PROCEEDINGS OF CITY COUNCIL

(OFFICIAL)

ELIZABETH, N.J.

Tuesday Evening
April 8, 2014
7:30 p.m.

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

Council President Manny Grova, Jr., 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, 2013.

PRESENT: Council Members-at-Large: Patricia Perkins-Auguste,
Frank J. Cuesta,
Council Members: Carlos L. Torres, 1st Ward;
Nelson Gonzalez, 2nd Ward; [redacted], 3rd Ward;
[redacted], 4th Ward; William Gallman, Jr., 5th Ward;
Frank O. Mazza, 6th Ward;
and President Manny Grova, Jr.; Councilman-at-Large - X 7

ABSENT: Keenan, Cedeno - 2

ALSO PRESENT: Jorge Estrada, Special Counsel

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

PUBLIC SPEAKING

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

PUBLIC HEARINGS

Council President Grova announced that the next business in order would be a public hearing on **Ordinance No. 4456**, entitled:

AN ORDINANCE GRANTING AN ENCROACHMENT PERMIT TO APS CONTRACTING, INC., 155-161 PENNSYLVANIA AVENUE, PATERSON,NJ., TO INSTALL A TEMPORARY FENCE WITHIN THE PUBLIC RIGHT-OF-WAY AT LYONS PLACE DURING THE CONSTRUCTION OF THE UNION COUNTY FAMILY COURT AT 2 CHERRY STREET.

This ordinance was adopted on its first reading at the meeting of City Council held on **March 25, 2014.**

The Notice of Public Hearing was published in the Star Ledger issue of **March 31, 2014.**

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

Council President Grova announced that the next business in order would be a public hearing on **Ordinance No. 4457**, entitled:

AN ORDINANCE ENTITLED FLOOD DAMAGE PREVENTION ORDINANCE TO AMEND ORDINANCE NO. 4394 IN ITS ENTIRETY.

This ordinance was adopted on its first reading at the meeting of City Council held on **March 25, 2014.**

The Notice of Public Hearing was published in the Star Ledger issue of **March 31, 2014.**

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

Council President Grova announced that the next business in order would be a public hearing on **Ordinance No. 4458**, 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 the meeting of City Council held on **March 25, 2014.**

The Notice of Public Hearing was published in the Star Ledger issue of **March 31, 2014.**

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

PETITIONS, COMMUNICATIONS, ETC.

By the Clerk:

Letter dated April 1, 2014, from His Honor the Mayor advising that subject to confirmation of your Honorable Body, he herewith re-appoints Ms. Edith Morales-Vazquez, 815 Pearl Street, Apt 5J, Elizabeth, NJ, to serve as a Member of the Elizabeth Housing Authority for a new term of five years, effective April 29, 2014.
Which was received.

By the Clerk:

Letter dated March 24, 2014, from the Business Administrator requesting authorization for the Purchasing Agent to make the necessary arrangement to auction impounded property in the possession of the Elizabeth Police Department to be held by Propertyroom.Com, State pre-approved on-line auction site; date of the sale will be set by the auction company and will be published in The Newark Star Ledger contingent upon City Council's approval of the use of Propertyroom.Com.
Which was received.

[redacted]

[redacted]

By the Clerk:
Letter dated March 28, 2014, from the Business Administrator recommending the award of a contract to Air Brake & Equipment, 225 Route 22 West, Hillside, NJ, for auto parts for Heavy Duty Vehicles for various departments for the period of March 17, 2014 through March 17, 2015, at a cost not to exceed $50,000.00.
Which was received.

By the Clerk:
Letter dated March 28, 2014, from the Business Administrator recommending the award of a contract to Associated Auto Parts, 300 East Elizabeth Avenue, Linden, NJ, for auto parts for Heavy Duty Vehicles for various departments for the period of March 17, 2014 through March 17, 2015, at a cost not to exceed $100,000.00.
Which was received.

By the Clerk:
Letter dated March 28, 2014, from the Business Administrator recommending the award of a contract to Campbell Freightliner, LLC, 145 Talmadge Road, Suite 8, P.O. Box 770, Edison, NJ, for auto parts for Heavy Duty Vehicles, including but not limited to brakes, pumps, radiators and fuel tanks for Freightliner Trucks, for various departments for the period of March 17, 2014 through March 17, 2015, at a cost not to exceed $75,000.00.
Which was received.

By the Clerk:
Letter dated March 28, 2014, from the Business Administrator recommending the award of a contract to Delta Products, P.O. Box 56, Whitehouse Station, NJ, for auto parts for Heavy Duty Vehicles, including but not limited to screws, nuts, bolts and tubing cable ties, for various departments for the period of March 17, 2014 through March 17, 2015, at a cost not to exceed $50,000.00.
Which was received.

By the Clerk:
Letter dated March 28, 2014, from the Business Administrator recommending the award of a contract to Lawson Products, Inc., 530 Palmer Farm Drive, Yardley, PA, for auto parts for Heavy Duty vehicles for various departments for the period of March 17, 2014 through March 17, 2015, at a cost not to exceed $75,000.00.
Which was received

By the Clerk:
Letter dated March 28, 2014, from the Business Administrator recommending the award of a contract to Mid Atlantic Truck Center, 525 Linden Avenue West, Linden, NJ, for auto parts for Heavy Duty Vehicles, to include but not limited to Brakes, Water Pumps, Radiators and Fuel Tanks for International Trucks, for various departments for the period of March 17, 2014 through March 17,2015, at a cost not to exceed $75,000.00.
Which was received.

By the Clerk:
Letter dated March 28, 2014, from the Business Administrator recommending the award of a contract to Route 23 Auto Mall, 1301 Route 23 South, Butler, NJ, for auto parts for Heavy Duty Vehicles, to include but not limited to brakes, engine parts and filters, for various departments for the period of March 17, 2014 through March 17, 2015, at a cost not to exceed $50,000.00.
Which was received.

[redacted]

[redacted]

By the Clerk:

Letter dated March 28, 2014, from the Business Administrator recommending the award of a contract to Office Solutions, Inc., 217 Mount Horeb Road, Warren, NJ, for the purchase of Telecommunications Equipment Wired for various departments for the period of March 14, 2014 through March 31, 2015, at a cost not to exceed $50,000.00.
Which was received.

By the Clerk:

Letter dated March 31, 2014, from the Business Administrator requesting that your Honorable Body consider adopting a resolution encouraging and supporting the Elizabeth Development Company to apply to the New Jersey Department of Community Affairs for expansion of the boundaries of the Historic Midtown Elizabeth Plan for Community Revitalization, which was designated in 2009 and/or for the creation of additional areas within the City of Elizabeth eligible for a Community Revitalization Plan/Neighborhood Revitalization Tax Credit.
Which was received.

By the Clerk:

Letter dated March 31, 2014, from the Business Administrator recommending the award of a contract to Allied Oil, LLC, 25 Old Camplain Road, Hillsborough, NJ, for the purchase of gasoline for the Public Works Marina for the period of March 2, 2014 through February 28, 2015, at a cost not to exceed $250,000.00.
Which was received.

By the Clerk:

Letter dated March 31, 2014, from the Business Administrator recommending the award of a contract to Kimco USA, Inc., 118 East Trefz Drive, Marshall, IL, for the purchase of one (1) Portable Stainless Steel, PTO Driven Belt Conveyor in the amount of $46,910.80.
Which was received.

By the Clerk:

Letter dated March 31, 2014, from the Business Administrator requesting an amendment to a resolution adopted November 12, 2013, permitting the Purchasing Agent to sell vehicles through Propertyroom.com, specifically to conduct an in-house sale of the obsolete vehicles since Propertyroom.com no longer provides the services of photographing vehicles and vehicle descriptions; sale will be posted in The Star Ledger on April 14, 2014 with the date of the sale set for Friday, April 25, 2014 at 10:00 a.m. in the Office of the Purchasing Agent, Room 210; viewing will be on Wednesday, April 23, 2014 between the hours of 10:00 a.m. and 3:00 p.m. at the Elizabeth City Yard, 400 Atlantic Street; Peterstown Community Center, 418 Palmer Street, and the Elizabeth Marina, 70 Front Street, Elizabeth.
Which was received.

By the Clerk:

Letter dated March 31, 2014, from the Business Administrator recommending the award of a contract to AAM Motor Sales, D/B/A Jersey City Ford, 315 Clendenny Avenue, Jersey City, NJ, for maintenance and repairs of vehicles with 15,000lb Gross Vehicle Weight Rating (GVWRD) or less for various departments for the period of March 28, 2014 through March 31, 2015, at a cost not to exceed $50,000.00.
Which was received.

[redacted]

By the Clerk:
Letter dated March 31, 2014, from the Business Administrator recommending the award of a contract to First Independent Auto Repair Service, LLC, 410 East Westfield Avenue, Roselle Park, NJ, for transmission repairs for various departments for the period of March 28, 2014 through March 31, 2015, at a cost not to exceed $100,000.00.
Which was received.

By the Clerk:
Letter dated March 31, 2014, from the Business Administrator recommending the award of a contract to Bayway Lumber, 400 Ashton Avenue, Linden, NJ, for the purchase of lumber and associated materials for various departments for the period of March 28, 2014 through March 3, 2016, at a cost not to exceed $200,000.00 under the Union County Cooperative Purchasing Contract.
Which was received.

By the Clerk:
Letter dated March 31, 2014, from the Business Administrator recommending the award of a contract to Turn Out Fire & Safety, Inc, 3468 Kennedy Boulevard., Jersey City, NJ, for the purchase of protective clothing and equipment for the Police and Fire Departments and Ambulance Services Bureau for the period of April 1, 2014 through March 31, 2015, at a cost not to exceed $150,000.00.
Which was received.

By the Clerk:
Letter dated April 1, 2014, from the Business Administrator recommending the award of a contract to Tri-State Maritime Safety Association, 425 Carl Miller Boulevard, Camden, NJ, for Shipboard Fire Fighter Training in the amount of $480,000.00.
Which was received.

By the Clerk:
Letter dated March 28, 2014, from the City Attorney requesting to amend the resolution adopted December 11, 2012, authorizing an agreement with Goldenberg, Mackler, Sayegh, Mintz, Pfeffer, Bonchi & Gill to provide legal representation to the City on In Rem Tax Foreclosure's at a rate of $500.00 per tax sale certificate, plus costs with a cap of $50,000.00, specifically to increase the original contract by $25,000.00 totaling $75,000.00 to complete the Sheriff's Sale of some of the properties and costs related to redemptions.
Which was received.

By the Clerk:
Letter dated April 1, 2014, from the Chief Financial Officer advising that additional grants may be appropriated in the 2014 SFY Budget by budget amendments .
Which was received.

By the Clerk:
Letter dated April 1, 2014, from the Chief Financial Officer advising that in compliance with the SFY 2014 Appropriations Act requires that the Honorable City Council approve all payments related to accumulated/uncompensated absence benefits.
Which was received.

[redacted]

By the Clerk:

Letter dated April 1, 2014, from the Chief Financial Officer advising that in compliance with the SFY 2014 Appropriations Act requires that the Honorable City Council discuss the City's completed 2014 SFY 'Best Practices" Inventory at a public meeting; City Clerk will complete the 2014 SFY "Best Practices" Public Meeting Certification form and submit same to the Department of Community Affairs; the City has successfully complied with all 2014 SFY 'Best Practices' Inventory and will receive 100% of State Aid.
Which was received.

By the Clerk:

Letter dated April 1, 2014, from the Chief Financial Officer requesting that your Honorable Body consider the approval of a Special Emergency Appropriation Ordinance for contractually required severance liabilities resulting from the retirement of employees in the amount of $1 million.
Which was received.

By the Clerk:

Letter dated March 31, 2014, from the Director of Public Works recommending the award of a contract to W. D. Snyder Company, Inc., 706 South Michigan Avenue, Kenilworth, NJ, for the demolition and related work of Engine Company No. 6, 472 Catherine Street, Elizabeth, at a cost of $131,025.00.
Which was received.

By the Clerk:

Letter dated April 1, 2014, from the Director of Public Works recommending the award of a contract to Scafar Contracting, Inc., 225 Pacific Street, Newark, NJ, for the Elizabeth Recreation Pier Rehabilitation Hurricane Sandy related damages in the amount of $1,792,495.00.
Which was received.

By the Clerk:

Letter dated March 27, 2014, from the Police Director requesting authorization to establish handicapped parking spaces in front of the premises located at 805 Parkview Terrace, 940 Sheridan Avenue 2nd Floor; deletions: 37 Dehart Place.
Which was received.

By the Clerk:

Letter dated March 27, 2014, from the Police Director requesting that your Honorable Body consider the approval of a Four-Way Stop at the intersection of Third Street and Pine Street, with advance warning signs in each direction also, it is recommended that in conjunction with the new Stop signs and Stop bars located along Third Street, a "Stop" pavement marking be placed 10 feet behind the Stop bar and advance warning signs be placed approximately 100 feet prior to the Stop bar, in addition an "All Way" plaque shall be installed below each Stop sign at the intersection.
Which was received.

By the Clerk:

Letter dated March 21, 2014, from Mr. Harold E. Kennedy, Jr., School Business Administrator/Board Secretary, 500 N. Broad Street, Elizabeth, NJ, requesting that your Honorable Body consider the approval of a resolution and a letter of request for a Public Education and Government (PEG) Television channel from Verizon's FIOS Transmission System with the point of origination located at 27 Martin Luther King, Jr. Plaza to provide enriching opportunities for high school students to develop hands-on experience in the broadcasting industry by broadcasting school activities, functions, and sporting events to Elizabeth FIOS customers at no cost to the City.
Which Was Referred To Council As A Whole.

ORDINANCES ON FIRST READING

Council President Grova announced that the next business in order would be the introduction of **Ordinance No. 4460** , which was seconded by Councilman Cuesta, entitled:

AN ORDINANCE TO AUTHORIZE THE ESTABLISHMENT OF A PERSONALIZED HANDICAPPED PARKING SPACE FOR FRANCISCO DAVILA, 317 NILES STREET, ELIZABETH, NEW JERSEY 07206.

The Clerk read the foregoing ordinance.

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

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

NEGATIVE: None

Council President Grova announced that the next business in order would be the introduction of **Ordinance No. 4461** , which was seconded by Councilman Cuesta, entitled:

AN ORDINANCE TO AMEND CHAPTER 10.08.010 OF THE CODE OF THE CITY OF ELIZABETH, ENTITLED A FOUR-WAY STOP INTERSECTIONS, SPECIFICALLY TO DESIGNATE A FOUR-WAY STOP AT THE INTERSECTION OF THIRD STREET AND PINE STREET AND THE INSTALLATION OF A "STOP SIGN WARNING" ONE HUNDRED (100) FEET BEFORE THE STOP SIGNS AT SAID INTERSECTION.

The Clerk read the foregoing ordinance.

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

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

NEGATIVE: None

Council President Grova announced that the next business in order would be the introduction of **Ordinance No. 4462** , which was seconded by Councilman Cuesta, entitled:

AN ORDINANCE OF THE CITY OF ELIZABETH, IN THE COUNTY OF UNION, NEW JERSEY, AUTHORIZING A SPECIAL EMERGENCY APPROPRIATION PURSUANT TO N.J.S.A. 40A:4-53 TO FUND CONTRACTUALLY REQUIRED SEVERANCE LIABILITIES

The Clerk read the foregoing ordinance.

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

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

NEGATIVE: None

Council President Grova announced that public notice will be published fixing Tuesday evening, April 22, 2014, 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. 4460, 4461, and 4462, adopted on first reading.

ORDINANCES ON FINAL PASSAGE

Council President Grova announced that the next business in order would be the adoption of **Ordinance No. 4456** , which was seconded by Councilman Cuesta.

AN ORDINANCE GRANTING AN ENCROACHMENT PERMIT TO APS CONTRACTING, INC., 155-161 PENNSYLVANIA AVENUE, PATERSON,NJ., TO INSTALL A TEMPORARY FENCE WITHIN THE PUBLIC RIGHT-OF-WAY AT LYONS PLACE DURING THE CONSTRUCTION OF THE UNION COUNTY FAMILY COURT AT 2 CHERRY STREET.

WHEREAS, the Division of Engineering has reviewed an application for the installation of a temporary construction fence within the right-of-way of Lyons Place. **APS Contracting, Inc.,** is constructing the new Union County Family Court at 2 Cherry Street which requires occupation of a portion of the Lyons Place right-of-way to perform activities in connection with the erection of the structure; and

WHEREAS, APS Contracting, Inc., 155-161 Pennsylvania Avenue, Paterson, N.J. has submitted the necessary documentation for review and is considered administratively complete. The applicant must provide "Sidewalk Closed" signage and direct pedestrians to the opposite sidewalk on Lyons Place. The applicant shall also comply with any other requirements deemed necessary by the Director of Public Works, Construction Code Official, Police Department and/or Fire Department; and

WHEREAS, the duration of the encroachment is projected until June 30, 2015; and

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

SECTION 1. - That an encroachment permit be granted to **APS Contracting, Inc., 155-161 Pennsylvania Avenue, Paterson, N.J** authorizing the installation of a temporary construction fence within the Lyons Place right-of-way as depicted on a plan entitled "Construction Plan, Union County Family Court" prepared by Netta Architects dated September 1, 2001 revised through January 29, 2013 and marked by the applicant to indicate the encroachment limits, which is on file in the Municipal Engineer's Office.

SECTION 2. The plans, application package and bond will be kept in the Division of Engineering files for reference.

SECTION 3. - The Permittee shall provide a liability insurance certificate in the aggregate amount to be 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 **March 25, 2014.**

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 **March 31, 2014.**

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

AFFIRMATIVE: Perkins-Auguste, Cuesta, Torres, Gonzalez, Mazza, Gallman and President Grova - 7

NEGATIVE: None

Council President Grova announced that the next business in order would be the adoption of **Ordinance No. 4457** , which was seconded by Councilman Cuesta.

AN ORDINANCE ENTITLED FLOOD DAMAGE PREVENTION ORDINANCE TO AMEND ORDINANCE NO. IN ITS ENTIRETY

BE IT ORDAINED by the City Council for the City of Elizabeth as follows:

SECTION 1.0 STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND OBJECTIVES

1.1 STATUTORY AUTHORIZATION
The Legislature of the State of New Jersey has in N.J.S.A. 40:48-1,et seq., delegated the responsibility to local governmental units to adopt regulations designed to promote public health, safety, and general welfare of its citizenry. Therefore, the City Council of the City of Elizabeth, of Union County, New Jersey does ordain as follows:

1.2 FINDINGS OF FACT
[1] The flood hazard areas of the City of Elizabeth are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.

[2] These flood losses are caused by the cumulative effect of obstructions in areas of special flood hazard which increase flood heights and velocities, and when inadequately anchored, causes damage in other areas. Uses that are inadequately floodproofed, elevated or otherwise protected from flood damage also contribute to the flood loss.

1.3 STATEMENT OF PURPOSE

It is the purpose of this ordinance to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

[1] Protect human life and health;

[2] Minimize expenditure of public money for costly flood control projects;

[3] Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

[4] Minimize prolonged business interruptions;

[5] Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets, bridges located in areas of special flood hazard;

[6] Help maintain a stable tax base by providing for the second use and development of areas of special flood hazard so as to minimize future flood blight areas;

[7] Ensure that potential buyers are notified that property is in an area of special flood hazard; and

[8] Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

1.4 METHODS OF REDUCING FLOOD LOSSES

In order to accomplish its purposes, this ordinance includes methods and provisions for:

[1] Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;

[2] Requiring that uses vulnerable to floods including facilities which serve such uses, be

protected against flood damage at the time of initial construction;

[3] Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;

[4] Controlling filling, grading, dredging, and other development which may increase flood damage; and,

[5] Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas.

SECTION 2.0 DEFINITIONS

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

Advisory Base Flood Elevation (ABFE) —The elevation shown on a community's Advisory Flood Hazard Area Map that indicates the advisory stillwater elevation plus wave effect (ABFE = SWEL + wave effect) resulting from a flood that has a 1-percent or greater chance of being equaled or exceeded in any given year.

Advisory Flood Hazard Area (AFHA) —The land in the floodplain within a community subject
to flooding from the 1% annual chance event depicted on the Advisory Flood Hazard Area Map.

Advisory Flood Hazard Area Map - The official map on which the Federal Emergency Management Administration has delineated the areas of advisory flood hazards applicable to the community.

Appeal — A request for a review of the Construction Official's interpretation of any provision of this ordinance or a request for a variance.

Area of Shallow Flooding — A designated AO, AH, or VO zone on a community's Digital Flood Insurance Rate Map (DFIRM) with a one percent annual or greater chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Area of Special Flood Hazard — The land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. It is shown on the FIRM as Zone V, VE, V1-30, A, AO, A1-A30, AE, A99, or AH.

Base Flood — The flood having a one percent chance of being equaled or exceeded in any given year.

Base Flood Elevation (BFE) – The flood elevation shown on a published Flood Insurance Study (FIS) including the Flood Insurance Rate Map (FIRM). For zones AE, AH, AO, and A1-30 the elevation represents the water surface elevation resulting from a flood that has a 1-percent or greater chance of being equaled or exceeded in any given year. For zones VE and V1-30 the elevation represents the stillwater elevation (SWEL) plus wave effect (BFE = SWEL + wave effect) resulting from a flood that has a 1-percent or greater chance of being equaled or exceeded in any given year.

Basement — Any area of the building having its floor subgrade (below ground level) on all sides.

Best Available Flood Hazard Data — The most recent available flood risk guidance FEMA has provided. The Best Available Flood Hazard Data may be depicted on but not limited to Advisory Flood Hazard Area Maps, Work Maps or Preliminary FIS and FIRM.

Best Available Flood Hazard Data Elevation— The most recent available flood elevation FEMA has provided. The Best Available Flood Hazard Data Elevation may be depicted on an Advisory Flood Hazard Area Map; Work Map; or Preliminary FIS and FIRM.

Breakaway Wall — A wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or supporting foundation system.

Coastal High Hazard Area — An area of special flood hazard extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources.

Development — Any man made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials located within the area of special flood hazard.

Digital Flood Insurance Rate Map (DFIRM) — The official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

Elevated Building — A non-basement building (i) built, in the case of a building in an Area of Special Flood Hazard, to have the top of the elevated floor or, in the case of a building in a Coastal High-Hazard Area, to have the bottom of the lowest horizontal structural member of the elevated floor, elevated above the base flood elevation by means of piling, columns (posts and piers), or shear walls parallel to the flow of the water, and (ii) adequately anchored so as not to impair the structural integrity of the building during a flood up to the magnitude of the base flood. In an Area of Special Flood Hazard "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters. In Areas of Coastal High Hazard "elevated buildings" also includes a building otherwise meeting the definition of "elevated building" even though the lower area is enclosed by means of breakaway walls.

Erosion — The process of the gradual wearing away of land masses.

Existing Manufactured Home Park or Subdivision — A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

Flood or Flooding — A general and temporary condition of partial or complete inundation of normally dry land areas from:

[1] The overflow of inland or tidal waters and/or

[2] The unusual and rapid accumulation or runoff of surface waters from any source.

Flood Insurance Rate Map (FIRM) — The official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

Flood Insurance Study (FIS) — The official report in which the Federal Insurance Administration has provided flood profiles, as well as the Flood Insurance Rate Map(s) and the water surface elevation of the base flood.

Floodplain Management Regulations — Zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance and erosion control ordinance) and other applications of police power. The term describes such State or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

Floodproofing — Any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Floodway — The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than 0.2 foot.

Highest Adjacent Grade — The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Historic Structure — Any structure that is:

[a] Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

[b] Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

[c] Individually listed on a State inventory of historic places in States with historic preservation programs which have been approved by the Secretary of the Interior; or

[d] Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

(1) By an approved State program as determined by the Secretary of the Interior; or

(2) Directly by the Secretary of the Interior in States without approved programs.

Lowest Floor — The lowest floor of the lowest enclosed area [including basement]. An unfinished or flood resistant enclosure, useable solely for the parking of vehicles, building access or storage in an area other than a basement is not considered a building's lowest floor provided that such enclosure is not built so to render the structure in violation of other applicable nonelevation design requirements of CFR Section 60.3.

Manufactured Home — A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

Manufactured Home Park or Manufactured Home Subdivision — A parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale.

New Construction — Structures for which the start of construction commenced on or after the effective date of a floodplain regulation adopted by a community and includes any subsequent improvements to such structures.

New Manufactured Home Park or Subdivision — A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the floodplain management regulations adopted by the municipality.

Preliminary Flood Insurance Rate Map (FIRM) — The draft version of the FIRM released for public comment before finalization and adoption.

Primary Frontal Dune — A continuous or nearly continuous mound or ridge of sand with relatively steep seaward and landward slopes immediately landward and adjacent to the beach and subject to erosion and overtopping from high tides and waves from coastal storms. The inland limit of the primary frontal dune occurs at the point where there is a distinct change from the relatively steep slope to a relatively mild slope.

Recreational Vehicle — A vehicle which is [i] built on a single chassis; [ii] 400 square feet or less when measured at the longest horizontal projections; [iii] designed to be self-propelled or permanently towable by a light duty truck; and [iv] designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Sand Dunes — Naturally occurring or man-made accumulations of sand in ridges or mounds landward of the beach.

Start of Construction — For other than new construction or substantial improvements under the Coastal Barrier Resources Act (P.L. No. 97-348) includes substantial improvements and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site such as the pouring of a slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation, or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling nor does it include the installation of streets and/or walkways, nor does it include excavation for a basement, footings or piers, or foundations or the erection of temporary forms, nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Structure — A walled and roofed building, a manufactured home, or a gas or liquid storage tank that is principally above ground.

Substantial Damage — Damage of any origin sustained by a structure whereby the cost of restoring the structure to its condition before damage would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial Improvement — Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either:

[1] Any project for improvement of a structure to correct existing violations of State or local health, sanitary or safety code specifications which have been identified by the local code enforcement officer and which are the minimum necessary to assure safe living conditions; or

[2] Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure".

Variance — A grant of relief from the requirements of this ordinance that permits construction in a manner that would otherwise be prohibited by this ordinance.

Violation — The failure of a structure or other development to be fully compliant with this ordinance. A new or substantially improved structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in 44 CFR §60.3(b)(5), (c)(4), (c)(10), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.

SECTION 3.0 GENERAL PROVISIONS

3.1 LANDS TO WHICH THIS ORDINANCE APPLIES

This ordinance shall apply to all areas of special flood hazards within the jurisdiction of the City of Elizabeth, Union County, New Jersey.

3.2 BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD

The areas of special flood hazard for the City of Elizabeth, Community No. 345523, are identified and defined on the following documents prepared by the Federal Emergency Management Agency:

a) A scientific and engineering report "Flood Insurance Study, Union County, New Jersey (All Jurisdictions)" dated September 20, 2006.

b) Flood Insurance Rate Map for Union County, New Jersey (All Jurisdictions) as shown on Index and panel(s) 0014, 0015, 0022, 0023, 0024, 0025, 0026, 0034, 0035, 0036, 0037, whose effective date is September 20, 2006.

c) Best Available Flood Hazard Data. These documents shall take precedence over effective panels and FIS in construction and development regulations only. Where the effective mapping or Base Flood Elevation conflict or overlap with the Best Available Flood Hazard Data, whichever imposes the more stringent requirement shall prevail.
The above documents are hereby adopted and declared to be a part of this ordinance. The Flood Insurance Study, maps and advisory documents are on file at City Hall, 50 Winfield Scott Plaza, Elizabeth, New Jersey 07201.

3.3 PENALTIES FOR NONCOMPLIANCE

No structure or land shall hereafter be constructed, re-located to, extended, converted, or altered without full compliance with the terms of this ordinance and other applicable regulations. Violation of the provisions of this ordinance by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than one thousand two hundred fifty dollars ($1,250.00) or imprisoned for not more than ninety (90) days, or both, for each violation, and in addition shall pay all costs and expenses involved in the case. Nothing herein contained shall prevent the City of Elizabeth, from taking such other lawful action as is necessary to prevent or remedy any violation.

3.4 ABROGATION AND GREATER RESTRICTIONS

This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and other ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

3.5 INTERPRETATION
In the interpretation and application of this ordinance, all provisions shall be:

[1] Considered as minimum requirements;

[2] Liberally construed in favor of the governing body; and,

[3] Deemed neither to limit nor repeal any other powers granted under State statutes.

3.6 WARNING AND DISCLAIMER OF LIABILITY
The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the area of special flood hazards or uses permitted within such areas will be free from flooding or flood damages.
This ordinance shall not create liability on the part of the City of Elizabeth, any officer or employee thereof or the Federal Insurance Administration, for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.

SECTION 4.0 ADMINISTRATION

4.1 ESTABLISHMENT OF DEVELOPMENT PERMIT
A Development Permit shall be obtained before construction or development begins, including placement of manufactured homes, within any area of special flood hazard established in SECTION 3.2. Application for a Development Permit shall be made on forms furnished by the Construction Official and may include, but not be limited to; plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities; and the location of the foregoing. Specifically, the following information is required:

[1] Elevation in relation to mean sea level, of the lowest floor (including basement) of all structures;

[2] Elevation in relation to mean sea level to which any structure has been floodproofed.

[3] Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in SECTION 5.2-2; and,

[4] Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

4.2 DESIGNATION OF THE LOCAL ADMINISTRATOR
The Construction Official is hereby appointed to administer and implement this ordinance by granting or denying development permit applications in accordance with its provisions.

4.3 DUTIES AND RESPONSIBILITIES OF THE ADMINISTRATOR
Duties of the Construction Official shall include, but not be limited to:

4.3-1 PERMIT REVIEW
[1] Review all development permits to determine that the permit requirements of this ordinance have been satisfied.

[2] Review all development permits to determine that all necessary permits have been obtained from those Federal, State or local governmental agencies from which prior approval is required.

[3] Review all development permits to determine if the proposed development is located in the floodway. If located in the floodway, assure that the encroachment provisions of 5.3 [1] are met.

[4] Review all development permits in the coastal high hazard area of the area of special flood hazard to determine if the proposed development alters sand dunes so as to increase potential flood damage.

[5] Review plans for walls to be used to enclose space below the base flood level in accordance with SECTION 5.4-2 [4].

4.3-2 USE OF OTHER BASE FLOOD AND FLOODWAY DATA
When base flood elevation and floodway data has not been provided in accordance with SECTION 3.2, BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD, the Construction Official shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a Federal, State or other source, in order to administer SECTIONS 5.2-1, SPECIFIC STANDARDS, RESIDENTIAL CONSTRUCTION, and 5.2-2, SPECIFIC STANDARDS, NONRESIDENTIAL CONSTRUCTION.

4.3-3 INFORMATION TO BE OBTAINED AND MAINTAINED
[1] Obtain and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement.

[2] For all new or substantially improved floodproofed structures:

[i] verify and record the actual elevation (in relation to mean sea level); and

[ii] maintain the floodproofing certifications required in SECTION 4.1 [3].

[3] In coastal high hazard areas, certification shall be obtained from a registered professional engineer or architect that the provisions of 5.4-2[1] and 5.4-2[2](i) and (ii) are met.

[4] Maintain for public inspection all records pertaining to the provisions of this ordinance.

4.3-4 ALTERATION OF WATERCOURSES
[1] Notify adjacent communities and the New Jersey Department of Environmental Protection, Dam Safety and Flood Control Section and the Land Use Regulation Program prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration.

[2] Require that maintenance is provided within the altered or relocated portion of said watercourse so the flood carrying capacity is not diminished.

4.3-5 INTERPRETATION OF FIRM BOUNDARIES
Make interpretations where needed, as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in section 4.4.

4.4 VARIANCE PROCEDURE

4.4-1 APPEAL BOARD
[1] The Planning Board or Zoning Board of Adjustment as established by City of Elizabeth shall hear and decide appeals and requests for variances from the requirements of this ordinance.

[2] The Planning Board or Zoning Board of Adjustment shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Construction Official in the enforcement or administration of this ordinance.

[3] Those aggrieved by the decision of the Planning Board or Zoning Board of Adjustment, or any taxpayer, may appeal such decision to the Superior Court of New Jersey, as provided in law.

[4] In passing upon such applications, the Planning Board or Zoning Board of Adjustment, shall consider all technical evaluations, all relevant factors, standards specified in other sections of this ordinance, and:

(i) the danger that materials may be swept onto other lands to the injury of others;

(ii) the danger to life and property due to flooding or erosion damage;

(iii) the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

(iv) the importance of the services provided by the proposed facility to the community;

(v) the necessity to the facility of a waterfront location, where applicable;

(vi) the availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;

(vii) the compatibility of the proposed use with existing and anticipated development;

(viii) the relationship of the proposed use to the comprehensive plan and floodplain management program of that area;

(ix) the safety of access to the property in times of flood for ordinary and emergency vehicles;

(x) the expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and,

(xi) the costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

[5] Upon consideration of the factors of SECTION 4.4-1 [4] and the purposes of this ordinance, the Planning Board or Zoning Board of Adjustment may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance.

[6] The Construction Official shall maintain the records of all appeal actions, including technical information, and report any variances to the Federal Insurance Administration upon request.

4.4-2 CONDITIONS FOR VARIANCES

[1] Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items (i-xi) in SECTION 4.4-1[4] have been fully considered. As the lot size increases beyond the onehalf acre, the technical justification required for issuing the variance increases.

[2] Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

[3] Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

[4] Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

[5] Variances shall only be issued upon:

(i) A showing of good and sufficient cause;

(ii) A determination that failure to grant the variance would result in exceptional hardship to the applicant; and,

(iii) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public as identified in SECTION 4.4-1[4], or conflict with existing local laws or ordinances.

[6] Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

SECTION 5.0 PROVISIONS FOR FLOOD HAZARD REDUCTION

5.1 GENERAL STANDARDS

In all areas of special flood hazards, compliance with the applicable requirements of the Uniform Construction Code (N.J.A.C. 5:23) and the following standards, whichever is more restrictive, is required:

5.1-1 ANCHORING

[1] All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.

[2] All manufactured homes to be placed or substantially improved shall be anchored to resist flotation, collapse or lateral movement. Methods of anchoring may include, but are not to be limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces.

5.1-2 CONSTRUCTION MATERIALS AND METHODS

[1] All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

[2] All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

5.1-3 UTILITIES

[1] All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

[2] New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters;

[3] On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding; and

[4] For all new construction and substantial improvements the electrical, heating, ventilation, plumbing and air-conditioning equipment and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

5.1-4 SUBDIVISION PROPOSALS

[1] All subdivision proposals and other proposed new development shall be consistent with the need to minimize flood damage;

[2] All subdivision proposals and other proposed new development shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;

[3] All subdivision proposals and other proposed new development shall have adequate drainage provided to reduce exposure to flood damage; and,

[4] Base flood elevation data shall be provided for subdivision proposals and other proposed new development which contain at least fifty (50) lots or five (5) acres (whichever is less).

5.1-5 ENCLOSURE OPENINGS
All new construction and substantial improvements having fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria: A minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one (1) foot above grade. Openings may be equipped with screens, louvers, or other covering or devices provided that they permit the automatic entry and exit of floodwaters.

5.2 SPECIFIC STANDARDS
In all areas of special flood hazards where base flood elevation data have been provided as set forth in SECTION 3.2, BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD or in SECTION 4.3-2, USE OF OTHER BASE FLOOD DATA, the following standards are required:

5.2-1 RESIDENTIAL CONSTRUCTION
[1] New construction and substantial improvement of any residential structure located in an A or AE zone shall have the lowest floor, including basement together with the attendant utilities and sanitary facilities, elevated at or above the base flood elevation (published FIS/FIRM) or the best available flood hazard data elevation, whichever is more restrictive, plus one foot;

[2] Require within any AO zone on the municipality's FIRM that all new construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated above the highest adjacent grade one foot above the depth number specified in feet (at least three feet if no depth number is specified) or at or above the best available flood hazard data elevation plus one foot, whichever is more restrictive. And, require adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures.

5.2-2 NONRESIDENTIAL CONSTRUCTION
In an Area of Special Flood Hazard, all new construction and substantial improvement of any commercial, industrial or other nonresidential structure located in an A or AE zone shall have the lowest floor, including basement together with the attendant utilities and sanitary facilities: either

[1] Elevated to or above the base flood elevation (published FIS/FIRM) or the best available flood hazard data elevation whichever is more restrictive, plus one foot; and

[2] Require within any AO zone on the municipality's DFIRM that all new construction and substantial improvement of any commercial, industrial or other nonresidential structure shall have the lowest floor, including basement, elevated above the highest adjacent grade one foot above the depth number specified in feet (at least three feet if no depth number is specified) or at or above the best available flood hazard data elevation plus one foot, whichever is more restrictive. And, require adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures;
or

[3] Be floodproofed so that below the base flood level plus one foot, or the best available flood hazard data elevation plus one foot, (whichever is more restrictive), the structure is watertight with walls substantially impermeable to the passage of water;

[4] Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and,

[5] Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the applicable provisions of this subsection. Such certification shall be provided to the official as set forth in section 4.3-3 [2] [ii].

5.2-3 MANUFACTURED HOMES
[1] Manufactured homes shall be anchored in accordance with SECTION 5.1-1 [2].

[2] All manufactured homes to be placed or substantially improved within an area of special flood hazard shall be elevated on a permanent foundation such that the top of the lowest floor is at or above the base flood elevation (published FIS/FIRM) or the best available flood hazard data elevation, plus one foot (whichever is more restrictive).

5.3 FLOODWAYS
Located within areas of special flood hazard established in section 3.2 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

[1] Prohibit encroachments, including fill, new construction, substantial improvements, and other development unless a technical evaluation demonstrates that encroachment shall not result in any increase in flood levels during the occurrence of the base flood discharge.

[2] If section 5.3[1] is satisfied, all new construction and substantial improvements must comply with section 5.0 PROVISIONS FOR FLOOD HAZARD REDUCTION.

[3] In all areas of special flood hazard in which base flood elevation data has been provided and no floodway has been designated, the cumulative effect of any proposed development, when combined with all other existing and anticipated development, shall not increase the water surface elevation of the base flood more than two-tenths (0.2) of a foot at any point.

5.4 COASTAL HIGH HAZARD AREA
Coastal high hazard areas (V or VE Zones) are located within the areas of special flood hazard established in SECTION 3.2. These areas have special flood hazards associated with high velocity waters from tidal surges and hurricane wave wash; therefore, the following provisions shall apply:

5.4-1 LOCATION OF STRUCTURES
[1] All buildings or structures shall be located landward of the reach of the mean high tide.

[2] The placement of manufactured homes shall be prohibited, except in an existing manufactured home park or subdivision.

5.4-2 CONSTRUCTION METHODS
[1] ELEVATION
All new construction and substantial improvements shall be elevated on piling or columns so that:

(i) The bottom of the lowest horizontal structural member of the lowest floor (excluding the piling or columns) is elevated to or above the base flood elevation (published FIS/FIRM), the best available flood hazard data elevation or as required by the Uniform Construction Code (NJAC 5:23), whichever is more restrictive,
and,

(ii) with all space below the lowest floor's supporting member open so as not to impede the flow of water, except for breakaway walls as provided or in SECTION 5.4-2 [4].

[2] STRUCTURAL SUPPORT
(i) All new construction and substantial improvements shall be securely anchored on piling or columns.

(ii) The pile or column foundation and structure attached thereto shall be anchored to resist flotation, collapse or lateral movement due to the effects of wind and water loading values each of which shall have a one percent chance of being equaled or exceeded in any given year (100-year mean recurrence interval).

(iii) There shall be no fill used for structural support.

[3] CERTIFICATION
A registered professional engineer or architect shall develop or review the structural design specifications and plans for the construction and shall certify that the design and methods of construction to be used are in accordance with accepted standards of practice for compliance with the provisions of SECTION 5.4-2 [1] and 5.4-2 [2] (i) and (ii).

[4] SPACE BELOW THE LOWEST FLOOR
(i) Any alteration, repair, reconstruction or improvement to a structure started after the enactment of this ordinance shall not enclose the space below the lowest floor unless breakaway walls, open wood lattice-work or insect screening are used as provided for in this section.

(ii) Breakaway walls, open wood lattice-work or insect screening shall be allowed below the base flood elevation provided that they are intended to collapse under wind and water loads without causing collapse, displacement or other structural damage to the elevated portion of the building or supporting foundation system. Breakaway walls shall be designed for a safe loading resistance of not less than 10 and no more than 20 pounds per square foot. Use of breakaway walls which exceed a design safe loading of 20 pounds per square foot (either by design or when so required by local or State codes) may be permitted only if a registered professional engineer or architect certifies that the designs proposed meet the following conditions.

(a) breakaway wall collapse shall result from a water load less than that which would occur during the base flood and,

(b) the elevated portion of the building and supporting foundation system shall not be subject to collapse, displacement or other structural damage due to the effects of wind and water load acting simultaneously on all building components (structural and non-structural). Water loading values used shall be those associated with the base flood. Wind loading values used shall be those required by applicable State or local building standards.

(iii) If breakaway walls are utilized, such enclosed space shall be used solely for parking of vehicles, building access, or storage and not for human habitation.

(iv) Prior to construction, plans for any breakaway wall must be submitted to the Construction Code Official or Building Sub-Code Official for approval.

5.4-3 SAND DUNES
Prohibit man-made alteration of sand dunes within Zones VE and V on the community's DFIRM which would increase potential flood damage.

SECTION 6.0 SEVERABILITY
All ordinances or parts of ordinances inconsistent with the provisions of this ordinance be and the same are hereby repealed.

SECTION 7.0
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 8.0
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 **March 25, 2014.**

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 **March 31, 2014.**

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

AFFIRMATIVE: Perkins-Auguste, Cuesta, Torres, Gonzalez, Mazza, Gallman and President Grova - 7

NEGATIVE: None

Council President Grova announced that the next business in order would be the adoption of **Ordinance No. 4458** , 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, adopted on October 25, 2011, 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 meeting held **March 25, 2014.**

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

AFFIRMATIVE: Perkins-Auguste, Cuesta, Torres, Gonzalez, Mazza, Gallman and President Grova - 7

NEGATIVE: None

NEW BUSINESS

By City Council as a Whole:

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

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

WHEREAS, the City of Elizabeth will receive an amount of $131,946.15 for the Edward Byrne Memorial Justice Assistance Grant 2013 awarded by the New Jersey Department of Law and Public Safety and wishes to amend its FY2014 budget to include these amounts as revenue:

NOW, THEREFORE, BE IT RESOLVED that the council of the City of Elizabeth hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the fiscal year 2014 in the total sum of $131,946.15 which is now available as a revenue from:

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

New Jersey Department of Law and Public Safety Edward Byrne Memorial Justice Assistance Grant 2013	$131,946.15

BE IT FURTHER RESOLVED, that a like sum of $131,946.15 be and the same is hereby appropriated under the caption of :

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

New Jersey Department of Law and Public Safety Edward Byrne Memorial Justice Assistance Grant 2013 Other Expenses	$131,946.15

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

Which was adopted by the following vote:

AFFIRMATIVE: Perkins-Auguste, Cuesta, Torres, Gonzalez, [redacted], Gallman, Mazza and President Grova - X 7

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, in accordance with in accordance with **N.J.S.A.**40A:14-157 and P.L. 2001,C.30 this Municipality is authorized to dispose of surplus personal property in the possession of the Elizabeth Police Department by sale at public auction; and

WHEREAS, the items being sold that are in the fixed asset inventory are Police Impounded Property which include but are not limited to Electronics, Home Goods, Clothing, Jewelry, Shoes and Tools. A list of the impounded property is attached; and

WHEREAS, the said property has been in the possession of the Elizabeth Police Department for more than twelve months; and

WHEREAS, the surplus personal property are not needed for public use; and

WHEREAS, the sale is being conducted pursuant to Local Finance Notice 2008-9; and

WHEREAS, the auction will conform to all State and Municipal regulations and can be disposed of in accordance with **N.J.S.A**. 40-157 and P.L.2001, C.30. **The auction is being requested to be held by Property Room.Com, a State preapproved on-line auction site.** The date of the sale will be set by the auction company and will be published in the *"Newark Star Ledger";* and

WHEREAS, the terms of the agreement entered into with Property Room.com are available on its website and are available in the Office of the Purchasing Agent; now, therefore, be it

RESOLVED that City Council of the City of Elizabeth hereby authorizes the sale of the Impounded Property in possession of the Elizabeth Police Department set forth hereinabove by **PropertyRoom.com** State preapproved online auction site; and be it

FURTHER RESOLVED that viewing of the surplus personal property may be reviewed on the web-site of **Property Room.Com**, a State pre-approved on-line auction site; and be it

FURTHER RESOLVED that the net proceeds from the within sale shall be paid into the general municipal treasury of the City of Elizabeth.

Which was adopted by the following vote:

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

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the Business Administrator and the Purchasing Agent have recommended per the request of the Director of Public Works the award of a contract to **AIR BRAKE & EQUIPMENT, 225 Route 22 West, Hillside, NJ 07205,** for Auto Parts for Heavy Duty Vehicles for Vehicles for the various departments for the period of March 17, 2014 through March 17, 2015 at a cost not exceed $50,000.00 under their state contract #73722; 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 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 #73722 requiring approval by this Governing Body in accordance with the provisions of **N.J.A.C.**5:34-1.2; now, therefore, be it; now, therefore, be it

RESOLVED that City Council of the City of Elizabeth hereby awards a contract to **AIR BRAKE & EQUIPMENT, 225 Route 22 West, Hillside, NJ 07205,** for Auto Parts for Heavy Duty Vehicles for Vehicles for the various departments for the period of March 17, 2014 through March 17, 2015 at a cost not exceed $50,000.00 under their state contract #73722.

Which was adopted by the following vote:

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

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the Business Administrator and the Purchasing Agent have recommended per the request of the Director of Public Works the award of a contract to **ASSOCIATED AUTO PARTS, 300 East Elizabeth Ave., Linden, NJ 07036,** for Auto Parts for Heavy Duty Vehicles for various departments for the period of March 17, 2014 through March 17, 2015 at a cost not to exceed $100,000.00 under their state contract #73729; 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 New Jersey, Department of Community Affairs, Division of Local Government Services; and

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

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

WHEREAS, the Business Administrator and the Purchasing Agent have advised that the contract in question is a purchase through a State of New Jersey Contract #73729 requiring approval by this Governing Body in accordance with the provisions of **N.J.A.C.**5:34-1.2; now, therefore, be it; now, therefore, be it

RESOLVED that City Council of the City of Elizabeth hereby awards a contract to **ASSOCIATED AUTO PARTS, 300 East Elizabeth Ave., Linden, NJ 07036,** for Auto Parts for Heavy Duty Vehicles for various departments for the period of March 17, 2014 through March 17, 2015 at a cost not to exceed $100,000.00 under their state contract #73729.

Which was adopted by the following vote:

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

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the Business Administrator and the Purchasing Agent have recommended per the request of the Director of Public Works the award of a contract to **CAMPBELL FREIGHTLINER, LLC, 145 Talmadge Road, Suite 8, PO Box 770, Edison, NJ 08818,** for Auto Parts for Heavy Duty Vehicles but not limited to Brakes, Pumps, Radiators and Fuel Tanks for Freightliner Trucks for thevarious departments for the period of March 17, 2014 through March 17, 2015 at a cost not to exceed $75,000.00 under their state contract #73706; 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 New Jersey, Department of Community Affairs, Division of Local Government Services; and

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

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

WHEREAS, the Business Administrator and the Purchasing Agent have advised that the contract in question is a purchase through a State of New Jersey Contract #73736 requiring approval by this Governing Body in accordance with the provisions of **N.J.A.C.**5:34-1.2; now, therefore, be it; now, therefore, be it

RESOLVED that City Council of the City of Elizabeth hereby awards a contract to **CAMPBELL FREIGHTLINER, LLC, 145 Talmadge Road, Suite 8, PO Box 770, Edison, NJ 08818,** for Auto Parts for Heavy Duty Vehicles but not limited to Brakes, Pumps, Radiators and Fuel Tanks for Freightliner Trucks for various departments for the period of March 17, 2014 through March 17, 2015 at a cost not to exceed $75,000.00 under their state contract #73706.

Which was adopted by the following vote:

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

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the Business Administrator and the Purchasing Agent have recommended per the request of the Director of Public Works the award of a contract to **DELTA PRODUCTS, P. O. BOX 56, Whitehouse Station, New Jersey 08889,** for Auto Parts for Heavy Duty Vehicles, including but not limited to Screws, Nuts, Bolts and Tubing Cable Ties, for various departments for the period of March 17, 2014 through March 17, 2015 at a cost not to exceed $50,000.00 under their state contract #73769; 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 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 #73769 requiring approval by this Governing Body in accordance with the provisions of **N.J.A.C.**5:34-1.2; now, therefore, be it; now, therefore, be it

RESOLVED that City Council of the City of Elizabeth hereby awards a contract to **DELTA PRODUCTS, P. O. BOX 56, Whitehouse Station, New Jersey 08889,** for Auto Parts for Heavy Duty Vehicles including but not limited to Screws, Nuts, Bolts and Tubing Cable Ties, for various departments for the period of March 17, 2014 through March 17, 2015 at a cost not to exceed $50,000.00 under their state contract #73769.

Which was adopted by the following vote:

AFFIRMATIVE: Perkins-Auguste, Cuesta, Torres, Gonzalez, [redacted] Gallman, Mazza and President Grova - X 7

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the Business Administrator and the Purchasing Agent have recommended per the request of the Director of Public Works the award of a contract to **LAWSON PRODUCTS, INC., 530 Palmer Farm Dr., Yardley, PA 19067,** for Auto Parts for Heavy Duty Vehicles for various departments for the period of March 17, 2014 through March 17, 2015 at a cost not to exceed $75,000.00 under their state contract #73736; 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 New Jersey, Department of Community Affairs, Division of Local Government Services; and

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

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

WHEREAS, the Business Administrator and the Purchasing Agent have advised that the contract in question is a purchase through a State of New Jersey Contract #73736 requiring approval by this Governing Body in accordance with the provisions of **N.J.A.C.**5:34-1.2; now, therefore, be it; now, therefore, be it

RESOLVED that City Council of the City of Elizabeth hereby awards a contract to **LAWSON PRODUCTS, INC., 530 Palmer Farm Dr., Yardley, PA 19067,** for Auto Parts for Heavy Duty Vehicles for various departments for the period of March 17, 2014 through March 17, 2015 at a cost not to exceed $75,000.00 under their state contract #73736.

Which was adopted by the following vote:

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

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the Business Administrator and the Purchasing Agent have recommended per the request of the Director of Public Works the award of a contract to **MID ATLANTIC TRUCK CENTER, 525 Linden Ave., West, Linden, New Jersey 07036**, for Auto Parts for Heavy Duty Vehicles, including but not limited to Brakes, Water Pumps, Radiators and Fuel Tanks, for International Trucks for various departments for the period of March 17, 2014 through March 17, 2015 at a cost not to exceed $75,000.00 under their state contract #73939; 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 New Jersey, Department of Community Affairs, Division of Local Government Services; and

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

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

WHEREAS, the Business Administrator and the Purchasing Agent have advised that the contract in question is a purchase through a State of New Jersey Contract #73939 requiring approval by this Governing Body in accordance with the provisions of **N.J.A.C.**5:34-1.2; now, therefore, be it; now, therefore, be it

RESOLVED that City Council of the City of Elizabeth hereby awards a contract to **MID ATLANTIC TRUCK CENTER, 525 Linden Ave., West, Linden, New Jersey 07036**, for Auto Parts for Heavy Duty Vehicles to including but not limited to Brakes, Water Pumps, Radiators and Fuel Tanks, for International Trucks for various departments for the period of March 17, 2014 through March 17, 2015 at a cost not to exceed $75,000.00 under their state contract #73939.

Which was adopted by the following vote:

AFFIRMATIVE: Perkins-Auguste, Cuesta, Torres, Gonzalez, ~~Keenan~~, ~~Cardona~~, Gallman, Mazza and President Grova - 7

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the Business Administrator and the Purchasing Agent have recommended per the request of the Director of Public Works the award of a contract to **ROUTE 23 AUTO MALL, 1301 Route 23 South, Butler, NJ 07405**, for Auto Parts for Heavy Duty Vehicles including but not limited to Brakes, Engine Parts, Filters, for various departments for the period of March 17, 2014 through March 17, 2015 at a cost not to exceed $50,000.00 under their state contract #73703; 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 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 #73703 requiring approval by this Governing Body in accordance with the provisions of **N.J.A.C.**5:34-1.2; now, therefore, be it; now, therefore, be it

RESOLVED that City Council of the City of Elizabeth hereby awards a contract to **ROUTE 23 AUTO MALL, 1301 Route 23 South, Butler, NJ 07405**, for Auto Parts for Heavy Duty Vehicles including but not limited to Brakes, Engine Parts, Filters, for the various departments for the period of March 17, 2014 through March 17, 2015 at a cost not to exceed $50,000.00 under their state contract #73703.

Which was adopted by the following vote:

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

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the Business Administrator has recommended per the request of the Supervisor of Data Processing the award of a contract to **Office Solutions, Inc., 217 Mount Horeb Road, Warren, NJ 07059,** for the purchase of Telecommunications Equipment Wired for various departments for the period of March 14, 2014 through March 31, 2015 at a cost not to exceed $50,000.00 under their state contract #80802; 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 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 #80802 requiring approval by this Governing Body in accordance with the provisions of **N.J.A.C.**5:34-1.2; now, therefore, be it; now, therefore, be it

RESOLVED that City Council of the City of Elizabeth hereby awards a contract to **Office Solutions, Inc., 217 Mount Horeb Road, Warren, NJ 07059,** for the purchase of Telecommunications Equipment Wired for various departments for the period of March 14, 2014 through March 31, 2015 at a cost not to exceed $50,000.00 under their state contract #80802 .

Which was adopted by the following vote:

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

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the Business Administrator has advised in 2009, the **Elizabeth Development Company ("EDC"), 288 North Broad Street, Elizabeth, NJ** applied to the New Jersey Department of Community Affairs ("NJDCA") for designation and approval of the Historic Midtown Plan for Community Revitalization. The NJDCA approved said plan, which allows for many benefits, including eligibility for grants and tax credits such as the Neighborhood Revitalization Tax Credit ("NRTC"); and

WHEREAS, the City of Elizabeth desires to see expansion of this area and possibly, designation of other areas in the City; and

WHEREAS, the Business Administrator has requested authorizing, encouraging and supporting EDC to apply to the DCA for expansion of the boundaries of the Historic Midtown Elizabeth Plan for Community Revitalization, which was designated in 2009 and/or for the creation of additional areas within the City of Elizabeth eligible for a Community Revitalization Plan/Neighborhood Revitalization Tax Credit; now, therefore, be it

RESOLVED that the City Council of the City of Elizabeth authorizes and supports the **Elizabeth Development Company, 288 North Broad Street, Elizabeth, New Jersey,** Department of Community Affairs for expansion of the boundaries of the 2009 Historic Midtown Elizabeth Plan for Community Revitalization and the creation of additional areas eligible for a Community Revitalization/Neighborhood Revitalization Tax Credit.

Which was adopted by the following vote:

AFFIRMATIVE: Perkins-Auguste, Cuesta, Torres, Gonzalez, [redacted], [redacted], Gallman, Mazza and President Grova - X 7

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the Business Administrator has recommended per the request of the Purchasing Agent the award of a contract to **Allied Oil, LLC., 25 Old Camplain Road, Hillsborough, NJ 08844,** for the purchase of Gasoline for the Public Works Marina for the period of March 2, 2014 through February 28, 2015 at a cost not to exceed $250,000.00 under their state contract #80914; 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 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 #80914 requiring approval by this Governing Body in accordance with the provisions of **N.J.A.C.**5:34-1.2; now, therefore, be it; now, therefore, be it

RESOLVED that City Council of the City of Elizabeth hereby awards a contract to **Allied Oil, LLC., 25 Old Camplain Road, Hillsborough, NJ 08844,** for the purchase of Gasoline for the Public Works Marina for the period of March 2, 2014 through February 28, 2015 at a cost not to exceed $250,000.00 under their state contract #80914.

Which was adopted by the following vote:

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

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the Business Administrator and the Purchasing Agent have requested authorization for the award of a contract to the sole bid, which meets our specifications to **KIMCO USA, INC., 118 East Trefz Drive, Marshall, IL 62441,** for the furnishing of one (1) Portable, Stainless Steel, PTO-Driven Belt Conveyor for the Department of Public Works in the amount of $46,910.80; and

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available and appropriated for this purpose Certificate No. 14-07723, charging the amount of $46,910.80 to Account No. 4-01-26-290-EYM-307 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 the proper City Officials to enter into a contract with **KIMCO USA, INC., 118 East Trefz Drive, Marshall, IL 62441,** for the furnishing of one (1) Portable, Stainless Steel, PTO-Driven Belt Conveyor for the Department of Public Works in the amount of $46,910.80

Which was adopted by the following vote:

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

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, on November 12, 2013 your Honorable Body adopted a resolution permitting the Purchasing Agent to sell vehicles through Propertyroom.Com. Propertyroom.com no longer provides the services of photographing vehicles and vehicle descriptions. The information that Propertyroom.Com requires for each vehicle is lengthy and cumbersome. Conducting an in-house sale of the obsolete vehicles would save the City time and money; and

WHEREAS, the Business Administrator has advised that the Purchasing Agent is requesting to conduct an in-house sale of the City's obsolete vehicles; and

WHEREAS, in accordance with in accordance with **N.J.S.A.**40A:11-36 and P.L. 2001, c.30 this Municipality is authorized to dispose of obsolete vehicles; and

WHEREAS, the Business Administrator concurs and authorizes the request of the Purchasing Agent to make the necessary arrangements to auction obsolete vehicles. The equipment and vehicles have been inspected as to any value, expense to maintain, etc., by the individual department supervisors, and based on the inspection and review, the list was compiled and submitted to Purchasing for proper disposition. A list of the obsolete property is attached; and

WHEREAS, the public sale will conform to the requirements of **N.J.S.A**. 40A: 11-36 and P.L. 2001, c30. The auction is being requested to be held by the City of Elizabeth Purchasing Agent. The date of the sale will be set by the auction company and will be published in ***The Star Ledger,*** *on April 14, 2014 with the date of the sale set for Friday, April 25, 2014 at 10:00 a.m. The viewing for the vehicles will be on Wednesday, April 23, 2014 between the hours of 10:00 a.m. and 3:00 p.m. at the following locations:*

1. Elizabeth City Yard, 400 Atlantic Street, Elizabeth, NJ
2. Peterstown Community Center, 418 Palmer Street, Elizabeth, NJ
3. Elizabeth Marina, 70 Front Street, Elizabeth, NJ

; and

WHEREAS, the within sale is not to the United States, the State of New Jersey or another contacting unit, or to any public body to which it contributes tax raised funds; and

WHEREAS, such sale shall be held not less than seven nor more than fourteen days after the latest publication of the notice; now, therefore be it

RESOLVED that a public sale of:

OBSOLETE VEHICLES (LIST IS ATTACHED)
shall be held **by the auction by the City of Elizabeth Purchasing Agent.** Notice of the date, time any place of the public sale , together with a description of the items to be sold and the condition of sales shall be published in ***The Star Ledger,*** *on April 14, 2014 with the date of the sale set for Friday, April 25, 2014 at 10:00 a.m. The viewing for the vehicles will be on Wednesday, April 23, 2014 between the hours of 10:00 a.m. and 3:00 p.m. at the following locations:*

1. Elizabeth City Yard, 400 Atlantic Street, Elizabeth, NJ
2. Peterstown Community Center, 418 Palmer Street, Elizabeth, NJ
3. Elizabeth Marina, 70 Front Street, Elizabeth, NJ

; and be it

FURTHER RESOLVED that the net proceeds from the obsolete vehicles shall be paid into the general municipal treasury of the City of Elizabeth.

Which was adopted by the following vote:

AFFIRMATIVE: Perkins-Auguste, Cuesta,
Torres, Gonzalez, [redacted]
Gallman, Mazza and President Grova - X 7

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the Business Administrator and the Purchasing Agent have recommended per the request of the Director of Public Works the award of a contract to **AAM Motor Sales/D.B.A. Jersey City Ford, 315 Clendenny Ave., Jersey City, NJ 07304,** for Maintenance & Repairs of Vehicles with 15,000lb GVWR or less for various departments for the period of March 28, 2014 through March 31, 2015 at a cost not to exceed $50,000.00 under their state contract #76419; 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 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 #76419 requiring approval by this Governing Body in accordance with the provisions of **N.J.A.C.**5:34-1.2; now, therefore, be it; now, therefore, be it

RESOLVED that City Council of the City of Elizabeth hereby awards a contract to **AAM Motor Sales/D.B.A. Jersey City Ford, 315 Clendenny Ave., Jersey City, NJ 07304,** for Maintenance & Repairs of Vehicles with 15,000lb GVWR or less for various departments for the period of March 28, 2014 through March 31, 2015 at a cost not to exceed $50,000.00 under their state contract #76419.

Which was adopted by the following vote:

AFFIRMATIVE: Perkins-Auguste, Cuesta, Torres, Gonzalez, [redacted], [redacted], Gallman, Mazza and President Grova - X 7

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the Business Administrator and the Purchasing Agent have recommended per the request of the Director of Public Works the award of a contract to **First Independent Auto Repair Svc. LLC, 410 East Westfield Avenue, Roselle Park, New Jersey 07204**, for Transmission Repairs for Various Departments for the period of March 28, 2014 through March 31, 2015 at a cost not to exceed $100,000.00 under their state contract #76413; 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 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 #76413 requiring approval by this Governing Body in accordance with the provisions of **N.J.A.C**.5:34-1.2; now, therefore, be it; now, therefore, be it

RESOLVED that City Council of the City of Elizabeth hereby awards a contract to **First Independent Auto Repair Svc. LLC, 410 East Westfield Avenue, Roselle Park, New Jersey 07204**, for Transmission Repairs for Various Departments for the period of March 28, 2014 through March 31, 2015 at a cost not to exceed $100,000.00 under their state contract #76413.

Which was adopted by the following vote:

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

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the Business Administrator and the Purchasing Agent have recommended per the request of the Director of the Department of Public Works the award of a contract to **Bayway Lumber, 400 Ashton Ave., Linden, NJ 07036**, for the purchase of Lumber and Associated Materials for various departments at a cost not to exceed $200,000.00 for the period of March 28, 2014 through March 3, 2016 under the Union County Cooperative Purchasing Contract #CK-06-Union; 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 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

RESOLVED, that City Council of the City of Elizabeth hereby awards a contract to to **Bayway Lumber, 400 Ashton Ave., Linden, NJ 07036**, for the purchase of Lumber and Associated Materials for various departments at a cost not to exceed $200,000.00 for the period of March 28, 2014 through March 3, 2016 under the Union County Cooperative Purchasing Contract #CK-06-Union.

Which was adopted by the following vote:

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

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the Business Administrator has recommended per the request of the Purchasing Agent the award of a contract to **Turn Out Fire & Safety, Inc., 3468 Kennedy Blvd., Jersey City, NJ 07307,** for the purchase of Protective Clothing and Equipment for the Police and Fire Departments and Ambulance Services Bureau for the period of April 1, 2014 through March 31, 2015 at a cost not to exceed $150,000.00 under their state contracts #80947 and #80953; 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 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 #80947 and #80953 requiring approval by this Governing Body in accordance with the provisions of **N.J.A.C.**5:34-1.2; now, therefore, be it; now, therefore, be it

RESOLVED that City Council of the City of Elizabeth hereby awards a contract to **Turn Out Fire & Safety, Inc., 3468 Kennedy Blvd., Jersey City, NJ 07307,** for the purchase of Protective Clothing and Equipment for the Police and Fire Departments and Ambulance Services Bureau for the period of April 1, 2014 through March 31, 2015 at a cost not to exceed $150,000.00 under their state contracts #80947 and #80953.

Which was adopted by the following vote:

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

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the Business Administrator has advised that on April 1, 2014 sealed bids were received and opened by the Purchasing Agent for the furnishing of Shipboard Fire Fighter Training for the Fire Department; and

WHEREAS, the Director and Deputy Chief of the Fire Department have reviewed the bids received and recommended that the responsive bid received from **Tri-State Maritime Safety Association, 425 Carl Miller Blvd., Camden New Jersey 08104,** meets our specifications. The bid received from Maritime Emergency Response & Educators, LLC did not meet the Fire Department's specifications in addition to not having been approved by the Department of Homeland Security; and

WHEREAS, the Business Administrator and the Purchasing Agent have recommended per the recommendation of the Directory and Deputy Chief of the Fire Department the award of a contract to **Tri-State Maritime Safety Association, 425 Carl Miller Blvd., Camden New Jersey 08104,** for Shipboard Fire Fighter Training in the amount of $480,000.00; and

WHEREAS, the amount of the contract in question exceeds $50,000.00 and the provisions of Chapter 2.92 of the Code of the City of Elizabeth have been complied with by **Tri-State Maritime Safety Association.;** and

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available and appropriated for this purpose and Certification No. 14-07890 charging the amount of $480,000.00 to Account No. G-02-41-854-121 of the Municipal Budget are on file in the Office of the City Clerk; now, therefore, be it

RESOLVED that the City Council of the City of Elizabeth authorizes the award of a contract to **Tri-State Maritime Safety Association, 425 Carl Miller Blvd., Camden New Jersey 08104,** for Shipboard Fire Fighter Training for the Fire Department in the amount of $480,000.00.

Which was adopted by the following vote:

AFFIRMATIVE: Perkins-Auguste, Cuesta, Torres, Gonzalez, [redacted], [redacted], Gallman, Mazza and President Grova - X 7

NEGATIVE: None

BY CITY C OUNCIL AS A WHOLE:

WHEREAS, the City Attorney has advised that on December 11, 2012 your Honorable Body adopted a resolution authorizing an agreement with **Goldenberg, Mackler, Sayegh, Mintz, Pfeffer, Bonchi & Gill, 660 New Road, Suite 1A, Northfield, New Jersey 08225**, to provide legal representation to the City for In Rem Tax Foreclosure's for the period of November 27, 2012 through November 26, 2013 at a rate of $500.00 per tax sale certificate, plus costs with a cap of $50,000.00; and

WHEREAS, the Tax Collector has advised that as of today's date the allowable amount has been exhausted due to unforeseen and unexpected costs of foreclosing several of the properties via an In Personam Action, and especially the cost of the Sheriff's Sale of properties on South Grand Street there is a need for an increase; and

WHEREAS, to complete the Sheriff's Sale of some of the properties, and the costs related to redemptions, an additional amount of $25,000.00 is needed. Therefore, authorization is requested for an amendment to the contract previously awarded to **Goldenberg, Mackler, Sayegh, Mintz, Pfeffer, Bonchi & Gill** to increase the original contract by $25,000.00 for a total contract amount of $75,000.00; now, therefore, be it

RESOLVED that the City Council of the City of Elizabeth authorizes an amendment to the resolution adopted December 11, 2012 which awarded a contract to **Goldenberg, Mackler, Sayegh, Mintz, Pfeffer, Bonchi & Gill** to provide legal representation to the City In Rem Tax Foreclosure's for the period of November 27, 2012 through November 26, 2013 at a rate of $500.00 per tax sale certificate, plus costs with a cap of $50,000.00 to increase the original contract by $25,000.00 to complete the foreclosure for a total contract amount of $75,000.00.

Which was adopted by the following vote:

AFFIRMATIVE: Perkins-Auguste, Cuesta, Torres, Gonzalez, [redacted], [redacted], Gallman, Mazza and President Grova - X 7

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 and discuss the City's completed 2014 SFY 'Best Practices' Inventory at a public meeting; and

WHEREAS, the 2014 SFY 'Best Practices' Inventory is a computer worksheet that must be addressed and completed by the City Administration and reviewed and discussed by City Council at a public meeting in order to receive 100% State Aid; and

WHEREAS, the City Clerk must complete the 2014 SFY 'Best Practices' Public Meeting Certification Form pursuant to the City Council's review and discussion and submit same to the Department of Community Affairs; now, therefore, be it

RESOLVED, that the City Council of the City of Elizabeth hereby states that it has complied with the promulgation of the Division of Local Government Services of the State of New Jersey in compliance with the SFY 2014 Appropriations Act (P.L. 2011, c.85) whereby the City Council reviewed and discussed the 2014 SFY Best Practices Inventory on April 8, 2014; and be it

FURTHER RESOLVED, that the City Clerk submit the completed 2014 SFY 'Best Practices' Public Meeting Certification Form to the Department of Community Affairs.

Which was adopted by the following vote:

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

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the Director of the Department of Public Works has advised on March 28, 2014, the Department of Public Works received five (5) bids for the Demolition and Related Work at Engine Company No. 6 on Catherine Street, Contract No. 03-14; and

WHEREAS, the lowest bidder **Two Brothers Contracting, Inc., 250 Rutherford Boulevard, Clifton, New Jersey 07014**, in the amount of $109,125.00, failed to provide a financial statement prepared within the last twelve (12) months which is a material defect, and failed to provide an unconditional Consent of Surety, which is also a material defect, therefore, their bid was not responsive and was rejected; and

WHEREAS, the second lowest bidder **Caravella Contractors, Inc., 40 Deforest Avenue, East Hanover, New Jersey 07936,** in the amount of $116,785.00, did not provide a statement of compliance for a Licensed Master Plumber as required which is a material defect, therefore, their bid was not responsive and was rejected; and

WHEREAS, the lowest responsive bidder was **W.D. Snyder Company, Inc., 706 South Michigan Avenue, New Jersey 07033,** in the amount of $131,025.00; and

WHEREAS, the bid was reviewed by the City Attorney as to form. The Finance Director reviewed and approved the financial statement; and

WHEREAS, the amount of the contract in question exceed $50,000.00 and the provisions of Chapter 2.92 of the Code of the City of Elizabeth have complied with by **W. D. Snyder Company, Inc.**; and

WHEREAS, the Director of the Department of Public Works has requested authorization to award a contract to **W. D. Snyder, 706 South Michigan Avenue, Kenilworth, N.J.**, for the Demolition and Related Work at Engine Company No. 6, 472 Catherine Street, at a cost of $131,025.00; and

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available and appropriated for this purpose and Certification No. 14-08022 charging the amount of $131,025.00 to Account No. X-04-55-999-X54-001 of the Municipal Budget is on file n the Office of the City Clerk; now, therefore, be it

RESOLVED that the City Council of the City of Elizabeth authorizes an award of contract to **W. D. Snyder, 706 South Michigan Avenue, Kenilworth, N.J.,** for the Demolition and Related Work at Engine Company No. 6, 472 Catherine Street, at a cost of $131,025.00.

Councilman Gallman stated that he is pleased to see that the City is moving forward with the reconstruction of the firehouse. He continued that he witnessed a fire this morning and his "hat" goes off to the Fire Department and Administration.

Council President Grova commended Councilman Gallman for his fight to get this firehouse rebuilt.

Council President Grova thanked Councilman Torres for his efforts on getting a four-way stop at the intersection of Third Street and Pine Street.

Which was adopted by the following vote:

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

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the Director of the Department of Public Works has advised that on February 27, 2014, nine bids were received for the Elizabeth Recreation Pier Rehabilitation; and

WHEREAS, lowest bidder **Tomco Construction, Inc., 22 Howard Boulevard, Suite 204, Mt. Arlington, New Jersey 07856,** in the amount of $1,688,000.00, failed to provide a financial statement prepared within the last twelve (12) months, which is a material defect, therefore, their bid was not responsive and was rejected; and

WHEREAS, the second lowest responsible bidder was **Scafar Contracting, Inc., 225 Pacific Street, Newark, New Jersey 07114**, in the amount of $1,792,495.00; and

WHEREAS, the bid was reviewed by the City Attorney and, the Finance Director and were approved as to form and financial statement; and

WHEREAS, the Director of the Department of Public Works has requested authorization to award a contract to **Scafar Contracting, Inc., 225 Pacific Street, Newark, New Jersey 07114**, for the Elizabeth Recreation Pier Rehabilitation in the amount of $1,792,495.00; 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 **Scafar Contracting, Inc.**; and

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available and appropriated for this purpose and Certification No. 14-08023 charging the amount of $1,792,495.00 to Account No. X-04-55-999-X57-003 of the Municipal Budget are on file n the Office of the City Clerk; now, therefore, be it

RESOLVED that the City Council of the City of Elizabeth authorizes an award of contract to **Scafar Contracting, Inc., 225 Pacific Street, Newark, New Jersey 07114**, for the Elizabeth Recreation Pier Rehabilitation in the amount of $1,792,495.00.

Which was adopted by the following vote:

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

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 **147 Inslee Place, Elizabeth, N.J. 07206,** as follows, pursuant to the recommendation of the Elizabeth Police Department:

along the North curb line of Inslee Place

beginning at a point 212' East of Second 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, Torres, Gonzalez, [redacted], [redacted], Gallman, Mazza and President Grova - 7

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 **1054 Fanny Street, Elizabeth, N.J. 07201,** as follows, pursuant to the recommendation of the Elizabeth Police Department:

along the South curb line of Fanny Street
beginning at a point 76' East of Adams Avenue
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, Torres, Gonzalez, [redacted], [redacted], Gallman, Mazza and President Grova - 7

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 **813 Martin Street, Elizabeth, N.J. 07201,** as follows, pursuant to the recommendation of the Elizabeth Police Department:

along the North curb line of Martin Street

beginning at a point 135' East of Bank 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, Torres, Gonzalez, [redacted], [redacted], Gallman, Mazza and President Grova - X 7

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 **805 Parkview Terr, Elizabeth, N.J. 07202,** as follows, pursuant to the recommendation of the Elizabeth Police Department:

along the North curb line of Parkview Terr.

beginning at a point 76' West of Bellevue St.

and continuing 22' West thereof;

and be it

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

Which was adopted by the following vote:

AFFIRMATIVE: Perkins-Auguste, Cuesta, Torres, Gonzalez, [redacted], [redacted], Gallman, Mazza and President Grova - X 7

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: **37 DeHart Place, Elizabeth, New Jersey** in accordance with the recommendation of the Police Director.

Which was adopted by the following vote:

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

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE

WHEREAS, a case is currently pending in the matter **Keith White v. City of Elizabeth, CP No. 2010-24427**; and

WHEREAS, the Law Department and Christopher J. Kinsella, Esq. have recommended settlement of this matter for 50% of the left knee or $37,725.00; and

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available and appropriated for this purpose and Certification No. 14-07945 charging the amount of $37,725.00 to Account No. 04-21-56-249 of the Municipal Budget is on file in the Office of the City Clerk; now, therefore, be it

RESOLVED that the City Council of the City of Elizabeth hereby approves and authorizes the settlement of the claim in an amount of $37,725.00 payable to **Keith White, 328 John Street, Roselle, New Jersey 07203** and **Attorney for the Plaintiff: Alberto Ulloa, Esq., 1435 Morris Avenue, 2nd Floor, Union, New Jersey 07083.**

Which was adopted by the following vote:

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

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the Mayor, J. Christian Bollwage of the City of Elizabeth has requested that the City Council of the City of Elizabeth adopt a resolution in support of Assembly Bill No. 2315 introduced on January 16, 2014; and

WHEREAS, Assembly Bill No. 2315, permits persons who are unable to prove citizenship to obtain a New Jersey drivers license, amending R.S.39:3-10, and supplementing Chapter 3 of Tile 39 of the Revised Statutes; and

WHEREAS, the City Council of the City of Elizabeth finds that Assembly Bill No. 2315, will establish driving privilege cards for New Jersey residents who cannot prove lawful presence in the United States; now, therefore, be it

RESOLVED that the City Council of the City of Elizabeth strongly supports the passage of Assembly Bill No. 2135, introduced January 16, 2014 as stated hereinabove; and be it

FURTHER RESOLVED that a copy of this resolution be forwarded to Governor Chris Christie and cities representatives in the State Senate and Assembly.

Which was adopted by the following vote:

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

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, Autism has been diagnosed as affecting more and more children; and

WHEREAS, the Autism Society of America in order to make aware the growing need for concern and awareness about autism has been celebrating National Awareness Month; and

WHEREAS, the United States recognizes the month of April as a special opportunity to educate the public about autism and issues associated with autism in the community; and

WHEREAS, the City Council of the City of Elizabeth supports the efforts of the Autism Society of America in order to educate the public about autism; now, therefore, be it

RESOLVED that the City Council of the City of Elizabeth designates April as Autism Awareness month in the City of Elizabeth; and be it

FURTHER RESOLVED that the City Council of the City of Elizabeth encourages the citizens of Elizabeth to join with the Autism Society of America in bring public awareness to autism and the issues associated with autism.

Which was adopted by the following vote:

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

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.	**4-01-31-440**	**$ 5,974.19**
ELIZABETHTOWN GAS	**4-01-31-446**	**$ 22,352.57**
FLEETCOR TECHNOLOGIES SERVICES	**4-01-31-460**	**$ 111,301.70**
LANGUAGE LINE SERVICES	**4-01-31-440**	**$ 785.15**
NRG BUSINESS SOLUTIONS	**4-01-31-430**	**$ 415.89**
PSE&G	**4-01-31-431**	**$ 381,668.75**
SPRINT	**4-01-31-440**	**$ 4,596.27**
SPRINT 11	**4-01-31-440**	**$ 1,780.86**
USA MOBILITY	**4-01-31-440**	**$ 609.89**
VERIZON	**4-01-31-440**	**$ 102,106.06**
VERIZON CABS	**4-01-31-440**	**$ 190.00**
VERIZON COMMUNICATIONS INC.	**4-01-31-440**	**$ 1,582.34**
HESS CORP-GAS	**4-01-31-446**	**$ 7,053.46**

Which was adopted by the following vote:

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

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the City Council of the City of Elizabeth, New Jersey, wishes to recognize and commend the Elizabeth Borinquen Lions Club for their many years of service to the City and their contributions to the community; now, therefore, be it

RESOLVED that the City Council of the City of Elizabeth hereby commends the Elizabeth Borinquen Lions Club their dedication to the residents of the City of Elizabeth and extends to the Elizabeth Borinquen Lions Club sincerest thanks; and be it

FURTHER RESOLVED that this resolution be spread in full upon the minutes of City Council and that a certified copy be forwarded to the Elizabeth Borinquen Lions Club.

Which was adopted by the following vote:

AFFIRMATIVE:	Perkins-Auguste, Cuesta, Torres, Gonzalez, [redacted], Gallman, Mazza and President Grova - 7
NEGATIVE:	None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the City Council of the City of Elizabeth has learned of the recent death of Wayne Marcey Pryor, 49; and

WHEREAS, Mr. Pryor is survived by his loving wife, Robyn Pryor; his son, Antoine, his daughter, Taneisha, his mother, Joan Pryor, his brothers, sisters, one granddaughter, and a host of loving relatives and dear friends; now, therefore, be it

RESOLVED that we, the members of City Council of the City of Elizabeth hereby express our sincere sorrow at the death Wayne Marcey Pryor; and be it

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

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

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the City Council of the City of Eilzabeth has learned of the recent death of Wallace W. Tomkins, 74; and

WHEREAS, Wallace lived in New Jersey for 66 years before moving to Florida; and

WHEREAS, he worked at the Board of Education in Elizabeth, New Jersey; and

WHEREAS, Wallace is survived by his wife, Patricia Arlene; sons, Charles and Wallace, and grandchildren, Charles Jr., Missy, Justin and Tricia; now, therefore, be it

RESOLVED that we, the members of City Council of the City of Elizabeth hereby express our sincere sorrow at the death Wallace W. Tomkins; and be it

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

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

Councilman Torres moved that City Council do now adjourn,

Which was carried unanimously.

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

APPROVED

MANNY GROVA, JR.
President of City Council

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