PROCEEDINGS OF CITY COUNCIL

(OFFICIAL)

ELIZABETH, N.J.

Tuesday Evening
January 25, 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;
William Gallman, Jr., 5th Ward; Frank O. Mazza, 6th Ward;
and President Joseph Keenan, 3rd Ward - 9

ABSENT:

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.

PUBLIC SPEAKING

Mr. Rich Schiewicz, 930 South Street, is a secondhand buyer and stated that they are faced with a 1500% increase in license fees. He continued that this comes at the worst economic time. He stated further that he went to the Central License Department and asked why? Mr. Schiewicz stated allegedly he was told that there were increases across the board; fees were paid one time and now they are annually.

Mr. Schiewicz spoke to the "Dual Usage" law. He continued that in the City of Elizabeth, shoe stores, clothing stores, etc., are being allowed to sell jewelry. He stated further that approximately ten (10) years ago there were ten (10) licensed secondhand dealers, now there are fifty (50).

Mr. Schiewicz stated that stores are being divided into halves and quarters. He continued that if there is no "Dual Usage" law in Elizabeth that there should be. He stated further that there is a store named "Rich & Son" on Elizabeth Avenue and has been in business for approximately two (2) years and has not paid any fees to the City.

Mr. Schiewicz stated that he reported a store located at Bayway Circle to the Central License Department and allegedly was told that the Zoning Board approved it. He continued that he went to the Zoning Board and allegedly they never heard of the store.

In closing, Mr. Schiewicz stated that the City needs to monitor this situation because a "store should be a store."

Council President Keenan responded that he will ask the Law Department to look into his concerns.

Ms. Mildred Purdie, an Elizabeth resident, wished City Council a very Happy New Year. She continued that society wants to honor soldiers when they are gone, but she would like to organize a positive experience for the service men and women. She stated that when her son went to war, she went to war with him. Ms. Purdie invited City Council to come out and support her son.

Ms. Purdie thanked Councilman Grova for all that he has done for her and her family. She thanked Councilman Gallman for all that he has done for her son. Ms. Purdie thanked Councilwoman Perkins-Auguste because she has done so much for

her. She thanked the Mayor for something very special to her because by hiring her to work for the City, she had to take a physical and she found out that her blood pressure is high and she would not have detected it as early as she did.

Council President Keenan thanked Ms. Purdie for her son's participation in the Armed Services.

Ms. Norma Rich, 758 Westfield Avenue, stated that on May 25, 2010, her brother, Kurt Landherr, was killed by a motor vehicle. She requested of City Council to somehow pass a law for the testing of drivers for drugs and alcohol and to remove cell phones from their possession.

There being no one else 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. 4175**, 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.

This ordinance was adopted on its first reading at the meeting of City Council held on **November 15, 2010**.

The Notice of Public Hearing was published in the Star Ledger issue of **January 17, 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.

Council President Keenan announced that the next business in order would be a public hearing on **Ordinance No. 4184**, 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

This ordinance was adopted on its first reading at the meeting of City Council held on **January 12, 2011**.

The Notice of Public Hearing was published in the Star Ledger issue of **January 17, 2011**.

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 closed.

Council President Keenan announced that the next business in order would be a public hearing on **Ordinance No. 4185**, 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.

This ordinance was adopted on its first reading at the meeting of City Council held on **January 12, 2011**.

The Notice of Public Hearing was published in the Star Ledger issue of **January 17, 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 6, 2011, from the Business Administrator recommending the award of a contract to Triangle Communications, 57 River Road, Berkley Heights, N.J., under the Morris County Co-Op, for the purchase of computer parts for Police vehicles for the period January 5, 2011 through December 31, 2011, at a cost not to exceed $25,000.00.
Which was received.

By the Clerk:
Letter dated January 11, 2011, from the Business Administrator requesting a waiver of the residency requirement for Emergency Medical Technician Christopher Edmondson, for a one year period.
Which was received.

By the Clerk:
Letter dated January 11, 2011, from the Business Administrator recommending the award of a contract to Morning Pride Manufacturing, LLC, d/b/a Honeywell First Responder Products, 1 Innovation Court, Dayton, OH, for the purchase of Turnout Gear (Bunker Pants & Coats) for the Fire Department at a total cost of $515,700.00.
Which was received.

By the Clerk:
Letter dated January 13, 2011, from the Business Administrator requesting authorization for the proper City officials to apply, accept and sign all appropriate documents to participate in the Middlesex Regional Cooperative Pricing System Co-Op.
Which was received.

By the Clerk:
Letter dated January 13, 2011, from the Business Administrator recommending the award of a contract to EIC Inspection Agency Corporation, 3705-3707 Kennedy Boulevard, Jersey City, NJ, for the furnishing of Third Party Elevator Inspections Services for a period of two years commencing March 25, 2011, in an amount not to exceed 50% of the New Jersey Department of Community Affairs' fee for Elevator Subcode Inspections.
Which was received.

By the Clerk:
Letter dated January 7, 2011, from the Chief Financial Officer requesting the City Council's approval of the City's Tax Year 2011 Cash Management Plan for the period January 1, 2011 through December 31, 2011.
Which was received.

By the Clerk:
Letter dated January 5, 2011, from the Director of Health and Human Services requesting authorization to submit payment to the Elizabeth Board of Education for the use of Nicholas Murray Butler School No. 23 for custodial, security and bus services for the S.O.A.R. summer program, beginning October 4, 2010 and ending on June 10, 2011, in the amount of $24,130.00.
Which was received.

By the Clerk:
Letter dated January 6, 2011, from the Director of Health and Human Services requesting authorization for the proper City officials to execute any and all documents necessary and appropriate for the continuation of the Housing Opportunities for People With Aids (H.O.P.W.A.) Program grant from the City of Newark, Department of Administration, for the period January 1, 2011 through December 31, 2011 in the amount of $931,200.00.
Which was received.

By the Clerk:

Letter dated January 6, 2011, from the Director of Health and Human Services requesting authorization for the proper City officials to apply, accept and sign all appropriate documents necessary and appropriate with the Housing Authority of the City of Elizabeth to rent the facilities at 250 Second Street, Second Floor, to house the Federally Qualified Health Center, Neighborhood Health Services, for the period January 1, 2011 through December 31, 2011, at an annual rate of $32,400.00.
Which was received.

By the Clerk:

Letter dated January 13, 2011, from the Director of Planning and Community Development requesting authorization for the proper City officials to execute an agreement with the United Youth Council, Inc., 513 Richmond Street, Elizabeth, NJ, to provide funds to help defray insurance costs associated with the agency's Youth/Family Summit and Health Festival Programs for the period July 1, 2010 through June 30, 2011, in the amount of $2,100.00.
Which was received.

By the Clerk:

Letter dated January 11, 2011, 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 provide a Deferred Payment Loan to Mel Acosta, 806 E. Jersey Street, Elizabeth, NJ, to construct five (5) residential units and two (2) commercial spaces at 115 First Street in the amount of $287,500 in Home funds and $70,000.00 in UEZ funds, totaling $357,500.00.
Which was received.

By the Clerk:

Letter dated January 18, 2011, from the Director of Planning and Community Development requesting an amendment the resolution adopted on September 14, 2010, authorizing a Third Party Agreement to provide a Deferred Payment Loan to N.J. Community Development Group, LLC, for the acquisition and rehabilitation of 417 Franklin Street, specifically to replace this property due to environmental issues with 316 Livingston Street.
Which was received.

By the Clerk:

Letter dated January 18, 2011, 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 provide a Repayable Loan for the property located at 814 Pennington Street under the Energy Efficiency & Conservation Revolving Loan Program in an amount not to exceed $10,000.00.
Which was received.

By the Clerk:

Letter dated January 18, 2011, 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 provide a Repayable Loan for the property located at 224 Christine Street under the Energy Efficiency & Conservation Revolving Loan Program in an amount not to exceed $10,000.00.
Which was received.

By the Clerk:

Letter dated January 18, 2011, 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 provide a Repayable Loan for the property located at 920 Pennington Street under the Energy Efficiency & Conservation Revolving Loan Program in an amount not to exceed $10,000.00.
Which was received.

By the Clerk:
Letter dated January 18, 2011, 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 provide a Repayable Loan for the property located at 1058 Applegate Avenue under the Energy Efficiency & Conservation Revolving Loan Program in an amount not to exceed $10,000.00.
Which was received.

By the Clerk:
Letter dated January 10, 2011, 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 in the amount of $1,117.03.
Which was received.

By the Clerk:
Letter dated January 14, 2011, from the Director of Public Works recommending the award of a contract to T & M Associates, Eleven Tindall Road, Middletown, NJ, to provide professional engineering services in connection with traffic signals design and construction inspection at the intersections of Broad Street and West Jersey Street and traffic signal modifications at the intersection of Broad Street and Elizabeth Avenue at a cost not to exceed $79,500.00.
Which was received.

By the Clerk:
Letter dated January 18, 2011, from the Director of Public Works requesting to amend Chapter 8.36 of the Code of the City of Elizabeth, entitled: "Mandatory Recycling Program," to comply with the State of New Jersey's Administrative Code, specifically to make certain changes to the recycling law and ensure that the Ordinances are consistent with the County Recycling Plans.
Which Was Referred To Council As A Whole.

By the Clerk:
Letter dated January 14, 2011, from the Fire Director requesting authorization for the proper City officials to apply, accept, and sign all appropriate documents for the U.S. Department of Homeland Security – FY 2010 Assistance to Firefighters Fire Prevention and Safety Program to purchase code enforcement and education materials to assist in the implementation of juvenile fire prevention and overall safety programs in a total grant amount not to exceed $100,000.00.
Which was received.

By the Clerk:
Letter dated December 10, 2010, from GEI Consultants, Inc., 18000 Horizon Way, Suite 200, Mt. Laurel, NJ, requesting an Encroachment Permit for existing drainage swale repair and improvement at AGL Resources at Erie Street.
Which was received.

REPORTS OF CITY OFFICERS

By the Clerk:
Letter January 25, 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 21, 2011.
Which was received.

ORDINANCES ON FIRST READING

Council President Keenan announced that the next business in order would be the introduction of **Ordinance No. 4186** , which was seconded by Councilman Grova, entitled:

AN ORDINANCE TO AUTHORIZE THE ESTABLISHMENT OF A PERSONALIZED HANDICAPPED PARKING SPACE FOR JUANA ZULOAGA, 326 AMITY STREET, ELIZABETH, NEW JERSEY.

The Clerk read the foregoing ordinance.

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

AFFIRMATIVE: Perkins-Auguste, Cuesta. Jackus, Grova, Gonzalez, Cedeno, Gallman, Mazza, and President Keenan - 9

NEGATIVE: None

Council President Keenan announced that the next business in order would be the introduction of **Ordinance No. 4187** , which was seconded by Councilman Grova, entitled:

AN ORDINANCE GRANTING AN ENCROACHMENT PERMIT TO GEI CONSULTANTS, INC., 18000 HORIZON WAY, MT. LAUREL, NEW JERSEY ON BEHALF OF AGL RESOURCES, FOR REPAIR AND IMPROVEMENT TO EXISTING DRAINAGE SWALE WORK AT ERIE STREET IN COMPLIANCE WITH NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION (NJDEP) REQUIREMENTS.

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, Gallman, Mazza, and President Keenan - 9

NEGATIVE: None

Council President Keenan announced that public notice will be published fixing Tuesday, February 8, 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. 4186 and 4187, 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. 4175**, which was seconded by Councilman Grova.

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.

WHEREAS, the U.S. Department of Housing & Urban Development (HUD) is a major funding source for the City of Elizabeth's Housing and Community Development programs. They also own several foreclosed properties, which will be auctioned shortly. HUD does not usually hold its properties for a log period of time; and

WHEREAS, the Department of Planning & Community Development's Elizabeth Home Improvement Program (EHIP) is currently handling the property registrations, rather than the Department of Neighborhood Services; now, therefore,

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

SECTION 1. - That **Chapter 8.80.030,** entitled **Regulation of Vacant and Foreclosing Residential Properties, et. seq.** is amended to add a new third paragraph as follows:

> "No governmental agency is required to pay the annual Registration Fee"

SECTION 2. That **Chapter 8.80.020**, entitled **DEFINITIONS "Enforcement Authority"** is amended by deleting the term "neighborhood services" and replacing it with the term "planning and community development".

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 15, 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 17, 2011.**

Councilman Jackus stated that he was reviewing snow removal and most residents are not aware that paths must be four feet wide. He continued the City should look into using the SLAP Program to assist in removing the snow and ice from sidewalks.

Councilman Jackus announced that a lot of foreclosed properties were not cleared and suggested to place liens onthose uncleared properties.

Councilwoman Perkins-Auguste stated that she must agree with her colleague and would like for this Ordinance No. 4175 to include snow and ice removal.

The Attorney responded that this ordinance is asking two things: public agencies not to be charged a fee and to name the department that will enforce the ordinance. He continued that certainly Council can make amendments but this ordinance does not go to Council's concerns. He announced that Council can Table or adopt the ordinance.

Council President Keenan stated that he received several phone calls from residents who were walking and had difficulty due to unshoveled walks. He continued that he called for inspectors to come out and they came and issued summonses.

Councilwoman Perkins-Auguste MOVED to put this ordinance on "as is" and to look at other avenues.

Council President Keenan announced for the Law Department to look into the removal of snow.

Councilman Mazza stated that taxpayers and residents must obey the law. He continued that many people are putting out chairs, etc., in parking spaces and Public Works cannot clear the snow because of all of the furniture. He continued that he believes that two feet of snow is sufficient and consideration should be given to residents. who work.

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

AFFIRMATIVE: Perkins-Auguste, Cuesta, Jackus, Grova, Gonzalez, Cedeno, Gallman, Mazza, and President Keenan - 9

NEGATIVE: None

11

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

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

WHEREAS, pursuant to the New Jersey Urban Enterprise Zones Act, *N.J.S.A.* 52:27H-60 *et seq.*, certain areas of the City of Elizabeth, in the County of Union, New Jersey, (the "**City**") including Block 1, Lot 999.A4, Block 8, Lot 1867, Block 8, Lot 1866, a portion of Block 8, Lot 428Y11, Block 1, Lot 999.A3, Block 1, Lot 999, a portion of Block 8, Lot 1873 and a certain portion of York Street (the "**Project Site**") are included in the City's urban enterprise zone (the "**Urban Enterprise Zone**"); and

WHEREAS, pursuant to the Local Redevelopment and Housing Law, *N.J.S.A.* 40A:12A-1 *et seq.* (the "**LRHL**"), improvements to property located within an urban enterprise zone may qualify for long term tax exemptions under the Long Term Tax Exemption Law, *N.J.S.A.* 40A:20-1 *et seq.* (the "**LTTE Law**"); an

WHEREAS, the City Council of the City ("City Council") adopted an Ordinance on December 21, 2010 approving a redevelopment plan for the revitalization and redevelopment of the Project Site (the "**Redevelopment Plan**"); and

WHEREAS, Elberon Elizabeth Urban Renewal, L.L.C. (the " **Entity**") leased (or will lease) the Project Site from the owner and will construct, or cause to be constructed thereon, a 524,000 square foot warehouse, including approximately 20,000 square feet of office space, improvements for the ultimate use of the Property, and any other improvements, buildings or structures constructed on the Property, and adjacent truck and car parking, and infrastructure (the "**Project Improvements**") (the leasing of the Project Site and the construction and maintenance of the Project Improvement are defined herein as the "**Project**"); and

WHEREAS, the Entity will sublet the Project Site and the Project Improvements to Wakefern Food Corp. (the "**Tenant**"); and

WHEREAS, the Project will conform to the Redevelopment Plan and all applicable municipal zoning ordinances, to the extent it contains provisions that are relevant to the Project, and will be in conformance with the master plan of the City; and

WHEREAS, in order to enhance the economic viability of and opportunity for a successful Project, the City may enter into a financial agreement with the Entity governing payments made to the City in lieu of real estate taxes on the Project pursuant to the provisions of the LTTE Law; and

WHEREAS, the provisions of the LTTE Law authorize the City to accept, in lieu of real property taxes, an Annual Service Charge (as defined in the LTTE Law), to be paid by the Entity to the City; and

WHEREAS, pursuant to *N.J.S.A.* 40A:20-8, the Entity filed an application with the City for approval of a long term tax exemption for the Project, including a form of financial agreement (as attached hereto as **Exhibit B** the "**Application**"); and

WHEREAS, the proposed form of financial agreement sets forth the terms and conditions under which the Entity and the City shall carry out their respective obligations with respect to payment of the Annual Service Charge by the Entity for the Project; and

WHEREAS, the Mayor, together with counsel for the City, has reviewed the Application and found that it complies with the provisions of the LTTE Law; and

WHEREAS, the Mayor together with counsel for the City, has reviewed the terms of the proposed financial agreement (the "**Financial Agreement**") and has recommended that the Application be approved and the Financial Agreement, a copy of which has been filed with the City Clerk, be executed; and

WHEREAS, the City Council finds that the relevant benefits of the Project to the redevelopment of the redevelopment area, outweigh the cost (loss, if any, of property tax revenue) associated with granting the Long Term Tax-Exemption; and

WHEREAS, the City Council has determined that the assistance provided to the Project pursuant to the Financial Agreement will be a significant inducement for the Entity to proceed with the Project and will be important in influencing the locational decisions of probable occupants of the project.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Elizabeth as follows:

1. The Application filed by the Entity is hereby approved.

2. The Mayor of the City is hereby authorized to execute the Financial Agreement substantially in the form as it has been presented to the City Council subject to modification or revision deemed necessary and appropriate in consultation with counsel.

3. The Clerk of the City is hereby authorized and directed, upon the execution of the Financial Agreement in accordance with the terms of Section 2 hereof, to attest to the signature of the Mayor upon such document and is hereby further authorized and directed thereupon affix the corporate seal of the City upon such document.

4. The City Clerk shall file certified copies of this ordinance and the Financial Agreement with the Tax Assessor of the City and the Director of the Division of Local Government Services within the Department of Community Affairs in accordance with Section 12 of the LTTE Law.

5. This ordinance shall take effect in accordance with law.

The Clerk read the foregoing ordinance by title.

This ordinance was adopted on its first reading at the City Council meeting held . **January 12, 2011.**

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 17, 2011.**

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

AFFIRMATIVE: Perkins-Auguste, Cuesta, Jackus, Grova, Gonzalez, Cedeno, Gallman, Mazza, and President Keenan - 9

NEGATIVE: None

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

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.

WHEREAS, the City of Elizabeth, through its prior Ordinance No. 2222 dated September 12, 1989, approved the redevelopment plan for the Midtown Elizabeth (Station Park) redevelopment project; and

WHEREAS, as part of the redevelopment plan, an appraisal report has been prepared by Stanley Jay Real Estate Appraisers & Consultants, One Morton Place, Colonia, New Jersey 07067 dealing with the property owned by N. J. Transit and located at 100-118 Union Street, Elizabeth, New Jersey 07202, Ward 6 Account No. 6-1407, 6-1411 and 6-1634; and

WHEREAS, N. J. Transit has agreed to the sale of 100-118 Union Street, Elizabeth, New Jersey to the City of Elizabeth for the sum of One Million Five Hundred Thousand ($1,500,000.00) Dollars ; and

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available and appropriated for this purpose and Certification No. 11-04941, charging the amount of $1,500,000.00 to Account No. X-04-55-999-X21-001, of the Municipal Budget is on file in the Office of the City Clerk; and

BE IT NOW ORDAINED by the City Council of the City of Elizabeth, New Jersey as follows:

SECTION 1. - That the proper City officials of the City of Elizabeth be and they are hereby authorized to execute all necessary agreements, contracts and documents with N. J. Transit for the acquisition of 100-118 Union Street, Elizabeth, New Jersey, Ward 6, Account No. 6-1407, 6-1411 and 6-1634 from N. J. Transit for the sum of One Million Five Hundred Thousand ($1,500,000.00) Dollars.

SECTION 2. - If any of this Ordinance or the application thereof to any person or circumstance shall, for any reason be adjudged by a Court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of the ordinance which is hereby declared to be severable.

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

SECTION 4. - The effective date of this ordinance shall be upon passage by the City Council of the City of Elizabeth and publication by law.

The Clerk read the foregoing ordinance by title.

This ordinance was adopted on its first reading at the City Council meeting held . **January 12, 2011.**

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 17, 2011.**

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

AFFIRMATIVE: Perkins-Auguste, Cuesta, Jackus, Grova, Gonzalez, Cedeno, Gallman, Mazza, and President Keenan - 9

NEGATIVE: None

By City Council as a Whole:

16

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 $152,250 for the Historic Midtown Elizabeth SID 2011 Grant awarded by the State of New Jersey Urban Enterprise Zone Authority Department of Commerce and Economic Development 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 $152,250 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 Commerce & Economic Development
UEZ Historic Midtown SID Grant 2011 $152,250

BE IT FURTHER RESOLVED, that a like sum of $152,250 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 Commerce & Economic Development

UEZ Historic Midtown SID Grant 2011
Other Expenses $152,250

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, Gallman, Mazza, and President Keenan - 9

NEGATIVE: None

By City Council as a Whole:

17

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 $35,458 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 $35,458 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 Increase 2009	$35,458

BE IT FURTHER RESOLVED, that a like sum of $35,458 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 Increase 2009	
Other Expenses	$35,458

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, Gallman, Mazza, and President Keenan - 9

NEGATIVE: None

18

CITY OF ELIZABETH
COUNTY OF UNION

A RESOLUTION REQUESTING PERMISSION FOR THE DEDICATION BY RIDER FOR DONATIONS-ACCEPTANCE OF BEQUESTS AND GIFTS (FROM HEALTH FIRST NEW JERSEY TO SUPPORT THE AFRICAN-AMERICAN HISTORY MONTH PROCLAMATION-PROGRAM COSTS) AS REQUIRED BY NJS 40A:5-29

BY CITY COUNCIL AS A WHOLE:

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

WHEREAS, NJS 40A:5-29 provides for receipts of donations (from Health First New Jersey to support the African-American History Month Proclamation-Program Costs) by the municipality to provide for the operating costs to administer this act; and

WHEREAS, N.J.S.A. 40A:4-39 provides the dedicated revenues anticipated from the Donations Fund (from Health First New Jersey to support the African-American History Month Proclamation-Program Costs) are hereby anticipated as revenue and are hereby appropriated for the purpose to which said revenue is dedicated by state or other legal requirement:

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

1. The City Council does hereby request permission of the Director of the Division of Local Governmental Services to pay expenditures of the Donations Fund (from Health First New Jersey to support the African-American History Month Proclamation-Program Costs) per NJS 40A:5-29.

2. The Clerk of the City of Elizabeth, County of Union, New Jersey, is hereby directed to forward two certified copies of this Resolution to the Director of the Division of Local Governmental Services.

Which was adopted by the following vote:

AFFIRMATIVE: Perkins-Auguste, Cuesta, Jackus, Grova, Gonzalez, Cedeno, Gallman, Mazza, and President Keenan - 9

NEGATIVE: None

19

BY CITY COUNCIL AS A WHOLE:

RESOLVED, that pursuant to N.J.S.A. 40A:5-14, the Cash Management Plan of the City of Elizabeth effective January 1, 2011 through December 31, 2011 is hereby approved.

CASH MANAGEMENT PLAN OF THE CITY OF ELIZABETH, IN THE COUNTY OF UNION, NEW JERSEY

I. STATEMENT OF PURPOSE.

This Cash Management Plan (the "Plan") is prepared pursuant to the provisions of N.J.S.A. 40A:5-14 in order to set forth the basis for the deposits ("Deposits") and investment ("Permitted Investments") of certain public funds of the City of Elizabeth, pending the use of such funds for the intended purposes. The Plan is intended to assure that all public funds identified herein are deposited in interest bearing Deposits or otherwise invested in Permitted Investments hereinafter referred to. The intent of the Plan is to provide that the decisions with regard to the Deposits and the Permitted Investments will be done to insure the safety, the liquidity (regarding its availability for the intended purposes), and the maximum investment return within such limits. The Plan is intended to insure that any Deposit or Permitted Investment matures within the time period that approximates the prospective need for the funds deposited or invested so that there is not a risk to the market value of such Deposits or Permitted Investments.

II. DESIGNATION OF DEPOSITORIES.

The following banks and financial institutions as set forth in Schedule A are hereby designated as official depositories for the Deposit of all public funds referred to in the Plan.

III. IDENTIFICATION OF FUNDS AND ACCOUNTS TO BE COVERED BY THE PLAN.

The Plan is intended to cover the deposit and/or investment of all funds and accounts of the City of Elizabeth.

IV. DESIGNATION OF OFFICIALS OF THE CITY OF ELIZABETH AUTHORIZED TO MAKE DEPOSITS AND INVESTMENTS UNDER THE PLAN.

The City Treasurer of the City of Elizabeth (the "Designated Official") is hereby authorized and directed to deposit and/or invest the funds referred to in the Plan.

V. AUTHORIZED INVESTMENTS.

The Designated Official is hereby authorized to invest the public funds covered by this Plan in the following permitted investments:

(1) Bonds or other obligations of the United States of America or obligations guaranteed by the United States of America;

(2) Government money market mutual funds;

(3) Any obligation that a federal agency or a federal instrumentality has issued in accordance with an act of Congress, which security has a maturity date not greater than 397 days from the date of purchase, provided that such obligation bears a fixed rate of interest not dependent on any index or other external factor;

(4) Bonds or other obligations of the Local Unit or bonds or other obligations of school districts of which the Local Unit is a part or within which the school district is located;

(5) Bonds or other obligations, having a maturity date not more than 397 days from the date of purchase, approved by the Division of Investment of the Department of the Treasury for investment by Local Units;

(6) Local government investment pools;

(7) Deposits with the State of New Jersey Cash Management Fund established pursuant to section 1 of P.L. 1977, c.281 (C.52:18A - 90.4); or

(8) Agreements for the repurchase of fully collateralized securities if:

(a) the underlying securities are permitted investments pursuant to paragraphs (1) and (3) of this subsection a;

(b) the custody of collateral is transferred to a third party;

(c) the maturity of the agreement is not more than 30 days;

(d) the underlying securities are purchased through a public depository as defined in section 1 of P.L. 1970, c.236 (C.17:9 - 41); and

(e) a master repurchase agreement providing for the custody and security of collateral is executed.

For purposes of the above language, the terms "Government money market mutual fund" and "local government investment pool" shall have the following definitions:

Government Money Market Mutual Fund. An investment company or investment trust:

(a) which is registered with the Securities and Exchange Commission under the "Investment Company Act of 1940, " 15 U.S.C. sec. 80a-1 et seq., and operated in accordance with 17 C.F.R. sec. 270.2a-7.

(b) the portfolio of which is limited to U.S. Government securities that meet the definition of any eligible security pursuant to 17 C.F.R.

sec. 270.2a-7 and repurchase agreements that are collateralized by such U.S.Government securities; and

(c) which has:

(i) attained the highest ranking or the highest letter and numerical rating of a nationally recognized statistical rating organization; or

(ii) retained an investment advisor registered or exempt from registration with the Securities and Exchange Commission pursuant to the "Investment Advisors Act of 1940," 15 U.S.C. sec. 80b-1 et seq., with experience investing in U.S. Government securities for at least the most recent past 60 months and with assets under management in excess of $500 million.

Local Government Investment Pool. An investment pool:

(a) which is managed in accordance with 17 C.F.R. sec. 270.2a-7:

(b) which is rated in the highest category by a nationally recognized statistical rating organization:

(c) which is limited to U.S. Government securities that meet the definition of an eligible security pursuant to 17 C.F.R. sec. 270.2a-7 and repurchase agreements that are collateralized by such U.S. Government securities;

(d) which is in compliance with rules adopted pursuant to the "Administrative Procedure Act," P.L. 1968, c.410 (c.52:14B-1 et seq.) by the Local Finance Board of the Division of Local Government Services in the Department of Community Affairs, which rules shall provide for disclosure and reporting requirements, and other provisions deemed necessary by the board to provide for the safety, liquidity and yield of the investments;

(e) which does not permit investments in instruments that are subject to high price volatility with changing market conditions; cannot reasonably be expected at the time of interest rate adjustment to have a market value that approximates their par value or utilize an index that does not support a stable net asset value; and

(f) which purchases and redeems investments directly from the issuer, government money market mutual fund, or the State of New Jersey Cash Management Fund, or through the use of a national or State

bank located within this State, or through a broker-dealer which at the time of purchase or redemption has been registered continuously for a period of at least two years pursuant to section 9 of P.L. 1967 c.9 (C.49:3-56) and has at least $25 million in capital stock (or equivalent capitalization if not a (corporation), surplus reserves for contingencies and undivided profits, or through a securities dealer who makes primary markets in U.S. Government securities and reports daily to the Federal Reserve Bank of New York its position in borrowing on such U.S. Government securities.

VI. SAFEKEEPING CUSTODY PAYMENT AND ACKNOWLEDGMENT OF RECEIPT OF PLAN.

To the extent that any Deposit or permitted Investment involves a document or security which is not physically held by the City of Elizabeth, then such instrument or security shall be covered by a custodial agreement with an independent third party which shall be a bank or financial institution in the State of New Jersey. Such institution shall provide for the designation of such investments in the name of the City of Elizabeth to assure that there is no unauthorized use of the funds or the Permitted Investments or Deposits. Purchase of any Permitted Investments that involve securities shall be executed by a "delivery versus payment" method to insure that such Permitted Investments are either received by the City of Elizabeth or by a third party custodian prior to or upon the release of the City of Elizabeth's funds.

To assure that all parties with whom the City of Elizabeth deals either by way of Deposits or Permitted Investments are aware of the authority and the limits set forth in this Plan, all such parties shall be supplied with a copy of this Plan and all such parties shall acknowledge the receipt of that Plan in writing, a copy shall be on file with the Designated Official.

VII. REPORTING REQUIREMENTS

A monthly report of the receipts, disbursements and fund balances shall be submitted by the Designated Official to the City Council of the City of Elizabeth.

VIII. TERM OF PLAN.

This plan shall be in effect from January 1, 2011 to December 31, 2011. Attached to this Plan is a resolution of the City Council of the City of Elizabeth approving this Plan for such period of time. The Plan may be amended from time to time. To the extent that any amendment is adopted by City Council, the Designated Official is directed to supply copies of the amendments to all of the parties who otherwise have received the copy of the originally approved Plan, which amendment shall be acknowledged in writing in the same manner as the original Plan was so acknowledged.

23

CASH MANAGEMENT PLAN OF THE CITY OF ELIZABETH, IN THE COUNTY OF UNION, NEW JERSEY

SCHEDULE A
DESIGNATION OF DEPOSITORIES

Wachovia Bank, NA (Wells Fargo)

Bank of America

Union County Savings Bank

Sovereign Savings Bank (Santander Bank)

Spencer Savings Bank

Garden State Community Bank – Division of NY Community Bank

Banco Popular

Crown Bank

Investors Savings Bank

Chase Bank

PNC Bank

North Fork Bank (Capital One)

MBIA Class Investment Fund

New Jersey Asset & Rebate Management Program (NJ/ARM)

Which was adopted by the following vote:

AFFIRMATIVE: Perkins-Auguste, Cuesta, Jackus, Grova, Gonzalez, Cedeno, Gallman, Mazza, and President Keenan - 9

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the Business Administrator and the Director of the Police Department have recommended an award of a contract be made to **Triangle Communications, 57 River Road, Berkley Heights, New Jersey 07922,** for the purchase of Computer Parts for Police Vehicles at a cost not to exceed $25,000.00 under the Morris County Co-Op Contract #41 for the period January 5, 2011 through December 31, 2011; and

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

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

RESOLVED, that City Council of the City of Elizabeth hereby authorizes an award a contract be made to **Triangle Communications, 57 River Road, Berkley Heights, New Jersey 07922,** for the purchase of Computer Parts for Police Vehicles at a cost not to exceed $25,000.00 under the Morris County Co-Op Contract #41 for the period January 5, 2011 through December 31, 2011.

Which was adopted by the following vote:

AFFIRMATIVE: Perkins-Auguste, Cuesta, Jackus, Grova, Gonzalez, Cedeno, Gallman, Mazza, and President Keenan - 9

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the Business Administrator and the Director of the Fire Department have recommended the award of a contract be made to **MORNING PRIDE MANUFACTURING, LLC, D/B/A/ Honeywell First Responder Products, 1 Innovation Court, Dayton, OH 45414,** for the purchase of Turnout Gear (Bunker Pants & Coats) for the Fire Department at a cost of $515,700.00 under State Contract No. A76359; and

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available and appropriated for this purpose and Certification No. 11-05350, charging the amount of $515,700.00 to Account No. G-02-41-810-11, of the Municipal Budget is on file in the Office of the City Clerk; now, therefore, be it

RESOLVED that City Council of the City of Elizabeth hereby awards a contract to **MORNING PRIDE MANUFACTURING, LLC, D/B/A/ Honeywell First Responder Products, 1 Innovation Court, Dayton, OH 45414,** for the purchase of Turnout Gear (Bunker Pants & Coats) for the Fire Department at a cost of $515,700.00 under State Contract No. A76359.

Which was adopted by the following vote:

AFFIRMATIVE: Perkins-Auguste, Cuesta, Jackus, Grova, Gonzalez, Cedeno, Gallman, Mazza, and President Keenan - 9

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, a resolution authorizing the City of Elizabeth to enter into Cooperative Pricing Agreement

WHEREAS, **N.J.S.A.** 40A:11-11(5) authorizes contracting units to establish a Cooperative Pricing System and to enter into Cooperative Pricing Agreements for its Administration; and

WHEREAS, the Middlesex Regional Education Services Commission, hereinafter referred to as the "Lead Agency" has offered voluntary participation in a Cooperative Pricing System for the purchase of goods and services; and

WHEREAS, on January 25, 2011 the Governing Body of the City of Elizabeth, County of Union, State of New Jersey duly considered participation in a Cooperative Pricing System for the provision and performance of goods and services;

NOW, THEREFORE, BE IT RESOLVED as follows:

RESOLVED that this resolution shall be known and maY be cited as the Cooperative Pricing Resolution of the City of Elizabeth; and be it

FURTHER RESOLVED, pursuant to the provisions of **N.J.S.A.** . 40A:11-11(5), the Mayor is hereby authorized to enter into a Cooperative Pricing Agreement with the Lead Agency; and be it

FURTHER RESOLVED, the Lead Agency shall be responsible for complying with the provisions of the Local Public Contracts Law **N.J.S.A**. 40A:11-1 et seq. and all other Provisions of the revised statutes of the State of New Jersey; and be it

FURTHER RESOLVED, this resolution shall take effect immediately upon passage.

Which was adopted by the following vote:

AFFIRMATIVE: Perkins-Auguste, Cuesta, Jackus, Grova, Gonzalez, Cedeno, Gallman, Mazza, and President Keenan - 9

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the Business Administrator and the Purchasing Agent have requested authorization to award a third party contract to the lowest responsible bidder, **EIC INSPECTION AGENCY CORPORATION, 3705-3707 Kennedy Blvd, Jersey City, New Jersey 07307,** for a period of two years commencing March 25, 2011 through March 25, 2013, to provide Elevator Inspections Services in an amount not to exceed 50% of the DCA fee for the Elevator Inspection Services; and

WHEREAS, there is no charge to the City of Elizabeth as all payments to EIC are a percentage of the client's payment for the inspection; 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 **EIC INSPECTION AGENCY CORPORATION**; 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 covering the amount of the order, and said execution is to be made just before this City incurs a contractual liability on its part; now, therefore, be it

RESOLVED that the City Council of the City of Elizabeth hereby awards a third party contract to the lowest responsible bidder, **EIC INSPECTION AGENCY CORPORATION, 3705 Kennedy Blvd, Jersey City, New Jersey 07307,** for a period of two years from March 25, 2011 through March 25, 2013 to provide Elevator Inspections Services in an amount not to exceed 50% of the DCA fee for the Elevator Inspection Services. There is no charge to the City of Elizabeth; all payments to EIC are a percentage of the client's payment for the inspection.

Which was adopted by the following vote:

AFFIRMATIVE: Perkins-Auguste, Cuesta, Jackus, Grova, Gonzalez, Cedeno, Gallman, Mazza, and President Keenan - 9

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the Director of Department of Health and Human Services has requested the authorization for the proper City Officials to enter into a lease agreement and sign all necessary documents with the Housing Authority of the City of Elizabeth to rent the facilities at 250 Second Street, Second Floor, Elizabeth, New Jersey at an annual rate of $32,400.00 for the period of January 1, 2011 through December 31, 2011; and

WHEREAS, these facilities will be used to house the Federally Qualified Health Center, Neighborhood Health Services, Elizabeth, New Jersey

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available and appropriated for this purpose and Certification No. 11-05487, charging the amount of $32,400.00 to Account No. 1-01-27-330-HEA-325 the Municipal Budget is on file in the Office of the City Clerk; now, therefore, be it

RESOLVED that the City Council authorizes the proper City Officials to authorize the execution a lease agreement between the City of Elizabeth and the Housing Authority of the City of Elizabeth to rent the facilities at 250 Second Street, second floor, Elizabeth, New Jersey to house the Federally Qualified Health Center, Neighborhood Health Services, for the period of January 1, 2011 to December 31, 2011, at an annual rate of $32,400.00.

Councilwoman Perkins-Auguste queried to if this is an annual "locked in" amount. She continued that it is her understanding that the Health Center will be housed in the new Elizabethport Presbyterian Center building.

Councilman Grova responded that the building is not completed.

Which was adopted by the following vote:

AFFIRMATIVE: Perkins-Auguste, Cuesta, Jackus, Grova, Gonzalez, Cedeno, Gallman, Mazza, and President Keenan - 9

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the Director of the Department of Planning and Community Development has requested authorization to execute an agreement with the **UNITED YOUTH COUNCIL, INC., 513 Richmond Street, Elizabeth, New Jersey 07201,** in the amount of $2,100.00, to be used to help defray the cost of Citywide Youth Summits and Family Health Festivals. The term will extend from July 1, 2010 until June 30, 2011; and

WHEREAS, funds will be used to help defray insurance costs associated with the agency's Youth Summits and Health festivals. The purpose of the program is to encourage youngsters to confront youth violence, single parenting, drug abuse, and teen pregnancy; and

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available and appropriated for this purpose and Certification No. 11-05513 charging the amount of $2,100.00 to Account Number 0-21-56-182 of the Municipal Budget, is on file in the Office of the City Clerk; and

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

WHEREAS, the Director of the Department of Planning and Community Development has certified that this meets the statute and regulations governing the award of said contract; now, therefore, be it

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

1. The Mayor and the City Clerk are hereby authorized and directed to execute an agreement with the **UNITED YOUTH COUNCIL, INC., 513 Richmond Street, Elizabeth, New Jersey** funds in the amount of $2,100.00 to help defray insurance costs associated with the agency's Youth Summits and Heath Festivals. The term will extend from July 1, 2010 until June 30, 2011.

2. Quotations were not solicited because of the unique nature of the contractor as a non-profit agency within the City of Elizabeth specializing in youth forums that address issues relevant to youth.

3. The nature of the service provided requires experience and extensive training in teaching, counseling and motivating.

4. The performance of this service cannot be reasonably described by written specifications as participants vary in motivation and ability to transfer learned skills.

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, Gallman, Mazza, and President Keenan - 9

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the Director of the Department of Public Works has advised that he has received qualification proposals for consulting professional engineering services and has requested an award of a contract be made to **T & M Associates, Eleven Tindall Road, Middletown, New Jersey 07748-2792,** to provide professional engineering services in connection with the traffic signals design and construction inspection at Broad Street and West Jersey Street; and Traffic Light modifications at Broad Street and Elizabeth Avenue, at a cost not to exceed $79,500.00; and

WHEREAS, the traffic lights at these locations are now obsolete and will be designed to accommodate the additional traffic anticipated in conjunction with the 1,500 car parking garage the Parking Authority is currently constructing on Elizabethtown Plaza; and

WHEREAS, pursuant to **N.J.S.A.** 19:44A-20.5 et seq., this contract was solicited and is being awarded pursuant to a fair and open procedure; and

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available an appropriated for this purpose and Certification No. 11-05731 charging the amount of $79,500.00 to Zone Account No 1-04-55-999-X08-008 of the Municipal Budget, is on file in the Office in the City Clerk; and

WHEREAS, Professional Service contracts are exempt from the provisions of Chapter 2.92 of the code of the City of Elizabeth; and

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

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

1. The Mayor and the City Clerk are hereby authorized and directed to execute a contract with **T & M Associates, Eleven Tindall Road, Middletown, New Jersey 07748-2792,** to provide professional engineering services in connection with the traffic signals design and construction inspection at Broad Street and West Jersey Street, and Traffic Light modifications at Broad Street and Elizabeth Avenue, at a cost not to exceed $79,500.00.

2. This contract is awarded without competitive bidding as a "Professional Service" in accordance with **N.J.S.A.** 40A:11-2(6) of the Local Public Contracts Law because these services require knowledge of an advanced type in a field of learning acquired by a prolonged formal course of specialized instruction and study as distinguished from general academic instruction or apprenticeship and training.

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

Councilman Mazza stated that he received a response to his question and he is satisfied.

Councilman Jackus stated that over the last three months he has requested a snow removal ordinance and suggested placing liens for snow removal and suggested revisiting the ordinance.

Which was adopted by the following vote:

AFFIRMATIVE: Perkins-Auguste, Cuesta, Jackus, Grova, Gonzalez, Cedeno, Gallman, Mazza, and President Keenan - 9

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the Business Administrator has requested authorization for the proper City officials to enter into an agreement with officials of the Elizabeth Board of Education to pay for the Custodial and Security Services for the S.O.A.R. After-School Program at the Nicholas Murray Butler School #23 from October 4 ,2010 through June 10, 2011 in the amount of $24,130.00. This program offers academic and recreational activities for the City of Elizabeth youth ages 6-13; and

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available and appropriated for this purpose and Certification No. 11-05304, charging the amount of $24,130.00 to Account No. 1-01-27-330-OYS-325 the Municipal Budget is on file in the Office of the City Clerk; now, therefore, be it

RESOLVED that the City Council of the City of Elizabeth authorizes the proper City officials to enter into an agreement with the Elizabeth Board of Education to pay for Custodial and Security Services for the S.O.A.R. After-School Program at the Nicholas Murray Butler School #23 from October 4, 2010 through June 10, 2011 in the amount of $24,130.00. This program offers academic and recreational activities for the City of Elizabeth youth ages 6-13.

Which was adopted by the following vote:

AFFIRMATIVE: Perkins-Auguste, Cuesta, Jackus, Grova, Gonzalez, Cedeno, Gallman, Mazza, and President Keenan - 9

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE

WHEREAS, the Director of the Department of Health and Human Services has advised that the Department of Health and Human Services has been awarded a grant of $931,200.00 for the continuation of the H.O.P.W.A. (Housing Opportunities for People with Aids) Program from the City of Newark, Department of Administration; and

WHEREAS, request for the proper City Officials to execute all documents pertaining to the H.O.P.W.A. grant was made for period January 1, 2011 through December 31, 2011; now, therefore, be it

RESOLVED that the City Council of the City of Elizabeth has authorized the proper City Officials to execute all necessary documents for the continuation of the H.O.P.W.A. (Housing Opportunities for People with Aids) Program grant with the City of Newark, Department of Administration for the period January 1, 2011 to December 31, 2011 in the amount of $931,000.00.

Which was adopted by the following vote:

AFFIRMATIVE: Perkins-Auguste, Cuesta, Jackus, Grova, Gonzalez, Cedeno, Gallman, Mazza, and President Keenan - 9

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the Director of the Fire Department has requested authorization for the proper City Officials to apply, accept, and sign all appropriate documents for the U.S. Department of Homeland Security – FY 2010 Assistance to Firefighters Fire Prevention and Safety Program for a grant amount not to exceed $100,000.00; and

WHEREAS, there is a match requirement of twenty percent for all project costs for fire departments that serve populations over 50,000; and

WHEREAS, this grant will allow for the Elizabeth Fire Department to purchase code enforcement and educational materials to assist in the implementation juvenile fire prevention and overall safety programs. These items would enable the Department to provide more efficient and effective services to the City of Elizabeth; and

WHEREAS, the Assistance to Firefighters Fire Prevention and Safety grant Program is designed to award grants to fire departments that address "high-risk target groups and mitigate incidents of death and injuries caused by fire and fire-related hazards"; and

WHEREAS, activities that are eligible through this program include, but are not limited to general prevention/awareness, public education, code enforcement, as well as juvenile firesetter intervention and mitigation; now, therefore, be it

RESOLVED that the City Council of the City of Elizabeth authorizes the proper City Officials to execute all appropriate documents for a U.S. Department of Homeland Security – FY 2010 Assistance to Firefighters Fire Prevention and Safety Program Grant in an amount not to exceed $100,000.00 to assist in the implementation of juvenile fire prevention and overall safety programs.

Which was adopted by the following vote:

AFFIRMATIVE: Perkins-Auguste, Cuesta, Jackus, Grova, Gonzalez, Cedeno, Gallman, Mazza, and President Keenan - 9

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, on September 14, 2010, your City Council adopted a resolution authorizing the proper City Officials to execute a Third Party Agreement to provide a deferred payment loan in the amount of $117,100.00 to NJ Community Development Group, LLC for the acquisition and rehabilitation of 417 Franklin Street, under the Neighborhood Stabilization Program (NSP). This agreement was executed on September 29, 2010; and

WHEREAS, the developer has requested an amendment to the Third Party Agreement because the subject property has environmental issues related to underground storage tanks. Because funds are limited and must be utilized in an expeditious manner, the developer wishes to replace this property with another similar property (without environmental issues) located at 316 Livingston Street. The developer can acquire and rehabilitate the property on Livingston Street within the allowable budget and timeframe. The NJ Department of Community Affairs (NJDCA), administrators of the Neighborhood Stabilization Program (NSP) and provider of funds for this project, has approved this property swap; and

WHEREAS, actual execution of the Third Party Amendment will only occur upon satisfactory completion of the Environmental Review Process upon receipt of the Release of Funds, if necessary, and any other requirements deemed necessary by the U.S. Department of Housing & Urban Development and the New Jersey Department of Community Affairs, in accordance with NSP Program rules and regulations. The Mortgage, Note and Deed Restriction will be executed by the State not the City of Elizabeth; now, therefore, be it

RESOLVED that the City Council of the City of Elizabeth authorized an amendment of the resolution adopted September 14, 2010, authorizing a Third Party Agreement for a Deferred Payment Loan with New Jersey Community Development Group, LLC under the terms of the State Neighborhood Stabilization Program, for the acquisition and rehabilitation 417 Franklin Street, in the amount of $117,000.00, specifically to replace said property due to environmental issues with property located at 316 Livingston Street; and be it

FURTHER RESOLVED the execution of the Third Party Amendment will only occur upon satisfactory completion of the Environmental Review Process, upon receipt of the Release of Funds, if necessary, and any other requirements deemed necessary by the U.S. Department of Housing & Urban Development and the New Jersey Department of Community Affairs, in accordance with NSP Program rules and regulations. The Mortgage, Note and Deed Restriction will be executed by the State not the City of Elizabeth.

Which was adopted by the following vote:

AFFIRMATIVE: Perkins-Auguste, Cuesta, Jackus, Grova, Gonzalez, Cedeno, Gallman, Mazza, and President Keenan - 9

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the City Council of the City of Elizabeth, Department of Planning and Community Development has instituted a HOME Investment Partnership Program funds for the rehabilitation and construction of rental units for low income persons in the City of Elizabeth; and

WHEREAS, as a result of the City of Elizabeth's designation as an Urban Enterprise Zone, qualified businesses are eligible to collect sales tax at the reduced rate of 3.5% as opposed to the full rate of 7%; and

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

WHEREAS, MEL ACOSTA, with offices located at 806 E. Jersey Street, New Jersey 07201, has applied for a Rental Housing Loan on the property located at 115 First Street, Elizabeth, New Jersey for the construction of five (5) residential units and two commercial spaces located at 115 First Street, Elizabeth, New Jersey in the amount of $357,500.00 ($287,500.00 HOME, $70,000.00 UEZ). The total project cost is $931,120.00; and

WHEREAS, the terms of the loan are zero percent interest rate HOME Program Deferred Payment Loan forgiven after compliance with a twenty (20) year affordability period, three year forgivable loan (UEZ) and a zero percent interest rate UEZ Deferred Payment Loan forgiven after compliance with a three (3) year affordability period; and

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

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

WHEREAS, that the Chief Financial officer has certified that sufficient funds are available and appropriated for this purpose in Certification No. 11-05598, charging the amount of $287,500.00 to Account No. 1-14-56-813 and Certification No. 11-05599 charging the amount of $70,000.00 to account No. G-02-41-714 (UEZ) of the Municipal Budget are on file in the Office of the City Clerk; now, therefore, be it

RESOLVED, that the City Council of the City of Elizabeth authorizes the proper City Officials to execute all documents necessary to provide a Rental Housing Program Deferred Payment loan to **MEL ACOSTA, 806 East Jersey Street, Elizabeth, New Jersey** as required under the terms of the U.S. Department of Housing and Urban Development, for the construction of five (5) residential units and two (2) commercial spaces on the property located at 115 First Street, in the maximum amount of $357, 500.00.

Which was adopted by the following vote:

AFFIRMATIVE:	Perkins-Auguste, Cuesta, Jackus, Grova, Gonzalez, Cedeno, Gallman, Mazza, and President Keenan - 9
NEGATIVE:	None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the Director of the Department of Planning and Community Development has requested authorization for the proper City officials to execute any and all documents necessary and appropriate to provide a Energy Efficiency & Conservation Revolving Loan Program to **Manuel Menendez, 814 Pennington Street, Elizabeth, New Jersey** for the premises located at **814 Pennington Street, Elizabeth, New Jersey** the purpose is for Energy Efficient Upgrades to Reduce Utility Expenses; and

WHEREAS, the maximum loan amount of assistance to be provided is not to exceed $10,000.00; and

WHEREAS, the terms are 5% to 2.5% interest rate for two to ten years; and

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available and appropriated for this purpose in Certification No.11-05819 charging the amount of $10,000.00 to Account Number G-02-41-782-10 (EE&CRLP) of the Municipal Budget and 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 a repayable loan in an amount not to exceed $10,000.00, under the Energy Efficiency and Conservation Revolving Loan Program, to **Manuel Menendez, 814 Pennington Street, Elizabeth, New Jersey** for **814 Pennington Street, Elizabeth, New Jersey Elizabeth, New Jersey** for energy efficient upgrades to reduce utility expenses. Said loan shall be guaranteed as a lien on the aforementioned subject property; and be it

FURTHER RESOLVED actual commitment of funds and execution of documents will only occur upon satisfactory review of applicant's credit report and energy audit.

Which was adopted by the following vote:

AFFIRMATIVE: Perkins-Auguste, Cuesta, Jackus, Grova, Gonzalez, Cedeno, Gallman, Mazza, and President Keenan - 9

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the Director of the Department of Planning and Community Development has requested authorization for the proper City officials to execute any and all documents necessary and appropriate to provide a Energy Efficiency & Conservation Revolving Loan Program to **Felisbela Nicolau, 224 Christine Street, Elizabeth, New Jersey** for the premises located at **224 Christine Street, Elizabeth, New Jersey** the purpose is for Energy Efficient Upgrades to Reduce Utility Expenses; and

WHEREAS, the maximum loan amount of assistance to be provided is not to exceed $10,000.00; and

WHEREAS, the terms are 5% to 2.5% interest rate for two to ten years; and

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available and appropriated for this purpose in Certification No. 11-05817 charging the amount of $10,000.00 to Account Number G-02-41-782-10 (EE&CRLP) of the Municipal Budget and 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 a repayable loan in an amount not to exceed $10,000.00, under the Energy Efficiency and Conservation Revolving Loan Program, to **Felisbela Nicolau, 224 Christine Street, Elizabeth, New Jersey** for **224 Christine Street, Elizabeth, New Jersey** for energy efficient upgrades to reduce utility expenses. Said loan shall be guaranteed as a lien on the aforementioned subject property; and be it

FURTHER RESOLVED actual commitment of funds and execution of documents will only occur upon satisfactory review of applicant's credit report and energy audit.

Which was adopted by the following vote:

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

NEGATIVE: None

EXCUSED: GROVA - 1

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the Director of the Department of Planning and Community Development has requested authorization for the proper City officials to execute any and all documents necessary and appropriate to provide a Energy Efficiency & Conservation Revolving Loan Program to **Benjamin Hertz, 920 Pennington Street, Elizabeth, New Jersey for the premises located at 920 Pennington Street, Elizabeth, New Jersey** the purpose is for Energy Efficient Upgrades to Reduce Utility Expenses; and

WHEREAS, the maximum loan amount of assistance to be provided is not to exceed $10,000.00; and

WHEREAS, the terms are 5% to 2.5% interest rate for two to ten years; and

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available and appropriated for this purpose in Certification No. 11-05818 charging the amount of $10,000.00 to Account Number G-02-41-782-10 (EE&CRLP) of the Municipal Budget and 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 a repayable loan in an amount not to exceed $10,000.00, under the Energy Efficiency and Conservation Revolving Loan Program, to **Benjamin Hertz, 920 Pennington Street, Elizabeth, New Jersey for 920 Pennington Street, Elizabeth, New Jersey** for energy efficient upgrades to reduce utility expenses. Said loan shall be guaranteed as a lien on the aforementioned subject property; and be it

FURTHER RESOLVED actual commitment of funds and execution of documents will only occur upon satisfactory review of applicant's credit report and energy audit.

Which was adopted by the following vote:

AFFIRMATIVE: Perkins-Auguste, Cuesta, Jackus, Grova, Gonzalez, Cedeno, Gallman, Mazza, and President Keenan - 9

NEGATIVE: None

42

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the Director of the Department of Planning and Community Development has requested authorization for the proper City officials to execute any and all documents necessary and appropriate to provide a Energy Efficiency & Conservation Revolving Loan Program to **Javier M. Vega, 1058 Applegate Avenue, Elizabeth, New Jersey 07201** for the premises located at **1058 Applegate Avenue, Elizabeth, New Jersey 07201** the purpose is for Energy Efficient Upgrades to Reduce Utility Expenses; and

WHEREAS, the maximum loan amount of assistance to be provided is not to exceed $10,000.00; and

WHEREAS, the terms are 5% to 2.5% interest rate for two to ten years; and

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available and appropriated for this purpose in Certification No. 11-05816 charging the amount of $10,000.00 to Account Number G-02-41-782-10 (EE&CRLP) of the Municipal Budget and 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 a repayable loan in an amount not to exceed $10,000.00, under the Energy Efficiency and Conservation Revolving Loan Program, to **Mr. Javier M. Vega, 1058 Applegate Avenue, Elizabeth, New Jersey** for **1058 Applegate Avenue, Elizabeth, New Jersey** for energy efficient upgrades to reduce utility expense. Said loan shall be guaranteed as a lien on the aforementioned subject property; and be it

FURTHER RESOLVED actual commitment of funds and execution of documents will only occur upon satisfactory review of applicant's credit report and energy audit.

Which was adopted by the following vote:

AFFIRMATIVE: Perkins-Auguste, Cuesta, Jackus, Grova, Gonzalez, Cedeno, Gallman, Mazza, and President Keenan - 9

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the Department of Public Works has caused certain **clean 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 listed 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 of clean up and removal of debris as shown for the properties 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 1/10/2010 Total Amount: $1,117.03.

Which was adopted by the following vote:

AFFIRMATIVE: Perkins-Auguste, Cuesta, Jackus, Grova, Gonzalez, Cedeno, Gallman, Mazza, and President Keenan - 9

NEGATIVE: None

44

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the Business Administrator has recommended a waiver of residency for **Christopher Edmondson, Emergency Medical Technician,** of the EMS Division of the Elizabeth Fire Department, for the approval of one year effective December 12, 2010 notwithstanding the fact that **Christopher Edmondson** is not a resident of the City of Elizabeth; and

WHEREAS, a waiver of the residency requirement for municipal employees as required by Chapter 2.104.of the Code of the City of Elizabeth is permitted by Chapter 2.104.060C of the Code of the City of Elizabeth; and

WHEREAS, the Chief Financial Officer has concurred in the above recommendations; now, therefore, be it

RESOLVED that the City Council of the City of Elizabeth does hereby approve the exception to residency requirement referred to above for **Christopher Edmondson, Emergency Medical Technician,** of the EMS Division of the Elizabeth Fire Department, for the period of one year effective December 12, 2010, with respect to his employment with the City of Elizabeth pursuant to Chapter 2.104.070 of the Code of the City of Elizabeth.

Which was adopted by the following vote:

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

NEGATIVE: [redacted] GROVA, CEDENO, MAZZA - 3

45

BY CITY COUNCIL AS A WHOLE:

RESOLVED that City Council of the City of Elizabeth hereby establishes a handicapped parking space in front of **151 Ripley Place, Elizabeth, New Jersey** as follows, pursuant to the recommendation of the Elizabeth Police Director:

along the North curb line of Ripley Place

beginning at a point 148' East of Second Street

and continuing 13' 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, Cuesta, Jackus, Grova, Gonzalez, Cedeno, Gallman, Mazza, and President Keenan - 9
NEGATIVE:	None

46

BY CITY COUNCIL AS A WHOLE:

RESOLVED that City Council of the City of Elizabeth hereby establishes a handicapped parking space in front of **153 Ripley Place, Elizabeth, New Jersey** as follows, pursuant to the recommendation of the Elizabeth Police Director:

along the North curb line of Ripley Place

beginning at a point 135' East of Second Street

and continuing 13' 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, Cuesta, Jackus, Grova, Gonzalez, Cedeno, Gallman, Mazza, and President Keenan - 9
NEGATIVE:	None

BY CITY COUNCIL AS A WHOLE

WHEREAS, a case is currently pending in the matter of **Linden Yellow Cab v. City of Elizabeth, Civil Action Nos. 09-cv-3974; and Elizabeth Yellow Cab v. City of Elizabeth, Civil Action No.: 08-cv-4749 Elizabeth, et al; and**

WHEREAS, the Law Department and LaCorte, Bundy, Varady & Kinsella, Esq. have recommended settlement; now, therefore, be it

RESOLVED that the City Council of the City of Elizabeth hereby approves and authorizes the settlement of the claims in the matters entitled **Linden Yellow Cab. v. City of Elizabeth, Civil Action Nos. 09-cv-3974, and Elizabeth Yellow Cab v. City of Elizabeth, Civil Action No.: 08-cv-4749 Elizabeth, et al.**

Which was adopted by the following vote:

AFFIRMATIVE:	Perkins-Auguste, Cuesta, Jackus, Grova, Gonzalez, Cedeno, Gallman, Mazza, and President Keenan - 9
NEGATIVE:	None

48

BY CITY COUNCIL AS A WHOLE

WHEREAS, a case is currently pending in workers compensation claim in the matter of **Robert T. Keily v. City of Elizabeth, et al, CP No.: 2007-30131 & CP No. 2008-15394;** and

WHEREAS, the settlement for the December 23, 2006 accident Under C.P. No. 2007-30131 is for 7 ½% of partial total or $8,280.00 and the settlement of the February 2, 2008 accident under C.P. No. 2008-15394 is 25% of partial total for the cervical disc herniations and facial scar or $33,858.00. under the settlement of the second claim the City would be entitled to a credit of 7 ½% of partial total or $8,910.00 for settlement to the petitioner of $24,948.00. The total amount of the settlement claim for both is $33,228.00; and

WHEREAS, the Law Department and Christopher J. Kinsella, Esq. have recommended settlement in the amount of $33,228.00 for the claims filed; and

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available and appropriated for this purpose and Certification No. 11-0573 charging the amount of $ 33,228.00 to Account No. 1-21-56-249 of the Municipal Budget is on file in the Office of the City Clerk; now, therefore, be it

RESOLVED that the City Council of the City of Elizabeth hereby approves and authorizes the settlement of the claims in an amount of $33,228.00 payable to **Robert T. Keily, 4 Farm Tree Road, Manalapan, New Jersey** and the **Attorney for the Plaintiff, Anthony D. Rinaldo, Jr., Esq., 1767 Morris Avenue, Suite 205, Union, New Jersey 07083.**

Which was adopted by the following vote:

AFFIRMATIVE: Perkins-Auguste, Cuesta, Jackus, Grova, Gonzalez, Cedeno, Gallman, Mazza, and President Keenan - 9

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the **Frank O. Mazza Civic Association, 630 Third Avenue, Elizabeth, New Jersey** has requested permission to conduct the St. Vito Procession through the streets of Little Italy of Elizabeth, ending at the corner of High Street and Fourth Avenue, and to have a small street festival, on High Street, beginning at Fourth Avenue and ending at the Elizabeth River, to be held June 11, 2011, 6:00 p.m to 10:30 p.m., and

WHEREAS, June 12, 2011 during the hours from 2:30 p.m. to 9:30 p.m. the festival will include food, vendors, giveaways, music, cultural performances and much more; and

WHEREAS, this City Council deems it is in the best interest of the City of Elizabeth to grant said permission under certain conditions; now, therefore, be it

RESOLVED that the City Council of the City of Elizabeth grants permission for the **Frank O. Mazza Civic Association, 630 Third Avenue, Elizabeth, New Jersey**, to conduct the St. Vito Procession through the streets of Little Italy of Elizabeth, ending at the corner of High Street and Fourth Avenue, and a small street festival, on High Street, beginning at Fourth Avenue and ending at the Elizabeth River, on June 12, 2011, provided that they comply with the requirements of (The Festival Ordinance) Chapter 12.56 of the Code of the City of Elizabeth and (The Parade Ordinance) Chapter12.36 of the Code of the City of Elizabeth; and be it

FURTHER RESOLVED that the City the City's support the services in obtaining the following are requested:

Which was adopted by the following vote:

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

NEGATIVE: None

EXCUSED: MAZZA – 1

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the City of Elizabeth is privileged in having many thousands of citizens who are of their African/American ancestry; and

WHEREAS, the month of February is set aside to honor the contributions and achievements made by African/American's throughout this nation; and

WHEREAS, the African/American community in the City of Elizabeth has contributed greatly to the socioeconomic fabric of our City; and

WHEREAS, the African/American community of Elizabeth has made numerous advances in the fields of education, art, government, sports, and in community services; and

WHEREAS, the richness of ethnic traditions and cultural ancestry serves as an example to our democratic system of values; now, therefore, be it

RESOLVED by City Council of the City of Elizabeth that the month of February is proclaimed as

"AFRICAN/AMERICAN HISTORY MONTH"

in the City of Elizabeth; and be it

FURTHER RESOLVED the City of Elizabeth will conduct a flag raising ceremony in front of Elizabeth City Hall on February 7, 2011 at 4:00 p.m.; and be it

FURTHER RESOLVED that this resolution will be recorded in full upon the minutes of City Council.

Which was adopted by the following vote:

AFFIRMATIVE: Perkins-Auguste, Cuesta, Jackus, Grova, Gonzalez, Cedeno, Gallman, Mazza, and President Keenan - 9

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

51

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

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

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

AVAYA, INC.	**0-01-31-440**	**$**	**3,863.23**
ELIZABETHTOWN GAS	**1-01-31-446**	**$**	**27,066.27**
FLEETCOR TECHNOLOGIES SERVICE	**1-01-31-460**	**$**	**95,649.95**
NATIONAL TERMINAL, INC.	**1-01-31-447**	**$**	**11,109.48**
PEPCO ENERGY SERVICES	**1-01-31-446**	**$**	**7,160.92**
PSE&G	**1-01-31-430**	**$**	**30,622.38**
SPRINT	**1-01-31-440**	**$**	**109.78**
USA MOBILITY	**1-01-31-440**	**$**	**565.91**
VERIZON	**1-01-31-440**	**$**	**21,414.76**
VERIZON WIRELESS	**1-01-31-440**	**$**	**672.16**
VERIZON COMMUNICATIONS	**1-01-31-44**	**$**	**104.23**
VERIZON WIRELESS	**1-01-31-440**	**$**	**15,880.17**

Which was adopted by the following vote:

AFFIRMATIVE: Perkins-Auguste, Cuesta, Jackus, Grova, Gonzalez, Cedeno, Gallman, Mazza, and President Keenan - 9

NEGATIVE: None

52

BY COUNCIL AS A WHOLE:

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

ORGANIZATION	AG	B.L.	R.L.	DATE
Benedictine Academy, Inc.			5249	02/01/11
Rotary Club of Elizabeth			5250	02/04/11

Which was adopted by the following vote:

AFFIRMATIVE: Perkins-Auguste, Cuesta, Jackus, Grova, Gonzalez, Cedeno, Gallman, Mazza, and President Keenan - 9

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the City Council of the City of Elizabeth has learned of the recent death of Cecelia Florence Frazier; and

WHEREAS, she was born in Philadelphia, PA, and she attended the Philadelphia Public School System; and

WHEREAS, in 1963, after working with a carnival called Wilson Truck Show, she moved to Newark, New Jersey and soon after in 1965, she moved to Elizabeth, New Jersey. She moved to the Miglore Manor Housing Project and became involved with forming a tenant association with six other residents; and

WHEREAS, due to her civic interests, Ms. Cely, as she was affectionately known, became well known throughout the City of Elizabeth; and

WHEREAS, she is survived by her only daughter, Cecelia Rosa Mayers; one grand-daughter, Cecelia Florence Mayers (Angel); three brothers Wilson Shepperd, William Shepperd (Eileen), and James Shepperd (Mae); two sisters, Dolores Frazier and Kay Braksdale; sister-in-law, Beverly Quaterbaum, and a host of nieces, nephews, cousins and friend; 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 Cecelia Florence Frazier; 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 Mary Doherty Gillen Barbieri, 93, the first woman to serve on the City Council of the City of Elizabeth; and

WHEREAS, Mrs. Gillen was appointed to the City Council in 1956 to fill a vacancy; and was elected the following year as a Councilwoman.. Upon her appointment to the City Council in 1956, the Elizabeth Daily Journal wrote: "Here, in the very center of the municipal spotlight, steps a woman whose own private life is a saga of heroism"; and

WHEREAS, she grew up in the Sixth Ward, which she would later represent in Council, and was known as "The Lady for the Sixth". She was celebrated as an outspoken advocate for cleaner government, better planning and greater accountability; and

WHEREAS, she served on the City Council as President and Councilwoman at Large until 1966 when she left to pursue a career as an attorney in private practice; and

WHEREAS, she was the valedictorian of her high school class and attended Newark State Teachers College (now Kean University). She later graduated from Fordham University, with highest honors, and from Fordham Law; and

WHEREAS, she Fordham Law while working on the production line at Procter & Gamble in Staten Island. Within three years, she had become secretary to the plant's superintendent, the highest position a woman could reach at the time. Mrs. Gillen practiced law in Elizabeth, and later in Roselle, New Jersey into her 80's'; and

WHEREAS, Mrs. Gillen is survived by her son John J. Gillen, of Warren, New Jersey; her sister, Margaret Doherty, S.D., of Convent Station, New Jersey; her grandchildren; Patricia Gillen, of Scotch Plains, New Jersey; David Gillen, of Westfield, New Jersey; John J. Gillen, Jr. of Colorado and Allison Gillen of Wyoming; as well as three great grandchildren; 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 Doherty Gillen Barbieri, a woman who will be remembered for her civic service and as a prominent member of the area's legal community for thirty years; 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 Richard M. Flores ; and

WHEREAS, Richard lived most of his life in the City of Elizabeth; and

WHEREAS, Richard M. Flores was an undergraduate of Cornell University of New York and graduated from NJIT with a master's degree in electrical engineering. He was a computer science engineer for the U.S. Department of Defense in Red Bank, New Jersey for over twelve years; and

WHEREAS, Mr. Flores was the beloved son of Francisco and Vilma (Aguero) Flores of Elizabeth; loving brother of Lauri White Malloy of Massachusetts, Dr. Eva Karina Flores of New York, Orietta Flores Aguero of Flemington, New Jersey and Fabian Flores of Mexico City, and cherished grandson of his maternal grandmother, Lidia Aguero of Elizabeth. He is survived by two nieces and four nephews; now, therefore, be it

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

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

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

Councilman Grova moved that City Council do now adjourn,

Which was carried unanimously.

Whereupon Council President Keenan declared City Council adjourned at

8:15 p.m.

APPROVED

JOSEPH KEENAN
President of City Council

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