PROCEEDINGS OF CITY COUNCIL

(OFFICIAL)

ELIZABETH, N.J.

Tuesday Evening
January 10, 2012
7:30 p.m.

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

Council President Gonzalez announced that this regular meeting is listed in the "Annual Notice", as defined by Chapter 231, P.L. 1975, and that copies of the "Annual Notice" have been mailed or delivered to the Star Ledger, Home News and Tribune, and Cablevision of Elizabeth and posted and filed in the City Clerk's Office in compliance with the terms of the Open Public Meetings Law, Chapter 231, P.L. 1975 on December 27, 2011.

PRESENT: Council Members-at-Large: Patricia Perkins-Auguste;
Frank J. Cuesta; Edward Jackus;
Council Members: [redacted]., 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; - 8

ABSENT: Manny Grova, Jr. - 1

ALSO PRESENT: Jorge Estrada, Special Counsel

PUBLIC SPEAKING

There being no one 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. 4270**, entitled:

AN ORDINANCE AUTHORIZING THE APPROVAL OF THE CONTRACT OF SALE AND THE CONEYANCE OF THE PROPERTY LOCATED ON 600-616 SOUTH FRONT STREET AND 632-650 SOUTH FRONT STREET TO ELIZABETH MARINE TERMINAL, LLC AT THE PURCHASE PRICE OF $2,359,000.00, WITH A PROVISION REQUIRING A MINIMUM OF $200,000.00 PER YEAR OF ADDITIONAL COMPENSATION TO THE CITY UNTIL APPROPRIATE IMPROVEMENTS ARE MADE TO THE PROPERTY; AND DESIGNATING ELIZABETH MARINE TERMINAL, LLC AS REDEVELOPER AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A REDEVELOPMENT AGREEMENT WITH ELIZABETH MARINE TERMINAL, LLC.

This ordinance was adopted on its first reading at the meeting of City Council held on **December 27, 2011**.

The Notice of Public Hearing was published in the Star Ledger issue of **January 2, 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. 4271**, entitled:

AN ORDINANCE TO AUTHORIZE THE ESTABLISHMENT OF A PERSONALIZED HANDICAPPED PARKING SPACE FOR MELBA ALMODOVER, 439 FIRST AVENUE, ELIZABETH, NEW JERSEY.

This ordinance was adopted on its first reading at the meeting of City Council held on **December 27, 2011**.

The Notice of Public Hearing was published in the Star Ledger issue of **January 2, 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. 4272**, entitled:

AN ORDINANCE TO AUTHORIZE THE ESTABLISHMENT OF A PERSONALIZED HANDICAPPED PARKING SPACE FOR RAMIRO L. ABONIA, 328 FRANKLIN STREET, ELIZABETH, NEW JERSEY 07206.

This ordinance was adopted on its first reading at a meeting of City Council held on **December 27, 2011**.

The Notice of Public Hearing was published in the Star Ledger issue of **January 2, 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. 4273**, entitled:

AN ORDINANCE TO AUTHORIZE THE ESTABLISHMENT OF A PERSONALIZED HANDICAPPED PARKING SPACE FOR MAGADALINA GUTIERREZ, 506 FULTON STREET, ELIZABETH, NEW JERSEY

This ordinance was adopted on its first reading at the meeting of City Council held on **December 27, 2011**.

The Notice of Public Hearing was published in the Star Ledger issue of **January 2, 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. 4274**, entitled:

AN ORDINANCE TO AUTHORIZE THE ESTABLISHMENT OF A PERSONALIZED HANDICAPPED PARKING SPACE FOR JESSICA BORRELLO, 820 GARDEN STREET, ELIZABETH, NEW JERSEY 07202.

This ordinance was adopted on its first reading at a meeting of City Council held on **December 27, 2011**.

The Notice of Public Hearing was published in the Star Ledger issue of **January 2, 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. 4275**, entitled:

AN ORDINANCE TO AUTHORIZE THE ESTABLISHMENT OF A PERSONALIZED HANDICAPPED PARKING SPACE FOR ROBERT GORSKI, 900 GROVE STREET, ELIZABETH, NEW JERSEY 07202.

This ordinance was adopted on its first reading at the meeting of City Council held on **December 27, 2011**.

The Notice of Public Hearing was published in the Star Ledger issue of **January 2, 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. 4276**, entitled:

AN ORDINANCE TO AUTHORIZE THE ESTABLISHMENT OF A PERSONALIZED HANDICAPPED PARKING SPACE FOR MARLENE MORANO, 1448 LEXINGTON PLACE, ELIZABETH, NEW JERSEY 07208.

This ordinance was adopted on its first reading at a meeting of City Council held on **December 27, 2011**.

The Notice of Public Hearing was published in the Star Ledger issue of **January 2, 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. 4277**, entitled:

AN ORDINANCE TO AUTHORIZE THE ESTABLISHMENT OF A PERSONALIZED HANDICAPPED PARKING SPACE FOR JOSE CARLOS FREITAS, 553 MAPLE AVENUE, ELIZABETH, NEW JERSEY 07202.

This ordinance was adopted on its first reading at the meeting of City Council held on **December 27, 2011**.

The Notice of Public Hearing was published in the Star Ledger issue of **January 2, 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. 4278**, entitled:

AN ORDINANCE TO RESCIND ORDINANCE NO. 4254, ADOPTED ON OCTOBER 25, 2011, WHICH AUTHORIZED THE ESTABLISHMENT OF A PERSONALIZED HANDICAPPED PARKING SPACE FOR SHIRLEY A. DOZIER, 451 WALNUT STREET, ELIZABETH, NEW JERSEY.

This ordinance was adopted on its first reading at a meeting of City Council held on **December 27, 2011**.

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

[redacted]

PETITIONS, COMMUNICATIONS, ETC.

By the Clerk:
Letter dated December 29, 2011, from the Business Administrator requesting authorization for R & G Express Transport, Inc., pursuant to Chapter 5.16 of the Code of the City of Elizabeth, to operate as an Autobus traveling to and from North Brunswick and Monroe, NJ, and vans will be parked at 454 Hetfield Avenue, Elizabeth, NJ.
Which was received.

By the Clerk:
Letter dated December 29, 2011, from the Business Administrator requesting authorization for the sale of the 1997 Saulsbury Heavy Rescue Truck to the sole proposal received from East Side Fire Department, Post Office Box 1511, Asheboro, NC, in the amount of $55,000.00.
Which was received.

By the Clerk:
Letter dated December 29, 2011, from the Business Administrator recommending the award of a contract to Birdsall Services Group, Inc., 65 Jackson Drive, P.O. Box 5000, Cranford, NJ, to provide professional services in connection with the Health & Safety Compliance Programs for the Year 2012 for the period of January 1, 2012 to December 31, 2012, at an annual premium of $70,000.00.
Which was received.

By the Clerk:
Letter dated December 29, 2011, from the Business Administrator recommending the award of a contract to Trinitas Regional Medical Center, 225 Williamson Street, Elizabeth, NJ, for the implementation of an Employee Assistance Program (EAP) and Alcohol Education Program for the period commencing January 1, 2012 through December 31, 2012, in an amount not to exceed $40,000.00.
Which was received.

By the Clerk:
Letter dated January 3, 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 December 28, 2011, from the Director of Health and Human Services requesting authorization to disperse $23,180.00 to the Elizabeth Board of Education for the use of Nicholas Murray Butler School #23 for the Office of Youth – S.O.A.R. After-School Program for custodial and security services for the period October 11, 2011 through June 15, 2012.
Which was received.

By the Clerk:
Letter dated December 27, 2011, from the Director of Planning and Community Development requesting authorization for the proper City officials to amend the contract awarded on May 26, 2009, which authorized the Urban Enterprise Zone Façade Improvement Grant Program – Phase VII, in the amount of $279,391.00 for the period of July 1, 2009 through June 30, 2010, specifically to extend the contract to June 30, 2012.
Which was received.

[redacted]

PETITIONS, COMMUNICATIONS, ETC.

By the Clerk:

Letter dated December 27, 2011, from the Director of Planning and Community Development requesting authorization for the proper City officials to amend the contract awarded on April 22, 2008, which authorized the Elizabeth's Commercial District Power-washing and Graffiti Removal Project in the amount of $446,556.00 for the period of May 14, 2008 through May 31, 2009, specifically to extend the contract to June 30, 2012.
Which was received.

By the Clerk:

Letter dated December 27, 2011, from the Director of Public Works recommending the award of a contract to Hatch Mott MacDonald, 27 Bleeker Street, Millburn, NJ, to provide civil engineering services in connection with the flood control feasibility study for the low area of Trumbull Street near the intersection with Sixth Street at a cost not to exceed $87,500.00.
Which was received.

By the Clerk:

Letter dated December 27, 2011, from the Director of Public Works recommending awarding a contract to Toll Associates, PA, 388 Elmora Avenue, Elizabeth, NJ, to provide architectural and construction management services in connection with the East Grand Street Streetscape Project at a cost not to exceed $68,400.00.
Which was received.

By the Clerk:

Letter dated December 28, 2011, from the Director of Public Works recommending the award of a contract to Envar Services, Inc., 505 Milltown Road, North Brunswick, NJ, to provide marina and waterfront engineering services in connection with repairs to waterfront structures at Veterans Memorial Waterfront Park Promenade Platform South End at a cost not to exceed $18,000.00.
Which was received.

By the Clerk:

Letter dated December 14, 2011, from Lt. Bill Dugan requesting an ordinance to establish a Three-Way Stop at the intersection of Murray Street and DeHart Place.
Which was received.

By the Clerk:

Letter dated December 29, 2011, from the Frank O. Mazza Civic Association, 630 Third Avenue, Elizabeth, NJ, requesting permission to host the St. Vito procession and feast during the evenings of June 14 through June 17, 2012, from 6:00 p.m. to 10:30 p.m; the procession will be through the streets of our Little Italy, ending at the corner of High Street and Fourth Avenue, in front of the entrance of the Vallatese Club Hall.
Which was received.

REPORTS OF CITY OFFICERS

By the Clerk:

Letter January 10, 2012, from the Finance Department submitting a list of all bills, claims and vouchers which have been paid as of the close of business on Thursday, January 6, 2012.
Which was received.

By the Clerk:

Minutes: Fair Rental Housing Board meeting held October 19, 2011.
Which was received.

ORDINANCES ON FIRST READING

Council President Gonzalez announced that the next business in order would be the introduction of **Ordinance No. 4279** , which was seconded by Councilman Cuesta, entitled:

AN ORDINANCE TO AMEND CHAPTER 10.08.020 OF THE CODE OF THE CITY OF ELIZABETH TO ESTABLISH A THREE-WAY STOP AT THE INTERSECTION MURRAY STREET AND DEHART PLACE.

Councilman Mazza was happy to see this ordinance and stated that there were many accidents at this location and hopefully this will resolve this problem.

The Clerk read the foregoing ordinance.

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

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

NEGATIVE: None

Council President Gonzalez announced that public notice will be published fixing Tuesday, January 24, 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 No. 4279, 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. 4270**, which was seconded by Councilman Cuesta:

AN ORDINANCE AUTHORIZING THE APPROVAL OF THE CONTRACT OF SALE AND THE CONEYANCE OF THE PROPERTY LOCATED ON 600-616 SOUTH FRONT STREET AND 632-650 SOUTH FRONT STREET TO ELIZABETH MARINE TERMINAL, LLC AT THE PURCHASE PRICE OF $2,359,000.00, WITH A PROVISION REQUIRING A MINIMUM OF $200,000.00 PER YEAR OF ADDITIONAL COMPENSATION TO THE CITY UNTIL APPROPRIATE IMPROVEMENTS ARE MADE TO THE PROPERTY; AND DESIGNATING ELIZABETH MARINE TERMINAL, LLC AS REDEVELOPER AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A REDEVELOPMENT AGREEMENT WITH ELIZABETH MARINE TERMINAL, LLC.

WHEREAS, there is City owned property located at 632-650 South Front Street, also known as Block 4, Lots 1469 on the Tax Map of the City of Elizabeth; and 600-616 South Front Street, also known as Block 4 Lot 1468 on the Tax Map of the City of Elizabeth and formerly known as the Borne Chemical Property which is presently under lease to Elizabeth Marine Terminal, LLC (EMT) a subsidiary of Jay Cashman, Inc., a marine contractor. EMT has elected to purchase the property pursuant to an option in its existing lease for the property. Authorization is requested to approve the contract of sale and conveyance of the property at the sale price of $2,359,000.00; and

WHEREAS, a Redevelopment Agreement has been negotiated, which will require the construction of 70,000 square feet of commercial/industrial space within thirty (30) months after the property has been remediated by the Potentially Responsible Parties known as the Borne Chemical Site Participating Group. In the event that the structures are not built, there is a provision requiring EMT to pay a minimum of $200,000.00 per year of additional compensation to the City. This amount will increase over time until such time the appropriate improvements are made to the property as provided in the proposed Contract of Sale and the Redevelopment Agreement; and

WHEREAS, authorization is requested designating Elizabeth Marine Terminal, LLC as Redeveloper as well as the approval and execution of the Redevelopment Agreement; and

WHEREAS, the proposed Contract of Sale and its attachments, including the proposed Redevelopment Agreement, are on file in the Office of the City Clerk; now, therefore,

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

SECTION 1. – that authorization and approval is hereby given to the proper City Officials to execute the Contract of Sale and transfer documents for the conveyance of the City owned property located at 632-650 South Front Street, also known as Block 4, Lots 1469 on the Tax Map of the City of Elizabeth; and 600-616 South Front Street, also known as Block 4 Lot 1468 on the Tax Map of the City of Elizabeth, and formerly known as the Borne Chemical Property to EMT, LLC for the sum of $2,359,000.00. The transfer documents shall be in the form attached to the Contract of Sale with any amendments as shall be approved by the City Attorney.

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SECTION 2. - a Redevelopment Agreement has been negotiated, which will require the building of 70,000 square feet of commercial/industrial space thirty (30) months after the property has been remediated by the Borne Chemical Site Participating Group. In the event that the structures are not built, EMT is required to pay a minimum of $200,000.00 per year of additional compensation to the City. This amount will increase over time until such time the appropriate improvements are made to the property as provided in the Contract of Sale and Redevelopment Agreement.

SECTION 3. – That the Redevelopment Agreement is hereby approved and the proper City Officials are authorized to execute the Redevelopment Agreement in the form attached to the Contract of Sale with any amendments as shall be approved by the City Attorney.

SECTION 4. - That Elizabeth Marine Terminal, LLC is hereby designated as the Redeveloper of the property.

SECTION 5. - All ordinances or parts of ordinances inconsistent with the provisions of this ordinance be and the same are hereby repealed.

SECTION 6. - 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 7. - The effective date of this ordinance shall be twenty (20) days after its final passage by City Council and approval by the Mayor at the time and in the manner provided by law.

The Clerk read the foregoing ordinance by title.

This ordinance was adopted on its first reading at the City Council meeting held . **December 27, 2011.**

Annexed to the ordinance was an affidavit from the publisher of the Star Ledger certifying the publication of the ordinance and notice of public hearing thereon in its issue of **January 2, 2012.**

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

AFFIRMATIVE: Perkins-Auguste, Cuesta, Jackus, [redacted], 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. 4271**, which was seconded by Councilman Cuesta:

AN ORDINANCE TO AUTHORIZE THE ESTABLISHMENT OF A PERSONALIZED HANDICAPPED PARKING SPACE FOR MELBA ALMODOVER, 439 FIRST AVENUE, ELIZABETH, NEW JERSEY.

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

SECTION 1. - A personalized handicapped parking space for **Melba Almodover** is established in front of **439 First Avenue, Elizabeth, New Jersey 07202,** as follows and pursuant to the recommendation of the Elizabeth Police Director: along the North curb line of First Avenue beginning at a point 36' East of Loomis Street and continuing 22' East thereof.

SECTION 2. - The administrative and enforcement aspects of this Ordinance shall be under the jurisdiction of the Police Department of the City of Elizabeth.

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

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

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

The Clerk read the foregoing ordinance by title.

This ordinance was adopted on its first reading at the City Council meeting held . **December 27, 2011.**

Annexed to the ordinance was an affidavit from the publisher of the Star Ledger certifying the publication of the ordinance and notice of public hearing thereon in its issue of **January 2, 2012.**

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

AFFIRMATIVE: Perkins-Auguste, Cuesta, Jackus, [redacted] 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. 4272**, which was seconded by Councilman Cuesta:

AN ORDINANCE TO AUTHORIZE THE ESTABLISHMENT OF A PERSONALIZED HANDICAPPED PARKING SPACE FOR RAMIRO L. ABONIA, 328 FRANKLIN STREET, ELIZABETH, NEW JERSEY 07206.

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

SECTION 1. - A personalized handicapped parking space for **Ramiro L. Abonia** is established in front of **328 Franklin Street, Elizabeth, New Jersey 07206,** as follows and pursuant to the recommendation of the Elizabeth Police Director: along the South curb line of Franklin Street beginning at a point 362' West of Third Street and continuing 22' West thereof.

SECTION 2. - The administrative and enforcement aspects of this Ordinance shall be under the jurisdiction of the Police Department of the City of Elizabeth.

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

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

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

The Clerk read the foregoing ordinance by title.

This ordinance was adopted on its first reading at the City Council special meeting held **December 27, 2011.**

Annexed to the ordinance was an affidavit from the publisher of the Star Ledger certifying the publication of the ordinance and notice of public hearing thereon in its issue of **January 2, 2012.**

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

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

NEGATIVE: None

Council President Gonzalez announced that the next business in order would be the adoption of **Ordinance No. 4273**, which was seconded by Councilman Cuesta:

AN ORDINANCE TO AUTHORIZE THE ESTABLISHMENT OF A PERSONALIZED HANDICAPPED PARKING SPACE FOR MAGADALINA GUTIERREZ, 506 FULTON STREET, ELIZABETH, NEW JERSEY

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

SECTION 1. - A personalized handicapped parking space for **Magdalina Gutierrez** is established in front of **506 Fulton Street, Elizabeth, New Jersey 07206,** as follows and pursuant to the recommendation of the Elizabeth Police Director: along the South curb line of Fulton Street beginning at a point 91' West of Fifth Street and continuing 22' West thereof.

SECTION 2. - The administrative and enforcement aspects of this Ordinance shall be under the jurisdiction of the Police Department of the City of Elizabeth.

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

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

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

The Clerk read the foregoing ordinance by title.

This ordinance was adopted on its first reading at the City Council meeting held . **December 27, 2011.**

Annexed to the ordinance was an affidavit from the publisher of the Star Ledger certifying the publication of the ordinance and notice of public hearing thereon in its issue of **January 2, 2012.**

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

AFFIRMATIVE: Perkins-Auguste, Cuesta, Jackus, [redacted], 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. 4274**, which was seconded by Councilman Cuesta:

AN ORDINANCE TO AUTHORIZE THE ESTABLISHMENT OF A PERSONALIZED HANDICAPPED PARKING SPACE FOR JESSICA BORRELLO, 820 GARDEN STREET, ELIZABETH, NEW JERSEY 07202.

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

SECTION 1. - A personalized handicapped parking space for **Jessica Borrello**, is established in front of **820 Garden Street, Elizabeth, New Jersey 07202** as follows and pursuant to the recommendation of the Elizabeth Police Director: along the East curb line of Garden Street beginning at a point 267' South of Grier Avenue and continuing 22' South thereof.

SECTION 2. - The administrative and enforcement aspects of this Ordinance shall be under the jurisdiction of the Police Department of the City of Elizabeth.

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

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

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

The Clerk read the foregoing ordinance by title.

This ordinance was adopted on its first reading at the City Council special meeting held **December 27, 2011.**

Annexed to the ordinance was an affidavit from the publisher of the Star Ledger certifying the publication of the ordinance and notice of public hearing thereon in its issue of **January 2, 2012.**

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

AFFIRMATIVE: Perkins-Auguste, Cuesta, Jackus, [redacted] 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. 4275**, which was seconded by Councilman Cuesta:

AN ORDINANCE TO AUTHORIZE THE ESTABLISHMENT OF A PERSONALIZED HANDICAPPED PARKING SPACE FOR ROBERT GORSKI, 900 GROVE STREET, ELIZABETH, NEW JERSEY 07202.

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

SECTION 1. - A personalized handicapped parking space for **Robert Gorski,** is established in front of **900 Grove Street, Elizabeth, New Jersey 07202** as follows and pursuant to the recommendation of the Elizabeth Police Director: along the West curb line of Washington Avenue beginning at a point 80' South of Grove Street and continuing 22' South thereof.

SECTION 2. - The administrative and enforcement aspects of this Ordinance shall be under the jurisdiction of the Police Department of the City of Elizabeth.

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

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

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

The Clerk read the foregoing ordinance by title.

This ordinance was adopted on its first reading at the City Council meeting held **December 27, 2011.**

Annexed to the ordinance was an affidavit from the publisher of the Star Ledger certifying the publication of the ordinance and notice of public hearing thereon in its issue of **January 2, 2012.**

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

AFFIRMATIVE: Perkins-Auguste, Cuesta, Jackus, [redacted], 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. 4276**, which was seconded by Councilman Cuesta:

AN ORDINANCE TO AUTHORIZE THE ESTABLISHMENT OF A PERSONALIZED HANDICAPPED PARKING SPACE FOR MARLENE MORANO, 1448 LEXINGTON PLACE, ELIZABETH, NEW JERSEY 07208.

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

SECTION 1. - A personalized handicapped parking space for **Marlene Morano**, is established in front of **1448 Lexington Place, Elizabeth, New Jersey 07208** as follows and pursuant to the recommendation of the Elizabeth Police Director: along the South curb line of Lexington Place beginning at a point 205' East of North Broad Street and continuing 22' East thereof.

SECTION 2. - The administrative and enforcement aspects of this Ordinance shall be under the jurisdiction of the Police Department of the City of Elizabeth.

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

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

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

The Clerk read the foregoing ordinance by title.

This ordinance was adopted on its first reading at the City Council special meeting held **December 27, 2011.**

Annexed to the ordinance was an affidavit from the publisher of the Star Ledger certifying the publication of the ordinance and notice of public hearing thereon in its issue of **January 2, 2012.**

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

AFFIRMATIVE: Perkins-Auguste, Cuesta, Jackus, [redacted], 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. 4277**, which was seconded by Councilman Cuesta:

AN ORDINANCE TO AUTHORIZE THE ESTABLISHMENT OF A PERSONALIZED HANDICAPPED PARKING SPACE FOR JOSE CARLOS FREITAS, 553 MAPLE AVENUE, ELIZABETH, NEW JERSEY 07202.

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

SECTION 1. - A personalized handicapped parking space for **Jose Carlos Freitas**, is established in front of **553 Maple Avenue, Elizabeth, New Jersey 07202** as follows and pursuant to the recommendation of the Elizabeth Police Director: along the West curb line of Maple Avenue beginning at a point 236' South of Summer Street and continuing 22' South thereof.

SECTION 2. - The administrative and enforcement aspects of this Ordinance shall be under the jurisdiction of the Police Department of the City of Elizabeth.

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

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

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

The Clerk read the foregoing ordinance by title.

This ordinance was adopted on its first reading at the City Council meeting held . **December 27, 2011.**

Annexed to the ordinance was an affidavit from the publisher of the Star Ledger certifying the publication of the ordinance and notice of public hearing thereon in its issue of **January 2, 2012.**

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

AFFIRMATIVE: Perkins-Auguste, Cuesta, Jackus, [redacted] 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. 4278** , which was seconded by Councilman Cuesta:

AN ORDINANCE TO RESCIND ORDINANCE NO. 4254, ADOPTED ON OCTOBER 25, 2011, WHICH AUTHORIZED THE ESTABLISHMENT OF A PERSONALIZED HANDICAPPED PARKING SPACE FOR SHIRLEY A. DOZIER, 451 WALNUT STREET, ELIZABETH, NEW JERSEY.

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

SECTION 1. - Ordinance No. 4254 is hereby rescinded.

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

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

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

The Clerk read the foregoing ordinance by title.

This ordinance was adopted on its first reading at the City Council special meeting held **December 27, 2011.**

Annexed to the ordinance was an affidavit from the publisher of the Star Ledger certifying the publication of the ordinance and notice of public hearing thereon in its issue of **January 2, 2012.**

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

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

NEGATIVE: None

NEW BUSINESS

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the Business Administrator has advised that notices advertising the sale of a 1997 Saulsbury Heavy Rescue Truck were posted for six months. It was also advertised on the Elizabeth Fire Department's website during that time period. During this time the Fire Department received six inquiries from interested parties. However, the sole proposal was received from **East Side Fire Department of Asheboro, N.C.**; and

WHEREAS, the Business Administrator, the Purchasing Agent have recommended per the request of the Director of the Fire Department the authorization for the sale of property of a 1997 Saulsbury Heavy Rescue Truck **East Side Fire Department, Post Office Box 1511, Asheboro, N.C. 27204,** in the amount of $55,000.00; and

WHEREAS, the provisions of Chapter 2.92 shall not apply to all contracts entered into with the United States of America, State of New Jersey, County or municipality, or any board, body, officer, agency or authority thereof, and any other state or subdivision thereof; and

WHEREAS, the Fire Department determined the sale price for this vehicle by canvassing Used Fire Vehicle Publications. The price was determined based on the age, mileage and the condition of the rig; and

WHEREAS, N.J.S.A. 40A:11-36(2) states that "the contracting unit (The City of Elizabeth) need not advertise for bids when it makes any such sale to the United States, the State of New Jersey, another contracting unit, any body politic to which it contributes tax raised funds…or any governmental unit in the United States; now, therefore, be it

RESOLVED that the City Council of the City of Elizabeth authorizes the sale of a 1997 Saulsbury Heavy Rescue Truck to **East Side Fire Department, Post Office Box 1511, Asheboro, N.C. 27204,** in the amount of $55,000.00.

Which was adopted by the following vote:

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

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the Business Administrator 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 services in connection with the Health and Safety Compliance Programs for the Year 2012 in an amount not to exceed $70,000.00 for the period January 1, 2012 to December 31, 2012; and

WHEREAS, the scope and services outlined in the proposal include all professional consulting services associated with the City of Elizabeth's compliance with Health and safety programs as follows but not limited to: Written/Education/Training for the Confined Space Entry Program for employees; Annual PEOSHA Audit & Loss Prevention/Control Consultation; Bloodborne Pathogen Standard Program including education and training sessions; Defensive Driving education and training program for employees; Forklift Training Program and complete Right-to -Know compliance; and

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

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

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available an appropriated for this purpose and Certification No. 12-05311, charging the amount of $70,000.00 to Account No. 2-01-20-100-ADM-302 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 services in connection with the Health & Safety Compliance Programs in an amount not to exceed $70,000.00 for the period January 1, 2012 to December 31, 2012, for the Year 2012.

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

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

Which was adopted by the following vote:

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

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the Business Administrator has recommended an award of contract be made to **TRINITAS REGIONAL MEDICAL CENTER, 225 Williamson Street, Elizabeth, New Jersey 07207,** to provide for the implementation of an Employee Assistance Program (EAP) & Alcohol Education Program for the period commencing January 1, 2012 through December 31, 2012 at a cost not to exceed $40,000.00; and

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available and appropriated for this purpose and Certification No. 12-05310, charging the amount of $40,000.00 to Account No. 2-01-20-100-ADM-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 "Extraordinary, Unspecifiable Services" without competitive bids and the contract itself must be available for public inspection; and

WHEREAS, the Business Administrator has certified that this meets the statute and regulations governing the award of said contract; now, therefore, be it

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

1. The Mayor and the City Clerk are hereby authorized and directed to execute a contract with **TRINITAS REGIONAL MEDICAL CENTER, 225 Williamson Street, Elizabeth, New Jersey 07207** to provide for the implementation of an Employee Assistance Program (EAP) & Alcohol Education Program for the period commencing January 1, 2012 through December 31, 2012 at a cost not to exceed $40,000.00.
2. Through the Fair and Openness Process quotations were solicited and Trinitas was the only respondent. Recommendation is based on previous service to City Employees. There will be no disruption of services to employees who are currently benefitting from this much needed assistance. Trinitas Regional Medical Center is locally based in Elizabeth.
3. This service is specialized and qualitative in nature because it requires knowledge and expertise as its pertains to counseling, rehabilitation, and behavioral management.
4. A notice of this action shall be published in **The Star Ledger.**

Which was adopted by the following vote:

AFFIRMATIVE: Perkins-Auguste, Cuesta, Jackus, [redacted], 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 March 11, 2011 the Department of Public Works has received qualification proposals for consulting professional engineering services; and

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

WHEREAS, the Department of the Department of Public Works having reviewed the qualifications of all respondents found the firm of Hatch Mott MacDonald to be qualified to provide the City of Elizabeth with civil engineering services in connection with flood control feasibility study as per their proposal dated November 30, 2011; and

WHEREAS, the Director of the Department of Public Works has requested authorization for the award of a contract to **Hatch Mott MacDonald, 27 Bleeker Street, Millburn, New Jersey 07041-1008,** to provide civil engineering services in connection with the flood control feasibility study for the low area of Trumbull Street near the intersection with Sixth Street at a cost not to exceed $87,500.00; and

WHEREAS, the scope of the work includes a site survey of the Trumbull Street sewer from Sixth Street to the Newark Bay, installation of six (6) flow meters to collect data for three (3) months, creations of a hydraulic model of the existing sewer area and development of four (4) alternatives to address the flooding issue; and

WHEREAS, a separate contract will be submitted to your Honorable Body for design of the project when the feasibility study is completed; and

WHEREAS, 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; and

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

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available and appropriated for this purpose and Certification No. 12-05307, charging the amount of $87,500.00 to Account No. X-08-55-039-034, of the Municipal Budget is on file in the Office of the City Clerk; now, therefore, be it

RESOLVED that the City Council of the City of Elizabeth authorizes an award of a contract to **Hatch Mott MacDonald, 27 Bleeker Street, Millburn, New Jersey 07041-1008,** to provide civil engineering services in connection with the flood control feasibility study for the low area of Trumbull Street near the intersection with Sixth Street at a cost not to exceed $87,500.00;

Which was adopted by the following vote:

AFFIRMATIVE: Perkins-Auguste, Cuesta, Jackus, [redacted], 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 March 11, 2011 the Department of Public Works received qualification proposals for architectural and construction management services; and

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

WHEREAS, the Department of Public Works reviewed the qualifications of all Respondents and found the firm of **Toll Associates, PA** to be qualified to provide the City of Elizabeth with architectural and construction management services in connection with the design, bidding and construction of the East Grand Street Streetscape between Broad Street and Jefferson Avenue as per their proposal dated December 21, 2011. This project will build upon and extend the streetscape currently under construction on Broad Street; and

WHEREAS, the City has applied for a grant to partially fund these improvements from the New Jersey Safe Streets to Transit Program Administered through the New Jersey Department of Transportation; and

WHEREAS, the Director of the Department of Public Works has requested authorization or the award of a contract to **Toll Associates, PA, 388 Elmora Avenue, Elizabeth, New Jersey 07208,** to provide architectural and construction management services in connection with the East Grand Street Streetscape project at a cost not to exceed $68,400.00; and

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

WHEREAS, 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; and

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available and appropriated for this purpose and Certification No. 12-05309, charging the amount of $68,400.00 to Account No. X-04-55-999-X42-002, of the Municipal Budget is on file in the Office of the City Clerk; now, therefore, be it

RESOLVED that the City Council of the City of Elizabeth authorizes an award of a contract to **Toll Associates, PA, 388 Elmora Avenue, Elizabeth, New Jersey 07208,** to provide architectural and construction management services in connection with the East Grand Street Streetscape project at a cost not to exceed $68,400.00.

Which was adopted by the following vote:

AFFIRMATIVE: Perkins-Auguste, Cuesta, Jackus, [redacted], 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 March 11, 2011 the Department of Public Works received qualification proposals for marina and waterfront engineering services; and

WHEREAS, the Department of Public Works has reviewed the qualifications of all respondents and found the firm of **Envar Services, Inc., 505 Milltown Road, New Brunswick, New Jersey 08902**, to be qualified to provide the City of Elizabeth with marina and waterfront engineering services in connection with the repairs to Waterfront Structures at the Veterans Memorial Waterfront Park Promenade Platform (South End) as per their proposal dated December 23, 2011. The scope of work includes a survey of sinkholes and gaps in the timber cutoff wall and design and construction management services related to the repairs of this area as well as preparation of the necessary Coastal General Permit application; and

WHEREAS, the Director of the Department of Public Works has requested authorization to award a contract to **Envar Services, Inc., 505 Milltown Road, New Brunswick, New Jersey 08902,** to provide marina and waterfront engineering services at a cost not to exceed $18,000.00; 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, 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; and

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available and appropriated for this purpose and Certification No. 12-05308 , charging the amount of $18,000.00 to Account No. X-04-55-099-X26-001, of the Municipal Budget is on file in the Office of the City Clerk; now, therefore, be it

RESOLVED that the City Council of the City of Elizabeth authorizes an award of a contract to **Envar Services, Inc., 505 Milltown Road, New Brunswick, New Jersey 08902,** to provide marina and waterfront engineering services at a cost not to exceed $18,000.00.

Councilman Gallman stated that everyone knows this area floods and the flooding will not stop until this area is fixed.

He continued that First John's Baptist Church lost everything that they had during one of the floods. He stated further that the emergency vehicles have to go around to Third Street in order to get to the other side.

Which was adopted by the following vote:

AFFIRMATIVE: Perkins-Auguste, Cuesta, Jackus, [redacted], 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 22, 2008, your Honorable Body adopted a resolution which authorized the Elizabeth's Commerical District Power-washing and Graffiti Removal project in the amount of $446,556.00 for the period May 14, 2008 through May 31, 2009; and

WHEREAS, authorization is requested for the proper City Officials to amend the contract for the Elizabeth Commercial District Power-washing and Graffiti Removal Project by extending the completion date to June 30, 2012; and

RESOLVED that the City Council of the City of Elizabeth authorizes the contract for the Elizabeth's Commerical District Power-washing and Graffiti Removal project in the amount of $446,556.00 for the period May 14, 2008 through May 31, 2009 be amended by extending the completion date for the period May 14, 2008 through June 30, 2012.

Councilman Mazza stated that in five (5) years they have not spent any money and he hopes that they will spend this money.

Which was adopted by the following vote:

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

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the Director of the Department of Health and Human Services has requested authorization for the proper City officials to enter into an agreement with the Elizabeth Board of Education to pay for the Custodial and Security Services for the S.O.A.R. (Special Opportunities for Achievement & Reawakening). After-School Program at the Nicholas Murray Butler School #23 from October 11, 2011 through June 15, 2012 in an amount of $23,180.00. This program offers academic and recreational activities for the City of Elizabeth youth ages 6-13; and

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available and appropriated for this purpose and Certification No. 12-05181, charging the amount of $23,180.00 to Account No. 2-01-27-330-OYS-325 the Municipal Budget is on file in the Office of the City Clerk; now, therefore, be it

RESOLVED that the City Council of the City of Elizabeth authorizes the proper City officials to enter into an agreement with the Elizabeth Board of Education to pay for Custodial and Security Services for the S.O.A.R. Special Opportunities for Achievement & Reawakening).After-School Program at the Nicholas Murray Butler School #23 from October 11, 2011 through June 15, 2012 in an amount of $23,180.00. This program offers academic and recreational activities for the City of Elizabeth youth ages 6-13.

Which was adopted by the following vote:

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

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE

WHEREAS, a case is currently pending in the matter of **Francis J. Gass, Jr v. City of Elizabeth, et al, CP No.: 2010-5902;** and

WHEREAS, the Law Department and Christopher J. Kinsella, Esq. have recommended settlement for 37 ½% of partial total or $19,936.88; and

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available and appropriated for this purpose and Certification No. 12-05398 charging the amount of $19,936.88 to Account No. 02-21-56-249 of the Municipal Budget is on file in the Office of the City Clerk; now, therefore, be it4

RESOLVED that the City Council of the City of Elizabeth hereby approves and authorizes the settlement of the claim in an amount of $19,936.88 payable to **Francis J. Gass, Jr., 647 Cleveland Avenue, Elizabeth, New Jersey 07208,** and the **Attorney for the Plaintiff, Kushinsky, Dotoli & Gans, LLC, 611 Main Street, P. O. Box 1120, Toms River, New Jersey 08754-1120.**

Which was adopted by the following vote:

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

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE

WHEREAS, a case is currently pending in the matter of **Barbara Shannon v. City of Elizabeth, et al, CP No.: 2008-23466;** and

WHEREAS, the Law Department and Christopher J. Kinsella, Esq. have recommended settlement for 15% of partial total or $17,820.00; and

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available and appropriated for this purpose and Certification No 12-05389 charging the amount of $17,820.00 to Account No. 02-21-56-249 of the Municipal Budget is on file in the Office of the City Clerk; now, therefore, be it4

RESOLVED that the City Council of the City of Elizabeth hereby approves and authorizes the settlement of the claim in an amount of $17,820.00 payable to **Barbara Shannon, 665 N. Broad Street, Apt. #10B, Elizabeth, New Jersey 07208,** and the **Attorney for the Plaintiff, Balk, Geddes & Cistrelli, P.A., 2013 Morris Avenue, Second Floor, Union, New Jersey 07036.**

Which was adopted by the following vote:

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

NEGATIVE: None

EXCUSED: GONZALEZ — 1

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the City Council of the City of Elizabeth has learned that the **Frank O. Mazza Civic Association, 630 Third Avenue, Elizabeth, New Jersey 07202,** has requested to hold a special event, the annual Saint Vito Procession and Feast, through the streets of Peterstown Section of Elizabeth, ending at the corner of High Street and Fourth Avenue. The possession will take place on Sunday, June 17, 2012; and

WHEREAS, authorization is requested to host a street festival on High Street beginning at Third Avenue and ending at the Elizabeth River and Fourth Avenue between Centre Street and South Seventh Street. The festival will take place between June 14, 2012 through June 17, 2012, between the hours of 6:00 p.m. to 10:30 p.m. The festival will include food, vendors, giveaways, music, "kiddie" rides, cultural performances and much more; and

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

RESOLVED that the City Council of the City of Elizabeth grants permission for the **Frank O. Mazza Civic Association, 630 Third Avenue, Elizabeth, New Jersey** to conduct the St. Vito Procession through the streets of Peterstown Section of Elizabeth, ending at the corner of High Street and Fourth Avenue on June 17, 2012; and a street festival, on High Street, beginning at Fourth Avenue and ending at the Elizabeth River and on Fourth Avenue between Centre Street and South Seventh Street. The festival will take place on June 14, 2012 through June 17, 2012, between the hours of 6;00 p.m. to 10:30 p.m. provided that they comply with the requirements of (The Festival Ordinance) Chapter 12.56 of the Code of the City of Elizabeth and (The Parade Ordinance) Chapter 12.36 of the Code of the City of Elizabeth.

Which was adopted by the following vote:

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

NEGATIVE: None

EXCUSED: MAZZA — 1

BY CITY COUNCIL AS A WHOLE:

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

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

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

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

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

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

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

RESOLVED that the City Council of the City of Elizabeth, New Jersey, recognizes January 16, 2012 as the Twenty-Seventh Commemorative Anniversary and as a National Holiday to celebrate the life of the Reverend Dr. Martin Luther King, Jr., to be held at the Union Baptist Church, 1088 E. Grand Street, Elizabeth, New Jersey; and be it

FURTHER RESOLVED that a copy of this resolution be given to the Reverend Dr. Martin Luther King, Jr., Commemorative Committee of Elizabeth and a copy be spread in full upon the minutes of the City Council meeting held on January 10, 2012.

Which was adopted by the following vote:

AFFIRMATIVE: Perkins-Auguste, Cuesta, Jackus, [redacted], Keenan, Cedeno, Gallman, Mazza, and President Gonzalez - X 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**	**$**	**5,891.55**
ELIZABETHTOWN GAS	**2-01-31-446**	**$**	**7,327.86**
FLEETCOR TECHNOLOGIES SERVICES	**2-01-31-460**	**$**	**99,726.80**
NATIONAL FUEL OIL, INC.	**2-01-31-447**	**$**	**6,843.36**
NATIONAL TERMINAL, INC.	**2-01-31-447**	**$**	**7,735.88**
PSE&G	**2-01-31-430**	**$**	**14,774.16**
RELIANT ENERGY NORTHEAST, LLC	**2-01-31-430**	**$**	**68,997.84**
VERIZON	**2-01-31-440**	**$**	**1,136.62**

Which was adopted by the following vote:

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

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the City Council of the City of Elizabeth has learned of the recent death of Father Vincent Zuliani; and

WHEREAS, he was born in the town of Basiliano, near Udine in northeastern Italy. In 1938 he entered the Salesian Seminary at Ivrea. From Ivrea he entered the Salesian novitiate in 1942 at Castelnuovo Don Bosco. He was transferred within the year to Villa Moglia in Chieri. He professed vows on August 16, 1943. Brother Zuliani continued his studies first at Foglizzo, then at the Istituo Conti Rebaudengo, a unit of the Salesian Pontifical Atheneum in Turin, earning a doctorate in philosophy (magna cum laude) in 1949. He was then sent to the U.S. to teach philosophy, Latin and Greek at Don Bosco College in Newton, N.J. – a ministry he carried out zealously until 1975. During that time he also taught theology studies (1952-1956) at St. John Bosco Theological School in Turin; and

WHEREAS, he was ordained a priest by Cardinal Maurilio Fossati on July 1, 1956, in the Basilica of Mary Help of Christians in Turin; and

WHEREAS, Father Zuliani also earned master's degree, magna cum laude, from Fordham University in 1960 in classical languages. From 1965 to 1975 he also was Director of the Sons of Mary Program for the late vocations at Don Bosco Seminary; and

WHEREAS, he found great pleasure in books as well as weekend priestly services at various parishes at Our Lady of Mt. Carmel and Sts. Cyril and Methodius in Boonton, St. Thomas More in Convent Station; and St. Joseph in Lincoln Park; and

WHEREAS, Father Zuliani to become the Director of Don Bosco Technical High School in Paterson, N.J. in 1975 serving until 1981. From 1984 to 1989 he was Director of St. Dominic Savio High School in East Boston, and from 1999 to 2005 he served the community at the Salesian Provincial House in New Rochelle, N.Y. He was associate Pastor at St. Anthony's Church in Elizabeth, NJ from 1981-1984 and Pastor-Director at St. Anthony's from 1989-1998. At St.Anthony's he assisted not only with the sacraments, but also with adult and youth religious education and was chaplain for the local Italian Club. While he was Pastor he renovated the church, school, convent and rectory. From 2005 to 2008 he was associate pastor at St. Anthony's Church in Paterson; and

WHEREAS, Father Zuliani is survived by his brother Gino of Bressa di Campoformido (Udine), Italy; now, therefore, be it

RESOLVED, that the City Council of the City of Elizabeth hereby expresses its deep sorrow at the death of Father Vincent Zuliani and extend to his bereaved family, parishioners and friends our sympathy and condolences; and be it

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

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

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the City Council of the City of Elizabeth has learned of the recent death of Bishop Nathan R. Jackson; and

WHEREAS, there are insufficient words to express the City of Elizabeth's gratitude to Bishop Nathan R. Jackson for his complete commitment to his parishioners and their families; and

RESOLVED, that the City Council of the City of Elizabeth hereby expresses its deep sorrow at the death of Bishop Nathan R. Jackson and extend to his bereaved family, parishioners and friends our sympathy and condolences; and be it

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

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

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the City Council of City of Elizabeth has learned of the recent death Gerardo "Jerry" Crincoli, 75; and

WHEREAS, Mr. Crincoli was born in the town of Vallata, in Avellino, Italy. He came to the United States in 1954 and resided in the City of Elizabeth, N.J., before settling in Union, N.J. where he and his wife of 44 years Natalina, (nee Sauro) raised their three children; and

WHEREAS, Mr. Crincoli was the co-owner of Cezzane, a popular hair salon in Springfield, N.J. for more than forty years; and

WHEREAS, he was an avid bocce player, Mr. Crincoli was a member of the Vallatese Club in Elizabeth and a parishioner of St. Michael R.C. Church in Union; and

WHEREAS, Mr. Crincoli was predeceased by his son, Jerry, and his brothers, Carmine and Joseph. He is survived by his devoted wife, Natalina; his son, Thomas "Tommy," and his daughter-in-law, Kristin, of Morganville, N.J.; his son, David, of Hoboken, N.J.; three cherished grandchildren, Taylor, Jordan, and Ryan; his brother Frank of Elizabeth, and sister Michelina Chiavuzzo of Ocean Gate, N.J.; now, therefore, be it

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

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

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

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the City Council of the City of Elizabeth has learned of the recent death of Saleem A. Muhammad, 83; and

WHEREAS, a World War II veteran, he served in the United States Army Air Force and was also a member of the Tuskegee Airmen; and

WHEREAS, Mr. Muhammad was a committeeman for Elizabeth's 5th Ward 11 District. He retired from Allen Carpet Co. in Rahway, New Jersey; and

WHEREAS, he was a faithful member of the Masjid Warith-Ud-Denn in Irvington; and

WHEREAS, Mr. Muhammad was preceased by a son Jerome (Slick) Nelson. He leaves surviving cherish his beloved wife of thirty-three years, Tauheedah; his loving daughters, Gwen Nelson, Azizah Muhammad, Rashidah Muhammad, Nedra Nelson and Shahidah Wright; he was the dear brother of Daniel Nelson, Lenora Carswell, Donella Lewis and Maggie Nelson; and also surviving are eleven grandchildren and fourteen great grandchildren along with a host of other loving relative and dear friends; now; therefore, be it

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

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

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

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the City Council of the City of Elizabeth has learned of the recent death of Thya Y. Wilson, a lifelong resident of Elizabeth; and

WHEREAS, she was educated in the Elizabeth public school district; and

WHEREAS, for several years, she worked as a Supervisor for Enterprise Rent-A-Car Company; and

WHEREAS, she was a faithful member of the Glorious Hope Baptist Church, she served on the Outreach Missions and the Ministry of Helps with the youth; and

WHEREAS, she is survived by her daughter, Ayanah Wilson Thomas (Kalifi); six grandchildren; two sisters, Julie Brooks and Theodoreen Green a brother, Michael Wilson; grandparents, Doyle and Helen Wilson and a host of other relative and dear friends; now, therefore, be it

RESOLVED that the City Council of the City of Elizabeth hereby expresses its condolences at the passing of Thya Y. Wilson 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.

Councilman Cuesta moved that City Council do now adjourn,

Which was carried unanimously.

Whereupon Council President Gonzalez declared City Council adjourned at

8:00 p.m.

APPROVED

NELSON GONZALEZ
President of City Council

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