/

PROCEEDINGS OF CITY COUNCIL

(OFFICIAL)

ELIZABETH, N.J.

Tuesday Evening
February 14, 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; [redacted];
Council Members: Manny Grova, Jr., 1st Ward;
Joseph Keenan, 3rd Ward; Carlos Cedeno, 4th Ward;
William Gallman, Jr., 5th Ward; Frank O. Mazza, 6th Ward;
and President Nelson Gonzalez, 2nd Ward; - ~~7~~ 8

ABSENT: Jackus - 1

ALSO PRESENT: Jorge Estrada, Special Counsel

NOTE: Councilwoman Perkins-Auguste arrived at the meeting at 7:35 p.m. and assumed her seat.

PUBLIC SPEAKING

Ms. Maria Darassi, 324 Franklin Street, spoke to the interview with Mr. Stein, Esq., in the "Star Ledger". She continued that there was a Town Hall meeting and only one member of the Board of Education "showed up" and that was Ms. Marie Munn and she was the last one that was expected to attend. She stated further that the Board of Education will say that they want to work with the residents but never do.

Mr. Carlos Trujillo, 554 Fulton Street, stated that he has great concern with the ability to give out so many handicapped parking spaces. He continued that parking is at a premium. He spoke to a flyer that was distributed to the residents, a glossy booklet, and was concerned about this. He stated further that everyone is aware of the great job that the Police Department is doing, but "$100,000.00 will go a long way."

Mr. Trujillo stated that City Council sits back and does not say anything about it, but he would like to hear Council's comments on this booklet. He continued that this booklet is supposed to be paid for with confiscated drug money. He queried to if the officers pictured in the booklet were on duty to take "photo opts with the Mayor." He stated further that he "hopes that someone would have the courage to say something."

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. 4280**, entitled:

AN ORDINANCE TO AMEND ORDINANCE NO. 3755, ADOPTED SEPTEMBER 13, 2005, PERMITTING SUNESYS, LLC, 202 TITUS AVENUE, WARRINGTON, PA 18976, TO INSTALL FIBER OPTIC CABLE ON EXISTING POLES AND UNERGROUND CONDUITS ALREADY INSTALLED IN THE PUBLIC RIGHT-OF-WAY ON MONMOUTH ROAD FROM WESTFIELD AVENUE TO THE TOWNSHIP OF UNION BOUNDARY LINE, TO INSTALL FIBER OPTIC CABLE FOR A PERIOD OF FIVE (5) YEARS, SPECIFICALLY TO INCLUDE ADDITIONAL LOCATIONS AND EXTEND THE TERM OF THE AGREEMENT AN ADDITIONAL FIVE (5) YEARS.

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

The Notice of Public Hearing was published in the Star Ledger issue of **February 6, 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. 4281**, entitled:

AN ORDINANCE GRANTING AN ENCROACHMENT PERMIT TO LANGAN ENGINEERING & ENVIRONMENTAL SERVICES, RIVER DRIVE CENTER 1, ELMWOOD, NEW JERSEY ON BEHALF OF PIVOTAL UTILITY HOLDINGS, INC., TO COMPLETE SOIL REMEDIATION WORK TO SATISFY THE REQUIREMENTS OF NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION, AT THE FORMER SOUTH STREET MANUFACTURED GAS PLANT AT 400-410 SOUTH STREET, ELIZABETH, NEW JERSEY.

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

The Notice of Public Hearing was published in the Star Ledger issue of **February 6, 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. 4282**, entitled:

AN ORDINANCE OF THE CITY OF ELIZABETH, IN THE COUNTY OF UNION, NEW JERSEY, PROVIDING FOR IMPROVEMENTS TO O'BRIEN FIELD LOCATED IN THE CITY OF ELIZABETH AND APPROPRIATING $2,200,000 THEREFOR, AND PROVIDING FOR THE ISSUANCE OF $2,090,000 IN BONDS OR NOTES OF THE CITY OF ELIZABETH TO FINANCE THE SAME

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

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

PETITIONS, COMMUNICATIONS, ETC.

By the Clerk:
Letter dated January 26, 2012, from the Business Administrator recommending the award of a contract to TJH Chevrolet, d/b/a Classic Chevrolet, P.O. Box 595, Moorestown, NJ, for the purchase of nine (9) Chevrolet Caprices for the Police Department at a total cost of $233,168.00, under the Cranford Police Cooperative Pricing System.
Which was received.

By the Clerk:
Letter dated January 26, 2012, from the Business Administrator recommending the award of a contract to Warnock Fleet, 175 Route 10, East Hanover, NJ, for the purchase of one (1) 2012 Ford Dur-A-Lift Truck for the Police Electrical Bureau at a cost of $111,768.00.
Which was received.

By the Clerk:
Letter dated January 27, 2012, from the Business Administrator recommending the award of a contract to Triangle Communications, 57 River Road, Berkley Heights, NJ, for the purchase of computer parts for various vehicles for the period of January 1, 2012 through December 31, 2012, at a cost not to exceed $35,000.00.
Which was received.

By the Clerk:
Letter dated February 1,2012, from the Business Administrator requesting to amend Ordinance No. 4163, adopted on November 10, 2010, specifically to recognize a change in ownership of the Municipal Court Annex located at 208 Commerce Place to 207 Broad LLC; all terms of the lease are unchanged.
Which was received.

By the Clerk:
Letter dated February 2, 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 the purchase of lights, sirens and electrical wiring for five (5) 2012 Dodge Charges at a cost of $57,775.90 and seven (7) Fixed Position Automatic License Plate Readers at a cost of $135,843.00 for the Police Department at a total cost of $193,618.90.
Which was received.

By the Clerk:
Letter dated February 2, 2012, from the Business Administrator requesting that City Council reject all bids received on January 11, 2012, for the EMS CBRNE/Decon Support Vehicle, and authorize the Purchasing Agent to re-advertise same with revised specifications.
Which was received.

By the Clerk:
Letter dated February 3, 2012, from the Business Administrator requesting authorization for the proper City officials to participate in and sign the Natural Gas Supply Service Agreement for the Mid Jersey Energy Cooperative Pricing System and recommends awarding a contract to Hess Corporation, One Hess Plaza, Woodbridge, NJ, for the purchase of Natural Gas for the period of March 1, 2012 through February 28, 2015, at a rate of $1.3043 up charge per unit.
Which was received.

By the Clerk:
Letter dated February 3, 2012, from the Business Administrator recommending the award of a contract to National Terminal Inc., 175 Orange Street, Newark, NJ, for the purchase of fuel oil for the Public Works Marina for the period of February 1, 2012 through July 31, 2012, at a cost not to exceed $75,000.00.
Which was received.

By the Clerk:
Letter dated February 6, 2012, from the Business Administrator requesting authorization for the proper City officials to enter into an agreement with the County of Union, Department of Human Services, Division of Youth Services, and accept a grant award in the amount of $20,000.00 from the Union County Youth Services Commission Grant Funds to be utilized for the Night Watch Supervision Program under the Juvenile Justice Commission Points of Continuum-Disposition during the period of January 1, 2012 through December 31, 2012.
Which was received.

By the Clerk:
Letter dated February 7, 2012, from the Business Administrator requesting to amend the resolution adopted on February 10, 2009, designating MDK Development, LLC, as redeveloper of Parcel D of the Midtown Redevelopment Area, conditioned upon the development of a commercial office building for a Fortune 500 Company, specifically to reflect that, pursuant to the provisions of N.J.S.A. 40A: 12A-1 et seq., MDK Development, LLC, or a related/successor company created by MDK, will carry out the redevelopment of Parcel D, and is designated as redeveloper of Parcel D, consistent with the June 2006 Midtown Elizabeth Redevelopment Plan, and is authorized to execute a Redevelopment Agreement, between the City and MDK or related/successor company, consistent with the Midtown Elizabeth Redevelopment Plan.
Which was received.

By the Clerk:
Letter dated January 23, 2012, from the Chief Financial Officer requesting authorization for the Tax Collector to cancel/refund/credit an over billing of taxes on the property located at 137-139 Seventh Street for 2009, 2010 and 2011 Tax Years in the total sum of $8,141.72.
Which was received.

By the Clerk:
Letter dated February 7, 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 February 7, 2012, from the Chief Financial Officer advising that Dedication by Rider resolutions may be necessary.
Which was received.

By the Clerk:
Letter dated February 7, 2012, from the Chief Financial Officer requesting that your Honorable Body consider the 2012 Budget for the Midtown Elizabeth Special Improvement District.
Which was received.

By the Clerk:
Letter dated February 7, 2012, from the Chief Financial Officer, in compliance with the Best Practices Requirement, is requesting that your Honorable Body review the Quarterly 2012 SFY Budget Revenues and Appropriations.
Which was received.

By the Clerk:
Letter dated February 7, 2012, from the Chief Financial Officer, in compliance with the Best Practices Requirement, is requesting that your Honorable Body review the 2011 SFY annual Financial Statements.
Which was received.

By the Clerk:
Letter dated February 3, 2012, from the Director of Health and Human Services requesting authorization for the proper City officials to co-sponsor and participate in the Run for Children and execute all documents necessary in order to obtain the sanctioning from the U.S.A. Track & Field Organization (USATF) to be held on Sunday, April 22, 2012, at Warinanco Park.
Which was received.

[redacted]

[redacted]

By the Clerk:
Letter dated February 7, 2012, from the Acting Director of Neighborhood Services requesting permission to have a lien placed against the property situated at 632 Trumbull Street for the demolition of said premises in the amount of $15,800.00.
Which was received.

By the Clerk:
Letter dated February 7, 2012, from the Acting Director of Neighborhood Services requesting permission to have a lien placed against the property situated at 1115 Magnolia Avenue for the demolition of said premises in the amount of $23,000.00.
Which was received.

By the Clerk
Letter dated February 7, 2012, from the Acting Director of Neighborhood Services requesting permission to have a lien placed against the property situated at 1011 East Grand Street for the demolition of said premises in the amount of $16,375.00.
Which was received.

By the Clerk:
Letter dated February 7, 2012, from the Acting Director of Neighborhood Services requesting permission to have a lien placed against the property situated at 560 Grier Avenue for the demolition of said premises in the amount of $16,500.00.
Which was received.

By the Clerk:
Letter dated January 20, 2012, from the Director of Planning and Community Development requesting authorization for the proper City officials to enter into a contract with Birdsall Services Group, 65 Jackson Drive, Cranford, NJ, for professional services related to the environmental escrow hearing concerning 59-81 Livingston Street (a/k/a 70 Broadway, former Supermarket property) in the sum of $20,500.00.
Which was received.

By the Clerk:
Letter dated January 20, 2012, from the Director of Planning and Community Development requesting authorization for the proper City officials to enter into an agreement with Harbor Consultants, Inc., 320 North Avenue East, Cranford, NJ, for Planning and Engineering Services to the Planning and Zoning Boards, and the Department of Planning and Community Development for the period of December 27, 2011 through December 26, 2012, at a total cost of $60,000.00.
Which was received.

By the Clerk:
Letter dated February 6, 2012, from the Director of Planning and Community Development requesting authorization for the proper City officials to execute any and all documents necessary and appropriate to partially discharge the City's mortgage with Waters Edge, LLC, who has received HOME funds to construct six (6) units of For Sale housing on the property situated at 183 Waters Edge Lane; this is the last unit that has been sold.
Which was received.

By the Clerk:
Letter dated February 7, 2012, from the Director of Planning and Community Development requesting to amend the Kapkowski Road Redevelopment Plan, specifically to have the two (2) parcels in question have their use designations modified to permit Seaport Intermodal uses.
Which was received.

[redacted]

[redacted]

By the Clerk:
Letter dated February 7, 2012, from the Director of Planning and Community Development requesting to amend the Trumbull Street Redevelopment Plan, specifically to revise the permitted use from "uses permitted in the C-2 and Limited Light Industrial Zones" to include (1) natural gas/petroleum filling station may be placed on a lot smaller than one (1) acre; (2) transportation and collection operations; and (3) warehousing and trucking operations.
Which was received.

By the Clerk:
Letter dated February 7, 2012, from the Director of Planning and Community Development requesting authorization for the Urban Enterprise Zone Authority to amend the CCTV Public Security System project, specifically to extend the term of the contract until December 31, 2012, to allow for the proper completion of this project; and recommends awarding a contract to Johnston Communications, PO Box 390, Kearny, NJ, for the purchase of any equipment and the continued design of the project in an amount not to exceed $738,020.07.
Which was received.

By the Clerk:
Letter dated January 31, 2012, from the Director of Public Works recommending the award of a contract to Solar-Mite Electrical Contractors, Inc., 922 King George Road, Fords, NJ, for the traffic signal installation on Broad Street and East/West Jersey Street and traffic signal modifications at the intersection of Broad Street and Elizabeth Avenue at a cost of $277,815.00.
Which was received.

By the Clerk:
Letter dated February 1, 2012, from the Director of Public Works recommending the award of a contract to C.A.P. Services, Inc., 81 Heckel Street, Belleville, NJ, for the demolition and related work at 733 New Point Road at a cost of $153,750.00.
Which was received.

By the Clerk:
Letter dated February 6, 2012, from the Director of Public Works recommending the award of a contract to Envar Services, Inc., 505 Milltown Road, North Brunswick, NJ, to provide engineering services in connection with the preliminary investigation and design of the Elizabeth River Trail – Phase 2, at a cost not to exceed $63,800.00.
Which was received.

By the Clerk:
Letter dated February 6, 2012, from the Director of Public Works requesting permission to have liens placed against the 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 $5,196.69.
Which was received.

By the Clerk:
Letter dated January 19, 2012, from the Police Director requesting the establishment of handicapped parking spaces, personalized and deletions: 227 Clark Place (personalized), 173 Jacques Street (personalized), 622 Fourth Avenue (personalized), 647 S. Park Street, 624 Green Street (personalized); disapproved: 763 Linden Avenue; deletions: 624 Green Street, 217 South Seventh Street, 634 Grier Avenue, 211 S. Seventh Street.
Which was received.

ORDINANCES ON FIRST READING

Council President Gonzalez announced that the next business in order would be the introduction of **Ordinance No. 4283** , which was seconded by Councilman Cuesta, entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELIZABETH ADOPTING AMENDMENTS TO THE REDEVELOPMENT PLAN FOR THE KAPKOWSKI ROAD REDEVELOPMENT AREA

The Clerk read the foregoing ordinance.

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

AFFIRMATIVE: Perkins-Auguste, Cuesta. ~~Jackson~~
Grova, Keenan, Cedeno, Gallman, Mazza,
and President Gonzalez - ~~X~~ 8

NEGATIVE: None

Council President Gonzalez announced that the next business in order would be the introduction of **Ordinance No. 4284** , which was seconded by Councilman Cuesta, entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELIZABETH ADOPTING AMENDMENTS TO THE REDEVELOPMENT PLAN FOR THE TRUMBULL STREET REDEVELOPMENT AREA

The Clerk read the foregoing ordinance.

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

AFFIRMATIVE: Perkins-Auguste, Cuesta. ~~Jackson~~
Grova, Keenan, Cedeno, Gallman, Mazza,
and President Gonzalez - ~~X~~ 8

NEGATIVE: None

Council President Gonzalez announced that the next business in order would be the introduction of **Ordinance No. 4285** , which was seconded by Councilman Cuesta, entitled:

AN ORDINANCE GRANTING AN ENCROACHMENT PERMIT TO ARCADIS U.S., INC. 12-17 ROUTE 208 NORTH, FAIR LAWN, NEW JERSEY 07410, ON BEHALF OF THOMAS & BETTS CORPORATION, 36 BUTLER STREET, ELIZABETH, NEW JERSEY TO INSTALL TWO (2) GROUNDWATER MONITORING WELLS AND TWO (2) SOIL VAPOR MONITORING WELLS IN THE SOUTH FIRST STREET RIGHT-OF-WAY ADJACENT TO THE FORMER THOMAS & BETTS PROPERTY.

The Clerk read the foregoing ordinance.

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

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

NEGATIVE: None

Council President Gonzalez announced that the next business in order would be the introduction of **Ordinance No. 4386** , which was seconded by Councilman Cuesta, entitled:

AN ORDINANCE TO AMEND ORDINANCE NO. 3250, AS AMENDED 4163 THAT AMENDED THAT AUTHORIZED THE EXECUTION OF A LEASE AGREEMENT BETWEEN THE CITY OF ELIZABETH AND HAWKE ASSOCIATES FOR PREMISES LOCATED AT 208 COMMERCE PLACE TO RECOGNIZE A CHANGE IN OWNERSHIP TO THE CURRENT OWNER, 207 BROAD LLC.

The Clerk read the foregoing ordinance.

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

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

NEGATIVE: None

Council President Gonzalez announced that the next business in order would be the introduction of **Ordinance No. 4287** , which was seconded by Councilman Cuesta, entitled:

AN ORDINANCE TO AUTHORIZE THE ESTABLISHMENT OF A PERSONALIZED HANDICAPPED PARKING SPACE FOR ANTONIO ALVES, 227 CLARK PLACE, 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. [redacted],
Grova, Keenan, Cedeno, Gallman, Mazza,
and President Gonzalez - 8

NEGATIVE: None

Council President Gonzalez announced that the next business in order would be the introduction of **Ordinance No. 4388** , which was seconded by Councilman Cuesta, entitled:

AN ORDINANCE TO AUTHORIZE THE ESTABLISHMENT OF A PERSONALIZED HANDICAPPED PARKING SPACE FOR CARLOS A. RIVAS, 25 CHRISTINE ST. #2, ELIZABETH, NEW JERSEY 07202.

The Clerk read the foregoing ordinance.

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

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

NEGATIVE: None

Council President Gonzalez announced that the next business in order would be the introduction of **Ordinance No. 4289** , which was seconded by Councilman Cuesta, entitled:

AN ORDINANCE TO RESCIND ORDINANCE NO. 3771, ADOPTED ON DECEMBER 13, 2005, WHICH AUTHORIZED THE ESTABLISHMENT OF A PERSONALIZED HANDICAPPED PARKING SPACE FOR JAMES G. HANKINS, 624 GREEN STREET, ELIZABETH, NEW JERSEY.

The Clerk read the foregoing ordinance.

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

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

NEGATIVE: None

Council President Gonzalez announced that public notice will be published fixing Tuesday, February 28, 2012 , at 7:30 p.m., City Council Chambers, City Hall, Elizabeth, N.J., as the time and place that City Council will conduct public hearings and further consider the foregoing Ordinance Nos. 4283, 4284, 4285, 4286, 4287,4288 and 4289, 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. 4280**, which was seconded by Councilman Cuesta:

AN ORDINANCE TO AMEND ORDINANCE NO. 3755, ADOPTED SEPTEMBER 13, 2005, PERMITTING SUNESYS, LLC, 202 TITUS AVENUE, WARRINGTON, PA 18976, TO INSTALL FIBER OPTIC CABLE ON EXISTING POLES AND UNERGROUND CONDUITS ALREADY INSTALLED IN THE PUBLIC RIGHT-OF-WAY ON MONMOUTH ROAD FROM WESTFIELD AVENUE TO THE TOWNSHIP OF UNION BOUNDARY LINE, TO INSTALL FIBER OPTIC CABLE FOR A PERIOD OF FIVE (5) YEARS, SPECIFICALLY TO INCLUDE ADDITIONAL LOCATIONS AND EXTEND THE TERM OF THE AGREEMENT AN ADDITIONAL FIVE (5) YEARS.

WHEREAS, the Division of Engineering has reviewed an application submitted to the City of Elizabeth by Sunesys, Inc., to install fiber optic cable in the Public Right-of-Way on Monmouth Road from Westfield Avenue to the Union township boundary line for a period of five (5) years; and

WHEREAS, Sunesys, Inc. is now requesting to expand its telecommunication facility presence in the City by occupying other areas of the City controlled Public Right-of-Ways as well as extending the term of the Agreement for an additional five (5) years; (the installation of the new facility locations are shown highlighted in yellow on the set of maps that on file in the Office of the City Clerk; and

WHEREAS, authorization is requested to enter a non-exclusive Public Right-of-Way Agreement with Sunesys, Inc., in substantially the same terms and conditions as set forth in the initial Right-of-Way Agreement of September 7, 2005; and

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

SECTION 1. - Ordinance No. 3755 adopted September 13, 2005 is hereby amended granting Sunesys, Inc., 202 Titus Avenue, Warrington, PA 18976, the use of the Public Right-of-Way to install fiber optic cable for a period of five (5) years, specifically to include additional locations as set forth on a map that is on file with the Office of the City Clerk.

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

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

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

SECTION 6. - 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 . **January 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 **February 6, 2012.**

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

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

NEGATIVE: None

Council President Gonzalez announced that the next business in order would be the adoption of **Ordinance No. 4281**, which was seconded by Councilman Cuesta:

AN ORDINANCE GRANTING AN ENCROACHMENT PERMIT TO LANGAN ENGINEERING & ENVIRONMENTAL SERVICES, RIVER DRIVE CENTER 1, ELMWOOD, NEW JERSEY ON BEHALF OF PIVOTAL UTILITY HOLDINGS, INC., TO COMPLETE SOIL REMEDIATION WORK TO SATISFY THE REQUIREMENTS OF NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION, AT THE FORMER SOUTH STREET MANUFACTURED GAS PLANT AT 400-410 SOUTH STREET, ELIZABETH, NEW JERSEY.

WHEREAS, the Division of Engineering has advised that Langan Engineering & Environmental Services has determined that additional soil remediation is required within the following areas: The Public Right-of-Way on South Street between Fourth Avenue and the Elizabeth River; and the Public Right-of-Way on Fourth Avenue between South Street and Centre Street; and

WHEREAS, the encroachment is necessary to complete soil remediation in order to satisfy the requirements of a Remedial Action Work Plan that was approved by the New Jersey Department of Environmental Protection (NJDEP) for the remediation of the Former South Street Manufactured Gas Plant site located at 400-410 South Street, Elizabeth, New Jersey; and

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

SECTION 1. - That an encroachment permit be granted to Langan Engineering & Environmental Services, River Drive Center 1, Elmwood, New Jersey on behalf of Pivotal Utility Holdings, Inc., to complete soil remediation work at the following areas: The Public Right-of-Way on South Street between Fourth Avenue and the Elizabeth River; and the Public Right-of-Way on Fourth Avenue between South Street and Centre Street. These soil remediations are requirements to satisfy the New Jersey Department of Environmental Protection (NJDEP) at the former South Street Manufactured Gas Plant at 400-410 South Street, Elizabeth, New Jersey.

SECTION 2. - All of the support documentation, appropriate municipal permits for construction, street and sidewalk closings will be obtained prior to the start of the work; and

SECTION 3. - The Permittee shall provide a liability insurance certificate in the aggregate amount determined by the City Engineer for property damage and personal injury naming the City of Elizabeth as an additional insured and giving the City a thirty (30) day notice of cancellation of policy. The Permittee shall also be responsible for all maintenance with regard to the encroachment.

SECTION 4. - All ordinances or parts of ordinance inconsistent with the provisions of this ordinance be and the same are hereby repealed.

SECTION 5. - 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 6. - 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 . **January 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 **February 6, 2012.**

Councilman Mazza queried if this is the completion.

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

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

NEGATIVE: None

Council President Gonzalez announced that the next business in order would be the adoption of **Ordinance No. 4282** , which was seconded by Councilman Cuesta:

AN ORDINANCE OF THE CITY OF ELIZABETH, IN THE COUNTY OF UNION, NEW JERSEY, PROVIDING FOR IMPROVEMENTS TO O'BRIEN FIELD LOCATED IN THE CITY OF ELIZABETH AND APPROPRIATING $2,200,000 THEREFOR, AND PROVIDING FOR THE ISSUANCE OF $2,090,000 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 $2,200,000 including the sum of $110,000 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 $2,090,000 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 O'Brien Field, including, but not limited to, installation of synthetic turf, drainage improvements and other recreation field and park improvements, 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 $2,090,000, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An amount not exceeding $330,000 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 . **January 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 **February 6, 2012.**

Councilman Grova thanked the Administration and his colleagues for moving this ordinance. He continued that this will be the third field moving to synthetic turf. He stated further that trying to keep grass on a field at all times is difficult.

Councilman Mazza stated that this is progress for the City and he will not stop progress. He continued that the children will have the benefit of this field, but there will be input from other people.

Councilman Gallman stated that there is no question that synthetic turf is the "way to go." He stated further that this improvement will include the playground area and he is glad to see that the Sixth Ward Councilman agrees.

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

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

NEGATIVE: None

Councilman Cuesta **MOVED** for a Suspension of the Rules to consider four resolutions which do not appear on the Agenda, seconded by Council President Gonzalez, and

Which was carried unanimously.

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the City Council of the City of Elizabeth has learned that in a recent letter to the Acting Education Commissioner, Chris Cerf, that Mayor J. Christian Bollwage requested the New Jersey Department of Education appoint a State Monitor of expenditures to conduct an evaluation of the Elizabeth Board of Education. This action is in response to the recent findings issued by former Justice Gary Stein as part of an internal report of the organization; and

WHEREAS, "shamefully represented as an independent analysis, the conclusions offered within this document were deduced through flawed reasoning". "Professionals who support, encourage and practice the dissemination of selective data and misinformation to the public are providing a grave disservice to citizens throughout our nation", quoted Mayor J. Christian Bollwage; and

WHEREAS, Mayor Bollwage stated that the omission, manipulation and distortion of facts as represented within this report, mirror Philip Morris 1954 sponsored "A Frank Statement to Cigarette Smokers", which declared that there is no proof that cigarette smoking is one of the causes (of lung cancer)"; and

WHEREAS, according to Bollwage, in 2012, Justice Stein issues his own version of a "Frank Statement" to taxpayers, where he touts the benefits and excellence provided by the products and services distributed by the Elizabeth Board of Education, while he and his son collect significant paychecks from their sponsors. The information contained within this report mocks the integrity of New Jersey's educational system and insults the intelligence of every taxpayer; and

WHEREAS, within Justice Stein's review, he explored the issue of nepotism and indicates, "no employment of a Board members relative violates State nepotism regulations or the Board's nepotism policy". Justification offered for this conclusion included that employees related to a current Board member were hired before the member was appointed or elected to the Board; employees were hired prior to the amendment that would prohibit employment of Board members' relatives as well as employees that were hired after the Board member was elected or appointed were not prohibited to be hired by the terms of the policy in effect. This poor attempt at rationalization chooses to exclude and reject the impact of perceived and actual preferential treatment in hiring including the coincidental availability of employment opportunities for connected individuals; and

WHEREAS, several of these relative employees were all provided with the positions of Child Development Associate. Unfortunately, either a description nor the duties associated with this title were contained within the report; however, there appears to be an overwhelming coincidence that all of these related individuals were employed within this same position; and

WHEREAS, with reference to Board member voting abstentions on family hires, a disturbing notation was made pertaining to two Board members in particular. On Page 61 and Page 62 of the report, it noted that one member changed his vote three times to reflect "abstain" for the hiring of his sisters and brother-in-law, claiming that ..."he had not been aware that his family was listed among the people to be appointed"; and

WHEREAS, another members vote was also changed to "abstain" in reference to the hiring of his sister. The justification provided by these elected public officials for the modification of vote status is troubling because by their own omission, they are claiming that they are unaware of what and whom they are voting for at Elizabeth Board of Education meetings; and

WHEREAS, with reference to employee interviews and campaign donations to the Elizabeth Board of Education, the report conveys that 131 employees were interviewed and "...only one employee responded affirmatively to the question whether the employee felt pressure to donate to a campaign." However "...532 individuals were contacted to be a part of this study...243 did not respond, 139 declined to be interviewed and 19 were not interviewed because of scheduling and similar issues"; and

WHEREAS, drawing conclusions for a whole community of employees based upon only a select sample is not holistically representative of facts and/or experiences. In actuality, more employees declined to be interviewed and did not reply to requests to share information about their employment with the Board of Education demonstrating a collective fear of retaliation if Board actions pertaining to fundraising and campaign volunteering were exposed. As seventy percent of the individuals declined to participate in the survey and interview process, it can only be concluded that the responses reported were from supporters of the Board of Education, therefore producing biased results; and

WHEREAS, Justice Stein states on Page 70 of the report that"there is not one mandatory Ethic Code or Code of Conduct for journalist." Mayor Bollwage replied to this declaration by stating "it is often said that the best way to lead is by example and therefore the question posed to Justice Stein is what ethical guidelines exist for former Supreme Court Justices?"; and

WHEREAS, along with his son, payments for services such as Special Counsel and his "independent review" have resulted in excess of one million dollars. The shared employer of Justice and Mr. Stein coincidentally happens to be the Elizabeth Board of Education, the subject of this review; and

WHEREAS, other cases of nepotism, including promotions and the raises associated with new or higher level positions are strangely silent in this report. In addition, Justice Stein fails to provide a complete list of past and present Board members, who have also benefitted from nepotism. Therefore, as the relative association of only Selective Board members were identified, it can only be concluded that monetary increases stemming from the inclusion of all related hires and promotions of past and present relations, would greatly add to the salaries identified within the report. Final tally of all relative information would result in a combined salary total in excess of one million dollars; and

WHEREAS, "although the Elizabeth Board of the Education is a big supporter of Governor Christie, it is difficult to justify the retention and consequent payment of Judge Stein in this capacity as a valid expenditure of public dollars," concluded Mayor Bollwage. "his selective reporting, conclusions drawn from sample sets as well as the exclusion of details associated with facts and events are far from independent and appear to be self-serving"; now, therefore, be it

RESOLVED that the City Council of the City of Elizabeth supports and authorizes Mayor J. Christian Bollwage's recent letter to the Acting Education Commissioner, Chris Cerf which requests the New Jersey Department of Education to appoint a State Monitor of expenditures to conduct an evaluation of the Elizabeth Board of Education; and be it

FURTHER RESOLVED that the State Monitor's evaluation of the Elizabeth Board of Education expenditures be forwarded to New Jersey State Senator, Raymond J. Lesniak, Governor of New Jersey, Chris Christie, and the Acting Education Commissioner, Chris Cerf.

Councilman Cuesta requested a letter be sent to the Commissioner of Education and members of the Legislature requesting of the State to monitor the spending of the Elizabeth Board of Education. As you know, the Board of Education approved $500,000 for an attorney to do an "in-house" investigation. He continued that the attorney criticized members of the public and he tried to stifle whistle blowers. He stated further that the citizens and residents are tired of the "Board's" misappropriation of funds. Councilman Cuesta announced "enough is enough."

Councilman Mazza requested a copy of Councilman Cuesta's speech because he could not understand what he was saying.

Councilwoman Perkins-Auguste spoke regarding the literature that the Board of Education publishes. She continued that the Board of Education sends out a lot of literature and the literature does not state how it is paid for.

Councilwoman Perkins-Auguste stated further "how dare" the speaker speak regarding the police department. She stated that she took offense to officials coming here to "throw stone at our house."

Councilman Grova stated that if the speaker had done his "homework," he would know that money could not be used for salaries.

Councilman Keenan spoke regarding the article in the "Star Ledger" wherein Mr. Stein interviewed 138 individuals and his remarks were glaring and offensive.

Councilman Cedeno stated that he felt that he was not at the same meeting except for Councilman Mazza because Mr. Trujillo came forward with questions that he is entitled to do. He continued that anyone can go to the Board of Education and ask questions. He stated further that there is a political boss, Senator Lesniak, so h will not support this political resolution.

Which was adopted by the following vote:

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

NEGATIVE: [redacted] CEDENO, MAZZA - 2

BY CITY COUNCIL AS A WHOLE:

Whereas, on Tuesday, January 24, the Commander-in-Chief of our Armed Forces reminded all Americans that, "Above all, our freedom endures because of the men and women in uniform who defend it," and that " ... this generation of heroes has made the United States safer and more respected around the world."; and

Whereas, the President, further, promised, "As they come home, we must serve them as well as they've served us. That includes giving them the care and the benefits they have earned ... And it means enlisting our veterans in the work of rebuilding our nation."; and

Whereas, National Guard and Reserve forces today total over 1 million service members and represent 48 percent of our total military force; while every day around the globe, thousands of men and women in uniform, including dedicated members of the National Guard and Reserves, risk their lives and make great sacrifices to defend our national interests, serving extended tours away from their homes, families and jobs; and

Whereas, at the same time, we are now seeing unprecedented levels of unemployment and underemployment among members of the Guard and Reserve, as up to 22 percent of Guard and Reserve members face unemployment; and

Whereas, in this time of economic uncertainty, the Employer Support Guard and Reserve (ESGR) is focusing on connecting employers with the talented pool of service members and their spouses, with the intent of facilitating meaningful employment opportunities; and

Whereas, to further this goal, the New Jersey ESGR has launched an Employment Initiative Program (EIP), which is a collaborative effort with federal agencies including the Department of Labor (Veterans Affairs), the Department of Veterans, the Small Business Administration and the Office of Personnel Management; and

Whereas, the goal is to enhance the employment process and serve as an effective resource for service members and employers. ESGR is also partnering with Employer Partnership of the Armed Forces (EPAF) through EIP with a high-tech and high-touch approach; and

Whereas, for almost a year, now, the United States Chamber of Commerce has also endeavored to find employment for our returning veterans and the spouses of those who continue to serve, at home and abroad, with its Hiring Our Heroes program; and

Whereas, the Hiring Our Heroes program is a nationwide effort to help veterans and military spouses find meaningful employment, in partnership with the Department of Labor Veterans Employment and Training Service (DOL VETS), to improve public-

private sector coordination in local communities, where veterans and their families are returning every day; and

Whereas, despite those efforts, the unemployment rate for veterans of our Armed Forces in our Nation and in our State continues to exceed the over-all rate; and

Whereas, in order to take the lead on advancing the EIP to the next level, the New Jersey ESGR has enlisted strong and positive support from corporate leaders, the New Jersey State Chamber of Commerce, US Dept. of Labor/VETS and the New Jersey League of Municipalities; and

Whereas, it is incumbent on all of us to prove that New Jersey cares for the men and women in uniform who risk their lives and make great sacrifices to defend our national interests; and

Whereas, this employment initiative can be New Jersey's way of saying thank you to the men and women who made great sacrifices to protect our nation's freedom; and

Whereas, local officials throughout the State of New Jersey, working together through the League of Municipalities, and with the New Jersey ESGR, their local and State Chambers of Commerce, and local business leaders can help to advance basic fairness to our vets and their families by pursuing one simple goal: to allow America's over one million unemployed veterans and military spouses to follow their dreams, instead of spending their lives just trying to catch up; now therefore be it

Resolved, on this 2/14/12, that the City Council of City of Elizabeth recognizes that we will never be able to repay the debt we owe to all members of our armed forces; and

Be It Further Resolved, that in gratitude, (name of municipality) pledges its enthusiastic and unqualified support for the Employment Initiative Program of the New Jersey Employer Support Guard and Reserves; and

Be It Further Resolved, that certified copies of this Resolution be forwarded to the New Jersey State League of Municipalities and to our neighboring municipalities.

Which was adopted by the following vote:

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

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the Business Administrator and the Purchasing Agent recommend the commencement of the competitive contracting process so that a qualified vendor may be selected to conduct the private collection of municipal court debt;

WHEREAS, in accordance with N.J.S.A. 40A:11-4.3 the "Local Public Contracts Law," when initiating the competitive contracting process, the governing body shall adopt a resolution authorizing the use of competitive contracting each time specialized goods or services enumerated in N.J.S.A. 40A:11-4.1 are desired to be contracted;

WHEREAS, the City of Elizabeth wishes to engage in the competitive contracting process to contract with a vendor to conduct the private collection of municipal court debt, which is one of the enumerated uses in N.J.S.A. 40A:11-4.1;

WHEREAS, the Purchasing Agent has received approval from the State Department of Community Affairs, Division of Local Government Services, to begin this process; now, therefore, be it

RESOLVED that the City Council of the City of Elizabeth hereby authorizes the Purchasing Agent to utilize the competitive contracting process to procure the service known as Private Collection of Municipal Court Debt.

Which was adopted by the following vote:

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

NEGATIVE: [redacted] MAZZA – 1

STATE OF NEW JERSEY

DEPARTMENT OF ENVIRONMENTAL PROTECTION

GREEN ACRES ENABLING RESOLUTION

WHEREAS, the New Jersey Department of Environmental Protection, Green Acres Program (the "State"), provides loans and/or grants to municipal and county governments and grants to nonprofit organizations for assistance in the acquisition and development of lands for outdoor recreation and conservation purposes; and

WHEREAS, Future City, Inc., ("FCI" or the "applicant") desires to further the public interest by obtaining funding in the amount of $250,000.00 from the State to fund the Jackson Park Restoration Project at a cost of $500,000.00;

NOW, THEREFORE, the City Council of the City of Elizabeth resolves that the Mayor or successor to the office of Mayor is hereby authorized to:

(a) Make application for such loan and/or a grant, and
(b) Provide additional application information and furnish such documents as may be required, and
(c) Act as the authorized correspondent of the above-named applicant; and

WHEREAS, the State shall determine if the application is complete and in conformance with the scope and intent of the Green Acres Program, and notify the applicant of the amount of the funding award; and

WHEREAS, the applicant is willing to use the State's funds in accordance with such rules, regulations and applicable statutes, and is willing to enter into an agreement with the State for the above-named project;

NOW, THEREFORE, BE IT FURTHER RESOLVED BY THE City Council of the City of Elizabeth that:

1. The Mayor is hereby authorized to execute an agreement and any amendment thereto with the State known as the Jackson Park Restoration Project;
2. The Mayor is further authorized to execute a Memorandum of Understanding regarding the Jackson Park Restoration Project;
3. The applicant has its matching share of the project, if a match is required, in the amount of $250,000.00;
4. In the event the State's funds are less than the total project cost specified above, the applicant has the balance of funding necessary to complete the project;
5. The applicant agrees to comply with all applicable federal, state, and local laws, rules, and regulations in its performance of the project; and
6. That this resolution shall take effect immediately.

MEMORANDUM OF UNDERSTANDING

JACKSON PARK RESTORATION PROJECT

This is a Memorandum of Understanding (the "MOU") between the City of Elizabeth (the "City"), a municipal corporation with offices located at 50 Winfield Scott Plaza, Elizabeth, New Jersey 07201 and Future City, Inc. ("FCI"), a non-profit organization , with offices located at 1045 East Jersey Street, Suite 204, Elizabeth, New Jersey 07201 (collectively, the "Parties").

I. PURPOSE AND SCOPE OF THE MOU

a. Purpose. The purpose of this MOU is to identify the responsibilities of the Parties as they relate to the proposed Jackson Park Restoration Project (the "Project"). The Project is contingent upon FCI applying for and receiving funding from the New Jersey Department of Environmental Protection, Green Acres Program ("Green Acres Program"). The City of Elizabeth will also contribute to the Project in the form of a matching grant based upon the Green Acres Program funding received by FCI.

b. Scope. This MOU represents the entire agreement between the Parties.

II. RESPONSIBILITIES UNDER THE MOU

a. Application for Green Acres Program Funding. FCI will apply for grant funding in the amount of $250,000 for the Project though the Green Acres Program.

b. License and Grant Matching Agreement. In the event that FCI receives funding for the Project through the Green Acres Program, the City will enter into a License and Grant Matching Agreement ("Agreement") with FCI. The Agreement shall include, but not be limited to, the following terms:

   i. The City shall grant a non-exclusive license to FCI for the use of Jackson Park for a term of twenty (20) years;

ii. The City shall provide FCI a dollar-for-dollar matching grant based upon the funding received through the Green Acres Program whereby the City and FCI shall equally share in the costs associated with the Project;

iii. All bids and specifications required for the Project shall be administered by the City of Elizabeth and comply with the New Jersey Local Public Contracts Law, N.J.S.A. 40A:11-1, et seq. (the "LPCL");

iv. All professional services contracts for the Project shall comply with the LPCL and other applicable statutes. Any requests for proposals/requests for qualifications shall be solicited by the City. The City shall award professional services contracts only after consulting with FCI.

v. Additional provisions regarding maintenance, utilities, public usage, signage, and non-discrimination; and

vi. Requirements that all Agreement terms shall comply with the rules, regulations, and policies required by the Green Acres Program.

III. RECORD RETENTION

All records, invoices, documents, etc., shall be retained by the City of Elizabeth. This requirement applies to fiscal records, reports and construction documentation.

IV. TERMINATION OF THE MOU

a. Compulsory Termination. This MOU shall become null and void upon the execution of the aforementioned Agreement, at which point the Agreement shall become the entire agreement between the parties.

b. Optional Termination. The Parties each reserve the right to terminate this MOU in the event that FCI is unable to secure at least $125,000 through the Green Acres Program.

Which was adopted by the following vote:

AFFIRMATIVE: [redacted], Cuesta, [redacted] Grova, Keenan, Cedeno, Gallman, Mazza, and President Gonzalez - X 7

NEGATIVE: None PERKINS-AUGUSTE -1

The regular order of business was resumed.

NEW BUSINESS

CITY OF ELIZABETH
COUNTY OF UNION

A RESOLUTION REQUESTING PERMISSION FOR A DEDICATION BY RIDER FOR DONATIONS-ACCEPTANCE OF BEQUESTS AND GIFTS (FROM HATCH MOTT MACDONALD)TO SUPPORT THE ANNUAL WOMEN'S HISTORY MONTH AS REQUIRED BY NJS 40A:5-29

BY CITY COUNCIL AS A WHOLE:

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

WHEREAS, NJS 40A:5-29 provides for receipts of donations (from Hatch Mott MacDonald) to support the Annual Women's History Month) by the municipality to provide for the operating costs to administer this act; and

WHEREAS, N.J.S.A. 40A:4-39 provides the dedicated revenues anticipated from the Donations Fund (from Hatch Mott MacDonald to support the Annual Women's History Month) are hereby anticipated as revenue and are hereby appropriated for the purpose to which said revenue is dedicated by state or other legal requirement:

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

1. The City Council does hereby request permission of the Director of the Division of Local Governmental Services to pay expenditures of the Donations Fund (from Hatch Mott MacDonald to support the Annual Women's History Month) per NJS 40A:5-29.

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

Which was adopted by the following vote:

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

NEGATIVE: None

30

MIDTOWN ELIZABETH SPECIAL IMPROVEMENT DISTRICT BUDGET NOTICE

Midtown Elizabeth Special Improvement District of the City of Elizabeth, County of Union, for the calendar year 2012.

BE IT RESOLVED that the following statements of revenue and appropriations shall constitute the Midtown Elizabeth Special Improvement District Budget for the calendar year 2012.

BE IT FURTHER RESOLVED that said Budget be published in The Star-Ledger in the issue of February 24, 2012.

NOW THEREFORE, BE IT RESOLVED that the governing body of the City of Elizabeth does hereby approve the following as the Midtown Elizabeth Special Improvement District Budget for 2012.

~~Recorded vote:~~ ~~AYES~~ ~~NAYS~~

Which was adopted by the following vote:

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

NEGATIVE: None

Notice is hereby given that the Midtown Elizabeth Special Improvement District Budget was approved by the City Council of the City of Elizabeth, County of Union, on February 14, 2012

A hearing on said budget will be held at Elizabeth City Hall on March 13, 2012, at 7:30 P.M. at which time and place objections to Budget for the year 2012 may be presented by Midtown Elizabeth Special Improvement District taxpayers or other interested pers

REVENUES	
Surplus Anticipated	$0.00
UEZ Funds	$114,187.50
Miscellaneous	$3,000.00
Amount to be Raised by Special Improvement District	$200,000.00
Total Revenues	$317,187.50

APPROPRIATIONS	
Promotions & Marketing	$7,400.00
Safe and Clean	$67,970.00
Administration & Operations	$241,817.50
Total Appropriations	$317,187.50

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 review the City's Quarterly Budget Revenues and Appropriations as they correspond to the annual adopted budget; and

WHEREAS, the 2012 SFY Quarterly Budget Revenues and Appropriations for the 1st and 2nd quarters have been submitted by the Chief Financial Officer to the Honorable City Council for their review;

NOW THEREFORE, BE IT RESOLVED, by City Council of the City of Elizabeth, that the 2012 SFY Quarterly Budget Revenues and Appropriations for the 1st and 2nd quarters have been submitted by the Chief Financial Officer to the Honorable City Council for their review; 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, ~~Jackson~~, Grova, Keenan, Cedeno, Gallman, 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 review the City's Annual Financial Statements each year with particular emphasis on surplus generation and usage, tax collection rates (including the status of tax liens), and delinquent tax collection statement; and

WHEREAS, the 2011 SFY Annual Financial Statements have been submitted to the Honorable City Council for their review; now, therefore, be it

NOW, THEREFORE, BE IT RESOLVED, by City Council of the City of Elizabeth, that the 2011 SFY Annual Financial Statements have been received by the Honorable City Council for their review with particular emphasis on surplus generation and usage, tax collection rates (including the status of tax liens), and delinquent tax collection statement; 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, [redacted] Grova, Keenan, Cedeno, Gallman, Mazza, and President Gonzalez - 8

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the Business Administrator has recommended per the request of the Police Department an award of a contract to **TJH Chevrolet dba Classic Chevrolet, P. O. Box 595, Moorestown, NJ 08057,** for the purchase of nine (9) 2012 Chevrolet Caprices for the Police Department at a total cost of $233,168.00 under the Cranford Police Cooperative Pricing System #7; and

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available and appropriated for this purpose and Certification No. 12-05744, charging the amount of $233,268.00 to Account No. 2-01-25-240-POL-362 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 **TJH Chevrolet dba Classic Chevrolet, P. O. Box 595, Moorestown, NJ 08057,** for the purchase of nine (9) 2012 Chevrolet Caprices for the Police Department at a total cost of $233,168.00 under the Cranford Police Cooperative Pricing System #7.

Which was adopted by the following vote:

AFFIRMATIVE: Perkins-Auguste, Cuesta, [redacted] Grova, Keenan, Cedeno, Gallman, 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 an award of a contract to **WARNOCK FLEET, 175 Route 10, East Hanover, N.J. 07936,** for the purchase of One (1) 2012 Ford Dur-A-Lift Truck, for the Police Electrical Bureau at a cost of $111,768.00 under their State Contract No.78848; and

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available and appropriated for this purpose and Certification No. 12-05725, charging the amount of $111,768.00 to Account No. 2-21-56-130 of the Municipal Budget is on file in the Office of the City Clerk; 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. 78848 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 **WARNOCK FLEET, 175 Route 10, East Hanover, N.J. 07936,** for the purchase of One (1) 2012 Ford Dur-A-Lift Truck, for the Police Electrical Bureau at a cost of $111,768.00 under their State Contract No.78848.

Which was adopted by the following vote:

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

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the Business Administrator and Purchasing Agent have recommended per the request of the Director of the Department of Public Works an award of a contract to **Triangle Communications, 57 River Road, Berkley Heights NJ 07922,** for the purchase of computer parts for various vehicles for the cost not to exceed $35,000.00 for the period of January 1, 2012 through December 31, 2012 under the Morris County Co-op contract #41; and

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

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

RESOLVED that City Council of the City of Elizabeth hereby awards a contract to **Triangle Communications, 57 River Road, Berkley Heights NJ 07922,** for the purchase of computer parts for various vehicles at a cost not to exceed $35,000.00 for the period of January 1, 2012 through December 31, 2012 under the Morris County Co-op contract #41.

Which was adopted by the following vote:

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

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the Business Administrator has recommended per the request of the Director of the Police Department an award of a contract to **General Sales Administration t/a Major Police Supply, 47 N. Dell Avenue, Kenvil, NJ 07847,** for the purchase of Lights, Sirens and Electrical Wiring for Five (5) 2012 Dodge Chargers at a cost of $57,775.90 and Seven (7) Fixed Position Automatic License Plate Readers at a cost of $135,843.00 for the Police Department at a total cot of $193,618.90 under state contract State Contract No. 74011; and

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available and appropriated for this purpose and Certification No. 12-05948, charging the amount of $57,776.90 to Account No. 2-21-56-129, Certification No. 12-05947, charging the amount of $135,843.00 to Account No. G-02-41-870-123 of the Municipal Budget are on file in the Office of the City Clerk; 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. 74011 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, NJ 07847,** for the purchase of Lights, Sirens and Electrical Wiring for Five (5) 2012 Dodge Chargers at a cost of $57,775.90 and Seven (7) Fixed Position Automatic License Plate Readers at a cost of $135,843.00 for the Police Department at a total cot of $193,618.90 under state contract State Contract No. 74011.

Which was adopted by the following vote:

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

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the Business Administrator has advised that bids were received for the award of a contract for the purchase of Natural Gas through the Mid-Jersey Energy Cooperative Pricing System (formerly known as the Union County – Newly formed Energy Co-op); and

WHEREAS, the bids received were for a fixed upcharge pricing for a 36 month term. The total upcharge unit price received from Hess Corporation is $1.3043. Hess Corporation was the lowest responsible bidder of the four New Jersey Board of Public Utilities Licensed Suppliers who submitted bids; and

WHEREAS, the Business Administrator has requested authorization for the proper City Officials to participate and execute the Natural Gas Supply Service Agreement for the Mid Jersey Energy Cooperative Pricing System ID#196MJECPS awarding a contract for the purchase of Natural Gas to Hess Corporation, One Hess Plaza, Woodbridge, NJ 07095, for the period of March 1, 2012 through February 28, 2015 at a rate of $1.3043 upcharge per unit; now, therefore, be it

RESOLVED that the City Council of the City of Elizabeth authorizes the proper City Officials to participate and execute the Natural Gas Supply Service Agreement for the Mid-Jersey Energy Cooperative Pricing System ID#196MJECPS awarding a contract for the purchase of Natural Gas to Hess Corporation, One Hess Plaza, Woodbridge, NJ 07095, for the period of March 1, 2012 through February 28, 2015 at a rate of $1.3043 upcharge per unit

Which was adopted by the following vote:

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

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the Business Administrator has recommended per the request of the Purchasing Agent an award of a contract to **National Terminal,Inc., 175 Orange Street, Newark, New Jersey 07103**, for the purchase of Fuel Oil for the Public Works Marina for the period of February 1, 2012 through July 31, 2012 at a cost not to exceed $75,000.00 under State Contract No. A41868; and

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

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

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

WHEREAS, the Business Administrator and the Purchasing Agent have advised that the contract in question is a purchase through a State of New Jersey Contract No. A41868 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 **National Terminal Inc., 175 Orange Street, Newark, New Jersey 07103**, for the purchase of Fuel Oil for the Public Works Marina for the period of February 1, 2012 through July 31, 2012 at a cost not to exceed $75,000.00 under State Contract No. A41868.

Which was adopted by the following vote:

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

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the Business Administrator has advised that The Union County Board of Chosen Freeholders have authorized the County Manager to enter into a sub-contract with the State of New Jersey Judiciary Superior Court, Probation Division for Night Watch Supervision Program services based on the Juvenile Justice Commission Points of Continuum-Disposition for the contract period of January 1, 2012 through December 31, 2012 in the amount of $50,000.00 to be distributed amongst a few of the local municipalities; and

WHEREAS, the Elizabeth Police Department has been allocated a pportion of the award in the amount of $20,000.00 and will use the grant award as an opportunity to work with County probation officers on an overtime basis. The focus of this program is to check on juvenile offenders that are placed on probation and to ensure they are in compliance with their court orders; and

WHEREAS, the Business Administrator has requested that the proper City Officials are authorized to enter into an agreement with the County of Union, Department of Human Services, Division of Youth Services and accept a grant award in the amount of $20,000.00 from the Union County Youth Services Commission Grant Funds to be utilized during the contract period of January 1, 2012 through December 31, 2012; now, therefore, be it

RESOLVED that the City Council of the City of Elizabeth authorizes the proper City Officials to enter into an agreement with the County of Union, and accept a grant award in the amount of $20,000.00 from the Union County Youth Services Commission Grant Funds to be utilized during the contract period of January 1, 2012 through December 31, 2012.

Which was adopted by the following vote:

AFFIRMATIVE: Perkins-Auguste, Cuesta, [redacted], Grova, Keenan, Cedeno, Gallman, 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 requested an award of a contract to **Birdsall Services Group, Inc., 65 Jackson Drive, P. O. Box 5000, Cranford, N.J. 07016,** to provide professional environmental consulting services related to the environmental escrow Suydam hearing concerning 59-81 Livingston Street, Elizabeth, New Jersey (a/k/a 70 Broadway, former Supermarket property), Block 2, Lot 604 in the amount of $20,500.00; and

WHEREAS, the scope of the work includes deposition preparation, deposition, presentation of materials, hearing preparation and hearing testimony, exhibits preparation, and providing assistance to the City's trial attorney in the sum of $20,500.00 as well as deposition preparation and deposition of BSG which took place in October 2011. The evidentiary Suydam hearing is scheduled to take place in March 2012; and

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available an appropriated for this purpose and Certification No. 12-06388, charging the amount of $20,500.00 to Account No. X-04-55-999-X37-001 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 environmental consulting services related to the environmental escrow Suydam hearing concerning 59-81 Livingston Street, Elizabeth, New Jersey (a/k/a 70 Broadway, former Supermarket property), Block 2, Lot 604 in the amount of $20,500.00.

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

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

Which was adopted by the following vote:

AFFIRMATIVE: Perkins-Auguste, Cuesta, [redacted] Grova, Keenan, Cedeno, Gallman, 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 the professional planning and engineering services to the Planning Board and Zoning Boards, and the Department of Planning and Community Development for the period December 27, 2011 through December 26, 2012 at a cost not to exceed $60,000.00; and

WHEREAS, this contract is awarded 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 Chief Financial Officer has certified that sufficient funds are available and appropriated for this purpose and Certification No. 12-06389 charging the amount of $60,000.00 to Account No. 2-01-20-170-PZO-302 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 the professional planning and engineering services to the Planning and Zoning Boards, and the Department of Planning and Community Development for the period December 27, 2011 through December 26, 2012 at a cost not to exceed $60,000.00.
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, [redacted] Grova, Keenan, Cedeno, Gallman, 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 January 19, 2012 seven (7) bids were received for the traffic signal installation on Broad Street and East/West Jersey Street and traffic signal modifications at the intersection of Broad Street and Elizabeth Avenue, Elizabeth, New Jersey; and

WHEREAS, the lowest responsible bidder was **Solar-Mite Electrical Contractors, Inc., 922 King George Road, Fords, New Jersey 08863**, in the amount of $277,815.00; and

WHEREAS, the Director of the Department of Public Works has requested the award of a contract to the lowest responsible bidder **Solar-Mite Electrical Contractors, Inc., 922 King George Road, Fords, New Jersey 08863,** for the traffic signal installation at Broad Street and East/West Jersey Street and traffic light modifications at Broad Street and Elizabeth Avenue, Elizabeth, New Jersey at a cost of $277,815.00; and

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available and appropriated for this purpose and Certification No. 12-06161, charging the amount of $277,815.00 to Account No. X-04-55-999-X34-001 of the Municipal Budget is on file in the Office of the City Clerk; and

WHEREAS, the amount of the contract in question exceeds $50,000.00 and the provisions of Chapter 2.92.010 of the Code of the City of Elizabeth have been complied with by **Solar-Mite Electrical Contractors, Inc.**; now, therefore, be it

RESOLVED that the City Council of the City of Elizabeth authorizes an award of a contract to the lowest responsible bidder **Solar-Mite Electrical Contractors, Inc., 922 King George Road, Fords, New Jersey 08863,** for the traffic signal installation at Broad Street and East/West Jersey Street and traffic light modifications at Broad Street and Elizabeth Avenue, Elizabeth, New Jersey at a cost of $277,815.00.

Which was adopted by the following vote:

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

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the Director of the Department of Public Works has advised on January 31, 2012 received six (6) bids for the demolition and related work at 733 New Point Road, Elizabeth, New Jersey; and

WHEREAS, the lowest bidder **Mazza & Sons, Inc., 3230 Shafto Road, Tinton Falls, New Jersey 07753**, failed to provide an unconditional Consent of Surety which is a material defect, therefore, their bid was not responsive and must be rejected; and

WHEREAS, the second lowest responsive bidder was **C.A.P. Services, Inc., 81 Heckel Street, Belleville, New Jersey 07109,** was in the amount of $153,750.00; and

WHEREAS, the Director of the Department of Public Works has requested the award of contract to the second lowest responsive bidder **C.A.P. Services, Inc., 81 Heckel Street, Belleville, New Jersey 07109,** for the demolition and related work at 733 New Point Road, Elizabeth, New Jersey at a cost of $153,750.00; and

WHEREAS, the amount of the contract in question exceeds $50,000.00 and the provisions of **Chapter 2.92** of the Code of the City of Elizabeth have been complied with by **C.A.P. Services, Inc.**; and

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available and appropriated for this purpose and Certification No.12-06314, charging the amount $153,750.00 to Account No. X-04-55-999-X37-001 of the Municipal Budget are on file in the Office of the City Clerk; now, therefore, be it

RESOLVED by the City Council of the City of Elizabeth that a contract be awarded to the second lowest responsive bidder **C.A.P. Services, Inc., 81 Heckel Street, Belleville, New Jersey 07109,** for the demolition and related work at 733 New Point Road, Elizabeth, New Jersey at a cost of $153,750.00.

Which was adopted by the following vote:

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

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the Director of the Department of Public Works has received qualification proposals for civil engineering services for the preliminary investigation and design of Elizabeth River Trail – Phase 2; and

WHEREAS, the Department of Public Works reviewed the qualifications of all respondents and found the firm of **ENVAR SERVICES, INC., 505 Milltown Road, North Brunswick, New Jersey 08902,** to be qualified to provide the City of Elizabeth with civil engineering services in connection with the preliminary investigation and design of the Elizabeth River Trail – Phase 2 as per their proposal dated January 12, 2012. The scope of work includes a wetland investigation and letter of interpretation, preparation of a tidelands and waterfront development, application, boundary and topographic survey, preliminary assessment and site investigation and preliminary civil, structural, electrical and landscape design of the trial. Phase 2 will extend along Pearl Street from Bridge Street to South Street; 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 Director of the Department of Public Works has requested the award of a contract to **ENVAR SERVICES, INC., 505 Milltown Road, North Brunswick, New Jersey 08902,** to provide civil engineering services for the preliminary investigation and design of Elizabeth River Trail – Phase 2 at a cost not to exceed $63,800.00; and

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available and appropriated for this purpose and Certification No. 12-06315 charging the amount of $63,800.00 to Account No. X-04-55-948-001 of the Municipal Budget, is on file in the Office in the City Clerk; and

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

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

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

1. The Mayor and the Acting City Clerk are hereby authorized and directed to execute a contract with **ENVAR SERVICES, INC., 505 Milltown Road, North Brunswick, New Jersey 08902** to provide the City of Elizabeth with civil engineering services in connection with the preliminary investigation and design of the Elizabeth River Trail – Phase 2 as per their proposal dated January 12, 2012. The scope of work includes a wetland investigation and letter of interpretation, preparation of a tidelands and waterfront development, application, boundary and topographic survey, preliminary assessment and site investigation and preliminary civil, structural, electrical and landscape design of the trial. Phase 2 will extend along Pearl Street from Bridge Street to South Street.

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

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

Councilman Mazza stated that this is a project that he would like to see go through. He stated further that "finally after thirty-two years" this area will finally be developed.

Which was adopted by the following vote:

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

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, on February 10, 2009 the City Council of the City of Elizabeth adopted a Resolution designating MDK Development, LLC, 594 Valley Health Plaza, Paramus, New Jersey (hereinafter known as "MDK"), as redeveloper of Parcel D of the Midtown Redevelopment Area, conditioned upon the development of a commercial office building for a Fortune 500 Company; and

WHEREAS, the Fortune 500 company interested in the 2009 anticipated office/commercial project has not proceeded with proposed development; and

WHEREAS, MDK can meet the current market and economic conditions by developing this Parcel as a residential project pursuant to Section VIII, D of the Midtown Elizabeth Redevelopment Plan, dated June 26, 2006; and

WHEREAS, the City Council desires MDK to be the redeveloper to perform the redevelopment of Parcel D of the Midtown Elizabeth Redevelopment Area; now, therefore, be it

RESOLVED by the Council of the City of Elizabeth that the February 10, 2009 Resolution set forth in paragraph one hereinabove shall hereby be amended to reflect that pursuant to the provisions of N.J.S.A. 40A:12A-1 et seq., MDK Development, LLC, or a related/successor company created by MDK, will carry out the redevelopment of Parcel D, and is hereby designated as redeveloper of Parcel D, consistent with the June 2006 Midtown Elizabeth Redevelopment Plan; and be it

FURTHER RESOLVED that pursuant to N.J.S.A. 40A:12A-8, that the appropriate City officials are hereby authorized to execute a Redevelopment Agreement, between the City of Elizabeth and the herein designated redeveloper, MDK or related/successor company, consistent with the Midtown Elizabeth Redevelopment Plan.

Which was adopted by the following vote:

AFFIRMATIVE: Perkins-Auguste, Cuesta, ~~Jackus~~, Grova, Keenan, Cedeno, Gallman, 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 advised that on April 26, 2010, the Urban Enterprise Zone Authority approved the UEZ CCTV Public Security System (Project No. 10-0735-000); and

WHEREAS, the Director of the Department of Planning and Community Development has requested the Urban Enterprise Zone Authority Contract Amendment Extension for the UEZ CCTV Public Security System (Project No. 100735-00) until December 31, 2012 to allow for the proper completion of this Project; now, therefore, be it

RESOLVED that the City Council of the City of Elizabeth authorizes the Urban Enterprise Zone Authority Contract Amendment Extension for the UEZ CCTV Public Security System (Project No. 100735-00) until December 31, 2012 to allow for the proper completion of this Project.

Which was adopted by the following vote:

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

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the Director of the Department of Planning and Community Development has requested an award of a contract to **Johnston Communications, PO Box 390, Kearney, New Jersey 07032,** to provide for the completion of purchase of equipment and continued design of the Elizabeth's CCTV Public Security System Project in an amount not to exceed $738,020.07 under State Contract No. 73979; and

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available and appropriated for this purpose and Certification No. 12-06233, charging the amount of $738,020.07 to Account No. G-02-41-800-10 of the Municipal Budget is on file in the Office of the City Clerk; and

WHEREAS, the Business Administrator and the Purchasing Agent have advised that the contract in question is a purchase through a State of New Jersey Contract No. 73979 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 **Johnston Communications, PO Box 390, Kearney, New Jersey 07032,** to provide for the completion of the purchase of equipment and the continued design of the Elizabeth's CCTV Public Security System Project in an amount not to exceed $738,020.07 under State Contract No. 73979.

Which was adopted by the following vote:

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

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, on April 22, 2012 the City of Elizabeth would like to sponsor and participate in the Run For Children 2012. This event will start at Warinanco Park and end at Warinanco Park; and

WHEREAS, the City would also like to obtain sanctioning of the event from the USATF (U.S.A. Track and Field Organization), which status provides an incentive to runners to participate and other benefits such as free advertising of the event at other meets and in their literature; now, therefore, be it

RESOLVED, that the City Council authorizes the appropriate City Officials to sponsor and participate in the Run For Children 2012 and execute all documents necessary for conducting the event and to obtain sanctioning from the USATF (U.S.A. Track and Field Organization).

Which was adopted by the following vote:

AFFIRMATIVE: Perkins-Auguste, Cuesta, ~~Jackson~~, Grova, Keenan, Cedeno, Gallman, 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 requested the adoption of a resolution authorizing the proper City Officials to execute any and all documents necessary and appropriate to provide a Partial Discharge of the City's Mortgage on the property formerly owned by **WATERS EDGE LLC** and now owned by :

New Owner: Nini Coban
183 Waters Edge Lane
Elizabeth, NJ 07206
Block #1 Lot #73B.7

WHEREAS, WATERS EDGE, LLC has received HOME funds to construct six (6) units For Sale Housing. The City now holds a mortgage on this property in the amount of $83,335.00. This is the last unit that has been sold. **WATERS EDGE, LLC** has sold the property to above named qualified purchaser and therefore, **WATERS EDGE, LLC** is eligible for a partial release of mortgage lien. The property will remain affordable for a period of fifteen (15) years by way of a deed restriction; and

RESOLVED that the City Council of the City of Elizabeth does hereby authorize the Mayor to execute any and all documents in order to provide a partial discharge the mortgage to **WATERS EDGE, LLC** for property now owned by **Nini Coban** and located at **183 Waters Edge Lane, Elizabeth, NJ 07206, Block #1, Lot #73B.7.**

Which was adopted by the following vote:

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

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, Broadway Renaissance, LLC, were the owners of the property located at 137-39 Seventh St (Tax Account #7 - 1146.A), and

WHEREAS, Broadway Renaissance purchased 35% of the lot from Trinitas Hospital, leaving 65% of this lot exempt, and

WHEREAS, the property was subdivided via a portion sale August 27, 2008, and

WHEREAS, this subdivision took effect for the 2012 Tax Year, and

WHEREAS, Broadway Renaissance paid taxes on the exempt portion of the property for the 2009, 2010 and 2011 Tax Years, and

WHEREAS, this resulted in an overbilling of taxes for the 2009, 2010 and 2011 Tax Years in the total amount of $8,141.72 ($12,700 Assessment (65% of $19,600 Original Assessment) x $20.158 2009 Tax Rate = $2,560.07; $12,700 Assessment x $21.172 2010 Tax Rate = $2,688.84; $12,700 Assessment x $22.778 2011 Tax Rate = $2,892.81), now, therefore, be it

RESOLVED, That the Tax Collector be authorized to cancel/refund/credit the total sum of $8,141.72. This amount represents an over billing of taxes for 2009, 2010 and 2011 Tax Years.

Which was adopted by the following vote:

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

NEGATIVE: None

EXCUSED: Grova -1

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the Business Administrator and the Purchasing Agent has advised that the bid received from First Priority Emergency Vehicles, 2444 Ridgeway Blvd., Manchester, NJ 08759, did not meet statutory requirements as it did not contain the necessary Consent of Surety; and

WHEREAS, the Business Administrator has advised that the Chief of the EMS Division and the Fire Department Director have reviewed the only other bid received from Ambulance Network, Inc, 10-20 South Spring Street, Elizabeth, NJ 07201, but that bid did not meet the specifications. The vendor did not comply with the specifications which stated that any deviations from the bid must be listed on the exception sheet provided, including a detailed technical description and full explanation of why his deviation equals or exceeds our specifications; and

WHEREAS, the Business Administrator and the Purchasing Agent have recommended the rejection of the bids received for the EMS CBRNE Decon Support Vehicle for the reasons stated hereinabove and authorizes the Purchasing Agent to re-advertise for same; now, therefore, be it

RESOLVED that the City Council of the City of Elizabeth rejects the bids received for the EMS CBRNE/Decon Support Vehicle and authorizes the Purchasing Agent to readvertise for same with revised specifications.

Which was adopted by the following vote:

AFFIRMATIVE: Perkins-Auguste, Cuesta, [redacted] Grova, Keenan, Cedeno, Gallman, 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 **629 Marshall Street, Elizabeth, New Jersey 07208**, as follows, pursuant to the recommendation of the Elizabeth Police Director:

along the North curb line of Marshall Street
beginning at a point 456 East of Seventh Street
and continuing 22' East thereof;

and be it

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

Which was adopted by the following vote:

AFFIRMATIVE: Perkins-Auguste, Cuesta, [redacted] Grova, Keenan, Cedeno, Gallman, 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 **624 Green Street, Elizabeth, New Jersey 07201**, as follows, pursuant to the recommendation of the Elizabeth Police Director:

along the West curb line of Green Street

beginning at a point 218' South of Carteret Street

and continuing 22' South 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, [redacted] Grova, Keenan, Cedeno, Gallman, Mazza, and President Gonzalez - ~~9~~ 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 **634 Grier Avenue; 211 South Seventh Street** and **217 South Seventh Street, Elizabeth, New Jersey** in accordance with the recommendation of the Police Director.

Which was adopted by the following vote:

AFFIRMATIVE:	Perkins-Auguste, Cuesta, [redacted] Grova, Keenan, Cedeno, Gallman, Mazza, and President Gonzalez - X8
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 exitway 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 **632 Trumbull Street, Elizabeth, New Jersey 07201, Block 7, Lot 1318**, 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, **632 Trumbull Street, Elizabeth, New Jersey 07201, Block 7, Lot 1318**, 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 $15,800.00; 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 **632 Trumbull Street, Elizabeth, New Jersey 07201, Block 7, Lot 1318.** The cost incurred was $15,800.00, 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, ~~Jackson~~, Grova, Keenan, Cedeno, Gallman, Mazza, and President Gonzalez - ~~9~~ 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 exitway 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 **1115 Magnolia Avenue, Elizabeth, New Jersey 07201, Block 12, Lot 916,** 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 **1115 Magnolia Avenue, Elizabeth, New Jersey 07201, Block 12, Lot 916,** 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 $16,500.00; 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 **1115 Magnolia Avenue, Elizabeth, New Jersey 07201, Block 12, Lot 916.** The cost incurred was $23,000.00, 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, ~~Jackson~~, Grova, Keenan, Cedeno, Gallman, Mazza, and President Gonzalez - ~~9~~ 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 exitway 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 **1011 East Grand Street, Elizabeth, New Jersey, 07201, Block 8, Lot 493,** 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 **1011 East Grand Street, Elizabeth, New Jersey, 07201, Block 8, Lot 493,**,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 $16,375.00; 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 **1011 East Grand Street, Elizabeth, New Jersey, 07201, Block 8, Lot 493.** The cost incurred was $16,375.00, 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, [redacted] Grova, Keenan, Cedeno, Gallman, 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 exitway 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 **560 Grier Avenue, Elizabeth, New Jersey 07202, Block 4, Lot 670**, 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 **560 Grier Avenue, Elizabeth, New Jersey 07202, Block 4, Lot 670**, 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 $16,500.00; 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 **560 Grier Avenue, Elizabeth, New Jersey 07202, Block 4, Lot 670.** The cost incurred was $16,500.00, 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, [redacted] Grova, Keenan, Cedeno, Gallman, Mazza, and President Gonzalez - [redacted] 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 02/06/2012 Total Amount: $5,196.69.

Which was adopted by the following vote:

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

NEGATIVE: None

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**	**$**	**5,891.55**
CONSTELLATION NEW ENERGY, INC.	**2-01-31-430**	**$**	**242.50**
ELIZABETHTOWN GAS	**2-01-31-446**	**$**	**13,729.59**
PSE&G	**2-01-31-430**	**$**	**107,158.74**
RELIANT ENERGY NORTHEAST, LLC	**2-01-31-430**	**$**	**121,723.27**
SPRINT	**2-01-31-440**	**$**	**233.68**
VERIZON	**2-01-31-440**	**$**	**22,993.05**
VERIZON WIRELESS	**2-01-31-440**	**$**	**16,806.54**
VERIZON COMMUNICATIONS, INC.	**2-01-31-440**	**$**	**275.18**

Which was adopted by the following vote:

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

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the City Council of Elizabeth has learned of the recent death of Lucia Bonavitacola; and

WHEREAS, Lucia was born in Bisaccia, Italy. She moved to America and settled in Elizabeth, New Jersey, where she owned and operated a hair salon, Coiffeur by Lucia. She styled the hair of close family and friends once she moved to Colonia, New Jersey 30 years ago; and

WHEREAS, she was a devoted wife, mother and grandmother whose life revolved around her family; and

WHEREAS, she was a member of the Ladies Columbiettes Auxiliary Our Lady of Peace Knights of Columbus Council 9199; and

WHEREAS, she is survived by her loving husband, Franco; children Sofia and Angelo; and grandchildren Brianna, Caitlin, Erica and Frank, and brothers, Giulio, Frank, and Mario. She is also survived by several nieces and nephews; now, therefore, be it

RESOLVED that the City Council of the City of Elizabeth hereby expresses its condolences at the passing of Lucia Bonavitacola 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 her family.

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

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the City Council of the City of Elizabeth has learned of the recent death of John P. Panichi, 61; and

WHEREAS, John was born in Adratica, Italy and came to the United States in 1958, living in Newark and Union before settling in Kenilworth 36 years ago; and

WHEREAS, he owned EDU-MET Interactive Systems Co., in Union, New Jersey for thirty years; and

WHEREAS, John was a graduate of Rutgers University in Newark, where he received his bachelor's degree in science; and

WHEREAS, surviving are his wife, Gail A (Infantino) Panichi; three daughters, Diana Trombetta, Michelle Raimondi and Andrea Panichi; a brother, Ennio Panichi and three grandchildren, Mia, Matteo, and Stella; now, therefore, be it

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

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

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

BY CITY COUNCIL AS A WHOLE:

64

WHEREAS, the City Council of the City of Elizabeth is saddened by the sudden death of Whitney Houston; and

WHEREAS, she was born on August 9, 1963, in Newark, New Jersey to John and Cissy Houston, a Grammy-Award winning American soul and gospel singer. Whitney Houston was destined from birth to become a singer, a cousin to Dionne Warwick and her godmother, Aretha Franklin were all legendary figures in American gospel and soul music; and

WHEREAS, at the age of 15 years old Whitney performed often with her mother with the choir at the New Hope Baptist Church. She was one of the first African-American women to appear on the cover of Seventeen Magazine. At the age of 19, Whitney was discovered in a nightclub by the renowned Clive Davis of Arista Records, who signed her immediately and took the helm of her career as she navigated from gospel to pop stardom. In 1983, Whitney made her debut on national television on The Merv Griffin Show. The next two years she worked on her debut album. The soundtrack album went onto win Houston three Grammys, including Album of the Year and Record of the Year; and

WHEREAS, in 1985, she released her debut album Whitney Houston and almost immediately became a smash pop sensation. Over the next year her hit singles "Saving All My Love for You", and "How Will I Know" helped the album reach the top of the charts, where it stayed for fourteen non-consecutive weeks. She won a Grammy in 1986 for "Saving All My Love for You". During this time the singer also appeared at a concert for Nelson Mandela's birthday and founded the Whitney Houston Foundation for Children, a nonprofit organization that funds projects to help needy children all over the world; and

WHEREAS, in 1992, Whitney was on the top of the world. That year she married the R& B singer, Bobby Brown, A year later on March 4, 1993, Whitney gave birth to her daughter, Bobbi Kristina; and

WHEREAS, in 1992 Whitney Houston crossed over successfully into acting where she starred opposite Kevin Costner in the popular The Bodyguard, in which her smash single "I Will Always Love You" proved to be Houston's biggest hit ever; and

WHEREAS, in 2009 Whitney Houston released a new album, I Look To You, which reached number one on the charts. Since then, she has been honored by BET and the NAACP for her lifetime of achievement; and

WHEREAS, she was predeceased in death by her father, John Houston. She leaves behind to celebrate her life, her daughter, Bobbi Kristina and her mother, Cissy Houston and two brothers; Gary and Michael; now, therefore, be it

RESOLVED that the City Council of the City of Elizabeth hereby expresses its condolences at the passing of Whitney Houston and remember her iconic voice that will live on forever 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 her family.

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

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the City Council of the City of Elizabeth has learned that on June 26, 1949, Allen Wayne Byron was born in Elizabeth, New Jersey to Elizabeth Glover and Edmond Ligon; and

WHEREAS, Allen attended the Elizabeth, NJ public school system's School#1, Grover Cleveland Middle School and for a short period of time Thomas Jefferson High School. After moving to Linden, NJ, in 1967 he graduated from Linden High School. Upon his graduation, Allen furthered his education at CTI in NYC, NY; and

WHEREAS, after completing his education, Allen was employed as a Computer Programmer at the Union County Bank, Roselle Park, NJ. He was also employed in that capacity at Diamond Shamrock, Inc., Morristown, NJ. He worked as File Clerk in the Records Department at Alexian Brother's Hospital, Elizabeth, New Jersey. He really enjoyed the camaraderie of his fellow employees, and was quick to banter and share jokes with them; and

WHEREAS, Allen served as the OPEIU Executive Board Vice-President for Region II. Also, Byron was Secretary-Treasure/Business Manager of OPEIU Local 32 in Union, New Jersey. "Allen has been a dedicated union leader for many years, and his life's mission has been to better the lives of working families in New Jersey," His experience working at Local 32, defending members and negotiating higher pay and benefits, made him the perfect person to represent the members of Region II."

WHEREAS, upon is retirement from the NHA, Byron became a Local 32 business representative, and in 2006 became the secretary-treasurer/business manager. With the support of the OPEIU, he was appointed the Vice-President of the New Jersey State AFL-CIO; and

WHEREAS, Allen was Pre-deceased by his brother William ("Billy") Glover, and his maternal Grandparents James and Carrie Byron. He leaves to mourn his wife, April Byron, Elizabeth, NJ, his mother, Elizabeth Glover, Newark, NJ, father Edmond Lion, Baltimore, MD; nine (9) children; Karen Glover, Linden, NJ, Sharon (Albert) Myers, Rahway, NJ, Karlen Byron – Chico Woodbridge, NJ, David Byron, Elizabeth, NJ, Joseph Byron, Morristown, NJ, Brandon Byron, Piscataway, NJ, Aaron Byron, Allen W. Byron, Jr., and Adam Byron, Elizabeth, NJ, nine (9) Grandchildren: Albert Myers, III, Elijah Byron, Jordan Byron, Zahir Byron, Brandon Byron, Jr., Kaylen Byron, and Saniyah Byron, Aiden Myers, and Jarred Glover; now, therefore, be it

RESOLVED that the City Council of the City of Elizabeth hereby expresses its condolences at the passing of Allen Wayne Byron, Sr. express sympathy to his family, relatives and friends at this time of their loss; and be it

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

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

Councilman Cuesta moved that City Council do now adjourn,

Which was carried unanimously.

Whereupon Council President Gonzalez declared City Council adjourned at

8:30 p.m.

APPROVED

NELSON GONZALEZ
President of City Council

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