $10,000.00 under State Contract No. A72605

Which was adopted by the following vote:

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

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS the Business Administrator and the Purchasing Agent have requested the award of a contract to the lowest responsible bidder, **SECURITY GUARD, INC., T/A, Tri-County Security, 189 Chestnut Avenue, Vineland, New Jersey 08360** for the furnishing of Security Guard Services for the Department of Public Works, Division of Public Buildings, Municipal Court and other departments for a period of two years commencing January 1, 2011 – December 31, 2013 in an amount not to exceed $250,000.00; and

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

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

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

RESOLVED that City Council of the City of Elizabeth hereby awards a contract to the lowest responsible bidder **SECURITY GUARD, INC., T/A, Tri-County Security, 189 Chestnut Avenue, Vineland, New Jersey 08360** for the furnishing of Security Guard Services for the Department of Public Works, Division of Public Buildings, Municipal Court and other departments for a period of two years commencing January 1, 2011 through December 31, 2013 in an amount not to exceed $250,000.00.

Which was adopted by the following vote:

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

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, on October 12, 2010 your Honorable Body adopted a resolution awarding a contract to **Mar-Vel International, Inc., 7115 Airport Highway, Pennsauken, New Jersey 08109** for twenty (20) Multi Threat Suits and Twenty-six (26) Multi Threat Training Suits for the Police Department SWAT Team in the amount of $41,438.00; and

WHEREAS, the company has forwarded a letter dated December 17, 2010, to the Purchasing Agent stating that its name has changed to **Atlantic Diving Supply, Inc., d/b/a ADS, Inc., 7115 Airport Highway, Pennsauken, New Jersey 08109** ; and

WHEREAS, authorization is requested to amend the October 12, 2010 resolution to reflect the correct name of the company Atlantic Diving Supply, Inc., dba ADS, Inc; now, therefore, be it

RESOLVED that the City Council of the City of Elizabeth authorizes the amendment to the resolution adopted October 12, 2010 authorizing an amendment to the award of a contract to **Mar-Vel International, Inc., 7115 Airport Highway, Pennsauken, New Jersey 08109** specifically to reflect a name change to **Atlantic Diving Supply, Inc., d/b/a ADS, Inc., 7115 Airport Highway, Pennsauken, New Jersey 08109**

Which was adopted by the following vote:

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

NEGATIVE: None

20

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the Business Administrator has advised that on June 9, 2010 the City Council of the City of Elizabeth authorized the awarded of a contract to **Guard Line Fire and Safety Company, 75 Main Avenue, Elmwood Park, New Jersey, through the Morris County CO-OP** for the purchase of MSA SCBA parts at a cost not to exceed $40,000.00 under the Morris County Cooperative Purchasing Contract #13A; and for the purchase of Personal Protection Items and Equipment for Emergency Personnel at a cost not to exceed $50,000.00 under the Morris County Cooperative Purchasing Contract #40 for a total cost not to exceed $90,000.00 for the period of May 25, 2010 through June 30, 2011; and

WHEREAS, the Fire Department requires additional equipment, which will exceed the original requested amount of $90,000.00. The Director of Fire has requested an increase in the amount by $50,000.00 for Personal Protection Items and Equipment under Contract #40, for a total increased contract amount of $140,000.00; 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 resolution adopted June 9, 2010 awarding a contract to **Guard Line Fire and Safety Company, 75 Main Avenue, Elmwood Park, New Jersey, through the Morris County CO-OP, 13A** for the purchase of MSA SCBA Parts in the amount of $40,000.00 and Contract No. 40, for the purchase of Personal Protection Items and Equipment for the Fire Department at a cost not to exceed $50,000.00 for a total cost of $90,000.00 be amended to increase to total amount of the Contract No. 40 by $50,000.00 for a total increase contract amount of $140,000.00.

Which was adopted by the following vote:

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

NEGATIVE: None

21

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 reappoint, **Mr. Dodlay Zamor, 111 Race Street, Elizabeth, New Jersey**, to serve as a Constable; for a term of three (3) years effective from date of appointment; and be it

FURTHER RESOLVED that the said **Mr. Dodlay Zamor**, 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 and that upon failure to deliver such surety bond within the time stated herein, said office shall be deemed vacant, pursuant to **N.J.S.A.** 40A:9-120.

Which was adopted by the following vote:

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

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, in the beginning of 1985 Black Clergy and Black Educators called to celebrate the life of the Reverend Dr. Martin Luther King, Jr; and

WHEREAS, as the years went on plans were developed to build a more permanent structure which the community could use to honor Dr. Martin Luther King, Jr., and his commitment to mankind; and

WHEREAS, Congress declared the third Monday in January, 1986, the first National Holiday honoring the social change brought to this nation by the struggle of the Reverend Dr. Martin Luther King, Jr; and

WHEREAS, a monument was presented to the City of Elizabeth, on January 20, 1996, which was built by the African-American community in Elizabeth, and which was the first monument to be placed on Freedom Trail in Scott Park; and

WHEREAS, Dr. Martin Luther King, Jr., was the first African-American so honored in Elizabeth; and

WHEREAS, the Reverend Dr. Martin Luther King, Jr's quest for justice and righteousness served as a value system for all citizens by leading the struggle for equality, justice, peace, and commitment to our fellow-man; and

WHEREAS, the National holiday expresses our gratitude and appreciation for his achievements and contributions to the country and our community; now, therefore, be it

RESOLVED that the City Council of the City of Elizabeth, New Jersey, recognizes January 17, 2011 as the Twenty-Sixth Commemorative Anniversary, and as a National Holiday to celebrate the life of the Reverend Dr. Martin Luther King, Jr.; and be it

FURTHER RESOLVED that a copy of this resolution be given to the Reverend Dr. Martin Luther King, Jr., Commemorative Committee of Elizabeth and a copy be spread in full upon the minutes of the City Council meeting held on January 11, 2011.

Which was adopted by the following vote:

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

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

[redacted] 23

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	**1-01-31-446**	**$**	**5,531.24**
HESS CORP.	**1-01-31-430**	**$**	**83,623.66**
LANGUAGE LINE SERVICES	**1-01-31-440**	**$**	**960.90**
PSE&G	**1-01-31-430**	**$**	**127,473.99**
USA MOBILITY	**1-01-31-440**	**$**	**623.62**
VERIZON	**1-01-31-440**	**$**	**13,424.97**
VERIZON WIRELESS	**1-01-31-440**	**$**	**587.51**
VERIZON COMMUNICTIONS, INC.	**1-01-31-440**	**$**	**234.89**

Which was adopted by the following vote:

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

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the Senior Citizens' Awareness Committee was established in 2003 following the dream of the late Deacon Stephen Sampson. Deacon Sampson was a pioneer in bringing about an awareness of African American History in the City of Elizabeth; and

WHEREAS, the Senior Citizen's Awareness Committee follows in the legacy of Deacon Sampson's mission by providing educational, cultural and social services to senior citizens and youth. The Committee strives to identify community needs, resource information, coordinate local programming, provide charitable services and give charitable donations; and

WHEREAS, the Senior Citizens Awareness Committee, Dream Keepers Award, is being presented to individuals in the community who keep the life and legacy of Reverend Dr. Martin Luther King, Jr. alive by educating and enriching and serving our community; and

WHEREAS, the 2011 Senior Citizens Awareness Committee, Dream Keepers Award recipients are:

Reverend Lenton R. Buffalo, Jr.
Reverend Dr. Larry E. Dixon
Manny Grova, Jr., Councilman, First Ward
Sister Jacinta Fernandes, OSB
BT and Diane Mathis
James and Cerise Simmons, Lay Missionaries
Willie C. Singley

;now, therefore, be it

RESOLVED that the City Council of the City of Elizabeth congratulates the 2011 recipients of the Senior Citizens Awareness, Dream Keepers Award, and commend them for keeping the life and legacy of Reverend Dr. Martin Luther King, Jr. alive by educating and enriching and serving our community and wish them continued success in all of their future endeavors.

Which was adopted by the following vote:

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

NEGATIVE: None

25

BY CITY COUNCIL AS A WHOLE;

WHEREAS, the City Council of the City of Elizabeth has learned that Reverend Joseph Louis Adair, Jr., will be honored on January 28th, 2011 at the Marriott Hotel in Newark International Airport to celebrate his sixth anniversary as the Pastor of the Second Macedonia Baptist Church in Elizabeth; and

WHEREAS, he graduated from Thomas Jefferson High School in 1976, he continued his education at Cheney State University in Pennsylvania. His personal spiritual journey began at The Greater Promise Baptist Church in 1977 under the leadership of Elder John Brown, he was baptized in 1978. In 1990, he received his certification as a Drug and Alcohol Counselor and began the "Back to Life Ministry", a spiritual means of addiction deliverance; and

WHEREAS, one of the many great spiritual relationships in his life was formed in 1993, when he united with The Union Baptist Church in Elizabeth under the leadership of Pastor R. Lenton Buffalo, Jr. For twelve years he served as Minister of Men and Youth and organized the City-wide Youth Jubilee Fellowship. Many youth and young adults were educated about the dangers of drug and alcohol abuse and received deliverance under this ministry. In 1994, Reverend Adair was called into the Preaching Ministry. He attended the Newark Bible College, The Evangelical Bible Institute of New Jersey and in 1999 graduated from the New York Theological Seminary, New York, New York; and

WHEREAS, in 2001, he graduated from the prestigious Leadership Newark Program, a statewide network program that helps develope leaders, mentors and youth. Reverend Adair uses his life experiences and training to advocate for the community and children in particular. He has served as Past -President and Vice-President of the U.T.C.A.O. Head Start Policy Council, Past President of The Elizabeth Chapter of the NAACP. He presently serves on the Board of The Tri County American Red Cross; and

WHEREAS, he has received many accolades and awards for his activism, community involvement and benevolence. In 2004, The New Jersey Governor's Office, under Governor James McGreevey, named him as one of New Jersey's most influential leaders. He was the recipient of the prestigious Union County Human Relations Committee Award for community involvement, and Father of the Year by U.T.C.A.O Head Start; and

WHEREAS, he is currently employed by the City of Elizabeth as a Relocation Officer for the Department of Health and Human Services. He is responsible for assisting homeless, at-risk families, and individuals, by coordinating City services, placement, and allocating relocation subsidies always ministering with some added inspiration; and

WHEREAS, in October 2004, Reverend Adair became the Pastor of the Second Macedonia Baptist Church in Elizabeth. Under his leadership and vision the congregation and ministries have grown and are making a tremendous impact on the Elizabeth community; and

WHEREAS, he is married to his beautiful wife, Minister Rosalind Lewis-Adair, a teacher in the Roselle, New Jersey public school system, and the loving mother of their nine children and grandchildren; now, therefore, be it

RESOLVED that the City Council of the City of Elizabeth hereby congratulates Reverend Joseph Louis Adair, Jr. as he celebrates his sixth anniversary as Pastor of the Second Macedonia Baptist Church in Elizabeth and wishes him continued success in his future endeavors; and be it

FURTHER RESOLVED that a copy of this resolution be spread in full upon the minutes of City Council and that a certified copy be forwarded to Reverend Joseph Louis Adair, Jr.

Which was adopted by the following vote:

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

NEGATIVE: None

[redacted]

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the City Council of the City of Elizabeth has learned with profound regret of the death of Augustus "Gus" Simpson, Program Monitor with the Elizabeth Home Improvement from 2005 to the present, therefore, be it

RESOLVED, that we, the members of City Council of the City of Elizabeth, hereby express our sincere sorrow at his death and to his family over their great loss; and be it

FURTHER RESOLVED that this expression of our sympathy be recorded in full upon the minutes of City Council and an acknowledgement thereof be sent to his family.

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

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the City Council of the City of Elizabeth has learned with profound regret of the death of Mrs. Mary Howard, mother of Pastor John Howard of Elizabeth, therefore, be it

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

FURTHER RESOLVED that this expression of our sympathy be recorded in full upon the minutes of City Council and an acknowledgement thereof 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 Angelo Nigro, 84; and

WHEREAS, Mr. Nigro was a lifelong resident of the City of Elizabeth; and

WHEREAS, he worked at Simmons Manufacturing Company, Elizabeth from 1946 until 1960. He also was employed as a letter carrier for the U.S. Postal Service from 1960 until his retirement in 1997. For most of his 37 ½ years, he delivered mail in Hillside; and

WHEREAS, one of his hobbies was to write songs. He wrote approximately 75 songs and parodies, some of which he composed while on his mail route, thus earning the title of "The Singing Mailman". He performed several of his songs for senior citizens groups and social organizations. Two songs dear to him were "Our Proud Lady", a tribute to the Statue of Liberty, and New Jersey "Our Proud Lady (The State for You and Me)"; and

WHEREAS, Angelo also loved gardening, his pride was his abundant fig trees, one of which was originally planted by his father, Frank; and

WHEREAS, he was a veteran of World War II, serving in the U.S. Navy. He was a member of the Old Guard of Elizabeth, the Knights of Columbus Council, 3197 of Hillside, the N.A.L.C., John Enz branch and the Elizabeth Postal Employees Quarter Century Club; and

WHEREAS, Angelo was predeceased by his parents, Frank and Anna Nigro; three brothers, Michael, Americo and Frank Nigro, and two sisters, Mary DePalma and Edith D'Antico. Surviving are his wife of 63 years, Katherine (nee Brannigan) Nigro; two daughters, Linda Malta, and her husband, Frank, and Ann Schultes and her husband, Robert; a brother, Joseph Nigro; two sisters, Angelina Gallaso, and Ann Harris and her husband, Russell; five grandchildren, Frank Malta and his wife, Joanne; Anthony Malta and his wife, Jessica; Michael Malta; Robert and Lauren Schultes; three great-grandchildren , and Marisa, Anthony and Mia Malta; now, therefore, be it

RESOLVED that the City Council of the City of Elizabeth hereby expresses its condolences at the passing of Angelo Nigro 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; and be it

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 Peter R. Runfolo, III, 26; and

WHEREAS, Peter was born in Elizabeth, raised in Toms River and moved to Rutherford several months ago; and

WHEREAS, he served in the U.S. Army attaining the rank of sergeant. He just finished two tours of duty in Iraq; and

WHEREAS, Peter was presently attending Bergen County Community College; and

WHEREAS, he is survived by his loving wife, Delena (nee Boccia) Runfolo, his mother, Marianne (nee McGoohan) Roman; his father, Peter Runfolo, Jr., and his wife, Joyce; his brothers, Tyler Runfolo, David and Jonathan Roman; his father-in-law and mother-in-law, Girard and Antoinette Boccia; brother-in-law Anthony Boccia; and grandparents, Peter Runfolo and John and Agnes McGoohan; and

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

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

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

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the City Council of the City of Elizabeth has learned of the recent death of Donna Walker, 45 of Elizabeth; and

WHEREAS, Donna is survived by her father, James Hadley; her children, Randy, Deidra and Damiria Walker; her siblings, Allen, Kiska and Natalie Walker, and James and Joyce Hadley, Kelly Lennon, Stacey Hadley, Kelly Lennon, Stacey Crockett and Hakeema Smith; her companion, Randy Stuckey and a host of other loving relatives and dear friends; and

RESOLVED that we the members of City Council of the City of Elizabeth hereby express our sincere sorrow at the death Donna Walker 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, it is with deep concern that the City Council of the City of Elizabeth has learned of the January 8, 2011 assassination attempt on the life of U.S. House of Representative Gabrielle Giffords at her first gathering of "Congress on Your Corner" in Casas Adobes, Arizona. The suspect, Jared Lee Loughner, critically injured Ms. Giffords by a gunshot wound to the head. The suspect also killed six government employees and injured thirteen others, be it

RESOLVED, that we, the members of City Council of the City of Elizabeth, hereby express our sincere sorrow at the death and injury to all the families over this unfortunate incident; and be it

FURTHER RESOLVED that this expression of our sympathy be recorded in full upon the minutes of City Council..

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

Councilman Grova moved that City Council do now adjourn,

Which was carried unanimously.

Whereupon Council President Keenan declared City Council adjourned at 7:50 p.m.

APPROVED

JOSEPH KEENAN
President of City Council

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