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PROCEEDINGS OF CITY COUNCIL

(OFFICIAL)

ELIZABETH, N.J.

Tuesday Evening
May 8, 2012
7:30 p.m.

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

Council President Gonzalez 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, Chapter 231, P.L. 1975 on December 27, 2011.

PRESENT: Council Members-at-Large: Patricia Perkins-Auguste;
Frank J. Cuesta; Edward Jackus;
Council Members: Manny Grova, Jr., 1st Ward;
Joseph Keenan, 3rd Ward; Carlos Cedeno, 4th Ward;
[redacted]r., 5th Ward; Frank O. Mazza, 6th Ward;
and President Nelson Gonzalez, 2nd Ward; - 8

ABSENT: Gallman - 1

ALSO PRESENT: Jorge Estrada, Special Counsel

PUBLIC SPEAKING

Mr. Edwin Gomez, 202 Stiles Street, stated that he hopes that City Council will consider approving the amendment to the resolution authorizing Colombian Independence Day Festival to be held on July 22, 2012.

Ms. Mary Arias, President, Morris Midtown Business Association, spoke regarding concerns of Mr. Gomez' proposal to host a festival on July 22, 2012, with a rain date of July 28, 2012. She continued that her organization has been granted permission to host the Colombian Cultural Independence Day festival on July 29, 2012.

She asked that City Council consider the "implications" that may arise if Mr. Gomez is granted permission to host a festival one week before theirs.

Ms. Arias stated that the Morris Midtown Business Association "adamantly" opposes this proposal.

Ms. Moreno, Mr. Escobar, Mr. Hector Munoz, Mr. Pedro Rico, Mr. Henry Rosa, Mr. Julian Valencia and Edward Sanchez spoke collectively in favor of two festivals.

Mr. Michael Lobrace, 326 John Street, stated that since 2004, he has been the owner of Michelino's located at the Historic Train Station. He continued that having been a resident of Elizabeth all of his life and his grandparents came to Elizabeth in 1918.

Mr. Lobrace stated that he has been behind on his rent, but the City has worked with him. He continued that there is an issue with vagrants and the Plaza is not kept very clean. He continued that in spite of his financial difficulties, the decision was to keep the restaurant open. He stated further that he has changed it over to a Mexican restaurant and he believes that "the City is going out of its way to hurt him." Mr. Lobrace stated that on the night of the grand opening he was told that he had to remove the banner. He continued that the Mayor has a banner on the Eagle Supermarket building that exceeds the limit. He stated further that "there must be two sets of rules."

Mr. Lobrace stated that on the night of the festival there were police everywhere. He continued that he wants to work with everyone. He stated further that the police had the "Port-O-Johns" for the festival removed.

Ms. Maria Darossi, 212 Livingston Street, stated that she works twelve to fourteen hours a day as a printing company and to receive campaign calls from Oscar Ocasio saying "we need a change" is a nuisance. She continued that Mayor Bollwage continues to fight for this City. She stated further that Mr. Ocasio is constantly saying he is innocent, but she believes that after holding a position for approximately sixteen years, he would not have left so easily.

Ms. Darossi stated that the Mayor did not lay off any police or fire personnel. She continued that she is not a "fan" of Mayor Bollwage, but he does "stand" for this City.

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

PUBLIC HEARINGS

Council President Gonzalez announced that the next business in order would be a public hearing on **Ordinance No. 4302**, entitled:

AN ORDINANCE OF THE CITY OF ELIZABETH, IN THE COUNTY OF UNION, NEW JERSEY, PROVIDING FOR THE RESURFACING OF VARIOUS ROADS LOCATED IN THE CITY OF ELIZABETH AND APPROPRIATING $3,000,000 THEREFOR, AND PROVIDING FOR THE ISSUANCE OF $2,850,000 IN BONDS OR NOTES OF THE CITY OF ELIZABETH TO FINANCE THE SAME

This ordinance was adopted on its first reading at the meeting of City Council held on **April 10, 2012.**

The Notice of Public Hearing was published in the Star Ledger issue of **April 26, 2012.**

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

Council President Gonzalez announced that the next business in order would be a public hearing on **Ordinance No. 4303**, entitled:

AN ORDINANCE OF THE CITY OF ELIZABETH, IN THE COUNTY OF UNION, NEW JERSEY, PROVIDING FOR IMPROVEMENTS TO HOLLAND PLAYGROUND AND CONSTRUCTION OF A SKATE PARK LOCATED IN THE CITY OF ELIZABETH AND APPROPRIATING $1,500,000 THEREFOR, AND PROVIDING FOR THE ISSUANCE OF $1,425,000 IN BONDS OR NOTES OF THE CITY OF ELIZABETH TO FINANCE THE SAME

This ordinance was adopted on its first reading at the meeting of City Council held on **April 10, 2012.**

The Notice of Public Hearing was published in the Star Ledger issue of **April 26, 2012.**

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

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

Council President Gonzalez announced that the next business in order would be a public hearing on **Ordinance No. 4304**, entitled:

AN ORDINANCE TO AMEND CHAPTER 10.16.010 OF THE CODE OF THE CITY OF ELIZABETH SPECIFICALLY A "FOUR-TON WEIGHT LIMIT - STREETS AFFECTED" SPECIFICALLY TO ADD LIDGERWOOD AVENUE, BETWEEN GARDEN STREET TO SOUTH ELMORA AVENUE.

This ordinance was adopted on its first reading at a meeting of City Council held on **April 24, 2012.**

The Notice of Public Hearing was published in the Star Ledger issue of **April 30, 2012.**

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

Councilman Cuesta moved for the approval of Minutes of Council meetings, which was seconded by Council President Gonzalez.

The minutes of the City Council meetings held: Conference Meeting: July 3; August 7; September 4, 18; October 2, 16; November 7, 20; December 4, 18, 2011; Regular Meetings: July 24; August 28; September 11, 25; October 9, 23; November 13, 27; December 11, 26, 2011, were approved as printed.

Council President Gonzalez announced that at this time, Councilwoman Perkins-Auguste will make a presentation to Ms. Ernestine Smith.

Councilwoman Perkins-Auguste announced that at the April 24, 2012 meeting, Ms. Ernestine "Tina" Smith was commended on her being appointed to the N.J. Muscular Sclerosis Task Force. She presented the commendation to her father, Mr. Smith and continued that "Tina" comes up and keeps City Council informed. She stated further that "Tina" is now going to be a member of the N.J. MS Task Force which is a great honor.

Mr. Smith thanked City Council for recognizing his daughter. He announced that "Tina" had to go to the hospital this afternoon and he accepts this commendation on her behalf. He stated further that Ernestine is a dedicated individual.

PETITIONS, COMMUNICATIONS, ETC.

By the Clerk:
Letter dated April 19, 2012, from the Business Administrator recommending the award of a contract to General Sales Administration, t/a Major Police Supply, 47 N. Dell Avenue, Kenvil, NJ, for Fixed Automatic License Plate Recognition Camera Systems for the Police Department for the period of April 13, 2012 through June 30, 2013, at a cost not to exceed $50,000.00.
Which was received.

By the Clerk:
Letter dated April 19, 2012, from the Business Administrator recommending the award of a contract to Stertil Koni USA, Inc., 20 Log Canoe Circle, Stevensville, MD., for Portable Lifts for the Department of Public Works Garage at a cost of $42,682.00 under their State Contract.
Which was received.

By the Clerk:
Letter dated April 26, 2012, from the Business Administrator advising that being satisfied that an emergency did exist, recommends the award of a contract to Doma Construction, Inc., 215 North 12th Street, Newark, NJ, for the demolition of 595 Monroe Avenue in the amount of $13,000.00; and with Novatech, Inc., P.O. Box 814, Old Bridge, NJ, for the asbestos abatement in the amount of $3,500.00.
Which was received.

By the Clerk:
Letter dated April 26, 2012, from the Business Administrator advising that being satisfied that an emergency did exist recommends the award of a contract to Doma Construction, Inc., 215 North 12th Street, Newark, NJ, for the demolition of 597 Monroe Avenue in the amount of $13,000.00; and with Novatech, Inc., P.O. Box 814, Old Bridge, NJ, for the asbestos abatement in the amount of $3,500.00.
Which was received.

By the Clerk:
Letter dated April 27, 2012, from the Business Administrator requesting that your Honorable Body consider authorizing a policy of insurance with James River Insurance Group, P.O. Box 27648, Richmond, VA, through the agent of record, Hughes-Plumer Associates, covering professional liability for the City Engineer and staff for the period of May 10, 2012 to May 10, 2013, at an annual premium of $21,996.00.
Which was received.

By the Clerk:
Letter dated April 27, 2012, from the Business Administrator recommending the award of a contract to Industrial Commercial Cleaning Group, 1000 Atlantic Avenue, 2nd Floor, Camden, NJ, for the furnishing of graffiti removal for the Department of Planning and Community Development for a period of two years from the date of award in an amount not to exceed $30,000.00.
Which was received.

By the Clerk:
Letter dated April 30, 2012, from the Business Administrator requesting that your Honorable Body consider authorizing "The City of Elizabeth" to become a member of the North Jersey Sustainable Communities Consortium and further authorization for the proper City officials to sign all appropriate documents pertaining to the Memorandum of Understanding with the North Jersey Sustainable Communities Consortium to work closely with the other members and the public to create a comprehensive and balanced vision for the region's future and to develop a plan that makes the region attractive to both public and private-sector investment that encourages residential and business growth in areas that can support growth and choose to do so; it is anticipated that the City will be eligible to receive annually for three years up to $20,000.00.
Which was received.

By the Clerk:
Letter dated May 1, 2012, from the Business Administrator requesting authorization for the proper City officials to apply, accept and sign all appropriate documents to the County of Union for Workforce Investment Act (WIA) Youth Programs funding, in collaboration with the Elizabeth Development Company will work with local businesses to train, employ and mentor youth from the City for summer employment, in an amount not to exceed $60,000.00.
Which was received.

By the Clerk:
Letter dated May 1, 2012, from the Business Administrator requesting authorization for the proper City officials to reallocate CDBG Year 36 funds in the total amount of $125,000.00 from the First Street Commercial Construction Project to Brand New Day's Renaissance Apartments Project located at 170-176 First Street as it relates to the approved Elizabethport Neighborhood Revitalization Plan through the Department of Community Affairs.
Which was received.

By the Clerk:
Letter dated May 1, 2012, from the Business Administrator requesting authorization for the proper City officials to reallocate CDBG Year 36 funds in the total amount of $15,000.00 from the First Street Commercial Construction Project to Elizabeth Works Project to launch a Youth & Young Adult Summer Employment Program geared primarily to the Elizabethport.
Which was received.

By the Clerk:
Letter dated May 1, 2012, from the Business Administrator requesting that your Honorable Body consider adopting an ordinance designating 720 North Avenue East as a redevelopment area; direct the Planning Board to review the draft redevelopment plan; adopt the redevelopment plan contingent upon the recommendations of the Planning Board.
Which was received.

By the Clerk:
Letter dated May 1, 2012, from the Chief Financial Officer advising that additional grants may be appropriated in the 2012 SFY Budget by budget amendments.
Which was received.

By the Clerk:
Letter dated May 1, 2012, from the Chief Financial Officer advising that transfers for the 2012 SFY Municipal and Sewer Utility Budgets may be necessary.
Which was received.

By the Clerk:
Letter dated May 1, 2012, from the Chief Financial Officer advising that the SFY 2012 Appropriations Act requires that your Honorable Body approve all payments related to accumulated/uncompensated absence benefits payments in the amount of $18,064.62.
Which was received.

By the Clerk:
Letter dated April 23, 2012, from the Acting Director, Neighborhood Services requesting authorization to have a lien placed against the property situated at 414-420 Magie Avenue for the demolition of said property in the amount of $17,275.00.
Which was received.

By the Clerk:
Letter dated April 18, 2012, from the Director of Planning and Community Development recommending the award of a contract to Harbor Consultants, Inc., to oversee environmental work on Petroleum in the Midtown Redevelopment area at a cost not to exceed $11,000.00, reimbursable under contractual fees.
Which was received.

[redacted]

[redacted]

By the Clerk:
Letter dated April 18, 2012, from the Director of Planning and Community Development recommending awarding a contract to Harbor Consultants, Inc. to oversee environmental work on Hazardous Substances in the Midtown Redevelopment area at a cost not to exceed $11,000.00.
Which was received.

By the Clerk:
Letter dated April 18, 2012, from the Director of Planning and Community Development requests that your Honorable Body consider that there is a need for the E'Port Family Homes Urban Renewal, LP low-income housing in the City of Elizabeth; the proposed project involves the new construction of three (3) apartment buildings containing a total of 52 units in the Elizabethport neighborhood consisting of a 40 unit building at 158-168 First Street, an 8 unit building at 200-206 Third Street and a 4 unit building at 212-214 Third Street.
Which was received.

By the Clerk:
Letter dated April 24, 2012, from the Director of Public Works recommending the award of a contract to Birdsall Service Group, Inc., 65 Jackson Drive, Cranford, NJ, to provide professional engineering services in connection with the design and construction administration of the 2012 Road Resurfacing Program – Phase 1, at a cost not to exceed $88,970.00.
Which was received.

By the Clerk:
Letter dated April 25, 2012, from the Director of Public Works requesting authorization to have liens placed against properties listed on Schedule A attached hereto and made a part hereof for the removal and disposal of debris from said properties in the total amount of $6,697.69.
Which was received.

By the Clerk:
Letter dated April 27, 2012, from the Director of Public Works recommending the award of a contract to Joseph Jingoli & Son, Inc., 100 Lenox Drive, Suite 100, Lawrenceville, NJ, to provide construction management services for the Elizabeth Avenue Streetscape – Phase 2, at a cost not to exceed $67,730.00.
Which was received.

By the Clerk:
Letter dated April 30, 2012, from the Director of Public Works advising that Honorable Roman Montes, Judge, Elizabeth Municipal Court, signed an order authorizing the City to enter the premises located at 856 Bailey Avenue and remediate the dangerous conditions present on the exterior of the property; and is requesting authorization to have a lien placed on the property for the removal and disposal of debris from said property on April 16, 2012, in the amount of $584.12.
Which was received.

By the Clerk:
Letter dated April 10, 2012, from the Police Director, on behalf of Flamingo Bakery, 120 Third Street, recommending the establishment of a loading zone on the north side of Livingston Street, beginning 61 feet west of Third Street and continuing 50 feet west thereof.
Which was received.

[redacted]

[redacted]

By the Clerk:
Letter dated April 25, 2012, from the Police Director requesting authorization for the proper City officials to apply, accept and sign all appropriate documents for the U.S. Department of Homeland Security, FEMA-FY 12 Port Security Grant Program for an amount not to exceed $140,000.00.
Which was received.

By the Clerk:
Letter dated April 30, 2012, from the Police Director requesting the establishment of handicapped/personalized parking spaces at: 420 Livingston Street (personalized), 523 Franklin Street #1 (personalized), 308 Spencer Street, 232 Christine Street, 318 Amity Street 1st Floor, 402 First Avenue; disapproved: 641 First Avenue, 2nd Floor, 564 Jefferson Avenue, and deletions: 29 Second Street, 553 Maple Avenue, 807 Third Avenue.
Which was received.

By the Clerk:
Letter received April 18, 2012, from Coco Bongo Productions requesting permission to host the 9th Annual Colombian Independence Day Festival, Sunday, July 22, 2012, at the corner of Morris Avenue and Westfield Avenue to Julian Place and Union Street, from 12:00 p.m. to 9:00 p.m.; rain date July 28, 2012.
Which was received.

By the Clerk:
Letter dated April 26, 2012, from Arcadis U.S., Inc., 8 South River Road, Cranbury, NJ, requesting an Encroachment Permit to perform environmental work consisting of twelve soil borings and eight monitoring wells within the public right-of-way of Amboy Avenue, Bayway, Burlington Avenue, Krakow Street, South Front Street and Relocated Bayway.
Which was received.

REPORTS OF CITY OFFICERS

By the Clerk:
Letter dated May 8, 2012, 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, May 4, 2012.
Which was received.

By the Clerk:
Letter dated April 23, 2012, from the Chief Financial Officer submitting the City Treasurer's report of Receipts and Disbursements for the month of January, 2012, and Statement of Bank Balances and Investments as of January 31, 2012.
Which was received.

ORDINANCES ON FIRST READING

Council President Gonzalez announced that the next business in order would be the introduction of **Ordinance No. 4307** , which was seconded by Councilman Cuesta, entitled:

AN ORDINANCE TO AUTHORIZE THE ESTABLISHMENT OF A PERSONALIZED HANDICAPPED PARKING SPACE FOR MERICI SELVA, 523 FRANKLIN STREET, ELIZABETH, NEW JERSEY 07206.

The Clerk read the foregoing ordinance.

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

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

NEGATIVE: None

Council President Gonzalez announced that the next business in order would be the introduction of **Ordinance No. 4308** , which was seconded by Councilman Cuesta, entitled:

AN ORDINANCE TO AUTHORIZE THE ESTABLISHMENT OF A PERSONALIZED HANDICAPPED PARKING SPACE FOR JORGE HERRERA, 420 LIVINGSTON, STREET, ELIZABETH, NEW JERSEY 07206.

The Clerk read the foregoing ordinance.

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

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

NEGATIVE: None

Council President Gonzalez announced that the next business in order would be the introduction of **Ordinance No. 4309** , which was seconded by Councilman Cuesta, entitled:

AN ORDINANCE GRANTING AN ENCROACHMENT PERMIT TO ARCADIS U.S., INC., 8 SOUTH RIVER ROAD, CRANBURY, NEW JERSEY 08512, ON BEHALF OF THE PORT AUTHORITY OF NEW YORK AND NEW JERSEY IN ASSOCIATION WITH THE GOETHALS BRIDGE PROJECT, TO PERFORM ENVIRONMENTAL SITE ASSESSMENT WITHIN THE PUBLIC RIGHT-OF-WAY OF AMBOY AVENUE, BAYWAY AVENUE, BURLINGTON AVENUE, KRAKOW STREET, SOUTH FRONT STREET AND RELOCATED BAYWAY AVENUE. ELIZABETH, NEW JERSEY TO INCLUDE TWELVE (12) SOIL BORINGS AND EIGHT (8) MONITORING WELLS.

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, Keenan, Cedeno, [redacted], Mazza, and President Gonzalez - 8

NEGATIVE: None

Council President Gonzalez announced that public notice will be published fixing Tuesday, May 22, 2012 , (Youth in City Government Day) at 2:00 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. 4307, 4308 and 4309, adopted on first reading.

ORDINANCES ON FINAL PASSAGE

Council President Gonzalez announced that the next business in order would be the adoption of **Ordinance No. 4302** , which was seconded by Councilman Cuesta:

AN ORDINANCE OF THE CITY OF ELIZABETH, IN THE COUNTY OF UNION, NEW JERSEY, PROVIDING FOR THE RESURFACING OF VARIOUS ROADS LOCATED IN THE CITY OF ELIZABETH AND APPROPRIATING $3,000,000 THEREFOR, AND PROVIDING FOR THE ISSUANCE OF $2,850,000 IN BONDS OR NOTES OF THE CITY OF ELIZABETH TO FINANCE THE SAME

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

Section 1. The improvement or purpose described in Section 3 of this bond ordinance is hereby authorized to be undertaken by the City of Elizabeth, in the County of Union, New Jersey (the "City"), as a general improvement. For the improvement or purpose described in Section 3 hereof, there is hereby appropriated the sum of $3,000,000 including the sum of $150,000 as the down payment for the improvement or purpose pursuant to the Local Bond Law. The down payment has been made available by virtue of the provision in the capital improvement fund in one or more previously adopted budgets.

Section 2. In order to finance the cost of the improvement or purpose not covered by application of the down payment or otherwise provided for hereunder, negotiable bonds or notes are hereby authorized to be issued in the principal amount of $2,850,000 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds or notes, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvement hereby authorized and the purpose for which the bonds or notes are to be issued is to provide for the reconstruction and resurfacing of various roads in the City to a "Class B" (or greater) standard as provided in the Local Bond Law, as shown on a list on file from time to time with the City Clerk, and including all other work and materials necessary therefor and incidental thereto.

(b) The estimated maximum amount of bonds or notes to be issued for the improvement or purpose is as stated in Section 2 hereof.

(c) The estimated cost of the improvement or purpose is equal to the amount of the appropriation herein made therefor.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with notes issued pursuant to this bond ordinance, and the chief financial officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of the Local Bond Law. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the notes sold, the price obtained and the name of the purchaser.

Section 5. The capital budget or temporary capital budget (as applicable) of the City is hereby amended to conform with the provisions of this bond ordinance to the extent of any

inconsistency herewith. In the event of any such inconsistency and amendment, the resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget or amended temporary capital budget (as applicable) and capital program as approved by the Director of the Division of Local Government Services is on file with the Clerk and is available there for public inspection.

Section 6. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvement or purpose described in Section 3 of this bond ordinance is not a current expense. No part of the costs thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The period of usefulness of the improvement or purpose, within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is 10 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the City as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by $2,850,000, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An amount not exceeding $300,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the improvement or purpose.

Section 7. Any grant moneys received for the purposes described in Section 3 hereof shall be applied either to direct payment of the cost of the improvement or to payment of the obligations issued pursuant to this bond ordinance. The amount of obligations authorized hereunder shall be reduced to the extent that such funds are so used.

Section 8. The full faith and credit of the City is hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the City, and the City shall be obligated to levy ad valorem taxes upon all the taxable real property within the City for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 9. To the extent that any previous ordinance or resolution is inconsistent herewith or contradictory hereto, said ordinance or resolution is hereby repealed or amended to the extent necessary to make it consistent herewith.

Section 10. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

The Clerk read the foregoing ordinance by title.

This ordinance was adopted on its first reading at the City Council meeting held . **April 10, 2012.**

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 **April 26, 2012.**

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

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

NEGATIVE: None

Council President Gonzalez announced that the next business in order would be the adoption of **Ordinance No. 4303** , which was seconded by Councilman Cuesta:

AN ORDINANCE OF THE CITY OF ELIZABETH, IN THE COUNTY OF UNION, NEW JERSEY, PROVIDING FOR IMPROVEMENTS TO HOLLAND PLAYGROUND AND CONSTRUCTION OF A SKATE PARK LOCATED IN THE CITY OF ELIZABETH AND APPROPRIATING $1,500,000 THEREFOR, AND PROVIDING FOR THE ISSUANCE OF $1,425,000 IN BONDS OR NOTES OF THE CITY OF ELIZABETH TO FINANCE THE SAME

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

Section 1. The improvement or purpose described in Section 3 of this bond ordinance is hereby authorized to be undertaken by the City of Elizabeth, in the County of Union, New Jersey (the "City"), as a general improvement. For the improvement or purpose described in Section 3 hereof, there is hereby appropriated the sum of $1,500,000 including the sum of $75,000 as the down payment for the improvement or purpose pursuant to the Local Bond Law. The down payment has been made available by virtue of the provision in the capital improvement fund in one or more previously adopted budgets.

Section 2. In order to finance the cost of the improvement or purpose not covered by application of the down payment or otherwise provided for hereunder, negotiable bonds or notes are hereby authorized to be issued in the principal amount of $1,425,000 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds or notes, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvement hereby authorized and the purpose for which the bonds or notes are to be issued is improvements to Holland Playground and construction of a skate park facility, including, but not limited to, installation of playground improvements, soil testing and disposal, drainage improvements and other recreation field and park improvements in addition to the construction of a skate park, and including all other work and materials necessary therefor and incidental thereto.

(b) The estimated maximum amount of bonds or notes to be issued for the improvement or purpose is as stated in Section 2 hereof.

(c) The estimated cost of the improvement or purpose is equal to the amount of the appropriation herein made therefor.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with notes issued pursuant to this bond ordinance, and the chief financial officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of the Local Bond Law. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the notes sold, the price obtained and the name of the purchaser.

Section 5. The capital budget or temporary capital budget (as applicable) of the City is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. In the event of any such inconsistency and amendment, the resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget or amended temporary capital budget (as applicable) and capital program as approved by the Director of the Division of Local Government Services is on file with the Clerk and is available there for public inspection.

Section 6. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvement or purpose described in Section 3 of this bond ordinance is not a current expense. No part of the costs thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The period of usefulness of the improvement or purpose, within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is 15 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the City as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by $1,425,000, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An amount not exceeding $150,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the improvement or purpose.

Section 7. Any grant moneys received for the purposes described in Section 3 hereof shall be applied either to direct payment of the cost of the improvement or to payment of the obligations issued pursuant to this bond ordinance. The amount of obligations authorized hereunder shall be reduced to the extent that such funds are so used.

Section 8. The full faith and credit of the City is hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the City, and the City shall be obligated to levy ad valorem taxes upon all the taxable real property within the City for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 9. To the extent that any previous ordinance or resolution is inconsistent herewith or contradictory hereto, said ordinance or resolution is hereby repealed or amended to the extent necessary to make it consistent herewith.

Section 10. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

The Clerk read the foregoing ordinance by title.

This ordinance was adopted on its first reading at the City Council meeting held . **April 10, 2012.**

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 **April 26, 2012.**

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

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

NEGATIVE: None

Council President Gonzalez announced that the next business in order would be the adoption of **Ordinance No. 4304**, which was seconded by Councilman Cuesta:

AN ORDINANCE TO AMEND CHAPTER 10.16.010 OF THE CODE OF THE CITY OF ELIZABETH SPECIFICALLY A "FOUR-TON WEIGHT LIMIT - STREETS AFFECTED" SPECIFICALLY TO ADD LIDGERWOOD AVENUE, BETWEEN GARDEN STREET TO SOUTH ELMORA AVENUE.

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

SECTION 1. That **Chapter 10.16.010 - Four-Ton Weight Limit - Streets Affected** of the Code of the City of Elizabeth is amended to **add** the following:

STREET	LOCATION
Lidgerwood Avenue	Garden Street to South Elmora Avenue.

SECTION 2. All ordinances or parts of ordinances inconsistent with the provisions of this ordinance be and the same are hereby repealed.

SECTION 3. If any portion or clause of this ordinance is declared invalid for any reason whatsoever, same shall not affect the validity or constitutionality of any other part or portion of this ordinance.

SECTION 4. The effective date of this ordinance shall be twenty (20) days after its final passage by City Council and approval by the Mayor at the time and in the manner provided by law.

The Clerk read the foregoing ordinance by title.

This ordinance was adopted on its first reading at the City Council meeting held **April 24, 2012.**

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 **April 30, 2012.**

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

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

NEGATIVE: None

NEW BUSINESS

By City Council as a Whole:

Resolved, that the following transfers be made in the FY2012 Municipal Budget appropriations:

Account	Type	Description	Amount
		Transfers To:	
20-100-ADM-100	Salaries & Wages	Business Administration	60,500.00
20-100-PUR-100	Salaries & Wages	Purchasing	0.00
20-105-EMP-100	Salaries & Wages	Employee Benefits	1,200.00
20-105-PER-100	Salaries & Wages	Personnel	5,800.00
20-110-CCO-100	Salaries & Wages	City Council	3,900.00
20-120-ABC-100	Salaries & Wages	ABC	6,300.00
20-120-CCL-100	Salaries & Wages	City Clerk	0.00
20-130-ACC-100	Salaries & Wages	Accounts & Control	10,000.00
20-140-DPR-100	Salaries & Wages	Data Processing	0.00
20-170-CHA-100	Salaries & Wages	Cultural & Heritage	5.00
20-170-DPC-100	Salaries & Wages	Director of Planning	0.00
20-170-ECD-100	Salaries & Wages	Economic Development	350.00
20-170-PZO-100	Salaries & Wages	Planning & Zoning	0.00
21-195-CLI-100	Salaries & Wages	Central Licensing	38,000.00
22-195-HOU-100	Salaries & Wages	Housing	41,000.00
22-195-REN-100	Salaries & Wages	Rent	2.00
22-195-WME-100	Salaries & Wages	Weight Measurements	8,500.00
25-250-PCV-100	Salaries & Wages	Police Civilians	0.00
25-260-ASB-100	Salaries & Wages	Ambulance Service Bureau	0.00
25-260-EMS-100	Salaries & Wages	EMS Collections	58,000.00
25-265-FCI-100	Salaries & Wages	Fire Civilian	20,000.00
26-290-DWP-100	Salaries & Wages	Director Public Works	0.00

Account	Type	Description	Amount
25-265-UFS-100	Salaries & Wages	Fire Prevention	9,000.00
26-305-REY-100	Salaries & Wages	Recycling Department	44,000.00
27-330-DHS-100	Salaries & Wages	Division of Human Services	1,500.00
27-330-REL-100	Salaries & Wages	Relocation	2,700.00
27-335-AIR-100	Salaries & Wages	Air Pollution	3,000.00
28-370-REC-100	Salaries & Wages	Recreation	80,000.00
23-210-INS-100	OE	Insurance	125,000.00
			518,757.00
		Transfers From:	
20-110-MAY-100	Salaries & Wages	Mayor' Office	40,000.00
20-140-DPR-100	Salaries & Wages	Data Processing	30,000.00
20-145-REV-100	Salaries & Wages	Revenue	10,000.00
20-155-LAW-100	Salaries & Wages	Law	40,000.00
20-170-PIN-100	Salaries & Wages	Public Information	50,000.00
22-195-CON-100	Salaries & Wages	Construction	30,000.00
22-195-CLI-100	Salaries & Wages	Central Licensing	0.00
25-265-FIR-100	Salaries & Wages	Fire	30,000.00
26-290-DWP-100	Salaries & Wages	Director Public Works	30,000.00
26-290-EYM-100	Salaries & Wages	Equipment Yard Maintenance	30,000.00
26-300-SPT-100	Salaries & Wages	Streets Parks Trees	53,757.00
27-330-AGE-100	Salaries & Wages	Aging	50,000.00
23-220-000-100	OE	Medical Insurance	125,000.00
		TOTAL	**518,757.00**

Which was adopted by the following vote:

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

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the Division of Local Government Services in compliance with the SFY 2012 Appropriations Act (P.L. 2011, c.85) requires that the Honorable City Council approve all payments related to accumulated/uncompensated absence benefits; and

WHEREAS, as of May 1, 2012, the following employees are entitled to the payment of accumulated/uncompensated absence benefits;

Lilia Cordoves	$15,185.94
George McGuire, Jr.	$2,898.68

; and

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Elizabeth hereby approves the payments for accumulated/uncompensated absence benefits to the following employees;

Lilia Cordoves	$15,185.94
George McGuire, Jr.	$2,898.68

; and

FURTHER RESOLVED, that a certified copy of this resolution be recorded in full upon the minutes of City Council.

Which was adopted by the following vote:

AFFIRMATIVE: Perkins-Auguste, Cuesta, Jackus, Grova, Keenan, Cedeno, [redacted], Mazza, and President Gonzalez - ~~7~~ 8

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the Business Administrator and the Purchasing Agent have recommended per the request of the Director of the Police Department the award of a contract to **GENERAL SALES ADMINISTRATION t/a Major Police Supply, 47 N. Dell Avenue, Kenvil, New Jersey 07847**, for Fixed Automatic License Plate Recognition Camera Systems for the period of April 13, 2012 through June 30, 2013 at a cost not to exceed $50,000.00 under their State Contract No. 80311; and

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

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

WHEREAS, State Contracts are exempt from the provisions of Chapter 2.92 of the code of the City of Elizabeth; and

WHEREAS, the Business Administrator and the Purchasing Agent have advised that the contract in question is a purchase through a State of New Jersey Contract No.80311 requiring approval by this Governing Body in accordance with the provisions of **N.J.A.C.**5:34-1.2; now, therefore, be it ,

RESOLVED that City Council of the City of Elizabeth hereby awards a contract to **GENERAL SALES ADMINISTRATION t/a Major Police Supply, 47 N. Dell Avenue, Kenvil, New Jersey 07847**, for Fixed Automatic License Plate Recognition Camera Systems for the period of April 13, 2012 through June 30, 2013 at a cost not to exceed $50,000.00 under their State Contract No. 80311.

Which was adopted by the following vote:

AFFIRMATIVE: Perkins-Auguste, Cuesta, Jackus, Grova, Keenan, Cedeno, [redacted], Mazza, and President Gonzalez - ~~9~~ 8

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the Business Administrator and the Purchasing Agent have recommended per the request of the Director of Public Works an award of a contract to **Stertil Koni USA, Inc., 20 Log Canoe Circle, Stevensville, Maryland 21666**, for Portable Lifts for the DPW Garage at a cost of $42,682.00 under their State Contract #80126; and

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available and appropriated for this purpose and Certification No. 12-08014, charging the amount of $42,682.00 to Account No. X-04-55-999-X39-001 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 **Stertil Koni USA, Inc., 20 Log Canoe Circle, Stevensville, Maryland 21666**, for Portable Lifts for the DPW Garage at a cost of $42,682.00 under their State Contract.

Which was adopted by the following vote:

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

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, there exists a need to renew the Professional Liability Insurance Policy covering the City Engineer & Staff; and

WHEREAS, the Business Administrator has recommended the renewal of a policy of insurance from **James River Insurance Group, P. O. Box 27648, Richmond, Virginia 23261-7648**, through the agent of record, Hughes-Plumer Associates, covering professional liability for the City Engineer and staff. The term of the policy is May 10, 2012 to May 10, 2013 for the annual premium of $21,996.00; and

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

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available and appropriated for this purpose and Certification No. 12-08645 charging the amount of $21,996.00 to Account Number 12-01-23-210-INS of the Municipal Budget, is on file in the Office 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 Business Administrator has certified that this meets the statute and regulations governing the award of said contract; now, therefore, be it

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

1. The proper City officials are hereby authorized and directed to obtain a policy of insurance from **James River Insurance Group, P. O. Box 27648, Richmond, Virginia 23261-7648**, through the agent of record, Hughes-Plumer Associates, covering professional liability for the City Engineer and staff. The term of the policy is May 10, 2012 to May 10, 2013 for the annual premium of $21,996.00

2. Insurance is specialized in nature inasmuch as the companies issuing same are limited in number and must be approved by the State of New Jersey, through the Department of Insurance and Banking in order to qualify to do business within this state. New Jersey Statute 40A:11-5 (m) exempts the purchasing of insurance coverage from advertising for bids and bidding, which exception shall be in accordance with the requirements of Extraordinary, Unspecifiable Service in accordance with the requirements thereof.

3. This cannot be described by written specifications because of the special nature of the services as described in paragraph one (2).

4. 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, Keenan, Cedeno, [redacted], Mazza, and President Gonzalez - 8

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the Business Administrator and the Purchasing Agent have recommended per the request of the Director of the Department of Planning and Community Development the award of a contract to the **Industrial Commercial Cleaning Group, 1000 Atlantic Avenue, 2nd Floor, Camden, New Jersey 08104,** for Graffiti Removal Services in the amount not to exceed a total of $30,000.00 for a period of two (2) years from date of award; 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;

WHEREAS, the Chief Financial Officer will issue a Certificate of Availability of Funds for the second year of the contract prior to commencement thereof and the second year of the contract is explicitly conditioned upon the issuance of same by the Chief Financial Officer; now, therefore, be it

RESOLVED that the City Council of the City of Elizabeth authorizes the award of a contract to the **Industrial Commercial Cleaning Group, 1000 Atlantic Avenue, 2nd Floor, Camden, New Jersey 08104,** for Graffiti Removal Services in the amount not to exceed a total of $30,000.00 for a period of two (2) years from date of award.

Councilman Jackus announced that the Health Department sends out notices regarding spray paint being locked in cages and not sold to individuals under the age of eighteen. He continued that he has noticed that the spray paint is no longer "locked up." He requested that a letter should be sent to all stores, including 99 cent stores, reminding them of the regulations and "stiff fines" should be issued.

Council President Gonzalez agreed.

Which was adopted by the following vote:

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

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the Director of the Department of Planning and Community Development has recommended the award of a contract to **HARBOR CONSULTANTS, INC., 320 North Avenue East, Cranford, New Jersey** to provide Management Services, to oversee environmental work on Petroleum in Midtown Redevelopment Area at a cost not to exceed $11,000.00. The City was awarded a Brownfield Assessment Grant for the Midtown Redevelopment Area and this contract is reimbursable under the grant award; and

WHEREAS, HARBOR CONSULTANTS, INC., has been involved in projects in the area and familiar with the environmental studies performed in the past. As part of the contract, **HARBOR CONSULTANTS, INC.** can analyze existing reports to create a map to show what has been done on the parcels before, digitally scan the reports into PDF format and assist in preparing the RFP for the Environmental engineering firm to specifically target the scope of what needs to be done; and

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available and appropriated for this purpose and Certification No. 12-08136 charging the amount of $11,000.00 to Account No. G-02-41-767-12 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 "Professional Services" without competitive bids and the contract itself must be available for public inspection; now, therefore, be it

RESOLVED by 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 **HARBOR CONSULTANTS, INC. 320 North Avenue East, Cranford, New Jersey,** to provide Management Services, to oversee environmental work on Petroleum in Midtown Redevelopment Area at a cost not to exceed $11,000.00.
2. This contract is awarded without competitive bidding as a "Professional Service" in accordance with **N.J.S.A.** 40A:11-5(1)(a)(I) of the Local Public Contracts Law because these services require knowledge of an advanced type in a field of learning acquired by a prolonged formal course of specialized instruction and study as distinguished from general academic instruction or apprenticeship and training.
3. A notice of this action shall be printed once in **The Star Ledger.**

Which was adopted by the following vote:

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

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the Director of the Department of Planning and Community Development has recommended the award of a contract to **HARBOR CONSULTANTS, INC., 320 North Avenue East, Cranford, New Jersey** to provide Management Services, to oversee environmental work on Hazardous Substances in the Midtown Redevelopment Area at a cost not to exceed $11,000.00. The City of Elizabeth was awarded a Brownfield Assessment Grant for the Midtown Redevelopment Area and this contract is reimbursable under the grant award; and

WHEREAS, HARBOR CONSULTANTS, INC., has been involved in projects in the area and familiar with the environmental studies performed in the past. As part of the contract **HARBOR CONSULTANTS, INC.**, can analyze existing reports to create a map to show what has been done on the parcels before, digitally scan the reports into PDF format and assist in preparing the RFP for the Environmental Engineering firm to specifically target the scope of what needs to be done; and

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available and appropriated for this purpose and Certification No. 12-08140 charging the amount of $11,000.00 to Account No. G-02-41-768-12 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 "Professional Services" without competitive bids and the contract itself must be available for public inspection; now, therefore, be it

RESOLVED by 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 **HARBOR CONSULTANTS, 320 North Avenue East, Cranford, New Jersey,** to provide Management Services, to oversee environmental work on Hazardous Substances in the Midtown Redevelopment Area at a cost not to exceed $11,000.00.
2. This contract is awarded without competitive bidding as a "Professional Service" in accordance with **N.J.S.A.** 40A:11-5(1)(a)(I) of the Local Public Contracts Law because these services require knowledge of an advanced type in a field of learning acquired by a prolonged formal course of specialized instruction and study as distinguished from general academic instruction or apprenticeship and training.
3. A notice of this action shall be printed once in **The Star Ledger.**

Which was adopted by the following vote:

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

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, on March 9, 2012 the Department of Public Works received and reviewed qualification proposals for consulting professional engineering services for roads and streets; and

WHEREAS, pursuant to New Jersey Public Contract Law the fair and open process in accordance with the N.J.S.A. 19:44A-20.5 et. seq. was followed: and

WHEREAS, the Director of the Department of Public Works has requested an award of a contract to **Birdsall Service Group, Inc., 65 Jackson Drive, P. O. Box 5000, Cranford, N.J. 07016**, to provide professional engineering services in connection with the design and construction administration of the 2012 Road Resurfacing Program – Phase 1 at a cost not to exceed $88,970.00; 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 Chief Financial Officer has certified that sufficient funds are available an appropriated for this purpose and Certification No. 12-08648, charging the amount of $88,970.00 to Account No. X-04-55-999-X23-001 of the Municipal Budget, is on file in the Office in 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 "Professional Services"without competitive bids and the contract itself must be available for public inspections; now, therefore, be it

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

1. The Mayor and the Municipal Clerk are hereby authorized and directed to execute a contract with **Birdsall Service Group, Inc., 65 Jackson Drive, P. O. Box 5000, Cranford, N.J. 07016**, to provide professional engineering services in connection with the design and construction administration of the 2012 Road Resurfacing Program – Phase 1 at a cost not to exceed $88,970.00.

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

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

Which was adopted by the following vote:

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

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the Director of the Department of Public Works has advised that on March 9, 2012, proposals were received for the construction management services; and

WHEREAS, the request for qualifications was solicited through a fair and open process in accordance with **N.J.S.A.** 19:44A-20.5, et Seq., and **N.J.S.A.** 40A:11-5 (a) (i); and

WHEREAS, the Department of Public Works reviewed the qualifications of the respondent, and found the firm of **Joseph Jingoli & Son, Inc.**, to be qualified to provide the City of Elizabeth with construction management services in connection with the construction of the Elizabeth Avenue Streetscape – Phase 2 as per their proposal dated April 26, 2012; and

WHEREAS, the Director of the Department of Public Works has requested authorization to award a contract to **Joseph Jingoli &Son, Inc., 100 Lenox Drive, Suite 100, Lawrenceville, New Jersey 08648,** to provide construction management services for the Elizabeth Avenue Streetscape – Phase 2. The scope of work includes construction management services during the construction and project closeout phase of the project. The project consists of a streetscape on Elizabeth Avenue between Rt. 1 & 9 and Catherine Street at a cost not to exceed $67,730.00; and

WHEREAS, the City of Elizabeth has received funding for this project from the Federal Highway Administration, Transportation Enhancement Program administered through the New Jersey Department of Transportation, in the amount not to exceed $537,814.00 and the Urban Enterprise Zone Assistance Fund in the amount of $46,940.00, UEZ Project 07-151;and

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available and appropriated for this purpose and Certification No. 12-08647, charging the amount of $67,730.00 to Account No. G-02-41-760-10 is on file in the Office of 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 contracts itself must be available for public inspection; 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 to **JOSEPH JINGOLI & SON, INC., 100 Lenox Drive, Suite 200, Lawrenceville, New Jersey 08648,** to provide construction management services to provide construction management services for the Elizabeth Avenue Streetscape – Phase 2 at a cost not to exceed $67,730.00.

2. This contract is awarded without competitive bidding as a "Professional Service" in accordance with **N.J.S.A.** 40A:11-2(b) 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 published in **The Star Ledger**.

Which was adopted by the following vote:

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

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, in June 2009, the U.S. Department of Housing and Urban Development (HUD) joined with the U.S. Department of Transportation, and the Environmental Protection Agency to create an Interagency Partnership for Sustainable Communities. In the context of the federal partnership, HUD created the Sustainable Communities Regional Planning Grant Program in an effort to support metropolitan and multijurisdictional planning efforts that integrate housing, land use, economic and workforce development, transportation, infrastructure plans and to empower jurisdictions to consider the interdependent challenges of economic growth and revitalization, access to opportunity, public health, and environmental impact simultaneously; and

WHEREAS, in November 2011, a group consisting of Rutgers University, the North Jersey Transportation Authority (NJTPA), NJ TRANSIT, the Office for Planning Advocacy and others received a $5 million grant from the US Department of Housing and Urban Development to create the North Jersey Sustainable Communities Consortium ("Consortium") which will guide the development of a Regional Plan for Sustainable Development ("RPSD") for the 13-county NJTPA region; and

WHEREAS, the purpose of this planning effort is to enhance, coordinate, and expand existing planning work being conducted at the local, county, regional, and state level to address economic growth, development, transportation, access to jobs and housing, and other interrelated factors; and

WHEREAS, the grant requires that Consortium participants sign a Memorandum of Understanding that explains the benefits and responsibilities of membership and identifies the processes and procedures that will govern the business of the Consortium; and

WHEREAS, membership in the Consortium is voluntary and open to any public jurisdiction, agency or authority; non-governmental organization; neighborhood association; community and faith-based organization; private corporation or company; or educational institution located in or serving Bergen, Essex, Hudson, Hunterdon, Middlesex, Monmouth, Morris, Ocean, Passaic, Somerset, Sussex, Union and Warren Counties; and

WHEREAS, the Counties of Bergen, Essex, Hudson, Hunterdon, Middlesex, Monmouth, Morris, Ocean, Passaic, Somerset, Sussex, Union and Warren and the Cities of Elizabeth, Newark, New Brunswick, Jersey City and Paterson are eligible to serve on the Consortium Steering Committee if they elect to become a member of the Consortium; and

WHEREAS, local government participation in this effort is critical for its success;

NOW THEREFORE BE IT RESOLVED THAT, [COUNTY/CITY Governing Body] agrees to:

1. Join the North Jersey Sustainable Communities Consortium and become a member of the Consortium Steering Committee;
2. Authorize signature of the Consortium Memorandum of Understanding; and
3. Work collaboratively with the other members of the Consortium and the public to: a) create a comprehensive and balanced vision for the region's future in which the economy, housing market, transportation and infrastructure systems advance and sustain a high quality of life for all the region's residents and ensure the competitiveness of our businesses and industries without endangering natural resources; and b) develop a plan that makes the region attractive to both public- and private-sector investment that encourages residential and business growth in areas that can support growth and choose to do so.

Which was adopted by the following vote:

AFFIRMATIVE: Perkins-Auguste, Cuesta, Jackus, Grova, Keenan, Cedeno, [redacted], Mazza, and President Gonzalez - ~~7~~ 8

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the Business Administrator has requested authorization for the proper City Officials to apply, accept and sign all required documents to the County of Union, for Workforce Investment Act (WIA) Youth Programs funding, in an amount not to exceed Sixty-Thousand ($60,000.00) Dollars; and

WHEREAS, with the anticipated grant funding, the City in collaboration with The Elizabeth Development Company, will work with local businesses to train, employ and mentor youths from the City of Elizabeth for summer employment; and

WHEREAS, the "Elizabeth Works" program is consistent with President Obama's Summer Jobs + Initiative. This federally supported programs calls on business, non-profits, and government to work together to provide pathways to employment for low-income and disconnected youth in the summer of 2012; now, therefore, be it

RESOLVED that the City Council of the City of Elizabeth authorizes the proper City Officials to apply, accept and sign all required documents to the County of Union, for Workforce Investment Act (WIA) Youth Programs funding, in an amount not to exceed Sixty-Thousand ($60,000.00) Dollars.

Which was adopted by the following vote:

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

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the Director of the Police Department has requested authorization for the proper City Officials to apply, accept and sign all appropriate documents for the U.S. Department of Homeland Security: FEMA –FY 12 Port Security Grant Program (PSGP) for an amount not to exceed $140,000.00; and

WHEREAS, the FY2012 PSGP plays an important role in the implementation of Presidential Policy Directive 8 by supporting the development and sustainment of core capabilities. These are essential or the execution of each of the five mission areas outlined to the National Preparedness Goal (NPG)…The FY2012 PSGP supports all core capabilities in the Prevention, Protection Mitigation, Response and Recovery mission areas based on allowable costs"; and

WHEREAS, through the FY 2012 Port Security grant, a funding request will be Submitted under the category of enhancing improvised explosive device and chemical biological, radiological, nuclear, explosive (DBRNE) prevention, protection, response and supporting recovery capabilities; and

WHEREAS, in order to achieve these goals, the City of Elizabeth will utilized Anticipated grant funds to acquire face pieces, self-contained breathing apparatus, Level B suits, (CBRNE) kits, batteries, cartridges' as well as a 5X multi-gas detector kit for the Elizabeth Police Department. This grant application requires 25% in matching funds;

WHEREAS, access to specialized equipment enables improved preparation, increased safety and enhanced services for residents, thus positively impacting the entire City; and

RESOLVED that the City Council of the City of Elizabeth authorizes the proper City Officials to apply, accept and sign all appropriate documents for the U.S. Department of Homeland Security: FEMA –FY 12 Port Security Grant Program (PSGP) for an amount not to exceed $140,000.00.

Which was adopted by the following vote:

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

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the Business Administrator has requested authorization to relocate a total of $125,000.00 in CDBG funds from CDBG Year 36 from the First Street Commercial Construction Project to Brand New Day's Renaissance Apartments Project. The Elizabeth Development Company (EDC) will execute a zero interest loan agreement contingent on an allocation of tax credits from NJHMFA, and placed in an escrow account with the financial institution providing the construction financing for the project; and

WHEREAS, the request for the reallocation of funds will be used for the purpose of carrying expenses during construction of this project. EDC is a public, non-profit company of the State of New Jersey, whose purpose is to improve the economic well being of the City of Elizabeth by providing a comprehensive program of economic development. EDC will further the economic development of the City of Elizabeth by promoting and assisting growth and development of business within the geographic area of the City of Elizabeth and the greater Elizabeth economic community. All programs are designed to meet one or more of the objectives outlined by the Department of Housing and Urban Development and/or the Urban Enterprise Zone program of New Jersey. These objectives are achieved through an emphasis on increased employment and by encouraging and stimulating new industrial, commercial and neighborhood development and by expanding and or retaining the existing industrial and commercial base of the City; now, therefore, be it

RESOLVED that the City Council of the City of Elizabeth authorizes the proper City Officials to reallocate CDBG Year 36 funds in the amount of $125,000.00 from the First Street Commercial Construction Project to Brand New Day's Renaissance Apartment Project, located at 170-176 First Street, as it relates to the approved Elizabethport Neighborhood Revitalization Plan through the Department of Community Affairs.

Which was adopted by the following vote:

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

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the Business Administrator has requested authorization for the proper City Officials to reallocate a total of Fifteen Thousand ($15,000.00) Dollars in CDBG funds from CDBG Year 36 from the First Street Commercial Construction Project to the Elizabeth Works Program that The Elizabeth Development Company (EDC), will be administering in partnership with the City of Elizabeth and the Union County Workforce Investment Board aimed at connecting Elizabeth's underserved youth with jobs and learning opportunities in the City and county, which is geared primarily to Elizabethport; and

WHEREAS, the request for the reallocation of funds will be used for the purpose of program development, employer and client outreach, job placement, employer support, assessment of program, web based financial literacy program and mentorship; and

WHEREAS, The Elizabeth Development Company is a public, on-profit company of the State of New Jersey, whose purpose is to improve the economic well being of the City of Elizabeth by providing comprehensive program of economic development. EDC will further the economic development of the City of Elizabeth by promoting and assisting growth and develop ment of business within the geographic area of the City of Elizabeth and the greater Elizabeth economic community. All programs are designed to meet one or more of the objectives outlined by the Department of Housing and Urban Development and/or the Urban Enterprise Zone program of New Jersey. These objectives are achieved through an emphasis on increased employment and by encouraging and stimulating new industrial, commercial and neighborhood development and by expanding and or retaining the existing industrial and commercial base of the City; now, therefore, be it

RESOLVED that the City Council of the City of Elizabeth authorizes the proper City Officials to reallocate a total of Fifteen Thousand ($15,000.00) Dollars in CDBG funds from CDBG Year 36 from the First Street Commercial Construction Project to the Elizabeth Works Program that The Elizabeth Development Company (EDC), will be administering in partnership with the City of Elizabeth and the Union County Workforce Investment Board aimed at connecting Elizabeth's underserved youth with jobs and learning opportunities in the City and county, which is geared primarily to Elizabethport.

Which was adopted by the following vote:

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

NEGATIVE: None

FORM OF
RESOLUTION OF NEED FROM MUNICIPALITY

WHEREAS, E'Port Family Homes Urban Renewal, LP (hereinafter referred to as the "Sponsor") proposes to construct a 52 unit rental housing development for low and moderate income families. The development will consist of three buildings located as follows: a 40 unit building at 158-168 First St.; an 8 unit building at 200-206 Third St; and a 4 unit building at 212-214 Third St. (hereinafter referred to as the "project") pursuant to the provisions of the New Jersey Housing and Mortgage Finance Agency Law of 1983, as amended (N.J.S.A. 55:14K-1 et seq.), the rules promulgated thereunder at N.J.A.C. 5:80-1.1 et seq., and all applicable guidelines promulgated thereunder (the foregoing hereinafter collectively referred to as the "HMFA Requirements") within the City of Elizabeth (hereinafter referred to as the "Municipality") on a site described as Block 2, Lots 369, 371 & 372 and Block 3, Lots 1023 and 1026 as shown on the Official Assessment Map of the City of Elizabeth, Union County and commonly known as the E'Port Family Homes Scattered Site Project, New Jersey; and

WHEREAS, the Project will be subject to the HMFA Requirements and the mortgage and other loan documents executed between the Sponsor and the New Jersey Housing and Mortgage Finance Agency (hereinafter referred to as the "Agency"); and

WHEREAS, pursuant to the HMFA Requirements, the governing body of the Municipality hereby determines that there is a need for this housing project in the Municipality.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Elizabeth (the "Council") that:

(1) The Council finds and determines that the 52 unit scattered site rental housing development project proposed by the Sponsor meets or will meet an existing housing need;

(2) The Council finds and determines that the 52 unit scattered site rental housing development project proposed by the Sponsor meets or will meet all or part of the municipality's low and moderate income housing obligation;

(3) The Council does hereby adopt the within Resolution and makes the determination and findings herein contained by virtue of, pursuant to, and in conformity with the provisions of the HMFA Law to enable the Agency to process the Sponsor's application for Agency funding to finance the Project.

Which was adopted by the following vote:

AFFIRMATIVE: Perkins-Auguste, Cuesta, Jackus, Grova, Keenan, Cedeno, [redacted], Mazza, and President Gonzalez - ~~9~~ 8

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

RESOLVED, that a loading zone for the **Flamingo Bakery, 120 Third Street**, Elizabeth, New Jersey on Livingston Street, on the North side, Beginning 61' West of Third Street and continuing 50' West thereof.

Which was adopted by the following vote:

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

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, under the provisions of **N.J.S.A.** 52:27D-119 et seq. as amended known as the "State Uniform Construction Code Act", and of **N.J.A.C.** 5:23.1 et seq., known as the "Regulations for the New Jersey Uniform Construction Code", emergent powers are granted to municipal construction officials to demolish or make safe and secure buildings or structures that have become unsafe, or unsanitary, or which contain deficient or blocked exit way facilities, or which constitute a fire hazard or are otherwise dangerous to human life or the public welfare, or which, by reason of illegal or improper use or occupancy, have become unsafe; and

WHEREAS, certain structures on premises located at **414-420 Magie Avenue, Elizabeth, New Jersey 07202, Block 13, Lot 800,** meet one or more of the criteria hereinabove mentioned; and

WHEREAS, the Bureau of Construction has caused to be demolished the said structure located at, **414-420 Magie Avenue, Elizabeth, New Jersey 07202, Block 13, Lot 800,** after due and proper notice to the owner thereof, as required, and the owner thereof having been notified of the cost to the City and said costs not having been paid to the City of Elizabeth, and the Construction Official of the Bureau of Construction having so advised City Council that said costs have been incurred by the City is $17,275.00; and

WHEREAS, the City Council having examined the communication to it from the Construction Official of the Bureau of Construction and having found same to be correct; now, therefore, be it

RESOLVED by City Council of the City of Elizabeth that the cost as shown on the communication of the Construction Official of the Bureau of Construction of the City of Elizabeth for demolition of a structure at 414-420 Magie Avenue, **Elizabeth, New Jersey 07202, Block 13, Lot 800.** The cost incurred was $17,275.00, which said lien shall hereafter form part of the taxes next to be assessed and levied upon said lands, 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 the provisions of the Code of the City of Elizabeth.

Which was adopted by the following vote:

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

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 04/25/2012 Total Amount: $6,697.69.

Which was adopted by the following vote:

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

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the Department of the Department of Neighborhood Services has caused certain cleaning up and removal of debris from premises known as **856 Bailey Avenue, Elizabeth, New Jersey, Tax Account No. 10-77A** after due and proper notice to the owner thereof as required and the owner thereof having been notified of the cost to the City in the sum of **$584.12.** The cost of removal has not been paid to the City of Elizabeth as required and the Director of the Department of Public Works having certified to City Council the cost to the City in the sum of **$584.12**; and

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

RESOLVED by City Council of the City of Elizabeth that the cost as shown on the certificate of the Director of Public Works of costs to the City for removal of debris at **856 Bailey Avenue, Elizabeth, New Jersey, Tax Account No. 10-77A,** is hereby made a lien on said property, which lien shall hereafter form part of the taxes next to be assessed and levied upon said lands in the sum of **$594.12**, 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.

Which was adopted by the following vote:

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

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

RESOLVED that City Council of the City of Elizabeth hereby establishes a handicapped parking space in front of **232 Christine Street, Elizabeth, New Jersey 07202**, as follows, pursuant to the recommendation of the Elizabeth Police Director:

along the East curb line of Christine Street

beginning at a point 126' North of Third Avenue

and continuing 22' West thereof;

and be it

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

Which was adopted by the following vote:

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

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

RESOLVED that City Council of the City of Elizabeth hereby establishes a handicapped parking space in front of **17 Sayre Street, Elizabeth, New Jersey 07208**, as follows, pursuant to the recommendation of the Elizabeth Police Director:

along the North curb line of Sayre Street

beginning at a point 219' West of Morris Avenue

and continuing 22' West thereof;

and be it

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

Which was adopted by the following vote:

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

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

RESOLVED that City Council of the City of Elizabeth hereby amends Chapter 10.44.020 of the Code of the City of Elizabeth to delete the handicapped parking spaces at premises commonly known as **29 Second Street, 553 Maple Avenue** and **807 Third Avenue, Elizabeth, New Jersey** in accordance with the recommendation of the Police Director.

Which was adopted by the following vote:

AFFIRMATIVE: Perkins-Auguste, Cuesta, Jackus, Grova, Keenan, Cedeno, [redacted], Mazza, and President Gonzalez - ~~9~~ 8

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE

WHEREAS, a case is currently pending in the matter of **Andrew R. Cox v. City of Elizabeth, et al, CP No.: 2011-10952;** and

WHEREAS, the Law Department and Christopher J. Kinsella, Esq. have recommended settlement for 33 1/3% of partial total or $15,582.00; and

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available and appropriated for this purpose and Certification No 12-08646 charging the amount of $15,582.00 to Account No. 02-21-56-249 of the Municipal Budget is on file in the Office of the City Clerk; now, therefore, be it4

RESOLVED that the City Council of the City of Elizabeth hereby approves and authorizes the settlement of the claim in an amount of $15,582.00 payable to **Andrew R. Cox, 49A Chestnut Street, Red Bank, New Jersey 07701,** and the **Attorney for the Plaintiff, Daniel Geddes, LLC. 1435 Morris Avenue, 3rd Floor, Union, New Jersey 07083.**

Which was adopted by the following vote:

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

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE

WHEREAS, a case is currently pending in the matter of **Jose Romero v. City of Elizabeth, et al, CP No.: 2011-477;** and

WHEREAS, the Law Department and Christopher J. Kinsella, Esq. have recommended settlement for 15% of partial total or $19,080.00; and

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available and appropriated for this purpose and Certification No 12-09663 charging the amount of $19,080.00 to Account No. 02-21-56-249 of the Municipal Budget is on file in the Office of the City Clerk; now, therefore, be it4

RESOLVED that the City Council of the City of Elizabeth hereby approves and authorizes the settlement of the claim in an amount of $19,080.00 payable to **Jose Romero, 528 Edgar Road, Elizabeth, New Jersey 07202,** and the **Attorney for the Plaintiff, Druckman & Hernandez, 575 Morris Avenue, Elizabeth, New Jersey 07208.**

Which was adopted by the following vote:

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

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, Coco Bongo Productions, 294 Morris Avenue, Elizabeth, New Jersey 07208, has requested permission from the City Council of the City of Elizabeth to conduct their Ninth annual Colombian Independence Day Street Festival on Sunday, July 22, 2012, (rain date July 28, 2012) on the corner of Morris Avenue, and Westfield Avenue, to Julian Place and Union Street from 12:00 noon to 9:00 p.m.; now, therefore, be it

RESOLVED that the City Council of the City of Elizabeth **Coco Bongo Productions, 294 Morris Avenue, Elizabeth, New Jersey 07208,** has requested permission from the City Council of the City of Elizabeth to conduct their Ninth annual Colombian Independence Day Street Festival on Sunday, July 22, 2012, (rain date July 28, 2012) on the corner of Morris Avenue, and Westfield Avenue, to Julian Place and Union Street from 12:00 noon to 9:00 p.m on the condition that it comply with all provisions contained in Chapter 12.56 of the Code of the City of Elizabeth.

Councilman Cedeno stated that he "definitely" wants everyone to understand that he "truly cares and respects both organizations." He continued that there is "tension" between both organizations and he hopes to eventually have one large festival. He stated further that there is a delicate situation as well as history with both organizations.

Councilman Cedeno stated that everyone has the right to apply for a festival permit and he is not in the position to choose one over the other. He stated further that he hopes and prays that there will be one festival because he wants to see peace.

Council President Gonzalez stated that every organization has the right to make an application. He continued that as the Ward Councilman, Councilman Cedeno will have Council's support.

Which was adopted by the following vote:

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

NEGATIVE: None

48

BY CITY COUNCIL AS A WHOLE: [redacted]

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.	2-01-31-440	$	5,865.75
CONSTELLATION NEW ENERGY, INC.	2-01-31-430	$	41,716.54
ELIZABETHTOWN GAS	2-01-31-446	$	10,904.51
FLEETCOR TECHONOLOGIES SERVICE	2-01-31-460	$	118,663.27
LANGUAGE LINE SERVICES	2-01-43-490-MCO-302	$	958.34
NEXTEL COMMUNICATIONS	2-01-27-330-HEA-325	$	1,617.95
PSE&G	2-01-31-430	$	207,471.12
RELIANT ENERGY	2-07-55-500-SEW-351	$	27,695.40
SPRINT	2-01-31-440	$	1,870.02
USA MOBILITY	2-01-31-440	$	174.18
VERIZON	2-01-31-440	$	72,059.63
VERIZON CABS	2-01-31-440	$	197.75
VERIZON WIRELESS	2-01-31-440	$	17,340.94
VERIZON COMMUNCIATIONS, INC.	2-01-31-440	$	1,160.39

Which was adopted by the following vote:

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

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the City Council of the City of Elizabeth has learned that Captain Brian Santos, of the, Elizabeth Fire Department, will be the recipient the 2012 Valor Award from the 200 Club of Union County; and

WHEREAS, on July 22, 2012, off-duty, Captain Brian Santos was traveling home along Route 31 in Clinton Township. He came upon a car on its roof, off the roadway and on fire. A snapped telephone pole and wires were down across the roadway; and

WHEREAS, realizing this accident had just occurred and there probably were trapped occupants, Captain Santos jumped from his vehicle to immediately check. He found the driver unconscious in the vehicle suspended upside down by his safety belt; and

WHEREAS, despite the fact that there was increasing fire and smoke Captain Santos crawled into the passenger compartment over broken glass and mangled metal to try to free the driver. After several attempts he could not release the belt due to the weight of the driver pushing on the seatbelt. As conditions rapidly deteriorated, he called out to bystanders for a knife. While Santos was waiting for the bystander to return with a knife, a local firefighter who arrived on the scene attempted to order him out of the vehicle. Captain Santos was determined and would not leave until he brought the driver with him. The bystander returned with a knife, and he was able to free the driver, lower him and then pull the driver safely from the vehicle. He was administered first aide and held in spinal traction until local units arrived; and

WHEREAS, Captain Santos acted alone, without a crew to back him up, and did not have protective gear and performed the job as he was trained. It is without question that Captain Santos went well above and beyond the sworn call to duty at great risk to his own personal safety and life. He made a split-second decision to help a total stranger and never thought twice about what may happen to him in the process; now, therefore, be it

RESOLVED that City Council of the City of Elizabeth hereby extends its congratulations and commends Captain Brian Santos for being the recipient of the 2012 Valor Award from the 200 Club of Union County for recognition for his professionalism, valiant, fearless and expeditious actions; and be it

FURTHER RESOLVED that, as a token of appreciation to Captain Brian Santos, this resolution be spread in full upon the minutes of this meeting of City Council and that the City Clerk be directed and authorized to forward a certified copy of this resolution to Captain Brian Santos.

Which was adopted by the following vote:

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

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the City Council of the City of Elizabeth has learned that the 200 Club of Union County will be honoring three Elizabeth police officers for their acts of bravery; and

WHEREAS, on a cold January morning when they chased down two carjacking suspects, one who was armed with a fully-loaded .40 caliber Glock. As the officers ran after the men, the suspect with the gun turned around and pointed it at them; and

WHEREAS, gold plaques will be distributed for acts of bravery to the following Elizabeth Police Officers:

Paul Camarinha

Howard Decker

Detective Raul Dela Prida

;now, therefore, be it

RESOLVED that City Council of the City of Elizabeth hereby extends its congratulations and commends **Paul Camarinha**, Howard Decker, Detective Raul Dela Prida, for being the recipient of the 2012 Valor Award from the 200 Club of Union County for recognition for his professionalism, valiant, fearless and expeditious actions; and be it

FURTHER RESOLVED that, as a token of appreciation to Captain Brian Santos, this resolution be spread in full upon the minutes of this meeting of City Council and that the City Clerk be directed and authorized to forward a certified copy of this resolution to **Paul Camarinha**, Howard Decker, Detective Raul Dela Prida.

Which was adopted by the following vote:

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

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the City Council of the City of Elizabeth has learned of recent death of Ella Belle Wooten, a life-long resident of the City of Elizabeth, New Jersey; and

WHEREAS, Ella was born on July 6, 1919, to the late Malachi Richardson and Mamie Arnold in Columbia, South Carolina; and

WHEREAS, Ella was raised by her Aunt Ida Gladden when she came to Elizabeth at an early age and attended Elizabeth public schools; and

WHEREAS, Ella at a very young age married her life-time partner, William D. Wooten, Sr. and in her early years of marriage work as a housekeeper; and

WHEREAS, in 1977, Ella attended Middlesex College where she earned a Certificate in food handling and preparation. Ella then worked in the Food Service area at Jefferson High School and Jefferson Park Daycare Center, Elizabeth, NJ, until she retired; and

WHEREAS, Ella's love for the Lord lead her to be a life-long member of Shiloh Baptist Church, Elizabeth, NJ. Next to God, Ella loved her family and enjoyed preparing food for family and friends; and

WHEREAS, Ella was predeceased by her parents, late husband, William D. Wooten, Sr, daughters, Jean R. Williams and Estoria Brooks, three brother and a sister; now, therefore, be it.

WHEREAS, Ella leaves to celebrate the precious memories of her life, children: Dolores Perkins, Edward J. Williams (son-in-law), Fleeta B. Bulle (Allen), William D. Wooten, Jr., (Catherine), Lennie Wooten (Rose), Arthur D. Wooten (Sharon) and loving family member Jackie Wooten, 23 grandchildren, great grandchildren, great-great grandchildren and a host of nieces, nephews, cousins and friends.

RESOLVED that the City Council of the City of Elizabeth hereby expresses its condolences at the passing of Ella Belle Wooten and wishes to express sympathy to her family and friends at this time, during their loss; and be it

FURTHER RESOLVED that this expression of our sympathy be recorded in full upon the minutes of City Council and a certified copy be sent to Ella Belle Wooten's 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 A. Schipani (nee Priolo), 77; and

WHEREAS, Mary was born in Brooklyn, New York. In 1946, she settled in Elizabeth, where she resided until moving to Brick, New Jersey in 1962; and

WHEREAS, Mary was a homemaker who enjoyed decorating and celebrating all of the holidays by displaying her miniature figurines; and

WHEREAS, Mary was a devoted and loving mother, grandmother and great-grandmother; and

WHEREAS, she is survived by her sons, John and his wife, Jacqueline; Nicholas, Jr., and his wife, Linda; and Frank and his wife Anna; and grandchildren, Kristine, Angela, Gina and Ashley Schipani, Jennifer Lebria, Nicole Matos, Michael and Lady Cabral. She is survived by five great-grandchildren. Mary was predeceased by her husband, Nicholas Schipani, Sr.; now, therefore, be it

RESOLVED that the City Council of the City of Elizabeth hereby expresses its condolences at the passing of Mary A. Schipani and wishes to express sympathy to her family, relatives and friends at this time of their loss; and be it

FURTHER RESOLVED that this expression of our sympathy be recorded in full upon the minutes of City Council and a certified copy be sent to Mary A. Schipani's 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 Gerardo "Jerry" Malgieri, 91; and

WHEREAS, Jerry was born in Vallata, Avellino, Italy. He came to the United States in 1932, settling in Elizabeth, New Jersey for over twenty-two years and moving to Scotch Plains, N.J. in 2004; and

WHEREAS, he was a graduate of Thomas Jefferson High School, in Elizabeth, N.J., Morehead State College in Kentucky and School of Interior Design in St. Louis, Mo, as a master upholsterer; and

WHEREAS, Jerry taught at the Newark Vo-Tech and in the 1950's he established his own company of design, Malgieri's Decorators, in Elizabeth, N.J., which he operated for many years; and

WHEREAS, Jerry was a Navy veteran of World War II, a member of the Department of Veterans Affairs and a founding President of Gioventu Vallatese Club in Elizabeth, N.J., which he operated for many years; and

WHEREAS, survivors include his beloved wife of sixty-five years, Geraldine (nee Strazzella) Malgieri; his devoted children; Carmine G; Madeline; Carolyn Apostolo and her husband, Antonio and Camille DiNardo and husband, Nicola; his sister, Marie Lugara; his sister-in-law, Stella Malgieri, and his four cherished grandchildren, Patrick and Anna Apostolo, Angela and Antonio DiNardo. He was predeceased by his brothers, Frank, Vito and Mario and his sister, Carmela "Penny" Grizaffi; now, therefore, be it

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

FURTHER RESOLVED that this expression of our sympathy be recorded in full upon the minutes of City Council and a certified copy be sent to Gerardo "Jerry" Malgieri 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 Emanuela Maria Fierro,85; and

WHEREAS, born in Vallata, Italy, Emanuela came to the United States in 1972, settling in Newark, before moving to Union 12 years ago;

WHEREAS, she was a seamstress retiring twenty-one years ago; and

WHEREAS, Emanuela is survived by her beloved husband Remo Fierro, loving children Antonio Fierro and his wife Madalena, and Rita Giorgio and her husband Antonio, dear sister of Francesco "Alfonzo", sister Rosaria, Gerarda, and Alfonsina, cherished grandchildren, Joseph, Alessandro, Emanuela and Remo, great-grandmother of Joshua, Sara and Antonio; now, therefore, be it

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

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

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

Councilman Cuesta moved that City Council do now adjourn,

Which was carried unanimously.

Whereupon Council President Gonzalez declared City Council adjourned at

8:25 p.m.

APPROVED

NELSON GONZALEZ
President of City Council

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