

PROCEEDINGS OF CITY COUNCIL

(OFFICIAL)

ELIZABETH, N.J.

Tuesday Evening  
March 8, 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;  
Frank J. Cuesta; Edward Jackus;  
Council Members: Manny Grova, Jr., 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 - 9

ABSENT:

ALSO PRESENT: Rocco DiPaola, Second Assistant City Attorney

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

PUBLIC SPEAKING

There being no one present who desired to be heard, Council President 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. 4193** , entitled:

AN ORDINANCE OF THE CITY OF ELIZABETH, IN THE COUNTY OF UNION, NEW JERSEY, PROVIDING FOR THE DEVELOPMENT OF THE ELIZABETH RIVER WALKWAY PROJECT PHASE I LOCATED IN THE CITY OF ELIZABETH AND APPROPRIATING \$1,200,000 THEREFOR, AND PROVIDING FOR THE ISSUANCE OF \$1,140,000 IN BONDS OR NOTES OF THE CITY OF ELIZABETH TO FINANCE THE SAME

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

The Notice of Public Hearing was published in the Star Ledger issue of **February 24, 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. 4194** , entitled:

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

This ordinance was adopted on its first reading at the meeting of City Council held on **February 22, 2011.**

The Notice of Public Hearing was published in the Star Ledger issue of **February 28, 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.

PETITIONS, COMMUNICATIONS, ETC.

By the Clerk:

Letter dated February 25, 2011, from the Business Administrator recommending that City Council reject the bid received on February 24, 2011, for one (1) Rescue Water Craft and authorize the Purchasing Agent to re-advertise for same. Which was received.

By the Clerk:

Letter dated February 25, 2011, from the Business Administrator recommending that City Council reject all bids received on February 8, 2011, for one (1) First Responder Response Vehicle-New 2011 Ford F-250 or equal and authorize the Purchasing Agent to re-advertise for bids with revised specifications. Which was received.

By the Clerk:

Letter dated February 25, 2011, from the Business Administrator recommending the award of a contract to the Fire Ground Technologies, 17 Bayward Lane, Suffern, NY 10901, for the purchase of two hundred seventy (270) Petzl Exo Personal Safety/ Escape Systems or equal; two hundred seventy (270) Existing Turnout pants retrofitted to be compatible with safety equipment, and Training Classes for safety equipment for the Fire Department at a total cost of \$264,450.00 Which was received.

By the Clerk:

Letter dated February 25, 2011, from the Business Administrator requesting authorization for the proper City officials to execute a lease agreement with the Girl Scouts Heart of New Jersey, West Service Center, 1171 State Route 28, North Branch, N.J., for the continued use of their Elizabeth Girl Scout House, situated on City-owned property at 100-106 Cherry Street, for a period of twenty (20) years at an annual cost of \$1.00. Which was received.

By the Clerk:

Letter dated February 25, 2011, from the Business Administrator advising, that being satisfied that an emergency did exist, recommends the award of a contract to Doma Construction, Inc., 215 North 12<sup>th</sup> Street, Newark, N.J., for the partial demolition of 302-304 Madison Avenue, Elizabeth, in the amount of \$5,500.00. Which was received.

By the Clerk:

Letter dated February 25, 2011, from the Business Administrator requesting permission for the Purchasing Agent to make the necessary arrangements to auction impounded property in the possession of the Elizabeth Police Department; auction to be held by Propertyroom.Com, State pre-approved on-line auction site; the date of the sale will be set by the auction company and will be published in the Newark Star Ledger contingent upon City Council's approval. Which was received.

By the Clerk:

Letter dated February 28, 2011, from the Business Administrator requesting authorization for the proper City officials to amend the Baker Center Redevelopment Agreement, specifically to execute the First Amendment to the agreement, which removed, in part, Block 11, Lot 848, 1001 Newark Avenue, from the project site and authorize the settlement. Which was received.

By the Clerk:

Letter dated March 1, 2011, from the Business Administrator, Acting Director of Neighborhood Services, requesting to amend the Housing Code, Chapter 15.12 of the Code of the City of Elizabeth, specifically to include language so that the City will be in compliance with the New Jersey Administrative Code and New Jersey State Statute. Which was received.

By the Clerk:

Letter dated February 18, 2011, from the Chief Financial Officer requesting authorization for the Tax Collector to accept payment of taxes without interest charges provided said payment is made within the tenth calendar day following the date upon which same became payable, and fix the rate of interest to be charged for delinquent taxes.  
Which Was Referred To Council As A Whole.

By the Clerk:

Letter dated February 22, 2011, from the Chief Financial Officer requesting authorization for the Tax Collector to cancel/refund/credit an overbilling of taxes for the 2010 Tax Year on the property located at 443 Jersey Avenue in the total sum of \$4,340.26.  
Which was received.

By the Clerk:

Letter dated March 1, 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 17, 2011, from the Director of Planning and Community Development requesting authorization for the proper City officials to execute any and all documents necessary and appropriate to discharge the Urban Development Action Grant (UDAG) Loan on the property located at 333 First Street in the amount of \$550,000.00.  
Which was received.

By the Clerk:

Letter dated February 24, 2011, from the Director of Planning and Community Development requesting authorization for the proper City officials to execute any and all documents necessary and appropriate to provide a repayable Energy Efficiency and Conservation Revolving Loan Program on the property located at 507 Green Street in an amount not to exceed \$10,000.00.  
Which was received.

By the Clerk:

Letter dated February 25, 2011, from the Director of Planning and Community Development requesting authorization to amend the resolution adopted December 14, 2010, authorizing a contract between the Elizabethport Presbyterian Center and the City for the Senior and Guide, Gather & Groom Programs in the amount of \$26,000.00, specifically to increase the amount by \$1,000.00 for the agency's Black History Month Program, which will honor the "Pioneers of Elizabethport" for a total of \$27,000.00.  
Which was received.

By the Clerk:

Letter dated February 28, 2011, from the Director of Planning and Community Development requesting authorization for the proper City officials to execute any and all documents necessary and appropriate to provide a Deferred Payment Loan, Rental Housing Program, to Y-HOMES, Inc., 135 Madison Avenue, for the rehabilitation of 35 of 70 single room occupancy units plus major systems repair and replacement in the amount of \$779,867.00.  
Which was received.

By the Clerk:

Letter dated February 28, 2011, from the Director of Planning and Community Development requesting authorization for the proper City officials to enter into an agreement with Harbor Consultants, Inc., 320 North Avenue East, Cranford, N.J., for Planning and Engineering Services to the Planning and Zoning Boards, and the Department of Planning and Community Development for the period December 1, 2010 through November 30, 2011 at a total cost of \$60,000.00.  
Which was received.

By the Clerk:

Letter dated February 28, 2011, from the Director of Public Works recommending the award of a contract to Hatch Mott MacDonald, 27 Bleeker Street, Millburn, N.J., to provide professional engineering services in connection with the final design of drainage improvements for the low area of Third Avenue, between Lt. Glenn Zamorski Drive and South First Street, at a cost not to exceed \$150,000.00.  
Which was received.

By the Clerk:

Letter dated February 28, 2011, from the Director of Public Works recommending the award of a contract to Hatch Mott MacDonald, 27 Bleeker Street, Millburn, N.J., to provide professional engineering services in connection with the design of drainage improvements for the low area of South Street beneath the railroad bridge, between Rahway Avenue and Burnett Street, at a cost not to exceed \$115,000.00.  
Which was received.

By the Clerk:

Letter dated February 28, 2011, from the Director of Public Works recommending the award of a contract to Hatch Mott MacDonald, 27 Bleeker Street, Millburn, N.J., to provide professional engineering services in connection with the final design of drainage improvements for the low area of North Avenue, beneath the railroad bridge between Pennsylvania Avenue and Jefferson Avenue, at a cost not to exceed \$102,000.00.  
Which was received.

By the Clerk:

Letter dated March 1, 2011, from the Director of Public Works recommending the award of a contract to Rich Picerno Builders, LLC, 500 Hojias Drive, Kenilworth, N.J., for the Westfield Avenue Median Planting at a cost of \$171,746.00.  
Which was received.

By the Clerk:

Letter dated February 23, 2011, from the Police Director requesting the establishment of reserved/personalized handicapped parking spaces at the following locations: 145 Sayre Street, 138 Livingston Street, 506 Fourth Avenue, 610 Court Street, 520 Franklin Street, 21 S. Second Street (personalized), 525 Fulton Street (personalized), 1043-1045 Louisa Street #4 (personalized), 920 Olive Street (personalized), 557 Marshall Street (personalized); disapproved: 1048 North Avenue, 32 Cedar Avenue #1, 734 N. Broad Street, 541 Maple Avenue; deletion: 949 Anna Street.  
Which was received.

By the Clerk:

Letter dated January 28, 2011, from Kleinfelder, 3 AAA Drive, Hamilton, N.J., on behalf of ExxonMobil Services Company, requesting an Encroachment Permit for the advancement of eight (8) soil borings and one (1) monitoring well in the right-of-way of South Fifth Street and Third Avenue.  
Which was received.

**REPORTS OF CITY OFFICERS**

By the Clerk:

Letter March 8, 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, March 4, 2011.  
Which was received.

ORDINANCES ON FIRST READING

Council President Keenan announced that the next business in order would be the introduction of Ordinance No. 4201 , which was seconded by Councilman Grova, entitled:

AN ORDINANCE AMENDING CHAPTER 2.56 OF THE CODE OF THE CITY OF ELIZABETH TO ADD ARTICLE X ENTITLED "CONSTABLES," SPECIFICALLY TO ESTABLISH AND GOVERN THE APPOINTMENT OF CONSTABLES.

The Clerk read the foregoing ordinance.

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

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

NEGATIVE: None

Council President Keenan announced that the next business in order would be the introduction of Ordinance No. 4202 , which was seconded by Councilman Grova, entitled:

AN ORDINANCE TO AMEND CHAPTER 15.12 OF THE HOUSING CODE OF THE CITY OF ELIZABETH BY AMENDING SECTION 15.12.420, "COOKING FACILITIES REQUIRED"; AND BY AMENDING SECTION 15.12.690 B. "BUILDING SECURITY FACILITIES."

The Clerk read the foregoing ordinance.

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

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

NEGATIVE: None

Council President Keenan announced that the next business in order would be the introduction of Ordinance No. 4203 , which was seconded by Councilman Grova, entitled:

AN ORDINANCE TO AUTHORIZE A LEASE AGREEMENT BETWEEN THE CITY OF ELIZABETH AND THE GIRL SCOUTS HEART OF NEW JERSEY, WEST SERVICE CENTER, 1171 STATE ROUTE 28, NORTH BRANCH, NEW JERSEY, 08876, FOR THE CONTINUED USE OF THEIR ELIZABETH GIRL SCOUT HOUSE, WHICH IS SITUATED ON CITY-OWNED PROPERTY LOCATED AT 100-106 CHERRY STREET, ELIZABETH, NEW JERSEY FOR A PERIOD OF TWENTY (20) YEARS, AT A FEE OF ONE DOLLAR (\$1.00) PER YEAR.

The Clerk read the foregoing ordinance.

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

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

NEGATIVE: None

Council President Keenan announced that the next business in order would be

the introduction of Ordinance No. 4204 , which was seconded by Councilman

Grova, entitled:

AN ORDINANCE GRANTING AN ENCROACHMENT PERMIT TO KLEINFELDER EAST, INC., 3 AAA DRIVE, FIRST FLOOR, HAMILTON, NEW JERSEY, FOR THE ADVANCEMENT OF EIGHT (8) SOIL BORINGS AND ONE (1) MONITORING WELL IN THE PUBLIC RIGHT-OF-WAY OF SOUTH FIFTH STREET AND THIRD AVENUE.

The Clerk read the foregoing ordinance.

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

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

NEGATIVE: None

Council President Keenan announced that the next business in order would be the introduction of Ordinance No. 4205 , which was seconded by Councilman Grova, entitled:

**AN ORDINANCE TO AUTHORIZE THE ESTABLISHMENT OF A PERSONALIZED HANDICAPPED PARKING SPACE FOR KAZIMIERZ CIUBA, 21 SOUTH SECOND STREET, ELIZABETH, NEW JERSEY.**

The Clerk read the foregoing ordinance.

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

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

**NEGATIVE:** None

Council President Keenan announced that the next business in order would be the introduction of Ordinance No. 4206 , which was seconded by Councilman Grova, entitled:

**AN ORDINANCE TO AUTHORIZE THE ESTABLISHMENT OF A PERSONALIZED HANDICAPPED PARKING SPACE FOR PABLO CASAS, 1043 LOUISA STREET, ELIZABETH, NEW JERSEY 07201.**

The Clerk read the foregoing ordinance.

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

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

**NEGATIVE:** None

Council President Keenan announced that the next business in order would be the introduction of Ordinance No. 4207 , which was seconded by Councilman Grova, entitled:

AN ORDINANCE TO AUTHORIZE THE ESTABLISHMENT OF A PERSONALIZED HANDICAPPED PARKING SPACE FOR WINSTON TIDD, 920 OLIVE STREET, ELIZABETH, NEW JERSEY 07201.

The Clerk read the foregoing ordinance.

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

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

NEGATIVE: None

Council President Keenan announced that the next business in order would be

the introduction of Ordinance No. 4208 , which was seconded by Councilman

Grova, entitled:

AN ORDINANCE TO AUTHORIZE THE ESTABLISHMENT OF A PERSONALIZED HANDICAPPED PARKING SPACE FOR AURORA FERNANDEZ, 557 MARSHALL STREET, ELIZABETH, NEW JERSEY

The Clerk read the foregoing ordinance.

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

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

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 No. 4201, 4202, 4203, 4204, 4205, 4206, 4207 and 4208, adopted on first reading.

Council President Keenan announced that the next business in order would be the introduction of Ordinance No. 4209 , which was seconded by Councilman

Grova, 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 \$400,000 THEREFOR, AND PROVIDING FOR THE ISSUANCE OF \$380,000 IN BONDS OR NOTES OF THE CITY OF ELIZABETH TO FINANCE THE SAME

The Clerk read the foregoing ordinance.

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

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

NEGATIVE: None

Council President Keenan announced that public notice will be published fixing Tuesday, April 12, 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. 4209, 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. 4193** , which was seconded by Councilman Grova.

AN ORDINANCE OF THE CITY OF ELIZABETH, IN THE COUNTY OF UNION, NEW JERSEY, PROVIDING FOR THE DEVELOPMENT OF THE ELIZABETH RIVER WALKWAY PROJECT PHASE I LOCATED IN THE CITY OF ELIZABETH AND APPROPRIATING \$1,200,000 THEREFOR, AND PROVIDING FOR THE ISSUANCE OF \$1,140,000 IN BONDS OR NOTES OF THE CITY OF ELIZABETH TO FINANCE THE SAME

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

Section 1. The improvement or purpose described in Section 3 of this bond ordinance is hereby authorized to be undertaken by the City of Elizabeth, in the County of Union, New Jersey (the "City"), as a general improvement. For the improvement or purpose described in Section 3 hereof, there is hereby appropriated the sum of \$1,200,000 including the sum of \$60,000 as the down payment for the improvement or purpose pursuant to the Local Bond Law. The down payment has been made available by virtue of the provision in the capital improvement fund in one or more previously adopted budgets.

Section 2. In order to finance the cost of the improvement or purpose not covered by application of the down payment or otherwise provided for hereunder, negotiable bonds or notes are hereby authorized to be issued in the principal amount of \$1,140,000 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds or notes, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

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Section 3. (a) The improvement hereby authorized and the purpose for which the bonds or notes are to be issued is the Elizabeth River Walkway Project Phase I between Bridge Street and South Broad Street, and including all work and materials necessary therefor and incidental thereto.

(b) The estimated maximum amount of bonds or notes to be issued for the improvement or purpose is as stated in Section 2 hereof.

(c) The estimated cost of the improvement or purpose is equal to the amount of the appropriation herein made therefor.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer, provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with notes issued pursuant to this bond ordinance, and the chief financial officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of the Local Bond Law. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the notes sold, the price obtained and the name of the purchaser.

Section 5. The capital budget or temporary capital budget (as applicable) of the City is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. In the event of any such inconsistency and amendment, the resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget or

amended temporary capital budget (as applicable) and capital program as approved by the Director of the Division of Local Government Services is on file with the Clerk and is available there for public inspection.

Section 6. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvement or purpose described in Section 3 of this bond ordinance is not a current expense. No part of the costs thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The period of usefulness of the improvement or purpose, within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is 15 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the City as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$1,140,000, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An amount not exceeding \$200,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the improvement or purpose.

Section 7. Any grant moneys received for the purposes described in Section 3 hereof shall be applied either to direct payment of the cost of the improvement or to payment of the obligations

issued pursuant to this bond ordinance. The amount of obligations authorized hereunder shall be reduced to the extent that such funds are so used.

Section 8. The full faith and credit of the City is hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be 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 obligations and the interest thereon without limitation of rate or amount.

Section 9. To the extent that any previous ordinance or resolution is inconsistent herewith or contradictory hereto, said ordinance or resolution is hereby repealed or amended to the extent necessary to make it consistent herewith.

Section 10. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond 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 24, 2011.**

Councilman Mazza stated that he was happy to see this ordinance and asked for his colleagues support.

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

AFFIRMATIVE: Perkins-Augusta, Cuesta, Jackus, Grova, Gonzalez, Cedeno, Gallman, Mazza, and President Keenan - 9

NEGATIVE: None

Council President Keenan announced that the next business in order would be the adoption of Ordinance No. 4194 , which was seconded by Councilman Grova.

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

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ELIZABETH THAT CHAPTER 5.88.020 (B) OF THE CODE OF THE CITY OF ELIZABETH IS AMENDED TO READ AS FOLLOWS:

SECTION 1. Secondhand Dealers, License requirement-- Application and License Fee--Bond requirements--Expiration date, of the Code of the City of Elizabeth.

B. Application and License Fee. An application to engage in the regulated activity must be completed and submitted to the chief license inspector for review and approval. The application shall be submitted along with an annual license fee of one hundred fifty dollars (\$150.00).

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 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 22, 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 28, 2011.

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

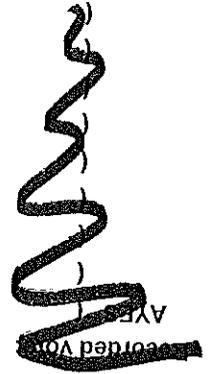
AFFIRMATIVE: Perkins-Auguste, Cuesta, Jackus, Grova, Gonzalez, Cedeno, Gallman, Mazza, and President Keenan - 9

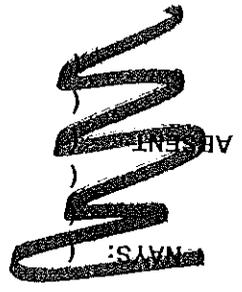
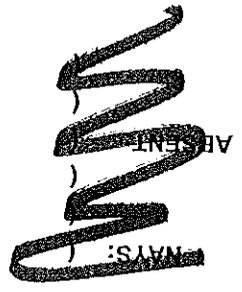
NEGATIVE: None

City of Elizabeth  
 CAPITAL BUDGET  
 2011 SFY  
 Amendment

Whereas, it is desired to amend the Fiscal Year 2011 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 by  
 AYE: 

WATS:   
 ABSENT: 

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

Local Unit  
 CITY OF ELIZABETH

PROJECT TITLE	PROJECT NUMBER	ESTIMATED TOTAL COST	AMOUNTS RESERVED IN PRIOR YEARS	FY2011 BUDGET APPROPRIATION	PLANNED FUNDING SOURCES FOR CURRENT YEAR - FY2011			
					5a CAPITAL IMPROVEMENT FUND	5b Capital plus	5c Grants-in-Aid and Other Funds	5e Authorized Debt
Environmental Engineering, Compliance, Remediation		400,000.00						380,000.00
Totals - All Projects		400,000.00						380,000.00

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

Local Unit CITY OF ELIZABETH

PROJECT TITLE	PROJECT NUMBER	ESTIMATED TOTAL COST	ESTIMATED COMPLETION TIME	FUNDING AMOUNTS PER BUDGET YEAR					
				FY2011	FY2012	FY2013	FY2014	FY2015	FY2016
		3	4	5a	5b	5c	5d	5e	5f
Environmental Engineering, Compliance, Remediation		400,000.00							
Totals - All Projects		400,000.00							

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6 YEAR CAPITAL PROGRAM FY2011 TO FY2016  
 SUMMARY OF ANTICIPATED FUNDING SOURCES AND AMOUNTS

Local Unit \_\_\_\_\_ CITY OF ELIZABETH

PROJECT TITLE	ESTIMATED TOTAL COST	BUDGET APPROPRIATION			4 CAPITAL IMPROVEMENT FUND	5 CAPITAL SURPLUS	6 GRANTS-IN-AID AND OTHER FUNDS	BONDS AND NOTES					
		3a Current Year FY2010	3b Future Years	7a General				7b Self Liquidating	7c Assessment	7d School			
Environmental Engineering, Compliance, Remediation	400,000.00	400,000.00											
Totals - All Projects	400,000.00	400,000.00			20,000.00							380,000.00	

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, Cuesta, Jackus, Grova, Gonzalez, Cedeno, Gallman, Mazza, and President Keenan - 9  
 NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

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WHEREAS, on February 15, 2011, the Purchasing Agent received one bid for the furnishing of Two Hundred Seventy (270) Pezl Exo Personal Safety/Escape Systems or equal; and two hundred seventy (270) Existing Turnout pants retrofitted to be compatible with safety equipment; and Training Classes for safety equipment for the Fire Department; and

WHEREAS, the Business Administrator, Purchasing Agent, and the Fire Director have requested authorization for the award of a contract to the sole bidder, **Fire Ground Technologies, 17 Bayard Lane, Suffern, New York 10901** for the purchase of Two Hundred Seventy (270) Petzel Exo Personal Safety/Escape Systems; Two Hundred Seventy (270) Existing Turnout pants retrofitted to be compatible with safety equipment; and Training Classes for safety equipment in the amount of \$264,450.00; and

WHEREAS, the amount of the contract in question exceeds \$50,000.00 and the provisions of Chapter 2.92 of the Code of the City of Elizabeth have been complied with by **Fire Ground Technologies**; and

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available and appropriated for this purpose and Certification No. 11-06512, charging the amount of \$70,312.50 to Account No. G-02-41-810-11 and Certification No. 11-06513 charging the amount of \$194,137.50 to Account No. G-02-41-811-11 of the Municipal Budget are on file in the Office of the City Clerk; now, therefore, be it

**RESOLVED** that the City Council of the City of authorizes the award of a contract to the sole bidder, **Fire Ground Technologies, 17 Bayard Lane, Suffern, New York 10901**, for the purchase of Two Hundred Seventy (270) Petzel Exo Personal Safety/Escape Systems; Two Hundred Seventy (270) Existing Turnout pants retrofitted to be compatible with safety equipment; and Training Classes for safety equipment in the amount of \$264,450.00.

Which was adopted by the following vote:

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

NEGATIVE: None

WHEREAS, the Director of the Department of Planning and Community Development has requested an award of contract be made to **Harbor Consultants, Inc., 320 North Avenue East, Cranford, New Jersey 07016**, for the purpose of providing Planning and Engineering Services to the Planning and Zoning Boards, and to the Department of Planning and Community Development for the period December 1, 2010 through November 30, 2011, the total cost of \$60,000.00; and

WHEREAS, this contract is being awarded pursuant to a fair and open process pursuant to N.J.S.A. 19:44 A-20.5 et seq.; and

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available an appropriated for this purpose and Certification No. 11-06624 charging the amount of \$60,000.00 to Account No. 1-01-20-170-PZO-302 of the Municipal Budget, are on file in the Office in the City Clerk; and

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

WHEREAS, the 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 City Clerk are hereby authorized and directed to execute a contract with **Harbor Consultants, Inc., 320 North Avenue East, Cranford, New Jersey 07016**, for the purpose of providing of Planning & Engineering Services to the Planning and Zoning Boards, and to the Department of Planning and Community Development at a total cost of \$60,000.00. The term of this agreement is from December 1, 2010 through November 30, 2011.
2. This contract is awarded without competitive bidding as a "Professional Service" in accordance with N.J.S.A. 40A:11-2(6) of the Local Public Contracts Law because these services require knowledge of an advanced type in a field of learning acquired by a prolonged formal course of specialized instruction and study as distinguished from general academic instruction or apprenticeship and training.
3. A notice of this action shall be printed once in The Star Ledger.

Which was adopted by the following vote:

AFFIRMATIVE:	Perkins-Auguste, Cuesta, Jackus, Grova, Gonzalez, Cedeno, Gallman, Mazza, and President Keenan - 9
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NEGATIVE:	None
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WHEREAS, on March 12, 2010, the Director of Public Works received qualification proposals for consulting professional engineering services in connection with the Third Avenue Flood Control Project; and

WHEREAS, the Director of the Department of Public Works has requested an award of a contract be made to **Hatch Mott MacDonald, 27 Bleeker Street, Millburn, New Jersey 07041-1008**, to provide professional engineering services in connection with the final design of drainage improvements for the low area of Third Avenue between Lt. Glenn Zamorski Drive and South First Street. This project will provide for the replacement of sections of trunk sewer on Third Avenue with a larger sewer as well as modifications to the emergency overflow swale, Flushing Module 12, Storage Module 14 and Regulator 035, in the amount of \$150,000.00; and

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

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

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

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available and appropriated for this purpose and Certification No. 11-06827, charging the amount of \$150,000.00 to Account No. X-08-55-040-034, of the Municipal Budget is on file in the Office of the City Clerk; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) requires that the resolution authorizing the award of contracts for "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 **Hatch Mott MacDonald, 27 Bleeker Street, Millburn, New Jersey 07041-1008** for professional engineering services in connection with the final design of drainage improvements for the low area of Third Avenue between Lt. Glenn Zamorski Drive and South First Street. This project will provide for the replacement of sections of trunk sewer on Third Avenue with a larger sewer as well as modifications to the emergency overflow swale, Flushing Module 12, Storage Module 14 and Regulator 035, in the amount of \$150,000.00.
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.

Which was adopted by the following vote:

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

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

22

WHEREAS, on March 12, 2010, the Director of Public Works received qualification proposals for consulting professional engineering services in connection with the South Street Food Control Project; and

WHEREAS, the Director of the Department of Public Works has requested an award of a contract be made to **Hatch Mott MacDonald, 27 Bleeker Street, Millburn, New Jersey 07041-1008**, to provide professional engineering services in connection with the design of drainage improvements for the low area of South Street beneath the railroad bridge between Rahway Avenue and Burnett Street at a cost not to exceed \$115,000.00; and

WHEREAS, this sewer would originate at the low point of South Street and proceed along South Street to Burnett Street and discharge to the Elizabeth River; and

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

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

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

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available and appropriated for this purpose and Certification No. 11-06828, charging the amount of \$115,000.00 to Account No. X-08-55-040-034, of the Municipal Budget is on file in the Office of the City Clerk; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) requires that the resolution authorizing the award of contracts for "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 **Hatch Mott MacDonald, 27 Bleeker Street, Millburn, New Jersey 07041-1008** for professional engineering services in connection with the final design of drainage improvements for the low area of South Street beneath the railroad bridge between Rahway Avenue and Burnett Street, at a cost not to exceed \$115,000.00.

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.

Councilman Gonzalez stated that he is happy to see this item on the agenda. He continued that this improvement will alleviate flooding and he thanked the Administration for bringing this project to fruition.

Which was adopted by the following vote:

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

NEGATIVE: None

**BY CITY COUNCIL AS A WHOLE:**

WHEREAS, on March 12, 2010 the Director of Public Works received qualification proposals for consulting professional engineering services in connection with the North Avenue Flood Control Project; and

WHEREAS, the Director of the Department of Public Works has requested an award of a contract be made to **Hatch Mott MacDonald, 27 Bleeker Street, Millburn, New Jersey 07041-1008**, to provide professional engineering services in connection with the final design of drainage improvements for the low area of North Avenue, beneath the railroad bridge between Pennsylvania Avenue and Jefferson Avenue. The installation of drainage pipe will extend along Madison Avenue to Fanny Street. This project will relieve flooding for up to five (5) year storm, at a cost not to exceed \$102,000.00; and

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

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

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

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available and appropriated for this purpose and Certification No. 11-06829, charging the amount of \$102,000.00 to Account No. X-08-55-040-034, of the Municipal Budget is on file in the Office of the City Clerk; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) requires that the resolution authorizing the award of contracts for "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 **Hatch Mott MacDonald, 27 Bleeker Street, Millburn, New Jersey 07041-1008** for professional engineering services in connection with the final design of drainage improvements for the low area of North Avenue, beneath the railroad bridge between Pennsylvania Avenue and Jefferson Avenue. The installation of drainage pipe will extend along Madison Avenue to Fanny Street. This project will relieve flooding for up to five (5) year storm, at a cost not to exceed \$102,000.00.

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

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

Councilman Gallman stated that the residents will be happy because they have been suffering for a long time. He requested the support of his colleagues.

Councilman Cedeno thanked the Administration for spearheading this project because the 4<sup>th</sup> Ward shares the flooding problem on North Avenue

Council President Keenan thanked the Administration on bringing the flooding situation, hopefully, to a close. He continued that this has been a difficult situation for the residents of this area for a long time.

Which was adopted by the following vote:

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

NEGATIVE: None

25

**BY CITY COUNCIL AS A WHOLE:**

**WHEREAS**, on March 1, 2011, the Director of the Department of Public Works received five (5) bids for the Westfield Avenue Median Planting Project; and

**WHEREAS**, the Director of the Department of Public Works has requested authorization to award a contract to the lowest bidder, **RICH PICERNO BUILDERS, LLC, 500 HOLLES DRIVE, KENILWORTH, NEW JERSEY 07033**, for the Westfield Avenue Median Planting Project in the amount of \$171,746.00; and

**WHEREAS**, the amount of the contract in question exceeds \$50,000.00 and the provisions of Chapter 2.92 of the Code of the City of Elizabeth have been complied with by **RICH PICERNO BUILDERS, LLC**; and

**WHEREAS**, the Chief Financial Officer has certified that sufficient funds are available and appropriated for this purpose and Certification No. 11-06826, charging the amount of \$171,746.00 to Account No. G-02-41-742-10 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 authorizes the award of a contract to the lowest responsible bidder **RICH PICERNO BUILDERS, LLC, 500 HOLLES DRIVE, KENILWORTH, NEW JERSEY 07033**, for the Westfield Avenue Median Planting Project in the amount of \$171,746.00.

Which was adopted by the following vote:

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

**NEGATIVE:** None

BY CITY COUNCIL AS A WHOLE:

276

WHEREAS, the Director of the Department of Planning and Community Development has advised that on December 14, 2010, City Council authorized the proper City Officials to execute an agreement with ELIZABETHPORT

PRESBYTERIAN CENTER, 185 First Street, Elizabeth, New Jersey 07206, for the Senior and Guide & Groom Programs in the amount of \$26,000.00; and

WHEREAS, authorization is requested to permit the proper City Officials to amend the aforementioned agreement to increase the amount by \$1,000.00 for a total amount of \$27,000.00; and

WHEREAS, funds will be used for the agency's Black History Month Program, which will honor the "Pioneers of Elizabethport"; and

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available and appropriated for this purpose and Certification No.11-06623, charging the amount of \$1,000.00 to Account No. 1-21-56-182, of the Municipal Budget is on file in the Office of the City Clerk; now, therefore, be it

RESOLVED that the City Council authorizes an amendment to the agreement authorized on December 14, 2010 awarding a contract ELIZABETHPORT PRESBYTERIAN CENTER, 185 First Street, Elizabeth, New Jersey 07206, for the Senior and Guide & Groom Programs in the amount of \$26,000.00 to increase the amount by \$1,000.00 for a total amount of \$27,000.00 for the reasons stated hereinabove.

Which was adopted by the following vote:

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

NEGATIVE: None

EXCUSED: GROVA - 1

**BY CITY COUNCIL AS A WHOLE:**

**WHEREAS**, the Business Administrator has advised that on May 1, 2007, your Honorable Body designated **Baker Center Development, LLC** as the Redeveloper of the former industrial site identified as Block 11, Lots 847, 847-A and 848, more commonly known as 827-961 Newark Avenue; 827-907 Newark Avenue and 1001-1013 Newark Avenue, the redevelopment called the Durant Street Redevelopment Area. As a result of adversities in the economic climate and difficulties with a member of the Redeveloper, the initial proposal for development was financially infeasible; and

**WHEREAS, Baker Center Development, LLC** was held in equal parts by WG Elizabeth, LLC, Bush Terminal Associates, LLC and SL Baker Center, LLC. The managing member, SL Baker Center, LLC will divest its 1/3 interest in the Redeveloper entity and the remaining entities will control and operate the redevelopment under the name of "891 Newark, LLC". This new entity proposed to restore the building formerly housing the Interbake Foods Plant. The Redeveloper proposes to revitalize and repair the existing industrial facility such that it will be conducive for use as light industrial, warehouse and distribution space, and in accordance with the Redevelopment Plan. The amendment to the Redevelopment Agreement will among other things include the removal of the retail and residential proposals from the initial agreement. The amendment will also remove Block 11, Lot 848, commonly known as 1001 Newark Avenue, owned by 1001 Newark Associates, LLC from the redevelopment. The Redeveloper, 1001 Newark Associates, LLC filed suit against the City for inverse condemnation. 891 Newark, LLC has agreed to pay the City the sum of \$550,000.00, in turn, that sum will be paid by the City to the property owner, 1001 Newark Associates, LLC as settlement of all claims filed by them against the City of Elizabeth; now, therefore, be it

**RESOLVED** that the City Council of the City of Elizabeth authorizes the proper City Officials to amend the **Baker Center Redevelopment Agreement**, specifically in the form submitted to City Council known as the **First Amendment** to the **Redevelopment Agreement**, which removes, in part, Block 11, Lot 848, commonly known as 1001 Newark Avenue from the project site and authorizes the settlement of the suit filed by 1001 Newark Associates, LLC against the City of Elizabeth.

Which was adopted by the following vote:

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

**NEGATIVE:** None

**BY CITY COUNCIL AS A WHOLE:**

**WHEREAS**, this Municipality is authorized to dispose of impounded property in the possession of the Elizabeth Police Department and obsolete property belonging to the City of by sale at public auction in accordance with the provisions of N.J.S.A.40A:14-157; and

**WHEREAS**, certain tangible property has come into the possession of the Elizabeth Police Department, which includes but is not limited to electronics, home goods, clothing, jewelry, shoes and power tools; and

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

**WHEREAS**, the City of Elizabeth is also desirous of selling by public auction fixed assets listed on Schedule A attached hereto and made a part hereof; and

**WHEREAS**, these fixed assets are not needed for public use; and

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

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

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

**RESOLVED** that City Council of the City of Elizabeth hereby authorizes the sale of the tangible property in possession of the Elizabeth Police Department as set forth hereinabove and the fixed assets listed on Schedule A attached hereto and made a part hereof by PropertyRoom.com, State preapproved online auction site; and be it

**FURTHER RESOLVED** that viewing of the impounded property and the fixed assets may be reviewed on the web-site of Property Room.com, State pre-approved on-line auction site; and be it **FURTHER RESOLVED** that the net proceeds from the within sale shall be paid into the general municipal treasury of the City of Elizabeth.

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

Which was adopted by the following vote:

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

**NEGATIVE:** None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the Director of the Department of Planning and Community Development has requested adoption of a resolution authorizing the proper City Officials to execute any and all documents necessary and appropriate to discharge a mortgage; and

WHEREAS, the City of Elizabeth holds mortgage by AWG, Inc., 333 First Street, Elizabeth, New Jersey the owner of the mortgage premises located at 333 First Street, Elizabeth, New Jersey; and

WHEREAS, this is a Urban Development Action Grant (UDAG) Loan mortgage given on January 10, 1990, Book No. MB4040 Pages 378 in the original amount of \$550,000.00; and

WHEREAS, the Director advises that the loan was repaid in full on

February 04, 2005 thus the owner is entitled to a Discharge of Mortgage; now, therefore, be it

RESOLVED that the proper City Officials execute any and all documents necessary or appropriate to discharge said mortgage.

Which was adopted by the following vote:

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

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the Director of the Department of Planning and Community Development has requested authorization for the proper City officials to execute any and all documents necessary and appropriate to provide a Energy Efficiency & Conservation Revolving Loan Program to Renato Entero & Eva Dovie C. Entero, 507 Green Street, Elizabeth, New Jersey for the property located at 507 Green Street, Elizabeth, New Jersey. The purpose is for Energy Efficient Upgrades to Reduce Utility Expenses; and

WHEREAS, the maximum loan amount of assistance to be provided is not to exceed \$10,000.00; and

WHEREAS, the terms are .5% to 2.5% interest rate for two to ten years; and

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available and appropriated for this purpose in Certification No 11-06895 charging the amount of \$10,000.00 to Account Number G-02-41-782-10 (EE&CRLP) of the Municipal Budget and 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 a repayable loan in an amount not to exceed \$10,000.00, under the Energy Efficiency and Conservation Revolving Loan Program, to Renato Entero & Eva Dovie C. Entero, 507 Green Street, Elizabeth, New Jersey for the property located at 507 Green Street, Elizabeth, New Jersey for energy efficient upgrades to reduce utility expenses. Said loan shall be guaranteed as a lien on the aforementioned subject property; and be it

FURTHER RESOLVED actual commitment of funds and execution of documents will only occur upon satisfactory review of applicant's credit report and energy audit.

Which was adopted by the following vote:

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

NEGATIVE: None

**BY CITY COUNCIL AS A WHOLE:**

**WHEREAS**, the Director of the Department of Planning and Community

Development has requested authorization for the proper City officials to execute any and all documents necessary and appropriate to provide a Rental Housing Program

Deferred Payment Loan to **Y-HOMES, INC.**, 135 Madison Avenue, Elizabeth, New Jersey **07201**, for the property 135 Madison Avenue, Elizabeth, New Jersey **07201**; and

**WHEREAS**, the purpose is rehabilitation of thirty-five (35) of seventy (70) Single room occupancy (SRO) units plus major systems repair & replacement; and

**WHEREAS**, maximum amount of assistance to be provided is \$779,867.00 (\$587,867.00 HOME CHDO set aside + \$192,000.00 RCA); and

**WHEREAS**, the total project cost is \$3,257,386.00; and

**WHEREAS**, the terms are 0% interest rate deferred payment loan forgivable after an affordability period of ten (10) years; and

**WHEREAS**, the amount of the contract in question exceeds \$50,000.00 and the provisions of Chapter 2.92 of the Code of the City of Elizabeth have been complied with by **Y-HOMES, INC.**; and

**WHEREAS**, the Chief Financial Officer has certified that sufficient funds are available and appropriated for this purpose in Certification No. 11-06519 charging the amount of \$ 587,867.00 to Account No. 1-14-56-813 HOME, Certification No.11-06521 charging the amount of \$64,000.00 to Account No. 1-21-56-300-001 (Fairfield RCA), Certification No. 11-06525 charging the amount of \$ 128,000.00 to Account No. 1-21-567-300-003 (Summit RCA) of the Municipal Budget and are on file in the Office of the City Clerk; now, therefore, be it

**RESOLVED** that the City Council of the City of Elizabeth authorizes a Rental Housing Program Deferred Payment Loan, **Y-HOMES, INC.**, in the maximum amount of \$779,867.00 to **Y-HOMES, INC.**, 135 Madison Avenue, Elizabeth, New Jersey **07201**, at zero percent interest deferred payment loan forgivable after an affordability period of ten (10) years; and

**FURTHER RESOLVED** the funds shall not be released until after execution of the necessary and appropriate documents including the Environmental Review Process and, upon receipt of the Release of Funds, if necessary, and any other requirements deemed necessary by the U.S. Department of Housing & Urban Development, New Jersey Department of Community Affairs, and the Council On Affordable Housing (COAH) in accordance with HOME and RCA Program rules and regulations

Which was adopted by the following vote:

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

**NEGATIVE:** None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, Hadziosmanovic, A & A. are the owners of the property located at 443 Jersey Ave (Tax Account #13 - 626), and

WHEREAS, they purchased the property on December 20, 2010, from Melsy Builders, LLC, and

WHEREAS, the improvement on the property was demolished in December of 2009 and was erroneously billed for the 2010 Tax Year, and

WHEREAS, This resulted in an over billing for the 2010 Tax Year in the amount of \$4,340.26 (\$20,500 Improvement Assessed Value x \$21.172 2010 Tax Rate) now, therefore, be it

RESOLVED, That the Tax Collector be authorized to cancel/refund/credit the total sum of \$4,340.26. This amount represents an over billing of taxes for the 2010 Tax Year.

LCA

Which was adopted by the following vote:

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

NEGATIVE: None

**BY CITY COUNCIL AS A WHOLE:**

**WHEREAS**, the Business Administrator and the Purchasing Agent have advised that on February 24, 2011, sealed bids were received for the furnishing of one (1) Rescue Water Craft for the Fire Department; and

**WHEREAS**, the sole bid received was from Ribcraft USA, LLC, 88-100 Hoods Lane, Marblehead, MA 01945, which did not contain the Consent of Surety; now, therefore, be it

**RESOLVED** that the City Council of the City of Elizabeth rejects the bid received from Ribcraft USA, LLC for the furnishing of one (1) Rescue Water Craft for the Fire Department, and authorizes the Purchasing Agent to again readvertise for bids.

Which was adopted by the following vote:

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

**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) First Responder Response Vehicle – New 2011 Ford F-250 or Equal for the EMS Division of the Fire Department; and

**WHEREAS**, the low bid received was from **DFEFLM, LLC t/a Ditschman Flemington Ford, 215 Route 202 & 31, Flemington, New Jersey 08822**, in the amount of \$46,752.00 but did not meet the bid specifications as it failed to include a copy of the conversion warranty required in the bid. The second low bid was received from **Odyssey Automotive Specialty, 317 Richard Mine Road, Wharton, New Jersey 07885**, in the amount of \$49,700.00 did not meet the bid specifications as the bid for the extend-o-bed platform but did not include the custom cargo carrier as required in the bid. The third low and final bid received was from **P.L. Custom Body and Equipment Co., Inc., 2201 Atlantic Avenue, Manasquan, New Jersey 08736**, in the amount of \$54,569.00 but did not meet the bid specifications as it failed to provide the CAD drawings as required in the bid; now, therefore, be it

**RESOLVED** that the City Council of the City of Elizabeth rejects all of the bids received for the furnishing of One (1) First Responder Response Vehicle – New 2011 Ford F-250 or Equal for the EMS Division of the Fire Department and authorizes the Purchasing Agent to again readvertise for bids .

Which was adopted by the following vote:

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

**NEGATIVE:** None

**BY CITY COUNCIL AS A WHOLE:**

**WHEREAS**, the City Council of the City of Elizabeth desires to place a vanity street sign to honor U.S. Marine, Lance Cpl Francisco R. Jackson; and

**WHEREAS**, the vanity sign is to be placed at the corner of Clark Place and First Street, and the corner of Clark Place and Second Street; now, therefore, be it

**RESOLVED** that the City Council of the City of Elizabeth designates to place a vanity street sign at the corner of Clark Place and First Street, and the corner of Clark Place and Second Street to honor U.S. Marine, Lance Cpl Francisco R. Jackson.

Councilman Grova stated that Marine Lance Corporal Francisco Jackson and Cecelia Frazier are very important to the residents of the First Ward.

Council President Keenan thanked Councilman Grova for taking the lead on this.

Which was adopted by the following vote:

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

**NEGATIVE:** None

**BY CITY COUNCIL AS A WHOLE:**

**WHEREAS**, the City Council of the City of Elizabeth desires to place a vanity street sign to honor Cecelia Florence Frazier; and

**WHEREAS**, the vanity street sign is to be placed at the corner of Magnolia Avenue and Front Street, and corner of Magnolia Avenue and First Street; now, therefore, be it

**RESOLVED** that the City Council of the City of Elizabeth designates to place a vanity street sign at corner of Magnolia Avenue and Front Street, and corner of Magnolia Avenue and First Street to honor Cecelia Florence Frazier.

Which was adopted by the following vote:

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

**NEGATIVE:** None

BY CITY COUNCIL AS A WHOLE:

39

**RESOLVED** that City Council of the City of Elizabeth hereby establishes a handicapped parking space in front of 145 Sayre Street, Elizabeth, New Jersey 07206, as follows, pursuant to the recommendation of the Elizabeth Police Director:  
along the North curb line of Sayre Street  
beginning at a point 270' East of Chilton Street  
and continuing 22' East thereof;  
and be it

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

Which was adopted by the following vote:

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

**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 **1048 North Avenue, Elizabeth, New Jersey 07201**, as follows, pursuant to the recommendation of the Elizabeth Police Director:  
along the South curb line of North Avenue  
beginning at a point 180' East of Adams Avenue  
and continuing 22' East thereof;  
and be it

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

Which was adopted by the following vote:

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

**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 541 Maple Avenue, Elizabeth, New Jersey 07202, as follows, pursuant to the recommendation of the Elizabeth Police Director:  
along the West curb line of Maple Avenue  
beginning at a point 382' North of Summer Street  
and continuing 22' North thereof;  
and be it

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

Which was adopted by the following vote:

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

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

42

**RESOLVED** that City Council of the City of Elizabeth hereby amends Chapter 10.44.020 of the Code of the City of Elizabeth to delete the handicapped parking space at premises commonly known as **949 Anna Street, Elizabeth, New Jersey** in accordance with the recommendation of the Police Director.

Which was adopted by the following vote:

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

**NEGATIVE:** None

BY CITY COUNCIL AS A WHOLE:

413

WHEREAS, the City Council of the City of Elizabeth is aware of the current state of our national and local economy and accompanying historic peaks in unemployment; and

WHEREAS, the City Council of the City of Elizabeth desires to enact first source hiring legislation in an effort to encourage employment and to help its residents alleviate the strains of the economic downturn; and

WHEREAS, the City of Elizabeth adopts this resolution in an effort to create a first source hiring strategy that complies with applicable laws, is not pre-empted by certain federal, state or local legislation and benefits the residents of the City of Elizabeth; now, therefore, be it

**FURTHER RESOLVED** that any corporation or entity entering into a commercial tax abatement or PILOT (payment in lieu of taxes) agreement with the City shall, in compliance with applicable law, agree in good faith to hire residents of the City where practicable and if a need arises; and be it

**FURTHER RESOLVED** that any corporation or entity entering into a redevelopment agreement with the City shall, in compliance with applicable law, agree in good faith to hire residents of the City where practicable and if a need arises; and be it

**FURTHER RESOLVED** that any corporation or entity receiving grant moneys for a construction project from the City shall, in compliance with applicable law, agree in good faith to hire residents of the City where practicable and if a need arises; and be it

**FURTHER RESOLVED** that the aforementioned corporations or entities described herein shall act in good faith and in compliance with all local, state and federal laws and regulations; and be it

**FURTHER RESOLVED** that all contracts entered into by the corporation or entity for an activity described herein shall contain appropriate language to effectuate these provisions.

Councilwoman Perkins-Auguste stated that Council needs to make sure that Elizabeth residents are considered for jobs on projects in the City.

Councilman Gonzalez commended Councilwoman Perkins-Auguste on her First Source resolution.

Council President Keenan thanked Councilwoman Perkins-Auguste for taking the lead on hiring Elizabeth residents as a First Source.

Which was adopted by the following vote:

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

NEGATIVE: None

44

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the City Council of the City of Elizabeth has learned that Governor Chris Christie, and the State Treasurer's Office issued a report that recommends the termination of the Urban Enterprise Zone program as of June 30, 2011; and

WHEREAS, the Urban Enterprise Zone Program (UEZ) was created in 1983 to foster economic redevelopment in designated municipalities, by encouraging the private sector to create jobs in those communities; and

WHEREAS, the State study, which examined 2002 to 2008, looked at the effectiveness of the UEZ Programs during a period that began in the shadow of terrorism and ended in the worst economic decline in decades. The State's paid consultants who prepared the report that recommends the elimination of the NJ UEZ program as it currently functions, and replace it with a new place-based community and economic development program; and

WHEREAS, this comes on the heels of a budgetary recommendation that would cut \$10 million from the State's Transitional Aid Program, which is meant to help municipalities through extraordinary fiscal challenges; now, therefore, be it

RESOLVED that the Governor and State Legislature are strongly urged to continue the current Urban Enterprise Zone program so as not to adversely impact the City of Elizabeth and its residents; and be it

FURTHER RESOLVED that a copy of this resolution be forwarded to Governor Chris Christie, the State Treasurer's Office, members of the Senate and Assembly Budget and Appropriations Committees, Senator, Raymond Lesniak, Assembly members Joseph Cryan and Annette Quijano, and to the New Jersey State League of Municipalities

Councilman Grova announced that the residents should know how important the Urban Enterprise Zone Program is to the City of Elizabeth. He continued that this program brings \$8 to \$10 million dollars and this pays for police to patrol the shopping districts, improvements of businesses and more. He stated further that the loss of this program will hurt large cities.

Councilman Grova announced to the residents of Elizabeth to contact Governor Christie and oppose the "cutting" of the Urban Enterprise Zone Program.

Councilwoman Perkins-Auguste thanked Councilman Cedeno for putting this resolution on the agenda.

Councilman Mazza echoed the sentiments of his colleagues in opposing the termination of the Urban Enterprise Zone Program.

Councilman Cedeno stated that the Governor should rethink eliminating the Urban Enterprise Zone Program.

Councilman Gonzalez stated that the City of Elizabeth has been honored many times for having the model Urban Enterprise Zone Program.

Council President Keenan stated the Urban Enterprise Zone Program in the City of Elizabeth is the best in the State and this program should not be eliminated.

Which was adopted by the following vote:

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

NEGATIVE: None

**BY CITY COUNCIL AS A WHOLE:**

**WHEREAS**, the City Council of the City of Elizabeth has learned of the recent death of Joseph M. LaSpata, 81, a life-long resident of Elizabeth; and

**WHEREAS**, Mr. LaSpata was the supervisor of motor equipment for the City of Elizabeth Department of Public Works where he worked for thirty-five years, retiring in 1994; and

**WHEREAS**, he was an Army veteran of the Korean War era, stationed in Germany. He was a communicant of St. Genevieve's R.C. Church of Elizabeth and a member of its Senior Citizens Club. He was also a member of Union County Bowlers Hall of Fame, Garden State Buderigar Society and N.J. Wood Carvers Association; and

**WHEREAS**, he was the beloved husband for fifty-two years of Dolores (Urbanik) LaSpata; devoted father of Joseph M. LaSpata, Jr., and his wife, Denise, of Vero Beach, Florida; Theresa Pacheco and her husband, Rolando, of Berkeley Heights, New Jersey; Lisa Gentle of Basking Ridge, New Jersey, and Greg LaSpata and his wife, Eileen of Elizabeth, New Jersey; loving brother, of Nunzio of Berkeley Heights, New Jersey and Frank of Williamsport, New Jersey; cherished grandfather of Jennifer and Jaclyn LaSpata, Thomas and Stephanie Ganz, Andrew Pacheco, Rachel and Angela Gentle, Grace and Megan La Spata; now, therefore, be it

**RESOLVED** that the City Council of the City of Elizabeth hereby expresses its condolences at the passing of Joseph M. LaSpata 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 Lucy Cornacchio Mancione, 85; and

**WHEREAS**, Lucy was born in Elizabeth and resided there for sixty-nine years; she then moved to Linden prior to returning to Elizabeth; and

**WHEREAS**, she was a cafeteria aide and bus aide with the Elizabeth Board of Education for ten years, retiring in 1985; and

**WHEREAS**, Lucy was predeceased by her husband, Gaberial Mancione; two sisters, Mary Deen and Caroline Ayala, and three brothers, Ralph, Rocco, and Frank Cornacchio; and

**WHEREAS**, surviving are a son, Angelo Mancione and his wife, Louise; a daughter, Tina Fredella and her husband, Pasquale; three sisters, Philomena Cornacchio, Rosemarie Znamierowski, and Mildred Lopez; a brother, James Cornacchio, and a grandson, Justin Fredella; now, therefore, be it

**RESOLVED** that the City Council of the City of Elizabeth hereby expresses its condolences at the passing of Lucy Cornacchio Mancione and wishes to express sympathy to her family, relatives and friends at this time of their loss; and be it

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

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

Councilman Grova moved that City Council do now adjourn,

Which was carried unanimously.

Whereupon Council President Keenan declared City Council adjourned at

8:00 p.m.

APPROVED

JOSEPH KEENAN  
President of City Council

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