PROCEEDINGS OF CITY COUNCIL

(OFFICIAL)

ELIZABETH, N.J.

Tuesday Evening
October 14, 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;
Carlos Cedeno, 4th Ward; William Gallman, Jr., 5th Ward;
Frank O. Mazza, 6th Ward, and
President Manny Grova, Jr., Councilman-at-Large - 9

ABSENT:

ALSO PRESENT: Jorge Estrada, Special Counsel

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

PUBLIC SPEAKING

Mr. Robert Turner, an Elizabeth resident, inquired about Ordinance No. 4498 regarding Vermin Control.

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

PUBLIC HEARINGS

Council President Grova announced that the next business in order would be a public hearing on **Ordinance No. 4459**, entitled:

AN ORDINANCE OF THE CITY OF ELIZABETH, IN THE COUNTY OF UNION, NEW JERSEY, PROVIDING FOR THE RESURFACING OF VARIOUS ROADS LOCATED IN THE CITY OF ELIZABETH AND APPROPRIATING $5,000,000 THEREFOR, AND PROVIDING FOR THE ISSUANCE OF $4,750,000 IN BONDS OR NOTES OF THE CITY OF ELIZABETH TO FINANCE THE SAME

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

The Notice of Public Hearing was published in the Star Ledger issue of **October 2, 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. 4494**, entitled:

AN ORDINANCE OF THE CITY OF ELIZABETH, IN THE COUNTY OF UNION, NEW JERSEY, APPROPRIATING $850,000 FOR THE ACQUISITION AND RECONDITIONING OF AMBULANCES IN AND FOR THE CITY OF ELIZABETH, IN THE COUNTY OF UNION, NEW JERSEY

This ordinance was adopted on its first reading at the meeting of City Council held on **September 9, 2014.**

The Notice of Public Hearing was published in the Star Ledger issue of **October 2, 2014.**

Council President Grova announced that the next business in order would be a public hearing on **Ordinance No. 4495**, entitled:

AN ORDINANCE AUTHORIZING THE EXECUTION OF A SITE ACCESS AGREEMENT WITH GEOWORX CONSULTING, LLC., 1802 ROUTE 31 N #376, CLINTON, NEW JERSEY, TO COMPLETE SOIL BORINGS AT KOPNICKI PLAYGROUND LOCATED AT 128-142 FULTON STREET, (TAX ACCOUNT NO. 2-538) IN CONNECTION WITH POSSIBLE CONTAMINANTS MIGRATING ONTO PLAYGROUND PROPERTY FROM STEEL BRITE POLISHING CORPORATION, 127 FRANKLIN STREET, ELIZABETH, NEW JERSEY.

This ordinance was adopted on its first reading at the meeting of City Council held on **September 23, 2014.**

The Notice of Public Hearing was published in the Star Ledger issue of **October 6, 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. 4496**, entitled:

AN ORDINANCE OF THE CITY OF ELIZABETH, IN THE COUNTY OF UNION, NEW JERSEY, APPROPRIATING $400,000 FOR VARIOUS SIDEWALK AND DRAINAGE IMPROVEMENTS IN AND FOR THE CITY OF ELIZABETH, IN THE COUNTY OF UNION, NEW JERSEY

This ordinance was adopted on its first reading at the meeting of City Council held on **September 23, 2014.**

The Notice of Public Hearing was published in the Star Ledger issue of **October 2, 2014.**

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

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

PETITIONS, COMMUNICATIONS, ETC.

By the Clerk:

Letter dated September 17, 2014, from His Honor the Mayor, subject to confirmation of your Honorable Body, I herewith appoint Daniel J. Russell as Temporary Judge of the Municipal Court in the City of Elizabeth, for a term of one (1) year, from November 1, 2014 through October 31, 2015, at the rate of $300.00 per session in an amount not to exceed $60,000.00.
Which was received.

By the Clerk:

Letter dated September 22, 2014, from His Honor the Mayor, subject to the confirmation of your Honorable Body, I herewith re-appoint Mr. Jorge Lias, 418 Rosehill Place, Elizabeth, NJ, to serve as a member of the Elizabeth Parking Authority for a five year term effective October 17, 2014.
Which was received.

By the Clerk:

Letter dated September 23, 2014, from the Business Administrator requesting authorization for the Purchasing Agent to make the necessary arrangements to auction impounded property in the possession of the Elizabeth Police Department to be held by Propertyroom.Com, State pre-approved online auction site; date of the sale to be set by the auction company and published in The Newark Star Ledger, contingent upon City Council's approval of the use of Propertyroom.Com.
Which was received.

By the Clerk:

Letter dated October 3, 2014, from the Business Administrator requesting authorization for the proper City officials to execute a contract for insurance covering City's foreclosed properties with Lloyds of London, London, England, through agent-of-record, Otterstedt Agency, Englewood Cliffs, NJ, for the period of October 1, 2014 to October 1, 2015, at an annual premium of $4,508.10.
Which was received.

By the Clerk:

Letter dated October 3, 2014, from the Business Administrator requesting authorization for the issuance of insurance covering City-owned properties with The Chubb Group of Insurance Companies, Florham Park, NJ, through their agent-of-record Otterstedt Agency, Englewood Cliffs, NJ, for the period of October 1, 2014 to October 1, 2015, at an annual premium of $135,918.00.
Which was received.

By the Clerk:

Letter dated October 3, 2014, from the Business Administrator recommending awarding a contract to Highway Service Corp., 548 Trumbull Street, Elizabeth, NJ, for towing and road service for Municipal vehicles for the period of one year, with an option to renew for two or three years, at a cost not to exceed $30,000.00 per year.
Which was received.

By the Clerk:

Letter dated October 3, 2014, from the Business Administrator requesting to amend the emergency generator repair contract with Cummins Metropower, Inc., 41-85 Doremus Avenue, Newark, NJ, at a cost of $26,048.62, specifically to change the name, address and amount to Cummins Power Systems, LLC, 890 Zerega Avenue, Bronx, NY, at a cost of $18,093.92.
Which was received.

By the Clerk:

Letter dated October 3, 2014, from the Business Administrator recommending the award of a contract to Absolute Protective Systems, Inc., 3 Kellogg Court, Unit 13, Edison, NJ for the maintenance of fire sprinklers, standpipes and fire pump systems in various public buildings owned by the City for the period of September 25, 2014 through December 31, 2015, at a cost not to exceed $150,000.00, under the Morris County Cooperative Pricing Council.
Which was received.

By the Clerk:

Letter dated October 3, 2014, from the Business Administrator recommending the award of a contract to Magic Touch Construction Company, Inc., 59 West Front Street, Keyport, NJ, for repairs and maintenance of plumbing systems at various public buildings for the period of November 27, 2014 through June 4, 2015 at a cost not to exceed $175,000.00 under the Middlesex Regional Education Service Commission Co-Op.
Which was received.

By the Clerk:

Letter dated October 3, 2014, from the Business Administrator, advising that being satisfied that an emergency did exist, recommends the award of a contract to Big Top Contractors, Inc., 31 Elliot Street, Avenel, NJ, for the immediate demolition of 444 Marshall Street in the amount of $13,700.00.
Which was received.

By the Clerk:

Letter dated October 3, 2014, from the Business Administrator, advising that being satisfied that an emergency did exist, recommends the award of a contract to Big Top Contractors, Inc., 31 Elliot Street, Avenel, NJ, for the immediate demolition of 1028 Bond Street in the amount of $14,650.00.
Which was received.

By the Clerk:

Letter dated October 6, 2014, from the Business Administrator recommending the award of a contract to Pitney Bowes, Inc., 27 Waterview Drive, Shelton, CT, for the furnishing of postage, equipment maintenance and postage supplies for the period of October 1, 2014 through September 30, 2015, at a cost not to exceed $225,000.00.
Which was received.

By the Clerk:

Letter dated October 6, 2014, from the Business Administrator recommending awarding a contract to Jesco, Inc., 118 St. Nicholas Avenue, South Plainfield, NJ, for the purchase of two (2) John Deere 624K Loaders at the total cost of $360,819.99, under the Middlesex Regional Educational Services Commission; as replacements for the Department of Public Works' loaders #126 and #107.
Which was received.

By the Clerk:

Letter dated October 7, 2014, from the Business Administrator requesting to rescind the resolution adopted July 22, 2014, between the City of Elizabeth and the Elizabeth Parking Authority at a total cost of $97,500.00 and recommends authorizing the proper City officials to execute an agreement with the Elizabeth Parking Authority for the rental of 25 parking spaces in Lot No. 6 and 300 parking spaces in Lot No. 2 at a rate of $50.00 per parking space per month for a period of three (3) years effective July 1, 2014 through June 30, 2017 at a total monthly cost of $16,250.00 or $585,000.00 for three years.
Which was received.

By the Clerk:

Letter dated September 24, 2014, from the Second Assistant City Attorney, requesting to rescind the resolution adopted September 9, 201, appointing John C. Reilly, Esq., Iselin, NJ, to serve as Condemnation Counsel for the acquisition of 75-77 West Jersey Street, Elizabeth, due to a conflict with this firm and is requesting that John C. Reilly, Esq., be appointed to serve as Condemnation Counsel for the acquisition of the property at 300-328 Atlantic Street, Elizabeth, along with the previously approved 601 Bond Street; all other terms and conditions remain the same.
Which was received.

By the Clerk:

Letter dated September 17, 2014, from the Chief Financial Officer requesting authorization for the Tax Collector to cancel/refund/credit an over billing of taxes for 2014 Tax Year on the property located at 1023 East Grand Street in the amount of $3,898.66.
Which was received.

By the Clerk:

Letter dated October 7, 2014, from the Chief Financial Officer notifying your Honorable Body that the original Irrevocable Standby Letter of Credit, scheduled to expire on October 25, 2014, was found on October 1, 2014 and returned to the Elberon Elizabeth Urban Renewal LLC.
Which was received.

By the Clerk:

Letter dated October 7, 2014, from the Chief Financial Officer requesting that your Honorable Body consider the approval of a capital ordinance that would authorize the demolition of the Polish Home located at 607-627 Pulaski Street in the total amount of $450,000.00.
Which was received.

By the Clerk:

Letter dated October 7, 2014, from the Chief Financial Officer requesting that your Honorable Body consider the approval of a capital ordinance authorizing the purchase of emergency generators for the Peterstown Community Center and Stephen Sampson Senior Center in the total amount of $750,000.00.
Which was received.

By the Clerk:

Letter dated October 7, 2014, from the Chief Financial Officer requesting that your Honorable Body consider the approval of a bond ordinance authorizing the renovation of the Mickey Walker Recreation Center and the purchase of a natural gas emergency generator to power the entire building in the amount of $2,500,000.00; with a down payment of $125,000.00.
Which was received.

By the Clerk:

Letter dated October 7, 2014, from the Chief Financial Officer requesting that your Honorable Body consider the approval of a bond ordinance authorizing the costs of engineering and construction of the Trumbull Street Flood Control Project in the amount of $5,500,000.00.
Which was received.

By the Clerk:

Letter dated October 7, 2014, from the Chief Financial Officer requesting that your Honorable Body consider the introduction and approval of the Midtown Elizabeth Special Improvement District 2014 Budget.
Which was received.

By the Clerk:

Letter dated October 7, 2014, from the Chief Financial Officer advising that temporary emergency appropriations for the 2015 SFY Municipal and Sewer Utility Budgets may be necessary.
Which was received.

By the Clerk:

Letter dated October 7, 2014, from the Chief Financial Officer advising that in compliance with the SFY 2015 Appropriations Act requires your Honorable Body to approve all payments related to accumulated/uncompensated absence benefits.
Which was received.

By the Clerk:

Letter dated October 3,2014, from the Chief Financial Officer requesting that your Honorable Body determine that the City of Elizabeth foreclose, by summary proceedings In Rem, as provided in the In Rem Foreclosure Act, the Tax Sale Certificates held by it as listed on the attached Tax Foreclosure Lists (No. 1).
Which was received.

By the Clerk:

Letter dated October 6, 2014, from the Chief Financial Officer requesting that your Honorable Body determine that the City of Elizabeth foreclose, by summary proceedings In Rem, as provided in the In Rem Foreclosure Act, the Tax Sale Certificates held by it as listed on the attached Tax Foreclosure Lists (No. 2).
Which was received.

By the Clerk:

Letter dated September 23, 2014, from the Director of Health and Human Services requesting to amend the resolution adopted April 22, 2014, with NJMS Global Tuberculosis Institute at Rutgers, The State University of New Jersey, for the 2014 Elizabeth Tuberculosis Health Services Program; specifically to change the name to New Jersey Medical School Global Tuberculosis Institute @ Rutgers Biomedical and Health Sciences.
Which was received.

By the Clerk:

Letter dated October 2, 2014, from the Director of Health and Human Services requesting permission for the proper City officials to enter into an agreement with Kean University for the purpose of providing work to students eligible for the Federal Work-Study Program to perform work related duties at S.O.A.R. free of charge.
Which was received.

By the Clerk:

Letter dated September 15, 2014, from the Director of Planning and Community Development requesting the commencement of the competitive contracting process for the purpose of selecting a licensed and qualified firm to provide for the administration of records related to foreclosed and vacant properties within the City limits for a period of six months.
Which was received.

By the Clerk:

Letter dated September 22, 2014, from the Director of Planning and Community Development requesting to amend the resolution dated November 12, 2013 between the City of Elizabeth and the Elizabeth Conservancy for the demolition of a concrete foundation and other structures to construct a City Garden, specifically to extend the term of the contract to December 31, 2014, due to delays in securing a lien, as well as the need to ascertain certain points raised in the environmental review.
Which was received.

By the Clerk:

Letter dated September 22, 2014, from the Director of Planning and Community Development requesting to amend the resolution adopted August 27, 2013, between the City of Elizabeth and the Elizabeth Development Company to construct a handicapped walkway at the New Point Road Campus of the Trinitas Medical Center, located on the north side of Livingston Street, specifically to extend the contract term to December 31, 2014, due to the contractor's delay in start-up.
Which was received.

PETITIONS, COMMUNICATIONS, ETC.

By the Clerk:
Letter dated September 23, 2014, from the Director of Planning and Community Development requesting to amend the resolution adopted October 22, 2013, between the City of Elizabeth and the Elizabeth Development Company to construct the Siloam Hope Cares Project as an educational center for African-American Culture, in the Keighry Head section of Elizabeth, specifically to extend the contract term to December 31, 2014, due to contractor delays and additional change orders at no additional funds.
Which was received.

By the Clerk:
Letter dated October 6, 2014, from the Director of Planning and Community Development requesting authorization to competitively contract for the demolition of pre-existing structures on the 200-238 South Second Street parcels.
Which was received.

By the Clerk:
Letter dated October 6, 2014, from the Director of Planning and Community Development requesting authorization to place a lien on the property located at 1065 Magnolia Avenue for the demolition of said property in the amount of $40,800.00.
Which was received.

By the Clerk:
Letter dated October 6, 2014, from the Director of Planning and Community Development requesting that your Honorable Body consider selling at public auction city owned properties for which the City has no public use.
Which was received.

By the Clerk:
Letter dated September 22, 2014, from the Director of Public Works requesting authorization to have liens placed against properties listed on Schedule A for the removal and disposal of debris from said properties in the amount of $17,871.17.
Which was received

By the Clerk:
Letter dated October 3, 2014, from the Director of Public Works recommending awarding a contract to Pipe and Plant Solutions, Inc., 2000 Fifth Street, Berkeley, CA, for the Western Interceptor cleaning and CCTV Inspection Project between Clarkson Avenue and the Trenton Avenue Pump Station at a cost of $667,092.00.
Which was received.

By the Clerk:
Letter dated October 3, 2014, from the City Engineer, on behalf of Arcadis U.S., 10 Friends Lane, Suite 200, Newton, PA, requesting an Encroachment Permit to perform environmental work consisting of three (3) groundwater monitoring wells within the right-of-way of Elizabeth Avenue and Sixth Street in the sidewalk area adjacent to 600 Elizabeth Avenue.
Which was received.

By the Clerk:
Letter dated September 29, 2014, from the Director of Recreation requesting authorization to accept a donation up to $20,000.00 from the J.C. Kellogg Foundation for repairs and improvements at Kellogg Park.
Which was received.

By the Clerk:
Letter dated September 26, 2014, from the Elizabeth Police Department, Traffic Division, on behalf of the State of New Jersey, Department of Transportation, requesting that your Honorable Body consider supporting a "No Passing Zone" on Rt. 439 in the City of Elizabeth.
Which was received.

By the Clerk:
Letter dated September 17, 2014, from the Police Director requesting the establishment of handicapped parking spaces in front of the premises located at: 438 Fulton Street (personalized); 206 Clark Place (personalized); 319 South Park Street (personalized); 839 Garden Street (personalized-sign in front of 837 Garden Street); 164 Standish Street (personalized) and deletions at: 10 South Fifth Street; 223 Mellon Place; 452 South Broad Street.
Which was received.

By the Clerk:
Letter dated October 1, 2014, from Lt. Marcus, Elizabeth Police Department, Traffic Division, recommending an ordinance for "No Turn on Red at the corner of Orchard Street and Magie Avenue.
Which was received.

REPORTS OF CITY OFFICERS

By the Clerk:
Letter dated October 1, 2014, from the Chief Financial Officer submitting the City Treasurer's Report of Receipts and Disbursements for the month of July, 2014, and Statement of Bank Balances and Investments as of July 31, 2014.
Which was received.

By the Clerk:
Minutes: Fair Rental Housing Board meeting held July 16, 2014.
Which was received.

ORDINANCES ON FIRST READING

Council President Grova announced that the next business in order would be the introduction of **Ordinance No. 4497** , which was seconded by Councilman Cuesta, entitled:

AN ORDINANCE AMEND CHAPTER 10.12.050 OF THE CODE OF THE CITY OF ELIZABETH ENTITLED "PROHIBITED TURNS ON RED SIGNAL", SPECIFICALLY TO INCLUDE ORCHARD STREET AND MAGIE AVENUE.

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 - 9

NEGATIVE: None

Council President Grova announced that the next business in order would be the introduction of **Ordinance No. 4499** , which was seconded by Councilman Cuesta, entitled:

AN ORDINANCE TO VACATE A PORTION OF BRIGHTON STREET FROM PULASKI STREET TO COLE PLACE, CITY OF ELIZABETH, COUNTY OF UNION, STATE OF NEW JERSEY.

Councilman Gonzalez asked for support on this ordinance because this will provide parking.

Council President Grova stated that it is a tough issue balancing parking and creating new schools.

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 - 9

NEGATIVE: None

Council President Grova announced that the next business in order would be the introduction of **Ordinance No. 4500** , which was seconded by Councilman Cuesta, entitled:

AN ORDINANCE GRANTING AN ENCROACHMENT PERMIT TO ARCADIS U.S., INC., 10 FRIENDS LANE, SUITE 200, NEWTON, PA TO PERFORM ENVIRONMENTAL ASSESSMENT ACTIVITIES THAT REQUIRE THE INSTALATION OF THREE (3) OFF-SITE GROUNDWATER MONITORING WELLS WITHIN THE SIDEWALK IN FRONT OF 600 ELIZABETH AVENUE.

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 - 9

NEGATIVE: None

Council President Grova announced that the next business in order would be the introduction of **Ordinance No. 4501** , which was seconded by Councilman Cuesta, entitled:

AN ORDINANCE TO AUTHORIZE THE ESTABLISHMENT OF A PERSONALIZED HANDICAPPED PARKING SPACE FOR MIRIAM E. BALSECA, 438 FULTON STREET, ELIZABETH, NEW JERSEY 07206.

The Clerk read the foregoing ordinance.

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

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

NEGATIVE: None

Council President Grova announced that the next business in order would be the introduction of **Ordinance No. 4502** , which was seconded by Councilman Cuesta, entitled:

AN ORDINANCE TO AUTHORIZE THE ESTABLISHMENT OF A PERSONALIZED HANDICAPPED PARKING SPACE FOR SAMIA A. GHATTAS, 206 CLARK PLACE, ELIZABETH, NEW JERSEY 07206.

The Clerk read the foregoing ordinance.

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

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

NEGATIVE: None

Council President Grova announced that the next business in order would be the introduction of **Ordinance No. 4503** , which was seconded by Councilman Cuesta, entitled:

AN ORDINANCE TO AUTHORIZE THE ESTABLISHMENT OF A PERSONALIZED HANDICAPPED PARKING SPACE FOR JOSEFINA DODRIGUEZ-HERNANDEZ, 319 SO. PARK STREET, ELIZABETH, NEW JERSEY 07206.

The Clerk read the foregoing ordinance.

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

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

NEGATIVE: None

Council President Grova announced that the next business in order would be the introduction of **Ordinance No. 4504** , which was seconded by Councilman Cuesta, entitled:

AN ORDINANCE TO AUTHORIZE THE ESTABLISHMENT OF A PERSONALIZED HANDICAPPED PARKING SPACE FOR DAYSI A. MUNOZ-DENUNEZ, 164 STANDISH STREET, ELIZABETH, NEW JERSEY 07202.

The Clerk read the foregoing ordinance.

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

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

NEGATIVE: None

Council President Grova announced that the next business in order would be the introduction of **Ordinance No. 4505** , which was seconded by Councilman Cuesta, entitled:

AN ORDINANCE TO RESCIND ORDINANCE NO. 4347, ADOPTED ON NOVEMBER 27, 2012, WHICH AUTHORIZED THE ESTABLISHMENT OF A PERSONALIZED HANDICAPPED PARKING SPACE FOR JORGE MARTINEZ, 10 SOUTH FIFTH STREET, ELIZABETH, NEW JERSEY.

The Clerk read the foregoing ordinance.

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

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

NEGATIVE: None

Council President Grova announced that the next business in order would be the introduction of **Ordinance No. 4506** , which was seconded by Councilman Cuesta, entitled:

AN ORDINANCE TO RESCIND ORDINANCE NO. 3606, ADOPTED ON MARCH 23, 2004, WHICH AUTHORIZED THE ESTABLISHMENT OF A PERSONALIZED HANDICAPPED PARKING SPACE FOR ARMANDO R. FERREIRA, 240 MAGNOLIA AVENUE, ELIZABETH, NEW JERSEY.

The Clerk read the foregoing ordinance.

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

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

NEGATIVE: None

Council President Grova announced that public notice will be published fixing Tuesday evening, October 28, 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 the foregoing Ordinance Nos. 4497 through 4506, adopted on first reading.

Council President Grova announced that the next business in order would be the introduction of **Ordinance No. 4480** , which was seconded by Councilman Cuesta, entitled:

> AN ORDINANCE OF THE CITY OF ELIZABETH, IN THE COUNTY OF UNION, NEW JERSEY, PROVIDING FOR THE CITY'S 2014 CAPITAL IMPROVEMENT ASSESSMENT IN RESPECT OF THE JOINT MEETING OF ESSEX AND UNION COUNTIES AND RELATED EXPENSES IN AND BY THE CITY OF ELIZABETH, APPROPRIATING $5,400,000 THEREFOR, AND AUTHORIZING $5,400,000 IN BONDS OR NOTES OF THE CITY OF ELIZABETH TO FINANCE THE SAME

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 - 9

NEGATIVE: None

Council President Grova announced that the next business in order would be the introduction of **Ordinance No. 4507** , which was seconded by Councilman Cuesta, entitled:

> AN ORDINANCE OF THE CITY OF ELIZABETH, IN THE COUNTY OF UNION, NEW JERSEY, APPROPRIATING $450,000 FOR DEMOLITION OF POLISH HOME IN AND FOR THE CITY OF ELIZABETH, IN THE COUNTY OF UNION, NEW JERSEY

Councilman Gonzalez asked for support from his colleagues. He explained that this is part of the process to have a field.

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 - 9

NEGATIVE: None

Council President Grova announced that the next business in order would be the introduction of **Ordinance No. 4508** , which was seconded by Councilman Cuesta, entitled:

AN ORDINANCE OF THE CITY OF ELIZABETH, IN THE COUNTY OF UNION, NEW JERSEY, APPROPRIATING $750,000 FOR THE ACQUISITION OF EMERGENCY GENERATORS IN AND FOR THE CITY OF ELIZABETH, IN THE COUNTY OF UNION, NEW JERSEY

The Clerk read the foregoing ordinance.

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

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

NEGATIVE: None

Council President Grova announced that the next business in order would be the introduction of **Ordinance No. 4509** , which was seconded by Councilman Cuesta, entitled:

AN ORDINANCE OF THE CITY OF ELIZABETH, IN THE COUNTY OF UNION, NEW JERSEY, PROVIDING FOR THE RENOVATION OF THE MICKEY WALKER RECREATION CENTER IN THE CITY OF ELIZABETH AND APPROPRIATING $2,500,000 THEREFOR, AND PROVIDING FOR THE ISSUANCE OF $2,375,000 IN BONDS OR NOTES OF THE CITY OF ELIZABETH TO FINANCE THE SAME

Councilman Gallman asked for support from his colleagues and hopefully there will not be another storm, but we will be prepared.

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 - 9

NEGATIVE: None

Council President Grova announced that the next business in order would be the introduction of **Ordinance No. 4510** , which was seconded by Councilman Cuesta, entitled:

AN ORDINANCE OF THE CITY OF ELIZABETH, IN THE COUNTY OF UNION, NEW JERSEY, PROVIDING FOR THE CONSTRUCTION OF THE TRUMBULL STREET FLOOD CONTROL PROJECT IN THE CITY OF ELIZABETH AND APPROPRIATING $5,500,000 THEREFOR, AND PROVIDING FOR THE ISSUANCE OF $5,500,000 IN BONDS OR NOTES OF THE CITY OF ELIZABETH TO FINANCE THE SAME

Councilman Gallman stated that this money is well spent, but a new firehouse is needed.

Councilman Gallman stated that every time it rains, there is flooding, but hopefully, this will alleviate flooding. He asked for support from his colleagues.

Council President Grova stated that this has been flooding for years.

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 - 9

NEGATIVE: None

Council President Grova announced that public notice will be published fixing Tuesday evening, November 12, 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 the foregoing Ordinance Nos. 4480, 4507, 4508, 4509 and 4510, adopted on first reading.

ORDINANCES ON FINAL PASSAGE

Councilman Cuesta **MOVED** to **REMOVE FROM THE TABLE** ORD. NO. 4473, which had been **TABLED** at the August 26, 2014, City Council meeting, seconded by Councilman Gallman, which was carried unanimously.

Council President Grova announced that the next business in order would be the adoption of **Ordinance No. 4473** , which was seconded by Councilman Cuesta.

AN ORDINANCE TO VACATE A PORTION OF HENRY STREET, BETWEEN JULIA STREET AND FAIRMOUNT AVENUE, CITY OF ELIZABETH, COUNTY OF UNION, STATE OF NEW JERSEY.

WHEREAS, the Division of Engineering has reviewed a request submitted to the City of Elizabeth by **Stephen F. Hehl, Esq., of Hehl & Hehl, P.C., 370 Chestnut Street, Union, NJ 07083,** for the proposed vacation of Henry Street between Julia Street and Fairmount Avenue. The request package included a topographical and utility survey of the affected right-of-way, a street vacation plan and metes and bound descriptions signed, sealed and dated March 31, 2014, prepared by Gary A. Veenstra, PLS of Langan Engineering. Also included in the request are statements of consent to the vacation by the abutting property owners; and

WHEREAS, this request for street vacation has been circulated to various departments throughout City Hall, NJ Transit and the various affected utility companies with no adverse comments received. Therefore, we recommend the vacation of Henry Street between Julia Street and Fairmount Avenue as outlined in the documentation referenced above and subject to all utility easements necessary for this vacation and any specific requirements of the City of Elizabeth Police and Fire Departments; and

WHEREAS, in accordance with N.J.S.A. 40:67-1, any vacation ordinance adopted pursuant to this subsection shall expressly reserve and except from vacation all rights and privileges then possessed by public utilities, as defined in R.S. 48:2-13, and by any cable television company, as defined in the "Cable Television Act," P.L. 1972, c. 186 (C. 48:5A-1 et seq.), to maintain, repair and replace their existing facilities in, adjacent to, over or under the street, highway, lane alley, square, place or park, or any part thereof, to be vacated.

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

SECTION 1. - The portion of Henry Street, between Julia Street and Fairmount Avenue, in the City of Elizabeth, County of Union, State of New Jersey described as follows is hereby vacated:

BEGINNING at a point being the intersection of the northwesterly line of Henry Street (60' wide) and the northeasterly line of Julia Street (width varies) and running the following course and distance to the Point of Beginning; thence

A. Along said northeasterly line of Julia Street, if produced southeasterly, South 35° 49' 39" East, a distance of 34.665 feet to the Point of Beginning; thence

1. Along the centerline of Henry Street, North 24°05'51" East, a distance of 266.66 feet to a point; thence

2. Still along said centerline, North 27°36'21" East, a distance at 653.78 feet to a point; thence

3. Along the northwesterly prolongation of the southwesterly line of Fairmount Avenue (80' Wide), South 62°23'39" East, a distance of 30.00 feet to a point being the intersection of the southeasterly line of Henry Street and the southwesterly line of Fairmount Avenue; thence

4. Along said southeasterly line of Henry Street, South 27°36' 21" West, a distance of 652.86 feet to a point; thence

5. Still along the same, South 24°05'51" West, distance of 283.12 feet to a point being the intersection of said southeasterly line of Henry Street and the aforementioned northeasterly line of Julia Street; thence

6. Along the northwesterly prolongation of said northeasterly line of Julia Street, North 35°49'39" West, a distance of 34.665 feet to the Point of Beginning.

Encompassing an area of 27,847 sq. ft. or 0.639 acres, more or less.

and

BEGINNING at a point being the intersection of the northwesterly line of Henry Street (60' wide) and the northeasterly line of Julia Street (width varies) and running; thence

1. Along said northwesterly line of Henry Street, North 24°05'51" East, a distance of 250.21 feet to a point; thence

2. Still along the said northwesterly line of Henry Street, North 27°36'21" East, a distance of 654.70 feet to the intersection of said northwesterly line of Henry Street and the southwesterly line of Fairmount Avenue (80' wide); thence

3. Along said southwesterly line of Fairmount Avenue, if produced southeasterly, South 62°23'39" East, a distance of 30.00 feet to a point on the centerline of Henry Street; thence

4. Along said centerline, of Henry Street, South 27°36'21" West, a distance of 653.78 feet to a point; thence

5. Still along said centerline, South 24°05'51" West, a distance of 266.66 feet to a point; thence

6. Along the southeasterly prolongation of the aforementioned northeasterly line of Julia Street, North 35°49'39" West, a distance of 34.665 feet to the Point of Beginning.

Encompassing an area 27,380 sq. ft. or 0.629 acres, more or less.

SECTION 2. Expressly reserved and excepted from vacation as provided for herein are all rights and privileges possessed by public utilities, as defined in R.S. 48:2-13, and by any cable television company, as defined in the "Cable Television Act," P.L. 1972, c. 186. (C.48:6A-1 et seq.), to maintain, repair and replace their existing facilities in, adjacent to, over or under the street, highway, lane, alley, square, place or park, or any part thereof, to be vacated.

SECTION 3. The City of Elizabeth shall, within sixty (60) days after this Ordinance becomes effective, file a certified copy hereof under seal of the City of Elizabeth together with a copy of the Proof of Publication hereof, in the Office of the Clerk of Union County.

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

SECTION 5. If any portion or clause of this ordinance is declared invalid for any reason whatsoever, same shall not affect the validity or constitutionality of any other part or portion of this ordinance.

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

The Clerk read the foregoing ordinance by title.

This ordinance was adopted on its first reading at the City Council meeting held **July 22, 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 **August 20, 2014.**

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

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

NEGATIVE: None

Council President Grova announced that the next business in order would be the adoption of **Ordinance No. 4494** , which was seconded by Councilman Cuesta.

AN ORDINANCE OF THE CITY OF ELIZABETH, IN THE COUNTY OF UNION, NEW JERSEY, APPROPRIATING $850,000 FOR THE ACQUISITION AND RECONDITIONING OF AMBULANCES IN AND FOR THE CITY OF ELIZABETH, IN THE COUNTY OF UNION, NEW JERSEY

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

Section 1. $850,000 is hereby appropriated from the Capital Improvement Fund for the acquisition of three (3) ambulances and an ambulance patient compartment for the City, and including all work and materials necessary therefor and incidental thereto.

Section 2. The capital budget or temporary capital budget, as applicable, of the City is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. In the event of any such inconsistency and amendment, the resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget or temporary capital budget, as applicable, and capital program as approved by the Director of the Division of Local Government Services is on file with the City Clerk and is available there for public inspection.

Section 3. This ordinance shall take effect in accordance with Law.

The Clerk read the foregoing ordinance by title.

This ordinance was adopted on its first reading at the City Council meeting held **September 9, 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 **October 2, 2014.**

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

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

NEGATIVE: None

Council President Grova announced that the next business in order would be the adoption of **Ordinance No. 4495** , which was seconded by Councilman Cuesta.

AN ORDINANCE AUTHORIZING THE EXECUTION OF A SITE ACCESS AGREEMENT WITH GEOWORX CONSULTING, LLC., 1802 ROUTE 31 N #376, CLINTON, NEW JERSEY, TO COMPLETE SOIL BORINGS AT KOPNICKI PLAYGROUND LOCATED AT 128-142 FULTON STREET, (TAX ACCOUNT NO. 2-538) IN CONNECTION WITH POSSIBLE CONTAMINANTS MIGRATING ONTO PLAYGROUND PROPERTY FROM STEEL BRITE POLISHING CORPORATION, 127 FRANKLIN STREET, ELIZABETH, NEW JERSEY.

WHEREAS, the City Engineer has advised that **GeoWorx Consulting, LLC of 1802 Route 31 N #376, Clinton, New Jersey 08809,** has requested site access to Kopnicki Playground, located at 128-142 Fulton Street, (Tax Account No. 2-538) in connection with its remedial investigation of Steel Brite Polishing Corp., located at 127 Franklin Street, to perform environmental soil borings to determine whether any of the contaminants of concern have migrated onto the playground property directly abutting to the rear of the property. **GeoWorx's** proposes to advance approximately 5-7 soil borings in the grassy area between the property boundary and the basketball court; and

WHEREAS, the City Engineer has requested authorization for proper City Officials to enter into and execute a Site Access Agreement with **GeoWorx Consulting, LLC,** to complete soil borings at the location referenced above to fully delineate the extent of contamination from the Steel Brite property, which is required by the NJDEP to advance the remedial investigation. The agreement will include provisions that require the City of Elizabeth to be provided copies of all results obtained from these soil borings; now, therefore,

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

SECTION 1. - That the Mayor and the proper City Officials are authorized to enter into and execute an Access Agreement with **GeoWorx Consulting, LLC of 1802 Route 31 N #376, Clinton, New Jersey 08809,** for site access to Kopnicki Playground, located at 128-142 Fulton Street, in connection with its remedial investigation of Steel Brite Polishing Corp., located at 127 Franklin Street, to perform environmental soil borings to determine whether any of the contaminants of concern have migrated onto the playground property directly abutting to the rear of the property. **GeoWorx's** proposes to advance approximately 5-7 soil borings in the grassy area between the property boundary and the basketball court. This is a requirement of the NJDEP to advance the remedial investigation. The agreement will include provisions that require the City of Elizabeth to be provided copies of all results obtained from these soil borings. A copy of the Access Agreement is on file in the Office of the City Clerk's Office.

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

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

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

The Clerk read the foregoing ordinance by title.

This ordinance was adopted on its first reading at the City Council meeting held **September 23, 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 **October 6, 2014.**

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

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

NEGATIVE: None

Council President Grova announced that the next business in order would be the adoption of **Ordinance No. 4496** , which was seconded by Councilman Cuesta.

AN ORDINANCE OF THE CITY OF ELIZABETH, IN THE COUNTY OF UNION, NEW JERSEY, APPROPRIATING $400,000 FOR VARIOUS SIDEWALK AND DRAINAGE IMPROVEMENTS IN AND FOR THE CITY OF ELIZABETH, IN THE COUNTY OF UNION, NEW JERSEY

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

Section 1. $400,000 is hereby appropriated from the Capital Improvement Fund for capital improvements to various City properties, including, but not limited to, capital repairs of sidewalks and masonry, curbing and drainage improvements, as more particularly described on a list maintained in the Clerk's office from time to time, and including all work and materials necessary therefor and incidental thereto.

Section 2. The capital budget or temporary capital budget, as applicable, of the City is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. In the event of any such inconsistency and amendment, the resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget or temporary capital budget, as applicable, and capital program as approved by the Director of the Division of Local Government Services is on file with the City Clerk and is available there for public inspection.

Section 3. This ordinance shall take effect in accordance with Law.

The Clerk read the foregoing ordinance by title.

This ordinance was adopted on its first reading at the City Council meeting held **September 9, 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 **October 2, 2014.**

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

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

NEGATIVE: None

City of Elizabeth

CAPITAL BUDGET

2015 SFY

Amendment

Whereas, it is desired to amend the Fiscal Year 2015 Capital Budget,

Now, Therefore Be It Resolved, by the City Council of the City of Elizabeth, County of Union, that the following projects constitute a part of the capital budget section of the Fiscal Year 2015 Capital Budget .

Recorded vote:

YES (

NAYS: (

ABSENT: (

NEW BUSINESS

6 YEAR CAPITAL PROGRAM FY2015 TO FY2020

PLANNED FUNDING SOURCES FOR CURRENT YEAR - FY2015

Local Unit CITY OF ELIZABETH

1	2	3	4	PLANNED FUNDING SOURCES FOR CURRENT YEAR - FY2015					6
PROJECT TITLE	PROJECT NUMBER	ESTIMATED TOTAL COST	AMOUNTS RESERVED IN PRIOR YEARS	5a FY2014 BUDGET APPROPRIATION	5b CAPITAL IMPROVEMENT FUND	5c Capital Surplus	5d Grants-in-Aid and Other Funds	5e Debt Authorized	TO BE FUNDED IN FUTURE YEARS
Mickey Walker Renovations		2,500,000.00			125,000.00			2,375,000.00	
Trumbull St. Flood Project - Sewer Utility		5,500,000.00						5,500,000.00	
Demolition Polish Home		450,000.00			450,000.00				
Generators		750,000.00			750,000.00				
Totals - All Projects		9,200,000.00			1,325,000.00			7,875,000.00	

6 YEAR CAPITAL PROGRAM FY2015 TO FY2020
ANTICIPATED PROJECT SCHEDULE AND FUNDING REQUIREMENT

Local Unit CITY OF ELIZABETH

1	2	3	4	FUNDING AMOUNTS PER BUDGET YEAR					
PROJECT TITLE	PROJECT NUMBER	ESTIMATED TOTAL COST	ESTIMATED COMPLETION TIME	5a FY2015	5b FY2016	5c FY2017	5d FY2018	5e FY2019	5f FY2020
Mickey Walker Renovations		2,500,000.00		2,500,000.00					
Trumbull St. Flood Project - Sewer Utility		5,500,000.00		5,500,000.00					
Demolition Polish Home		450,000.00		450,000.00					
Generators		750,000.00		750,000.00					
Totals - All Projects		9,200,000.00		9,200,000.00					

6 YEAR CAPITAL PROGRAM FY2015 TO FY2020
SUMMARY OF ANTICIPATED FUNDING SOURCES AND AMOUNTS

Local Unit CITY OF ELIZABETH

1	2	BUDGET APPROPRIATION		4	5	6	BONDS AND NOTES			
PROJECT TITLE	ESTIMATED TOTAL COST	3a Current Year FY2015	3b Future Years	CAPITAL IMPROVEMENT FUND	CAPITAL SURPLUS	GRANTS-IN-AID AND OTHER FUNDS	7a General	7b Self Liquidating	7c Assessment	7d School
Mickey Walker Renovations	2,500,000.00	2,500,000.00		125,000.00			2,375,000.00			
Trumbull St. Flood Project - Sewer Utility	5,500,000.00	5,500,000.00						5,500,000.00		
Demolition Polish Home	450,000.00	450,000.00		450,000.00						
Generators	750,000.00	750,000.00		750,000.00						
Totals - All Projects	9,200,000.00	9,200,000.00		1,325,000.00			2,375,000.00	5,500,000.00		

Be it Further Resolved, that two certified copies of this resolution be filed forthwith in the office of the Director of Local Government Services.

It is hereby certified that this is a true copy of a resolution constituting a part of the capital budget section of the Temporary 2015 Fiscal Year Capital Budget

Which was adopted by the following vote:

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

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

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

Kevin Kiniery	$1,850.44

; 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;

Kevin Kiniery	$1,850.44

; 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_10-14-14

Which was adopted by the following vote:

AFFIRMATIVE:	Perkins-Auguste, Cuesta, Torres, Gonzalez, Keenan, Cedeno, Gallman, Mazza and President Grova, - 9
NEGATIVE:	None

MIDTOWN ELIZABETH SPECIAL IMPROVEMENT DISTRICT BUDGET NOTICE

Midtown Elizabeth Special Improvement District of the City of Elizabeth, County of Union, for the calendar year 2014.

BE IT RESOLVED that the following statements of revenue and appropriations shall constitute the Midtown Elizabeth Special Improvement District Budget for the calendar year 2014.

BE IT FURTHER RESOLVED that said Budget be published in The Star-Ledger in the issue of October 23, 2014.

NOW THEREFORE, BE IT RESOLVED that the governing body of the City of Elizabeth does hereby approve the following as the Midtown Elizabeth Special Improvement District Budget for 2014.

Recorded vote:

AYES

NAYS:

Which was adopted by the following vote:

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

NEGATIVE: None

Notice is hereby given that the Midtown Elizabeth Special Improvement District Budget was approved by the City Council of the City of Elizabeth, County of Union, on October 14, 2014

A hearing on said budget will be held at Elizabeth City Hall on November 12, 2014, at 7:30 P.M. at which time and place objections to said Budget for the year 2014 may be presented by Midtown Elizabeth Special Improvement District taxpayers or other interested persons.

REVENUES	
Surplus Anticipated	$0.00
UEZ Funds	$0.00
Miscellaneous	$26,000.00
Amount to be Raised by Special Improvement District	$200,000.00
Total Revenues	$226,000.00

APPROPRIATIONS	
Promotions & Marketing	$53,000.00
Safe and Clean	$12,446.00
Administration & Operations	$160,554.00
Total Appropriations	$226,000.00

RESOLUTION OF THE CITY OF ELIZABETH,
IN THE COUNTY OF UNION, NEW JERSEY
MAKING APPLICATION TO THE LOCAL FINANCE BOARD
PURSUANT TO N.J.S.A. 40A:2-26(e)
AND N.J.S.A. 58:11B-9(a)

WHEREAS, THE CITY OF ELIZABETH, IN THE COUNTY OF UNION, NEW JERSEY (the "City"), desires to make application to the Local Finance Board for the Board's (a) review and consent to non-conforming maturity schedules pursuant to N.J.S.A. 40A:2-26(e) and (b) approval pursuant to N.J.S.A 58:11B-9(a) of the issuance of bonds by the City to the New Jersey Environmental Infrastructure Trust in connection with the City's participation in the New Jersey Environmental Infrastructure Trust Program to finance the City's capital assessment in respect of the Joint Meeting of Essex and Union Counties ("Joint Meeting"), which will be used by the Joint Meeting to finance upgrades and improvements to the Joint Meeting's wastewater treatment plant, all to be located at the facility located in the City; and

WHEREAS, the City believes:

(a) it is in the public interest to accomplish such purpose;

(b) said purpose is for the health, wealth, convenience or betterment of the inhabitants of the City;

(c) the amounts to be expended for said purpose are not unreasonable or exorbitant; and

(d) the proposal is an efficient and feasible means of providing services for the needs of the inhabitants of the City and will not create an undue financial burden to be placed upon the City.

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

Section 1. The application to the Local Finance Board is hereby approved, and the Chief Financial Officer, Bond Counsel, financial advisor, auditor and the Clerk of the City, along with other representatives of the City, are hereby authorized to prepare such application and to represent the City in matters pertaining thereto.

Section 2. The Clerk of the City of Elizabeth is hereby directed to file a copy of this Resolution and a copy of the proposed bond ordinance as passed upon first reading with the Local Finance Board for its consent as part of such application.

Section 3. The Local Finance Board is hereby respectfully requested to consider such application and to record its findings, recommendations and/or approvals as provided by the applicable New Jersey Statute.

Which was adopted by the following vote:

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

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, pursuant to the provisions of N.J.S.A. 2B:12.5-b, the Assignment Judge of the Union County, has consented to the appointment of a Temporary Municipal Court Judge in the City of Elizabeth to handle municipal code violations and any other matters that might be assigned to such Judge; and

WHEREAS, the Mayor has appointed **Daniel J. Russell as Temporary Municipal Court Judge** subject to the advice and consent of the City Council, for a one-year period from November 1, 2014 to October 31, 2015; and

WHEREAS, the Law Department has advised that it will be necessary for the City of Elizabeth to enter into a contract with **Daniel J. Russell, Esq.**, with regard to this appointment, setting forth the terms of compensation which will be at the rate of $300.00 per session not to exceed $60,000.00; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) requires that the resolution authorizing the award of contracts for "Professional Services" without competitive bids and the contract itself must be available for public inspection; 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 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 does hereby advise and consent the appointment of **Daniel J. Russell, Esq., 201 Shelley Avenue, Elizabeth, New Jersey 07208**, to serve as Temporary Municipal Court Judge for a term commencing November 1, 2014 to October 31, 2015; and be it

FURTHER RESOLVED, by City Council of the City of Elizabeth that the Mayor and City Clerk are hereby authorized to enter into a contract with **Daniel J. Russell, Esq.,** to serve as Temporary Municipal Court Judge for a one-year period from November 1, 2014 through October 31, 2015, at the rate of $300.00 per session, at a cost not to exceed $60,000.00, without further authorization of this Governing Body; and be it

FURTHER RESOLVED that the Purchasing Agent is hereby authorized to place sufficient orders in connection herewith, subject to the requirements of the Local Public Contracts Law and guidelines promulgated thereunder.

Which was adopted by the following vote:

AFFIRMATIVE:	Perkins-Auguste, Cuesta, Torres, Gonzalez, Keenan, Cedeno, Gallman, Mazza and President Grova,	- 9
NEGATIVE:	None	

BY CITY COUNCIL AS A WHOLE:

BE IT RESOLVED that the City Council of the City of Elizabeth does hereby advise and consent to the re-appointment of Mr. Jorge Lias, 418 Rosehill Place, Elizabeth, 07202 as a Member the Elizabeth Parking Authority for a new five year term effective October 17, 2014 pursuant to the Code of the City of Elizabeth.

Which was adopted by the following vote:

AFFIRMATIVE:	Perkins-Auguste, Cuesta, Torres, Gonzalez, Keenan, Cedeno, Gallman, Mazza and President Grova, - 9
NEGATIVE:	None

BY CITY COUNCIL AS A WHOLE:

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

WHEREAS, the items being sold that are in the fixed asset inventory are Police FY 15-1 Impounded Property which include but are not limited to Electronics, Home Goods, Clothing, Jewelry, Shoes and Tools. A list of the impounded property is attached; and

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

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

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

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

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

RESOLVED that City Council of the City of Elizabeth hereby authorizes the sale of the FY 15-1 Impounded Property in possession of the Elizabeth Police Department set forth hereinabove by **PropertyRoom.com** State preapproved online auction site; and be it

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

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

NOTE: List of impounded property on file in the City Clerk's Office.

Which was adopted by the following vote:

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

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, there exists a need to provide property insurance covering the City's foreclosed properties; and

WHEREAS, the Business Administrator has requested authorization for the proper City Officials to execute a contract with **Lloyds of London, 1 Lime Street, London, England EC3M7HA (Through their Agent -of-Record, Otterstedt Agency, 540 Sylvan Avenue, Englewood Cliffs, NJ 07632),** for insurance covering the City's foreclosed properties. The term of the policy is October 1, 2014 to October 1, 2015 at an annual premium of $4,508.10; and

WHEREAS, this recommendation is being made with the full concurrence of the members 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. 15-03060, charging the amount of $4,508.10 to Account Number 5-01-23-210-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 Municipal Clerk are hereby authorized and directed to execute a agreement with **Lloyds of London, 1 Lime Street, London, England EC3M7HA (Through their Agent-of-Record Otterstedt Agency 540 Sylvan Avenue, Englewood Cliffs, New Jersey 07632)** for property insurance covering the City's foreclosed properties. The term of the policy is October 1, 2014 to October 1, 2015 at an annual premium of $4.508.10.

2. Lloyds of London offers a continuation of the present property Insurance coverage. This is a renewal from last year and will provide continuity of coverage.

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(m) exempts the purchasing of insurance coverage from advertising for bids and bidding, which exception shall be in accordance with the requirements thereof.

4. This cannot be described by written specifications because of the special nature of the service as described in paragraph (3) and as specifically exempted from the bidding requirements of **N.J.S.A.** 40A:11-5(m).

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, Cedeno, Gallman, Mazza and President Grova, - 9

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the Business Administrator has recommended an award of contract be made to **The Chubb Group of Insurance Companies, 12 Vreeland Road, Florham Park, New Jersey 07932 through their agent-of-record Otterstedt Agency, 540 Sylvan Avenue, Englewood Cliffs, New Jersey 07632** for insurance covering City-Owned properties for the annual premium of $135,918.00. The term of the policy is October 1, 2014 to October 1, 2015; and

WHEREAS, the annual premium is $135,918.00; and

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available and appropriated for this purpose and Certification No. 15-03061 charging the amount of $135,918.00 to Account Number 5-01-23-210-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, this recommendation is made with the full concurrence of members of the Insurance Fund Commission; 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 Municipal Clerk are hereby authorized to execute a contract with **The Chubb Group of Insurance Companies, 12 Vreeland Road, Florham Park, New Jersey 07932 through their agent-of-record Otterstedt Agency, 540 Sylvan Avenue, Englewood Cliffs, New Jersey 07632,** for insurance covering City-owned properties for the annual premium is 135,918.00. The term of the policy is October 1, 2014 to October 1, 2015.

2. The Chubb Group of Companies offers a continuation of the present property insurance coverage. This is a renewal from last year and will provide continuity of coverage.

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 Statutes 40A:11-5(m) exempts the purchasing of insurance coverage from advertising for bids and bidding, which exception shall be in accordance with the requirements thereof.

4. This cannot be described by written specifications because of the special nature of the services described in Paragraph 3

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, Cedeno, Gallman, Mazza and President Grova, - 9

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 a renewal of a contract with **Highway Service Corp., 548 Trumbull Street, Elizabeth, New Jersey 07206,** for the furnishing of Towing and Road Service for Municipal Vehicles for a period of one year commencing on the date of this resolution with an option to renew for two or three years at a cost not to exceed $30,000.00 per year; and

WHEREAS, the contract in question is determined to fall within the Open-end Contract Rule 5:30-11.10 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 renewal of the contract with **Highway Service Corp., 548 Trumbull Street, Elizabeth, New Jersey 07206,** for the furnishing of Towing and Road Service for Municipal Vehicles for a period of one year commencing on the date of this resolution with an option to renew for two or three years at a cost not to exceed $30,000.00 per year.

Which was adopted by the following vote:

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

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the Business Administrator and the Purchasing Agent have recommended per the request of the Department of Public Works the award of a contract to **ABSOLUTE PROTECTIVE SYSTEMS, INC., 3 Kellogg Court, Unit 13, Edison, NJ 08817,** for the Purchase of Maintenance to Fire Sprinklers, Sandpipes and Fire Pump Systems in Various Public Buildings owned by the City of Elizabeth at a cost not to exceed $150,000.00 under the Morris County Cooperative Pricing Council, contract #52 for the period of September 25, 2014 through December 31, 2015; and

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

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

RESOLVED, that City Council of the City of Elizabeth hereby awards a contract to to **ABSOLUTE PROTECTIVE SYSTEMS, INC., 3 Kellogg Court, Unit 13, Edison, NJ 08817,** for the Purchase of Maintenance to Fire Sprinklers, Sandpipes and Fire Pump Systems in Various Public Buildings owned by the City of Elizabeth at a cost not to exceed $150,000.00 under the Morris County Cooperative Pricing Council, contract #52 for the period of September 25, 2014 through December 31, 2015.

Which was adopted by the following vote:

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

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the Business Administrator and the Purchasing Agent have recommended per the request of the Department of Public Works the award of a contract to **MAGIC TOUCH CONSTRUCTION CO.,INC., 59 West Front Street, Keyport, NJ 07735,** for repairs and maintenance of plumbing systems at various public buildings for the period of November 27, 2014 through June 4, 2015 at a cost not to exceed $175,000.00 under the Middlesex Regional Educational Service Commission Co-Op, Contract #MRESC 12/13-51; and

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

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

RESOLVED, that City Council of the City of Elizabeth hereby awards a contract to to **MAGIC TOUCH CONSTRUCTION CO.,INC., 59 West Front Street, Keyport, NJ 07735,** for repairs and maintenance of plumbing systems at various public buildings for the period of November 27, 2014 through June 4, 2015 at a cost not to exceed $175,000.00 under the Middlesex Regional Educational Service Commission Co-Op, Contract #MRESC 12/13-51.

Which was adopted by the following vote:

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

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the Business Administrator and the Purchasing Agent have recommended the award of a contract to **PITNEY BOWES, INC., 27 Waterview Drive, Shelton, CT 07484,** for the furnishing of Postage, Postage Equipment Maintenance and Postage Supplies for the period of October 1, 2014 through September 30, 2015 at a cost not to exceed $225,000.00 under their State Contract #75237; and

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

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

WHEREAS, the Business Administrator and the Purchasing Agent have advised that the contract in question is a purchase through a State of New Jersey Contract #75237 requiring approval by this Governing Body in accordance with the provisions of **N.J.A.C** 5:34-1.2; now, therefore, be it; now, therefore, be it

RESOLVED that City Council of the City of Elizabeth hereby awards a contract to **PITNEY BOWES, INC., 27 Waterview Drive, Shelton, CT 07484,** for the furnishing of Postage, Postage Equipment Maintenance and Postage Supplies for the period of October 1, 2014 through September 30, 2015 at a cost not to exceed $225,000.00 under their State Contract #75237.

Which was adopted by the following vote:

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

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the Business Administrator and the Purchasing Agent have recommended per the request of the Director of the Department of Public Works the award of a contract to **Jesco, Inc., 118 St. Nicholas Ave., South Plainfield, NJ 07080**, for the purchase of two John Deere 624K Loaders at the total cost of $360,819.99 under the Middles Regional Educational Services Commission contract #MRESC 14/15-04. The new loaders will be replacements for Department of Public Works' loaders # 126 and #107; now, therefore, be it

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available and appropriated for this purpose and Certification No. 15-02260, charging the amount of $360,819.99 to Account No. X-04-55-999-X40-001, X-04-55-999-X39-001, X-04-55-999-X14-414, X-04-55-999-X14-614 and 5-01-26-300-SPT-307, of the Municipal Budget is on file in the Office of the City Clerk; now, therefore, be it

RESOLVED, that City Council of the City of Elizabeth hereby awards a contract with **Jesco, Inc., 118 St. Nicholas Ave., South Plainfield, NJ 07080**, for the purchase of two John Deere 624K Loaders at the total cost of $360,819.99 under the Middles Regional Educational Services Commission contract #MRESC 14/15-04. The new loaders will be replacements for Department of Public Works' loaders # 126 and #107.

Which was adopted by the following vote:

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

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the Business Administrator has recommended that the City of Elizabeth enter into an Agreement with the Elizabeth Parking Authority for the rental of 25 parking spaces in Lot No. 6 and the rental of 300 parking spaces in Lot No. 2, for a one (1) year period from July 1, 2014 through June 30, 2017, at a rate of $50.00 per parking space per month, for the monthly cost of $16,250.00 at a total contract cost of $585,000.00 for the contract period of three (3) years; and

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available and appropriated for this purpose and Certification No. 15-00183 charging the amount of $585,000.00 to Account No. 5-01-30-411-002-000 of the Municipal Budget is on file in the Office of the City Clerk; and

WHEREAS, this contract is awarded without competitive bidding since it is excepted under the provisions of **N.J.S.A**. 40A:11-5(2) in that it is to be entered into with a subdivision of the City of Elizabeth; and

WHEREAS, Your Honorable Body adopted a resolution on July 22, 2014 regarding the above- referenced matter, please rescind said resolution; now, therefore, be it

RESOLVED by City Council of the City of Elizabeth that the proper City officials are hereby authorized to execute an Agreement with the Elizabeth Parking Authority for rental of 25 parking spaces in Lot No. 6 and the rental of 300 parking spaces in Lot No. 2, for a one (1) year period from July 1, 2014 through June 30, 2017, at a rate of $50.00 per parking space per month, for the monthly cost of $16,250.00 at a total contract cost of $585,000.00 for the contract period of three (3) years; and be it

FURTHER RESOLVED that the resolution adopted on July 22, 2014 regarding the above-referenced matter, be rescinded.

Which was adopted by the following vote:

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

NEGATIVE: None

Councilman Gonzalez **MOVED** to **REMOVE** from the **TABLE** a resolution to de-designate East Grand and Division LLC, as redeveloper for 801-871 Livingston Street (Tabled December 13, 2013), which was seconded by Councilman Torres, and carried unanimously .

BY CITY COUNCIL AS A WHOLE:

WHEREAS, on September 14, 2010, your Honorable Body adopted a resolution designating **Inner City Development, LLC, 716 Main Street, Boonton, New Jersey 07005**, the Redeveloper of 801-871 Livingston Street for the purpose of developing a supermarket anchored shopping center, pursuant to the provisions of **N.J.S.A.** 40A:12A-1, et seq., and consistent with the Trumbull Street Redevelopment Plan, which was adopted in July 2000. On December 28, 2010, your Honorable Body adopted a resolution amending the designation from Inner City Development, LLC to East Grand & Division, LLC ("Redeveloper") 77 Cobb Road, Mountain Lakes, New Jersey 07046; and

WHEREAS, on or about November 9, 2011, the City of Elizabeth and the Redeveloper entered into a Redevelopment Agreement ("RDA"); and

WHEREAS, on July 22,2014, City Council adopted a resolution designating East Grand Associates Urban Renewal Entity, LLC, 1051 Bloomfield Avenue, Clifton, New Jersey 07012, as Developer and authorized the execution of an Amended and Restated Redevelopment Agreement for the construction of a supermarket anchored shopping and retail establishment 801-871 Livingston Street; and

WHEREAS, at the time of the July 22, 2014 resolution there was no request to de-designate and replace East Grand & Division, LLC as the Redeveloper and replace it with East Grand Associates Urban Renewal, LLC, 1051 Bloomfield Avenue, Clifton, New Jersey; and

RESOLVED that the City Council of the City of Elizabeth authorizes the de-designation of East Grand & Division LLC as Redeveloper for 801-871 Livingston Street, (informally known as the Trumbull Street Supermarket property), within the Trumbull Street Redevelopment Area.

Which was adopted by the following vote:

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

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the Second Assistant City Attorney has advised that on September 9, 2014, your Honorable Body adopted a resolution appointing **John C. Reilly, Esq., Greenbaum, Rowe Smith and Davis, LLP, 99 Wood Avenue, South, Floor 4, Iselin, NJ 08830**, to serve as Condemnation Counsel, for the acquisition of both 75-77 West Jersey Street, Elizabeth, New Jersey along the previously approved 601 Bond Street, Elizabeth, New Jersey; and

WHEREAS, due to a conflict with John C. Reilly's law firm, the resolution adopted on September 9, 2014 should be rescinded with respect to the property at 75-77 West Jersey Street, Elizabeth, New Jersey; and

WHEREAS, authorization is requested to have John C. Reilly, Esq., be appointed to serve as Condemnation Counsel for the acquisition of the property at 300-328 Atlantic Street, Elizabeth, New Jersey. This property should be added and included along with the previously approved 601 Bond Street, Elizabeth, New Jersey. All other terms and conditions remain the same; now, therefore, be it

RESOLVED that the City Council of the City of Elizabeth authorizes the resolution adopted on September 9, 2014, appointing **John C. Reilly, Esq., Greenbaum, Rowe Smith and Davis, LLP, 99 Wood Avenue, South, Floor 4, Iselin, NJ 08830**, to serve as Condemnation Counsel be rescinded with respect to the property at 75-77 West Jersey Street, Elizabeth, New Jersey; and be it

FURTHER RESOLVED that **John C. Reilly, Esq., Greenbaum, Rowe Smith and Davis, LLP, 99 Wood Avenue, South, Floor 4, Iselin, NJ 08830**, be appointed to serve as Condemnation Counsel for the acquisition of the property at 300-328 Atlantic Street, Elizabeth, New Jersey. This property should be added and included along with the previously approved 601 Bond Street, Elizabeth, New Jersey. All other terms and conditions remain the same.

Which was adopted by the following vote:

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

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, Pam Investors, is the owner of the property located at 1023 East Grand St (Tax Account #8-498), and

WHEREAS, the dwelling at the above location was demolished, per the Construction Department, and

WHEREAS, the dwelling was being taxed erroneously, and

WHEREAS, this resulted in an overbilling of taxes for the 2014 Tax Year in the amount of $3,898.66 ($15,400 Improvement Assessment x $25.316 2014 Tax Rate), now, therefore, be it

RESOLVED, That the Tax Collector be authorized to cancel/refund/credit the total sum of $3,898.66. This amount represents an over billing of taxes for 2014 Tax Year.

Which was adopted by the following vote:

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

NEGATIVE: None

By City Council as a Whole:

RESOLVED, that the City Council of the City of Elizabeth hereby determines that the City of Elizabeth foreclose, by summary proceedings In Rem, as provided in the In Rem Foreclosure Act, the Tax Sale Certificates held by it as listed on the attached Tax Foreclosure Lists.

NOTE: Tax Foreclosure list on file in the City Clerk's Office.

Which was adopted by the following vote:

AFFIRMATIVE:	Perkins-Auguste, Cuesta, Torres, Gonzalez, Keenan, Cedeno, Gallman, Mazza and President Grova,	- 9
NEGATIVE:	None	

By City Council as a Whole:

RESOLVED, that the City Council of the City of Elizabeth hereby determines that the City of Elizabeth foreclose, by summary proceedings In Rem, as provided in the In Rem Foreclosure Act, the Tax Sale Certificates held by it as listed on the attached Tax Foreclosure Lists.

NOTE: Tax Foreclosure List on file in the City Clerk's Office

Which was adopted by the following vote:

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

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the Director of the Department of Health and Human Services, Office of Youth Services, - S.O.A.R. (Special Opportunities for Achievement & Reawakening) summer program utilizes Nicholas Murray Butler School #23 to offer academic and recreational activities for the City of Elizabeth Youth ages 6-13; and

WHEREAS, a bill has been presented to my office in the amount of $35,040.00 for the use of custodial security and bus services for the summer program beginning July 7, 2014 and ending August 15, 2014. Authorization is requested to pay said bill to the Elizabeth Board of Education, 500 North Broad Street, Elizabeth, NJ 07201; and

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available and appropriated for this purpose and Certification No.15-01001, charging the amount of $35,040.00 to Account No. 5-01-27-330-OYS-325, of the Municipal Budget is on file in the Office of the City Clerk; and

WHEREAS, this is a governmental agency and is exempt from the Bid Threshold as well as the Pay to Play; now, therefore, be it

RESOLVED that the City Council of the City of Elizabeth authorizes the expenditure of $35,040.00 to the Elizabeth Board of Education, 500 North Broad Street, Elizabeth, NJ 07201, for custodial, security and bus services for the S.O.A.R. Summer Program utilizing the Nicholas Murray Butler School #23 for the period July 7, 2014 through August 15, 2014.

Which was adopted by the following vote:

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

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the Director of the Department of Health and Human Services has requested an amendment to a resolution adopted on April 22, 2014 to change the contractor's name from NJMS Global Tuberculosis Institute at Rutgers, The State University of New Jersey to New Jersey Medical School Global Tuberculosis Institute @Rutgers Biomedical and Health Sciences; now, therefore, be it

RESOLVED that the City Council of the City of Elizabeth amends the resolution adopted on April 22, 2014 by changing the contractor's name from NJMS Global Tuberculosis Institute at Rutgers, The State University of New Jersey to New Jersey Medical School Global Tuberculosis Institute @Rutgers Biomedical and Health Sciences.

Which was adopted by the following vote:

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

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the Director of the Health and Human Services has requested permission to enter into an agreement with **Kean University, 1000 Morris Avenue, Union, New Jersey** for the purpose of providing work to students eligible for the Federal Work-Study Program. This agreement will provide volunteers to perform work related duties at SOAR free of charge; and

WHEREAS, that authorization is requested for the appropriate City Officials to execute any documents pertaining to this agreement; now, therefore, be it

RESOLVED that the City Council of the City of Elizabeth authorizes the proper City Officials to enter an agreement with **Kean University, 1000 Morris Avenue, Union, New Jersey** for the purpose of providing work to students eligible for the Federal Work-Study Program. This agreement will provide volunteers to perform work related duties at SOAR free of charge; and be it

FURTHER RESOLVED that the appropriate City Officials are authorized to execute any documents pertaining to this agreement

Which was adopted by the following vote:

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

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the Director of the Department of Planning and Community Development has requested authorization to begin the competitive contracting process in order to issue a Request for Proposals (RFP) and selection of a licensed and qualified firm to provide for the administration of records related to foreclosed and vacant properties within the City limits; and

WHEREAS, in order to initiate competitive contracting, it is necessary for your Honorable Body to adopt a resolution authorizing the use of competitive contracting each time specialized goods or services enumerated in section 1 of P.L. 1999, c. 440 (C.40A:11-4.1) are desired to be contracted; now, therefore, be it

RESOLVED that the City Council of the City of Elizabeth authorizes the Director of the Department of Planning and Community and/or other proper City Officials to commence with the competitive contracting process in order to draft a Request for Proposals (RFP) for the purpose of selecting a licensed and qualified firm to provide for the administration of records related to foreclosed and vacant properties within the City limits.

Which was adopted by the following vote:

AFFIRMATIVE:	Perkins-Auguste, Cuesta, Torres, Gonzalez, Keenan, Cedeno, Gallman, Mazza and President Grova, - 9
NEGATIVE:	None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the Director of the Department of Planning and Community Development has requested that your Honorable Body amend the resolution adopted November 12, 2013 awarding a contract with the Elizabeth Conservancy, 420-430 Third Avenue, between Redcliff and Doyle Streets. The contract calls for the demolition of a concrete foundation and other structures to construct a City Garden; and

WHEREAS, the proposed contract term is July 1, 2013 - June 30, 2014; and

WHEREAS, due to delays in securing a lien as well as the need to ascertain certain points raised in the environmental review the Director of Planning and Community Development has requested authorization to extend the contract term of October 1, 2013 to September 30, 2014 to a new contract term October 1, 2013 to December 31, 2014; now, therefore, be it

RESOLVED that the City Council of the City of Elizabeth authorizes the amendment to the resolution adopted November 12, 2013 awarding a contract with the Elizabeth Conservancy, 420-430 Third Avenue, between Redcliff and Doyle Streets to extend the contract term from October 1, 2013 to September 30, 2014 to a new contract term running from October 1, 2013 to December 31, 2014 for the reasons stated hereinabove.

Which was adopted by the following vote:

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

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, On October 22, 2013 your Honorable Body adopted a resolution awarding a contract to the Elizabeth Development Company, 205 First Street, Suite 114, Elizabeth, New Jersey 07206, to construct the Siloam Hope Cares project as an educational center for African American Culture, in the Keighry Head section of Elizabeth. The term of the contract was for July 1, 2013 to June 30, 2014; and

WHEREAS, the Director of the Department of Planning and Community Development has advised that due to contractor delays and additional change orders he is requesting authorization to extend the contract term from July 1, 2013 to June 30, 2014 to a new contract term July 1, 2013 to December 31, 2014; now, therefore, be it

RESOLVED that the City Council of the City of Elizabeth authorizes the amendment to October 22, 2013 awarding a contract to the Elizabeth Development Company, 205 First Street, Suite 114, Elizabeth, New Jersey 07206, to construct the Siloam Hope Cares project as an educational center for African American Culture, in the Keighry Head section of Elizabeth to extend the contract term from July 1, 2013 to June 30, 2014.

Which was adopted by the following vote:

AFFIRMATIVE:	Perkins-Auguste, Cuesta, Torres, Gonzalez, Keenan, Cedeno, Gallman, Mazza and President Grova, - 9
NEGATIVE:	None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the Director of the Department of Planning and Community has advised that the City of Elizabeth has recently acquired parcels known 200-238 South 2nd Street In Rem Tax Foreclosures (Block 2 Lots 943.A-O). The City seeks to dispose of these parcels in the future, but there are various structures on the lots that need to be demolished prior to the disposing of the lots; and

WHEREAS, authorization is requested for the proper City Officials to commence the competitively contract process for the demolition of pre-existing structures parcels located at 200-238 South Second Street (Block 2 Lots 943 A - O) for the reasons stated hereinabove; now, therefore, be it

RESOLVED that the City Council of the City of Elizabeth authorizes the proper City Officials to commence the competitively contract process for the demolition of pre-existing structures on parcels located at 200-238 South Second Street (Block 2 Lots 943 A - O) for the reasons stated hereinabove.

Which was adopted by the following vote:

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

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the Department of Public Works has caused certain **clean up and removal of debris** from the properties at the costs listed on **Schedule A** attached hereto and made a part hereof after due and proper notice to the owners thereof as required; and the owners thereof having been notified of the cost to the City in the sums listed on **Schedule A** and said costs not having been paid to the City of Elizabeth as required; and the Director of the Department of Public Works having issued certificates to City Council of the costs to the City of same; and

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

RESOLVED by City Council of the City of Elizabeth that the cost of clean up and removal of debris as shown for the properties listed on the **Schedule A** attached hereto and made a part hereof is hereby made a lien on said properties, which lien shall hereafter form part of the taxes next to be assessed and levied upon said lands in the sums set forth on **Schedule A** the same to bear interest at the same rate as taxes and to be collected and enforced by the same officers and in the same manner as taxes in accordance with the provisions of **N.J.S.A.** 40:48-2.14 and Chapter 15.12.180, of the Code of the City of Elizabeth.

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

Certificate Invoice 09/22/2014 Total Amount: $17,871.17.

Which was adopted by the following vote:

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

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

RESOLVED, that City Council of the City of Elizabeth does now proceed to sell at public auction to the highest bidder the property more particularly described on the attached **Schedule A**, the same not being needed for public use, pursuant to and subject to the conditions set forth in the notice heretofore published in accordance with law; and be it

FURTHER RESOLVED, that said sale will be conducted in the City Council Chamber, City Hall, Elizabeth, New Jersey, on December 9, 2014, at 6:30 p.m. in accordance with **N.J.S.A.** 40A:12-13, and shall be sold to the highest bidder, the minimum bid to be received to be listed on the attached Schedules; and be it

FURTHER RESOLVED, that the City reserves the right, upon the completion of said public sale, to accept or reject the highest bid or any or all bids made; and be it

FURTHER RESOLVED that said property is to be advertised and sold with the following conditions:

1. Any and all restrictions and easements of record, if any.
2. Any tenancy or occupancy of the structure located on the property in question.
3. That the structures on the property subject to this sale shall be repaired and reconstructed to conform to the standards of all applicable municipal codes within six months (6) months of the date of closing to title unless otherwise specified. On application and good cause being shown, the Elizabeth City Council may, by resolution, extend the time specified for the improvements to the premises for an additional period, not to exceed three (3) months.
4. Construction on vacant property in accordance with the Land Development Control Ordinance must begin within one (1) year after closing of title unless successful bidder is the owner of property contiguous to the vacant land, then in that event, the condition of construction within one (1) year will not apply, but property must be paved or fenced with site plan approval within six (6) months of the closing of title.
5. Competitive bid will not be accepted by the municipality unless said competitive bid is higher than the last bid by at least one-thousand dollars ($1,000.00).
6. If the successful bidder neglects or refuses to pay the balance of the bid price on tender of deed by the City, the said deposit of the minimum price of the property previously

deposited by cash or certified check, will be retained by the City on account of the damage for failure to perform, and the successful bidder agrees to be responsible for the difference between his bid and the amount obtained on resale;

7. No real estate or legal commissions will be paid by the City.

8. Any title closing shall take place in City Hall, City of Elizabeth no later than sixty (60) days from the time or acceptance of the bid by the City of Elizabeth unless extended from time to time by resolution of the City Council.

9. The name in which the successful bidder wishes the deed to be made out shall be given to the Clerk at the time of the successful bid. There will be no changes.

10. The City will convey title by "Quit Claim Deed", which deed will not be accompanied by an affidavit of title.

11. In the event that successful bidder neglects or refuses to comply with any conditions of sale, then in that event, the City may void the sale. In addition to any other remedy which this municipality may have, title shall revert to the City of Elizabeth upon Resolution duly adopted by the City Council of the City of Elizabeth. The City shall retain all monies paid by the successful bidder including the deposit and balance of the purchase price paid at the closing of title as liquidated damages.

12. The City will not provide any financing for the acquisition of the property.

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, Cedeno, Gallman, Mazza and President Grova, - 9

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the Director of the Department of Public Works has advised that on September 30, 2014, three (3) bids were received for the Western Interceptor Cleaning and CCTV Inspection Project - Contract 01-14; and

WHEREAS, the lowest responsible bidder was **Pipe and Plant Solutions, Inc., 2000 Fifth Street, Berkeley, California 04710,** in the amount of $667,092.00; and

WHEREAS, the project generally consists of cleaning of approximately 2,075 lineal feet of the 60-inch diameter Westerly Interceptor between Clarkson Avenue and the Trenton Avenue Pump Station. This section of sewer is approximately 40 percent filled with sediment resulting in a significant reduction of conveyance capacity; and

WHEREAS, the Director of the Department of Public Works has requested authorization to award a contract to **Pipe and Plant Solutions, Inc., 2000 Fifth Street, Berkeley, CA,** for the Westerly Interceptor Cleaning and CCTV Inspection Project between Clarkson Avenue and the Trenton Avenue Pump Station, at a cost of $667,092.00.

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 **Pipe and Plant Solutions, Inc.**; and

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available and appropriated for this purpose and Certification No. 15-03059, charging the amount of $667,092.00 to Account No. X-08-55-045-034, of the Municipal Budget is on file in the Office of the City Clerk; now, therefore, be it

RESOLVED that the City Council authorizes the award of a contract to **Pipe and Plant Solutions, Inc., 2000 Fifth Street, Berkeley, CA**, for the Westerly Interceptor Cleaning and CCTV Inspection Project between Clarkson Avenue and the Trenton Avenue Pump Station, at a cost of $667,092.00.

Councilman Gonzalez thanked the Administration for being proactive in cleaning the Western Interceptor at the Trenton Avenue Pumping Station.

Councilman Mazza stated that he was at the Recycling Center and the area was clean and beautiful, a great job was done.

Which was adopted by the following vote:

AFFIRMATIVE:	Perkins-Auguste, Cuesta, Torres, Gonzalez, Keenan, Cedeno, Gallman, Mazza and President Grova, - 9
NEGATIVE:	None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the Director of the Department of Public Works has advised 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 **T&M Associates, Eleven Tindall Road, Middletown, NJ 07748-2792,** to be qualified to provide the City of Elizabeth with Civil and Environmental Engineering Services in connection with the demolition of 823 East Jersey Street (former Water Utility Garage) as per their proposal dated August 28, 2014; and

WHEREAS, ongoing environmental remediation has been conducted at the site related to the remediation of the underground gasoline storage tank that was previously removed. The next phase of the remediation involves demolition of the building so that contaminated soil under the building can be removed and remediated; and

WHEREAS, the Director of the Department of Public Works has requested authorization to award a contract to the firm of **T&M Associates, Eleven Tindall Road, Middletown, NJ 07748-2792,** to provide Civil engineering services on a time and material basis, for actual time and expenses at a cost not to exceed $90,905.00 plus reimbursables in connection with the demolition of 823 East Jersey Street (former Water Utility Garage); and

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available and appropriated for this purpose and Certification No. 15-02385, charging the amount of $90,905.00 to Account No.X-04-999-X29-001 of the Municipal Budget are on file in the Office of the City Clerk; and

WHEREAS, the Local Public Contracts Law (**N.J.S.A**. 40A:11-1 et seq.) requires that the resolution authorizing the award of contracts for "Professional Services" without competitive bids and the contract itself must be available for public inspections; 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 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 **T&M Associates, Eleven Tindall Road, Middletown, NJ 07748-2792,** to Civil engineering services on a time and material basis, for actual time and expenses at a cost not to exceed $90,905.00 plus reimbursables in connection with the demolition of 823 East Jersey Street (former Water Utility Garage).
2. This contract is awarded without competitive bidding as a Professional Service in accordance with **N.J.S.A.** 40A:11-2(6) of the Local Public Contracts Law because these services require knowledge of an advanced type in a field of learning acquired by a prolonged formal course of specialized instruction and study as distinguished from general academic instruction or apprenticeship and training.
3. A notice of this action shall be printed once in **The Star Ledger**.

Which was adopted by the following vote:

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

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the Director of the Department of Recreation has requested authorization for the Recreation Department to accept a donation of up to $20,000.00 from the J. C. Kellogg Foundation for repairs and improvements at Kellogg Park; now, therefore, be it

RESOLVED that the City Council of the City of Elizabeth authorizes the acceptance of a donation in the amount of up to $20,000.00 for repairs and improvements at Kellogg Park from the J. C. Kellogg Foundation.

Which was adopted by the following vote:

AFFIRMATIVE:	Perkins-Auguste, Cuesta, Torres, Gonzalez, Keenan, Cedeno, Gallman, Mazza and President Grova, - 9
NEGATIVE:	None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the New Jersey Department of Transportation (NJDOT) recently completed a traffic investigation on Route 439 in the City of Elizabeth; and

WHEREAS, NJDOT investigation revealed the current centerline pavement markings on Route 439 meet and conform to current design standards; and

WHEREAS, NJDOT will update existing records to reflect current "No Passing Zone" conditions along (US) (NJ) Route 439; now, therefore, be it

RESOLVED that the City Council of the City of Elizabeth, County of Union, State of New Jersey, that it supports the use of a "No Passing Zone" on Route 439 in Elizabeth as recommended by NJDOT; and be it

FURTHER RESOLVED that a certified copy of this resolution shall be forwarded to NJDOT as requested.

Which was adopted by the following vote:

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

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the Police Department has requested authorization for the proper City Officials to request that the New Jersey Department of Transportation perform traffic signal upgrades at the intersection of Newark Avenue (State R. 27) with Waverly Place with the City of Elizabeth assuming 25% of the total cost; and

WHEREAS, per the New Jersey Department of Transportation (NJ DOT) policy number 346 "Maintenance Work Order Electrical Cost Sharing". - for new traffic control devices (section IV.A.), the City of Elizabeth will be required to assume 25% of the total costs to install the devices. The State would assume the remaining 75% of the construction costs. Maintenance and electric current costs would be 100% paid by the City. Context sensitive coloration, UPS battery back-up systems sand emergency pre-emption system cost would not apply; now, therefore, be it

RESOLVED that the City Council of the City of Elizabeth authorizes the proper City Officials to request that the New Jersey Department of Transportation to perform traffic signal upgrades at the intersection of Newark Avenue (State R. 27) with Waverly Place with the City of Elizabeth assuming 25% of the total cost in compliance with the New Jersey Department of Transportation (NJ DOT) policy number 346 "Maintenance Work Order Electrical Cost Sharing".

Which was adopted by the following vote:

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

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

RESOLVED that City Council of the City of Elizabeth hereby amends Chapter 10.44.020 of the Code of the City of Elizabeth to delete the handicapped parking spaces at premises commonly known as: **223 Mellon Place** and **452 South Broad Street , Elizabeth, New Jersey** in accordance with the recommendation of the Police Director.

Which was adopted by the following vote:

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

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, in a case entitled "Antonio Rivera v. Elizabeth Board of Education et. al.", Superior Court of New Jersey, Law Division, Union County, Docket No.: UNN-L-3814-06, after appellate litigation and proceedings before the New Jersey State Department of Education, it was finally determined and ordered by the Assignment Judge of Union County that Rafael Fajardo and Pablo Munoz should repay $63,622.00 to the Elizabeth Board of Education by depositing $63,622.00 in the Trust Fund of the Superior Court of New Jersey subject to further order of the Court to be used by the Board for educational purposes; and

WHEREAS, the Superior Court has determined that these Board of Education funds were used for the individual benefit of Rafael Fajardo and Pablo Munoz in litigation for their individual benefit and not the benefit of the Board of Education nor the benefit of the children of Elizabeth; and

WHEREAS, the Assignment Judge of Union County had requested that the Board of Education apply for the withdrawal of the funds for a school purpose by the end of 2013; and

WHEREAS, the Board of Education has finally requested the withdrawal of the funds in order to pay for part of the purchase and implementation of Teach to One: Math at one of their low performing schools; and

WHEREAS, the City Council endorses the use of these funds for the partial purchase and implementation for this mathematics instructional program; and

WHEREAS, although the funds were paid into the Trust Fund of the Superior Court by a check from the Attorneys for the Board of Education, there has been no documentation forthcoming that the funds were individually paid by Rafael Fajardo and Pablo Munoz; now, therefore, be it

RESOLVED, the City Council of the City of Elizabeth endorses the use of the funds on deposit with the Superior Court of New Jersey for the purchase and implementation of the Teach to One: Math Instructional Program; and

BE IT FURTHER RESOLVED, that the City Council of the City of Elizabeth requests that the Elizabeth Board of Education require the production of all documents which show that the $63,622.00 was individually paid by Rafael Fajardo and Pablo Munoz.

Councilman Mazza stated that he did some research and the money is in an escrow account. He continued that he cannot support this resolution because they returned the money.

Councilman Cuesta stated that he was not going to say anything, but he has done extensive research and in a September meeting, Raphael Fajardo stated that the attorneys should not have the money; it should be returned to the children. In closing, he stated the money is sitting somewhere. The Board Commissioners, Charles Bathelus, Jose Rodriguez and Stan Neron, moved a resolution to have the money returned, but much to his surprise, it was noted down.

Which was adopted by the following vote:

AFFIRMATIVE:	Perkins-Auguste, Cuesta, Torres, Gonzalez, Keenan, ~~Cedeno~~, Gallman, ~~Mazza~~ and President Grova,	-	~~8~~ 7
NEGATIVE:	~~None~~ MAZZA	—	1
EXCUSED:	CEDENO	—	1

BY CITY COUNCIL AS A WHOLE

WHEREAS, a case is currently pending in the matter **Domingos Santos v. City of Elizabeth, CP No. 2013-18394**; and

WHEREAS, the Law Department and Christopher J. Kinsella, Esq. have recommended settlement of this matter for 32% of partial total or $56,649.60 less a credit and a 15% of partial total or $19,440.00 for a final settlement value of $37,209.60; and

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available and appropriated for this purpose and Certification No. 15-02382 charging the amount of $37,209.60 to Account No. 05-21-56-249 of the Municipal Budget is on file in the Office of the City Clerk; now, therefore, be it

RESOLVED that the City Council of the City of Elizabeth hereby approves and authorizes the settlement of the claim in an amount of $37,209.60 payable to **Domingos Santos, 711 Bonnett Street, Elizabeth, New Jersey 07202,** and **Attorney for the Plaintiff: NELSON C. MONTERIO, ESQ., P. O. BOX 1209, Piscataway, New Jersey 08855.**

Which was adopted by the following vote:

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

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

~~October 6, 2014~~
~~October 8, 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:

ALLIED OIL COMPANY	**5-01-31-447**	**$**	**3,182.13**
CONSTELLATION NEW ENERGY, INC.	**5-01-31-430**	**$**	**8,977.33**
ELIZABETHTOWN GAS	**5-01-31-446**	**$**	**3,508.96**
LANGUAGE LINE SERVICES	**5-01-31-460**	**$**	**742.02**
NATIONAL TERMINAL, INC.	**5-01-31-447**	**$**	**4,736.96**
NRG BUSINESS SOLUTIONS	**5-01-31-430**	**$**	**214.20**
PSE&G	**5-01-31-430**	**$**	**294,888.68**
SOUTH JERSEY ENERGY	**5-01-31-430**	**$**	**5,873.54**
SPRINT	**5-01-31-440**	**$**	**2,382.97**
USA MOBILITY	**5-01-31-440**	**$**	**130.91**
VERIZON	**5-01-31-440**	**$**	**37,879.53**
VERIZON CABS	**5-01-31-440**	**$**	**193.06**
VERIZON WIRELESS	**5-01-31-440**	**$**	**17,190.53**
VERIZON COMMUNICATIONS, INC.	**5-01-31-440**	**$**	**1,808.31**

Which was adopted by the following vote:

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

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the City Council of the City of Elizabeth has learned of the outstanding accomplishment of the Elizabethport Little League who has rebounded to its days of glory and proudly represents Elizabeth as one of the top leagues in our area for youth baseball; and

WHEREAS, the Elizabethport Junior-Senior Division is comprised of players between the ages of 13-16, who have an avid interest in baseball and want to sharpen their skills in order to play at the next level; and

WHEREAS, the All-Star team from this Division captured the District 7 Championship after defeating Bayonne by the score of 7-1 on July 8, 2014 in Bayonne. Elizabethport secured the sectional Championship on July 20, 2014 defeating Palisades Park/Leonia by the score of 17-4. This win placed Elizabethport into the elite category of Final Four teams vying to win the New Jersey State Championship. Unfortunately, after facing tough competition from Toms River East and Erial, N.J., they were eliminated from the 2014 Tournament; and

WHEREAS, the Elizabethport Juniors team who are the 2014 Little League District 7 and Section 2 Champions are as follows:

Alex Sanchez	Javell "Speedy" Barnes	Eriberto Reyes
Luis Rubiano	Pedro Ramos	Jorge Carrera
Justin Luciano	Alex Roldan	Anthony Ricardo
Calvin Colon	Jean Reyes	Nick Estes

; now, therefore, be it

RESOLVED that the City Council of the City of Elizabeth proudly acknowledges the Elizabethport Juniors team who are the 2014 Little League District 7 and Section 2 Champions and who will be remembered for their excellent sportsmanship; and be it

FURTHER RESOLVED that this expression of appreciation be recorded in full upon the minutes of the City Council and a certified copy be sent to the Elizabethport Juniors Team who are the 2014 Little League District 7 and Section 2 Champions.

Which was adopted by the following vote:

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

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the City Council of the City of Elizabeth has learned that the Elizabeth High School Marching Band brilliantly capped off another undefeated season by winning the US Bands Group 5A National Championship, as well as the US Bands Group 5A State Championship; and

WHEREAS, the Elizabeth High School Marching Band is to be congratulated for its impressive achievement of maintaining excellence throughout an undefeated season and winning both state and national titles for their third year; now, therefore, be it

RESOLVED that the City Council of the City of Elizabeth acknowledges the achievements of the Elizabeth High School Marching Band, for winning the US Bands Group 5A National Championship, as well as the US Bands Group 5A State Championship for the third year in a row and wishes them the best of luck in all of their future competitions; and be it

FURTHER RESOLVED that this expression of appreciation be recorded in full upon the minutes of City Council and a certified copy be sent to the Elizabeth Marching Band and Assistant Marching Instructor, Steve Almeida; Music Instructor, Minesh Shah; Percussion Instructors, John Riley and Brendan Lowe; Director, Ben Schwartz; Co-Director Wayne Dillon; Music Instructor, James Prime, Jr. and Visuals, Chris Gow, Curtis Clark, and Manny Cruz.

Which was adopted by the following vote:

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

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the City Council of the City of Elizabeth has learned of the recent death of William H. Frye, Sr.; and

WHEREAS, Mr. Frye came to Elizabeth in 1953 and moved in 2002 to Rahway; and

WHEREAS, William H. Frye, Sr., is survived by his beloved wife, Ettie Greene Frye; his nine daughters, three sons, and twenty-three grandchildren, eleven great-grandchildren along with a host of nieces, nephews, cousins, and friends; now, therefore, be it

RESOLVED that we, the members of City Council of the City of Elizabeth hereby express our sincere sorrow at the death of William H. Frye, Sr.; and be it

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

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

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the City Council of the City of Elizabeth has learned of the recent death of Aaliyah Rodriguez, 35; and

WHEREAS, Aaliyah is survived by loving family, her husband, Anibal Rodriguez; three sons, Antoine Fontane, Anthony Rodriguez and Aaron Minus, parents Gregory Rhodes, Sr. and Rhoda Minus; four brothers and four sisters, her grandmother and a host of loving relatives and friends; now therefore, be it

RESOLVED that the City Council of the City of Elizabeth hereby expresses its condolences at the passing of Aaliyah Rodriguez to her family and friends; now, and be it

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

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

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the City Council of the City of Elizabeth has learned of the recent death of Helen Loretta Insalaco, 89; and

WHEREAS, Helen was the devoted wife of the late Vincent J. Insalaco, Sr., devoted mother of Joseph F. Insalaco, Frank V. Insalaco, Vincent J. Insalaco, Jr. and Carmen P. Insalaco; now therefore, be it

RESOLVED that the City Council of the City of Elizabeth hereby expresses its condolences at the passing of Helen Loretta Insalaco to her family and friends; now, and be it

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

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

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the City Council of the City of Elizabeth has learned of the recent death of Lidia Acevedo , therefore, be it

RESOLVED, that we, the members of City Council of the City of Elizabeth, hereby express our sincere sorrow at her death and to her family over their great loss; and be it

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

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

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

Whereupon Council President Grova declared City Council adjourned at 8:15 p.m.

APPROVED

MANNY GROVA, JR.
President of City Council

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