1

PROCEEDINGS OF CITY COUNCIL

(OFFICIAL)

ELIZABETH, N.J.

Tuesday Evening
March 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; 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.

NOTE: Councilman Cedeno arrived at 7:35 p.m.; Councilwoman Perkins-Auguste arrived at 7:40 p.m.; Councilman Grova arrived at 7:43 p.m., and assumed their seats.

PUBLIC SPEAKING

Mr. Sungbunh Elmersue, 648 Westminster Avenue, spoke to shared services being implemented within the municipalities regarding the Police Departments. He stated further that despite budgets the American people expect Police Departments to honor shared services.

Mr. Stephen Wallace, 921 Anna Street, spoke regarding the proposed development of a supermarket on Livingston Street He continued that the residents of the Fifth and First Wards do not have a supermarket or pharmacy. He stated further that the project is needed.

Ms. Linda Flores, 167 Jacques Street, stated that she is concerned about the N.J. Transit property may not be used for a supermarket. She continued that many residents do not own cars and have to travel to Elmora to shop. She stated further that a supermarket will create jobs.

Council President Keenan presented a commendation to Jefferson Park Day Care. He then read the commendation and presented it to representatives of the Jefferson Park Day Care.

Councilman Gallman stated that Jefferson Park Day Care has been in this City for such a long time and has done a great job.

Ms. Chessie Roberts stated that it is great to see former students carrying on great things.

Councilwoman Perkins-Auguste stated that she has grown to "love and admire" all that Ms. Roberts has done for this City. She continued that years ago, Ms. Roberts would host dinners to welcome incoming African-American teachers.

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

Councilman Gonzalez moved for the approval of Minutes of Council meetings, which was seconded by Council President Keenan.

The minutes of the City Council meetings held May 11, 25; June 9, 22; July 27; August 24; September 7,14, 21,28; October 5, 12, 19, 26; November 3, 9, 16, 23; December 7, 14, 21, 28, 2010, were approved, as printed, unanimously.

PUBLIC HEARINGS

Council President Keenan announced that the next business in order would be a public hearing on **Ordinance No. 4195**, entitled:

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

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

The Notice of Public Hearing was published in the Star Ledger issue of **March 10, 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. 4196**, 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

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 **March 10, 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. 4197**, 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

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 **March 10, 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. 4198**, 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

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 **March 10, 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. 4199**, 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

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 **March 10, 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. 4200**, 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

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 **March 10, 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. 4201**, 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.

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

The Notice of Public Hearing was published in the Star Ledger issue of **March 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. 4202**, 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 FACILIITES."

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

The Notice of Public Hearing was published in the Star Ledger issue of **March 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. 4203**, 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.

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

The Notice of Public Hearing was published in the Star Ledger issue of **March 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. 4204**, 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.

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

The Notice of Public Hearing was published in the Star Ledger issue of **March 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. 4205**, entitled:

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

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

The Notice of Public Hearing was published in the Star Ledger issue of **March 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. 4206**, entitled:

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

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

The Notice of Public Hearing was published in the Star Ledger issue of **March 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. 4207**, entitled:

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

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

The Notice of Public Hearing was published in the Star Ledger issue of **March 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. 4208**, entitled:

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

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

The Notice of Public Hearing was published in the Star Ledger issue of **March 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 March 7, 2011, from the Business Administrator requesting authorization for the proper City officials to accept from Robert J. Bauer of RJB Associates, L.P., 530 South Avenue East, Cranford, N.J., a donation of a glass framed Historical Print depicting farmland and available land lots in the City of Elizabeth during 1892.
Which was received.

By the Clerk:
Letter dated March 7, 2011, from the Business Administrator recommending the award of a contract to Wolfington Body Co., Inc., 1315 Route 38, Hainsport, N.J., to purchase one (1) Senior Citizen Bus for the Health Department, at a cost of $68,990.00.
Which was received.

By the Clerk:
Letter dated March 10, 2011, from the Business Administrator recommending the award of a contract to Air Brake & Equipment, 225 Route 22 West, Hillside, N.J., for Auto Maintenance and Repair for heavy duty vehicles for various departments for the period February 28, 2011 through February 29, 2012, at a cost not to exceed $75,000.00.
Which was received.

By the Clerk:
Letter dated March 10, 2011, from the Business Administrator recommending the award of a contract to Airgas East, 490 Stelton Road, Piscataway, N.J., for the rental of Oxygen Cylinders for the Police Department, Ambulance Service Bureau, Fire Department and the Public Works Department for the period February 28, 2011 through August 31, 2011, at a cost not to exceed $8,000.00.
Which was received.

By the Clerk:
Letter dated March 10, 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 28, 2011 through April 30, 2011, at a cost not to exceed $20,000.00.
Which was received.

By the Clerk:
Letter dated March 11, 2011, from the Business Administrator recommending the award of a contract to Pitney Bowes, Inc., 300 Phillips Boulevard, Trenton, N.J., for the purchase of a new Pitney Bowes Machine Model #DM1100 for the Mail Room at a total cost of $16,994.00.
Which was received.

By the Clerk:
Letter dated March 11, 2011, from the Business Administrator recommending the award of a contract to Gametime/MRC, PO. Box 106, Spring Lake, N.J., for the purchase and installation of a Spray Park for the Mickey Walker Center at a cost of $220,000.00.
Which was received.

By the Clerk:
Letter dated March 11, 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 12th Street, Newark, N.J., for the partial demolition of 874 Flora Street, Elizabeth, in the amount of $12,000.00.
Which was received.

By the Clerk:
Letter dated March 11, 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 12th Street, Newark, N.J., for the partial demolition of 213 Oak Street, Elizabeth, in the amount of $9,000.00.
Which was received.

By the Clerk:
Letter dated March 11, 2011, from the Business Administrator recommending the award of a contract to Ben Shaffer & Associates, Inc., P.O. Box 844, Lake Hopatcong, N.J., for Park and Playground Equipment and Parts for the Recreation and Public Works Departments, for the period February 28, 2011 through August 31, 2011, at a cost not to exceed $50,000.00.
Which was received.

By the Clerk:
Letter dated March 11, 2011, from the Business Administrator recommending the award of a contract to Air Brake & Equipment, 225 Route 22 West, Hillside, N.J., for auto parts for heavy duty vehicles for the various departments for the period February 28, 2011 through March 17, 2012, at a cost not to exceed $75,000.00.
Which was received.

By the Clerk:
Letter dated March 11, 2011, from the Business Administrator requesting authorization for the proper City officials to enter into a new agreement with the Union County Cooperative Pricing System for the purchases of work, services, materials and supplies.
Which was received.

By the Clerk:
Letter dated March 14, 2011, from the Business Administrator recommending the award of a contract to Ricoh America's Corporation c/o Ikon Office Solutions, Inc., 100 Passaic Avenue, Fairfield, N.J., for the Maintenance of the City's owned photocopiers for the period March 8, 2011 through June 30, 2011; and with Ikon Office Solutions, Inc., 100 Passaic Avenue, Fairfield, N.J., for the leasing of new photocopiers for the period March 8, 2011 through June 30, 2011, in the amount not to exceed $10,000.00 each, totaling $20,000.00.
Which was received.

By the Clerk:
Letter dated March 14, 2011, from the Business Administrator requesting authorization for the proper City officials to accept an Emergency Management Assistance Subgrant award from the Federal FY 2011 Homeland Security Grant Program.
Which was received.

By the Clerk:
Letter dated March 14, 2011, from the Business Administrator recommending the award of a contract to Warnock Fleet, 175 Route 10, East Hanover, N.J., for eight (8) 2011 Ford Explorers for the Police Department Safenet Program, under the Cranford Police Cooperative Pricing System, at a total cost of $202,024.00.
Which was received.

By the Clerk:
Letter dated March 14, 2011, from the City Attorney, on behalf of NextG Networks, Inc., requesting a Right-of-Way Use Agreement to install, operate and maintain fiber optic cable and associated equipment , including optical repeaters and antennas to the utility poles, within the public right-of-way at the following locations: 325 Christine Street, 544 Third Avenue, 201 Loomis Street, across 455 Elizabeth Avenue.
Which was received.

By the Clerk:
Letter dated March 1, 2011, from the Chief Financial Officer requesting authorization for the Tax Collector to credit tax accounts entitled to a Senior Citizen, Disability and/or Veteran Deduction for the 2011 Tax Year, pursuant to a delineated list submitted March 1, 2011, in the total amount of $4,250.00.
Which was received.

By the Clerk:
Letter dated March 3, 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 310 First Avenue the total sum of $18,557.17.
Which was received

[redacted]

[redacted]C.

By the Clerk:
Letter dated March 4, 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 55 Erie Street the total sum of $13,500.06.
Which was received.

By the Clerk:
Letter dated March 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 March 15, 2011, from the Chief Financial Officer requesting of your Honorable Body a resolution providing for a Single and Combined Issue of General Obligation Bonds authorizing the sale of $12,755,000.00 principal amount of General Improvement Bonds, Series 2011 and $1,230,000.00 Refunding Bonds; authorizing advertisement of a Notice of Sale; authorizing the Chief Financial Officer to sell and award the bonds, determining the form and other details of the bonds; and authorizing other matters relating thereto.
Which was received.

By the Clerk:
Letter dated March 11, 2011, from the Director of Planning and Community Development requesting authorization to submit an Urban Enterprise Zone proposal for Zone Assistance Funds to Elberon Development Company, LLC, for the acquisition of two (2) parcels of land necessary to enable Wakefern Corp. to construct a new 524,000 sq. ft. state-of-the-art Warehouse Distribution Facility in the amount of $2.5 million.
Which was received.

By the Clerk:
Letter dated March 15, 2011, from the Director of Planning and Community Development requesting authorization for the proper City officials to enter into a contract with PMK Group, 65 Jackson Drive, Cranford, N.J., for supplemental testing on the former supermarket property, 59-81 Livingston Street (a/k/a 70 Broadway) in an amount not to exceed $34,400.00.
Which was received.

By the Clerk:
Letter dated March 10, 2011, from the Director of Public Works requesting permission to have a lien placed against the properties listed on Schedule A, attached hereto and made a part hereof, for the removal of snow in the total amount of $1,051.46.
Which was received.

By the Clerk:
Letter dated March 14, 2011, from the Director of Public Works requesting an amendment to a resolution adopted on February 9, 2010, awarding a contract to the PMK Group, a Birdsall Service Group, Inc., to provide for the implementation of a Remedial Action Workplan for a portion of property known as Sullivan Road in the amount of $126,350.00, specifically to provide Remediation Oversight Services at a portion of Sullivan Road, 630 Dowd Avenue, at an additional cost not to exceed $82,670.00, raising the contract amount to $209,020.00.
Which was received.

[redacted]

[redacted]

By the Clerk:
Letter dated March 15, 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 related to the former Saxony Motel Property, now City-owned, at a cost not to exceed $110,500.00.
Which was received.

By the Clerk:
Letter dated March 15, 2011, from the Director of Public Works recommending the award of a contract to S. Batata Construction, Inc., 11 Jackson Street, Suite 2G, South River, N.J., for the Safe Streets to Transit Streetscape on West Jersey Street, between Union Street and Broad Street, at a cost of $89,972.50.
Which was received.

By the Clerk:
Letter dated March 9, 2011, from the Chairman, Planning Board, Department of Planning and Community Development, recommending that your Honorable Body adopt the Oakwood Plaza and Old Fire Station Properties Redevelopment Study.
Which was received.

By the Clerk:
Letter dated March 11, 2011, from Catherine Rousseau Saintillen, Executive Director, Jefferson Park Ministries, Inc., 477 Madison Avenue, Elizabeth, N.J., requesting of your Honorable Body a commendation acknowledging Mr. Patrick Corvington, Chief Executive Officer of the Corporation for National and Community Service, to be presented at their annual volunteer recognition dinner in honor of its "Silent Heroes."
Which was received.

REPORTS OF CITY OFFICERS

By the Clerk:
Letter March 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, March 18, 2011.
Which was received.

By the Clerk:
Letters dated March 1, 2011, from the Chief Financial Officer submitting the City Treasurer's report of Receipts and Disbursements for the month of November, 2010, and Statement of Bank Balances and Investments as of November 30, 2010.
Which was received.

By the Clerk:
Minutes: Fair Rental Housing Board, January 19, 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. 4210** , which was seconded by Councilman Grova, entitled:

AN ORDINANCE TO RESCIND ORDINANCE NO. 3872, AUTHORIZING THE ESTABLISHMENT OF A PERSONALIZED HANDICAPPED PARKING SPACE FOR ELETHEN STOKES, 949 ANNA 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, 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 Nos. 4210, 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. 4195**, which was seconded by Councilman Grova.

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

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 $5,000,000 including the sum of $250,000 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 $4,750,000 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.

Section 3. (a) The improvement hereby authorized and the purpose for which the bonds or notes are to be issued is to provide for the reconstruction and resurfacing of various roads in the City, as shown on a list on file with the City Clerk, and including all other 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 10 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 $4,750,000, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An amount not exceeding $500,000 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 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 **March 10, 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

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

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

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 $600,000 including the sum of $30,000 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 for down payment or for capital improvement purposes 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 are hereby authorized to be issued in the principal amount of $570,000 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvements hereby authorized and the purposes for which the bonds or notes are to be issued are the installation of traffic lights, road resurfacing and reconstruction at the intersection of West Jersey Street at Broad Street, and a traffic light upgrade at the intersection of Broad Street and Elizabeth Avenue, 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 hereby authorized to sell part or all of the notes from time to time, at not less than par and accrued interest, at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. 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 10 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 $570,000, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An amount not exceeding $100,000 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 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 **March 10, 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

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

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

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 $3,000,000 including the sum of $150,000 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 for down payment or for capital improvement purposes 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 are hereby authorized to be issued in the principal amount of $2,850,000 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvement hereby authorized and the purpose for which the bonds or notes are to be issued is to provide for environmental engineering and regulatory

compliance services, including, but not limited to, demolition and/or soil removal and related work at 801-871 Livingston Street, Lot 1123, Block 8, in the City, 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 hereby authorized to sell part or all of the notes from time to time, at not less than par and accrued interest, at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. 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 $2,850,000, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An amount not exceeding $500,000 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 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 **March 10, 2011.**

Councilman Gallman stated that he was happy that this is before Council this evening. He continued that this property has been vacant for years and hopes for his colleagues support. He stated further that this year the City will receive $3.9 million instead of $2 million that was offered previously.

Councilman Gallman stated that he has heard the residents speak regarding having a supermarket in their area. He stated further that this will enhance the community and this is a "win win" situation.

Councilman Mazza stated that the City will sell this property for $3 million and the cleanup of this property will cost $3 million; this is not a "good deal." He continued that there are other supermarkets, Pathmark or Shop Rite. He stated further that "personally" this is not the right way to do it.

Councilman Cedeno stated that for the residents here and at home, the Board of Education wants this property for education and the City wants it for other things. He continued that it is what the Ward Councilman wants, but he would like to see the larger picture. He stated further that previously it was only going to cost $400,000 to clean up and the City would make money on it. Now, it will cost $3,000,000 to clean and the City will sell it for $3.1 million. Councilman Cedeno stated that he will vote against this ordinance.

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

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

NEGATIVE: [redacted] CEDENO, MAZZA - 2

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

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

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 $12,000,000. No down payment is required in connection with the improvement or purpose for which obligations are authorized as provided in Section 3 hereof as said purpose is deemed to be self-liquidating and the obligations authorized herein are deductible from the gross debt of the City, as more fully explained in Section 6(e) of this bond ordinance.

Section 2. In order to finance the cost of the improvement or purpose, negotiable bonds are hereby authorized to be issued in the principal amount of $12,000,000 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvement hereby authorized and the purpose for which the bonds are to be issued is for the construction and installation of the western interceptor sewer system

improvements project through the Midtown area of the City, including, without limitation, the design and replacement and relief sewers and the improvement of hydraulic restrictions at the Bridge Street siphon, and including all work and materials necessary therefor or 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 hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. 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 City 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. It is an improvement or purpose the City may lawfully undertake as an improvement of a municipal public utility, and no part of the cost 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 forty (40) years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the City 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 $12,000,000 and the issuance of the obligations authorized herein will be within all debt limitations prescribed by that law.

(d) An aggregate amount not exceeding $3,000,000 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

purpose or improvement.

(e) This bond ordinance authorizes obligations of the City solely for a purpose described in N.J.S.A. 40A:2-7(h). The obligations authorized herein are to be issued for a purpose that is deemed to be self-liquidating pursuant to N.J.S.A. 40A:2-47(a) and are deductible from gross debt pursuant to N.J.S.A. 40A:2-44(c).

(f) The City reasonably expects to commence acquisition and/or construction of the improvement described in Section 3 hereof, and to advance all or a portion of the costs in respect thereof, prior to the issuance of bonds or notes hereunder. To the extent such costs are advanced, the City further reasonably expects to reimburse such expenditures from the proceeds of the bonds or notes authorized by this bond ordinance, in an aggregate not to exceed the amount of bonds or notes authorized in Section 2 hereof.

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 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 **March 10, 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

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

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

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 $2,600,000. No down payment is required in connection with the improvement or purpose for which obligations are authorized as provided in Section 3 hereof as said purpose is deemed to be self-liquidating and the obligations authorized herein are deductible from the gross debt of the City, as more fully explained in Section 6(e) of this bond ordinance.

Section 2. In order to finance the cost of the improvement or purpose, negotiable bonds are hereby authorized to be issued in the principal amount of $2,600,000 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvement hereby authorized and the purpose for which the bonds are to be issued is for the construction and installation of the Third Avenue combined sewer

modifications project, and including all work and materials necessary therefor or 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 hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. 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 City 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. It is an improvement or purpose the City may lawfully undertake as an improvement of a municipal public utility, and no part of the cost 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 forty (40) years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the City 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 $2,600,000 and the issuance of the obligations authorized herein will be within all debt limitations prescribed by that law.

(d) An aggregate amount not exceeding $650,000 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 purpose or improvement.

(e) This bond ordinance authorizes obligations of the City solely for a purpose

described in N.J.S.A. 40A:2-7(h). The obligations authorized herein are to be issued for a purpose that is deemed to be self-liquidating pursuant to N.J.S.A. 40A:2-47(a) and are deductible from gross debt pursuant to N.J.S.A. 40A:2-44(c).

(f) The City reasonably expects to commence acquisition and/or construction of the improvement described in Section 3 hereof, and to advance all or a portion of the costs in respect thereof, prior to the issuance of bonds or notes hereunder. To the extent such costs are advanced, the City further reasonably expects to reimburse such expenditures from the proceeds of the bonds or notes authorized by this bond ordinance, in an aggregate not to exceed the amount of bonds or notes authorized in Section 2 hereof.

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 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 **March 10, 2011.**

Councilman Grova stated that the residents over the last four years, the medium to heavy rainfalls are a problem. He continued that the Administration has come up with a solution that will alleviate flooding.

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

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

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

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 $1,500,000. No down payment is required in connection with the improvement or purpose for which obligations are authorized as provided in Section 3 hereof as said purpose is deemed to be self-liquidating and the obligations authorized herein are deductible from the gross debt of the City, as more fully explained in Section 6(e) of this bond ordinance.

Section 2. In order to finance the cost of the improvement or purpose, negotiable bonds are hereby authorized to be issued in the principal amount of $1,500,000 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvement hereby authorized and the purpose for which the bonds are to be issued is for the construction and installation of the South Street combined sewer

modifications project, and including all work and materials necessary therefor or 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 hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. 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 City 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. It is an improvement or purpose the City may lawfully undertake as an improvement of a municipal public utility, and no part of the cost 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 forty (40) years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the City 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 $1,500,000 and the issuance of the obligations authorized herein will be within all debt limitations prescribed by that law.

(d) An aggregate amount not exceeding $300,000 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 purpose or improvement.

(e) This bond ordinance authorizes obligations of the City solely for a purpose

described in N.J.S.A. 40A:2-7(h). The obligations authorized herein are to be issued for a purpose that is deemed to be self-liquidating pursuant to N.J.S.A. 40A:2-47(a) and are deductible from gross debt pursuant to N.J.S.A. 40A:2-44(c).

(f) The City reasonably expects to commence acquisition and/or construction of the improvement described in Section 3 hereof, and to advance all or a portion of the costs in respect thereof, prior to the issuance of bonds or notes hereunder. To the extent such costs are advanced, the City further reasonably expects to reimburse such expenditures from the proceeds of the bonds or notes authorized by this bond ordinance, in an aggregate not to exceed the amount of bonds or notes authorized in Section 2 hereof.

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 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 **March 10, 2011.**

Councilman Gonzalez stated that he was happy to see this ordinance to relieve flooding on the agenda tonight.

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

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

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.

WHEREAS, the position of constable as long existed without clear direction on how constables were to be appointed; the scope of a constable's duty; the duration of a constable's term of office and so forth;

and

WHEREAS, the City Council of the City of Elizabeth, by virtue of the authority granted to it by the State, can appoint and regulate constables:

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ELIZABETH that Chapter 2.56 of the *Code of the City of Elizabeth* be amended to include the following:

SECTION 1. - ARTICLE X – CONSTABLES

2.56.410 - Appointment of Constables.
Pursuant to N.J.S.A. 40A:9-120, the governing body may, by resolution, appoint not less than 2 nor more than 50 constables.

To be eligible, individuals to be appointed constable shall be residents and qualified voters of the municipality for at least 3 years prior to his or her appointment, and be of good moral character.

Individuals seeking to be appointed constable must first complete an application form from the Police Department. Subject to approval of the application by the Chief of Police, the constable candidate must then pass a background check and be fingerprinted, both of which must be paid for by the person seeking appointment as constable. Provided that the constable candidate meet these requirements, he or she must additionally pay a $50.00 fee to the City Clerk for the privilege of holding the office, pursuant to N.J.S.A. 40A:9-123. Only after these requirements have been met, and the requisite fees paid, may the governing body, by resolution, appoint the individual a constable.

2.56.420 – Constables; Powers and Duties.
Constables may serve any warrant, any process issued by the court, assist in landlord-tenant court proceedings, and perform such other duties as may be allowed by law.

2.56.430 - Jurisdiction of Constables. Pursuant to N.J.S.A. 40A:9-120, constables may exercise their functions and perform their duties anywhere in the county wherein the appointing municipality is located.

2.56.440 - Constables; terms of office.
Pursuant to N.J.S.A. 40A:9-121, every constable shall qualify within 30 days from the date of resolution of appointment and shall hold office for a term of 3 years from the date of the resolution of appointment, unless the governing body by its resolution of appointment shall fix a one-year term.

2.56.450 - Constable's oath.
Pursuant to N.J.S.A. 40A:9-124, every person appointed as a constable, before entering upon the duties of his or her office, shall take, subscribe and file with the municipal clerk the following oath:

> "I (state name), constable of the County of Union do solemnly swear (or affirm) to support the Constitution of this State and of the United States, and to perform the duties of my office as constable faithfully, impartially and justly to the best of my ability."

The oath may be administered by the municipal clerk or by any person authorized by law to administer oaths.

2.56.460 - Constables; badges.
Pursuant to N.J.S.A. 40A:9-122, the City shall supply each constable with a badge suitably inscribed, to be returned at the expiration of the constable's term.

The constable's badge of the City of Elizabeth shall be an encircled cross, in gold, with the Seal of the City Of Elizabeth in the center. The circle shall be inscribed with the words "CONSTABLE" above the Seal of the City of Elizabeth, and the words "CITY OF ELIZABETH" inscribed on the circle below the Seal of the City of Elizabeth.

2.56.470 - Constable's reports.
Pursuant to N.J.S.A. 40A:9-126.1, every constable shall on or before the first Wednesday following the first Monday of every month, file with the Elizabeth City Council by filing with the City Clerk, a report of his/her official activities, other than in connection with court or judicial proceedings, for the month immediately past. The City Clerk shall forward a copy of the constable's report to the Chief of Police.

The report shall list the names and addresses of all persons contacted by the constable in his/her official capacity, together with the date, time and purpose of the contact. In addition the report shall contain an accurate statement of all fees collected by the constable and from whom and for what service each fee was collected.

The failure by a constable to file such a report, for two (2) consecutive months, unless he or she was prevented from so doing by reason of physical incapacity, shall result in the office being deemed vacant and he/she shall be barred from exercising the rights and privileges thereof.

2.56.480 - Annual charges payable by constables.
Pursuant to N.J.S.A. 40A:9-123, there shall be an annual charge for the privilege of holding the office, to be paid by each constable in an amount of $50.00 payable to the City Clerk when appointed, and on the anniversary date of such appointment, yearly.

2.56.490 - Constable's bond.
Pursuant to N.J.S.A. 40A:9-125, every person appointed as a constable, before entering upon the execution of his/her office, shall give bond in the amount of $10,000. The bond shall be filed in the office of the City Clerk. The terms and conditions and the surety of said bond must be acceptable to the City Attorney.

2.56.500 - Actions on constable's bond.
Pursuant to N.J.S.A. 40A:9-126, actions on a constable's bond may be prosecuted in the Superior Court in like manner as in the case of actions on a sheriff's bond. Applications incidental to such actions may be made to the Superior Court in similar manner as in the case of applications incidental to actions and proceedings on official bonds as provided in Title 2A of the New Jersey Statutes. In any such action or proceeding any party in interest shall be entitled on demand to a jury trial. In any such action or proceeding a municipality shall not be liable for costs unless otherwise provided by the rules of the court.

If any person shall sustain loss by the neglect or default of any constable in the discharge of his/her official duties such person shall have an action in his/her own right upon the constable's bond.

SECTION 2.

All ordinances or parts of ordinances inconsistent with the provisions of this ordinance are 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 . **March 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 **March 14, 2011.**

Councilwoman Perkins-Auguste stated that she hopes this ordinance will receive support because it is beneficial to all.

Councilman Mazza stated that the Administration has done a great job. He continued that Constables are not Police and the word Police should not appear on their badges.

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

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

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."

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

SECTION 1. - That **Section 15.12.420, Cooking facilities required, shall be amended** to **DELETE,** the following: Every dwelling and shall be provided with installed cooking facilities or utility connection for such facilities; and to **ADD,** the following:

(a) No cooking shall be permitted in any unit of dwelling space unless there is provision for the following minimum cooking and sanitary facilities:

1. A kitchen sink of nonabsorbent impervious material and drainboard of appropriate materials, connected to and having available at all times a supply of hot and cold water under sufficient pressure as required under **N.J.A.C.** 5:10-15. The kitchen sink shall be connected to a sanitary disposal or sewer system;

2. Cooking and preparation of food shall be undertaken only in areas designated therefor;

3. Means of natural ventilation or mechanical ventilation sufficient to remove promptly cooking odors to the exterior of the premises without first circulating them within the interior habitable space of the unit;

4. Place for storage of food free from infestation;

5. Facilities for refrigeration in good operating condition for protection of food from spoilage permitting maintenance of temperatures for storage above 32 degrees and below 50 degrees without regard to outside temperatures;

6. A cooking facility which, if electrical, is connected with safety to an electrical system of sufficient capacity, or if gas, connected by permanent fixtures and tubing to avoid leakage of gas. The use of gasoline stoves or other similar fuel-burning appliances using highly flammable liquids and the use of portable kerosene stoves or other similar fuel-burning portable appliances for cooking is prohibited;

7. Cabinets or drawers or other storage areas for utensils, dishes and other cooking and eating equipment;

8. Two floor or wall electrical outlets for electrical appliances.

SECTION 2. – That **Section 15.12.690 B., Building security facilities shall be amended** to **DELETE** the following:

B. Every multiple dwelling of six or more units of dwelling space shall either have a self-closing and self-locking door at the main entrance to the building or some alternative security system, such as a doorman or electronically operated buzzer system and to **ADD** the following:

Every exterior entrance door leading to interior common areas which provide access to two or more interior dwelling unit entrance doors shall be a self-closing and self-locking door, shall be kept closed at all times except when in actual use and shall be equipped with a viewing device if it would not otherwise be possible to see a person seeking to enter without opening the door. In addition, the main entrance door shall be either attended at all times by a doorman or equipped with an electrically operated buzzer and latch-release system, individual exterior door bells connected to each dwelling unit, or an approved alternative security and entrance system. However, no building shall be equipped with an electrically operated latch-release system if such building is not also equipped with an intercommunication system allowing effective communication between a person in any dwelling unit and a person standing outside of the main entrance door.

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

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

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

The Clerk read the foregoing ordinance by title.

This ordinance was adopted on its first reading at the City Council meeting held . **March 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 **March 14, 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

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

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.

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

SECTION 1. The lease agreement between the City of Elizabeth and the Girls 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 the period of twenty (20) years at a fee of One-Dollar ($1.00) per year.

SECTION 2. The Girl Scout Council shall provide a Certificate of Insurance in the event of any claims arising out of the execution of the agreement and in the amount of $1,000,000.00 single liability for personal injury and property damage. The Certficate of Insurance shall name the City of Elizabeth as additional insured. Said Certificate to be renewed and forwarded to the City of Elizabeth automatically upon the expiration of each twelve (12) month period.

SECTION 3. The City of Elizabeth, through the Department of Public Works, will be responsible for the shoveling of snow at the Girls Scouts Heart of New Jersey, West Service Center, 1171 State Route 28, North Branch, New Jersey 08876.

SECTION 4. All other provisions of the lease agreement shall remain the same as previously authorized by Ordinance.

SECTION 5. All ordinances or parts of ordinances inconsistent with the provisions of this ordinance be and the same are hereby repealed.

SECTION 6. 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 7. 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 . **March 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 **March 14, 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

Council President Keenan announced that the next business in order would be the adoption of **Ordinance No. 4204**, which was seconded by Councilman Grova:

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.

WHEREAS, the Division of Engineering has reviewed an application submitted to the City of Elizabeth by Mr. Erik Person, Hydrogeologist, Kleinfelder East, Inc., 3 AAA Drive, First Floor, Hamilton, New Jersey on behalf of ExxonMobil Services Company for an encroachment permit for the advancement of eight soil borings and (1) monitoring well in the right-of-way of South Fifth Street and Third Avenue; now, therefore, be it

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

SECTION 1. - That an encroachment permit be granted to Kleinfelder East, Inc., 3 AAA Drive, First Floor, Hamilton, New Jersey on behalf of ExxonMobil Services Company for 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 as set forth in the supporting documentation prepared by Mr. Erik Person, Hydrogeologist, and that are depicted on the plans on file in the City Engineer's Office.

SECTION 2. - 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 3. - All ordinances or parts of ordinance inconsistent with the provisions of this ordinance be and the same are hereby repealed.

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

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

The Clerk read the foregoing ordinance by title.

This ordinance was adopted on its first reading at the City Council meeting held . **March 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 **March 14, 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

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

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

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

SECTION 1. - A personalized handicapped parking space for **Kazimierz Ciuba** is established in front of **21 South Second Street, Elizabeth, New Jersey** as follows and pursuant to the recommendation of the Elizabeth Police Director: along the West curb line of South Second Street beginning at a point 137' North of Merritt Avenue and continuing 22' North thereof.

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

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

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

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

The Clerk read the foregoing ordinance by title.

This ordinance was adopted on its first reading at the City Council meeting held . **March 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 **March 14, 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

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

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

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

SECTION 1. - A personalized handicapped parking space for **Pablo Casas** is established in front of **1043 Louisa Street, Apartment 4, Elizabeth, New Jersey 07201,** as follows and pursuant to the recommendation of the Elizabeth Police Director: along the North curb line of Louisa Street beginning at a point 70' West of Jackson Avenue and continuing 22' West thereof.

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

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

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

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

The Clerk read the foregoing ordinance by title.

This ordinance was adopted on its first reading at the City Council meeting held **March 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 **March 14, 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

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

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

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

SECTION 1. - A personalized handicapped parking space for **Winston Tidd** is established in front of **920 Olive Street, Elizabeth, New Jersey 07201,** as follows and pursuant to the recommendation of the Elizabeth Police Director: along the South curb line of Olive Street beginning at a point 260' West of Henry Street and continuing 22' West thereof.

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

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

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

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

The Clerk read the foregoing ordinance by title.

This ordinance was adopted on its first reading at the City Council meeting held . **March 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 **March 14, 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

Council President Keenan announced that the next business in order would be the adoption of **Ordinance No. 4208**, which was seconded by Councilman Grova:

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

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

SECTION 1. - A personalized handicapped parking space for **Aurora Fernandez** is established in front of **557 Marshall Street, Elizabeth, New Jersey** as follows and pursuant to the recommendation of the Elizabeth Police Director: along the North curb line of Marshall Street beginning at a point 87' East of Sixth Street and continuing 22' East thereof.

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

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

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

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

The Clerk read the foregoing ordinance by title.

This ordinance was adopted on its first reading at the City Council meeting held . **March 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 **March 14, 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

NEW BUSINESS

Councilman Grova **MOVED** for a Suspension of the Rules to consider an Ordinance which had not been discussed at the pre-meeting conference, seconded by Council President Kennan and

Which was carried unanimously.

Council President Keenan announced that the next business in order would be the introduction of **Ordinance No. 4211** , which was seconded by Councilman Grova, entitled:

ORDINANCE OF THE COUNCIL OF THE CITY OF ELIZABETH, COUNTY OF UNION, STATE OF NEW JERSEY ADOPTING AMENDMENTS TO THE REDEVELOPMENT PLAN FOR THE YORK STREET REDEVELOPMENT AREA

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 11, 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. 4211, adopted on first reading.

The regular order of business was then resumed.

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 $45,335 for the STD Grant 2011 awarded by the New Jersey Department of Health and Senior Services 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 $45,335 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:

New Jersey Department of Health and Senior Services

STD Grant 2011 $45,335

BE IT FURTHER RESOLVED, that a like sum of $45,335 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:

New Jersey Department of Health and Senior Services

STD Grant 2011
Other Expenses $45,335

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, Cuesta, Jackus, Grova, Gonzalez, Cedeno, Gallman, Mazza, and President Keenan - 9

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 $25,000 for the UASI Urban Areas Security Initiative 2009 awarded by the State of New Jersey Office of Homeland Security and Preparedness (OHSP) 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 $25,000 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 Office of Homeland Security and Preparedness
UASI Urban Areas Security Initiative 2009 $25,000

BE IT FURTHER RESOLVED, that a like sum of $25,000 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 Office of Homeland Security and Preparedness
UASI Urban Areas Security Initiative 2009
Other Expenses $25,000

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, Cuesta, Jackus, Grova, Gonzalez, Cedeno, Gallman, Mazza, and President Keenan - 9

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the Planning Board of the City of Elizabeth, at the request of the City Council of the City of Elizabeth, as embodied in its resolution of August 24, 2010, has conducted a public hearing regarding the determination as to whether the Oakwood Plaza Apartment Complex Area, an area bounded by the Elizabeth River, Irvington Avenue and Parker Road, is an "Area in Need of Redevelopment" as defined under the Local Redevelopment and Housing Law ("LRHL"); and

WHEREAS, at a public hearing conducted on March 3, 2011, the Planning Board heard testimony regarding the condition of the properties within the study area consisting of Tax Parcels 11-1199A, 11-451, also known as 328-460 Irvington Avenue in the City of Elizabeth, and the Old Fire Station property at Tax Parcel 11-1049A, it being located at 318-26 Irvington Avenue in the City of Elizabeth; and

WHEREAS, on March 3, 2011, the Planning Board reviewed a Redevelopment Study prepared by Victor E. Vinegra, PE, Harbor Consultants, Inc., 320 North Avenue, East, Cranford, New Jersey 07016, for the Oakwood Plaza and the Old Fire Station; and

WHEREAS, after hearing testimony on the Study, and opening the proceedings to the general public to comment upon the Study, the Planning Board found that based upon the Redevelopment Study and the evidence presented the aforesaid properties meet the statutory criteria as "an Area in Need of Redevelopment" pursuant to the Local Redevelopment and Housing Law ("LRHL"); now, therefore, be it

RESOLVED that the City Council of the City of Elizabeth approve and adopt the Oakwood Plaza and the Old Fire Station property Redevelopment Study for Tax Parcels 11-1199A, 11-451, also known as 328-460 Irvington Avenue in the City of Elizabeth; and the Old Fire Station property at Tax Parcel 11-1049A, known as 318-26 Irvington Avenue in the City of Elizabeth and declare this area to be an area in need of redevelopment pursuant to LRHL.

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 Attorney has advised that **NEXTG Networks, of New York, Inc., a Delaware Corporation, 890 Tasman Drive, Milpitas, CA 95035,** is a provider of telecommunications facilities to wireless carriers which has been authorized by the New Jersey Board of Public Utilities to provide telecommunications services throughout New Jersey. It has applied to install, operate and maintain fiber optic cable and associated equipment including optical repeaters and antennas to the utility poles within the public right-of-way; and

WHEREAS, initially, equipment will be installed at the following locations on Public Service and/or Verizon poles:

Address	Locations
325 Christine Street,	**2nd wooden pole East of 4th Ave on the North side of Christine St.**
544 3rd Avenue	**1st wooden pole south of Palmer St. on The West side of 3rd Ave.**
201 Loomis St.	**NW Corner of 2nd Ave. and Loomis St.**
Across 455 Elizabeth Ave.	**1st wooden pole south of 5th St. on the West side of Elizabeth Ave.;** now, therefore, be it

RESOLVED that the City Council of the City of Elizabeth authorizes the Mayor and the proper City officials to execute the agreement between **NEXTG Networks, of New York, Inc., a Delaware Corporation, 890 Tasman Drive, Milpitas, CA 95035,** which has been authorized by the New Jersey Board of Public Utilities to provide telecommunications services throughout New Jersey, to install, operate and maintain fiber optic cable and associated equipment including optical repeaters and antennas to the utility poles within the public right-of-way. The equipment will be installed at the aforementioned locations on Public Service and/or Verizon poles listed hereinabove.

Which was adopted by the following vote:

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

NEGATIVE: None

60

RESOLUTION OF THE CITY OF ELIZABETH PROVIDING FOR A SINGLE AND COMBINED ISSUE OF GENERAL OBLIGATION BONDS; AUTHORIZING THE SALE OF $12,755,000 PRINCIPAL AMOUNT OF GENERAL IMPROVEMENT BONDS, SERIES 2011, AND $1,230,000 REFUNDING BONDS, SERIES 2011; AUTHORIZING ADVERTISEMENT OF A NOTICE OF SALE; AUTHORIZING THE CHIEF FINANCIAL OFFICER TO SELL AND AWARD THE BONDS; DETERMINING THE FORM AND OTHER DETAILS OF THE BONDS; AND AUTHORIZING OTHER MATTERS RELATING THERETO

WHEREAS, the City of Elizabeth, in the County of Union, New Jersey (the "City"), has adopted the Bond Ordinances listed on the attached Appendix A-1 (the "General Improvement Bond Ordinances") and the Refunding Bond Ordinance listed on the attached Appendix A-2 (the "Refunding Bond Ordinance" and, collectively with the General Improvement Bond Ordinances, the "Bond Ordinances") authorizing the issuance of obligations of the City for the purpose of financing the general improvements and refunding project described in the Bond Ordinances; and

WHEREAS, the City Council has determined to finance permanently a portion of the costs of (a) the general improvement projects by the issuance of $12,755,000 principal amount of general obligation bonds and (b) the refunding project by the issuance of $1,230,000 principal amount of refunding bonds, all undertaken pursuant to the Bond Ordinances of the City; and

WHEREAS, the City made application pursuant to N.J.S.A. 40A:2-51 to the Local Finance Board in the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey (the "Local Finance Board") for the approval of the Refunding Bond Ordinance, and on September 17, 2010, the Local Finance Board approved the Refunding Bond Ordinance; and

WHEREAS, the City Council has determined to proceed with the public sale of said bonds for the purposes authorized in the Bond Ordinances.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Elizabeth, in the County of Union, New Jersey (not less than a majority of the full membership of the City Council affirmatively concurring), as follows:

Section 1. (a) Combination of General Obligation Bonds; Authorization of Sale. The principal amount of general obligation bonds authorized to be issued pursuant to the respective General Improvement Bond Ordinances described in Appendix A-1 hereto are hereby combined into a single and combined issue, and $12,755,000 aggregate principal amount of general obligation bonds, designated as "General Improvement Bonds, Series 2011" (the "General Improvement Bonds"), are authorized to be sold in accordance with the terms of this Resolution.

The average period of usefulness for the general improvements financed by the General Improvement Bonds, taking into consideration the respective amounts of obligations presently

authorized to be issued pursuant to the General Improvement Bond Ordinances described in Appendix A-1 hereto and the period or average period of usefulness determined in the Bond Ordinances described in Appendix A-1 hereto, is 16.00941 years.

(b) Refunding Bonds. Authorization of Sale. $1,230,000 aggregate principal amount of general obligation refunding bonds, designated as "Refunding Bonds, Series 2011" (the "Refunding Bonds" and, collectively with the General Improvement Bonds, the "Bonds"), authorized to be issued pursuant to the Refunding Bond Ordinance described in Appendix A-2 hereto, are authorized to be sold in accordance with the terms of this Resolution.

Section 2. Public Sale of Bonds. The Bonds shall be issued and sold at public sale in accordance with the provisions of the Local Bond Law, constituting Chapter 169 of the Laws of 1960 of the State of New Jersey, as amended and supplemented.

Section 3. Details of Bonds. The Bonds shall be dated their date of delivery, shall be in book-entry only form, shall bear interest from their date, payable semi-annually on October 15 and April 15 of each year, commencing October 15, 2011, at the rate or rates to be specified by the successful bidder, and shall mature, subject to prior redemption, on April 15 in the annual principal amounts and years as set forth below:

GENERAL IMPROVEMENT BONDS, SERIES 2011

Year	Principal Amount	Year	Principal Amount
2012	$570,000	2020	$ 790,000
2013	570,000	2021	835,000
2014	570,000	2022	880,000
2015	615,000	2023	925,000
2016	645,000	2024	970,000
2017	680,000	2025	1,025,000
2018	715,000	2026	1,075,000
2019	755,000	2027	1,135,000
		TOTAL	$12,755,000

REFUNDING BONDS, SERIES 2011

Year	Principal Amount
2012	$410,000
2013	$410,000
2014	$410,000
TOTAL	$1,230,000

The Bonds shall contain such other terms and conditions as are specified in the Notice of Sale, approved in Section 5 hereof (the "Notice of Sale").

Section 4. Redemption. (A) The Bonds maturing on or before April 15, 2021, are not subject to redemption prior to maturity.

(B) The Bonds maturing on or after April 15, 2022, are subject to redemption prior to maturity at the option of the City, as a whole or in part on any date on or after April 15, 2021, and if in part such maturity or maturities, or portions thereof, as decided by the City shall be redeemed, at the redemption price equal to 100% of the principal amount to be redeemed, plus accrued interest thereon to the date fixed for redemption.

Any Bond subject to redemption as aforesaid may be called in part, provided that the portion not called for redemption shall be in the principal amount of $5,000 or any integral multiple of $1,000 in excess thereof. If less than all of the Bonds of any series of a particular maturity are to be redeemed, Bonds of that maturity shall be selected by the Chief Financial Officer (or, if appointed pursuant to Section 12 hereof, the Paying Agent) by lot.

When any Bonds are to be redeemed, the Chief Financial Officer (or, if appointed pursuant to Section 12 hereof, the Paying Agent) shall give notice of the redemption of the Bonds by mailing such notice by first class mail in a sealed envelope postage prepaid to the registered owners of any Bonds or portions thereof which are to be redeemed, at their respective addresses as they last appear on the registration books of the City, at least thirty (30) but not more than sixty (60) days before the date fixed for redemption. Notice of redemption having been given as aforesaid, the Bonds, or portions thereof so to be redeemed, shall, on the date fixed for redemption, become due and payable at the redemption price specified therein plus accrued interest to the redemption date and, upon presentation and surrender thereof at the place specified in such notice, such Bonds, or portions thereof, shall be paid at the redemption price, plus accrued interest to the redemption date. On and after the redemption date (unless the City shall default in the payment of the redemption price and accrued interest), such Bonds shall no longer be considered as outstanding.

During any period in which The Depository Trust Company (or any successor thereto) shall act as securities depository for the Bonds, the notices referred to above shall be given only to such depository and not to the beneficial owners of the Bonds. Any failure of such depository to advise any of its participants or any failure of any participant to notify any beneficial owner of any notice of redemption shall not affect the validity of the redemption proceedings.

Section 5. Approval of Notice of Sale. The Notice of Sale containing other terms and provisions of the Bonds and setting forth the conditions of the sale thereof, all of which is hereby approved, shall be substantially in the form attached to this Resolution as Appendix B and made a part hereof.

Section 6. Approval of Summary Notice of Sale. The Summary Notice of Sale containing other terms and provisions of the Bonds and setting forth the conditions of the sale thereof, all of which is hereby approved, shall be substantially in the form attached to this Resolution as Appendix C and made a part hereof.

Section 7. Publication of Notice of Sale. The Notice of Sale substantially in the form attached to this Resolution shall be published at least once in the *Union County Local Source,* a newspaper published in the County of Union and circulating in the City, and the Summary Notice of Sale substantially in the form attached to this Resolution shall be published at least once in *The Bond Buyer*, a newspaper published in the City of New York and State of New York, carrying municipal bond notices and devoted primarily to the subject of state and municipal bonds. The advertisement of said Notice of Sale and Summary Notice of Sale in each such newspaper shall be published not less than seven (7) days prior to the sale date for the Bonds.

Section 8. Designation of Chief Financial Officer to Award Bonds; Delegation Regarding Postponement of Sale; Regarding Adjustment of Maturity Schedule. Proposals for the purchase of the Bonds shall be received by the Chief Financial Officer on April 7, 2011, or on such other date as determined by the Chief Financial Officer, as shall be provided in the Notice of Sale and the Summary Notice of Sale. The City Council hereby designates the Chief Financial Officer to sell and award the Bonds in accordance with this Resolution and the Notice of Sale. The Chief Financial Officer is hereby directed to report, in writing, to the City Council at its first meeting after the sale of the Bonds as to the principal amount, interest rate and maturities of the Bonds sold, the price obtained and the name of the purchaser.

There is hereby delegated to the Chief Financial Officer the authority to postpone the public sale of the Bonds without re-advertisement in accordance with the provisions of the Notice of Sale. The public sale of the Bonds may not be postponed more than sixty (60) days without re-advertisement.

There is hereby further delegated to the Chief Financial Officer the authority to adjust the maturity schedule for the Bonds at the times and in the amounts permitted by N.J.S.A. 40A:2-26(g).

Section 9. Authorization for Official Statement. The proper City officials and advisors are hereby authorized to prepare and distribute to the prospective purchasers of the Bonds a Preliminary Official Statement and a final Official Statement containing information relating to the City, its financial condition and the terms of the Bonds and other material facts customarily included in official statements for general obligation bonds in the State of New Jersey. The Chief Financial Officer is hereby authorized to deem final the Preliminary Official Statement for purposes of Rule 15c2-12 of the Securities and Exchange Commission.

Section 10. Approval of Form of Bond and Form of Refunding Bond. The form of the Bond and the form of the Refunding Bond, substantially as set forth in Appendix D-1 and Appendix D-2 attached hereto and made a part hereof, are hereby approved. The Bonds shall be executed in the name of the City by the manual or facsimile signature of the Mayor and the Chief Financial Officer and the seal of the City, or a facsimile impression thereof, shall be affixed to the Bonds and attested by the manual signature of the City Clerk.

Section 11. Appointment of Securities Depository. The Depository Trust Company, New York, New York ("DTC"), shall act as securities depository for the Bonds. The ownership of one fully registered bond for each maturity of the Bonds each in the aggregate principal amount of such maturity, will be registered in the name of Cede & Co., as nominee for DTC.

Pursuant to the book-entry only system, any person for whom a DTC Participant acquires an interest in the Bonds (the "Beneficial Owner") will not receive certificated Bonds and will not be the registered owner thereof. Ownership interests in the Bonds may be purchased by or through DTC Participants. Each DTC Participant will receive a credit balance in the records of DTC in the amount of such DTC Participant's interest in the Bonds, which will be confirmed in accordance with DTC's standard procedures. Receipt by the Beneficial Owners (through any DTC Participant) of timely payment of principal, premium, if any, and interest on the Bonds, is subject to DTC making such payment to DTC Participants and such DTC Participants making payment to Beneficial Owners. Neither the City nor the Paying Agent will have any direct responsibility or obligation to such DTC Participants or the persons for whom they act as nominees for any failure of DTC to act or make any payment with respect to the Bonds.

The appropriate officers of the City are hereby authorized to execute a Letter of Representation to DTC and such other documents as may be necessary or desirable in connection with DTC's services as securities depository.

DTC may determine to discontinue providing its services with respect to the Bonds at any time by giving notice to the City and discharging its responsibilities with respect thereto under applicable law. Under such circumstances, the City shall designate a successor securities depository or shall deliver certificates to the beneficial owners of the Bonds registered in the names of the beneficial owners thereof.

Section 12. Paying Agent. The Chief Financial Officer is hereby authorized to select and to enter into an agreement with a Paying Agent to ensure that the City can meet its obligations undertaken herein to the holders of the Bonds. The Chief Financial Officer may, however, elect not to select a Paying Agent for the Bonds, and may elect to select a Paying Agent at any time prior or subsequent to the issuance of the Bonds. However, the Chief Financial Officer shall select a Paying Agent upon any determination to cause the Bonds to be registered in the names of the beneficial owners thereof, as provided in Section 11 hereof.

Section 13. Tax Covenant. The City hereby covenants with the holders from time to time of the Bonds that it will make no investment or other use of the proceeds of the Bonds or take any further action (or refrain from taking such action) which would cause the Bonds to be "arbitrage bonds" within the meaning of the Internal Revenue Code of 1986, as amended, or under any similar statutory provision or any rule or regulation promulgated thereunder (the "Code"), or would cause interest on the Bonds not to be excludable from gross income for federal income tax purposes, and that it will comply with the requirements of the Code and said regulations throughout the term of the Bonds.

Section 14. Pledge of City. The full faith and credit of the City is hereby pledged for the payment of the principal of and interest on the Bonds. The Bonds shall be direct 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 principal of and interest on the Bonds without limitation as to rate or amount.

Section 15. Continuing Disclosure. The form of the Continuing Disclosure Certificate in substantially the form attached hereto as Appendix E is hereby approved, and the execution of the Continuing Disclosure Certificate by the Chief Financial Officer of the City is hereby authorized. The City hereby covenants and agrees that it will comply with and carry out all of the provisions of the Continuing Disclosure Certificate executed by the City and dated the date of issuance and delivery of the Bonds, as originally executed and as it may be amended from time to time in accordance with the terms thereof. Notwithstanding any other provision of this Resolution, failure of the City to comply with the Continuing Disclosure Certificate shall not be considered a default on the Bonds; however, any Bondholder may take such actions as may be necessary and appropriate, including seeking specific performance by court order, to cause the City to comply with its obligations under this Section.

Section 16. Further Action. The proper officers of the City are hereby authorized and directed to take all such action as may be necessary to affect the issuance and delivery of the Bonds.

Section 17. Effective Date. This Resolution shall take effect immediately upon the Local Finance Board approving the maturity schedule for the Bonds set for the herein.

Adopted: March 22, 2011

NOTE: The referenced Appendix A-1 through E and Exhibit A are 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, as a result of the City of Elizabeth's designation as an Urban Enterprise Zone, qualified businesses are eligible to collect sales tax at the rate of 3.5%; and

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

WHEREAS, the Business Administrator has requested authorization to submit a proposal to the New Jersey Urban Enterprise Zone Authority for $2.5 million to Elberon Development Company, LLC for the acquisition of two (2) parcels of land necessary to enable Wakefern Corp to construct a new 524,000 sq. ft. state-of-the-art warehouse distribution facility in Elizabeth, New Jersey; and

WHEREAS, these funds will enable Wakefern Corp to construct a 524,000 sq. ft. state-of-the-art warehouse distribution in Elizabeth which will retain 300 current jobs and the creation of approximately 350 new job opportunities in the next five to ten years for residents of the City of Elizabeth and surrounding towns; now, therefore, be it

RESOLVED that the City Council of the City of Elizabeth authorizes the submittal of a proposal to the New Jersey Urban Enterprise Zone Authority, for $ 2.5 million to Elberon Development Company, LLC for the acquisition of two (2) parcels of land necessary to enable Wakefern Corp to construct a new 524,000 sq. ft. state-of-the-art warehouse distribution facility in Elizabeth, New Jersey, which will retain 300 current jobs and the creation of approximately 350 new job opportunities in the next five to ten years for residents of the City of Elizabeth and surrounding towns; and be it

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

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 in accordance with N.J.S.A. 54:4-67, as amended and supplemented by Chapter 435 of the Laws of 1979 and Chapter 75 of the Laws of 1991, the Tax Collector is hereby authorized to accept payment of taxes without interest charges provided said payment is made within the tenth calendar day following the date upon which the same became payable; and be it

FURTHER RESOLVED, that when a Saturday, Sunday, or legal holiday occurs on the tenth day period referred to above, an extra day or days grace be given for said holiday (s); and be it

FURTHER RESOLVED, that the governing body does hereby fix as the rate of interest to be charged for delinquent taxes, assessments, water and sewer charges at 8% per annum on the first $1,500.00 of the delinquency, and 18% per annum on any amount in excess of $1,500.00, to be calculated from the date the tax was payable until the date of actual payment; and be it

FURTHER RESOLVED, by the City Council of the City of Elizabeth to add an additional penalty of six percent (6%) on delinquent taxes in excess of $10,000.00 that are not paid prior to the end of the fiscal year.

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 Director of the Health Department have requested an award of a contract to **WOLFINGTON BODY CO.,INC., 1315 Route 38, Hainesport, New Jersey 08060,** for one (1) Senior Citizen Bus for the Health Department, at a cost of $68,990.00 under the Somerset County Co-Op contract; and

WHEREAS, the provisions of Chapter 2.92 shall not apply to all contracts entered into with the United States of America, State of New Jersey, County or municipality, or any board, body, officer, agency or authority thereof, and any other state or subdivision thereof; and

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available and appropriated for this purpose and Certification No. 11-06802, charging the amount of $68,990.00 to Account No. X-04-55-9959-000, of the Municipal Budget is on file in the Office of the City Clerk; now, therefore, be it

RESOLVED that City Council of the City of Elizabeth hereby awards a contract to **WOLFINGTON BODY CO., INC., 1315 Route 38, Hainesport, New Jersey 08060,** for one (1) Senior Citizen Bus for the Health Department, at a cost of $68,990.00 under the Somerset County Co-Op contract.

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 recommended the award of a contract to **AIR BRAKE & EQUIPMENT, 225 Route 22 West, Hillside, New Jersey 07205,** for auto maintenance and repair for Heavy Duty Vehicles for the various Departments for the period of February 28, 2011 through February 29, 2012, at a cost not to exceed $75,000.00 under State Contract #73487; 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 #A73487, 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 **AIR BRAKE & EQUIPMENT, 225 Route 22 West, Hillside, New Jersey 07205,** for auto maintenance and repair for Heavy Duty Vehicles for the various Departments for the period of February 28, 2011 through February 29, 2012, at a cost not to exceed $75,000.00 under State Contract #73487.

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 recommended the award of a contract to **AIRGAS EAST, 490 Stelton Road, Piscataway, New Jersey 08854,** for the rental of Oxygen Cylinders for the Police Department, Ambulance Service Bureau, Fire Department and the Public works Department for the period of February 28, 2011 through August 31, 2011, at a cost not to exceed $8,000.00 under State Contract #68269; 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 #A68269, 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 **AIRGAS EAST, 490 Stelton Road, Piscataway, New Jersey 08854,** for the rental of Oxygen Cylinders for the Police Department, Ambulance Service Bureau, Fire Department and the Public Works Department for the period of February 28, 2011 through August 31, 2011, at a cost not to exceed $8,000.00 under State Contract #68269.

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 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 28, 2011 through April 30, 2011, at a cost not to exceed $20,000.00 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 28, 2011 through April 30, 2011, at a cost not to exceed $20,000.00 under State Contract #A72605.

Which was adopted by the following vote:

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

NEGATIVE: None

12

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the Business Administrator and the Director of the Recreation Department have requested an award of a contract to **PITNEY BOWES, INC., 300 Phillips Boulevard, Trenton, New Jersey 08618,** for the purchase of a new Pitney Bowes Mail Machine, Machine Model #DM1100 for the Mail Room, at a total cost of $16,994.00 under State Contract #A75237; 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 #A75237, requiring approval by this Governing Body in accordance with the provisions of **N.J.A.C.** 5:34-1.2; and

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available and appropriated for this purpose and Certification No. 11-06916, charging the amount of $16,994.00 to Account No. X-04-55-995-000, of the Municipal Budget is on file in the Office of the City Clerk; now, therefore, be it

RESOLVED that City Council of the City of Elizabeth hereby awards a contract to **PITNEY BOWES, INC., 300 Phillips Boulevard, Trenton, New Jersey 08618,** for the purchase of a new Pitney Bowes Mail Machine, Machine Model #DM1100 for the Mail Room, at a total cost of $16,994.00 under State Contract #A75237.

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 recommended the award of a contract to **GAMETIME, c/o MRC, PO BOX 106, Spring Lake, New Jersey 07762,** for the purchase of a installation of a Spray Park for the Mickey Walker Center, at a total cost of $220,000.00 under State contract #A59052; 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 #A59052, requiring approval by this Governing Body in accordance with the provisions of **N.J.A.C.** 5:34-1.2; and

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available and appropriated for this purpose and Certification No. 11-06913, charging the amount of $220,000.00 to Account No. X-04-55-999-X32-001, of the Municipal Budget is on file in the Office of the City Clerk; now, therefore, be it

RESOLVED, that City Council of the City of Elizabeth hereby awards a contract to **GAMETIME, c/o MRC, PO BOX 106, Spring Lake, New Jersey 07762,** for the purchase of a installation of a Spray Park for the Mickey Walker Center, at a total cost of $220,000.00 under State contract #A59052

Which was adopted by the following vote:

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

NEGATIVE: None

EXCUSED: PERKINS-AUGUSTE, CEDENO -2

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the Business Administrator and the Purchasing Agent have recommended the award of a contract to **BEN SHAFFER & ASSOCIATES, INC., P. O. BOX 844, Lake Hopatcong, New Jersey 07849,** for Park and Playground Equipment and Parts for the Recreation and Public Works Departments, for the period of February 28, 2011 through August 31, 2011, at a cost not to exceed $50,00.00 under their state contract #59054; 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 #A59054, 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 **BEN SHAFFER & ASSOCIATES, INC., P. O. BOX 844, Lake Hopatcong, New Jersey 07849,** for Park and Playground Equipment and Parts for the Recreation and Public Works Departments, for the period of February 28, 2011 through August 31, 2011, at a cost not to exceed $50,00.00 under their state contract #59054

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 recommended the award of a contract to **AIR BRAKE & EQUIPMENT, 225 Route 22 West, Hillside, New Jersey 07205,** for auto parts for Heavy Duty Vehicles for the various departments for the period of February 28, 2011 through March 17, 2012, at a cost not to exceed $75,000.00 under State Contract #73722; 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 #A73722, 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 **AIR BRAKE & EQUIPMENT, 225 Route 22 West, Hillside, New Jersey 07205,** for auto parts for Heavy Duty Vehicles for the various departments for the period of February 28, 2011 through March 17, 2012, at a cost not to exceed $75,000.00 under State Contract #73722;

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, N.J.S.A. 40a:11-11 (5) authorizes contracting units to enter into Cooperative Pricing Agreements; and

WHEREAS, the County of Union New Jersey, hereinafter referred to as the "Lead Agency" has offered voluntary participation in a Cooperative Pricing System for the purchase of work, materials and supplies; and

WHEREAS, the City of Elizabeth, County of Union, State of New Jersey, desires to participate in the Cooperative Purchasing Program with Union County; and

NOW, THEREFORE, BE IT RESOLVED on the 22nd Day of March by the Governing Body of the City of Elizabeth, County of Union, State of New Jersey as follows:

TITLE

This resolution shall be known and may be cited as the Cooperative pricing Resolution of the City of Elizabeth.

AUTHORITY

Pursuant the provisions of **N.J.S.A.** 40A:11-11(5), the Mayor and the City Clerk of the City of Elizabeth are hereby authorized to enter into a Cooperative Pricing Agreement

Which was adopted by the following vote:

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

NEGATIVE: None

77

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the Business Administrator and the Purchasing Agent have requested an award of a contract to **Ricoh America's Corporation c/o Ikon Office Solutions, Inc., 100 Passaic Avenue, Fairfield, New Jersey 07004,** for the maintenance of the City owned photocopiers under their **State Contract #51464** in the amount not to exceed $10,000.00 for the period of March 8, 2011 through June 30, 2011; and with **Ikon Office Solutions, Inc., 100 Passaic Avenue, Fairfield, New Jersey 07004,** for the leasing of the new photocopiers under their **State Contract #64039** in the amount not to exceed $10,000.00 for the period of March 8, 2011 through June 30, 2011, for a total expenditure not to exceed $20,000.00; 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 Contracts #51464 and #64039 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 **Ricoh America's Corporation c/o Ikon Office Solutions, Inc., 100 Passaic Avenue, Fairfield, New Jersey 07004,** for the maintenance of the City owned photocopiers under their **State Contract #51464** in the amount not to exceed $10,000.00 for the period of March 8, 2011 through June 30, 2011; and with **Ikon Office Solutions, Inc., 100 Passaic Avenue, Fairfield, New Jersey 07004,** for the leasing of the new photocopiers under their **State Contract #64039** in the amount not to exceed $10,000.00 for the period of March 8, 2011 through June 30, 2011, for a total expenditure not to exceed $20,000.00.

Which was adopted by the following vote:

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

NEGATIVE: None

78

RESOLUTION RE: AUTHORIZATION FOR THE CITY OF ELIZABETH TO ACCEPT A SUBGRANT AWARD OF THE FEDERAL FISCAL YEAR 2011 OF DEPARTMENT OF HOMELAND SECURITY EMERGENCY MANAGEMENT PERFORMANCE GRANT PROGRAM FUNDING

WHEREAS, the City of Elizabeth Office of Emergency Management has applied for the State Homeland Security Grant Program Subgrant CFDA#97.042, Award #2011-P120-2004 from the New Jersey State Police Office of Emergency Management. The Subgrant is for the purpose of enhancing the City of Elizabeth's ability to prevent, protect against, respond to and recover from acts of terrorism, natural disasters and other catastrophic events and emergencies; and

WHEREAS, the City of Elizabeth Office of Emergency Management, designated by the New Jersey State Police, Office of Emergency Management, has submitted an Application for Subgrant Award that has been required by the said New Jersey State Police Office of Emergency Management; and

WHEREAS, the Application for Subgrant Award calls for a match in the amount awarded which the City of Elizabeth, Office of Emergency Management adequately satisfies through the 2011 City of Elizabeth approved budget for Division salaries and wages and fringe benefits.

NOW, THEREFORE, BE IT RESOLVED that the City of Elizabeth, here with will accept the award of the FFY11 Homeland Security Emergency Management Performance Grant Program Subgrant in anticipation of subgrant funding from NJSP/OEM EMAA process, the City of Elizabeth will be awaiting the pending approval of the EMPG 'FY' 11 Federal grant funding from FEMA.

BE IT FURTHER RESOLVED that the like sum of the award will be appropriated under the caption FFY11 Homeland Security Emergency Management Performance Grant; when the grant is awarded.

BE IF FURTHER RESOLVED that the City's Business Administrator, Chief Financial Officer and Coordinator of Emergency Management are authorized to sign the appropriate subgrant award documents; and

BE IT FURTHER RESOLVED that copies of this Resolution shall be forwarded to the New Jersey State Police, Office of Emergency Management, the Director of the Division of Local Government Services.

[redacted]

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 has advised in accordance with **N.J.A.C.** 5:34 -1.2 it is required that the award of any contract pursuant to **N.J.S.A.** 40A:11-12 be awarded by resolution of the Governing Body; and

WHEREAS, the Director of the Department of Police has requested authorization to participate in the **CRANFORD POLICE COOPERATIVE PRICING SYSTEM CONTRACT #101** to award a contract to **Warnock Fleet, 175 Route 10, East Hanover, New Jersey 07936,** for eight (8) 2011 Ford Explorers for the Police Department Safenet Program at a total cost of $202,024.00 under the Cranford Police Cooperative Pricing System; and

WHEREAS, the provisions of Chapter 2.92 shall not apply to all contracts entered into with the United States of America, State of New Jersey, County or municipality, or any board, body, officer, agency or authority thereof, and any other state or subdivision thereof; and

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available and appropriated for this purpose and Certification No. 11-06934, charging the amount of $202,024.00 to Account No. 1-21-56-130 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 **Warnock Fleet, 175 Route 10, East Hanover, New Jersey 07936,** for eight (8) 2011 Ford Explorers for the Police Department Safenet Program at a total cost of $202,024.00 under the **CRANFORD POLICE COOPERATIVE PRICING SYSTEM CONTRACT #101.**

Which was adopted by the following vote:

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

NEGATIVE: None

80

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the Director of the Department of Planning & Community Development has requested an award of a contract be made to **The PMK Group, a Birdsall Service Group Business Unit, 65 Jackson Drive, P. O. BOX 5000, Cranford, New Jersey 07016,** to provide for supplemental testing on the former supermarket property, 59-81 Livingston Avenue (a.k.a. Broadway) in an amount not to exceed $34,400.00; and

WHEREAS, this supplemental work is necessary to perform to satisfy the prior property owner, due to a dispute concerning escrow amounts; 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, the Chief Financial Officer has certified that sufficient funds are available and appropriated for this purpose and Certification No. 11-07062 charging the amount of $34,400.00 to Account No. X-04-55-999-X20-001 of the Municipal Budget is 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 Municipal Clerk are hereby authorized and directed to execute a contract with **The PMK Group, a Birdsall Service Group Business Unit, 65 Jackson Drive, P. O. BOX 5000, Cranford, New Jersey 07016,** to provide for supplemental testing on the former supermarket property, 59-81 Livingston Avenue (a.k.a. Broadway) in an amount not to exceed $34,400.00

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:

WHEREAS, the Director of the Department of Public Works has advised that on February 9, 2010 your Honorable Body adopted a resolution authorizing the City of Elizabeth to award a contract in the amount of $126,350.00 to **The PMK Group, a Birdsall Service Group, Inc., 65 Jackson Drive, Cranford, NJ 07016** to provide for the implementation of a Remedial Action Workplan dated May 12, 2009 for a portion of property known as Sullivan Road; and

WHEREAS, the purpose of this contract amendment is for work to be performed to address additional soil sampling due to the continued unauthorized dumping of asphalt, soil, gravel and liquid tar at the Site. The damaged monitoring well No. 1 will be abandoned and replaced and additional remedial investigation will be performed at the affected areas. Results will be presented in the form of a Remedial Investigation Report/Remedial Action Workplan Addendum; and

WHEREAS, the City is currently in the process of pursuing legal action against Inter-Regional disposal, the responsible party, to seek reimbursement for cleanup costs; and

WHEREAS, the Director of the Department of Public Works has requested authorization to award a contract to **The PMK Group, Birdsall Service Group, Inc., 65 Jackson Drive, Cranford, New Jersey 07016,** to provide Remediation Oversight Services at a portion of Sullivan Road (City owned Property), 630 Dowd Avenue at an additional cost not to exceed $82,670.00 for a total contract amount of $209,020.00; and

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available and appropriated for this purpose and Certification No.11-07165, charging the amount of $82,670.00 to Account No.X-04-55-999-X29-001, of the Municipal Budget is on file in the Office of the City Clerk; now, therefore, be it

RESOLVED that the City Council of the City of Elizabeth authorizes an amendment to a resolution adopted February 9, 2010, awarding a contract to **The PMK Group, a Birdsall Service Group, Inc., 65 Jackson Drive, Cranford, NJ 07016** to provide for remediation oversight services at a portion of Sullivan Road (City-owned property), at 630 Dowd Avenue, at an additional cost of $82,670.00 for a total contract amount of $209,020.00.

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:

WHEREAS, on March 11, 2011, the Office of the Department of Public Works received and reviewed qualification proposals for professional environmental consulting engineering services from **Birdsall Service Group, Inc., 65 Jackson Drive, Cranford, New Jersey 07016 .** 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, Birdsall Service Group completed a Preliminary Assessment/Environmental Site Assessment Report in August 2007 identifying six recognized environmental conditions/areas of concern, three of which require further evaluation; and

WHEREAS, in November 2008, a 1,500-gallon#2 heating oil underground storage tank (UST) was removed from the former Saxony Motel site by Luzon, Inc., in conjunction with the demolition of the building. Removal of the tank revealed that the tank had been leaking. At that time a total of 2,209.29 tons of impacted soil and 6,200 gallons of oil/water were removed from the site. Additional soil samples were also collected from the sidewalls of the excavation. The results of these soil samples revealed the need for additional investigation in area of soil sample T-S2; and

WHEREAS, the Director of the Department of Public Works has requested an award of a contract 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 address the existing environmental issues and prepare a Remedial Action Work plan to ultimately close the NJDEP case. To accomplish this, monitoring wells, additional groundwater sampling, soil delineation, receptor evaluation and baseline ecological evaluation and aquifer testing will be performed; and

WHEREAS, the sum of $442,700.00 from the purchase price of the property is held in escrow to pay the costs reasonably estimated to be necessary to remediate the site; and

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available and appropriated for this purpose and Certification No. 11-07166 charging the amount of $ 110,500.00 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, 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 inspection; 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 at a cost not to exceed $110,500.00 for Environmental Consulting Engineering Services related to the former Saxony Motel Property, now City owned.

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:

WHEREAS, on March 15, 2011, the Director of Public Works received three (3) bids for the Safe Streets to Transit Streetscape on West Jersey Street between Union Street and Broad Street; and

WHEREAS, the lowest bidder, was submitted by **S. Batata Construction, Inc., 11 Jackson Street, Suite 2G, South River, New Jersey 08882**, in the amount of $89,972,50; and

WHEREAS, the City has received a grant in the amount of $150,000.00 from the New Jersey Department of Transportation (NJDOT) Safe Streets to Transit Program for this project. The award is subject to approval of the NJDOT: and

WHEREAS, the Director of the Department of Public Works has requested authorization for the award of a contract to the lowest responsible bidder, **S. Batata Construction, Inc., 11 Jackson Street, Suite 2G, South River, New Jersey 08882**, for the Safe Streets to Transit Streetscape for West Jersey Street between Union Street and Broad Street in the amount of $89,972.50; 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 **S. Batata Construction, Inc.;** and

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available and appropriated for this purpose and Certification No. 11-07164, charging the amount of $89,972.50 to Account No. G-02-41-841-11 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 **S. Batata Construction, Inc., 11 Jackson Street, Suite 2G, South River, New Jersey 08882,** for the Safe Streets to Transit Streetscape for West Jersey Street between Union Street and Broad Street in the amount of $89,972,50.

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 has advised that it has been brought to the Mayor's attention that **Robert J. Bauer of RJB Associates, L.P., 530 South Avenue East, Cranford, New Jersey 07016,** would like to donate a glass framed Historical Print depicting farmland and available land lots in the City of Elizabeth during 1892; and

WHEREAS, the Mayor and the Business Administrator agree that this Historical Print would be a great addition to the City's Historical Archives; now, therefore, be it

RESOLVED that the City Council of the City of Elizabeth authorizes the proper City Officials to accept the donation of a a glass framed Historical Print depicting farmland and available land lots in the City of Elizabeth during 1892 from **Robert J. Bauer of RJB Associates, L.P., 530 South Avenue East, Cranford, New Jersey 07016,** which would be a great addition to the City's Historical Archives; and be it

FURTHER RESOLVED that the City of Elizabeth expresses its thanks, appreciation and gratitude to **Robert J. Bauer of RJB Associates, L.P., 530 South Avenue East, Cranford, New Jersey 07016.**

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 following property owner(s) has (have) filed the necessary papers and is (are) entitled to a Senior Citizen (S1) or Disability Deduction (D1), and a Veteran Deduction (V1 & WV) for the 2011 Tax Year and,

WHEREAS, the Tax Assessor has approved same, now therefore, be it

RESOLVED, the Tax Collector is hereby authorized to credit said individual's taxes in the amount of $250.00 (S1 & D1) & $250.00 (V1 & WV) for the 2011 Tax Year as follows.

Acct. No.	Property Location	Name	Ded. Code
2-678	152 Livingston St	Medeiros, M	D1
4-1070.A	921 Meredith Ave	Valdes, V	S1
5-397	56 Erie St	Rodriguez, T & A	S1
5-634	229-231 Florida St	Cioban, L	S1
5-1110	28 Rankin St	Velez, N	D1
6-502	945 Grove St	Velez, A	S1
6-1668	350 Williamson St	Banasiak, E	S1
9-818	328 John St	Verde, A	S1
10-1232	723 Linden Ave	Camacho, P & J	S1
12-584	421 Linden St	Murray, A	S1
13-760	440 Linden Ave	Mourao, A	D1
13-934	741 Murray St	Wechsberg, A	D1
13-1586	241 Westfield Ave	Carvallo, R & J	S1

13 @$250.00ea.=$3,250.00

Acct. No.	Property Location	Name	Ded. Code
5-390	26 Erie St	Galczynski	V1
6-1668	350 Williamson St	Banasiak, E	V1
10-1317	710 Magie Ave	Carbone, D	V1
11-201	939-941 Cross Ave	Ortiz, E	V1

4@$250.00ea.=$1000.00

[redacted]

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, Novais, Maria is the owner of the property located at 310 First Ave Tax Account #5 – 475.B), and

WHEREAS, the property was removed from the Tax Abatement Program due to, non-payment of taxes, and

WHEREAS, this resulted in an Omitted/Added Assessment Bill for 2010 in the amount of $9,050.94 and an Added Assessment Bill for 2010 in the amount of $9,506.23, and

WHEREAS, at the request of the Tax Collector, the Tax Abatement has been reinstated on the property and the Omitted/Added and Added Assessment billing should be cancelled, now, therefore, be it

RESOLVED, That the Tax Collector be authorized to cancel/refund/credit the total sum of $18,557.17. This amount represents an over billing of taxes for the 2010 Tax Year.

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, Santos, Joseph M. is the owner of the property located at 55 Erie St Tax Account #5 - 427.B), and

WHEREAS, the property was removed from the Tax Abatement Program due to, non-payment of taxes, and

WHEREAS, this resulted in an Omitted/Added Assessment Bill for 2010 in the amount of $5,624.08 and an Added Assessment Bill for 2010 in the amount of $7,875.98, and

WHEREAS, at the request of the Tax Collector, the Tax Abatement has been reinstated on the property and the Omitted/Added and Added Assessment billing should be cancelled, now, therefore, be it

RESOLVED, That the Tax Collector be authorized to cancel/refund/credit the total sum of $13,500.06. This amount represents an over billing of taxes for the 2010 Tax Year.

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

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

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

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

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 **25 Catherine Street, Elizabeth, New Jersey 07201,** as follows, pursuant to the recommendation of the Elizabeth Police Director:

along the East curb line of Catherine Street

beginning at a point 335' North of Elizabeth

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, Gallman, Mazza, and President Keenan - 9

NEGATIVE: None

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:

ELIZABETHTOWN GAS	1-01-31-446	$ 57,152.81
ENDRESS REFRIGERATION, INC.	1-01-31-430	$ 338.50
ENERGY PROJECT EQUITY,INC.	1-01-31-430	$ 13,407.00
FLEETCOR TECHNOLOGIES SERVICE	1-01-31-460	$ 94,448.51
HESS CORPORATION	1-01-31-430	$ 30,790.79
LANGUAGE LINE SERVICES	1-01-43-490-MCO-302	$ 1,227.20
NATIONAL TERMINAL, INC.	1-01-31-447	$ 11,663.40
NEXTEL COMMUNICATIONS	1-01-31-440	$ 2,658.28
PEPCO ENERGY SERVICES	1-01-31-446	$ 17,043.45
PUB 15 PSE&G	G-02-41-874-8	$ 36,362.13
PSE&G	1-01-31-430	$ 49,011.91
SPRINT	1-01-31-440	$ 1,678.99
VERIZON	1-01-31-440	$ 42,969.25
VERIZON CABS	1-01-31-440	$ 193.30
VERIZON WIRELESS	1-02-31-440	$ 672.20
VERIZON WIRELESS	1-01-31-440	$ 107.73
VERIZON COMMUNICATIONS INC.	1-01-31-440	$ 1,090.60
VERIZON WIRELESS	1-01-31-440	$ 17,333.83
NATIONAL FUEL OIL, INC.	1-01-31-447	$ 5,331.85

Which was adopted by the following vote:

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

NEGATIVE: None

[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. Adalbert R.C. Church			5255	3-17-11
St. Genevieve School HSA			5256	3-17-11
Immaculate Conception Church			5257	3-24-11

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 that on March 31, 2011 the **Jefferson Park Ministries, Inc., 477 Madison Avenue, Elizabeth, New Jersey,** will be holding its annual volunteer recognition dinner and will be honoring Patrick Corvington; and

WHEREAS, Mr. Corvington, who of Haitian descent, immigrated to the United States as a teenager and became an American citizen in 1993. He earned his B.A. in Sociology from the University of Maryland and his M.A. in Public Policy from John Hopkins University. He has co-authored publications such as "Ready to Lead: Next Shift: Beyond the Nonprofit Leadership Crisis"; and

WHEREAS, Patrick A. Corvington was sworn in as the Chief Executive Officer of the Corporation for National and Community Service on February 18, 2010. His leadership is guided by four principles: targeting resources to make service a solution to major national challenges; expanding opportunities for more people of all ages and backgrounds to serve; building the capacity of individuals, organizations and communities to use service as a lasting solution; and embracing innovation; and

WHEREAS, Mr. Corvington has devoted his life to serving others and empowering communities. He began his career as a case manager working with migrant farm workers. He also served as director of a group shelter home for adjudicated youth and worked as a patient advocate in a community based HIV/AIDs clinic; and

WHEREAS, Mr. Corvington is a recognized expert on nonprofit sector leadership, philanthropy and volunteerism. Prior to joining the Corporation, he served at the Annie E. Casey Foundation as a Senior Associate focused on issues related to leadership development and capacity building. Previously, Mr. Corvington was Executive Director of Innovation Network, a non-profit sector. Earlier in his career, he conducted policy research at the Urban Institute, and also worked to build the capacity of nonprofit organizations abroad; now, therefore, be it

RESOLVED, that the City Council of the City of Elizabeth hereby expresses its appreciation to Patrick Corvington for his devotion to serving others and empowering communities; and

FURTHER RESOLVED that this expression of appreciation be recorded in full upon the minutes of City Council and a certified copy be sent to the Patrick Corvington .

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 that Jefferson Park Day Care Center, Pre-School will be celebrating 40 years of providing day care in the City of Elizabeth; and

WHEREAS, in the late 1960's a group of concerned citizens from various racial, ethnic, religious and economic backgrounds recognized the need for quality day care in Elizabeth. They were encouraged in their efforts by George Comyns Thomas, Jr., a retired Elizabeth industrialist, who strongly felt that large business must involve itself in supporting the social needs of the community; and

WHEREAS, the search for a desirable site to a number of properties and existing structures were investigated for a day care center. The Park United Methodist Church, also interested in day care, owned a house on the corner of Madison Avenue and Mary Street that they were interested in renovating as a day care center. The house and the land it occupied were donated by the church and the newly incorporated group, purchased an adjoining parcel of property. There were numerous problems with the existing building which prohibited its' renovation and use as a day care center. With a commitment from Mr. Thomas, an architect was hired and plans were made to raze the old structure and to design a more modern facility. Additional community fund raisers were established to assist and support the operation of the Center; and

WHEREAS, on July 15, 1971, a dream was realized. The doors of Jefferson Park Day Care Center opened for the first time. The center began with twenty-three children, a director, three teachers, four aides and a cook. Many volunteers aided the staff. Within a short time, the Center was servicing 60 pre-school children and with a professional staff was enlarged to meet their needs. It is the devotion and commitment of the staff that enables the Center to achieve its educational level; and

WHEREAS, in 1974, the Board recognized the need for full day, Kindergarten services. Once again, Mr. Thomas supports the Pre-School's plans and construction on the addition was initiated. By 1975, a fifth classroom for Kindergarten, a social worker's office and a new entrance hall. Today the Center is open from 7:30 a.m. to 5:30 p.m. Monday through Friday, fifty-two weeks a year. Today, service for seventy-five, three year-old children. The children are served breakfast, a hot lunch and a snack each day; and

WHEREAS, Jefferson Park presently operates as a multi-funded agency. Funding for program operations is generated from the Department of Education, the United Way, and City of Elizabeth-Community Development Block Grant, Department of Agriculture, Department of Human Services and individual friends of the center. The philosophy of the Center continues to encourage community involvement both from the public and from private sectors; now, therefore, be it

RESOLVED that the City Council of the City of Elizabeth congratulates the Jefferson Park Day Care Center for achieving forty years of providing quality day care. The dedication of its founders, supporters along with the joint efforts by the community of both public and private sectors have made the Jefferson Park Day Care Center the success it is today; and

FURTHER RESOLVED that this expression of appreciation be recorded in full upon the minutes of City Council and a certified copy be sent to the Jefferson Park Day Care Center.

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 in recognition of Women's History Month, is reflecting on the extraordinary accomplishments of women and their role in shaping the course of our Nation's history; and

WHEREAS, the City of Elizabeth would like to pay tribute to the twenty-three(23) women in the Elizabeth Police Department listed below who help create a better community for the times in which they live as well as future generations:

Sgt. Linda Lensch

Det. Nereida Cortes	Off. Laura Frammigen
Det. Louchan Holmes	Off. Susan Keenan
Det. Maritza Rosales	Off. Michelle Maldonado
Off. Grisel Arias	Off. Jennifer Perez
Off. Marcela Arriola	Off. Johanna Rivera
Off. Yohara Barrios	Off. Mercedes Sader-Batista
Off. Kimberly Borras	Off. Barbara Salvero
Off. Romina Cannon	Off. Carrie Scharpnick
Off. Joyce Coakley	Off. Ina Silva
Off. Alana Farrow	Off. Jeanine Taylor
Off. Melissa Figueiredo	Off. Jesseca Townsend

RESOLVED that the City Council of the City of Elizabeth in recognition of Women's History Month commends the twenty-three (23) women in the Elizabeth Police Department listed hereinabove for their extraordinary accomplishments as women and their role in shaping the course of our Nation's history; and be it

FURTHER RESOLVED that this resolution be spread in full upon the minutes of City Council and that the Municipal Clerk be directed and authorized to forward a certified copy of this resolution to the twenty-three (23) women in the Elizabeth Police Department listed hereinabove.

Which was adopted by the following vote:

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

NEGATIVE: None

Councilman Grova moved that City Council do now adjourn,

Which was carried unanimously.

Whereupon Council President Keenan declared City Council adjourned at

8:30 p.m.

APPROVED

JOSEPH KEENAN
President of City Council

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