

CITY COUNCIL - ELIZABETH, N. J.

REGULAR MEETING - TUESDAY, MARCH 13, 2012

7:30 P. M.

AGENDA

ROLL CALL.

PRAYER AND PLEDGE OF ALLEGIANCE TO THE FLAG.

PUBLIC SPEAKING.

PUBLIC HEARINGS

ORD. NO. 4290 -

Grant an encroachment permit to Kleinfelder, East, Inc., Three AAA Drive, Hamilton, N.J., on behalf of ExxonMobil Environmental Services Company, to install four (4) soil borings in the access road to the Department of Public Works Maintenance Facility and one (1) monitoring well in the Atlantic Street right-of-way in the vicinity of the access road to the Department of Public Works Maintenance Facility.

ORD. NO. 4291 -

Authorize the establishment of a personalized handicapped parking space for Amparo Loreda, 414 Marshall Street.

ORD. NO. 4292 -

Authorize the establishment of a personalized handicapped parking space for Gladis R. Leyva, 622 Fourth Avenue.

**THE HISTORIC MIDTOWN ELIZABETH SPECIAL IMPROVEMENT DISTRICT BUDGET FOR CALENDAR YEAR 2012 IN THE AMOUNT OF \$317,187.50.**

PETITIONS, COMMUNICATIONS, ETC.

By the Clerk:

Letter dated March 5, 2012, from His Honor the Mayor, advising that subject to your advice and consent, is making the following appointments: Suzette Cavadas, Esq., and Kevin D. Harris, Esq., Temporary Municipal Prosecutors of the Municipal Court of the City of Elizabeth.  
Which was received.

By the Clerk:

Letter dated February 29, 2012, from the Business Administrator requesting authorization for the proper City officials to renew the policy of Insurance covering Public Officials and Employees Liability with Admiral Insurance Company, through the agent-of-record, Hughes-Plumber & Associates, Somerville, NJ, for the period of January 31, 2012 through January 31, 2013, at an annual premium of \$69,874.13.  
Which was received.

**PETITIONS, COMMUNICATIONS, ETC.**

**By the Clerk:**

Letter dated March 1, 2012, from the Business Administrator recommending the award of a contract to David Weber Oil Company, 601 Industrial Road, Carlstadt, NJ, for automotive lubricants, oils, grease and hydraulic oils for various departments for the period of February 29, 2012 through March 29, 2012, at a cost not to exceed \$10,000.00.  
Which was received.

**By the Clerk:**

Letter dated March 1, 2012, from the Business Administrator recommending the award of a contract to Bank of America/Staples, 500 Staples Drive, Framingham, MA, for the purchase of office supplies for all Departments and Divisions at a cost not to exceed \$200,000.00; and with W.B. Mason Company, Inc., 535 Secaucus Road, Secaucus, NJ, for the purchase of toner and cartridges for printers and Fax machines, through the Somerset County Co-Op, at a cost not to exceed \$80,000.00 for the period of March 5, 2012 through January 31, 2013, at a total cost of \$280,000.00.  
Which was received.

**By the Clerk:**

Letter dated March 1, 2012, from the Business Administrator recommending the award of a contract to Garden State Highway Products, 1740 East Oak Road, Vineland, NJ, for reflective sheeting for the Public Works Department for the period of February 29, 2012 through March 31, 2012, at a cost not to exceed \$10,000.00.  
Which was received.

**By the Clerk:**

Letter dated March 6, 2012, from the Business Administrator recommending the award of a contract to Allied Oil, LLC, 25 Old Campaign Road, Hillsborough, NJ, for the purchase of gasoline for the Public Works Marina for the period of March 2, 2012 through March 1, 2014, at a cost not to exceed \$300,000.00.  
Which was received.

**By the Clerk:**

Letter dated March 2, 2012, from the Chief Financial Officer requesting the City Council's approval of the City's Tax Year 2012 Cash Management Plan for the period January 1, 2012 through December 31, 2012.  
Which was received.

**By the Clerk:**

Letter dated March 2, 2012, 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 become payable, and fix the rate of interest to be charged for delinquent taxes.  
Which was received.

**By the Clerk:**

Letter dated March 6, 2012, from the Chief Financial Officer requesting authorization to submit an application to the Local Finance Board to participate in the New Jersey Environmental Trust 2012 Financing Program to finance the Midtown Infrastructure Project not to exceed \$7.5 million; the interest rate will be less than one-half that of a regular financing.  
Which was received.

**PETITIONS, COMMUNICATIONS, ETC.**

By the Clerk:

Letter dated March 6, 2012, from the Chief Financial Officer requesting that City Council consider the adoption of two (2) resolutions in connection with the City's participation in the 2012 NJ Environmental Infrastructure Trust financing pool: a resolution as to the form and sales not to exceed \$7.5 million General Obligation Bonds and a resolution authorizing documents in connection with each application with the interest rate less than one-half that of a regular financing. Which was received.

By the Clerk:

Letter dated March 5, 2012, from the Director of Planning and Community Development requesting to amend the resolution dated October 25, 2011, authorizing the execution of a Neighborhood Stabilization Program Third Party Agreement with Magill Real Estate Holdings, LLC, for the provision of a loan for the rehabilitation of a two (2) family home located at 325 Fulton Street in the amount of \$150,000.00, specifically to increase the amount of funds provided an additional \$190,000.00, raising the amount of funds to \$340,000.00 to enable Magill Real Estate Holdings, LLC., to also rehabilitate a the (3) family home located at 200 Livingston Street; change the terms of the loan from a deferred payment loan to a repayable loan not to exceed 50% of net cash flow consistent with the rules and regulations and execution of a Third Party Agreement required under the terms and conditions of the NJ State Neighborhood Stabilization Program. Which was received.

By the Clerk:

Letter dated March 5, 2012, from the Director of Planning and Community Development requesting authorization for the proper City officials to enter into a contract with Birdsell Services Group, 65 Jackson Drive, Cranford, NJ, for professional services related to receptor evaluations for three sites: (1) 74-82 Livingston Street, (2) 119 to 127 Front Street, and (3) the Midtown Urban Development Project, in the sum of \$18,500.00. Which was received.

By the Clerk:

Letter dated March 5, 2012, from the Director of Public Works recommending the award of a contract to Underground Utilities Corporation, 711 Commerce Road, Linden, NJ, for the North Avenue Flood Control Project at a cost of \$1,973,102.25. Which was received.

By the Clerk:

Letter dated February 6, 2012, from Kleinfelder, 3 AAA Drive, Hamilton, NJ, requesting an Encroachment Permit to perform environmental remediation work within the public right-of-way of South Fifth Street and Third Avenue consisting of four (4) soil borings in South Fifth Street, two (2) temporary well points and two (2) monitoring wells in the sidewalk of South Fifth Street and four (4) soil borings in Third Avenue. Which was received.

By the Clerk:

Letter dated February 21, 2012, from Mr. Harold Kennedy, Elizabeth Public Schools, 505 North Broad Street, Elizabeth, NJ, requesting permission to conduct a Parade/Festival on Saturday, April 21, 2012, commencing at 11:00 a.m. until 4:00 p.m.; rain date April 28, 2012. Which was received.

**PETITIONS, COMMUNICATIONS, ETC.**

By the Clerk:

Letter dated March 2, 2012, from Advisory Council Mario Benedetti, Elizabeth, NJ, requesting permission to have a bust of General Jose Artigas, a National hero of Uruguay, installed in Winfield Scott Plaza.  
Which Was Referred To Council As A Whole.

**REPORTS OF CITY OFFICERS**

By the Clerk:

Letter dated March 13, 2012, 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 9, 2012.  
Which was received.

By the Clerk:

Letter dated February 28, 2012, from the Chief Financial Officer submitting the City Treasurer's report of Receipts and Disbursements for the month of November, 2011, and Statement of Bank Balances and Investments as of November 30, 2011.  
Which was received.

**ORDINANCES ON FIRST READING**

- ORD. NO. 4294 - Grant an encroachment permit to Kleinfelder, Three AAA Drive, Hamilton, N.J., on behalf of ExxonMobil Environmental Services Company, to perform environmental remediation work within the public right-of-way of South Fifth Street and Third Avenue to include eight (8) soil borings; two (2) temporary well points and two (2) monitoring wells pursuant to N.J. Department of Environmental Protection regulations.
- ORD. NO. 4295 - Authorize the establishment of a personalized handicapped parking space for Santa Niva, 173 Jacques Street.

**PUBLIC HEARING AND FURTHER CONSIDERATION OF THE FOREGOING ORDINANCES SHALL TAKE PLACE AT THE CITY COUNCIL MEETING TO BE HELD TUESDAY, MARCH 27, 2012, AT 7:30 P.M.**

**ORDINANCES ON FINAL PASSAGE**

- ORD. NO. 4290 - Grant an encroachment permit to Kleinfelder, East, Inc., Three AAA Drive, Hamilton, N.J., on behalf of ExxonMobil Environmental Services Company, to install four (4) soil borings in the access road to the Department of Public Works Maintenance Facility and one (1) monitoring well in the Atlantic Street right-of-way in the vicinity of the access road to the Department of Public Works Maintenance Facility.
- ORD. NO. 4291 - Authorize the establishment of a personalized handicapped parking space for Amparo Loredo, 414 Marshall Street.
- ORD. NO. 4292 - Authorize the establishment of a personalized handicapped parking space for Gladis R. Leyva, 622 Fourth Avenue.

NEW BUSINESS

Adopt the Calendar Year 2012 Midtown Elizabeth Special Improvement District Budget in the amount of \$317,187.50.

Authorize an amendment to the Fiscal Year 2012 Budget to insert, as an Item of Revenue, a County of Union Night Watch Program 2012 grant in the amount of \$20,000.00.

Confirm the appointment of Suzette Cavadas, Esq., to serve as Temporary Municipal Prosecutor for a one year period.

Confirm the appointment of Kevin D. Harris, Esq., to serve as Temporary Municipal Prosecutor for a one year period.

Authorize the proper City officials to submit an application to the Local Finance Board to participate in the New Jersey Environmental Trust 2012 Financing Program to finance the Midtown Infrastructure Project in an amount not to exceed \$7,500,000.00 with an interest rate less than one-half of regular financing.

Authorize a resolution determining the form and other details of not exceeding \$7,500,000.00 general obligation bonds of the City of Elizabeth and providing for their sale to the New Jersey Environmental Infrastructure Trust and the State of New Jersey pursuant to the State Fiscal Year 2012 New Jersey Environmental Infrastructure Trust Financing Program for funding the City's Midtown Area Storm and Sanitary Sewer Project.

A resolution authorizing the execution and delivery of loan agreements to be executed by the City of Elizabeth and each of the New Jersey Environmental Infrastructure Trust and the State of New Jersey acting by and through the Department of Environmental Protection and further authorizing the execution and delivery of an escrow agreement, all pursuant to the State Fiscal Year 2012 New Jersey Environmental Infrastructure Trust Financing Program for funding the City's Midtown Area Storm and Sanitary Sewer Project.

Approve the Cash Management Plan of the City of Elizabeth for the period January 1, 2012 through December 31, 2012.

Authorize the Tax Collector to establish rules and regulations for the payment of taxes and to fix the rate of interest to be charged for delinquent taxes, assessments, water and sewer charges, etc.

Authorize the award of a contract to Admiral Insurance Company, 1255 Caldwell Road, Cherry Hill, N.J., through the agent of record, Hughes-Plumer and Associates, to renew a policy of insurance covering Public Officials and Employees Liability, for the period January 31, 2012 to January 31, 2013, at an annual premium of \$69,874.13.

Authorize the award of a contract to David Weber Oil Company, 601 Industrial Road, Carlstadt, N.J., for the purchase of automotive lubricants, oils and grease and hydraulic oils for various departments for the period February 29, 2012 through March 29, 2012 at a cost not to exceed \$10,000.00.

Authorize the award of respective contracts to Bank of America/Staples, 500 Staples Drive, Framington, MA., for the purchase of office supplies for various departments at a cost not to exceed \$200,000.00 and to V.B. Mason, Inc., 535 Secaucus Road, Secaucus, N.J., for the purchase of toner and cartridges for printers and Fax machines, at a cost not to exceed \$80,000.00, under the Somerset County Cooperative Purchasing Contract, for the period March 5, 2012 through January 31, 2013, at a total cost of \$280,000.00.

NEW BUSINESS (Cont'd.)

Authorize the award of a contract to Garden State Highway Products, 1740 East Oak Road, Vineland, N.J., for the purchase of reflective sheefing for the Department of Public Works, for the period February 29, 2012 through March 31, 2012, at a cost not to exceed \$10,000.00.

Authorize the award of a contract to Allied Oil, LLC, 25 Old Camplain Road, Hillsborough, N.J., for the purchase of gasoline for the Public Works Marina for the period March 2, 2012 through March 1, 2014, at a cost not to exceed \$300,000.00.

Authorize the proper City officials to enter into a contract with the Birdsall Service Group, Inc., 65 Jackson Drive, Cranford, N.J., for professional services related to receptor evaluations for three sites: 74-82 Livingston Street, 119 to 127 Front Street, and the Midtown Urban Development Project, in the sum of \$18,500.00.

Authorize the award of the contract to Underground Utilities Corporation, 711 Commerce Road, Linden, N.J., for the North Avenue Flood Control Project at a cost of \$1,973,102.25.

Authorize an amendment to a resolution adopted October 25, 2011, for a Third Party Agreement with Magill Real Estate Holdings, LLC., for rehabilitation of a two unit building located at 325 Fulton Street, in the amount of \$150,000.00, specifically to increase the amount of funds an additional \$190,000.00 to enable Magill Real Estate Holdings, LLC, to rehabilitate a three family house located at 200 Livingston Street, change the terms of the loan from a Deferred Payment Loan to a Repayable Loan not to exceed 50% of net cash flow consistent with the rules and regulations of a Third Party Agreement, as required under the terms of the N.J. State Neighborhood Stabilization Program.

Establish a handicapped parking space in front of the premises located at 743 Jefferson Avenue.

Authorize the Board of Education and the Governing Body to jointly find a suitable location for a new school.

Designate May 22, 2012 as Youth In City Government Day and appoint Councilman Frank J. Cuesta as Chairman of said affair.

Pay utility bills.

COMMENDATIONS

Matthew A. Lopes, Eagle Scout Award

MEMORIALS

Representative Donald M. Payne, Newark, 10<sup>th</sup> Congressional District  
Angelina (Nigro) Gallaso  
Margaret Ruth Donegan

ADJOURNMENT 7:55 P.M.