PROCEEDINGS OF CITY COUNCIL

(OFFICIAL)

ELIZABETH, N.J.

Tuesday Evening
June 24, 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; Joseph Keenan, 3rd Ward;
[redacted], 4th Ward; William Gallman, Jr., 5th Ward;
Frank O. Mazza, 6th Ward, and
President Manny Grova, Jr., Councilman-at-Large - 8

ABSENT: Cedeno - 1

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.

PRESENTATION

Council President Grova announced that he would like to present a commendation to Detective Raymond Smith. He stated that it is most fitting to recognize Detective Smith for being recognized by the 200 Valor Award Club.

Council President Grova then read the commendation.

PUBLIC SPEAKING

Mr. Tommy Careira, 519 Spencer Street, thanked everyone for their concern and stated that he is no longer disgusted with the Animal Shelter. He continued that new information came "to light five minutes ago" that these animals are not being killed, they are being sold. The individual is afraid to speak out because his job may be in jeopardy. He stated further that this makes sense because they were gone within thirty minutes.

Mr. Careira stated that he would like for this to be investigated. If this is true, there needs to be an investigation. He would like to hear from someone, the Law Department, City Council – someone. Mr. Careira thanked everyone for their honesty and taking the time to listen to them. He saved three dogs in five days. He stated further that the taxpayers' money is going to these employees and if there is any wrong doing, he wants them let go. In closing, he asked for the City to move forward on this.

Ms. Rosa Joseph, 843 Park Avenue, thanked the City Council President for his email. Some of her group went to the shelter and there was a "shady individual" there adopting four dogs. She continued that Elizabeth is a "great City" and there are a couple of people who would love to have Animal Control jobs.

Ms. Joseph stated that she is a passionate person and wants something done. When people call to surrender their animals, they are never asked why. She continued that if someone is moving, they will post it on line and hopefully someone will give the animal a home. Something has to be done.

Council President Grova stated the email will be forwarded to the Director.

Ms. Jennifer Cueto, an Elizabeth resident, stated that communities and cities should charge a fee to surrender an animal. She then read from a handout and advised City Council of a pamphlet that will offer suggestions on adoption.

Ms. Delia Cummings, Roselle Park, spoke to providing information as to where the animals are put after they are euthanized. She asked if the City is being paid to kill animals.

Ms. Ann Barrias, 353 Williams Street spoke to volunteering at an animal shelter. She has asked to volunteer, but was not allowed. She continued that she is afraid to

speak out for fear of being banned from the shelter. She is trying to educate people. She stated further that she fosters animals in other towns and would like to volunteer in her town.

Ms. Barrias stated that she called the animal shelter, but did not get an answer. She saw a dog in the rain on Jacques Street who looked hurt. She tried to help the dog because she is not afraid of being bit. In closing, she stated that her passion is to help animals.

Council President Grova suggested giving her name to Ms. Joseph as a volunteer.

Ms. Amanda Hamm, 543B Prospect Street, East Orange, stated that she is an Animal Control officer in the City of East Orange where she turned things around.

Council President Grova suggested that she provide suggestions to improve the Animal Shelter to the Director.

Ms. Hamm stated that what was done with the dogs was not according to the law. We have to be their voice. She continued that they did not do a temperament test. The animal shelter, as of June 17, was empty. She stated further that this is not right and they are not abiding by State law. She wishes the best for these animals and hopes the City of Elizabeth gets better.

There being no one else 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. 4466**, entitled:

AN ORDINANCE TO AMEND CHAPTER 13.16.120 DEFINITIONS; 13.16.130 COMPUTATION OF CHARGES; 13.16.140 PAYMENT OF CHARGES - INTEREST CHARGE FOR LATE PAYMENT; 13.16.150 CHARGES TO CONSTITUTE LIEN; 13.16.160 COLLECTION OF DELINQUENT CHARGES; AND 13.16.170 APPLICATION FOR REFUND; OF THE CODE OF THE CITY OF ELIZABETH ENTITLED "SEWER SERVICE SYSTEM", SPECIFICALLY TO IMPLEMENT A NEW SEWER UTILITY TARIFF DESIGN, TO SET NEW SEWER RATES EFFECTIVE AUGUST 1, 2014, AND TO AUGMENT THE LANGUAGE THEREOF.

This ordinance was adopted on its first reading at the meeting of City Council held on **June 10, 2014.**

The Notice of Public Hearing was published in the Star Ledger issue of **June 16, 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. 4467**, entitled:

AN ORDINANCE TO AUTHORIZE THE ESTABLISHMENT OF A PERSONALIZED HANDICAPPED PARKING SPACE FOR JERRY SZOCIK, 73 WESTFIELD AVENUE, ELIZABETH, NEW JERSEY 07208.

This ordinance was adopted on its first reading at the meeting of City Council held on **June 10, 2014.**

The Notice of Public Hearing was published in the Star Ledger issue of **June 16, 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. 4468**, entitled:

AN ORDINANCE TO AUTHORIZE THE ESTABLISHMENT OF A PERSONALIZED HANDICAPPED PARKING SPACE FOR LILLIAN BLALOCK, 485 CATHERINE STREET, ELIZABETH, NEW JERSEY 07206.

This ordinance was adopted on its first reading at the meeting of City Council held on **June 10, 2014.**

The Notice of Public Hearing was published in the Star Ledger issue of **June 16, 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 order of business would be a public hearing for the Midtown Elizabeth Special Improvement District Fiscal Year 2015 Budget in the amount of $325,320.00. which was introduced on June 10, 2014 and published in the Star Ledger issue of June 16, 2014.

Council President Grova asked if there was any one present who wished to speak either for or against the adoption of the Budget.

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 June 12, 2014, from the Business Administrator requesting authorization for the renewal of insurance with Hartford Insurance Company, Hartford, CT., through the agent-of-record, Hughes-Plumer Associates, covering Auxiliary Police Officers for the period of June 30, 2014 to June 30, 2015 at an annual premium of $310.00.

Which was received.

By the Clerk:

Letter dated June 12, 2014, from the Business Administrator requesting an amendment to the resolution adopted May 27, 2014, awarding a contract to Lawmen Supply Company of New Jersey for simunitions, batteries and other items for simunition training for the Police Department at a cost not to exceed $20,000.00, specifically to include additional equipment, ammunition, guns, vests and other crime prevention supplies in the amount of $100,000.00, raising the cost of the contract not to exceed $120,000.00.

Which was received.

By the Clerk:

Letter dated June 13, 2014, from the Business Administrator recommending the award of a contract to Atlantic Tactical of New Jersey, Inc., 763 Corporate Circle, New Cumberland, PA, for the purchase of ammunition, protective vests and crime prevention equipment and supplies for the Police Department and Ambulance Service for the period of May 1, 2014 through April 30, 2015, at a cost not to exceed $100,000.00.

Which was received.

By the Clerk:

Letter dated June 13, 2014, from the Business Administrator recommending the award of a contract to General Sales Administration, t/a Major Police Supply, 47 North Dell Avenue, Kenvil, NJ, for emergency lighting equipment for the Departments of Police, Fire and Ambulance Service Bureau for the period of May 29, 2014 through April 30, 2015, at a cost not to exceed $200,000.00.

Which was received.

By the Clerk:

Letter dated June 16, 2014, from the Business Administrator recommending the award of respective contracts to Flemington Aluminum & Brass, Inc., 24 Junction Road, Flemington, NJ; Signal Control Products, Inc., 199 Evans Way, Branchburg, NJ; Marbelite Company, Inc., 1913 Atlantic Avenue, P.O. Box 239, Manasquan, NJ; Traffic Parts, Inc., 27895 Robinson Road, P.O. Box 837, Spring, TX; General Traffic Equipment Corporation, 259 Broadway, Newburgh, NY; Intelligent Traffic Supply Products, LLC, 3005 Hadley Road, Suite 5, South Plainfield, NJ, for the furnishing of traffic signal parts for the Electrical Bureau of the Police Department for a two year period from the date of the award of the contract for all vendors combined in an amount not to exceed $90,000.00.

Which was received.

By the Clerk:

Letter dated June 17, 2014, from the Business Administrator advising that being satisfied that an emergency did exist, recommends the award of a contract to Cummins Metropower, Inc., 41-85 Doremus Avenue, Newark, NJ, for the emergency repair of the generator and generator transfer switch at City Hall on May 23, 2014 at a cost of $26,048.62.

Which was received.

By the Clerk:

Letter dated June 17, 2014, from the Business Administrator requesting authorization for the Mayor to execute an agreement with the Elizabeth Fire Department Emergency Medical Service Supervisors Collective Bargaining Agreement for the period of July 1, 2013 through June 30, 2017.

Which was received.

By the Clerk:

Letter dated June 17, 2014, from the Business Administrator requesting that your Honorable Body consider amending the City's Table of Organization of Classified and Unclassified Titles, specifically Ordinance No. 1747.
Which was received.

By the Clerk:

Letter dated June 17, 2014, from the Business Administrator requesting that your Honorable Body consider amending Chapter 2.56.110 (B) of the Code of the City of Elizabeth, specifically relating to the Table of Organization of the Elizabeth Police Department.
Which was received.

By the Clerk:

Letter dated June 17, 2014, from the Business Administrator requesting that your Honorable Body consider amending Chapter 2.60.090 (B) of the Code of the City of Elizabeth, specifically relating to the Table of Organization of the Elizabeth Fire Department.
Which was received.

By the Clerk:

Letter dated June 6, 2014, from the City Attorney requesting authorization for the proper City officials to execute a Memorandum of Understanding among the Port Authority of New York and New Jersey, The New Jersey Department of Transportation, the County of Union, the City of Linden and the City of Elizabeth for Planning, Environmental Assessment, Design, Construction, and Right-of-Way acquisition of I-278/Route 1 & 9 Interchange Improvements.
Which was received.

By the Clerk:

Letter dated June 11, 2014, from the Chief Financial Officer requesting authorization for the Treasurer to cancel the premiums in the amount of $94,100.00 and the sum of $94,100.00 be credited to Miscellaneous Revenue not anticipated.
Which was received.

By the Clerk:

Letter dated June 11, 2014, from the Chief Financial Officer requesting authorization for the Treasurer to cancel the tax credits set forth in the attached schedule for tax years of 2005 and 2006 in the amount of $80,739.26 and the sum of $80,739.26 be credited to Miscellaneous Revenue not anticipated and the Treasurer be authorized to issue a replacement check in the same amount and to charge the amount thereof to the contingent account.
Which was received.

By the Clerk:

Letter dated June 17, 2014, from the Chief Financial Officer requesting authorization for the Tax Collector to cancel the said disallowed senior citizen deductions as per the delineated lists for the Tax Year 2013 in the amount of $10,250.00.
Which was received.

By the Clerk:

Letter dated June 17, 2014, from the Chief Financial Officer requesting that a special meeting be held on July 1, 2014 to consider the adoption of the 2015 SFY Municipal, Sewer, and Capital Temporary Budgets; 2015 SFY Appropriation "CAP" Ordinance, and 2015 SFY Temporary Emergency Appropriations and 2014 SFY Transfers.
Which was received.

By the Clerk:

Letter dated June 17, 2014, from the Chief Financial Officer advising that transfers for the 2014 SFY Municipal and Sewer Utility Budgets may be necessary.
Which was received.

By the Clerk:

Letter dated June 17, 2014, from the Chief Financial Officer advising that in compliance with the SFY 2014 Appropriations Act requires your Honorable Body to approve all payments related to accumulated/uncompensated absence benefits.
Which was received.

By the Clerk:

Letter dated May 23, 2014, from the Director of Health and Human Services recommending the award of a contract to Chana Zablocki, MD, 845 Jerome Avenue, Hillside, NJ, for Pediatric Physician Services/Sexually Transmitted Disease Services for the period of May 1, 2014 through April 30, 2015, at a rate of $100.00 per hour not to exceed $50,000.00 unless further authorized by your Honorable Body.
Which was received.

By the Clerk:

Letter dated June 11, 2014, from the Director of Health and Human Services requesting authorization for the proper City officials to apply, accept and sign all appropriate documents for the New Jersey Department of Health, Division of HIV, STD and TB Services grant funds to address sexually transmitted diseases through screenings and education conducted through interviews and/or counseling in an amount not to exceed $39,337.00.
Which was received.

By the Clerk:

Letter dated June 13, 2014, from the Director of Health and Human Services requesting permission for the proper City officials to enter into an agreement with United Negro College Fund for the purpose of providing scholarships for students from the City of Elizabeth, NJ, attending any accredited four year institution.
Which Was Referred As Council As A Whole.

By the Clerk:

Letter dated June 9, 2014, from the Director of Planning and Community Development requesting authorization for the proper City officials to execute any and all documents necessary and appropriate to postpone the second mortgage held by the City, through the Elizabeth Home Improvement, First Time Homebuyer Program, on the property located at 817 Martin Street in the amount of $38,650.00.
Which was received.

By the Clerk:

Letter dated June 13, 2014, from the Director of Planning and Community Development requesting authorization to utilize UEZ Zone Assistance Funds for a direct loan to Danic Five, LLC for the acquisition of a commercial property, formerly known as Kristen Distributors, 2 Slater Drive, Elizabeth, necessary to enable Atalanta Corp to continue the expansion of its operations in Elizabeth, NJ; creating between 30 and 50 full-time jobs in the next 2 years for residents and surrounding towns.
Which was received.

By the Clerk:

Letter dated June 16, 2014, from the Director of Planning and Community Development requesting that your Honorable Body consider approving the designation of Y HOMES, Inc., as a Community Housing Development Organization within the City of Elizabeth for the purpose of supporting and to help low/moderate income persons through the provision of decent, integrated and affordable housing, as well as support services, to facilitate living in the community.
Which was received.

By the Clerk:

Letter dated June 9, 2014, from the City Engineer requesting authorization for the proper City officials to execute an Access Agreement with the Joint Meeting of Essex and Union Counties to allow the City access to the Elizabeth River levee system order to complete levee maintenance associated with the Elizabeth River Flood Control Project-South Front Street to Trenton Avenue.
Which was received.

[redacted]

By the Clerk:
Letter dated June 9, 2014, from the Director of Public Works requesting approval of Change Order No. 1 to the contract awarded to Simpson & Brown, Inc., for the Elizabeth Municipal Marina Rehabilitation at an original cost of $2,334,890.96, to provide further for additional hidden damages involving the existing steel wave screen that protects the marina from the navigation channel, specifically the replacement of loose and damaged stainless steel nuts, bolts, and splice plates; and welding of connections performed underwater by divers at an additional cost of $95,213.00, increasing the original contract amount to $2,430,103.76.
Which was received.

By the Clerk:
Letter dated June 10, 2014, from the Director of Public Works recommending the award of a contract to Fai-Gon Electric, Inc., 140 11th Street, Piscataway, NJ, for the traffic signal improvements on Elizabeth Avenue at Jefferson Avenue and Elizabeth Avenue at Bridge Street and Winfield Scott Plaza at a cost of $886,474.10.
Which was received.

By the Clerk:
Letter dated June 16, 2014, from the Director of Public Works recommending the award of a contract to Johnson, Mirmiran & Thompson, Inc., 1200 Lenox Drive, Suite 101, Trenton, NJ, to provide professional engineering services in connection with the design and construction administration of the 2014 Road Resurfacing Program; in the process of determining the cost which will be provided for the June 24th meeting.
Which was received.

By the Clerk:
Letter dated June 16, 2014, from the Director of Public Works recommending the award of a contract to T & M Associates, Eleven Tindall Road, Middletown, NJ, to provide professional engineering services in connection with the design and construction administration of the 2014 Road Resurfacing Program; in the process of determining the cost which will be provided for the June 24th meeting.
Which was received.

By the Clerk:
Letter dated June 17, 2014, from the Director of Public Works recommending the award of a contract to Hatch Mott MacDonald, 111 Wood Avenue South, Iselin, NJ, to provide engineering and field services during construction, including conducting meeting, review of submittals and shop drawings, full time inspection and administrative services on a time and materials basis, in connection with the Elizabeth River Flood Control Project, Levee Maintenance Contract – South Front Street to Trenton Avenue in an amount not to exceed $190,000.00.
Which was received.

By the Clerk:
Letter dated June 6, 2014, from Mr. William Alston, 410 Livingston Street, Elizabeth, NJ, requesting to be appointed as a Constable for a period of three years.
Which was received.

REPORTS OF CITY OFFICERS

NONE.

ORDINANCES ON FIRST READING

Council President Grova announced that the next business in order would be the introduction of **Ordinance No. 4469** , which was seconded by Councilman Cuesta, entitled:

AN ORDINANCE TO AMEND ARTICLE II, ADMINISTRATION AND PERSONNEL, CHAPTER 2.56.110 (B), CIVILIAN PERSONNEL, OF THE CODE OF THE CITY OF ELIZABETH SPECIFICALLY RELATING TO THE TABLE OF ORGANIZATION OF ELIZABETH POLICE DEPARTMENT.

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, Keenan, ~~Cedeno~~, Gallman, Mazza, and President Grova - ~~7~~ 8

NEGATIVE: None

Council President Grova announced that the next business in order would be the introduction of **Ordinance No. 4470** , which was seconded by Councilman Cuesta, entitled:

AN ORDINANCE TO AMEND ARTICLE II, ADMINISTRATION AND PERSONNEL, CHAPTER 2.60.090(B),CIVILIAN PERSONNEL, OF THE CODE OF THE CITY OF ELIZABETH SPECIFICALLY RELATING TO THE TABLE OF ORGANIZATION OF THE ELIZABETH FIRE DEPARTMENT.

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, Keenan, ~~Cedeno~~, Gallman, Mazza, and President Grova - ~~7~~ 8

NEGATIVE: None

Council President Grova announced that the next business in order would be the introduction of **Ordinance No. 4471** , which was seconded by Councilman Cuesta, entitled:

AN ORDINANCE TO AMEND ORDINANCE NO. 1747 ENTITLED AN ORDINANCE TO ESTABLISH CERTAIN CLASSIFIED AND UNCLASSIFIED POSITIONS IN THE CITY OF ELIZABETH AND TO SET THE ANNUAL COMPENSATION FOR SAID POSITIONS TO BE PAID FROM APRIL 1, 1984, EXCEPT AS OTHERWISE PROVIDED, AS PROVIDED BY THE MUNICIPAL BUDGET TO BE PAID AS OTHER EMPLOYEES ARE PAID AND AS PROVIDED ON ATTACHED SCHEDULES.

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, Keenan, [redacted], Gallman, Mazza, and President Grova - 8

NEGATIVE: None

Council President Grova announced that public notice will be published fixing Tuesday evening, July 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 the public hearing and further consider foregoing Ordinance Nos. 4469, 4470 and 4471, 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. 4466** , which was seconded by Councilman Cuesta .

AN ORDINANCE TO AMEND CHAPTER 13.16.120 DEFINITIONS; 13.16.130 COMPUTATION OF CHARGES; 13.16.140 PAYMENT OF CHARGES - INTEREST CHARGE FOR LATE PAYMENT; 13.16.150 CHARGES TO CONSTITUTE LIEN; 13.16.160 COLLECTION OF DELINQUENT CHARGES; AND 13.16.170 APPLICATION FOR REFUND; OF THE CODE OF THE CITY OF ELIZABETH ENTITLED "SEWER SERVICE SYSTEM", SPECIFICALLY TO IMPLEMENT A NEW SEWER UTILITY TARIFF DESIGN, TO SET NEW SEWER RATES EFFECTIVE AUGUST 1, 2014, AND TO AUGMENT THE LANGUAGE THEREOF.

WHEREAS, the Chief Financial Officer has advised that it is necessary to implement a new Sewer Utility tariff design and to augment the language thereof to comply with a recent lawsuit settlement, and to set new Sewer Utility rates, effective August 1, 2014 in order to maintain the financial viability of the Sewer Utility; and

WHEREAS, the objective of the new tariff design and rates is to present fair and equitable sewer charges to customer classes based on several factors including cost allocations and City policy decisions; and

WHEREAS, the new tariff design is based on the creation of three customer classes based on several factors including cost allocations and City policy decisions; and

WHEREAS, the new tariff design is based on the creation of three customer class users;and

- Class (1) User means a residential, commercial, governmental or institutional users served by a 5/8 or 3/4" water meter.
- Class (2) User means a residential, commercial, governmental or institutional users served by a water meter with a size of 1" or greater.
- Class (3) User means any Industrial user, regardless of size, subject to JMEUC permits.

WHEREAS, the impact of the new rates is as follows:

- Customers served by 5/8" and 3/4" meters — Rate increase - None
- Customers served by 1" and above meters — Rate increase - Approximate 25%
- Industrial customers with JMEUC permits — Rates per legal settlement

WHEREAS, the increase for customers served by 1" and above water meters is due to the allocation of BOD (Biochemical Oxygen Demand) and TSS (Total Suspended Solids) costs not previously allocated to this customer class. The recent lawsuit requires that all customer classes share in the costs of BOD and TSS based on cost allocations heretofore charged only to those customers subject to JMEUC permits. The Director of Public Works may reclassify a Class (2) User to Class (1) based on supporting documentation, provided that the use is entirely residential. Periodic Sewer Utility rate increases are necessary to upgrade the aging infrastructure and increased operating and maintenance costs; **NOW THEREFORE,**

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

SECTION 1. - 13.16.120 - Definitions. -As used in this chapter, the following terms shall have the meanings indicated:

"BOD (denotes 'biochemical oxygen demand')" means the quantity of oxygen utilized in the biological oxidation of organic matter under standard laboratory procedure for five days at twenty (20) degrees centigrade, expressed in milligrams per liter.

"City" means the City of Elizabeth, in the County of Union and the State of New Jersey.

"Class (1) User" means a residential, commercial, governmental or institutional users served by a 5/8" or ¾" water meter.

"Class (2) User" means a residential, commercial, governmental or institutional users served by a water meter with a size of 1" or greater.

"Class (3) User" means any Industrial User, regardless of meter size.

"Commercial User" means all retail stores, restaurants, office buildings, laundries and other private business, manufacturing and service establishments that are not classified as Industrial Users.

"Director of Finance" means the Director of the Department of Finance of the City or authorized representative.

"Director of Public Works" means the Director of the Department of Public Works of the City or authorized representative.

"Governmental User" shall include any building, site or facility used for legislative, judicial, administrative, educational, and regulatory activities of Federal, State and County governments. (Buildings, sites or facilities owned by the City of Elizabeth and used for municipal purposes are excluded from this classification and shall be exempt from sewer user charges).

"Industrial waste" means any liquid, gaseous, solid or other waste substance or a combination thereof resulting from any process of industry, manufacturing, trade or business or from the development or recovery of any natural resources.

"Institutional User" means social, charitable, religious, and educational facilities such as schools, churches, hospitals, nursing homes, penal institutions and similar users.

"Joint Meeting" means the municipalities of the City of East Orange, the Township of Hillside, the Town of Irvington, the Township of Maplewood, the Township of Millburn, the City of Newark, the Borough of Roselle Park, the Village of South Orange, the City of Summit, the Township of Union and the Town of West Orange, organized in joint meeting pursuant to statute under the terms of a contract dated June 1, 1926, as amended and supplemented, in the matter of a joint trunk and outlet sewer and treatment plant for the sewage wastewater emanating from said municipalities.

"Industrial User" means any industry required to obtain an industrial user permit pursuant to the Rules and Regulations of the Joint Meeting.

"Other wastes" includes garbage, refuse, decayed wood, sawdust, shavings, bark, sand, lime, cinders, ashes, offal, oil, tar, dye stuffs, acids, chemicals and all other discarded matter not sewage or industrial waste.

"Part" as used in relation to the term "sewer system," includes all lateral sewers, or all branch sewers, or all interceptor sewers, or all trunk sewers, and any sewage treatment and disposal works, each part with necessary appurtenances, including sewage pumping stations.

"Permit" or "Industrial User Permit" means a permit issued by the Joint Meeting including, a letter of agreement entered into between the Joint Meeting and a User of its Treatment Works, setting effluent limitations and other conditions on the User of the Joint Meeting's Treatment Works.

"Residential User" means any contributor to the City's sewerage system whose lot, parcel or building is used for domestic dwelling purposes only.

"Sewage" means the water-carried human or animal wastes from residences, buildings, industrial establishments or other places, together with such groundwater infiltration and surface water as may be present. The admixture with sewage, as above defined, of industrial waste or other wastes, as defined in this section, also shall be considered "sewage" within the meaning of this chapter.

"Sewer system" means all sewer pipes and other appurtenances which are used or useful in whole or in part in connection with the collection, treatment or disposal of sewage, industrial waste and other wastes and which are owned, operated, maintained or used by the City, individually or with other municipalities, including sewage pumping stations and sewage treatment and disposal works.

"TSS (denotes "total suspended solids' or 'suspended solids') means those solids that either float on the surface of or are in suspension in water, sewage or other liquids and which are removable by laboratory filtration.

"User" means an individual, firm, company, partnership, association, society, corporation (public or private) or group who discharges, causes or permits the discharge of wastewater into the wastewater system of the City and/or Joint Meeting.

"User charge" means a charge levied upon users of the sewerage system for the use and service of that system.

(Prior code § 118-13)

SECTION 2. - 13.16.130 Computation of charges.

A. Pursuant to N.J.S.A. 40A:26A-1, et seq., the City establishes and imposes user charges in the City for the use of the sewer system or any part or parts thereof and establishes and imposes such computed user charges as shall be hereinafter provided.

B. The user charge shall consist of a fixed facility charge and a volumetric charge. In addition, Industrial Users shall pay separate BOD and TSS charges.

C. All users (with the exception of Industrial Users) shall be billed quarterly in arrears. Industrial Users shall be billed monthly in arrears for facility and volumetric charges and quarterly in arrears for BOD and TSS charges.

D. Facility Charges.

1. The Facility Charge shall be based on the size of the water meter serving the user. A separate Facility Charge will be charged for each meter.
2. The Facility Charge for each metered service shall be as follows:

Meter Size in inches	Charge per Quarter
5/8	$ 3.82
¾	$ 10.19
1	$ 26.37
1 ½	$ 72.62
2	$ 137.37
3	$ 322.36
4	$ 581.36
6	$ 1,321.33
8	$ 2,357.31
10	$ 3,689.87

E. Volumetric Charges.

1. There shall be three separate volumetric rates as follows: Class (1) users with a water meter size of less than 1"; Class (2) users with a water meter size of 1" or greater; and Class (3) comprising all industrial users regardless of water meter size.
2. Volumetric rates for users in Class (1) and Class (2) shall be based on allocated shares of flow-related costs and allocated shares of BOD and TSS-related costs.
3. The volumetric rate for Class (3) Industrial Users shall be based only on an allocated share of flow-related costs and not upon any allocated shares of BOD and TSS-related costs, which shall be billed separately.
4. The volumetric charge for Class (1) and Class (2) users shall be based upon the amount of water supplied by the City water utility or by such other system supplying water to the user as shown by the water meter readings for the most recent quarterly period prior to billing; provided, however, that whenever water consumption is metered but the charge for the measuring period is based upon an estimated consumption due to the fact that a meter reading was not made for the measuring period, the sewer charges shall likewise be based upon the estimated consumption.

   a. The volumetric rate for Class (1) users shall be $ 3.463 per 100 cubic feet of water.

   b. The volumetric charge for Class (2) users shall be $ 4.329 per 100 cubic feet of water.

   c. Multi-family Residential Users served by a 1" meter or larger may submit a request to the Director of Public Works that the City charge them under the 5/8"-3/4" classification. Such requests shall be on application forms prescribed by the City and accompanied by sketches, narrative and certifications listed on the application or subsequently requested by the City. The City shall

have the right to enter and inspect the premises in question to clarify and verify information submitted by the applicant. A determination of such request shall be based on information furnished to the City and/or collected by the City. Where a User in the 1" and larger classification is strictly residential in nature and metered separately from other classifications, the City may reclassify the user. The City reserves the right to return the User to the 1" and above classification if determined by the City that the characteristics of the User's discharge are not consistent with those of the 5/8"-3/4" classification.

5. The volumetric charge for Class (3) Industrial Users shall be based upon the amount of water supplied by the City water utility or by such other system supplying water to the user as shown by the water meter readings for the most recent quarterly period prior to billing; provided, however, that whenever water consumption is metered but the charge for the measuring period is based upon an estimated consumption due to the fact that a meter reading was not made for the measuring period, the sewer charges shall likewise be based upon the estimated consumption. The volumetric rate for Class (3) Industrial Users shall be $ 2.38 per 100 cubic feet of water.
6. In the case of consumers of water who discharge into the sewer system an amount of sewage substantially less than or substantially greater than the amount of water supplied to such consumer, the amounts of the sewage discharged into the sewer system shall be determined by meters, gauges or other suitable measuring devices furnished or approved by the City and installed by such consumer at the consumer's expense and at no cost or expense to the City, and the user charge thereon shall be computed at the rates stipulated herein for sewage discharged into the sewer system.
7. The Department of Public Works may require the owner of any real property subject to user charges of the City to install a meter, gauge or other suitable measuring device which is acceptable to the Department of Public Works and installed at the consumer's expense and at no cost or expense to the City, provided, however, that any determination of the Department of Public Works is subject to review and modification by a court of competent jurisdiction.
8. Any owner of real property subject to user charges discharging into the City sewer system who claims to be unable to install a meter, gauge or other suitable measuring device after being so ordered by the Director of Public Works may submit to the Department of Public Works a written application requesting that the Department of Public Works grant to the owner a specified extension of time within which to install such meter, gauge or other suitable measuring device. In the event the Department of Public Works shall grant such specified extension of time, such owner shall install a meter, gauge or other suitable measuring device on or before the date fixed and prescribed therefor by the Department of Public Works and shall pay user charges on or before the times fixed and prescribed therefor by the Department of Public Works. Prior to such installation, the Department of Public Works shall estimate the amount of sewage discharged by such owner into the sewer system. Such estimate by the Department of Public Works shall be submitted to the City Council for its approval or modification, and the decision of the City Council with respect thereto shall be binding and final unless modified by a court of competent jurisdiction following any review thereof permitted by law. Such owner shall thereupon, prior to the aforementioned installation of a meter, gauge or other suitable measuring device, pay user charges computed at the rate defined in this section for the estimated sewage discharged into the sewer system, and the decision of the Department of Public Works with respect to the amount thereof shall be binding and final unless

modified by a court of competent jurisdiction following any review thereof permitted by law. Such user charges computed at the rate defined in this section for the estimated sewage discharged into the sewer system shall be due and payable at such time as the Director of Finance shall fix and prescribe therefor.

9. Any owner of real property in the City subject to User Charges who fails to submit to the Department of Public Works a written application requesting that the Department of Public Works grant to such owner a specified extension of time within which to install a meter, gauge or other suitable measuring device and any owner of real property in the City subject to User Charges whose written application is denied by the Department of Public Works shall pay sewer User Charges equal to one hundred and twenty five (125) percent of the estimate computed by the Department of Public Works in the manner set forth in subsection E.8 of this Article.
10. In all cases in which users of the sewerage system are not supplied with water from the City water utility, the charge for the use of sewerage system shall be based upon the actual discharge as measured by a meter to be installed by the consumer; provided, however, that when in the judgment of the Director of Public Works such charges may be reasonably accurately estimated, the initial charges may be based upon his or her estimate of actual discharge volume.
11. In any other case where the charges for sewer services cannot be reasonably measured based on water consumption during the measuring period, the initial and any subsequent charges shall be based upon an estimate, which may be revised from period to period.

F. BOD and TSS Charges

1. In addition to facility and volumetric charges, Industrial Users shall be subject to a separate charge for BOD and TSS.
2. Charges for TSS and BOD shall be based on total suspended solids and five-day BOD loadings computed by the Joint Meeting and reported quarterly to the City.
3. Each Industrial User shall perform sampling and analysis in accordance with its Industrial User Permit and the Rules and Regulations of the Joint Meeting.
4. An Industrial User may sample and analyze its discharge for suspended solids and five-day BOD at a greater frequency than specified in its industrial user permit provided that the results of all such testing are included in the periodic monitoring reports submitted to the Joint Meeting. All such additional sampling and analyses shall be the sole responsibility of and at the expense of the Industrial User.
5. Samples and measurements taken by Industrial Users as required by the Joint Meeting Industrial User Permit and such additional sampling and analyses taken at the option of the Industrial User shall be representative of the volume and nature of the monitored discharge.
6. The rates for BOD and TSS charges for Industrial Users shall be 120% of the rates charged by the Joint Meeting to the City as those rates may be changed from time to time.

(Ord. No. 4085, §§ 1—4, 11-24-2009; Ord. No. 4019, §§ 1—4, 2-10-2009; Ord. 3833 §§ 1—4, 2006; prior code § 118-14)

SECTION 3. - 13.16.140 - **Payment of charges—Interest charge for late payment.**

A. Sewer user charges shall be due and payable upon submission and may be paid to the Department of Finance within a period of thirty (30) days after they are due and payable without any charge for interest.

B. Interest will be charged at the legal statutory rate as defined by N.J.S.A. 40A:26A-1, et seq., on any sewer user bill which is not paid within thirty (30) days from date of issue.

C. The rates and charges herein established shall be effective with the billing commencing August 1, 2014.

(Ord. 3122 § 1, 1999; prior code § 118-15)

SECTION 4. - 13.16.150 - Charges to constitute lien.

Sewer user charges shall constitute a lien upon the real property served by the sewer system to the extent set forth in N.J.S.A. 40A:26A-12.

(Prior code § 118-16)

SECTION 5. - 13.16.160 - Collection of delinquent charges.

The City may enforce the collection of delinquent sewer user charges pursuant to N.J.S.A. 40A:26A-1 et seq.

(Prior code § 118-17)

SECTION 6. - 13.16.170 - Application for refund.

If any owner of real property on which a sewer user charge has been imposed deems himself or herself aggrieved because such real property is not served by the sewer system or an error has been made in computing such sewer user charge, he or she may file an application for a refund of all or part of such sewer user charge. Such application shall be verified by him or her and shall set forth the amount of refund sought and the grounds therefor. Such application shall be presented to the Director of the Department of Finance and he or she shall forward such application to the City Council with his or her recommendations in relation thereto. The Director of the Department of Finance may refund all or part of such sewer user charge upon proper resolution by City Council.

(Prior code § 118-18)

4D – 6/6/14

SECTION 7. - All ordinances or parts of ordinances inconsistent with the provisions of this ordinance be and the same are hereby repealed.

SECTION 8. - 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 9. - 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 **June 10, 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 **June 16, 2014.**

Council President Grova announced that this is in compliance with the settlement

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

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

NEGATIVE: None

Council President Grova announced that the next business in order would be the adoption of **Ordinance No. 4467** , which was seconded by Councilman Cuesta.

AN ORDINANCE TO AUTHORIZE THE ESTABLISHMENT OF A PERSONALIZED HANDICAPPED PARKING SPACE FOR JERRY SZOCIK, 73 WESTFIELD AVENUE, ELIZABETH, NEW JERSEY 07208.

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

SECTION 1. - A personalized handicapped parking space for **Jerry Szocik, 73 Westfield Avenue, Elizabeth, New Jersey 07208,** as follows and pursuant to the recommendation of the Elizabeth Police Director: along the North curb line of Westfield Avenue beginning at a point 41' West of Lowden Street and continuing 22' West thereof.

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

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

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

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

The Clerk read the foregoing ordinance by title.

This ordinance was adopted on its first reading at the City Council meeting held **June 10, 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 **June 16, 2014.**

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

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

NEGATIVE: None

Council President Grova announced that the next business in order would be the adoption of **Ordinance No. 4468** , which was seconded by Councilman Cuesta.

AN ORDINANCE TO AUTHORIZE THE ESTABLISHMENT OF A PERSONALIZED HANDICAPPED PARKING SPACE FOR LILLIAN BLALOCK, 485 CATHERINE STREET, ELIZABETH, NEW JERSEY 07206.

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

SECTION 1. - A personalized handicapped parking space for **Lillian Blalock, 485 Catherine Street, Elizabeth, New Jersey 07206,** as follows and pursuant to the recommendation of the Elizabeth Police Director: along the East curb line of Catherine Street beginning at a point 65' North of Emma Street and continuing 22' North thereof.

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

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

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

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

The Clerk read the foregoing ordinance by title.

This ordinance was adopted on its first reading at the City Council meeting held **June 10, 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 **June 16, 2014.**

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

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

NEGATIVE: None

Councilman Mazza **MOVED** for a **Suspension of the Rules** for the purpose of considering a resolution which did not appear on the agenda, seconded by Councilman Gallman, and carried **CARRIED** by the following vote:

AFFIRMATIVE: Cuesta, Gonzalez, Keenan, Gallman, Mazza, and President Grova - 6

NEGATIVE: Perkins-Auguste, Torres - 2

BY CITY COUNCIL AS A WHOLE:

Las Palmas Restaurant, 248 Morris Avenue, requested an extension of their liquor license to the enclosed parking area from 1:00 p.m. to 9:00 p.m. on the following dates: June 28, 29; July 4, 5, 12 and 13, 2014.

Councilwoman Perkins-Auguste **MOVED** to **TABLE** the above resolution, seconded by Councilman Torres, and CARRIED unanimously.

The regular order of business was then resumed.

June 24, 2014

By City Council as a Whole:

Resolved, that the following transfers be made in the FY2014 Municipal Budget appropriations:

Account	Type	Description	Amount
		Transfers To:	
25-265-UFS-100	Salaries & Wages	Uniform Fire Safety	28,000.00
23-210-INS-100	Operating Expenses	Insurance	32,000.00
23-220-GIN-100	Operating Expenses	Group Insurance	21,000.00
			81,000.00
		Transfers From:	
36-471	Operating Expenses	PERS	81,000.00
		TOTAL	**81,000.00**

Which was adopted by the following vote:

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

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

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

WHEREAS, at June 1, 2014, the following employee's are entitled to the payment of accumulated/uncompensated absence benefits;

James Varga	$13,530.53
Thomas O'Connor	$125,833.88
Frank MacNab	$25,831.01
Kevin Laughery	$16,236.64
Christopher Keller	$118,058.02
Franklin Idrovo	$65,431.37
Frank Fowler	$7,035.88
Mario Fernandez	$15,154.19
Derrick Cheatham	$25,099.06
William Capraun	$12,989.31
John Callahan	$38,832.62
Thomas Bellomo	$69,276.29
Robert Anstatt	$15,424.80
Brian Santos	$24,176.97
Orestes Rios	$15,455.99
Fernando Bonda	$73,897.28

; and

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

James Varga	$13,530.53
Thomas O'Connor	$125,833.88
Frank MacNab	$25,831.01
Kevin Laughery	$16,236.64
Christopher Keller	$118,058.02
Franklin Idrovo	$65,431.37
Frank Fowler	$7,035.88
Mario Fernandez	$15,154.19
Derrick Cheatham	$25,099.06
William Capraun	$12,989.31
John Callahan	$38,832.62
Thomas Bellomo	$69,276.29
Robert Anstatt	$15,424.80
Brian Santos	$24,176.97
Orestes Rios	$15,455.99
Fernando Bonda	$73,897.28

; and

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

Rs_Best Practices_Accumulated Absences_6-24-14

Which was adopted by the following vote:

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

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, there exists a need for accident insurance coverage for Auxiliary Police Officers; and

WHEREAS, the Business Administrator has recommended the renewal of the award of a contract be made to **HARTFORD INSURANCE COMPANY, Hartford, Connecticut 06115 (through its agent of record, Hughes-Plumer Associates)** to renew the Accident Insurance Policy covering the Auxiliary Police Officers for the period July 1, 2014 to June 30, 2015 at an annual premium of $310.00; and

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

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available and appropriated for this purpose and Certification No. 14-09783, charging the amount of $310.00 to Account No. 4-01-23-210-INS of the Municipal Budget, is on file in the Office of the City Clerk; and

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

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

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

1. The Mayor and the City Clerk are hereby authorized and directed to execute a renewal agreement with the **HARTFORD INSURANCE COMPANY, Hartford, Connecticut 06115 (through its agent of record, Hughes-Plumer Associates)** to renew an Accident Insurance Policy covering the Auxiliary Police Officers at an annual premium of $310.00 for the period July 1, 2014 to June 30, 2015.

2. The recommendation to award the contract is being made because this proposal offers a continuation of the present insurance for the purpose stated above.

3. Insurance is specialized in nature inasmuch as the companies issuing same are limited in number and must be approved by the State of New Jersey, through the Department of Insurance and Banking in order to qualify to do business within this State. New Jersey Statute 40A:11-5(1)(m) exempts the purchasing of insurance coverage from advertising for bids and bidding, which exception shall be in accordance with the requirements for Extraordinary, Unspecifiable Service in accordance with the requirements thereof.

4. This cannot be described by written specifications because of the special nature of the services as described above.

5. A notice of this action shall be published in **The Star Ledger.**

Which was adopted by the following vote:

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

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the Business Administrator has advised on May 27, 2014 your Honorable Body adopted a resolution awarding a contract to **LAWMAN SUPPLY CO., of New Jersey, 5521 Whitehorse Pike, Egg Harbor City, NJ 08125-9510** for simunitions, batteries and other items for simunition training for the Police Department for the period May 1, 2014 through April 30, 2015 at a cost not to exceed $20,000.00 under their State Contract #81295. After further review, the Director of the Police Department has requested additional equipment, ammunition, guns, vests and other crime prevention supplies which will exceed the original requested amount by $100,000.00; and

WHEREAS, the Business Administrator concurs and recommends per the request of the Direction of the Police Department that City Council adopt a resolution to amend the above referenced resolution to include additional equipment, ammunition, guns, vests and other crime prevention supplies and to reflect the new amount not to exceed $120,000.00; and

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

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

RESOLVED that the City Council of the City of Elizabeth authorizes an amendment to the resolution adopted May 27, 2014 that **LAWMAN SUPPLY CO., of New Jersey, 5521 Whitehorse Pike, Egg Harbor City, NJ 08125-9510,** for simunitions, batteries and other items for simunition training for the Police Department for the period May 1, 2014 through April 30, 2015 at a cost not to exceed $20,000.00 under State Contract #81295 to include additional equipment, ammunition, guns, vests and other crime prevention supplies which will exceed the original requested amount by $100,000.00 and reflect a new amount not to exceed $120,000.00 under State Contract #81295.

Which was adopted by the following vote:

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

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the Business Administrator and the Purchasing Agent have recommended per the request of the Director of the Police Department the award of a contract to **ATLANTIC TACTICAL OF NEW JERSEY, INC., 763 Corporate Circle, New Cumberland, PA 17070,** for the purchase of Ammunition, Protective Vests and Crime Prevention Equipment and Supplies for the Police Department and Ambulance Service for the period of May 1, 2014 through April 30, 2015 at a cost not to exceed $100,000.00 under their State Contract #81297, #81360 and #82102; 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; now, therefore, be it

RESOLVED that City Council of the City of Elizabeth hereby awards a contract to **ATLANTIC TACTICAL OF NEW JERSEY, INC., 763 Corporate Circle, New Cumberland, PA 17070,** for the purchase of Ammunition, Protective Vests and Crime Prevention Equipment and Supplies for the Police Department and Ambulance Service for the period of May 1, 2014 through April 30, 2015 at a cost not to exceed $100,000.00 under their State Contract #81297, #81360 and #82102.

Which was adopted by the following vote:

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

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the Business Administrator concurs and recommends per the request of the Purchasing Agent the award of a contract to **GENERAL SALES ADMINISTRATION T/A MAJOR POLICE SUPPLY, 47 North Dell Avenue, Kenvil, New Jersey 07847,** for Emergency Lighting Equipment for the Departments of Police, Fire and Ambulance Service Bureau for the period of May 29, 2014 through April 30, 2015 at a cost not to exceed $200,000.00 under their State Contract #81330; 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; now, therefore, be it

RESOLVED that City Council of the City of Elizabeth hereby awards a contract to **GENERAL SALES ADMINISTRATION T/A MAJOR POLICE SUPPLY, 47 North Dell Avenue, Kenvil, New Jersey 07847,** for Emergency Lighting Equipment for the Departments of Police, Fire and Ambulance Service Bureau for the period of May 29, 2014 through April 30, 2015 at a cost not to exceed $200,000.00 under their State Contract #81330.

Which was adopted by the following vote:

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

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the Business Administrator has advised that sealed bids were received and opened by the Purchasing Agent on June 3, 2014 for the furnishing of Ttraffic Signal Parts for the Electrical Bureau of the Police Department; and

WHEREAS, the Signal System Superintendant and the Director of the Police Department have reviewed and determined that the bid received from Intelligent Traffic Supply Products contains a single effect on Item #55, however, the next lowest bidder Signal Control Products for Item #55 meets the specifications. The remainder of the items on the list from Intelligent Traffic Supply Products meet the specifications. All Statutory requirements have been met; and

WHEREAS, the Business Administrator and the Purchasing Agent per the recommendation of the Police Department Director have requested the award of a contract for Traffic Signal parts to the low responsible bids received from the following bidders:

1. **Flemington Aluminum & Brass, Inc., 24 Junction Road, Flemington, NJ 08822.**
2. **Signal Control Products, Inc., 199 Evans Way, Branchburg, NJ 08876**
3. **Marbelite Co., Inc., 1913 Atlantic Ave., PO Box 239, Manasquan, NJ 08736**
4. **Traffic Parts, Inc., 27895 Robinson Road, PO Box 837, Spring TX 77383**
5. **General Traffic Equipment Corp., 259 Broadway, Newburgh, NY 12550**
6. **Intelligent Traffic Supply Products, LLC., 3005 Hadley Road, Suite 5, South Plainfield, NJ 07080**

; and

WHEREAS, the aforementioned contracts are in an amount not to exceed $90,000.00 for the furnishing of traffic signal parts for the Electrical Bureau of the Police Department, for at two-year period from the date of the award of the contract for all vendors combined; 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; **Signal Control Products, Inc., Intelligent Traffic Supply Products, LLC;** and

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

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

RESOLVED that the City Council of the City of Elizabeth authorizes the award of respective contracts to the low responsible bids received from the following bidders:

1. **Flemington Aluminum & Brass, Inc., 24 Junction Road, Flemington, NJ 08822.**
2. **Signal Control Products, Inc., 199 Evans Way, Branchburg, NJ 98876**
3. **Marbelite Co., Inc., 1913 Atlantic Ave., PO Box 239, Manasquan, NJ 08736**
4. **Traffic Parts, Inc., 27895 Robinson Road, Conroe, TX 77385**
5. **General Traffic Equipment Corp., 259 Broadway, Newburgh, NY 12550**
6. **Intelligent Traffic Supply Products, LLC, 3005 Hadley Rd., Suite 5, South Plainfield, NJ 07080**

for the furnishing of Traffic Signal Parts for the Electric Bureau of the Department of Police for a two (2) year period in an amount not to exceed $90,000.00 from all vendors combined.

Which was adopted by the following vote:

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

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, a contract between the Elizabeth Fire Department Emergency Medical Services Supervisors (hereinafter "EMS Supervisors") is to be executed with the approval of the City Council of the City of Elizabeth; and

WHEREAS, the Business Administrator has advised that an agreement has been reached with the representatives of the Emergency Medical Services Supervisors effective a four-year contract from July 1, 2013 through July 30, 2017, with a two percent (2%) wage increase for July 1, 2013; one and one half percent (1.5%) wage increase effective July 1, 2014; one and one half percent (1.5%) wage increase effective July 1, 2015; and one and one half percent (1.5%) wage increase effective July 1, 2016. The executed memorandum of agreement is attached hereto; now, therefore, be it

RESOLVED that City Council of the City of Elizabeth hereby authorizes the Mayor and City Clerk to execute the agreement with Elizabeth Fire Department Emergency Medical Services Supervisors, for a four-year contract from July 1, 2013 through July 30, 2017, with a two percent (2%) wage increase for July 1, 2013; one and one half percent (1.5%) wage increase effective July 1, 2014; one and one half percent (1.5%) wage increase effective July 1, 2015; and one and one half percent (1.5%) wage increase effective July 1, 2016 for purpose of satisfying the provisions of Chapter 303 of the Laws of 1968, as amended and supplemented, concerning the terms and conditions of employment of the employees covered in said contract and said employees are represented by the Emergency Medical Services Supervisors, as their sole exclusive bargaining agent.

NOTE: Memorandum of Agreement on file in the City Clerk's Office.

Councilwoman Perkins-Auguste requested to see the contract from Administration.

Which was adopted by the following vote:

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

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the City Attorney has advised that the Port Authority has issued a draft Memorandum of Understanding concerning the planning, design and construction of the remaining portions of the interconnection between Interstate 278 and U.S. Route 1 & 9. The construction of this project will provide a direct connection from westbound I-278 to northbound Route 1 & 9 and from southbound Route 1 & 9 to eastbound I-278; and

WHEREAS, this draft has been reviewed and is acceptable to the Director of Public Works and the City Attorney; now, therefore, be it

RESOLVED that the City Council of the City of Elizabeth authorizes the proper City officials to execute the Memorandum of Agreement concerning the planning, design and construction of the remaining portions of the interconnection between Interstate 278 and U.S. Route 1 & 9 with any changes or revisions to be approved by the Director of Public Works and the City Attorney.

Which was adopted by the following vote:

AFFIRMATIVE:	Perkins-Auguste, Cuesta, Torres, Gonzalez, Keenan, [redacted], Gallman, Mazza and President Grova, - 8
NEGATIVE:	None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, there remains on the tax lien records premiums as listed on the attached schedule, that are in excess of five years old; or on liens that are foreclosed; and

WHEREAS, N.J.S.A. 54:5-33 states that premiums on accounts that still remain open in excess of five years, shall be turned over to the municipality , and

NOW, THEREFORE, BE IT RESOLVED, that the City Treasurer is hereby authorized to cancel the premiums totaling the amount of $94,100.00 and the sum of $94,100.00 be credited to Miscellaneous Revenue not anticipated.

NOTE: The above referenced "Schedule " is on file in the City Clerk's Office.

Which was adopted by the following vote:

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

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, certain tax credits in the previous years of 2005 and 2006 remain outstanding and unclaimed; and

WHEREAS, the retention period for these records is six years per the State Division of Archives, and the banking institution only retains records for a period of seven years, and

WHEREAS, the City auditors have recommended that all credits outstanding for such a length of time be cancelled and the total amount represented by such credits be received as Miscellaneous Revenue; now, therefore, be it

RESOLVED, that the City Treasurer is hereby authorized to cancel the following tax credits in the amount of $80,739.26 as set forth in the attached schedule for tax years of 2005 and 2006 and the sum of $80,739.26 be credited to Miscellaneous Revenue not anticipated; and be it

FURTHER RESOLVED, that should any payee presenting adequate proof of payment at a future date, the City Treasurer is hereby authorized to issue a replacement check in the same amount and to charge the amount thereof to the contingent account.

NOTE: The above referenced "Schedule " is on file in the City Clerk's Office.

Which was adopted by the following vote:

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

NEGATIVE: None

BY CITY COUNCIL AS WHOLE:

WHEREAS, various senior citizens were disallowed senior citizen deductions in the amount of $250.00 for the Tax Year 2013 as a result of failure to file a Post-Tax Year Statement as set forth below:

Block & Lot	Owner	Property Description	Amount
06-0508	Drogon, Charlotte	1019-1021 Grove Street	250.00
07-0415	Caronia, Domenica	621 First Avenue	250.00
11-1175	Cogan, Mary Ruth	133-137 Parker Road	250.00
			$ 750.00

WHEREAS, the above mentioned senior citizens are deceased and the necessary filing of the Post-Tax Year Statement is not required; and

WHEREAS, the remains on the tax records of the City of Elizabeth the sum of $750.00 as stated above; now, therefore, be it

RESOLVED, that the Tax Collector is hereby authorized to cancel the said disallowed senior citizen deductions in the amount of $750.00 for the Tax Year 2013.

Which was adopted by the following vote:

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

NEGATIVE: None

BY CITY COUNCIL AS WHOLE:

WHEREAS, the listed senior citizens were disallowed senior citizen deductions in the amount of $250.00 for the Tax Year 2013 as a result of erroneously filing a Post Tax Year Statement indicating that their income exceeded $10,000.00 as set forth below:

Block & Lot	Owner	Property Description	Amount
01-0094	Jacobs, B L & H D	149 Court Street	250.00
13-1611	Arancio, Rosaria	513 Westfield Avenue	250.00
			$ 500.00

WHEREAS, the above mentioned senior citizens have now correctly filed their Annual Post-Tax Year Statement for the Tax Year 2013 ;and

WHEREAS, there remains on the tax records of the City of Elizabeth the sum of $500.00 as stated above; now, therefore, be it

RESOLVED, that the Tax Collector is hereby authorized to cancel the said disallowed senior citizen deductions in the amount of $500.00 for or the Tax Year 2013.

Which was adopted by the following vote:

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

NEGATIVE: None

BY CITY COUNCIL AS WHOLE:

WHEREAS, the listed senior citizens were disallowed senior citizen deductions in the amount of $250.00 for the Tax Year 2013 as a result of failure to file an Annual Post Tax Year Statement as set forth below:

Block & Lot	Owner	Property Description	Amount
02-0422	Palma, O & T	126 Franklin Street	250.00
02-0553	Young, Christine	230-232 Fulton Street	250.00
02-0805	Quintana, Caridad	148-150 Park Place	250.00
03-0408	Wong, J & L	411 Franklin Street	250.00
04-0743	Novak, T & Novak, J	551-553 Grier Avenue	250.00
04-1197	Otero, J & A	817-819 Myrtle Street	250.00
04-1560 B	Freire, J & G	728-732 Thomas Street	250.00
05-1110	Velez, Nancy	28 Rankin Street	250.00
05-1315	Menedez, E & M	21 Spencer Street	250.00
06-226 E	Alvarez, Carmen	968 De Hart Place	250.00
06-0310	Martinez, B & M	115 Ely Street	250.00
06-1045	Vasquez, N & M	306 Rosehill Place	250.00
07-0848	Dieguez, Salermo	625 Marshall Street	250.00
07-0962	Londino, Grace	411-413 Niles Street	250.00
07-0976	Barroso, Juana E	24-26 Palmer Street	250.00
08-0070	Arias, Mirta	731-733 Adams Avenue	250.00
08-0348	Harrington, David	937-939 Bond Street	250.00
08-0800	Hall, Katie	474 Henry Street	250.00
09-0042 A	Allen, Beatrice	1022 Boudinot Place	250.00
09-0730	Biebelberg, C&M-Mondragon, M	320 High Street	250.00
09-0822	Goncalves, Maria H.	336-340 John Street	250.00
09-1422	Tucker, S & J	1054 William Street	250.00
10-1020	Jovanovic, B & O	41-43 Hillside Road	250.00
10-1284 E	Terrana, Biagia	643-645 Livingston Road	250.00
10-1465	Abelita, M –Matkowski, G	37-39 Monmouth Road	250.00
10-2171 C-1	Hernandez, P & A	816-818 Westfield Avenue	250.00
11-1626	Conaty, J & E	601-607 Union Avenue	250.00
12-0051	Montalvan, & Villegas, C	636-638 Adams Avenue	250.00
12-0920	Ducasse, M & S	1145 Magnolia Avenue	250.00
12-0277	Cruz, Hector & Gladys	1140-1142 Fairmount Ave	250.00
12-1319	Burton, Lucy	540 Walnut Street	250.00
12-1412	Silva, A&J (LE)	937-PT 939 Walnut Street	250.00
13-0017	Chubbuck, Blanche	16-18 Bellevue Street	250.00
13-0408	Gonzalez, Ana C	116 Elm Street	250.00

Continued....

BY CITY COUNCIL AS A WHOLE:

WHEREAS, there exists a need for the services of a Pediatric Physician for the Elizabeth Department of Health and Human Services; and

WHEREAS, the Director of the Health and Human Services has recommended that a contract be awarded to **Chana Zablocki, MD, 845 Jerome Avenue**, Hillside, New Jersey 07205, to provide Pediatric Physician Services for the period May 1, 2014 through April 30, 2015 at a rate of $100.00 per hour with a total cost not to exceed $50,000.00 unless further authorized by the City Council of the City of Elizabeth; and

WHEREAS, this contract is awarded pursuant to **N.J.S.A**. 19:44A-20.5, et seq. This contract was solicited and is being awarded pursuant to a fair and open process. The proposal submitted by Dr. Zablocki is on file in the Office of Health and Human Services; and

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available and appropriated for this purpose and Certification No. 14-09521, charging the amount of $50,000.00 to Account No. 4-0127-330-HEA-302, of the Municipal Budget is on file in the Office of the City Clerk; and

WHEREAS, the Local Public Contracts Law (**N.J.S.A**. 40A:11-5(1)(a) et seq. requires that the resolution authorizing the award of contracts for AProfessional Services@ without competitive bids and the contract itself must be available for public inspection; and

WHEREAS, the services are being performed by a physician operating under Medical License of the State of New Jersey; now, therefore, be it

RESOLVED by City Council of Elizabeth as follows:

1. The Mayor and the City Clerk are hereby authorized and directed to execute a contract with **Chana Zablocki, MD, 845 Jerome Avenue, Hillside, New Jersey 07205,** to provide Pediatric Physician Services for the period May 1, 2014 through April 30, 2015 at a rate of $100.00 per hour with a total cost not to exceed $50,000.00 unless further authorized by the City Council of the City of Elizabeth.

2. This contract is awarded without competitive bidding as a Professional Service in accordance with **N.J.S.A.** 40A:11-5(1) (a) of the Local Public Contracts Law because these services are being performed by a physician operating under a Medical License of the State of New Jersey.

3. Also, the performance of these services requires knowledge of an advanced type in a field of learning acquired by a prolonged formal course of specialized instruction and study as distinguished from general academic instruction or apprenticeship and training.

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

Which was adopted by the following vote:

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

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the Director of the Department of Health and Human Services is requesting permission for the proper City Officials to apply, accept and sign all appropriate documents for a State of New Jersey, Department of Health, Division of HIV, STD and TB Services grant application; and

WHEREAS, With anticipated grant funds, the City of Elizabeth will receive reimbursement funds in the amount of $39,337.00 through the Department of Health, Division of HIV, STD and TB Services to address sexually transmitted diseases through screenings and education; and

WHEREAS, Through this application, the City of Elizabeth anticipates providing STD operations and employee coverage as needed to conduct interviews and/or counseling. These services will be rendered in accordance with the Center for Disease Control and Prevention's Clinical Practice Guidelines; and

WHEREAS, Screenings are anticipated to be conducted for: diseases to include, but not be limited to: Gonorrhea and Syphilis. In addition, the number of partners identified, examined, infected and treated will also be detailed through this funding opportunity;.

NOW, THEREFORE, BE IT RESOLVED that Council of the City of Elizabeth, formally approves the submission of a grant application for the above stated project.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified by an application number to be determined by NJ SAGE to the Department of Health on behalf of the City of Elizabeth.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the City of Elizabeth and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

Which was adopted by the following vote:

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

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the Director of the Department of Planning and Community Development has requested authorization for the proper City Officials to execute any and all documents necessary and appropriate to postpone the City's Mortgage on **817 Martin Street, Elizabeth, New Jersey.** The City now holds a second mortgage on this property in the amount of $38,650.00; and

WHEREAS, the pertinent facts are;

Name of Program:	**First Time Homebuyer Program**
Mortgagor:	**Jose Luis Colon** **817 Martin Street, Elizabeth, NJ 07201**
Property in Question:	**817 Martin Street, Elizabeth, NJ 07201**
Original First Mortgage:	**$201,739.00**
Amount due as of this date:	**$158,660.00**
Proposed new loan:	**$207,239.00**
New lender:	**Quicken Loans**
Reason:	**Mortgagor is refinancing to obtain a lower interest rate and to consolidate his credit card debt.**

WHEREAS, based upon a review of a recent appraisal, the Director of the Department of Planning and Community Development believes there is sufficient equity in the property to protect the City's interest should its loan be postponed behind the proposed new mortgage. Postponements of this sort are permitted under this Program and under these circumstances recommends that the postponement be authorized.

WHEREAS, the Director of the Department of Planning & Community Development recommends that Council authorizes the postponement of mortgage; now, therefore, be it

RESOLVED that the City Council of the City of Elizabeth does hereby authorize the postponement of the City of Elizabeth's second mortgage on the property located at **817 Martin Street, Elizabeth, NJ 07201** to Quicken Loans in the amount of $207,239.00.

FURTHER RESOLVED that the City Council of the City of Elizabeth authorizes the Mayor and the Municipal Clerk to execute any and all documents in order to postpone the said mortgage.

Which was adopted by the following vote:

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

NEGATIVE: None

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BY CITY COUNCIL AS A WHOLE:

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

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

WHEREAS, the Director of the Department of Planning and Community Development has requested authorization for the approval of UEZ Zone Assistance funds for a direct loan to Danic Five, LLC., in the amount of $1,000,000.00 for the acquisition of commercial property located at 2 Slater Drive,(formerly known as Kristen Distributors), to enable the Atalanta Corporation to continue its expansion of operations in the City of Elizabeth; and

WHEREAS, these funds will enable Atalanta Corp. to create between 30 and 50 full-time jobs in the next two (2) years for residents of the City of Elizabeth and surrounding towns; and

WHEREAS, that the NJEDA loan financing in the amount of $2,000,000 is pending approval. TD Bank has also approved a loan in the amount of $4,475.000.00. This project is also being leveraged with additional equity financing from Danic Five, LLC and its members in the amount of $475,000.00. Estimated total project costs are $8,250,000.00 for the period June 27, 2014 through June 30, 2016; now, therefore, be it

RESOLVED that the City Council of the City of Elizabeth authorizes the proper City officials to utilize UEZ Zone Assistance funds for a direct loan to Danic Five, LLC., in the amount of $1,000,000.00 for the acquisition of commercial property located at 2 Slater Drive,(formerly known as Kristen Distributors), to enable the Atalanta Corporation to continue its expansion of operations in the City of Elizabeth; and be it

FURTHER RESOLVED, that the NJEDA loan financing in the amount of $2,000,000 is pending approval. TD Bank has also approved a loan in the amount of $4,475.000.00. This project is also being leveraged with additional equity financing from Danic Five, LLC and its members in the amount of $475,000.00. Estimated total project costs are $8,250,000.00 for the period June 27, 2014 through June 30, 2016; and be it

FURTHER RESOLVED that the Mayor is authorized to execute all necessary documents and agreements with the Elizabeth Development Company (EDC), or any other party necessary to carry out this resolution.

Councilman Torres is happy to see UEZ funds for Danic, LLC. He asked for support from his colleagues.

Which was adopted by the following vote:

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

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the Director of the Department of Planning and Community Development has requested authorization to approve the designation of **Y HOMES, Inc.**, as a Community Housing Development Organization (CHDO) within the City of Elizabeth. The purpose of this nonprofit agency is to support and help low/moderate income persons through the provision of decent integrated and affordable housing as well as support services to facilitate living in the community. **Y HOMES, Inc.**, was incorporated in 2005 and meets the U.S. Department of Housing and Urban Development (HUD) specified criteria for CHDO designation; and

WHEREAS, the U.S. Department of Housing and Urban Development (HUD) requires recipients of HOME Investment Partnership (HOME) funds to have agencies within their boundaries designated as CHDOs. CHDOs are special nonprofit organizations that have met certain HUD approved criteria and were created to perform affordable housing activities. The HOME program mandates that a minimum of 15% of the total HOME Programs annual allocation from HUD be set aside for CHDO use in affordable housing production activities; now, therefore, be it

RESOLVED that the City Council of the City of Elizabeth authorize the designation of **Y HOMES, Inc.**, as a Community Housing Development Organization (CHDO) within the City of Elizabeth to support and help low-moderate income persons meet Housing and Urban Development criteria to facilitate living in the community.

Which was adopted by the following vote:

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

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the Department of Public Works, Division of Engineering, City Engineer has requested authorization for the proper City Officials to execute an Access Agreement with the Joint Meeting of Essex and Union Counties,500 South First Street, Elizabeth, New Jersey; and

WHEREAS, the Access Agreement is necessary to allow the City access to the Elizabeth River levee system through the Joint Meeting in order to complete levee maintenance work associated with the Elizabeth River Flood Control Project - Levee Maintenance Contract - South Front Street to Trenton Avenue; now, therefore, be it

RESOVLED that the City Council of the City of Elizabeth authorizes the proper City Officials to execute an Access Agreement with the Joint Meeting of Essex and Union, 500 South First Street, Elizabeth, New Jersey counties to allow the City to complete the levee maintenance associated with the Elizabeth River Flood Control Project on South Front Street to Trenton Avenue.

Which was adopted by the following vote:

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

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the Director of the Department of Public Works has advised that on March 7, 2014, the Department of Public Works received qualification proposals for consulting professional engineering services; and

WHEREAS, the Department of Public Works reviewed the qualifications of all respondents and found the firm of **Hatch Mott MacDonald, 111 Wood Avenue, South, Iselin, NJ 08830-4112,** to be qualified to provide the City of Elizabeth with construction phase engineering services in connection with the Elizabeth River Flood Control Project, Levee Maintenance Contract - South Front Street to Trenton Avenue - Contract 06-14 as per their proposal dated June 13, 2014; and

WHEREAS, Hatch Mott MacDonald was previously contracted to provide design plans and specifications for the project. The project consists of maintenance rehabilitation work on the existing earthen levee between South Front Street and Trenton Avenue including, but not limited to, tree and stump removal, clearing of overgrowth, removal of animal burrows and slope stabilization; and

WHEREAS, the Director of the Department of Public Works has requested authorization to award a contract to the firm of **Hatch Mott MacDonald, 111 Wood Avenue South, Iselin, NJ 08830-4112** to provide to the City of Elizabeth design plans and specifications for the project to provide engineering and field services during construction including conducting meetings, review of submittals and shop drawings, full time inspection and administrative services on a time and materials basis in an amount not to exceed $190,000.00 plus reimbursables in connection with the Elizabeth River Flood Control Project, Levee Maintenance Contract - South Front Street to Trenton Avenue - Contract 06-14, Construction Phase Engineering Services; and

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

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available and appropriated for this purpose and Certification No. 14-09992, charging the amount of $190,000.00 to Account No.X-08-55-045-034 of the Municipal Budget is on file in the Office of the City Clerk; and

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

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

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

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

1. The Mayor and the Municipal Clerk are hereby authorized and directed to execute a contract with the firm of **Hatch Mott MacDonald, 111 Wood Avenue South, Iselin, NJ 08830-4112,** to provide to the City of Elizabeth design plans and specifications for the project to provide engineering and field services during construction including conducting meetings, review of submittals and shop drawings, full time inspection and administrative services on a time and materials basis in an amount not to exceed $190,000.00 plus reimbursables in connection with the Elizabeth River Flood Control Project, Levee Maintenance Contract - South Front Street to Trenton Avenue - Contract 06-14, Construction Phase Engineering Services.

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

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

Councilman Gonzalez stated that he is elated to see this because he has been advocating for this. He continued that this will begin the design and he is anxious to see it. He stated further that without this link, there will be a traffic disaster.

Which was adopted by the following vote:

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

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the Director of the Department of Public Works has advised on December 10, 2013 your Honorable Body adopted a resolution awarding a contract to **Simpson & Brown, Inc., 119 North Avenue West, Cranford, New Jersey 07016**, for the Elizabeth Municipal Marina Rehabilitation at a cost of $2,334,890.96; and

WHEREAS, this project generally consists of reconstruction of floating docks including electrical and plumbing supply systems; replacement of fixed dock superstructure including fuel dispensing system and shelter; installation of steel piles, handrails and gangways; and repairs to the existing steel wave screen. Site work including brick pavers, perimeter fencing, ornamental LED light fixtures, and other miscellaneous related work items; and

WHEREAS, during construction, additional hidden damages were discovered involving the existing steel wave screen that protects the marina from the navigation channel. Additional repairs to the wave screen require the replacement of loose and damaged stainless steel nuts, bolts, and splice plates; and welding of connections. Most of this work is performed underwater by divers. The permanent work is to return the wave screen back to pre-disaster condition; and

WHEREAS, ninety percent of the allowable construction costs for this change order will be reimbursed by FEMA; and

WHEREAS, Change Order No. 1 in the amount of $95,213.00 represents a total increase of 4.1% of the original contract amount $2,334,890.96. The new total contract amount is $2,430,103.96; and

WHEREAS, , the Chief Financial Officer has certified that sufficient funds are available and appropriated for this purpose and Certification No. 14-09657, charging the amount of $95,213.00 to Account No. X-04-55-999-X57-002, of the Municipal Budget is on file in the Office of the City Clerk; now, therefore, be it

RESOLVED that the City Council of the City of Elizabeth authorizes Change Order No. 1 to the contract awarded to **Simpson & Brown, Inc., 119 North Avenue West, Cranford, New Jersey 07016**, for the Municipal Marina rehabilitation, specifically to provide for hidden damages to the steel wave screen protecting the Marina from the navigation channel at an additional cost of $95,213.00 for a total contract amount of $2,430,103.96.

Which was adopted by the following vote:

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

NEGATIVE: Perkins-Auguste — 1

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the Director of the Department of Public Works has advised that on June 10, 2014, five (5) bids were received for traffic signal improvements at the intersections of Elizabeth Avenue at Jefferson Avenue; and Elizabeth Avenue at Bridge Street - Winfield Scott Plaza; 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 City has received a grant in the amount of $305,796.00 from the New Jersey Department of Transportation (NJDOT) 2013 Municipal Aid Program (MA-13) for this project. The award is subject to approval of the NJDOT; 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 **Fai-Gon Electric, Inc.**; and

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available and appropriated for this purpose and Certification No. 14-09790, charging the amount of $886,474.10 to Account No. X-04-55-999-X24-001, of the Municipal Budget is on file in the Office of the City Clerk; now, therefore, be it

RESOLVED that the City Council of the City of Elizabeth authorizes the awarding of a contract to **Fai-Gon Electric, Inc., 140 11th Street, Piscataway, New Jersey 08854,** for the traffic signal improvements at the intersections of Elizabeth Avenue at Jefferson Avenue; and Elizabeth Avenue at Bridge Street- Winfield Scott Plaza at a cost of $886,474.10.

Which was adopted by the following vote:

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

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, on March 7, 2014 the Director of the Department of Public Works received qualification proposals for consulting professional engineering services; and

WHEREAS, the Department of Public Works reviewed the qualifications of all respondents and found the firm of **Johnson, Mirmiran & Thompson, Inc., (JMT)** to be qualified to provide the City of Elizabeth with professional engineering services in connection with road resurfacing and reconstruction; and

WHEREAS, the Director of the Department of Public Works has requested authorization to award a contract to the firm **Johnson, Mirmiran & Thompson, Inc., 1200 Lenox Drive, Suite 101, Trenton, NJ 08648,** to provide the City of Elizabeth professional engineering services in connection with the design and construction administration of the 2014 Road Resurfacing Program - Contract 08-14 in an amount not to exceed $159,000.00, plus reimbursables as per its proposal dated June 20, 2014. (A list of streets is attached); and

WHEREAS, this contact is awarded through a fair and open process in accordance with **N.J.S.A**. 19:44A-20.5, et Seq., and **N.J.S.A**. 40A 11-5 (a) (i); and

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

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available and appropriated for this purpose and Certification No. 14-10029, charging the amount of $159,000.00 to Account No. X-04-55-999-X33-001 of the Municipal Budget is on file in the Office of the City Clerk; and

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

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

1. The Mayor and the City Clerk are hereby authorized and directed to execute a contract with the firm **Johnson, Mirmiran & Thompson, Inc., 1200 Lenox Drive, Suite 101, Trenton, NJ 08648,** to provide the City of Elizabeth with professional engineering services in connection with the design and construction administration of the 2014 Road Resurfacing Program - Contract 08-14 in an amount not to exceed $159,000.00, plus reimbursables.

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

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

Councilman Gonzalez thanked the Administration for the Road Resurfacing since the City was faced with an extreme winter.

Which was adopted by the following vote:

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

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, on May 7, 2014 the Director of the Department of Public Works received qualification proposals for consulting professional engineering services; and

WHEREAS, the Department of Public Works reviewed the qualifications of all respondents and found the firm of **T&M Associates, Eleven Tindall Road, Middletown, N.J. 07748-2792,** qualified to provide the City of Elizabeth with professional engineering services in connection with road resurfacing and reconstruction; and

WHEREAS, the Director of the Department of Public Works has requested authorization to award a contract to the firm **T&M Associates, Eleven Tindall Road, Middletown, N.J. 07748-2792,** to provide the City of Elizabeth professional engineering services in connection with the design and construction administration of the 2014 Road Resurfacing Program Contract 07-14 in an amount not to exceed $168,680.00 plus reimbursables as per its proposal dated June 2014. (A list of streets is attached); and

WHEREAS, this contact is awarded through a fair and open process in accordance with **N.J.S.A**. 19:44A-20.5, et Seq., and **N.J.S.A**. 40A 11-5 (a) (i); and

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

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available and appropriated for this purpose and Certification No. 14-10056, charging the amount of $168,680.00 to Account No. X-04-55-999-X45-001 of the Municipal Budget is on file in the Office of the City Clerk; and

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

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

1. The Mayor and the City Clerk are hereby authorized and directed to execute a contract with **T & M Associates, Eleven Tindall Road, Middletown, N.J. 07748-2792,** to provide the City of Elizabeth with professional engineering services in connection with the design and construction administration of the 2014 Road Resurfacing Program - Contract 07-14 in an amount not to exceed $168,680.00 plus reimbursables.

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

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

Councilman Mazza asked would the City be able to see what type of black top that would be used because we asked for a better quality.

Council President Grova stated that a letter will be sent to the two companies to make sure they use the best asphalt.

Which was adopted by the following vote:

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

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

RESOLVED that pursuant to the provisions of **N.J.S.A.** 40A:9-120, City Council of the City of Elizabeth does hereby appoint, **Mr. William Alston, 410 Livingston Street, Elizabeth, New Jersey**, to serve as a Constable for a term of three (3) years effective from date of reappointment; the said **Mr. William Alston** having been investigated and approved by the Department of Police; and be it

FURTHER RESOLVED that the said **Mr. William Alston, 410 Livingston Street, Elizabeth, New Jersey**, shall deliver to the City Clerk within thirty (30) days of the date of appointment a surety bond in the sum of $1,000.00 in order to insure the faithful performance of his duties; that upon failure to deliver such surety bond within the time stated herein, said office shall be deemed vacant, pursuant to **N.J.S.A**. 40A:9-120.

Which was adopted by the following vote:

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

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the City Council of the City of Elizabeth requests permission to place a Vanity Street Sign on High Street and Third Street, Elizabeth, New Jersey, in recognition of Joe Long, a member of the famous Four Seasons singing group; now, therefore, be it

RESOLVED that the City Council of the City of Elizabeth authorizes the proper City Officials to place a Vanity Street Sign on High Street and Third Avenue, Elizabeth, New Jersey, in recognition of Joe Long, a member of the famous Four Seasons singing group.

Councilman Cuesta stated that he is very happy to see this request for the vanity sign for Mr. Joe Long.

Which was adopted by the following vote:

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

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

June 16, 2014
June 19, 2014

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:

AT&T	**4-01-31-440**	**$**	**150.00**
ELIZABETHTOWN GAS	**4-01-31-446**	**$**	**7,198.82**
NRG BUSINESS SOLUTIONS	**4-01-31-435**	**$**	**406.73**
SOUTH JERSEY ENERGY	**4-01-31-430**	**$**	**1,635.18**
SPRINT 09	**4-01-31-446**	**$**	**4.50**
SPRINT 11	**4-01-31-446**	**$**	**959.56**
VERIZON	**4-01-31-440**	**$**	**18,649.23**
VERIZON WIRELESS	**4-01-31-440**	**$**	**31,750.53**
VERIZON COMMUNICATIONS, INC.	**4-01-31-440**	**$**	**131.62**

Which was adopted by the following vote:

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

NEGATIVE: None

June 24, 2014

BY COUNCIL AS A WHOLE:

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

ORGANIZATION	AG	B.L.	R.L.	DATE
Trinitas Hospital			5340	6-13-14

Which was adopted by the following vote:

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

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the City Council of the City of Elizabeth, New Jersey, wishes to recognize and commend Joe Long, a member of the famous Four Seasons singing group and a former resident of the City of Elizabeth, and

WHEREAS, the City Council of the City of Elizabeth has placed a Vanity Street sign on High Street and Third Avenue, recognizing his residency; now, therefore, be it

RESOLVED that the City Council of the City of Elizabeth hereby acknowledges Joe Long for his loyalty to the City of Elizabeth and extends to him their 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 Joe Long.

Which was adopted by the following vote:

AFFIRMATIVE:	Perkins-Auguste, Cuesta, Torres, Gonzalez, Keenan, [redacted], Gallman, Mazza and President Grova, - X 8
NEGATIVE:	None

Council President Grova stated that Administration did a great job in transforming that warehouse that will create jobs.

Council President Grova stated that he hopes the residents understand that there is an on going investigation regarding the Animal Shelter.

Councilman Cuesta moved that City Council do now adjourn,
Which was carried unanimously.

Whereupon Council President Grova declared City Council adjourned at 8:35 p.m.

APPROVED

MANNY GROVA, JR.
President of City Council

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