PROCEEDINGS OF CITY COUNCIL

(OFFICIAL)

ELIZABETH, N.J.

Tuesday Evening
February 22, 2011
7:30 p.m.

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

Council President Keenan 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 28, 2010.

PRESENT: Council Members-at-Large: Patricia Perkins-Auguste; [redacted], Edward Jackus;
Council Members: [redacted], 1st Ward;
Nelson Gonzalez, 2nd Ward; Carlos Cedeno, 4th Ward;
William Gallman, Jr., 5th Ward; Frank O. Mazza, 6th Ward;
and President Joseph Keenan, 3rd Ward - 7

ABSENT: Cuesta, Grova - 2

ALSO PRESENT: Rocco DiPaola, Second Assistant City Attorney

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

In the absence of Councilman Grova, Councilman Gonzalez was appointed as Floor Leader.

PUBLIC SPEAKING

Ms. Norma Rich, 758 Westfield Avenue, spoke regarding the death of her brother and stated that the procedure for a death caused by a vehicle should be to confiscate a cell phone and to administer a breathalyzer test.

Ms. Rich requested of City Council to change the current procedure. She continued that the individual was allowed to have water and chips. She stated further that her family has not received an apology.

Mr. Kevin Wilkens, 775 North Broad Street, thanked Councilman Cedeno and Chief Simon for addressing the situation on Fairmount Avenue.

Mr. Wilkens stated that the properties located at 1325 and 1329 North Avenue are eyesores because the owners do not keep their properties clean. He continued that the store near Ronald Regan Academy is trying to keep their property clean, but the customers continue to litter.

Ms. Tina Smith, 70 Westfield Avenue, stated that she is speaking on behalf of the tenants of 70 Westfield Avenue. She continued that caregivers receive tickets during the day and they would like to have FIOS in their area. She continued that the Superintendent should be trained in boiler repairs. She stated further that the tenants would like to see Mr. Jones from time to time.

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

PUBLIC HEARINGS

Council President Keenan announced that the next business in order would be a public hearing on **Ordinance No. 4188**, entitled:

AN ORDINANCE TO AMEND CHAPTER 5.24, ENTITLED "BARBER SHOPS AND BEAUTY SHOPS/SALONS" OF THE CODE OF THE CITY OF ELIZABETH, BY AMENDING, SECTION 2. "HOURS OF OPERATION" TO PERMIT A 6:00 A.M. OPENING ON SATURDAYS AND SUNDAYS.

This ordinance was adopted on its first reading at the meeting of City Council held on **February 8, 2011**.

The Notice of Public Hearing was published in the Star Ledger issue of **February 14, 2011**.

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

Council President Keenan announced that the next business in order would be a public hearing on **Ordinance No. 4189**, entitled:

AN ORDINANCE TO AMEND CHAPTER 8.36 MANDATORY RECYCLING PROGRAM OF THE CODE OF THE CITY OF ELIZABETH

This ordinance was adopted on its first reading at the meeting of City Council held on **February 8, 2011**.

The Notice of Public Hearing was published in the Star Ledger issue of **February 14, 2011**.

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

Council President Keenan announced that the next business in order would be a public hearing on **Ordinance No. 4190**, entitled:

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

This ordinance was adopted on its first reading at the meeting of City Council held on **February 8, 2011**.

The Notice of Public Hearing was published in the Star Ledger issue of **February 14, 2011**.

Council President Keenan 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 Keenan declared the public hearing closed.

Council President Keenan announced that the next business in order would be a public hearing on **Ordinance No. 4191**, entitled:

AN ORDINANCE GRANTING AN ENCROACHMENT PERMIT TO ENVIROTRAC, LTD, 3 TERRI LANE, BURLINGTON, NEW JERSEY 08016, ON BEHALF OF D & K FUELING STATION, TO CONDUCT A NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION SITE REMEDIAL INVESTIGATION WHICH WILL REQUIRE THE INSTALLATION OF GROUND WATER MONITORING WELL IN THE SIDEWALK AREA AND WITHIN THE PUBLIC RIGHT-OF-WAY AT 845-849 SUMMER STREET, ELIZABETH, NEW JERSEY.

This ordinance was adopted on its first reading at the meeting of City Council held on **February 8, 2011**.

The Notice of Public Hearing was published in the Star Ledger issue of **February 14, 2011**.

Council President Keenan 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 Keenan declared the public hearing closed.

Council President Keenan announced that the next business in order would be a public hearing on **Ordinance No. 4192**, entitled:

AN ORDINANCE GRANTING AN ENCROACHMENT PERMIT TO PHOENIX ENVIRONMENTAL MANAGEMENT, INC., 3525 QUAKERBRIDGE ROAD, HAMILTON, NEW JERSEY 08619 AS PART OF NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION FOR THE INSTALLATION OF ONE (1) MONITORING WELL IN THE PUBLIC RIGHT-OF-WAY AT THE INTERSECTION OF SOUTH FIFTH STREET AND FOURTH AVENUE.

This ordinance was adopted on its first reading at the meeting of City Council held on **February 8, 2011**.

The Notice of Public Hearing was published in the Star Ledger issue of **February 14, 2011**.

Council President Keenan 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 Keenan declared the public hearing closed.

PETITIONS, COMMUNICATIONS, ETC.

By the Clerk:

Letter dated February 3, 2011, from the Business Administrator recommending the award of a contract to Gen-el Safety & Industrial Products, 961 Route 10 East, Suite 2M, Randolph, N.J., for Monitors and Accessories for the period January 31, 2011 through November 30, 2011, at a cost not to exceed $40,000.00.
Which was received.

[redacted]

[redacted]

By the Clerk:
Letter dated February 7, 2011, from the Business Administrator recommending the award of a contract to W. W. Grainger, Inc., Grainger Industrial Supply Division, 55 Jackson Drive, Cranford, N.J., for Industrial Maintenance Repair Operation Supplies and Equipment for various departments for the period February 1, 2011 through February 28, 2011, at a cost not to exceed $10,000.00.
Which was received.

By the Clerk:
Letter dated February 10, 2011, from the Business Administrator requesting authorization for the proper City officials to renew the policy of Insurance with Admiral Insurance Company, 1255 Caldwell Road, Cherry Hill, N.J., through agent-of-record Hughes-Plumber & Associates, Somerville, N.J., covering Public Officials & Employees Liability for the period January 31, 2011 through January 31, 2012, at an annual premium of $69,842.98.
Which was received.

By the Clerk:
Letter dated February 14, 2011, from the Business Administrator requesting authorization to designate Mrs. Jill McDonough as the Qualified Purchasing Agent for the City of Elizabeth.
Which was received.

By the Clerk:
Letter dated February 15, 2011, from the Business Administrator requesting that City Council reject all bids received on February 8, 2011, for a 2011 Chevrolet Suburban or equal Command Response Vehicle with Conversion and authorizes the Purchasing Agent to re-advertise with revised specifications.
Which was received.

By the Clerk:
Letter dated February 8, 2011, from the City Attorney requesting of your Honorable Body to consider the adoption of an ordinance to establish and govern the appointment of Constables.
Which was referred to Council As A Whole.

By the Clerk:
Letter dated February 15, 2011, from the Chief Financial Officer advising that additional grants may be appropriated in the 2011 SFY Budget by budget amendments
Which was received.

By the Clerk:
Letter dated February 15, 2011, from the Chief Financial Officer recommending that City Council consider approving the cancellation of certain Water Utility accounts payable balances deemed not payable.
Which was received.

By the Clerk:
Letter dated February 15, 2011, from the Chief Financial Officer requesting that City Council consider authorizing an application for a loan from the New Jersey Environmental Infrastructure Trust to provide financing in order to increase the wet weather capacity of the Western Interceptor to accommodate new development projects along Elizabethtown Plaza by replacing the existing combined sewer with larger diameter conduit from Clarkson Avenue to Elizabethtown Plaza with an interest rate less than one-half of regular financing.
Which was received.

[redacted]

[redacted]

By the Clerk:
Letter dated February 15, 2011, from the Chief Financial Officer requesting that City Council consider authorizing an application for a loan from the New Jersey Environmental Infrastructure Trust to provide financing for the construction of storm water storage conduits to relieve flooding in the residential area of Third Avenue with the interest rate less than one-half of regular financing.
Which was received.

By the Clerk:
Letter dated February 15, 2011, from the Chief Financial Officer requesting that City Council consider a Bond Ordinance authorizing the resurfacing of various roads in the amount of $5,000.000.00 with a down payment of $250,000.00.
Which was received.

By the Clerk:
Letter dated February 15, 2011, from the Chief Financial Officer requesting that City Council consider a Bond Ordinance authorizing the installation of traffic lights, road resurfacing and reconstruction at the intersections of West Jersey Street at Broad Street, and a traffic light upgrade at the intersection of Broad Street and Elizabeth Avenue in the amount of $600,000.00 with a down payment of $30,000.00.
Which was received.

By the Clerk:
Letter dated February 15, 2011, from the Chief Financial Officer requesting that City Council consider a Bond Ordinance authorizing environmental engineering consisting of Engineering, Environmental Compliance and Remediation including demolition and or soil removal at 823 East Jersey Street, 733 New Point Road and or various other properties owned by the City and related work in the amount of $400,000.00 with a down payment of $20,000.00.
Which was referred to Council As A Whole.

By the Clerk:
Letter dated February 15, 2011, from the Chief Financial Officer requesting that City Council consider a Sewer Utility Bond Ordinance to finance the installation of sewer system improvements that will increase the conveyance capacity of the Western Interceptor Project through the Midtown Area with the design of replacement and relief sewers in addition to the improvement of hydraulic restrictions at the Bridge Street Siphon in an amount not to exceed $12,000,000.00
Which was received.

By the Clerk:
Letter dated February 15, 2011, from the Chief Financial Officer requesting that City Council consider a Sewer Utility Bond Ordinance to finance the Third Avenue Combined Sewer Modifications that will relieve flooding of the Third Avenue and South Second Street area in an amount not to exceed $2,600,000.00.
Which was received.

By the Clerk:
Letter dated February 15, 2011, from the Chief Financial Officer requesting that City Council consider a Bond Ordinance authorizing environmental engineering consisting of Engineering, Environmental Compliance and Remediation including demolition and/or soil removal, and related work at the former New Jersey Transit Bus Garage property located at 801-871 Livingston Street in an amount not to exceed $3,000,000.00 with a down payment of $150,000.00.
Which was received.

[redacted]

[redacted]

By the Clerk:
Letter dated February 15, 2011, from the Chief Financial Officer requesting that City Council consider a Sewer Utility Bond Ordinance to finance the South Street Combined Sewer Modifications to address the portion of South Street beneath the Pennsylvania Railroad in an amount not to exceed $1,500,000.00.
Which was received.

By the Clerk:
Letter dated February 7, 2011, from the Director of Public Works recommending the award of a contract to Maser Consulting, P.A., One River Centre, Building Two, 331 Newman Spring Road, Red Bank, N.J., to provide professional engineering services for the design and construction management for the Mickey Walker Spray Park Facility at a cost not to exceed $160,000.00.
Which was received.

By the Clerk:
Letter dated February 8, 2011, from the Director of Public Works recommending the award of a contract to Allen Trousdale Architect, P.C., 159 Congress Street, Brooklyn, N.Y., to continue providing the City with professional architectural services in connection with the general renovations and security upgrades at Police Headquarters until the project is completed at a cost not to exceed the balance in the original contract with Grad Associates, who is no longer in business, in the amount of $48,662.00.
Which was received.

By the Clerk:
Letter dated February 8, 2011, from the Director of Public Works requesting approval of Change Order No. 2 to the contract awarded to Underground Utilities Corp., for the Summer Street Combined Sewer Overflow Flood Relief, New Storm Sewer Project at an original cost of $597,288.30, to provide further for additional labor, material and equipment charges at an additional cost of $64,975.43, which combined with a previous Change Order, raises the contract to $704,554.04.
Which was received.

By the Clerk:
Letter dated February 14, 2011, from the Director of Public Works recommending the award of a contract to the Birdsall Service Group, Inc., 65 Jackson Drive, Cranford, N.J., to provide environmental consulting engineering services for the remedial investigation and remediation program at various City owned facilities at a cost not to exceed $1,536,800.00.
Which was received.

By the Clerk:
Letter dated February 7, 2011, from the Fire Director requesting authorization for the proper City officials to accept and sign all appropriate documents for the expenditure of FY07 Homeland Security and Preparedness Funds to enhance CBRNE Detection, Response and Decontamination Capabilities in an amount not to exceed $30,000.00.
Which was received.

By the Clerk:
Letter dated January 24, 2011, from the Executive Director, Historic Midtown Elizabeth Special Improvement District, requesting permission to conduct sidewalk sales to be held Thursday-Saturday on May 19-21, June 23-25, August 18-20, and October 6-8, 2011.
Which was received.

REPORTS OF CITY OFFICERS

By the Clerk:

Letter February 22, 2011, from the Finance Department submitting a list of all bills, claims and vouchers which have been paid as of the close of business on Friday, February 18, 2011.
Which was received.

By the Clerk:

Letters dated February 7, 2011, from the Chief Financial Officer submitting the City Treasurer's report of Receipts and Disbursements for the month of September, 2010, and Statement of Bank Balances and Investments as of September 30, 2010.
Which was received.

By the Clerk:

Letters dated February 7, 2011, from the Chief Financial Officer submitting the City Treasurer's report of Receipts and Disbursements for the month of October, 2010, and Statement of Bank Balances and Investments as of October 31, 2010.
Which was received.

ORDINANCES ON FIRST READING

Council President Keenan announced that the next business in order would be the introduction of **Ordinance No. 4194**, which was seconded by Councilman Gonzalez, entitled:

AN ORDINANCE TO AMEND CHAPTER 5.88 OF THE *CODE OF THE CITY OF ELIZABETH,* ENTITLED "SECONDHAND DEALERS."

The Clerk read the foregoing ordinance.

Councilman Mazza suggested reducing the fee from $750,00 to $150.00.

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

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

NEGATIVE: None

Council President Keenan announced that public notice will be published fixing Tuesday, March 8, 2011, at 7:30 p.m., City Council Chambers, City Hall, Elizabeth, N.J., as the time and place that City Council will conduct public hearings and further consider the foregoing Ordinance No. 4194, adopted on first reading.

Council President Keenan announced that the next business in order would be the introduction of **Ordinance No. 4195** , which was seconded by Councilman Gonzalez, 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

The Clerk read the foregoing ordinance.

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

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

NEGATIVE: None

Council President Keenan announced that the next business in order would be the introduction of **Ordinance No. 4196** , which was seconded by Councilman Gonzalez, entitled:

AN ORDINANCE OF THE CITY OF ELIZABETH, IN THE COUNTY OF UNION, NEW JERSEY, PROVIDING FOR THE INSTALLATION OF TRAFFIC LIGHTS AND RECONSTRUCTION OF INTERSECTIONS IN AND FOR THE CITY OF ELIZABETH AND APPROPRIATING $600,000 THEREFOR, AND PROVIDING FOR THE ISSUANCE OF $570,000 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, [redacted] Jackus, [redacted] Gonzalez, Cedeno, Gallman, Mazza, and President Keenan - 7

NEGATIVE: None

Council President Keenan announced that the next business in order would be the introduction of **Ordinance No. 4197** , which was seconded by Councilman Gonzalez, entitled:

> AN ORDINANCE OF THE CITY OF ELIZABETH, IN THE COUNTY OF UNION, NEW JERSEY, PROVIDING FOR ENVIRONMENTAL ENGINEERING AND REGULATORY COMPLIANCE SERVICES FOR THE CITY OF ELIZABETH AND APPROPRIATING $3,000,000 THEREFOR, AND PROVIDING FOR THE ISSUANCE OF $2,850,000 IN BONDS OR NOTES OF THE CITY OF ELIZABETH TO FINANCE THE SAME

The Clerk read the foregoing ordinance.

Councilman Mazza stated that he read that there will be a Shop Rite built on this property. He continued that if the City has to pay $3,000,000 to clean up this property so it can be sold for $3,000,000, the City will not make any money.

Councilman Mazza requested additional information.

Councilman Cedeno stated that this site is a source of tension between the City and the Board of Education. He continued that the residents deserve something at this site and he will support his colleague on the development of the property and would love to see a supermarket. He stated further that he does not see this as a deal and questioned "what is the deal?"

In closing, he stated that he will vote against the bond for the cleanup.

Councilman Gallman stated that when this was brought before Council, there were no questions and he cannot understand why there is a debate now and not at the preconference.

Councilwoman Perkins-Auguste stated that it is okay to discuss things at this time. She continued that Council will be doing a disservice to each other and, if any member of Council wants to discuss an item or change their mind, they have the right to do so.

Councilman Gonzalez stated that not having known these issues, he agrees with Councilman Mazza and would like to have more information.

Councilman Mazza stated that he agreed with his colleague to build a stadium for the children, but there is no money for recreation. He continued that $3,000,000 is a lot of money and he needs more information.

In closing, he stated that he tried to support his colleague, but this does not seem reasonable.

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

AFFIRMATIVE: Perkins-Auguste, [redacted] Jackus, [redacted] Gonzalez, [redacted] Gallman, [redacted] and President Keenan - 5

NEGATIVE: [redacted] CEDENO, MAZZA - 2

Council President Keenan announced that the next business in order would be the introduction of **Ordinance No. 4198**, which was seconded by Councilman Gonzalez, entitled:

AN ORDINANCE OF THE CITY OF ELIZABETH, IN THE COUNTY OF UNION, NEW JERSEY PROVIDING FOR THE WESTERN INTERCEPTOR SEWER SYSTEM IMPROVEMENTS PROJECT, AND APPROPRIATING $12,000,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF $12,000,000 BONDS OR NOTES OF THE CITY OF ELIZABETH TO FINANCE THE COST THEREOF

The Clerk read the foregoing ordinance.

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

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

NEGATIVE: None

Council President Keenan announced that the next business in order would be the introduction of **Ordinance No. 4199**, which was seconded by Councilman Gonzalez, entitled:

AN ORDINANCE OF THE CITY OF ELIZABETH, IN THE COUNTY OF UNION, NEW JERSEY PROVIDING FOR THE THIRD AVENUE COMBINED SEWER MODIFICATIONS PROJECT, AND APPROPRIATING $2,600,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF $2,600,000 BONDS OR NOTES OF THE CITY OF ELIZABETH TO FINANCE THE COST THEREOF

The Clerk read the foregoing ordinance.

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

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

NEGATIVE: None

Council President Keenan announced that the next business in order would be the introduction of **Ordinance No. 4200** , which was seconded by Councilman Gonzalez, entitled:

> AN ORDINANCE OF THE CITY OF ELIZABETH, IN THE COUNTY OF UNION, NEW JERSEY PROVIDING FOR THE SOUTH STREET COMBINED SEWER MODIFICATIONS PROJECT, AND APPROPRIATING $1,500,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF $1,500,000 BONDS OR NOTES OF THE CITY OF ELIZABETH TO FINANCE THE COST THEREOF

The Clerk read the foregoing ordinance.

Councilman Gonzalez stated that he would like to move forward with this project.

Councilman Mazza stated that this is money well spent because the flooding is a nightmare.

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

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

NEGATIVE: None

Council President Keenan announced that public notice will be published fixing Tuesday, March 22, 2011 , at 7:30 p.m., City Council Chambers, City Hall, Elizabeth, N.J., as the time and place that City Council will conduct public hearings and further consider the foregoing Ordinance Nos. 4195, 4196, 4197, 4198, 4199 and 4200, adopted on first reading.

ORDINANCES ON FINAL PASSAGE

Council President Keenan announced that the next business in order would be the adoption of **Ordinance No. 4188**, which was seconded by Councilman Gonzalez,

AN ORDINANCE TO AMEND CHAPTER 5.24, ENTITLED "BARBER SHOPS AND BEAUTY SHOPS/SALONS" OF THE CODE OF THE CITY OF ELIZABETH, BY AMENDING, SECTION 2. "HOURS OF OPERATION" TO PERMIT A 6:00 A.M. OPENING ON SATURDAYS AND SUNDAYS.

WHEREAS, the State of New Jersey regulates barbershops and beauty shops/salons under N. J. S.A.. 45:5B-1, et seq.; and

WHEREAS, City of Elizabeth has the authority to regulate barbershops and beauty shops/salons under N.J.S.A. 40:52-1 et seq.; and

WHEREAS, for the convenience of customers and the public who would be better served by allowing barbershops and/or beauty shops/salons to be open to the public on Saturdays and Sundays at 6:00 a.m., so that barbershops and/or beauty shops/salons may offer special services to the public for weddings, birthdays and special occasions.

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

SECTION 1. - That **Section 2. "Hours of Operation"** be amended to read as follows: It is unlawful for any person to open or keep open prior to 8:00 a.m. and after 10:30 p.m. any barbershop and/or beauty shop/salon where barbering and/or beauty culturing take(s) place with the exception of Saturdays and Sundays where the opening time may be 6:00 a.m. so that special services may be provided to the public for special events such as weddings, birthdays and special occasions.

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 . **February 8, 2011.**

Annexed to the ordinance was an affidavit from the publisher of the Star Ledger certifying the publication of the ordinance and notice of public hearing thereon in its issue of **February 14, 2011.**

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

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

NEGATIVE: None

Council President Keenan announced that the next business in order would be the adoption of **Ordinance No. 4189**, which was seconded by Councilman Gonzalez,

AN ORDINANCE TO AMEND CHAPTER 8.36 MANDATORY RECYCLING PROGRAM OF THE CODE OF THE CITY OF ELIZABETH

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

SECTION 1 -That 8.36.020 is hereby amended to read as follows

8.36.020 Program established.

A. Residential Separations and Collection Program Established. There is established a program for the mandatory separation and collection of the following clean and uncontaminated recyclable materials from residential solid waste by the owners or occupants of premises within the city:

1. Aluminum cans;
2. Ferrous cans;
3. Pourable glass containers;
4. Plastic; all pourable #1 and #2 beverage and laundry detergent containers;
5. Newspapers;
6. Corrugated cardboard;
7. Mixed paper;
8. Grass;
9. Leaves;
10. Vegetative waste;
11. Roofing materials;
12. Used motor oil
13. Antifreeze;
14. Vehicle batteries;
15. Consumer batteries;
16. White goods;
17. Other heavy irons;
18. Construction and demolition materials;
19. Tires;

20. Cinder block, stone, concrete and brick;

21. Motor oil filter;

22. Wood; and

23. Electronics. (Electronic devices such as TV's, monitors, computers, VCR's & desktop fax machines.)

B. Nonresidential Separations and Collection Program Established. There is established a program for mandatory separation of the following clean and uncontaminated recyclable materials from nonresidential solid waste by the owners or occupants of nonresidential premises, including but not limited to offices, commercial businesses, industries or institutions as well as fairs, parks, concerts, streets and other outdoor events within the city and the separate disposal of same.

1. Corrugated paper products;

2. Newspapers;

3. Mixed paper;

4. Glass containers, aluminum and ferrous cans;

5. Plastic; all pourable #1 and #2 beverage and laundry detergent containers;

6. Vehicle batteries;

7. Consumer batteries

8. Used motor oil;

9. Antifreeze

10. Uncontaminated food waste in all in institutional, commercial and industrial facilities serving five hundred (500) or more meals per day and major food processors;

11. Roofing material;

12. Asphalt and concrete

13. Construction and/or demolition debris;

14. White goods;

15. Other heavy iron;

16. Wood;

17. Tires;

18. Electronics. (Electronic devices such as TV's, monitors, computers, VCR's & desktop fax machines);

19. Fluorescent bulbs;

20. Grass;

21. Leaves;

22. Brush; and

23. Motor oil filters.

SECTION 2 - That 8.34.055 is hereby added and shall read as follows:

8.36.055 Prohibition of the Collection of Solid Waste Mixed with Recyclable Materials.

It shall be unlawful for solid waste collectors to collect solid waste that is mixed with, or contains visible signs of designated recyclable materials. It is also unlawful for solid waste collectors to remove for disposal those bags or containers of solid waste which visibly display a warning notice sticker or some other devise indicating that the load of solid waste contains designated recyclable materials.

SECTION 3 - That Section 8.36.080 is hereby amended to read as follows:

8.36.080 Multi-family dwelling over three units.

Owners of multifamily dwellings with four units or more shall provide and maintain a clearly marked area for occupants to recycle glass, metal, plastic cans, bottles, newspapers and cardboard.

SECTION 4 - That 8.36.085 is hereby added and shall read as follows:

8.36.085 New developments of multi-family residential units or commercial, institutional, or industrial and properties (Pursuant to N.J.S.A. 13:1E-99.13a and 99.16c).

Any application to the planning board of the municipality of Elizabeth, for subdivision or site plan approval for the construction of 25 or more units of multi-family residential housing, single-family developments of 50 or more units, or any commercial, institutional or industrial development proposal for the utilization of 1,000 square feet or more of land, must include a recycling plan to be reviewed and approved by the Department of Public Works.

SECTION 5 - That Section 8.36.086 is hereby added and shall read as follows:

8.36.086 Compliance requirements for fairs, parks, concerts, street and other outdoor events.

A. The organizer/owner/contractor of the location must provide a recycling system that is operated in compliance with the requirements of this municipal ordinance.

B. The recycling system must provide for any mandated recyclables generated at the event. It must be clear to any inspector that the system is being serviced: i.e., containers must be clearly marked and they are neatly maintained; there must not be garbage in the recyclables or recyclables in the garbage; container capacity must be adequate to hold materials between pick-ups. There must be sufficient recycling containers for any mandated recyclables generated at the event.

C. The organizer/owner/contractor of the location is responsible for arranging for recyclables to be removed from the premises and for ensuring that they are taken to an approved recyclables market. The owner/operator/contractor may make arrangements to deliver the recyclables to the municipal collection system (drop-off center or curbside collection) if permitted by the municipality. Otherwise, the owner/operator/contractor is responsible for arranging to have recyclables collected and transported and for resolving any problems with the transporter of recyclables.

D. The recycling system must be made accessible and available to all patrons, customers and employees. Notice/sign must be provided to ensure all are aware of their responsibilities.

E. The owner/operator/contractor of the location is responsible for obtaining pertinent documentation in order to report the tonnages of materials recycled at least once per year or else he/she must arrange to have the collector provide that documentation directly to the municipality.

F. Dual Stream Recycling: The recycling system must utilize separate containers for each recyclable material.

SECTION 6 - That Section 8.36.100 be hereby amended as follows

8.36.100 Recycling documentation.

D. Name and address of the transporter(s) used. Such documentation shall be reported to the city on an annual basis at dates to be established and promulgated by the director of public works.

SECTION 7 – All Ordinances or parts of Ordinances inconsistent with the provisions of this Ordinance be and the same are hereby repealed.

SECTION 8 – If any portion or clause of this Ordinance is declared invalid for any reason whatsoever, same shall not affect the validity or constitutionality of any other part or portion of this Ordinance.

SECTION 9 – The effective date of this Ordinance shall be twenty (20) days after its final passage by City Council and approval by the Mayor at the time and in the manner provided by law.

The Clerk read the foregoing ordinance by title.

This ordinance was adopted on its first reading at the City Council meeting held . **February 8, 2011.**

Annexed to the ordinance was an affidavit from the publisher of the Star Ledger certifying the publication of the ordinance and notice of public hearing thereon in its issue of **February 14, 2011.**

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

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

NEGATIVE: None

Council President Keenan announced that the next business in order would be the adoption of **Ordinance No. 4190**, which was seconded by Councilman Gonzalez,

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

WHEREAS, the City of Elizabeth, in the County of Union, New Jersey, has accrued accumulated absence liabilities due to retirements in the fiscal year 2011 budget year, and

WHEREAS, *N.J.S.A.* 40A:4-53(h) permits a municipal corporation of the State of New Jersey to adopt an Ordinance authorizing a special emergency appropriation in order to fund the cost of severance liabilities resulting from the retirement of employees.

NOW, THEREFORE, 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:

1. The City of Elizabeth is hereby authorized to incur a special emergency appropriation pursuant to *N.J.S.A.* 40A:4-53 in order to fund the cost of accumulated absence liabilities resulting from retirements in fiscal year 2011.

2. Upon final adoption of this Ordinance, the City Council shall pursuant to *N.J.S.A.* 40A:4-55 adopt a Resolution setting forth the amount appropriated for this accumulated absence liability and further setting forth how the City will finance such appropriation.

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 . **February 8, 2011.**

Annexed to the ordinance was an affidavit from the publisher of the Star Ledger certifying the publication of the ordinance and notice of public hearing thereon in its issue of **February 14, 2011.**

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

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

NEGATIVE: None

Council President Keenan announced that the next business in order would be the adoption of **Ordinance No. 4191**, which was seconded by Councilman Gonzalez,

AN ORDINANCE GRANTING AN ENCROACHMENT PERMIT TO ENVIROTRAC, LTD, 3 TERRI LANE, BURLINGTON, NEW JERSEY 08016, ON BEHALF OF D & K FUELING STATION, TO CONDUCT A NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION SITE REMEDIAL INVESTIGATION WHICH WILL REQUIRE THE INSTALLATION OF GROUND WATER MONITORING WELL IN THE SIDEWALK AREA AND WITHIN THE PUBLIC RIGHT-OF-WAY AT 845-849 SUMMER STREET, ELIZABETH, NEW JERSEY.

WHEREAS, the Division of Engineering has reviewed an application submitted to the City of Elizabeth by Philip W. Kunkle, Senior Scientist with EnvironTrac, Ltd., 3 Terri Lane, Burlington, New Jersey 08016 on behalf of D & K Fueling Station, a retail gasoline service station, to conduct a New Jersey Department of Environmental Protection site remedial investigation at 845-849 Summer Street, Elizabeth New Jersey; and

WHEREAS, all documentation submitted appear to be in order to grant permission to EnviroTrac, Ltd., 3 Terri Lane, Suite #8, Burlington, New Jersey 08016 to install a ground water monitoring well in the sidewalk area and within the public right- of- way at 845-849 Summer Street, Elizabeth, New Jersey; now, therefore,

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

SECTION 1. - That an encroachment permit be granted to EnviroTrac Ltd., 3 Terri Lane, Burlington, New Jersey to conduct a New Jersey Department of Environmental Protection Site Remedial Investigation which will require the installation of a ground water monitoring well in the sidewalk area and within the public right-of- way at 845-849 Summer Street, Elizabeth, New Jersey.

SECTION 2. - All documentation submitted appears to be in order, which are on file in the City Engineer's Office.

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

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

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

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

The Clerk read the foregoing ordinance by title.

This ordinance was adopted on its first reading at the City Council meeting held . **February 8, 2011.**

Annexed to the ordinance was an affidavit from the publisher of the Star Ledger certifying the publication of the ordinance and notice of public hearing thereon in its issue of **February 14, 2011.**

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

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

NEGATIVE: None

Council President Keenan announced that the next business in order would be the adoption of **Ordinance No. 4192**, which was seconded by Councilman Gonzalez,

AN ORDINANCE GRANTING AN ENCROACHMENT PERMIT TO PHOENIX ENVIRONMENTAL MANAGEMENT, INC., 3525 QUAKERBRIDGE ROAD, HAMILTON, NEW JERSEY 08619 AS PART OF NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION FOR THE INSTALLATION OF ONE (1) MONITORING WELL IN THE PUBLIC RIGHT-OF-WAY AT THE INTERSECTION OF SOUTH FIFTH STREET AND FOURTH AVENUE.

WHEREAS, the Division of Engineering has reviewed an application submitted to the City of Elizabeth by Phoenix Environmental Management, Inc., on behalf of John and Grace Monaco, the former property owners at 335 South Fifth Street, to install a monitoring well in the sidewalk area of 335 South Fifth Street; and

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

SECTION 1. - That an encroachment permit be granted to Phoenix Environmental Management, Inc., 3525 Quakerbridge Road, Hamilton, New Jersey 08619 as part of New Jersey Department of Environmental Protection case #88092097-1647-42 for the installation of one (1) monitoring well in the public right-of-way at the intersection of South Fifth Street and Fourth Avenue.

SECTION 2. - All documentation submitted appears to be in order, which are on file in the City Engineer's Office.

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

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

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

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

The Clerk read the foregoing ordinance by title.

This ordinance was adopted on its first reading at the City Council meeting held . **February 8, 2011.**

Annexed to the ordinance was an affidavit from the publisher of the Star Ledger certifying the publication of the ordinance and notice of public hearing thereon in its issue of **February 14, 2011.**

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

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

NEGATIVE: None

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NEW BUSINESS

City of Elizabeth

CAPITAL BUDGET

2011 SFY

Amendment

Whereas, it is desired to amend the Fiscal Year 2010 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 2011 Capital Budget .

~~Recorded vote~~

~~AYES~~

~~NAYS~~

~~ABSENT~~

6 YEAR CAPITAL PROGRAM FY2011 TO FY2016
PLANNED FUNDING SOURCES FOR CURRENT YEAR - FY2011

Local Unit CITY OF ELIZABETH

1	2	3	4	PLANNED FUNDING SOURCES FOR CURRENT YEAR - FY2011					6
PROJECT TITLE	PROJECT NUMBER	ESTIMATED TOTAL COST	AMOUNTS RESERVED IN PRIOR YEARS	5a FY2011 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
Road Resurfacing		5,000,000.00			250,000.00			4,750,000.00	
Environmental Engineering, Compliance, and Remediation		3,000,000.00			150,000.00			2,850,000.00	
Traffic LIghts and Road Resurfacing		600,000.00			30,000.00			570,000.00	
Sewer Utility-Western Interceptor Midtown		12,000,000.00						12,000,000.00	
Sewer Utility-Third Ave Capital Improvements		2,600,000.00						2,600,000.00	
Sewer Utility-South Ave.Capital Improvements		1,500,000.00						1,500,000.00	
Totals - All Projects		24,700,000.00			430,000.00			24,270,000.00	

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6 YEAR CAPITAL PROGRAM FY2011 TO FY2016
ANTICIPATED PROJECT SCHEDULE AND FUNDING REQUIREMENT

Local Unit CITY OF ELIZABETH

1 PROJECT TITLE	2 PROJECT NUMBER	3 ESTIMATED TOTAL COST	ESTIMATED COMPLETION TIME	FUNDING AMOUNTS PER BUDGET YEAR 5a FY2011	5b FY2012	5c FY2013	5d FY2014	5e FY2015	5f FY2016
Road Resurfacing		5,000,000.00		5,000,000.00					
Environmental Engineering, Compliance, and Remediation		3,000,000.00		3,000,000.00					
Traffic Lights and Road Resurfacing		600,000.00		600,000.00					
Sewer Utility-Western Interceptor Midtown		12,000,000.00		12,000,000.00					
Sewer Utility-Third Ave Capital Improvements		2,600,000.00		2,600,000.00					
Sewer Utility-South Ave.Capital Improvements		1,500,000.00		1,500,000.00					
Totals - All Projects		24,700,000.00		24,700,000.00					

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6 YEAR CAPITAL PROGRAM FY2011 TO FY2016
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 FY2010	3b Future Years	CAPITAL IMPROVEMENT FUND	CAPITAL SURPLUS	GRANTS-IN-AID AND OTHER FUNDS	7a General	7b Self Liquidating	7c Assessment	7d School
Road Resurfacing	5,000,000.00	5,000,000.00		250,000.00			4,750,000.00			
Environmental Engineering, Compliance, and Remediation	3,000,000.00	3,000,000.00		150,000.00			2,850,000.00			
Traffic Lights and Road Resurfacing	600,000.00	600,000.00		30,000.00			570,000.00			
Sewer Utility-Western Interceptor Midtown	12,000,000.00	12,000,000.00						12,000,000.00		
Sewer Utility-Third Ave Capital Improvements	2,600,000.00	2,600,000.00						2,600,000.00		
Sewer Utility-South Ave.Capital Improvements	1,500,000.00	1,500,000.00						1,500,000.00		
Totals - All Projects	24,700,000.00	24,700,000.00		430,000.00			8,170,000.00	16,100,000.00		

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 2011 Fiscal Year Capital Budget

Which was adopted by the following vote:

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

NEGATIVE: None

By City Council as a Whole:

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

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

WHEREAS, the City of Elizabeth will receive an amount of $150,000 for the Safe Streets to Transit awarded by the State of New Jersey Department of Transportation and wishes to amend its FY2011 budget to include these amounts as revenue:

NOW, THEREFORE, BE IT RESOLVED that the council of the City of Elizabeth hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the fiscal year 2011 in the total sum of $150,000 which is now available as a revenue from:

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

State of New Jersey Department of Transportation	
Safe Streets to Transit	$150,000

BE IT FURTHER RESOLVED, that a like sum of $150,000 be and the same is hereby appropriated under the caption of :

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

State of New Jersey Department of Transportation	
Safe Streets to Transit	
Other Expenses	$150,000

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

Which was adopted by the following vote:

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

NEGATIVE: None

By City Council as a Whole:

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

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

WHEREAS, the City of Elizabeth will receive an amount of $4,550.00 for the Highway Safety Grant 2011 awarded by the State of New Jersey Department of Law & Public Safety and wishes to amend its FY2011 budget to include these amounts as revenue:

NOW, THEREFORE, BE IT RESOLVED that the council of the City of Elizabeth hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the fiscal year 2011 in the total sum of $4,550.00 which is now available as a revenue from:

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

State of New Jersey Department of Law & Public Safety Highway Safety Grant 2011	$4,550.00

BE IT FURTHER RESOLVED, that a like sum of $4,550.00 be and the same is hereby appropriated under the caption of :

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

State of New Jersey Department of Law & Public Safety Highway Safety Grant 2011 Other Expenses	$4,550.00

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

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Which was adopted by the following vote:

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

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the Water Utility Operating Fund account Accounts Payable has a balance of $36,028 at February 1, 2011, deemed not an obligation of the City; and

WHEREAS, Generally Accepted Accounting Principles requires that any accounts payable balance deemed not an obligation of the City be canceled; and

NOW, THEREFORE, BE IT RESOLVED, that the the Water Utility Operating Fund account Accounts Payable balance of $36,028 deemed not an obligation of the City be canceled in accordance with Generally Accepted Accounting Principles.

Which was adopted by the following vote:

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

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the Business Administrator advised that recent amendments to the Local Public Contracts Law have allowed for a municipality to designate a person as a Qualified Purchasing Agent (QPA) provided that the individual received a QPA certificate and meets certain professional and educational qualifications as set forth in **N. J. S.A.** 40A:11-9 (b); and

WHEREAS, a QPA, under the recent amendments to the state law, is authorized to award contracts up to $36,000.00 or the amount determined by the Governor, in consultation with the Department of Treasury, whichever is greater, pursuant to the provisions of **N.J.S.A.** 40A:11-3(b) if the governing body chooses to do so; and

WHEREAS, Jill McDonough, the City of Elizabeth's current Purchasing Agent, has received a QPA certificate from the State of New Jersey, Department of Community Affairs; and

WHEREAS, the Business Administrator has recommended that Jill McDonough be designated as the Qualified Purchasing Agent (QPA) for the City of Elizabeth; now, therefore, be it

RESOLVED that the City Council of the City of Elizabeth designates Jill McDonough as the Qualified Purchasing Agent (QPA)for the City of Elizabeth

Council President Keenan and Councilman Mazza echoed sentiments of Mrs. McDonough being qualified and will support the appointment.

Which was adopted by the following vote:

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

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the Business Administrator and the Purchasing Agent have recommended the award of a contract to **GEN-EL SAFETY & INDUSTRIAL PRODUCTS, 961 Route 10 East, Suite 2M, Randolph, New Jersey 07869,** for the purchase of Monitors and Accessories for the Fire Department, for the period of January 31, 2011 through November 30, 2011 at a cost not to exceed $40,000.00 under State Contract #A68566; 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 the City incurs 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 #A68566, requiring approval by this Governing Body in accordance with the provisions of **N.J.A.C.** 5:34-1.2; now, therefore, be it

RESOLVED, that City Council of the City of Elizabeth hereby awards a contract to **GEN-EL SAFETY & INDUSTRIAL PRODUCTS, 961 Route 10 East, Suite 2M, Randolph, New Jersey 07869,** for the purchase of Monitors and Accessories for the Fire Department, for the period of January 31, 2011 through November 30, 2011 at a cost not to exceed $40,000.00 under State Contract #A68566.

Which was adopted by the following vote:

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

NEGATIVE: None

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BY CITY COUNCIL AS A WHOLE:

WHEREAS, the Business Administrator and the Purchasing Agent have recommended the award of a contract to **W. W. GRAINGER, INC., GRAINGER INDUSTRIAL SUPPLY DIVISION, 55 Jackson Drive, Cranford, New Jersey 07016-3582,** for Industrial Maintenance Repair Operation Supplies & Equipment for various departments for the period of February 1, 2011 through February 28, 2011 at a cost not to exceed $10,000.00 under State Contract #A72605; 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 the City incurs 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 #A72605, requiring approval by this Governing Body in accordance with the provisions of **N.J.A.C.** 5:34-1.2; now, therefore, be it

RESOLVED, that City Council of the City of Elizabeth hereby awards a contract to **W. W. GRAINGER, INC., GRAINGER INDUSTRIAL SUPPLY DIVISION, 55 Jackson Drive, Cranford, New Jersey 07016-3582,** for Industrial Maintenance Repair Operation Supplies & Equipment for various departments for the period of February 1, 2011 through February 28, 2011 at a cost not to exceed $10,000.00 under State Contract #A72605

Which was adopted by the following vote:

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

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the Director of the Department of Public Works has requested an award of a contract to **Maser Consulting, P.A, One River Centre, Building Two, 331 Newman Sprigs Road, Red Bank, New Jersey 07701,** to provide professional engineering services for the design and construction management for the Mickey Walker Spray Park Facility at a cost not to exceed $160,000.00; and

WHEREAS, the design of improvements will redevelop the Mickey Walker Pool into a barrier free spray park facility and include water components, a shade structure, landscaping, sidewalk and fencing improvements; and

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

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available an appropriated for this purpose in Certification No. 11-06312 charging the amount of $160,000.00 to Account No. X-04-55-999-X32-001 of the Municipal Budget, is on file in the Office in the City Clerk; and

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

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

2. The Mayor and the City Clerk are hereby authorized and directed to execute a contract with **Maser Consulting, P.A, One River Centre, Building Two, 331 Newman Sprigs Road, Red Bank, New Jersey 07701,** to provide professional engineering services for the design and construction management for the Mickey Walker Spray Park Facility at a cost not to exceed $160,000.00.

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

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

Councilwoman Perkins-Auguste stated that she cannot support this project. She continued that this Chamber was filled with residents who were not in favor of this project. She stated further that children need to learn to swim.

Councilwoman Perkins-Auguste stated that the dynamics in this City are changing and this City needs to change with the times. She continued that she cannot support this project based on the residents cry to keep the swimming pool.

Councilman Mazza stated that many people came in and would like to keep the pool. He continued that the Spray Park looks like a shower and he would love to see a pool where the children are learning to swim. He stated further that this is a lot of money for something that does not look so nice.

Councilman Gallman stated that the Director gave the analysis on the pool and it had been closed because it is beyond repair. He continued that the water park is up to date, but there were some residents that were for and against this project. He stated further that he wants to give the people what they want and no, you cannot teach children to swim with this project, but there are other pools in the City.

Councilman Gallman will be surprised at the number of people that will be using the park. He continued that he believes he is hearing in the right direction.

Councilman Cedeno stated that every ward councilman has his support except when it weighs on his conscience. He continued that he cannot support it because he never saw real numbers and now learning $160,000.00 for this project, he does not know what the figures will be at the end.

Which was adopted by the following vote:

AFFIRMATIVE: [redacted], [redacted], [redacted], [redacted], Gonzalez, [redacted], Gallman, Mazza, and President Keenan - X 4

NEGATIVE: [redacted] CEDENO, PERKINS-AUGUSTE - 2

EXCUSED: JACKUS - 1

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the Director of the Department of Public Works has advised that on October 14, 2008 your Honorable Body awarded a contract in the amount of $225,050.00 to **GRAD ASSOCIATES, P.A.** for the professional architectural services in connection with the general renovations and security upgrades at Police Headquarters. **GRAD ASSOCIATES** has closed and is no longer in business. The project is now being serviced by **ALLEN TROUSDALE ARCHITECT, P.C.** the former President of **GRAD ASSOCIATES, P.A.**; and

WHEREAS, on March 12, 2010 the Director of the Department of Public Works received qualification proposals for consulting professional architectural services. The request for qualifications was solicited through a fair and open process in accordance with **N.J.S.A.** 19:44A-20.5.et. seq., and **N.J.S.A.** 40A:11-5 (a) (ii); and

WHEREAS, the qualifications of all respondents were reviewed and the Director of the Department of Public Works has recommended the award of a contract to **ALLEN TROUSDALE ARCHITECT, P.C., 159 Congress Street, Brooklyn, New York 11201,** to continue to provide the City of Elizabeth professional architectural services in connection with the General Renovations and Security Upgrades at Police Headquarters at a cost not to exceed the balance in the original contract of $48,662.00; 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 Chief Financial Officer has certified that sufficient funds are available and appropriated for this purpose and Certification No. 11-06314 charging the amount of $48,662.00 to Account No. X-04-55-999-X17-001 of the Municipal Budget is on file in the office of the City Clerk; and

WHEREAS, Professional Service contracts are exempt from the provisions of Chapter 2.92 of the Code of the City of Elizabeth; now, therefore, be it

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

1. The Mayor and City Clerk are hereby authorized and directed to execute an agreement with to **ALLEN TROUSDALE ARCHITECT, P.C., 159 Congress Street, Brooklyn, New York 11201,** to continue to provide the City of Elizabeth professional architectural services in connection with the General Renovations and Security Upgrades at Police Headquarters at a cost not to exceed the balance in the original contract of $48,662.00

2. This contract is awarded without competitive bidding as a "Professional Service" in accordance with **N.J.S.A.** 40A:11-5(1)(a) of the Local Public Contracts Law because these services are being performed by **ALLEN TROUSADALE ARCHITECT, P.C.** Also, the performance of these services requires knowledge of an advanced type in a field of learning acquired by a prolonged formal course of specialized instruction and study as distinguished from general academic instruction or apprenticeship and training.

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

Which was adopted by the following vote:

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

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the Director of the Department of Public Works has requested an award of contract be made to **Birdsall Service Group, Inc., 65 Jackson Drive, Cranford, New Jersey 07016,** to provide the City of Elizabeth with professional environmental engineering and consulting services to satisfy the New Jersey Department of Environmental Protection (NJDEP) requirements stated in the Administrative Requirements for Remediation of Contaminated Sites and the Technical Requirements for Site Remediation in accordance with New Jersey's newly adopted Site Remediation Reform Act; and

WHEREAS, the environmental issues at the following sites will continue to be addressed to ultimately close the NJDEP cases. This objective will be accomplished under the Licensed Site Remediation Professional (LSRP) Program who will ultimately issue a Response Action Outcome (RAO) for the areas of concern at the following sites: 1036 Elizabeth Avenue former City Yard; 823 East Jersey Street former Water Utility Garage; 55 Jefferson Avenue former Elizabeth Annex Building; Fire Engine #5, 601 Pennsylvania Avenue former Fire Engine #6; Fire Headquarters; Fire Headquarters Parking Lot; Fire Engine #7; and Masnicki Park. The scope of services for these sites will be performed under the LSRP Program at a cost not to exceed $1,536,800.00; and

WHEREAS, the Mickey Walker Recreation Facility; Elizabeth Marina; and 733 New Point Road former Fire Engine #3 sites will continue under the current NJDEP procedures for case management; and

WHEREAS, modifications will be made to the Public Works Maintenance Facility's under-slab active methane gas system and annual sampling will be performed and reported to the NJDEP as required; and

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available and appropriated for this purpose and Certification No. 11-05933 charging the amount of $1,536,800.00 to Account No. X-04-55-999-X29-001 of the Municipal Budget is on file in the Office in the City Clerk; and

WHEREAS, the request for qualification was solicited through a fair and open process in accordance with N.J.S.A. 19:44A-20.5, et seq., and N.J.S.A. 40A11-5 (a) (i); and

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

WHEREAS, the 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 a **Birdsall Service Group, Inc., 65 Jackson Drive, Cranford, New Jersey 07016,** to provide the City of Elizabeth with professional environmental consulting engineering services for the remedial investigation and remediation program at various City sites referenced above at a cost not to exceed $1,536,800.00.

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

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

Which was adopted by the following vote:

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

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the Director of the Department of Public Works has advised that on December 22, 2009 your Honorable Body adopted a resolution awarding a contract to **Underground Utilities Corporation, 711 Commerce Road, Linden, New Jersey 07036,** for the Summer Street CSO Flood Relief, New Storm Sewer Project in the amount of $597,288.30; and

WHEREAS, KUPPER, LLC, the project engineer for this project, has submitted to the City of Elizabeth on behalf of Underground Utilities Corporation, Change Order No. 2 which represents final quantities adjustments and as-built conditions in the amount of $64,975.43. These additional costs are attributed to utility conflicts encountered on Summer Street specifically an unknown water service not identified accurately on any Water Company plans, an unidentifiable utility line, a concrete slab uncovered in the vicinity of a 20-inch water main, removal of a section of abandoned 60-inch brick sewer, and conflicts at an existing sewer regulator chamber. These above mentioned issues resulted in additional labor, material and equipment charges to complete the project; and

WHEREAS, the New Jersey Environmental Infrastructure Trust (State Project Number S340942-12) has provided to the City of Elizabeth a loan for this project in the amount of $1,155,824.00. This change order is an allowable cost and as such, will be included in the low interest loan project; and

WHEREAS, the Chief Financial Officer has certified that sufficient funds Certificate No. 11-06313 charging the amount of $64,975.43 to Account No. X-08-55-034-034, of the Municipal Budget is on file in the Office of the City Clerk; now, therefore, be it

RESOLVED that the City Council of the City of Elizabeth authorizes Change Order No . 2 to the contract with **Underground Utilities Corporation, 711 Commerce Road, Linden, New Jersey 07036,** referenced hereinabove in the amount of $64,975.43. The previously approved Change Order No. 1 in the amount of $42,290.31 and this Change Order No. 2 in the amount of $64,975.43 represents a total increase of 17.96% to the original amount of $597,288.30. The new contract amount is $704,554.04.

Councilwoman Perkins-Auguste stated that she supports the sewer project. She continued that Council needs to "rein" in some of these costs and cannot support the change order.

Councilman Gonzalez stated that this will be the final change order. He continued that this project has held up and with the melting of the snow, it worked well. He stated further that the residents are happy.

Which was adopted by the following vote:

AFFIRMATIVE: [redacted], [redacted], Jackus, [redacted], Gonzalez, Cedeno, Gallman, Mazza, and President Keenan - X 6

NEGATIVE: [redacted] PERKINS-AUGUSTE — 1

42

BY CITY COUNCIL AS A WHOLE:

WHEREAS, there exists a need to renew the Insurance Coverage for Public Officials and Employee Liability; and

WHEREAS, the Business Administrator has requested authorization for the proper City Officials to renew the policy of insurance covering Public Officials and Employee Liability with **ADMIRAL INSURANCE COMPANY, 1255 Caldwell Road, Cherry Hill, New Jersey 08034,** has a rating of A+, through Hughes-Plumer & Associates, Somerville, NJ 08034-3220, for the cost of $69,842.98 for the period January 31, 2011 to January 31, 2012; and

WHEREAS, the 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. 11-06311 charging the amount of $69,842.98 to Account No. 11-01-23-210-INS of the Municipal Budget is on file in the Office of the City Clerk;

WHEREAS, insurance companies are exempt from the provisions of Chapter 2.92 of the Code of the City of Elizabeth; and

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

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

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

1. The Mayor and the City Clerk are hereby authorized and directed to renew the policy of insurance covering Public Officials and Employees Liability with **ADMIRAL INSURANCE COMPANY, 1255 Caldwell Road, Cherry Hill, New Jersey 08034-3220.** This policy of insurance will be processed through Hughes-Plumer & Associates, Somerville, New Jersey 08034-3220, for the period January 31, 2011 to January 31, 2012 at a total cost of 69,842.98.

2. Quotations were not solicited for this contract because it was determined that **ADMIRAL INSURANCE COMPANY** is providing this service to the City and has a rating of A+ is being made because this proposal offers a continuation of the present insurance for the purpose stated hereinabove.

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 unique nature of the services to be rendered as more fully explained in paragraph (3) above.

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

Which was adopted by the following vote:

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

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the Business Administrator and the Purchasing Agent have advised that on February 8, 2011 sealed bids were received for the furnishing of one (1) Command Response Vehicle New 2011 Chevrolet Suburban or Equal with Conversion for the Fire Department; and

WHEREAS, the lowest bid did not meet statutory requirements as the vendor did not submit an original bid bond and consent of surety with its bid. The second lowest bid did not meet the specifications and did not provide items that were required to be submitted with the bid, specifically the written documentation of a ten year paint warranty and pictures of bidder's service facility. The third lowest bid exceeded the Fire Department's cost estimate of the project; now, therefore, be it

RESOLVED that the City Council of the City of Elizabeth rejects the bids received for the furnishing of one (1) Command Response Vehicle - New 2011 Chevrolet Suburban or Equal with Conversion for the Fire Department and authorizes the Purchasing Agent readvertise for bids with revised specifications for same for the reasons stated hereinabove.

Which was adopted by the following vote:

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

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHERES, the Director of the Fire Department has requested authorization for the proper City Officials to accept and sign all appropriate documents for the expenditure of FY07 Homeland Security and Preparedness Funds, with reference to the Local Neptune Project to enhance CBRNE Detection, Response and Decontamination Capabilities. Funding will be utilized to purchase items including, but not limited to: replacement ladders, laptop computers and associated supplies in an amount not to exceed $30,000.00. Equipment and supplies are being funded through the Urban Areas Security Initiative (UASI) – State Office of Homeland Security and Preparedness (OHSP); and

WHEREAS, as an initiative within the Federal Emergency Management Agency's Homeland Security Grant Program, "the UASI program focuses on enhancing regional preparedness in major metropolitan areas. The UASI program directly supports the National Priority on expanding regional collaboration in the National Preparedness Guidelines and is intended to assist participating jurisdictions in developing integrated regional systems for prevention, protection, response, and recovery…"; and

WHEREAS, this funding was awarded to upgrade fire equipment, including the Neptune System, as well as assist in the application of fire department drills at local refineries; and

WHEREAS, the Elizabeth Fire Department is part of the Union County Mutual Aid system and this request is being funded through the UASI program, the associated equipment and supplies would also be utilized to provide assistance to surrounding municipalities in times of need; and

WHEREAS, this initiative will increase overall efficiency and effectiveness with reference to response, assistance and services provided throughout the community; now, therefore, be it

RESOLVED that the City Council of the City of Elizabeth authorizes the proper City Officials to accept and execute all appropriate documents for the expenditure of FY07 Homeland Security and Preparedness Funds, with reference to the Local Neptune Project to enhance CBRNE Detection, Response and Decontamination Capabilities in an amount not to exceed $30,000.00 for the reasons stated hereinabove. Equipment and supplies are being funded through the Urban Areas Security Initiative (UASI) – State Office of Homeland Security and Preparedness (OHSP).

Which was adopted by the following vote:

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

NEGATIVE: None

RESOLUTION OF THE CITY OF ELIZABETH, IN THE COUNTY OF UNION, NEW JERSEY, AUTHORIZING THE PREPARATION AND SUBMISSION OF AN APPLICATION TO THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION AND THE NEW JERSEY ENVIRONMENTAL INFRASTRUCTURE TRUST FOR LOANS FROM THE NEW JERSEY ENVIRONMENTAL INFRASTRUCTURE TRUST FINANCING PROGRAM FOR THE WESTERN INTERCEPTOR SEWER PROJECT

WHEREAS, the City of Elizabeth (the "City"), is a municipal corporation and public body politic and corporate under the laws of the State of New Jersey (the "State"); and

WHEREAS, pursuant to the provisions of the New Jersey Environmental Infrastructure Trust Financing Program (the "Program"), established pursuant to N.J.S.A. 58:11B-1 et seq. (the "Trust Act"), funds may be available for the purpose of financing certain projects eligible for inclusion in the Program; and

WHEREAS, the City desires to authorize the submission of an application for, and participation in, the Program in order to finance all or a portion of the costs of increasing the wet weather capacity of the Western Interceptor in order to accommodate new development projects along Elizabethtown Plaza, and including all other work and materials necessary therefor and incidental thereto (the "Project"); and

WHEREAS, the City desires to finance all, or a portion, of the costs of the Project from (i) the proceeds of a loan or loans (the "Trust Loan") from the New Jersey Environmental Infrastructure Trust (the "Trust") to the City, such Trust Loan to be secured by a Bond or Bonds issued by the City to the Trust (the "Trust Loan Bond"), and (ii) the proceeds of a loan or loans (the "Fund Loan" and together with the Trust Loan, the "Program Loans") from the State, acting by and through the New Jersey Department of Environmental Protection (the "DEP" or the "Fund") to the City, such Fund Loan to be secured by a Bond or Bonds issued by the City to the Fund (the "Fund Loan Bond" and together with the Trust Loan Bond, the "Program Loan Bonds"); and

WHEREAS, pursuant to the requirements of the Program and the Trust Act, Program loans, unless funded under the hereinafter defined Interim Loan, have, typically, only been issued once a year with a maximum final maturity of twenty (20) years from issuance; and

WHEREAS, prior to the issuance of the Program Loan Bonds, the City may issue one or more series of Notes directly to the Trust under a zero interest interim loan agreement with the Trust (the "Interim Loan") (such notes to be designated as the "Trust Interim Notes"); and

WHEREAS, the proceeds of the Trust Interim Notes, if applicable, shall be used to pay for those costs of the Project to be incurred by the City prior to the issuance of the Program Loan Bonds; and

WHEREAS, the principal of the Trust Interim Notes (there being no interest due) shall be paid with the proceeds of the Program Loan Bonds, unless a portion of the costs of the Project are ultimately deemed ineligible under the Program, in which case such ineligible costs may be ultimately financed by one or more series of notes or, ultimately, on a long term basis, by one or more series of bonds; and

WHEREAS, the Program Loan Bonds and the Trust Interim Note shall be the direct, unlimited obligations of the City, and the City shall be obligated to levy ad valorem taxes upon all the taxable real property within the City for the payment of the Program Loan Bonds and the interest thereon and the Trust Interim Note without limitation or amount; and

WHEREAS, pursuant to the requirements of the Program and the Trust Act, the City intends to file an application for the Program Loans, and if applicable, the Interim Loan (collectively, the "Program Application"), with the DEP and the Trust.

NOW THEREFORE BE IT RESOLVED as follows:

Section 1. The Mayor, the Chief Financial Officer and the Director of Public Works of the City (including their designees, each an "Authorized Officer") are each hereby severally authorized to prepare and submit the Program Application to the DEP and the Trust and to represent the City in all matters relating to the Project. The Authorized Officer shall act in consultation with the City's counsel and bond counsel, DeCotiis, FitzPatrick & Cole, LLP, hereby confirmed to act as bond counsel to the City for this financing, the engineering staff of the City and any outside engineering services as needed, and any other consultants of the City (collectively, the "Consultants"), in the preparation and submission of the Program Application. All actions taken to date by such parties in connection with the Program Application are hereby ratified and approved. All of such parties are hereby authorized and directed to represent the City in matters pertaining thereto. The Authorized Officer may be contacted at 50 Winfield Scott Plaza, Elizabeth, NJ 07201 (908/820-4097).

Section 2. All actions of the Authorized Officers and the Consultants taken prior to the date of adoption hereof in connection with the Project or any of the transactions related thereto are hereby ratified and approved.

Section 3. This resolution shall take effect immediately.

Which was adopted by the following vote:

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

NEGATIVE: None

RESOLUTION OF THE CITY OF ELIZABETH, IN THE COUNTY OF UNION, NEW JERSEY, AUTHORIZING THE PREPARATION AND SUBMISSION OF AN APPLICATION TO THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION AND THE NEW JERSEY ENVIRONMENTAL INFRASTRUCTURE TRUST FOR LOANS FROM THE NEW JERSEY ENVIRONMENTAL INFRASTRUCTURE TRUST FINANCING PROGRAM FOR THE THIRD AVENUE STORM WATER DRAINAGE PROJECT

WHEREAS, the City of Elizabeth (the "City"), is a municipal corporation and public body politic and corporate under the laws of the State of New Jersey (the "State"); and

WHEREAS, pursuant to the provisions of the New Jersey Environmental Infrastructure Trust Financing Program (the "Program"), established pursuant to N.J.S.A. 58:11B-1 et seq. (the "Trust Act"), funds may be available for the purpose of financing certain projects eligible for inclusion in the Program ; and

WHEREAS, the City desires to authorize the submission of an application for, and participation in, the Program in order to finance all or a portion of the costs of construction of storm water storage conduits to relieve flooding in the residential area of Third Avenue, and including all other work and materials necessary therefor and incidental thereto (the "Project"); and

WHEREAS, the City desires to finance all, or a portion, of the costs of the Project from (i) the proceeds of a loan or loans (the "Trust Loan") from the New Jersey Environmental Infrastructure Trust (the "Trust") to the City, such Trust Loan to be secured by a Bond or Bonds issued by the City to the Trust (the "Trust Loan Bond"), and (ii) the proceeds of a loan or loans (the "Fund Loan" and together with the Trust Loan, the "Program Loans") from the State, acting by and through the New Jersey Department of Environmental Protection (the "DEP" or the "Fund") to the City, such Fund Loan to be secured by a Bond or Bonds issued by the City to the Fund (the "Fund Loan Bond" and together with the Trust Loan Bond, the "Program Loan Bonds"); and

WHEREAS, pursuant to the requirements of the Program and the Trust Act, Program loans, unless funded under the hereinafter defined Interim Loan, have, typically, only been issued once a year with a maximum final maturity of twenty (20) years from issuance; and

WHEREAS, prior to the issuance of the Program Loan Bonds, the City may issue one or more series of Notes directly to the Trust under a zero interest interim loan agreement with the Trust (the "Interim Loan") (such notes to be designated as the "Trust Interim Notes"); and

WHEREAS, the proceeds of the Trust Interim Notes, if applicable, shall be used to pay for those costs of the Project to be incurred by the City prior to the issuance of the Program Loan Bonds; and

WHEREAS, the principal of the Trust Interim Notes (there being no interest due) shall be paid with the proceeds of the Program Loan Bonds, unless a portion of the costs of the Project are ultimately

deemed ineligible under the Program, in which case such ineligible costs may be ultimately financed by one or more series of notes or, ultimately, on a long term basis, by one or more series of bonds; and

WHEREAS, the Program Loan Bonds and the Trust Interim Note shall be the direct, unlimited obligations of the City, and the City shall be obligated to levy ad valorem taxes upon all the taxable real property within the City for the payment of the Program Loan Bonds and the interest thereon and the Trust Interim Note without limitation or amount; and

WHEREAS, pursuant to the requirements of the Program and the Trust Act, the City intends to file an application for the Program Loans, and if applicable, the Interim Loan (collectively, the "Program Application"), with the DEP and the Trust.

NOW THEREFORE BE IT RESOLVED as follows:

Section 1. The Mayor, the Chief Financial Officer and the Director of Public Works of the City (including their designees, each an "Authorized Officer") are each hereby severally authorized to prepare and submit the Program Application to the DEP and the Trust and to represent the City in all matters relating to the Project. The Authorized Officer shall act in consultation with the City's counsel and bond counsel, DeCotiis, FitzPatrick & Cole, LLP, hereby confirmed to act as bond counsel to the City for this financing, the engineering staff of the City and any outside engineering services as needed, and any other consultants of the City (collectively, the "Consultants"), in the preparation and submission of the Program Application. All actions taken to date by such parties in connection with the Program Application are hereby ratified and approved. All of such parties are hereby authorized and directed to represent the City in matters pertaining thereto. The Authorized Officer may be contacted at 50 Winfield Scott Plaza, Elizabeth, NJ 07201 (908/820-4097).

Section 2. All actions of the Authorized Officers and the Consultants taken prior to the date of adoption hereof in connection with the Project or any of the transactions related thereto are hereby ratified and approved.

Section 3. This resolution shall take effect immediately.

Which was adopted by the following vote:

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

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

RESOLVED that City Council of the City of Elizabeth hereby establishes a handicapped parking space in front of **948 Meredith Avenue, Elizabeth, New Jersey 07206** as follows, pursuant to the recommendation of the Elizabeth Police Director:

along the South curb line of Meredith Avenue

beginning at a point 178'East of Lidgerwood Avenue

and continuing 19' East thereof;

and be it

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

Which was adopted by the following vote:

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

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the Historic Midtown Elizabeth Special Improvement District (SID) has requested permission to conduct its annual Sidewalk Sale on Broad Street from the Arch to the Elizabeth River and all connecting streets one block west (to Elizabethtown Plaza) with rain dates for each sale to be the Monday following the scheduled sale. The dates for the sale are as follows:

Thursday, Friday, Saturday
May 19, 20, 21, 2011;

Thursday, Friday, Saturday
June 23, 24, 25, 2011;

Thursday, Friday, Saturday
August 18, 19, 20, 2011; and

Thursday, Friday, Saturday
October 6, 7, 8, 2011

WHEREAS, these sidewalk sales are in no way to interfere with commuters utilizing the sidewalk and areas at designated bus stops; and

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

RESOLVED that City Council of the City of Elizabeth hereby grants permission to the Historic Midtown Elizabeth Special Improvement District (SID) to use the above described sidewalk areas to conduct Sidewalk Sales on the above dates, upon the condition that it comply with all provisions contained in Chapter 123 of the Code of the City of Elizabeth

Which was adopted by the following vote:

AFFIRMATIVE: Perkins-Auguste, [redacted], Jackus, [redacted], Gonzalez, Cedeno, Gallman, Mazza, and President Keenan - X7

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

RESOLVED, by City Council of the City of Elizabeth that Tuesday, May 24, 2011 is hereby designated as **"Youth in City Government Day"** and that the regular meeting scheduled for May 24, 2011 be held at 2:00 P.M. instead of 7:30 P.M.; and be it

FURTHER RESOLVED, that Councilwoman at Large, Patricia Perkins-Auguste is appointed as Chairman of said affair.

Council President Keenan announced his appreciation of Councilwoman Perkins-Auguste for accepting the Chair for this event.

Which was adopted by the following vote:

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

NEGATIVE: None

53

BY CITY COUNCIL AS A WHOLE:

[redacted]

RESOLVED that City Council of the City of Elizabeth hereby confirms and approves the payment of all utility bills for the City of Elizabeth as indicated hereinbelow; and be it

FURTHER RESOLVED that the foregoing payments are excepted from the requirement of bidding by the provisions of the Local Public Contracts Law **N.J.S.A**. 40A:11-5(1)(f); and be it

FURTHER RESOLVED that the following certifications of availability of funds are on file in the office of the City Clerk:

AT&T	**1-01-31-440**	**$**	**150.00**
ELIZABETHTOWN GAS	**1-01-31-446**	**$**	**45,004.88**
HESS CORPORATION	**1-01-31-430**	**$**	**43,113.83**
NEXTEL COMMUNICATIONS	**1-01-31-440**	**$**	**2,648.24**
PSE&G	**1-01-31-430**	**$**	**27,715.18**
SPRINT	**1-01-31-440**	**$**	**84.23**
VERIZON	**1-01-31-440**	**$**	**19,699.36**
VERIZON CABS	**1-01-31-440**	**$**	**192.93**
VERIZON WIRELESS	**1-01-31-440**	**$**	**587.61**
VERIZON COMMUNICATIONS	**1-01-31-44**	**$**	**477.42**
VERIZON WIRELESS	**1-01-31-440**	**$**	**15,415.19**

Which was adopted by the following vote:

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

NEGATIVE: None

54

[redacted]

BY COUNCIL AS A WHOLE:

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

ORGANIZATION	AG	B.L.	R.L.	DATE
St. Genevieve School HSA		5251		2-16-11
St. Genevieve School HSA		5252		2-16-11
St. Adalbert R.C. Church		5253		2-21-11
NJFMBA		5254		3-3-11

Which was adopted by the following vote:

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

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the City Council of the City of Elizabeth has learned of the recent death of Joseph L. Gambino, 59; and

WHEREAS, Mr. Gambino was a lifelong resident of Elizabeth; and

WHEREAS, he was a union electrician with IBEW Local 675 in Elizabeth, where he also served as vice-president. Recently, Mr. Gambino worked with Local 102 Parsippany, New Jersey. He worked for thirty-seven years, retiring in 2009; and

WHEREAS, he was also a member of the Rahway Arts Guild, and the Knights of Columbus in Kenilworth, New Jersey. Mr. Gambino was very active in St. Genevieve's Church. He sang in the choir, he played guitar and sang at the first Sunday Mass of the month; and

WHEREAS, Mr. Gambino was a talented musician. He played in bands and also worked as a DJ. He was an avid runner and ran in many races, including four marathons; and

WHEREAS, Mr. Gambino was a staunch advocate of Native American rights. He loved people, music and gardening; and

WHEREAS, Mr. Gambino is survived by his wife of thirty-seven years, Marguerite "Meg" (Higgins) Gambino; his daughter, Lauren B. Gambino, and his son, Kristofor L. Gambino and his wife, Ashley. He is the son of Carolyn (Gallo) Gambino and the late Joseph J. Gambino. Mr. Gambino is also survived by many brothers and sisters-in-law; nieces, and nephews; grandnieces and nephews, and a host of cousins, now, therefore, be it

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

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

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

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the City Council of the City of Elizabeth has learned of the recent death of Filippo Sortizza, 77; and

WHEREAS, he came to the United States and settled in Elizabeth in 1972; and

WHEREAS, Filippo was a member of the Laborers Local 394 in Elizabeth for twenty-four years, retiring in 1995; and

WHEREAS, he enjoyed working his garden and tending to his fig trees. He was a member of the Ribera Club in Elizabeth; and

WHEREAS, a devoted husband, father and grandfather, he is survived by his wife, Maria (nee Avenia); his cherished daughter, Mrs. Angela Mulhearn; his sons, Vincent Sortizza and his wife, Annette Fortunato Sortizza; Fortunato Sortizza and his wife, Sharon and Fortunato Lucia and his wife, Christine. He is also survived by ten loving and adoring grandchildren. Filippo was predeceased by his son-in-law, Michael Mulhearn; now, therefore, be it

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

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

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

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the City Council of the City of Elizabeth has learned of the recent death of Domenico Crincoli, 74; and

WHEREAS, Domenico was born in the town of Vallata, Avellino, Italy; and

WHEREAS, Domenico graduated from college and began his career as a successful developer and entrepreneur; and

WHEREAS, Domenico and his brothers Rocco and Gennaro founded their own construction company. They were key figures in developing many areas of Jersey City, particularly building many homes on Manila Avenue, Montgomery Street and Beacon Avenue; and

WHEREAS, Domenico was an active member of his community. He was an elected committee member in his district in Jersey City; and

WHEREAS, he contributed to many American and Italian organizations. He was a member of the Columbus Club and Dante Alighieri Society, whose roots were in Jersey City. He was also a member of the Vallatese Association in Elizabeth, New Jersey; and

WHEREAS, throughout his life, Domenico was an active parishioner of the Holy Rosary Church on Sixth Street in Jersey City; and

WHEREAS, Domenico was beloved by his family and friends. He was the beloved son of the late Emilio and Angiolina Crincoli and loving brother of Italo Crincoli, Pasqualina Mesbah and the late Antonia Mazza, Antonio, Natalino, Stanislao, Vito, Carmine, Rocco, Salvatore "Paul", Gennaro, and Dr. Rosario "Gerard" Crincoli. He is also survived by twenty-seven loving nieces and nephews and forty-six grandnieces and nephews; now, therefore be it

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

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

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

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the City Council of the City of Elizabeth has learned of the recent death of Marie Louise Chery; and

WHEREAS, she was born on December 17, 1933. Her parents were Gabriel Papillion Cadet and his wife Lormilla Toussaint in Limbe, Haiti; and

WHEREAS, she is survived by her loving husband, Claude; her twin sister, Anne (Elira) Cadet; and her brother Jacques and his wife, Adeline Cadet; her children who adored her, Mirlande and her husband Jean Delva; Nirva and her husband, Daniel Eugene, and her treasured son, Claudel Chery. She has left behind four granddaughters, Mayah, Jasmine, Alyssa and Gabriella. She also is survived by many nieces, nephews, and grand-nephews and nieces. She will also be missed dearly by members of Ebenezer Church and a host of family 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 Marie Louise Chery; and be it

FURTHER RESOLVED, that this expression of our sympathy record 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 with profound regret of the death of Mr. Giuseppe Antonacci of Elizabeth, therefore, be it

RESOLVED, that we, the members of City Council of the City of Elizabeth, hereby express our sincere sorrow at his death and to his 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 his family.

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

Councilman Gonzalez moved that City Council do now adjourn,

Which was carried unanimously.

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

APPROVED

JOSEPH KEENAN
President of City Council

YOLANDA M. ROBERTS
City Clerk