

PROCEEDINGS OF CITY COUNCIL

(OFFICIAL)

ELIZABETH, N.J.

Tuesday Evening  
January 8, 2013  
7:30 p.m.

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

Council President William Gallman, Jr., announced that this regular meeting is listed in the "Annual Notice", as defined by Chapter 231, P.L. 1975, and that copies of the "Annual Notice" have been mailed or delivered to the Star Ledger, Home News and Tribune, and Cablevision of Elizabeth and posted and filed in the City Clerk's Office in compliance with the terms of the Open Public Meetings Law, Chapter 231, P.L. 1975 on December 27, 2012.

PRESENT: Council Members-at-Large: Patricia Perkins-Auguste; Frank J. Cuesta; Manny Grova, Jr.

Council Members: (Vacant) 1st Ward; Nelson Gonzalez, 2nd Ward; Joseph Keenan, 3rd Ward; Carlos Cedeno, 4th Ward; Frank O. Mazza, 6th Ward, and President, William Gallman, Jr., 5<sup>th</sup> Ward - 8

ABSENT:

ALSO PRESENT: Jorge Estrada, Special Counsel

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

PUBLIC SPEAKING

Mr. Christopher Nelson, 746 Trumbull Street, spoke to recreational programs in the neighborhood. He continued that the citizens should have been informed of the development that is going on in the neighborhood. He stated further that Miller Playground needs improvement.

Mr. Nelson stated that Councilwoman Perkins-Auguste and Councilman Gallman need to agree on the plans regarding recreational facilities. He continued that young ladies do not have any recreational programs. He stated further that the boys have basketball, but it would be nice to have volleyball for the girls.

Mr. Nelson spoke regarding rodents that are behind his home and stated that many of the residents are not informed because they do not attend the neighborhood meetings.

Ms. Maria Echeverria, 324 Westfield Avenue, stated that Trinitas Hospital should have more activities for children with autism. She continued that the Administrators take the advice of the therapists, but they should listen to the moms also. She stated further that the children need some type of recreation. Ms. Echeverria stated that there should be recreational programs because the City of Elizabeth has a lot of children with autism.

Mr. Jose Rodriguez, 618 Jackson Avenue, stated that he has done some research and has found that one out of ten students in our schools are special education students. He continued that in his research, he discovered that there are not many programs for children with special needs. He stated further that many parents have a hard time finding after school programs.

In closing, Mr. Rodriguez stated that he hopes something could be done for these children and provide other options for the parents.

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

PETITIONS, COMMUNICATIONS, ETC.

By the Clerk:

Letter dated December 28, 2012, from the Business Administrator recommending the award of a contract to Trinitas Regional Medical Center, 225 Williamson Street, Elizabeth, NJ, for the implementation of an Employee Assistance Program (EAP) and Alcohol Education Program for the period commencing January 1, 2013 through December 31, 2013, in an amount not to exceed \$40,000.00.  
Which was received.

By the Clerk:

Letter dated December 28, 2012, from the Business Administrator recommending the award of a contract to Birdsall Services Group, Inc., 65 Jackson Drive, P.O. Box 5000, Cranford, NJ, to provide professional services in connection with the Health and Safety Compliance Programs for the Year 2013 for the period of January 1, 2013 to December 31, 2013, in an amount not to exceed \$80,000.00.  
Which was received.

By the Clerk:

Letter dated January 2, 2013, from the Chief Financial Officer advising that additional grants may be appropriated in the 2013 SFY Budget by budget amendments.  
Which was received.

By the Clerk:

Letter dated December 19, 2012, from the Director of Health and Human Services requesting authorization to enter into a Memorandum of Agreement with the University Hospital-Lattimore Practice at UMDNJ to provide diagnosis, treatment, monitoring, case management and field services for residents of Elizabeth with confirmed or suspect tuberculosis disease for the period of January 1, 2013 through December 31, 2013 in an amount not to exceed \$42,965.00.  
Which was received.

REPORTS OF CITY OFFICERS

By the Clerk:

Letter dated January 8, 2013, 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, January 4, 2013.  
Which was received.

**NEW BUSINESS**

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 \$963,000 for the Housing Opportunities for Persons with AIDS (HOPWA) Grant awarded by the U.S. Department of Housing and Urban Development (HUD) via the City of Newark Department of Health and Human Services and wishes to amend its FY2013 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 2013 in the total sum of \$963,000 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:

U.S. Department of Housing and Urban Development (HUD)  
HOPWA Grant 2013

\$963,000

**BE IT FURTHER RESOLVED**, that a like sum of \$963,000 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:

U.S. Department of Housing and Urban Development (HUD)  
HOPWA Grant 2013

Other Expenses

\$963,000

**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, Grova,  
Gonzalez, Keenan, Cedeno, Mazza,  
and President Gallman - 8

**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 \$12,176.69 for the Drunk Driving Enforcement Grant 2013 awarded by the State of New Jersey Department of Motor Vehicles and wishes to amend its FY2013 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 2013 in the total sum of \$12,176.69 which is now available as a revenue from:

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

State of New Jersey Department of Motor Vehicles  
Drunk Driving Enforcement Grant 2013

\$12,176.69

**BE IT FURTHER RESOLVED**, that a like sum of \$12,176.69 be and the same is hereby appropriated under the caption of:

General Appropriations  
(a) Operations Excluded from 3 ½ % Caps  
State and Federal Programs Offset by Revenues:  
State of New Jersey Department of Motor Vehicles  
Drunk Driving Enforcement Grant 2013  
Other Expenses

\$12,176.69

**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, Grova,  
Gonzalez, Keenan, Cedeno, Mazza,  
and President Gallman - 8

NEGATIVE: None

**BY CITY COUNCIL AS A WHOLE:**

**WHEREAS**, there is a need to provide services in connection with the implementation of an Employee Assistance Program and an Alcohol Education Program; and

**WHEREAS**, the Business Administrator has recommended the award of a contract to **Trinitas Regional Medical Center, 225 Williamson Street, Elizabeth, New Jersey 07207**, to implement an Employee Assistance Program (EAP) and an Alcohol Education Program, and to provide assistance in the identification and resolution of productivity problems associated with employees whose job performance may be impaired by personal concerns, for the period commencing January 1, 2013 through /December 31, 2013 at an amount not to exceed \$40,000.00; and

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

**WHEREAS**, the Chief Financial Officer has certified that sufficient funds are available and appropriated for this purpose and Certification No. 13-05391, charging the amount of \$40,000.00 to Account No. 3-01-20-100-ADM-302 of the Municipal Budget is on file in the Office of the City Clerk; and

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

**WHEREAS**, the Business Administrator has certified that this meets the statute and regulations governing the award of said contract; now, therefore, be it

**RESOLVED** by City Council of the City of Elizabeth, New Jersey that:

1. The Mayor and the City Clerk are hereby authorized and directed to enter into and execute an agreement with **Trinitas Regional Medical Center, 225 Williamson Street, Elizabeth, New Jersey 07207**, to implement an Employee Assistance Program (EAP) and an Alcohol Education Program and to provide assistance in the identification and resolution of productivity problems associated with employees whose job performance may be impaired by personal concerns, for the period commencing January 1, 2013 through December 31, 2013 at an amount not to exceed \$40,000.00.

2. Through the Fair & Openness Process quotations were solicited and Trinitas Regional Medical Center was the only respondent. Recommendation is based on previous service to City Employees. There will be no disruption of services to employees who are currently benefitting from this much needed assistance Trinitas Regional Medical Center is locally based in Elizabeth.
3. This service is specialized and qualitative in nature because it requires knowledge and expertise as it pertains to counseling, rehabilitation and behavioral management.
4. A notice of this action shall be published in The Star Ledger.

Which was adopted by the following vote:

AFFIRMATIVE: Perkins-Auguste, Cuesta, Grova,  
Gonzalez, Keenan, Cedeno, Mazza,  
and President Gallman - 8

NEGATIVE: None

**BY CITY COUNCIL AS A WHOLE:**

**WHEREAS**, the Business Administrator has requested an award of a contract be made to **Birdsall Services Group, Inc., 65 Jackson Drive, P. O. Box 5000, Cranford, New Jersey 07016**, to provide professional services in connection with the Health & Safety Compliance Programs for the Year 2013 for the period of January 1, 2013 to December 31, 2013 in an amount not to exceed \$80,000.00; and

**WHEREAS**, the scope and services outlined in the proposal include all professional consulting services associated with the City of Elizabeth's compliance with health & safety programs including but not limited to; Written/Education/Training for the Confined Space Entry Program for employees; Annual PEOSHA Audit & Loss Prevention/Control Consultation; Bloodborne Pathogen Standard Program including education & training sessions; Defense Driving education & training program for employees; Forklift Training Program and complete Right-to-Know compliance; and

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

**WHEREAS**, the Chief Financial Officer has certified that sufficient funds are available an appropriated for this purpose in Certification No. 13-05382, charging the amount of \$80,000.00 to Account No. 3-01-20-100-ADM-302 of the Municipal Budget is on file in the Office of the City Clerk; and

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

**WHEREAS**, the contract has been awarded pursuant to a fair and open process; now, therefore, be it

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

1. The Mayor and the City Clerk are hereby authorized and directed to execute a contract with **Birdsall Services Group, Inc., 65 Jackson Drive, P. O. Box 5000, Cranford, New Jersey 07016**, to provide professional services in connection with the Health & Safety Compliance Programs for the Year 2013 for the period of January 1, 2013 to December 31, 2013 in an amount not to exceed \$80,000.00.
2. This contract is awarded without competitive bidding as a "Professional Service" in accordance with **N.J.S.A. 40A:11-2(6)** of the Local Public Contracts Law because these services require knowledge of an advanced type in a field of learning acquired by a prolonged formal course of specialized instruction and study as distinguished from general academic instruction or apprenticeship and training.
3. A notice of this action shall be printed once in **The Star Ledger**.

Which was adopted by the following vote:

**AFFIRMATIVE:** Perkins-Auguste, Cuesta, Grova,  
Gonzalez, Keenan, Cedeno, Mazza,  
and President Gallman - 8

**NEGATIVE:** None



**BY CITY COUNCIL AS A WHOLE:**

**WHEREAS**, the Business Administrator has requested per the recommendation of the Purchasing Agent the award of a contract to **LANGUAGE LINE SERVICES, INC.**, **P. O. BOX 202564, Dallas Texas 75320-2564**, for Telephone Interpreter Service for the Police Department and the Municipal Court Division for the period of November 1, 2012 through October 31, 2013 at a cost not to exceed \$50,000.00 under their State Contract #A58884;and

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

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

**WHEREAS**, the Business Administrator and the Purchasing Agent have advised that the contract in question is a purchase through a State of New Jersey Contract #A58884 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 authorizes the award of a contract to **LANGUAGE LINE SERVICES, INC., P. O. BOX 202564, Dallas Texas 75320-2564**, for Telephone Interpreter Service for the Police Department and the Municipal Court Division for the period of November 1, 2012 through October 31, 2013 at a cost not to exceed \$50,000.00 under their State Contract #A58884.

Which was adopted by the following vote:

**AFFIRMATIVE:** Perkins-Auguste, Cuesta, Grova,  
Gonzalez, Keenan, Cedeno, Mazza,  
and President Gallman - 8

**NEGATIVE:** None

**BY CITY COUNCIL AS A WHOLE:**

**WHEREAS**, the Director of the Department of Health and Human Services has requested permission to enter into a Memorandum of Agreement, Second Amendment, with the University Hospital-Lattimore Practice at UMDNJ (a body corporate and politic of the State of New Jersey) to provide diagnosis, treatment, monitoring, case management and field services for the residents of Elizabeth with confirmed or suspect tuberculosis disease. The Memorandum of Agreement will be for the period of January 1, 2013 through December 31, 2013 in an amount not to exceed \$42,965.00; and

**WHEREAS**, the Chief Financial Officer has certified that sufficient funds are available and appropriated for this purpose and Certification No. 13-05387, charging the amount of \$42,965.00 to Account No.3-01-27-330-HEA-302, 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 the proper City Officials to enter into a Memorandum of Agreement, Second Amendment, with the University Hospital-Lattimore Practice at UMDNJ (a body corporate and politic of the State of New Jersey) to provide diagnosis, treatment, monitoring, case management and field services for the residents of Elizabeth with confirmed or suspect tuberculosis disease. The Memorandum of Agreement will be for the period of January 1, 2013 through December 31, 2013 in an amount not to exceed \$42,965.00.

Which was adopted by the following vote:

**AFFIRMATIVE:** Perkins-Auguste, Cuesta, Grova,  
Gonzalez, Keenan, Cedeno, Mazza,  
and President Gallman - 8

**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 **876 Bond Street, Elizabeth, New Jersey 07201**, as follows, pursuant to the recommendation of the Elizabeth Police Department:  
along the South curb line of Bond Street  
beginning at a point 62' East of Henry Street  
and continuing 22' East thereof;

and be it

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

Which was adopted by the following vote:

**AFFIRMATIVE:** Perkins-Auguste, Cuesta, Grova,  
Gonzalez, Keenan, Cedeno, Mazza,  
and President Gallman - 8

**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 **610 Court Street, Elizabeth, New Jersey 07206**, as follows, pursuant to the recommendation of the Elizabeth Police Department:

along the South curb line of Court Street  
beginning at a point 155' West of Sixth Street  
and continuing 22' West 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, Grova,  
Gonzalez, Keenan, Cedeno, Mazza,  
and President Gallman - 8

**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 **647 So Park Street, Elizabeth, New Jersey 07206**, as follows, pursuant to the recommendation of the Elizabeth Police Department:

along the North curb line of So Park Street  
beginning at a point 215' East of Seventh Street  
and continuing 22' East thereof;

and be it

enacted,

**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, Grova,  
Gonzalez, Keenan, Cedeno, Mazza,  
and President Gallman - 8

**NEGATIVE:** None

**BY CITY COUNCIL AS A WHOLE:**

~~September 2008~~  
~~September 2008~~

**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:

AVAYA, INC.	3-01-31-440	\$	5,972.09
ELIZABETH TOWN GAS	3-01-31-446	\$	2,633.00
FLEETCOR TECHNOLOGIES SERVICE	3-01-31-460	\$	118,035.23
HESS CORP-GAS	3-01-31-446	\$	3,498.84
LANGUAGE LINE SERVICES	3-01-41-490-MCO-302	\$	1,133.32
PSE&G	3-01-31-430	\$	66,081.70
SOUTH JERSEY ENERGY	3-01-31-435	\$	2,233.04
SPRINT	3-01-31-440	\$	1,903.21
USA MOBILITY	3-01-31-440	\$	139.11
VERIZON	3-01-31-440	\$	54,528.26
VERIZON CABS	3-01-31-440	\$	197.30
VERIZON COMMUNICATIONS	3-01-31-440	\$	1,356.01
NRG BUSINESS SOLUTIONS	3-01-31-430	\$	4,469.19

Which was adopted by the following vote:

**AFFIRMATIVE:** Perkins-Auguste, Cuesta, Grova,  
Gonzalez, Keenan, Cedeno, Mazza,  
and President Galman - 8

**NEGATIVE:** None

**BY CITY COUNCIL AS A WHOLE:**

**WHEREAS**, the City Council of the City of Elizabeth has learned of the recent death of James W. Taylor, Sr.; and

**WHEREAS**, he was employed at Hertel Cutting Technology of Kenilworth, NJ, until his retirement in 1995. He was a member of Liberty Baptist Church of Elizabeth, where he was a member of the former Male Choir. He was also an original member of the all Male Social Club, "Successors Club, Inc."; now, therefore, be it

**RESOLVED** that we, the members of City Council of the City of Elizabeth hereby express our sincere sorrow at the death of James W. Taylor, Sr.; and be it

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

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

**BY CITY COUNCIL AS A WHOLE:**

**WHEREAS**, the City Council of the City of Elizabeth has learned of the recent death of Madeline Marie Russo (nee Mazza), 93; and

**WHEREAS**, she was born in Newark, Mrs. Russo lived in Belleville before settling on Spencer Street in Elizabeth; and

**WHEREAS**, she was a Payroll Clerk for Amerace Corporation in Union. She also worked for the Lionel Corporation in Hillside for twenty years as a Time Keeper. She was a dedicated volunteer worker at St. Anthony of Pauda Church in Elizabeth; and

**WHEREAS**, Mrs. Russo was a Democratic Committeewoman in Elizabeth; and

**WHEREAS**, she was predeceased by her husband, Dominick Russo; and

**WHEREAS**, surviving are a son Richard J. Wilson, Jr., and his wife Sachiko; a brother, James A. Mazza, two sisters, Anna Massiso and Rita Mantineo; two grandchildren, Mark Wilson and Lana Hansen, and three great-grandchildren, Brandon and Brianna Wilson and Lina Hansen; now, therefore, be it

**RESOLVED** that the City Council of the City of Elizabeth hereby expresses its condolences at the passing of Madeline Maria Russo and wishes to express sympathy to her family and friends at this time of their loss; and be it

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

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

Councilwoman Perkins-Auguste moved that City Council do now adjourn,

Which was carried unanimously.

Whereupon Council President Gallman declared City Council adjourned at

7:45 p.m.

APPROVED

WILLIAM GALLMAN, JR.  
President of City Council

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