**PROCEEDINGS OF CITY COUNCIL**

**(OFFICIAL)**

**ELIZABETH, N.J.**

Tuesday Evening
February 13, 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: Carlos L. Torres, 1st Ward; Nelson Gonzalez, 2nd Ward; Joseph Keenan, 3rd Ward; Carlos Cedeno, 4th Ward; Frank O. Mazza, 6th Ward; and President William Gallman, Jr., 5th Ward - X 7

ABSENT: Grova, Keenan - 2

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.

**NOTE**: Councilman Cedeno arrived at the meeting at 7:35 p.m. and assumed his seat.

## PUBLIC SPEAKING

Mr. Jose Rodriguez, Jackson Avenue, stated that the Board of Education and the City are two different bodies. He continued that Marie Munn resigned and Mr. Padlo was installed after everyone had left the meeting. He stated further that as soon as she resigned, the Board of Education Commissioners installed Mr. Padlo. Mr. Rodriguez believes that the Board of Education Commissioners were to wait for thirty (30) days and were to announce the vacancy. He continued that also at that meeting only one Commissioner spoke against the installation, but the other seven (7) members went along with it.

Mr. Rodriguez stated that certain governing bodies are within their rights; they should follow the rules. He continued that Mr. Anthony Padlo was not chosen in the election, but was put on the Board of Education.

Mrs. Pat Gallate, 750 Grier Avenue, stated that Mr. Jose Rodriguez was the next "vote getter" and he should have been considered.

Mrs. Gallate presented a petition to the Board of Education regarding Public Speaking being held at the end of the Board meeting. Mrs. Gallate stated that each Board meeting starts with students performing, staff members speaking, etc. She continued that the students need to be honored at a separate time and place. She stated further that the Public Speaking portion of the meeting is held at the very end of the meeting.

Council President Gallman stated that it is a shame that the Board of Education does not have their Public Speaking at the beginning of their meeting.

Councilwoman Perkins-Auguste suggested to adopt a resolution at the end of the meeting requesting that the Board of Education consider to move the Public Speaking portion of their meeting to the beginning of the meeting and send a copy of the resolution to the Senator, Congressmen and Assembly. She stated that to deny citizens the right to speak first is unacceptable because the public must remain at the meeting until 10:00 p.m. or II:00 p.. in order to address the Commissioners.

Ms. Maria Echeverria, 321 Westfield Avenue, stated that she attends the Board of Education meetings and their meetings run very late. She requested to have the Division of Mental Disabilities to come to the City of Elizabeth,

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

## PUBLIC HEARINGS

Council President Gallman announced that the next business in order would be a public hearing on **Ordinance No. 4354** , entitled:

> REFUNDING BOND ORDINANCE OF THE CITY OF ELIZABETH, IN THE COUNTY OF UNION, NEW JERSEY, PROVIDING FOR THE REFUNDING OF CERTAIN GENERAL IMPROVEMENT BONDS OF THE CITY AND APPROPRIATING AN AMOUNT NOT EXCEEDING $12,650,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF NOT TO EXCEED $12,650,000 REFUNDING BONDS OF THE CITY OF ELIZABETH FOR FINANCING THE COST THEREOF

This ordinance was adopted on its first reading at the meeting of City Council held on **January 22, 2013**.

The Notice of Public Hearing was published in the Star Ledger issue of **January 31, 2013**.

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

President Gallman announced that the next business in order would be a public hearing on Ordinance No. 4355 entitled;

AN ORDINANCE TO AMEND CHAPTER 10.08.010 OF THE CODE OF THE CITY OF ELIZABETH ENTITLED FOUR-WAY STOP INTERSECTIONS SPECIFICALLY TO ADD A FOUR-WAY STOP AT THE INTERSECTION OF ADAMS AVENUE AND MARY STREET.

This ordinance was adopted on its first reading at the meeting of City Council held on January 22, 2013.

The Notice of Public Hearing was published in the Star Ledger issue of February 5, 2013.

The Clerk read the foregoing ordinance and President Gallman 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, President Gallman declared the public hearing closed.

President Gallman announced that the next business in order would be a public hearing on Ordinance No. 4356 entitled;

AN ORDINANCE TO AMEND CHAPTER 10.08.020 OF THE CODE OF THE CITY OF ELIZABETH ENTITLED "STOP INTERSECTIONS DESIGNATED", SPECIFICALLY TO ADD A THREE-WAY STOP AT THE INTERSECTION OF CLARKSON AVENUE AND FILLMORE STREETS.

This ordinance was adopted on its first reading at the meeting of City Council held on January 22, 2013.

The Notice of Public Hearing was published in the Star Ledger issue of February 5, 2013.

The Clerk read the foregoing ordinance and President Gallman 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, President Gallman declared the public hearing closed.

President Gallman announced that the next business in order would be a public hearing on Ordinance No. 4357 entitled;

AN ORDINANCE TO AMEND ORDINANCE NO. 4340, ADOPTED ON NOVEMBER 13, 2012, WHICH AUTHORIZED THE ESTABLISHMENT OF A PERSONALIZED HANDICAPPED PARKING SPACE FOR DANIEL M. BRAVO, 1051 LAFAYETTE STREET, ELIZABETH, NEW JERSEY 07201, SPECIFICALLY TO REVISE THE METES AND BOUNDS DESCRIPTION.

This ordinance was adopted on its first reading at the meeting of City Council held on January 22, 2013.

The Notice of Public Hearing was published in the Star Ledger issue of February 5, 2013.

The Clerk read the foregoing ordinance and President Gallman 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, President Gallman declared the public hearing closed.

President Gallman announced that the next business in order would be a public hearing on Ordinance No. 4358 entitled;

AN ORDINANCE TO RESCIND ORDINANCE NO. 4273, ADOPTED ON JANUARY 10, 2012, WHICH AUTHORIZED THE ESTABLISHMENT OF A PERSONALIZED HANDICAPPED PARKING SPACE FOR MAGDALINA GUTIERREZ, 506 FULTON STREET, ELIZABETH, NJ

This ordinance was adopted on its first reading at the meeting of City Council held on January 22, 2013.

The Notice of Public Hearing was published in the Star Ledger issue of February 5, 2013.

The Clerk read the foregoing ordinance and President Gallman 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, President Gallman declared the public hearing closed.

## PETITIONS, COMMUNICATIONS, ETC.

By the Clerk:

Letter dated January 23, 2013, from His Honor the Mayor advising that he has appointed the following to the Emergency Management Council: Police Director James Cosgrove, Coodinator; Richard Biedrzycki, Emergency Medical Services Chief; James Butler, Safety Manager, Clean Venture; Councilman William Gallman, Jr.; Krishna Garlic, Health Director; Thomas McNamara, Fire Chief; John Papetti, Jr., Public Works Director; Milee Parasad, American Red Cross; Mary Beth Santillo, Trinitas Hospital; Police Chief Patrick Shannon, Police Department; John Surmay, Health Officer; Don Viapress, Cablevision; Onofrio A. Vitullo, Fire Director.
Which was received.

PETITIONS, COMMUNICATIONS, ETC.

By the Clerk:
Letter dated January 25, 2013, from the Business Administrator recommending the award of a contract to Snap on Industrial, Division of IDSC Holdings, LLC, 21755 Network Place, Chicago, IL, for the purchase of industrial and commercial equipment and supplies to include, but not limited to, hand tools, power tools and drills for the period of January 18, 2013 through December 27, 2013, at a cost not to exceed $100,000.00.
Which was received.

By the Clerk:
Letter dated January 25, 2013, from the Business Administrator recommending the award of a contract to Storr Tractor Company, 3191 US Highway 22, Branchburg, NJ, for the purchase of parts and repairs for lawn and grounds equipment for various departments for the period of January 17, 2013 through June 28, 2013, at a cost not to exceed $100,000.00.
Which was received.

By the Clerk:
Letter dated January 25, 2013, from the Business Administrator recommending the award of a contract to V.E. Ralph & Sons, Inc., P.O. Box 633, 320 Schuyler Avenue, Kearny, NJ, for the purchase of medical supplies and equipment, Health Education and Training for various Departments for the period of January 11, 2013 through December 16, 2013, at a cost not to exceed $60,000.00.
Which was received.

By the Clerk:
Letter dated January 29, 2013, from the Business Administrator recommending the award of a contract to Northeast Auto and Truck Parts, LLC, Division of Capital Supply, Inc., 976 Broadway, Bayonne, NJ, for the purchase of automotive parts and accessories for the Department of Public Works for the period of January 24, 2013 through February 25, 2013, at a cost not to exceed $30,000.00.
Which was received.

By the Clerk:
Letter dated January 29, 2013, from the Business Administrator recommending the award of a contract to Motorola Communications & Electronics, Inc., P.O. Box 161, Wharton, NJ, for the purchase of communications equipment and accessories for various departments for the period of February 1, 2013 through May 1, 2013, at a cost not to exceed $50,000.00.
Which was received.

By the Clerk:
Letter dated January 30, 2013, from the Business Administrator requesting to amend the resolution adopted August 28, 2012, awarding a contract to Firefighter One, LLC, Sparta, NJ, for masks, CBRNE meters and service air tanks at a cost not to exceed $100,000.00, specifically to purchase additional equipment increasing the amount of the contract by $150,000.00.
Which was received.

By the Clerk:
Letter dated February 1, 2013, from the Business Administrator recommending the award of a contract to EIC Inspection Agency Corp., 3705-3707 Kennedy Boulevard, Jersey City, NJ, for Third Party Elevator Subcode Inspections for the Construction Bureau for a period of two years, commencing March 25, 2013, in an amount not to exceed 50% of the New Jersey Department of Community Affairs' fee for Elevator Subcode Inspections.
Which was received.

PETITIONS, COMMUNICATIONS, ETC.

By the Clerk:
Letter dated February 4, 2013, from the Business Administrator recommending the award of a contract to Aramark Uniform Services, a Division of Aramark Uniform and Career Apparel, LLC, 115 North Street, Burbank, CA, for Rental Work Clothes for various departments/bureaus, for a period of three years commencing from date of award at a cost not to exceed $85,000.00.
Which was received.

By the Clerk:
Letter dated February 4, 2013, from the Business Administrator requesting to amend the resolution adopted January 22, 2013, awarding a contract to Daved Fire Systems, Inc, Hackensack, NJ, for the purchase of Fire Alarm Service in the original amount of $100,000.00, specifically to reflect a correction in the contract amount to $200,000.00.
Which was received.

By the Clerk:
Letter dated February 5, 2013, from the Business Administrator requesting that your Honorable Body reject all bids received on January 8, 2013 for the furnishing of miscellaneous hardware supplies for various departments and authorize the Purchasing Agent to utilize the State Contract award available for this commodity.
Which was received.

By the Clerk:
Letter dated February 5, 2013, from the Business Administrator requesting to amend the resolution adopted September 27, 2011, awarding a contract to W. W. Grainger, Inc., Grainger Industrial Supply Division, 55 Jackson Drive, Cranford, NJ, for Industrial Maintenance Repair Operation supplies and equipment for various departments for the period of September 15, 2011 through September 14, 2013, at the original cost not to exceed $120,000.00, specifically to reflect a change in the expiration date of the contract period to February 28, 2014 and to reflect an increase in the cost not to exceed $350,000.00.
Which was received.

By the Clerk:
Letter dated February 5, 2013, from the Business Administrator requesting authorization to enter into an intergovernmental agreement between the City of Elizabeth and the County of Union to use the Union County Courthouse complex to host a maximum of 4 antennae for use in its CCTV camera network at no cost to the County.
Which was received.

By the Clerk:
Letter dated February 5, 2013, from the Business Administrator recommending the award of a contract to WPCS International Inc., 1985 Swarthmore Avenue, Lakewood, NJ, for the purchase of Radio Communication Equipment and Accessories for various departments for the period of February 1, 2013 through May 1, 2013, at a cost not to exceed $40,000.00.
Which was received.

By the Clerk:
Letter dated February 5, 2013, from the Business Administrator requesting authorization for the proper City officials to execute an agreement with the law firm of Lum, Drasco & Positan, LLC., 103 Eisenhower Parkway, Roseland, NJ, to provide Employment Counsel Services for the City of Elizabeth for the period of February 15, 2013 through February 14, 2014, at a rate of $175.00 per hour for attorneys, $75.00 per hour for paralegals and $25.00 per hour for secretarial overtime, if authorized by the City Attorney, for a total cap of $60,000.00.
Which was received.

~~PETITIONS, COMMUNICATIONS, ETC.~~

By the Clerk:
Letter dated February 5, 2013, from the Business Administrator, on behalf of the Historic Midtown Elizabeth Special Improvement District, requesting that your Honorable Body consider granting permission to conduct a festival and car show to be held Saturday, August 17, 2013, from 11 a.m. to 4 p.m.; with a rain date of Sunday, August 18, 2013, with the following contingencies: waiver of the $750.00 application fee; waive the $5,000.00 security deposit; waive all fees for vendors; the police, fire, health and zoning departments conduct their normal review and approve the application.
Which was received.

By the Clerk:
Letter dated February 5, 2013, from the Business Administrator recommending the award of a contract to Harley Davidson of Long Branch, Inc., 671 Broadway, Long Branch, NJ, for the furnishing of four (4) 2013 Harley Davidson FLHTP Electra Glide Police Motorcycles or equal for the Police Department in the amount of $75,728.00.
Which was received.

By the Clerk:
Letter dated January 14, 2013, from the Chief Financial Officer requesting authorization for the Tax Collector to credit said individuals entitled to a Senior Citizen, Disability Deduction and a Veteran Deduction for the 2012 Tax Year as per the delineated list in the amount of $500.00.
Which was received.

By the Clerk:
Letter dated February 1, 2013, from the Chief Financial Officer requesting authorization for the Tax Collector to refund/credit the surviving spouse of a veteran and senior citizen deduction for the property located at 14 ½ South Reid Street in the amount of $500.00 for the Tax Year 2013.
Which was received.

By the Clerk:
Letter dated February 4, 2013, from the Chief Financial Officer requesting authorization for the Tax Collector to refund/credit the surviving spouse of a veteran and senior citizen deduction for the property located at 421-423 Doyle Street in the amount of $500.00 for the Tax Year 2013.
Which was received.

By the Clerk:
Letter dated February 5, 2013, from the Chief Financial Officer requesting authorization for the Tax Collector to refund/credit an over-payment for the Tax Year 2012 on the property located at 322 Pine Street in the sum of $1,647.00.
Which was received.

By the Clerk:
Letter dated February 5, 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 February 5, 2013, from the Chief Financial Officer requesting a FY2013 Dedication by Rider to the municipal budget for donations-acceptance of bequests and gifts from the Housing Authority of the City of Elizabeth.
Which was received.

PETITIONS, COMMUNICATIONS, ETC.

By the Clerk:
Letter dated February 5, 2013, from the Chief Financial Officer requesting that your Honorable Body consider approving a resolution to determine the form and other details of not exceeding $2,600,000.00 General Obligation Bonds to the City of Elizabeth and providing for their sale to the New Jersey Environmental Infrastructure Trust and the State of New Jersey, acting by and through the Department of Environmental Protection, pursuant to the State Fiscal Year 2013 New Jersey Environmental Infrastructure Trust Financing Program for funding the City's Third Avenue Combined Sewer Modification Project; interest rate afforded will be less than one-half that of a regular financing, thus generating a significant savings.
Which was received.

By the Clerk:
Letter dated February 5, 2013, from the Chief Financial Officer requesting that your Honorable Body consider approving a resolution authorizing the execution and delivery of loan agreements to be executed by the City of Elizabeth and each of the New Jersey Environmental Infrastructure Trust and the State of New Jersey, Acting by and through the Department of Environmental Protection, and further authorizing the execution and delivery of an Escrow Agreement, all pursuant to the State Fiscal Year 2013 New Jersey Environmental Infrastructure Trust Financing Program for funding the City's Third Avenue Combined Sewer Modification Project; interest rate afforded will be less than one-half that of a regular financing, thus generating a significant savings.
Which was received.

By the Clerk:
Letter dated January 28, 2013, from the Director of Planning and Community Development requesting authorization for the proper City officials to execute an agreement with the Urban League of Union County, Inc., 288 North Broad Street, Elizabeth, NJ, for funds to be used for case management services to provide direct short-term rental assistance to individuals or families at risk for homelessness for the period of July 1, 2012 until June 30, 2013 in the amount of $22,200.00.
Which was received.

By the Clerk:
Letter dated January 30, 2013, from the Director of Planning and Community Development requesting authorization for the proper City officials to reprogram the unexpended balances to the Community Development Block Grant (CDBG) holding account as indicated on attached Schedule A in the amount of $7,304.38.
Which was received.

By the Clerk:
Letter dated January 31, 2013, from the Director of Planning and Community Development requesting authorization for the proper City officials to execute any and all documents necessary and appropriate to provide an Owner Occupied Basic Program, Deferred Payment Loan on the property located at 474 Henry Street in an amount not to exceed $16,000.00.
Which was received.

By the Clerk:
Letter dated January 31, 2013, from the Director of Planning and Community Development requesting authorization for the proper City officials to execute a Neighborhood Stabilization Program, Deferred Payment Loan Third Party Agreement with Magill Real Estate Holdings, LLC, for the property located at 10-16 Third Street in an amount not to exceed $750,000.00.
Which was received.

[redacted]

By the Clerk:
Letter dated February 1, 2013, from the Director of Planning and Community Development requesting to amend the resolution dated September 11, 2012 between the City of Elizabeth and Elizabethport Presbyterian Center, 184 First Street, Elizabeth, NJ, to extend the term of the contract to December 31, 2013, in order to expend funds for the Gather, Guide and Groom Program and the Senior Enrichment Program.
Which was received.

By the Clerk:
Letter dated February 1, 2013, from the Director of Planning and Community Development requesting authorization for the proper City officials to execute any and all documents necessary and appropriate to discharge the City's E'Port Combo mortgage on the property located at 158 First Street in the amount of $25,000.00.
Which was received.

By the Clerk:
Letter dated February 3, 2013, from the Director of Planning and Community Development requesting authorization for the proper City officials to amend the resolution adopted September 11, 2012, between the City of Elizabeth and the Elizabeth Development Company granting funds for the following: Old Historic Trust; 42 Broad Street; Siloam Hope Cares CDC Project, 205 First Street for the period July 1, 2012 through June 30, 2013, specifically to extend the term of the contract to December 31, 2013.
Which was received.

By the Clerk:
Letter dated February 4, 2013, from the Director of Planning and Community Development requesting authorization for the proper City officials to execute a Neighborhood Stabilization Program, Deferred Payment Loan, Third Party Agreement with Renaissance Apartments Urban Renewal, LLC, for the property located at 170-176 First Street in the amount of $450,000.00.
Which was received.

By the Clerk:
Letter dated February 4, 2013, from the Director of Planning and Community Development requesting authorization for the proper city officials to execute an agreement with the Elizabeth Development Company, 205 First Street, Elizabeth, NJ for funds to be used to help defray the costs associated with the predevelopment expenses of architectural and market study for the Brand New Day Renaissance Project for the period of July 1, 2012 until June 30, 2013 in the amount of $126,050.00.
Which was received.

By the Clerk:
Letter dated February 4, 2013, from the Director of Planning and Community Development requesting to amend the resolution adopted October 23, 2012, between the City of Elizabeth and the Urban League of Union County granting an Emergency Solutions Grant in the amount of $78,654.00, specifically to extend the term of the contract to December 31, 2013.
Which was received.

By the Clerk:
Letter dated February 5, 2013, from the Director of Planning and Community Development requesting authorization for the City of Elizabeth Planning Board, in conjunction with the City's Planner, to conduct a preliminary study in order to determine whether the Morris Avenue Corridor is an area in need of redevelopment as required pursuant to N.J.S.A. 40A:12-1, et seq., the Local Redevelopment and Housing Law.
Which was received.

By the Clerk:
Letter dated January 24, 2013, from the Director of Public Works recommending the award of a contract to S & A General Contracting, 207 Shelley Avenue, Elizabeth, NJ, for the maintenance and repair services for roofing on City of Elizabeth owned buildings for a period of two (2) years in an amount not to exceed $354,332.00.
Which was received.

By the Clerk:
Letter dated February 4, 2013, from the Director of Public Works recommending the award of a contract to Hatch Mott MacDonald, 27 Bleeker Street, Millburn, NJ, to provide engineering services in connection with the review of sewer applications for a one year period; costs for these services are paid by the applicants through the escrow they each establish with the City; no charge to the City.
Which was received.

By the Clerk:
Letter dated January 16, 2013, from the Executive Director of the Parking Authority of the City of Elizabeth requesting that your Honorable Body consider appointing Lisa A. Torsiello, 622 Maple Avenue, Elizabeth, NJ, as a Parking Enforcement Officer.
Which Was Referred To Council As A Whole.

By the Clerk:
E-mail dated January 3, 2013, from the Operations Manager of the Parking Authority of the City of Elizabeth requesting that your Honorable Body consider amending Chapter 10.36.020 of the Code of the City of Elizabeth, entitled: Designation of Meter Zones and Hours of Parking.
Which Was Referred To Council As A Whole.

## 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.

By the Clerk:
Letter dated February 5, 2013, from the Chief Financial Officer submitting the City Treasurer's Report of Receipts and disbursements for the month of November, 2012, and Statement of Bank Balances and Investments as of November 30, 2012.
Which was received.

By the Clerk:
Minutes: Fair Rental Housing Board meeting held October 17, 2012.
Which was received.

## ORDINANCES ON FIRST READING

Council President Gallman announced that the next business in order would be the introduction of **Ordinance No. 4359** , which was seconded by Councilman Gonzalez, entitled:

**AN ORDINANCE TO ESTABLISH SECTION 10.08.111 OF THE CODE OF THE CITY OF ELIZABETH ENTITLED "DO NOT BLOCK INTERSECTION"**

The Clerk read the foregoing ordinance.

Councilman Gonzalez announced that, as you can see, this ordinance will establish a new section of the Code of the City of Elizabeth. He requested the support of his colleagues and hopefully this will held with the flow of traffic.

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

AFFIRMATIVE: Perkins-Auguste, Cuesta, ~~Grova~~, Torres, Gonzalez, ~~Koenig~~, Cedeno, Mazza, and President Gallman - 7

NEGATIVE: None

Council President Gallman announced that public notice will be published fixing Tuesday, February 26, 2013 , at 7:30 p.m., City Council Chambers, City Hall, Elizabeth, N.J., as the time and place that City Council will conduct a public hearing and further consider the foregoing Ordinance No. 4359, adopted on first reading.

## ORDINANCES ON FINAL PASSAGE

Council President Gallman announced that the next business in order would be the adoption of **Ordinance No. 4354** , which was seconded by Councilman Gonzalez.

REFUNDING BOND ORDINANCE OF THE CITY OF ELIZABETH, IN THE COUNTY OF UNION, NEW JERSEY, PROVIDING FOR THE REFUNDING OF CERTAIN GENERAL IMPROVEMENT BONDS OF THE CITY AND APPROPRIATING AN AMOUNT NOT EXCEEDING $12,650,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF NOT TO EXCEED $12,650,000 REFUNDING BONDS OF THE CITY OF ELIZABETH FOR FINANCING 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 City of Elizabeth, in the County of Union, New Jersey (the "City"), is hereby authorized to refund all or a part of the City's General Improvement Bonds, Series 2005, dated May 24, 2005, maturing on May 15 in the years 2016 to 2030, inclusive, in the aggregate principal amount of $11,200,000, such bonds being subject to redemption on any date on or after May 15, 2015 at a redemption price of 100% of the maturing principal, plus accrued interest to the redemption date.

Section 2. In order to finance the cost of the purpose described in Section 1 hereof, negotiable refunding bonds are hereby authorized to be issued in the principal amount not to exceed $12,650,000 pursuant to the Local Bond Law.

Section 3. An aggregate amount not exceeding $220,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-51(b) has been included in the aggregate principal amount of refunding bonds authorized herein.

Section 4. The purpose of the refunding is to provide for savings in the debt service payable by the City with respect to its outstanding obligations.

Section 5. The full faith and credit of the City are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this refunding 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 6. This refunding bond ordinance shall take effect twenty (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 **January 22, 2013.**

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 **January 31, 2013.**

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

AFFIRMATIVE: Perkins-Auguste, Cuesta. ~~Grover~~, Torres, Gonzalez, ~~Koenig~~, Cedeno, Mazza, and President Gallman - ~~8~~ 7

NEGATIVE: None

Council President Gallman announced that the next business in order would be the adoption of **Ordinance No. 4355**, which was seconded by Councilman Gonzalez:

**AN ORDINANCE TO AMEND CHAPTER 10.08.010 OF THE CODE OF THE CITY OF ELIZABETH ENTITLED FOUR-WAY STOP INTERSECTIONS SPECIFICALLY TO ADD A FOUR-WAY STOP AT THE INTERSECTION OF ADAMS AVENUE AND MARY STREET.**

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

**SECTION 1.** - That **Chapter 10.08.010**, of the Code of the City of Elizabeth be amended to **add** the following:

Establish a four-way stop at the intersection of Adams Avenue and Mary Street.

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

**SECTION 3.** If any portion or clause of this ordinance is declared invalid for any reason whatsoever, same shall not affect the validity or constitutionality of any other part or portion of this ordinance.

**SECTION 4**. The effective date of this ordinance shall be twenty (20) days after its final passage by City Council and approval by the Mayor at the time and in the manner provided by law and upon approval by the Commissioner of the State Department of Transportation as 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 . **January 22, 2013.**

Annexed to the ordinance was an affidavit from the publisher of the Star Ledger certifying the publication of the ordinance and notice of public hearing thereon in its issue of **February 5, 2013.**

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

AFFIRMATIVE: Perkins-Auguste, Cuesta. ~~Grover~~, Torres, Gonzalez, ~~Keenan~~, Cedeno, Mazza, and President Gallman - ~~8~~ 7

NEGATIVE: None 17

Council President Gallman announced that the next business in order would be the adoption of **Ordinance No. 4356**, which was seconded by Councilman Gonzalez:

**AN ORDINANCE TO AMEND CHAPTER 10.08.020 OF THE CODE OF THE CITY OF ELIZABETH ENTITLED "STOP INTERSECTIONS DESIGNATED", SPECIFICALLY TO ADD A THREE-WAY STOP AT THE INTERSECTION OF CLARKSON AVENUE AND FILLMORE STREETS.**

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

**SECTION 1.** - That **Chapter 10.08.020**, of the Code of the City of Elizabeth be amended to **add** the following:

> Establish a three-way stop at the intersection of Clarkson Avenue and Fillmore Street with stop signs to be erected on the Eastbound corner of Fillmore Street, at the Northeast corner of Clarkson Avenue and Southwest corner of Clarkson Avenue.

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

**SECTION 3.** If any portion or clause of this ordinance is declared invalid for any reason whatsoever, same shall not affect the validity or constitutionality of any other part or portion of this ordinance.

**SECTION 4.** The effective date of this ordinance shall be twenty (20) days after its final passage by City Council and approval by the Mayor at the time and in the manner provided by law and upon approval by the Commissioner of the State Department of Transportation as 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 **January 22, 2013.**

Annexed to the ordinance was an affidavit from the publisher of the Star Ledger certifying the publication of the ordinance and notice of public hearing thereon in its issue of **February 5, 2013.**

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AFFIRMATIVE: Perkins-Auguste, Cuesta. ~~Grova~~, Torres, Gonzalez, ~~Keenan~~, Cedeno, Mazza, and President Gallman - ~~8~~ 7

NEGATIVE: None 18

Council President Gallman announced that the next business in order would be the adoption of **Ordinance No. 4357**, which was seconded by Councilman Gonzalez:

**AN ORDINANCE TO AMEND ORDINANCE NO. 4340, ADOPTED ON NOVEMBER 13, 2012, WHICH AUTHORIZED THE ESTABLISHMENT OF A PERSONALIZED HANDICAPPED PARKING SPACE FOR DANIEL M. BRAVO, 1051 LAFAYETTE STREET, ELIZABETH, NEW JERSEY 07201, SPECIFICALLY TO REVISE THE METES AND BOUNDS DESCRIPTION.**

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

**SECTION 1.** - That Ordinance No. 4340 which authorized a personalized handicapped parking space to **Daniel M. Bravo, 1051 Lafayette Street, Elizabeth, New Jersey 07201,** be amended specifically to revise the metes and bounds description as follows: and pursuant to the recommendation of the Elizabeth Police Director: along the North curbline of Lafayette Street beginning at a point 152' West of Catherine Street continuing 22' West thereof.

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

**SECTION 3.** - If any portion or clause of this ordinance is declared invalid for any reason whatsoever, same shall not affect the validity or constitutionality of any other part or portion of this ordinance.

**SECTION 4.** - The effective date of this ordinance shall be twenty (20) days after its final passage by City Council and approval by the Mayor at the time and in the manner provided by law.

The Clerk read the foregoing ordinance by title.

This ordinance was adopted on its first reading at the City Council meeting held **January 22, 2013.**

Annexed to the ordinance was an affidavit from the publisher of the Star Ledger certifying the publication of the ordinance and notice of public hearing thereon in its issue of **February 5, 2013.**

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

AFFIRMATIVE: Perkins-Auguste, Cuesta. ~~Grove~~, Torres, Gonzalez, ~~Keenan~~, Cedeno, Mazza, and President Gallman - ~~8~~ 7

NEGATIVE: None

19

Council President Gallman announced that the next business in order would be the adoption of **Ordinance No. 4358** , which was seconded by Councilman Gonzalez:

**AN ORDINANCE TO RESCIND ORDINANCE NO. 4273, ADOPTED ON JANUARY 10, 2012, WHICH AUTHORIZED THE ESTABLISHMENT OF A PERSONALIZED HANDICAPPED PARKING SPACE FOR MAGDALINA GUTIERREZ, 506 FULTON STREET, ELIZABETH, NJ**

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

**SECTION 1.** - Ordinance No. 4273 is hereby rescinded.

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

**SECTION 3.** - If any portion or clause of this ordinance is declared invalid for any reason whatsoever, same shall not affect the validity or constitutionality of any other part or portion of this ordinance.

**SECTION 4.** - The effective date of this ordinance shall be twenty (20) days after its final passage by City Council and approval by the Mayor at the time and in the manner provided by law.

The Clerk read the foregoing ordinance by title.

This ordinance was adopted on its first reading at the City Council meeting held . **January 22, 2013.**

Annexed to the ordinance was an affidavit from the publisher of the Star Ledger certifying the publication of the ordinance and notice of public hearing thereon in its issue of **February 5, 2013.**

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

AFFIRMATIVE: Perkins-Auguste, Cuesta. [redacted], Torres, Gonzalez, [redacted], Cedeno, Mazza, and President Gallman - ~~8~~ 7

NEGATIVE: None

NEW BUSINESS

# CITY OF ELIZABETH
## COUNTY OF UNION

**A RESOLUTION REQUESTING PERMISSION FOR THE DEDICATION BY RIDER FOR DONATIONS-ACCEPTANCE OF BEQUESTS AND GIFTS (FROM HACE TO SUPPORT THE AFRICAN-AMERICAN HISTORY MONTH PROCLAMATION COSTS) AS REQUIRED BY NJS 40A:5-29**

**BY CITY COUNCIL AS A WHOLE:**

**WHEREAS,** permission is required of the Director of the Division of Local Government Services for approval as a dedication by rider of revenues received by a municipality when the revenue is not subject to reasonably accurate estimates in advance;

**WHEREAS,** NJS 40A:5-29 provides for receipts of donations (from HACE to support the African-American History Month Proclamation costs) by the municipality to provide for the operating costs to administer this act; and

**WHEREAS,** N.J.S.A. 40A:4-39 provides the dedicated revenues anticipated from the Donations Fund (from HACE to support the African-American History Month Proclamation costs) are hereby anticipated as revenue and are hereby appropriated for the purpose to which said revenue is dedicated by state or other legal requirement:

**NOW THEREFORE, BE IT RESOLVED,** by City Council of the City of Elizabeth, County of Union, New Jersey as follows:

1. The City Council does hereby request permission of the Director of the Division of Local Governmental Services to pay expenditures of the Donations Fund (from HACE to support the African-American History Month Proclamation costs) per NJS 40A:5-29.

2. The Clerk of the City of Elizabeth, County of Union, New Jersey, is hereby directed to forward two certified copies of this Resolution to the Director of the Division of Local Governmental Services.

Rs_rider_2013_B

Which was adopted by the following vote:

AFFIRMATIVE: Perkins-Auguste, Cuesta, ~~Grova~~,, Torres, Gonzalez, ~~Keenan~~, Cedeno, Mazza, and President Gallman - ~~8~~ 7

NEGATIVE: None

**BY CITY COUNCIL AS A WHOLE:**

**WHEREAS**, in accordance with **NJAC** 5:34 the Business Administrator and the Purchasing Agent have recommended and concur with the request of the Director of the Department of Public Works the award of a contract pursuant to **N.J.S.A**. 40A:11-5(2) to **SNAP ON INDUSTRIAL, Div. of IDSC Holdings, LLC, 21755 Network Pl., Chicago, IL 60673**, to purchase Industrial and Commercial Equipment and Supplies to include but not limited to Hand Tools, Power Tools and Drills at a cost not to exceed $100,000.00 for the period January 18, 2013 through December 27, 2013; under the Somerset County Co-Op contract #CC-0065-12 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 contract in question is determined to fall within the Open-end Contract Rule 5:30-14.4 as promulgated by the State 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; now, therefore, be it

**RESOLVED** that City Council of the City of Elizabeth hereby awards a contract to to **SNAP ON INDUSTRIAL, Div. of IDSC Holdings, LLC, 21755 Network Pl., Chicago, IL 60673**, to purchase Industrial and Commercial Equipment and Supplies to include but not limited to Hand Tools, Power Tools and Drills at a cost not to exceed $100,000.00 for the period January 18, 2013 through December 27, 2013 under the Somerset County Co-Op contract #CC-0065-12

Which was adopted by the following vote:

AFFIRMATIVE: Perkins-Auguste, Cuesta, [redacted], Torres, Gonzalez, [redacted], Cedeno, Mazza, and President Gallman - ~~8~~ 7

NEGATIVE: None

**BY CITY COUNCIL AS A WHOLE:**

**WHEREAS,** the Business Administrator and the Purchasing Agent have requested the award of a contract to **Storr Tractor Co., 3191 US Highway 22, Branchberg, NJ 08876**, for the purchase of Parts and Repairs for Lawn and Grounds Equipment for Lawn and Grounds Equipment for various departments for the period of January 17, 2013 through June 28, 2013 at a cost not to exceed $100,000.00 under their State Contract #76921; and

**WHEREAS,** State Contracts are exempt from the provisions of Chapter 2.92 of the Code of the City of Elizabeth; 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 #76921 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 **Storr Tractor Co., 3191 US Highway 22, Branchberg, NJ 08876**, for the purchase of Parts and Repairs for Lawn and Grounds Equipment for Lawn and Grounds Equipment for various departments for the period of January 17, 2013 through June 28, 2013 at a cost not to exceed $100,000.00 under their State Contract #76921.

Which was adopted by the following vote:

AFFIRMATIVE: Perkins-Auguste, Cuesta, [redacted] Torres, Gonzalez, [redacted], Cedeno, Mazza, and President Gallman - ~~8~~ 7

NEGATIVE: None

**BY CITY COUNCIL AS A WHOLE:**

**WHEREAS,** the Business Administrator and the Purchasing Agent have requested per the recommendation of the Fire Department Director authorization to award a contract to **V.E. Ralph & Sons, Inc., PO Box 633, 320 Schuyler Ave., Kearny, NJ 07032,** to purchase Medical Supplies & Equipment, and Health Education Training for various departments at a cost not to exceed $60,000.00 under the Middlesex Regional Educational Services Commission Cooperative Pricing System #65MCESCCPS, Bid#MRESC for the period of January 11, 2013 through December 16, 2013; 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; now, therefore, be it ,

**RESOLVED** that City Council of the City of Elizabeth hereby awards a contract to **V.E. Ralph & Sons, Inc., PO Box 633, 320 Schuyler Ave., Kearny, NJ 07032,** to purchase Medical Supplies & Equipment, and Health Education Training for various departments at a cost not to exceed $60,000.00 under the Middlesex Regional Educational Services Commission Cooperative Pricing System #65MCESCCPS, Bid#MRESC for the period of January 11, 2013 through December 16, 2013.

Which was adopted by the following vote:

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

NEGATIVE: None

**BY CITY COUNCIL AS A WHOLE:**

**WHEREAS**, the Business Administrator and the Purchasing Agent have requested per the recommendation of the Director of the Department of Public Works the award of a contract to **Northeast Auto & Truck Parts, LLC/Division of Capital Supply, Inc., 976 Broadway, Bayonne, NJ 07002,** for the purchase of Automotive Parts & Accessories for the Department of Public Works at a cost not to exceed $30,000.00 under their State Contract #80071; 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 #80071 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. **Northeast Auto & Truck Parts, LLC/Division of Capital Supply, Inc., 976 Broadway, Bayonne, NJ 07002,** for the purchase of Automotive Parts & Accessories for the Department of Public Works at a cost not to exceed $30,000.00 under their State Contract #80071.

Which was adopted by the following vote:

AFFIRMATIVE: Perkins-Auguste, Cuesta, [redacted]
Torres, Gonzalez, [redacted], Cedeno, Mazza,
and President Gallman - ~~8~~ 7

NEGATIVE: None

**BY CITY COUNCIL AS A WHOLE:**

**WHEREAS,** the Business Administrator has requested per the recommendation of the Purchasing Agent have requested per the award of a contract to **Motorola Communications & Electronics, Inc., PO Box 161, Wharton, NJ 07885,** for the purchase of Communications Equipment and Accessories for various departments for the period of February 1, 2013 through May 1, 2013 at a cost not to exceed $50,000.00 under their State Contract #53804; 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 #53804 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 **Motorola Communications & Electronics, Inc., PO Box 161, Wharton, NJ 07885,** for the purchase of Communications Equipment and Accessories for various departments for the period of February 1, 2013 through May 1, 2013 at a cost not to exceed $50,000.00 under their State Contract #53804.

Which was adopted by the following vote:

AFFIRMATIVE: Perkins-Auguste, Cuesta, [redacted], Torres, Gonzalez, [redacted], Cedeno, Mazza, and President Gallman - ~~8~~ 7

NEGATIVE: None

**BY CITY COUNCIL AS A WHOLE:**

**WHEREAS**, the Business Administrator has advised on August 28, 2012 your Honorable Body adopted a resolution to award a contract to **Firefighter One, LLC** for the purchase of Masks, CBRNE Meters and Service Air Tanks for the Police Department at a cost not to exceed $100,000.00. However, the Director of the Police Department has determined that additional equipment will be required and has requested to increase the original amount of the contract by $150,000.00; and

**WHEREAS**, the Business Administrator recommends per the request of the Director of the Police Department to amend the resolution adopted August 28, 2012 awarding a contract to **Firefighter One, LLC, 26 Gail Court, Suite 1, Sparta, New Jersey 07871**, for Masks, CBRNE Meters and Service Air Tanks for the Police Department for the period of May 17, 2012 through May 16, 2014 to reflect the new cost not to exceed $250,000.00 under their State Contract #81357; 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; now, therefore, be it ,

**RESOLVED** that the City Council of the City of Elizabeth amends the resolution adopted August 28, 2012, which awarded a contract to **Firefighter One, LLC, 26 Gail Court, Suite 1, Sparta, New Jersey 07871,** for the purchase of Masks, CBRNE Meters and Service Air Tanks for the Police Department at a cost not to exceed $100,000.00 for additional equipment will be required which will increase the original amount of the contract by $150,000.00 for the period of May 17, 2012 through May 16, 2014 to reflect the new cost not to exceed $250,000.00 under their State Contract #81357.

Which was adopted by the following vote:

AFFIRMATIVE: Perkins-Auguste, Cuesta, [redacted]
Torres, Gonzalez, [redacted], Cedeno, Mazza,
and President Gallman - ~~8~~ 7

NEGATIVE: None

**BY CITY COUNCIL AS A WHOLE:**

**WHEREAS**, the Business Administrator and the Purchasing Agent have requested authorization to award a third party contract to the lowest responsible bidder, **EIC INSPECTION AGENCY CORPORATION, 3705-3707 Kennedy Blvd, Jersey City, New Jersey 07307,** for a period of two years commencing March 25, 2013 through March 25, 2015, to provide Elevator Inspections Services in an amount not to exceed 50% of the DCA fee for the Elevator Inspection Services; and

**WHEREAS,** there is no charge to the City of Elizabeth as all payments to EIC are a percentage of the client's payment for the inspection; 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 **EIC INSPECTION AGENCY CORPORATION**; 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 covering the amount of the order, and said execution is to be made just before this City incurs a contractual liability on its part; now, therefore, be it

**RESOLVED** that the City Council of the City of Elizabeth hereby awards a third party contract to the lowest responsible bidder, **EIC INSPECTION AGENCY CORPORATION, 3705 Kennedy Blvd, Jersey City, New Jersey 07307,** for a period of two years from March 25, 2013 through March 25, 2015 to provide Elevator Inspections Services in an amount not to exceed 50% of the DCA fee for the Elevator Inspection Services. There is no charge to the City of Elizabeth; all payments to EIC are a percentage of the client's payment for the inspection.

Which was adopted by the following vote:

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

NEGATIVE: None

**BY CITY COUNCIL AS A WHOLE:**

**WHEREAS**, the Business Administrator has requested authorization per the recommendation of the Purchasing Agent the award of a contract to the low qualified and responsible bid from **ARAMARK UNIFORM SERVICES, A Division of Aramark Uniform and Career Apparel, LLC., 115 North Street, Burbank, California 91502**, for Rental Work Clothes for the Departments of Public Works, Recreation, Health (Animal Shelter), Police (Garage Mechanics) and for various other Departments and/or Bureaus as the need arises in the amount not to exceed $85,000.00 for a period of three (3) years; 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; now, therefore, be it

**RESOLVED** that the City Council of the City of Elizabeth authorizes the proper City Officials to enter into a contract with **ARAMARK UNIFORM SERVICES, A Division of Aramark Uniform and Career Apparel, LLC., 115 North Street, Burbank, California 91502**, for Rental Work Clothes for the Departments of Public Works, Recreation, Health (Animal Shelter), Police (Garage Mechanics) and for various other Departments and/or Bureaus as the need arises in the amount not to exceed $85,000.00 for a period of three (3) years.

Which was adopted by the following vote:

AFFIRMATIVE: Perkins-Auguste, Cuesta, ~~Grova~~, Torres, Gonzalez, ~~Keenan~~, Cedeno, Mazza, and President Gallman - ~~8~~ 7

NEGATIVE: None

**BY CITY COUNCIL AS A WHOLE:**

**WHEREAS**, the Business Administrator per the request of the Purchasing Agent has requested authorization to amend the resolution adopted January 22, 2013 which awarded a contract to **Daved Fire Systems, Inc., 367 W. Pleasantview Ave., Hackensack, NJ 07601**, to purchase Fire Alarm Services for various departments for an amount not to exceed $100,000.00 under the Union County Cooperative Purchasing contract #CK-06-UNION to a total of $200,000.00 Due to a clerical error the original request was for $100,000.00 for a two-year period. The request should have been for $100,000.00 per year for a total of $200,000.00 for the two (2) year period; now, therefore, be it

**RESOLVED** that the City Council of the City of Elizabeth amends the resolution adopted August 28, 2012, which awarded a contract to **Daved Fire Systems, Inc., 367 W. Pleasantview Ave., Hackensack, NJ 07601,** to purchase Fire Alarm Services for various departments for an amount not to exceed $100,000.00 under the Union County Cooperative Purchasing contract #CK-06-UNION to increase the total amount to $200,000.00 at a yearly amount of $100,000.00 last year for a two (2) year period under the Union County Cooperative Purchasing contract #CK-06-UNION.

Which was adopted by the following vote:

AFFIRMATIVE: Perkins-Auguste, Cuesta, ~~Crowe~~, Torres, Gonzalez, ~~Keenan~~, Cedeno, Mazza, and President Gallman - ~~8~~ 7

NEGATIVE: None

**BY CITY COUNCIL AS A WHOLE:**

**WHEREAS**, the Business Administrator per the recommendation of the Purchasing Agent has advised that low bids received for the furnishing of **FY 13 Miscellaneous Hardware Supplies** for the various departments for a period of two years from Lawson Products, Inc., was non-responsive to the specifications as they took exception to the bid requiring outsourcing for products that were not available through their catalog. The bid received from **Bayway Lumber** was not responsible in that they did not acknowledge Receipt of the Addenda and they were non-responsive as they did not list the edition of the catalog they were bidding from and/or provide the website for an online catalog in their bid proposal; and

**WHEREAS**, in accordance with **N.J.S.A.** 40A11:13-2(f) it has been determined that it is in the best interest of the City to award this commodity through the use of a State authorized contract; now, therefore, be it

**RESOLVED** that the City Council of the City of Elizabeth hereby reject all bides received for the furnishing of Miscellaneous Hardware Supplies for various departments and authorize the Purchasing Agent to utilize the State Contract award available for this commodity.

Which was adopted by the following vote:

AFFIRMATIVE: Perkins-Auguste, Cuesta, [redacted], Torres, Gonzalez, [redacted], Cedeno, Mazza, and President Gallman - ~~8~~ 7

NEGATIVE: None

**BY CITY COUNCIL AS A WHOLE:**

**WHEREAS,** the Business Administrator concurs with the recommendation of the Purchasing Agent for an amendment to the resolution adopted September 27, 2011 awarding a contract to **W. W. Grainger, Inc., Grainger Industrial Supply Division, 55 Jackson Drive, Cranford, NJ 07016-3581,** for Industrial Maintenance Repair Operation Supplies & Equipment for various departments in the amount of $120,000.00 under State Contract #79875 for the period September 15, 2011 through September 14, 2013to increase the dollar amount by $230,000.00 for a total of $350,000.00 and to extend the expiration of the contract period to February 28, 2014; now, therefore, be it

**RESOLVED** that the City Council of the City of Elizabeth amends the resolution adopted August 28, 2012, which awarded a contract to **W. W. Grainger, Inc., Grainger Industrial Supply Division, 55 Jackson Drive, Cranford, NJ 07016-3581,** for Industrial Maintenance Repair Operation Supplies & Equipment for various departments to increase the dollar amount awarded cap by $230,000.00 for a total of $350,000.00 and to extend the expiration of the contract period September 11, 2011 through February 28, 2014.

Which was adopted by the following vote:

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

NEGATIVE: None

**BY CITY COUNCIL AS A WHOLE:**

**WHEREAS**, the Business Administrator has advised that there is a need for the City of Elizabeth to use the Union County Courthouse complex as a host site for errection/installation of no more than four (4) minimally invasive antennae for use in the City's CCTV camera network; and

**WHEREAS**, the use of the County Courthouse complex will provide unparalleled line of sight communications with the City's other vital access points. In order for the City to operate its CCTV camera network at optimum efficiency, locations at the Courthouse complex are necessary. At optimally operational CCTV camera system not only benefits the residents of the City of Elizabeth, but it ensures an added level of prevention and security for visitors to the downtown area. This will be done at no cost to Union County; now, therefore, be it

**RESOLVED** that the City Council of the City of Elizabeth authorizes the proper City Officials to enter into an Intergovernmental Agreement with the County of Union to use the Union County Courthouse complex as a host site for errection/installation of no more than four (4) minimally invasive antennae for use in the City's CCTV camera network for the reasons stated hereinabove.

Which was adopted by the following vote:

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

NEGATIVE: None

**BY CITY COUNCIL AS A WHOLE:**

**WHEREAS,** the Business Administrator and the Purchasing Agent have recommended per the request of the Director of the Fire Department the award of a contract to **WPCS INTERNATIONAL, INC., 1985 Swarthmore Avenue, Suite 4, Lakewood, New Jersey 08701,** for the purchase of Radio Communication Equipment and Accessories for various departments for the period of February 1, 2013 through May 1, 2013 at a cost not to exceed $40,000.00 under State Contract #53766; 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 #A53804 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 the City Council of the City of Elizabeth authorizes the award of a contract to **WPCS INTERNATIONAL, INC., 1985 Swarthmore Avenue, Suite 4, Lakewood, New Jersey 08701,** for the purchase of Radio Communication Equipment and Accessories for various departments for the period of February 1, 2013 through May 1, 2013 at a cost not to exceed $40,000.00 under State Contract #53766.

Which was adopted by the following vote:

AFFIRMATIVE: Perkins-Auguste, Cuesta, [redacted], Torres, Gonzalez, [redacted], Cedeno, Mazza, and President Gallman - ~~8~~ 7

NEGATIVE: None

**BY CITY COUNCIL AS A WHOLE:**

**WHEREAS,** the Business Administrator has requested authorization for to enter into and execute a contract with the law firm of **Lum, Drasco & Positan, LLC, 103 Eisenhower Parkway, Roseland, New Jersey 07068,** to provide Employment Counsel Services for the City of Elizabeth for the period of February 15, 2013 through February 14, 2014 at a rate of a$175.00 per hour for attorneys, $75.00 per hour for paralegals and $25.00 per hour for secretarial overtime, if authorized by the City Attorney for a total cap of $60,000.00; and

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

**WHEREAS,** this contract is being awarded pursuant to the fair and open process in accordance with the provisions of **N.J.S.A.** 19:44A-20-5 et seq.; 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 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 now; therefore,be it

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

1. The Mayor and City Clerk are hereby authorized and directed to execute a contract with the firm of **Lum, Drasco & Positan, LLC, 103 Eisenhower Parkway, Roseland, New Jersey 07068,** to provide Employment Counsel Services for the City of Elizabeth for the period of February 15, 2013 through February 14, 2014 at a rate of a$175.00 per hour for attorneys, $75.00 per hour for paralegals and $25.00 per hour for secretarial overtime, if authorized by the City Attorney for a total cap of $60,000.00 without the express approval of City Council of the City of Elizabeth.

2. This contract is awarded without competitive bidding as a "Professional Service" under the provisions of the Local Public Contracts Law because **N.J.S.A.** 40A:5-11 exempts from bidding professional services, and the services rendered are to be performed by a person authorized by Law to practice a recognized profession and whose profession is regulated by law and which requires knowledge of an advanced type in a field of learning acquired by a prolonged formal course of specialized instruction as distinguished from general academic instruction or apprenticeship and training.

3. That the within authority is limited to a total of $60,000.00 at the hourly rate of $175.00 for attorneys $75.00 for paralegals and $25.00 for secretarial overtime without the further approval of City Council.

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

Which was adopted by the following vote:

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

NEGATIVE: None

**BY CITY COUNCIL AS A WHOLE:**

**WHEREAS**, the Business Administrator has advised that an application and a letter has been received from the **Historic Midtown Elizabeth Special Improvement District, 1139 East Jersey Street, Suite 616, Elizabeth, New Jersey 07201**, requesting approval to conduct a festival and car show on Saturday, August 17, 2013 from 11:00 a.m. to 4:00 p.m. with a rain date of Sunday, August 18, 2013; and

**WHEREAS**, the Chief License Inspector has reviewed the application has recommended approval of the festival application with the following contingencies:

(1) The City Council must agree to the waiver of the $750 application fee, as requested by SID;

(2) The City Council must agree to the waiver of the $5,000 security deposit, as requested by SID;

(3) The City Council must agree to the waiver of all fees for vendors, as requested by SID;

(4) The Mayor must agree to close the requested streets in accordance with his powers; and

(5) The police, fire, health and zoning departments conduct their normal review and approve the application; now, therefore, be it

**RESOLVED**, that the City Council of the City of Elizabeth grants permission to the **Historic Midtown Elizabeth Special Improvement District, 1139 East Jersey Street, Suite 616, Elizabeth, New Jersey 07201,** to conduct a festival and car show on Saturday, August 17, 2013 from 11:00 a.m. to 4:00 p.m. with a rain date of Sunday, August 18, 2013 with the aforementioned contingencies and on the condition that it comply with all provisions contained in Chapter 12.56 of the Code of the City of Elizabeth.

Which was adopted by the following vote:

AFFIRMATIVE: Perkins-Auguste, Cuesta, ~~Grove~~, Torres, Gonzalez, ~~Keenan~~, Cedeno, Mazza, and President Gallman - 7

NEGATIVE: None

**BY CITY COUNCIL AS A WHOLE:**

**WHEREAS,** the Business Administrator and the Purchasing Agent have requested per the recommendation of the Police Department Director and Chief of Police authorization for the award of a contract to **HARLEY DAVIDSON OF LONG BRANCH, INC., 671 Broadway, Long Branch, New Jersey 07740,** for the furnishing of four (4) 2013 Harley Davidson FLHTP Electra Glide Police Motorcycles or Equal for the Police Department in the amount of $75,728.00; and

**WHEREAS,** the amount of the contract in question exceeds $50,000.00 and the provisions of **Chapter 2.92** of the Code of the City of Elizabeth have been complied with by **HARLEY DAVIDSON OF LONG BRANCH, INC.;** and

**WHEREAS,** the Chief Financial Officer has certified that sufficient funds are available and appropriated for this purpose and Certification No., 13-06151 charging the amount of $41,095.97 to Account No. 3-21-56-130, and Certification No.13-06152, charging the amount of $34,632.01 to Account No. G-02-41-740-13 of the Municipal Budget are on file in the Office of the City Clerk; now, therefore, be it

**RESOLVED** that the City Council of the City of authorizes the award of a contract to **HARLEY DAVIDSON OF LONG BRANCH, INC., 671 Broadway, Long Branch, New Jersey 07740,** for the furnishing of four (4) 2013 Harley Davidson FLHTP Electra Glide Police Motorcycles or Equal for the Police Department in the amount of $75,728.00.

Which was adopted by the following vote:

AFFIRMATIVE: Perkins-Auguste, Cuesta, ~~Grova~~, Torres, Gonzalez, ~~Keenan~~, Cedeno, Mazza, and President Gallman - ~~8~~ 7

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 2012 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 2012 Tax Year as follows.

| Acct. No. | Property Location | Name | Ded. Code |
|---|---|---|---|
| 11-429.C-3E | 744-750 Hazard Pl#3E | Kodila, M & M | S1 |
| 12-166 | 1157-1159 Anna St | Roberts, M & S | S1 |

2@$250.00ea.=$500.00

Which was adopted by the following vote:

AFFIRMATIVE: Perkins-Auguste, Cuesta, ~~Grova~~, Torres, Gonzalez, ~~Koenan~~, Cedeno, Mazza, and President Gallman - ~~8~~ 7

NEGATIVE: None

## BY CITY COUNCIL AS WHOLE:

**WHEREAS**, ANN M. POPIK HAS A LIFE ESTATE, AND SHE IS ENTITLED TO BOTH SURVIVING SPOUSE OF A VETERAN AND SENIOR CITIZEN DEDUCTION FOR THE PROPERTY LOCATED AT 421-423 DOYLE ST, ALSO KNOWN AS **BLOCK: 5, LOT: 241.E** ,AND

**WHEREAS**, THE SURVIVING SPOUSE OF A VETERAN AND THE SENIOR CITIZEN DEDUCTIONS WERE ERRONEOUSLY REMOVED FROM THE TAX YEAR 2013,

**NOW,THEREFORE BE IT RESOLVED** THAT THE TAX COLLECTOR BE AUTHORIZED TO REFUND/CREDIT $500(FIVE HUNDRED-DOLLARS) FOR THE TAX YEAR 2013.

Which was adopted by the following vote:

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

NEGATIVE: None

**TO CITY COUNCIL AS A WHOLE:**

**WHEREAS,** Licata, Christopher is the owner of property located at 322 Pine Street also known as tax account No. 1-476, and

**WHEREAS,** The 2012 total assessment on said property was reduced from: 59,400 to: 49,400 as a result of a Tax Appeal, and

**WHEREAS,** The 2012 Tax List incorrectly reported the assessment to be 59,400 Resulting in a higher 2012 tax bill, now therefore, be it

**RESOLVED,** that the Tax Collector be authorized to refund/credit said property owner the sum of $ 1,647 ( $ 13,488.16 - $ 11,841.16 ). This amount represents an over-payment of the 2012 calendar year property taxes.

ECE/ece
February 5, 2013

Which was adopted by the following vote:

AFFIRMATIVE: Perkins-Auguste, Cuesta, ~~Grove~~, Torres, Gonzalez, ~~Keenan~~, Cedeno, Mazza, and President Gallman - ~~8~~ 7

NEGATIVE: None

RESOLUTION DETERMINING THE FORM AND OTHER DETAILS OF NOT EXCEEDING $2,600,000 GENERAL OBLIGATION BONDS OF THE CITY OF ELIZABETH, IN THE COUNTY OF UNION, NEW JERSEY, AND PROVIDING FOR THEIR SALE TO THE NEW JERSEY ENVIRONMENTAL INFRASTRUCTURE TRUST AND THE STATE OF NEW JERSEY, ACTING BY AND THROUGH THE DEPARTMENT OF ENVIRONMENTAL PROECTION, PURSUANT TO THE STATE FISCAL YEAR 2013 NEW JERSEY ENVIRONMENTAL INFRASTRUCTURE TRUST FINANCING PROGRAM FOR FUNDING THE CITY'S THIRD AVENUE COMBINED SEWER MODIFICATION PROJECT

**WHEREAS,** the City of Elizabeth (the "Local Unit"), in the County of Union, New Jersey, has determined that there exists a need within the Local Unit to construct and install the Third Avenue combined sewer modification project (the "Project"), as said Project is more particularly defined in each of that certain Loan Agreement (the "Trust Loan Agreement") to be entered into by and between the Local Unit and the New Jersey Environmental Infrastructure Trust (the "Trust") and that certain Loan Agreement (the "Fund Loan Agreement", and together with the Trust Loan Agreement, the "Loan Agreements") to be entered into by and between the Local Unit and the State of New Jersey, acting by and through the New Jersey Department of Environmental Protection (the "State"), all pursuant to the State Fiscal Year 2013 New Jersey Environmental Infrastructure Trust Financing Program (the "Program");

**WHEREAS,** the Local Unit has determined to finance the acquisition, construction, renovation or installation of the Project with the proceeds of a loan to be made by each of the Trust (the "Trust Loan") and the State (the "Fund Loan", and together with the Trust Loan, the "Loans") pursuant to the Trust Loan Agreement and the Fund Loan Agreement, respectively;

**WHEREAS,** to evidence the Loans, each of the Trust and the State require the Local Unit to authorize, execute, attest and deliver the Local Unit's General Obligation Bonds, Series 2013, to the Trust (the "Trust Loan Bond") and General Obligation Bonds, Series 2013, to the State (the "Fund Loan Bond", and together with the Trust Loan Bond, the "Local Unit Bonds"), said Local Unit Bonds to be issued in an aggregate principal amount not to exceed $2,600,000, pursuant to the terms of the Local Bond Law of the State of New Jersey, constituting Chapter 2 of Title 40A of the Revised Statutes of the State of New Jersey (the "Local Bond Law"), other applicable law and the Loan Agreements; and

**WHEREAS,** N.J.S.A. 40A:2-27(a)(2) of the Local Bond Law allows for the sale of the Trust Loan Bond and the Fund Loan Bond to the Trust and the State, respectively, without any public offering, and N.J.S.A. 58:11B-9(a) allows for the sale of the Trust Loan Bond to the Trust without any public offering, all under the terms and conditions set forth herein.

**NOW, THEREFORE, BE IT RESOLVED** by a 2/3 vote of the full membership of the governing body of the Local Unit as follows:

**Section 1.** In accordance with N.J.S.A. 40A:2-27(a)(2) of the Local Bond Law and N.J.S.A. 58:11B-9(a), the Local Unit hereby sells and awards its (a) Trust Loan Bond to the Trust in accordance with the provisions hereof and (b) Fund Loan Bond to the State in accordance with the provisions hereof, said Local Unit Bonds to be issued in the aggregate principal amount not to exceed $2,600,000. The Local Unit Bonds have been referred to and are described in bond ordinance Number 4199 of the Local Unit 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 PROVIDING FOR THE ISSUANCE OF $2,600,000 IN BONDS OR NOTES OF THE CITY OF ELIZABETH TO FINANCE THE COST THEREOF" which was finally adopted by the Local Unit at a meeting duly called and held on March 22, 2011 (the "Bond Ordinance"), at which time a quorum was present and acted throughout, all pursuant to the terms of the Local Bond Law and other applicable law.

**Section 2.** The Chief Financial Officer of the Local Unit (the "Chief Financial Officer") is hereby authorized to determine, in accordance with the Local Bond Law and pursuant to the terms and conditions established by the Trust and the State under the Loan Agreements and the terms and conditions hereof, the following items with respect to the Trust Loan Bond and the Fund Loan Bond:

(a) The aggregate principal amounts of the Trust Loan Bond and the Fund Loan Bond to be issued, provided that the aggregate principal amount of the Local Unit Bonds shall not exceed $2,600,000

(b) The maturity and annual principal installments of the Local Unit Bonds, which maturity shall not exceed twenty (20) years;

(c) The date of the Local Unit Bonds;

(d) The interest rates of the Local Unit Bonds;

(e) The purchase price for the Local Unit Bonds; and

(f) The terms and conditions under which the Local Unit Bonds shall be subject to redemption prior to their stated maturities.

**Section 3.** Any determination made by the Chief Financial Officer pursuant to the terms hereof shall be conclusively evidenced by the execution and attestation of the Local Unit Bonds by the parties authorized under Section 4(c) hereof.

**Section 4.** The Local Unit hereby determines that certain terms of the Local Unit Bonds shall be as follows:

(a) The Trust Loan Bond shall be issued in a single denomination and shall be numbered as shall be specified by the Chief Financial Officer. The Fund Loan Bond shall be issued in a single denomination and shall be numbered as shall be specified by the Chief Financial Officer;

(b) The Local Unit Bonds shall be issued in fully registered form and shall be payable to the registered owners thereof as to both principal and interest in lawful money of the United States of America; and

(c) The Local Unit Bonds shall be executed by the manual or facsimile signatures of the Mayor and the Chief Financial Officer under official seal or facsimile thereof affixed, printed, engraved or reproduced thereon and attested by the manual signature of the Local Unit Clerk.

**Section 5.** The Trust Loan Bond and the Fund Loan Bond shall be substantially in the form set forth in the Trust Loan Agreement and the Fund Loan Agreement, respectively.

**Section 6.** The law firm of DeCotiis, FitzPatrick & Cole, LLP, is hereby authorized to arrange for the printing of the Local Unit Bonds, which law firm may authorize McCarter & English, LLP, bond counsel to the Trust and the State for the Program, to arrange for same. The Local Unit auditor is hereby authorized to prepare the financial information necessary in connection with the issuance of the Local Unit Bonds. The Mayor, the Chief Financial Officer and the Local Unit Clerk are hereby authorized to execute any certificates necessary or desirable in connection with the financial and other information.

**Section 7.** The terms of the Local Unit Bonds authorized to be set forth by the Chief Financial Officer in accordance with Section 2 hereof shall be ratified by the affirmative vote of 2/3 of the full membership of the governing body of the Local Unit.

**Section 8.** The Mayor and the Chief Financial Officer are hereby severally authorized to execute any certificates or documents necessary or desirable in connection with the sale of the Local Unit Bonds, and are further authorized to deliver same to the Trust and the State upon delivery of the Local Unit Bonds and the receipt of payment therefor in accordance with the Loan Agreements.

**Section 9.** Upon the adoption hereof, the Local Unit Clerk shall forward certified copies of this resolution to DeCotiis, FitzPatrick & Cole, LLP, bond counsel to the Local Unit, and Richard Nolan, Esq., McCarter & English, LLP, bond counsel to the Trust.

**Section 10.** This resolution shall take effect upon the adoption hereof.

Which was adopted by the following vote:

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

NEGATIVE: None

**RESOLUTION AUTHORIZING THE EXECUTION AND DELIVERY OF LOAN AGREEMENTS TO BE EXECUTED BY THE CITY OF ELIZABETH, IN THE COUNTY OF UNION, NEW JERSEY AND EACH OF THE NEW JERSEY ENVIRONMENTAL INFRASTRUCTURE TRUST AND THE STATE OF NEW JERSEY, ACTING BY AND THROUGH THE DEPARTMENT OF ENVIRONMENTAL PROTECTION, AND FURTHER AUTHORIZING THE EXECUTION AND DELIVERY OF AN ESCROW AGREEMENT, ALL PURSUANT TO THE STATE FISCAL YEAR 2013 NEW JERSEY ENVIRONMENTAL INFRASTRUCTURE TRUST FINANCING PROGRAM FOR FUNDING THE CITY'S THIRD AVENUE COMBINED SEWER MODIFICATIONS PROJECT**

**WHEREAS,** the City of Elizabeth (the "Local Unit"), in the County of Union, New Jersey, has determined that there exists a need within the Local Unit to construct and install the Third Avenue combined sewer modification project (the "Project"), as said Project is more particularly defined in each of that certain Loan Agreement (the "Trust Loan Agreement") to be entered into by and between the Local Unit and the New Jersey Environmental Infrastructure Trust (the "Trust") and that certain Loan Agreement (the "Fund Loan Agreement", and together with the Trust Loan Agreement, the "Loan Agreements") to be entered into by and between the Local Unit and the State of New Jersey, acting by and through the New Jersey Department of Environmental Protection (the "State"), all pursuant to the State Fiscal Year 2013 New Jersey Environmental Infrastructure Trust Financing Program (the "Program");

**WHEREAS,** the Local Unit has determined to finance the acquisition, construction, renovation or installation of the Project with the proceeds of a loan to be made by each of the Trust (the "Trust Loan") and the State (the "Fund Loan", and together with the Trust Loan, the "Loans") pursuant to the Trust Loan Agreement and the Fund Loan Agreement, respectively;

**WHEREAS,** to evidence the Loans, each of the Trust and the State require the Local Unit to authorize, execute, attest and deliver the Local Unit's General Obligation Bonds, Series 2013, to the Trust (the "Trust Loan Bond") and General Obligation Bonds, Series 2013, to the State (the "Fund Loan Bond", and together with the Trust Loan Bond, the "Local Unit Bonds"), said Local Unit Bonds to be issued in an aggregate principal amount not to exceed $2,600,000, pursuant to the terms of the Local Bond Law of the State of New Jersey, constituting Chapter 2 of Title 40A of the Revised Statutes of the State of New Jersey (the "Local Bond Law"), other applicable law and the Loan Agreements; and

**WHEREAS,** the Trust and the State have expressed their desire to close in escrow the making of one or more of the Loans, the issuance of one or more of the Local Unit Bonds and the execution and delivery of one or more of the Loan Agreements, all pursuant to the terms of an Escrow Agreement (the "Escrow Agreement") to be entered into by and among the Trust, the State, the Local Unit and the escrow agent to be named therein.

**NOW, THEREFORE, BE IT RESOLVED** by the governing body of the Local Unit as follows:

**Section 1.** The Trust Loan Agreement, the Fund Loan Agreement and the Escrow Agreement (collectively, the "Financing Documents") are hereby authorized to be executed and delivered on behalf of the Local Unit by either the Mayor or the Chief Financial Officer in substantially the forms attached hereto as Exhibits A, B and C, respectively, with such changes as the Mayor or the Chief Financial Officer (each an "Authorized Officer"), in their respective sole discretion, after consultation with counsel and any advisors to the Local Unit (collectively, the "Local Unit Consultants") and after further consultation with the Trust, the State and their representatives, agents, counsel and advisors (collectively, the "Program Consultants", and together with the Local Unit Consultants, the "Consultants"), shall determine, such determination to be conclusively evidenced by the execution of such Financing Documents by an Authorized Officer as determined hereunder. The Local Unit Clerk is hereby authorized to attest to the execution of the Financing Documents by an Authorized Officer of the Local Unit as determined hereunder and to affix the corporate seal of the Local Unit to such Financing Documents.

**Section 2.** The Authorized Officers of the Local Unit are hereby further severally authorized to (i) execute and deliver, and the Local Unit Clerk is hereby further authorized to attest to such execution and to affix the corporate seal of the Local Unit to, any document, instrument or closing certificate deemed necessary, desirable or convenient by the Authorized Officers or the Local Unit Clerk, as applicable, in their respective sole discretion, after consultation with the Consultants, to be executed in connection with the execution and delivery of the Financing Documents and the consummation of the transactions contemplated thereby, which determination shall be conclusively evidenced by the execution of each such certificate or other document by the party authorized hereunder to execute such certificate or other document, and (ii) perform such other actions as the Authorized Officers deem necessary, desirable or convenient in relation to the execution and delivery thereof.

**Section 3.** Upon the adoption hereof, the Local Unit Clerk shall forward certified copies of this resolution to DeCotiis, FitzPatrick & Cole LLP, bond counsel to the Local Unit, and Richard Nolan, Esq., McCarter & English, LLP, bond counsel to the Trust.

**Section 4.** This resolution shall take effect upon adoption hereof.

Which was adopted by the following vote:

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

NEGATIVE: None

**BY CITY COUNCIL AS A WHOLE:**

**WHEREAS,** Director of the Department of Planning and Community Development has requested authorization to execute an agreement with **Urban League of Union County, Inc., 288 North Broad Street, Elizabeth, New Jersey 07207** to provide for Case Management Services to provide Direct Rental Assistance Homeless Prevention for the period July 1, 2012 until June 30, 2013 for an amount not to exceed $22,200.00; and

**WHEREAS,** funds will be used for case management services to provide short-term rental assistance to individuals or families at risk for homelessness; and

**WHEREAS,** the Chief Financial Officer has certified that sufficient funds are available and appropriated for this purpose and Certification No.13-01738, charging the amount of $4,750.00 to Account No. T-22-56-013-PBS-380 and Certification No. 13-06039 charging the amount of $17,450.00 to Account No. T-22-56-013-PBS-380of the Municipal Budget are 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 Director of the Department of Planning and Community Development has certified that this meets the statute and regulations governing the award of said contract; now, therefore, be it

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

1. The Mayor and the Municipal Clerk are hereby authorized to execute an agreement with the **Urban League of Union County, Inc., 288 North Broad Street, Elizabeth, New Jersey 07207** to provide for Case Management Services

2. Quotations were not solicited because of the unique nature of the contractor as a non-profit agency within the City of Elizabeth that offers direct financial assistance as to adept at using the HIMS system for tracking data regarding homeless prevention.

3. The nature of the service provided requires experience and extensive training in Case Management, and social work.

4. The performance of the service cannot be reasonably described by written specifications as each client brings unique financial circumstances, motivations, and abilities to counseling.

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

Which was adopted by the following vote:

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

NEGATIVE: None

**BY CITY COUNCIL AS A WHOLE:**

**WHEREAS,** the Director of the Department of Planning and Community Development has requested authorization to reprogram **CD37-2011-2012** outstanding balances to the **Community Development Block Grant Holding Account** to reprogram the unexpended balances to the Community Development Block Grant Holding Account as indicated on **Schedule A** which is made a part hereof to provide the services set forth in the descriptions of each contract for the periods shown in the amounts indicated for each contract shown on **Schedule A**; 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 recipients of funds for CDBG contracts listed on the attached **Schedule A** that exceed $50,000.00 have complied with the provisions of Chapter 2.92 of the Code of the City of Elizabeth; and

**WHEREAS,** the Chief Financial Officer has certified that sufficient funds are available and appropriated for these purposes and certifications charging the appropriate amounts to the appropriate account for the respective contracts shown on **Schedule A** are on file in the Office of the City Clerk; and

**WHEREAS,** the Director of the Department of Planning and Community Development has certified that this meets the statute and regulations governing the award of said contracts in the certifications of EUS which are on file in the Office of the City Clerk; now, therefore, be it

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

1. The Mayor and the Municipal Clerk are hereby authorized to execute **CD/37 2011-2012 Community Development Block Grant Holding Account** to reprogram the unexpended balances to the Community Development Block Grant Holding Account in the amounts and for the purposes setforth on the attached **Schedule A.**
2. A notice of this action shall be published in **The Star Ledger**.

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, [redacted], Torres, Gonzalez, [redacted], Cedeno, Mazza, and President Gallman - 7

NEGATIVE: None

**BY CITY COUNCIL AS A WHOLE:**

**WHEREAS**, the Director of the Department of Planning & Community Development has advised that **KATIE HALL, 474 Henry Street, Elizabeth, New Jersey**, has applied for financial assistance under the City of Elizabeth's Owner Occupied Basic Program to rehabilitate 474 Henry Street, Elizabeth, New Jersey, which is a one (1) unit house . The funds will be used to install roof, steps, hand railing, walkway, boiler and hot water heater; and

**WHEREAS**, the maximum assistance to be provided is not to exceed $16,000.00; and

**WHEREAS**, the total estimated project cost is $20,724.00; and

**WHEREAS**, in return for the loan, the applicant has agreed to abide by the requirements of the City's Owner-Occupied Basic Program. The loan will be forgiven after ten (10) years of compliance; and

**WHEREAS**, the Chief Financial Officer has certified that sufficient funds are available and appropriated for this purpose in Certification No. 13-06075, charging the amount of $16,000.00 to Account Number 3-21-56-300-003, 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 hereby authorizes an Owner Occupied Basic Program to the applicant zero percent interest loan in an amount not to exceed $16,000.00 provided the applicant comply with the requirements of the City's Owner-Occupied Basic Program for a period of ten years and that recipient repay the loan in full upon transfer of title without regard to completion of the affordability period for the purposes outlined above; and

**FURTHER RESOLVED** the funds shall not be released until after execution of the necessary and appropriate documents including Mortgage Note, Mortgage and any other documents required by the City's Program for the purpose of securing the loan made herein

Which was adopted by the following vote:

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

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

**WHEREAS**, the Director of the Department of Planning and Community Development has requested authorization for the proper City Officials to execute a Third Party Agreement with the owner, of the property located at **10-16 Third Street, Elizabeth, N.J. ,MAGILL REAL ESTATE HOLDINGS, LLC., 806 East Jersey Street, Elizabeth, New Jersey 07310,** as required under the terms and conditions of the executed State Neighborhood Stabilization Program (NSP 3) grant agreement #2011-02294-1025-00 received on November 16, 2012; and

**WHEREAS**, the specific properties within the New Point Road Neighborhood must be approved by both NJ Department of Community Affairs and the Elizabeth Home Improvement Program prior to acquisition; and

**WHEREAS, MAGILL REAL ESTATE HOLDINGS, LLC.,** will use NSP funds for the acquisition and rehabilitation of six (6) vacant row houses. Units to be rented at affordable rents to income eligible persons; and

**WHEREAS**, the maximum amount of assistance to be provided under the NSP loan is $750,000.00. The total project cost is $1,100,000.00; and

**WHEREAS,** the terms of the loan for a Deferred Payment NSP loan to be forgiven after a twenty (20) year period of affordability; 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 **MAGILL REAL ESTATE HOLDINGS, LLC**; and

**WHEREAS**, a Certificate of Availability of Funds cannot be issued because this grant operates on a draw-down basis from the State of New Jersey and the City will only pay funds to the recipient after approval of same by the state and receipt of funds from the state; now, therefore, be it

**RESOLVED** that the City Council of the City of Elizabeth does hereby authorize the Mayor to execute a Third Party Agreement with **MAGILL REAL ESTATE HOLDINGS, LLC, 806 E. Jersey Street, Elizabeth, New Jersey 07310**, for the acquisition and rehabilitation of six (6) vacant row houses located at **10-16 Third Street, Elizabeth, New Jersey.** Units to be rented at affordable rents to income eligible persons for a Deferred Payment Neighborhood Stabilization Program Loan in the amount of $750,000.00; and be it

**FURTHER RESOLVED** the Mortgages, Notes and Deed Restrictions will be executed by the State and not the City of Elizabeth.

Which was adopted by the following vote:

AFFIRMATIVE: Perkins-Auguste, Cuesta, ~~Grover~~, Torres, Gonzalez, ~~Keenan~~, Cedeno, Mazza, and President Gallman - ~~8~~ 7

NEGATIVE: None

**BY CITY COUNCIL AS A WHOLE:**

**WHEREAS,** the Business Administrator has advised that The Union County Board of Chosen Freeholders have authorized the County Manager to enter into a sub-contract with the State of New Jersey Judiciary Superior Court, Probation Division for Night Watch Supervision Program services based on the Juvenile Justice Commission Points of Continuum-Disposition for the contract period of January 1, 2013 through December 31, 2013 in the amount of $35,000.00 be distributed amongst a few of the local municipalities; and

**WHEREAS,** the Elizabeth Police Department has been allocated a portion of the award in the amount of $11,000.00 and will use the grant award as an opportunity to Work with County Probation Officers on an overtime basis. The focus of this program is to check on juvenile offenders that are placed on probation and to ensure they are in compliance with their court orders; now, therefore, be it

**RESOLVED** that the City Council of the City of Elizabeth authorizes the proper City Officials to enter into an agreement with the County of Union, Department of Human Services, Division of Youth Services, and accept a grant award in the amount of $11,000.00 from the Union County Youth Services Commission Grant Funds for the Night Watch Supervision Program, under the Juvenile Justice Commission Points of Continuum-Disposition to be utilized during the contract period of January 1, 2013 through December 31, 2013.

Which was adopted by the following vote:

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

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

**WHEREAS**, the Director of the Department of Planning and Community Development has requested authorization for the proper City Officials to execute a Third Party Agreement with the owner, of the property located at **170-176 First Street, Elizabeth, N.J. ,RENAISSANCE APARTMENTS URBAN RENEWAL, LLC, 176 First Street, Elizabeth, New Jersey 07206,** as required under the terms and conditions of the executed State Neighborhood Stabilization Program (NSP 3) grant agreement #2011-02294-1025-00 received on November 16, 2012; and

**WHEREAS**, specific properties within the New Point Road Neighborhood must be approved by both NJ Department of Community Affairs and the Elizabeth Home Improvement Program prior to acquisition; and

**WHEREAS, RENAISSANCE APARTMENTS URBAN RENEWAL, LLC,** will use NSP funds for the demolition and construction of twenty (20) residential units and one (1) commercial space; and

**WHEREAS,** the maximum amount of assistance to be provided under the NSP loan is $450,000.00. The total project cost is $10,274;365.00; and

**WHEREAS,** the terms of the loan for a Deferred Payment NSP loan to be forgiven after a twenty (20) year period of affordability; 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 **RENAISSANCE APARTMENTS URBAN RENEWAL, LLC** ; and

**WHEREAS**, a Certificate of Availability of Funds cannot be issued because this grant operates on a draw-down basis from the State of New Jersey and the City will only pay funds to the recipient after approval of same by the state and receipt of funds from the state; now, therefore, be it

**RESOLVED** that the City Council of the City of Elizabeth does hereby authorize the Mayor to execute a Third Party Agreement with **RENAISSANCE APARTMENTS URBAN RENEWAL, LLC, 176 First Street, Elizabeth, New Jersey 07206,** for the demolition and construction of twenty (20) residential units and one (1) commercial space Located at 170-176 First Street, Elizabeth, New Jersey for a Deferred Payment Neighborhood Stabilization Program Loan in the amount of $450,000.00; and be it

**FURTHER RESOLVED** the Mortgages, Notes and Deed Restrictions will be executed by the State and not the City of Elizabeth.

Councilman Torres MOVED to TABLE the resolution, which was seconded by Councilwoman Perkins-Auguste, and

Which was carried unanimously.

**BY CITY COUNCIL AS A WHOLE:**

**WHEREAS,** the Director of the Department of Planning and Community Development has requested authorization for the proper City Officials to execute an agreement with the **Elizabeth Development Company, 205 First Street, Elizabeth, New Jersey 07206,** to provide funds to defray the costs associated with predevelopment expenses of architectural and market study for **BRAND NEW DAY RENAISSANCE PROJECT** for the period July 1, 2012 to June 30, 2014, in the amount of $126,050.00; and

**WHEREAS,** the Brand New Day Renaissance Project involves the preservation of 170-176 First Street, which will include 44 low to moderate income units for aged out-at-risk youth. The renovation of this property will not only eliminate a blighted parcel, but it will restore quality housing to an underserved population; and

**WHEREAS,** the Chief Financial Officer has certified that sufficient funds are available and appropriated for this purpose and Certification No. 13-01147, charging the amount of $126,050.00 to Account No. T-22-56-012-EDC-337, 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 execute an agreement with the **Elizabeth Development Company, 288 North Broad Street, Elizabeth, New Jersey 07206**, to provide funds to defray the costs associated with predevelopment expenses of architectural and market study **for BRAND NEW DAY RENAISSANCE PROJECT** for the period July 1, 2012 to June 30, 2014, in the amount of $126,050.00.

Councilman Torres MOVED to TABLE the resolution, which was seconded by Councilwoman Perkins-Auguste, and

Which was carried unanimously.

**BY CITY COUNCIL AS A WHOLE:**

**WHEREAS,** the Director of the Department of Planning and Community Development has advised that on September 11, 2012 your Honorable Body adopted a resolution authorizing the use of Community Development Block Grant CDBG-38, FY 2012 funds to the **Elizabethport Presbyterian Center, Inc., 184 First Street, Elizabeth, New Jersey 07206,** for the Gather, Guide & Groom Program and the Senior Enrichment Program, having a contract period of July 1, 2012 through June 30, 2013; and

**WHEREAS,** the Director of the Department of Planning and Community Development has requested authorization to extend the contract period between the City of Elizabeth and the **Elizabethport Presbyterian Center, 184 First Street, Elizabeth, New Jersey 07206,** to December 31, 2013, in order to expend the funds; now, therefore, be it

**RESOLVED** that the City Council of the City of Elizabeth authorizes the proper City Officials to extend the contract period between the City of Elizabeth and the **Elizabethport Presbyterian Center, 184 First Street, Elizabeth, New Jersey 07206,** for the Gather, Guide & Groom Program and the Senior Enrichment Program, in order to expend the Community Development Block Grant CDBG-38, FY 2012 funds from July 1, 2012 through December 31, 2013.

Which was adopted by the following vote:

AFFIRMATIVE: Perkins-Auguste, Cuesta, ~~Grova~~, Torres, Gonzalez, ~~Keenan~~, Cedeno, Mazza, and President Gallman - 7

NEGATIVE: None

**BY CITY COUNCIL AS A WHOLE:**

**WHEREAS,** the Director of the Department of Planning and Community Development has advised on September 11, 2012 your Honorable Body adopted resolutions authorizing the execution of a contract with the **Elizabeth Development Company, 205 First Street, Elizabeth, New Jersey** for the Community Development for the Old Historic Trust at 42 Broad Street in the sum of $153,846.15 and Siloam Hope Cares CDC Project at 205 First Street in the sum of $330,669.30. The term of both contracts are from July 1, 2012 through June 30, 2013; and

**WHEREAS,** authorization is requested to amend the September 11, 2012 resolutions in order to extend the terms of the Old Historic Trust and Siloam Hope Cares projects from July 1, 2012 through December 31, 2013; and

**WHEREAS,** the extensions are due to delays in preconstruction and predevelopment phases of these project. No additional funds are being requested; now, therefore, be it

**RESOLVED** that the proper City Officials authorize an amendment to the resolutions adopted September 11, 2012, awarding CDBG contracts to **Elizabeth Development Company, 205 First Street, Elizabeth, New Jersey** granting funds to Old Historic Trust in the amount of $153,846.14; and Siloam Hope Cars CDC Project in the amount of $330,669.30, specifically to extend the term of the contracts to December 31, 2013.

Which was adopted by the following vote:

AFFIRMATIVE: Perkins-Auguste, Cuesta, ~~Grove~~, Torres, Gonzalez, ~~Keenan~~, Cedeno, Mazza, and President Gallman - 7

NEGATIVE: None

**BY CITY COUNCIL AS A WHOLE:**

**WHEREAS,** the Director of the Department of Planning and Community Development has advised that on October 23, 2012 your Honorable Body adopted a resolution granting the **Urban League of Union County, Inc., 288 No. Broad Street, Elizabeth, New Jersey 07207** an Emergency Solutions Grant for $78,754.00. Funds are being used for direct rental assistance to prevent homelessness. The term of the contract is July 1, 2012 to June 30, 2013; and

**WHEREAS,** authorization is now requested to authorize the proper City Officials to amend the aforementioned resolution in order to extend the term from July 1, 2012 to December 31, 2013; and

**WHEREAS,** the extension is necessary due to the unanticipated volume of clients the agency is currently servicing in the limited amount of time stipulated in the current contract term. No additional funds are being requested; now, therefore, be it

**RESOLVED that the City Council of the City of Elizabeth authorize an amendment to the resolution adopted October 23, 2012, granting the Urban League of Union County, Inc., 288 No. Broad Street, Elizabeth, New Jersey 07207,** an Emergency Solutions Grant for $78,754.00, specifically to extend the term of the contract from July 1, 2012 to December 31, 2013.

Which was adopted by the following vote:

AFFIRMATIVE: Perkins-Auguste, Cuesta, ~~Grove,~~ Torres, Gonzalez, ~~Keenan,~~ Cedeno, Mazza, and President Gallman - ~~8~~ 7

NEGATIVE: None

**BY CITY COUNCIL AS A WHOLE:**

**WHEREAS,** the City of Elizabeth holds a mortgage given by **Housing Authority of the City of Elizabeth, 688 Maple Avenue, Elizabeth, New Jersey,** owner of the mortgage premises located at **158 First Street, Elizabeth, New Jersey**; and

**WHEREAS,** the Director of the Department of Planning and Community Development has requested adoption of a resolution authorizing the proper City Officials to execute any and all documents necessary and appropriate to Discharge a City E'port Combo Program Loan Mortgage; and

**WHEREAS,** this E'Port Combo Program Loan is secured with a Mortgage dated February 17, 2005, recorded in Mortgage Book 11060, Page 0660 given on **158 First Street, Elizabeth, New Jersey** in the amount of $25,000.00. The loan was forgivable after a three (3) year period; and

**WHEREAS,** the affordability period has been successfully completed and the owner is entitled to a Discharge Mortgages; now, therefore, be it

**RESOLVED** that the City Council of the City of Elizabeth does hereby authorize the Discharge of Mortgage on the $25,000.00 E'Port Combo Program Loan to the Housing Authority of the City of Elizabeth recorded in Mortgage Book 11060, Page 0660 and further authorizes the Mayor and the City Clerk to execute any and all documents in order to Discharge of Mortgage.

Which was adopted by the following vote:

AFFIRMATIVE: Perkins-Auguste, Cuesta, ~~Grove~~, Torres, Gonzalez, ~~Koenan~~, Cedeno, Mazza, and President Gallman - X 7

NEGATIVE: None

**BY CITY COUNCIL AS A WHOLE:**

**WHEREAS**, the Director of the Department of Planning and Community Development has advised that the City has considered implementing the University Boulevard concept along the Morris Avenue Corridor; and

**WHEREAS**, the Morris Avenue Corridor will be enhanced through the incorporation more retail, commercial and University-driven opportunities, which would include but not be limited to book stores, cafes, student housing, faculty facilities, as well as, other academic-oriented clinics and services. This vision would be brought to fruition through partnerships with Kean University, Union County College and other governmental entities; and

**WHEREAS,** this initiative would stimulate economic development, encourage job creation and revitalize this major roadway within our City. New alternatives and expanded options will increase the visibility and appeal of Morris Avenue. In addition to these benefits, it is anticipated that present and future Morris Avenue merchants would see increased retail opportunities with the influx of students, faculty and university business; and

**WHEREAS**, authorization is requested for the City of Elizabeth Planning Board, in conjunction with the City of Elizabeth's Planner to conduct a preliminary study in order to determine whether the Morris Avenue Corridor is an area in need of redevelopment as required pursuant to **N.J.S.A**. 40A:12-1, et seq., the Local Redevelopment and Housing Law; now, therefore, be it

**RESOLVED** that the City Council authorize the Planning Board, in conjunction with the City's Planner to conduct a preliminary study to determine whether the Morris Avenue Corridor is an area in need of redevelopment pursuant to **N.J.S.A**. 40A:12-1, et seq., the Local Redevelopment and Housing Law.

Which was adopted by the following vote:

AFFIRMATIVE: Perkins-Auguste, Cuesta, ~~Grova~~, Torres, Gonzalez, ~~Koenan~~, Cedeno, Mazza, and President Gallman - ~~8~~ 7

NEGATIVE: None

**BY CITY COUNCIL AS A WHOLE:**

**WHEREAS,** on January 18, 2013, the Director of the Department of Public Works received four (4) bids for a two-year contract for the maintenance and repair services for roofing on City of Elizabeth owned buildings; and

**WHEREAS,** the lowest responsible bidder was **S & A GENERAL CONTRACTING, 207 Shelley Avenue, Elizabeth, New Jersey 07208.** The total bid amount for the first year is $177,166.00 and for the second year is $177,166.00. The bid for each year includes an allowance of $50,000.00 for materials required during performance of the contract and is billed at ten (10) percent above list price. The combined amount bid for both years is $354,332.00; and

**WHEREAS,** the amount of the contract in question exceeds $50,000.00 and the provisions of Chapter 2.92 of the Code of the City of Elizabeth have been complied with by **S & A GENERAL CONTRACTING;** 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; now, therefore, be it ,

**RESOLVED** that the City Council of the City of Elizabeth authorizes an award of a two (2) year contract to the lowest responsible bidder, **S & A GENERAL CONTRACTING, 207 Shelley Avenue, Elizabeth, New Jersey 07208.** The total bid amount for the first year is $177,166.00 and for the second year is $177,166.00. The bid for each year includes an allowance of $50,000.00 for materials required during performance of the contract and is billed at ten (10) percent above list price. The total amount of the contract for two (2) years is an amount not to exceed $354,332.00.

Which was adopted by the following vote:

AFFIRMATIVE: Perkins-Auguste, Cuesta, ~~Crouse~~, Torres, Gonzalez, ~~Keenan~~, Cedeno, Mazza, and President Gallman - ~~X~~ 7

NEGATIVE: None

**BY CITY COUNCIL AS A WHOLE:**

**WHEREAS**, the Director of the Department of Public Works has advised that on March 9, 2012, the Department of Public Works received qualification proposals for consulting professional engineering services; and

**WHEREAS**, the Department of Public Works reviewed the qualifications of all respondents and found the firm of **Hatch Mott MacDonald, 27 Bleeker Street, Millburn, NJ 07041-1008,** to be qualified to provide the City of Elizabeth with civil engineering services in connection with the review of sewer applications as per their proposal dated March 9, 2012. More specifically, Hatch Mott MacDonald will review development applications requiring its knowledge and expertise related to the City's sewer system and its capacity to support the applicant's project. The contract shall be for a one year term; and

**WHEREAS**, the costs for these services are paid by the applicants through the escrow they each establish with the City. There is no charge to the City for these services. This is considered an open end contract, which does not require a Certificate of Availability of Funds; and

**WHEREAS,** the Director of the Department of Public Works has requested authorization to award a contract to the firm of **Hatch Mott MacDonald, 27 Bleeker Street, Millburn, NJ 07041-1008,** to provide the City of Elizabeth with civil engineering services in connection with the review of sewer applications as per their proposal dated March 9, 2012. More specifically, Hatch Mott MacDonald will review development applications requiring its knowledge and expertise related to the City's sewer system and its capacity to support the applicant's project. The contract shall be for a one year term. The costs for these services are paid by the applicants through the escrow they each establish with the City. There is no charge to the City for these services.

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

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

**WHEREAS,** 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

**BY CITY COUNCIL AS A WHOLE**

**WHEREAS,** a case is currently pending in the matter of **Michael Guarino v. City of Elizabeth, et al, CP No.: 2009-22704;** and

**WHEREAS,** the Law Department and Christopher J. Kinsella, Esq. have recommended settlement of 12 ½% of partial total for the injury to petitioner's cervical spine and shoulder. The settlement in this matter would be 75 weeks at $198.00 per week, totaling $14,850.00; and

**WHEREAS,** the Chief Financial Officer has certified that sufficient funds are available and appropriated for this purpose and Certification No.13-05778 charging the amount of $14,850.00 to Account No. 03-21-56-249 and 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 hereby approves and authorizes the settlement of the claim in an amount of $14,850.00 payable to **Michael Guarino, 313 Redcliffe Street, Elizabeth, New Jersey 07206,** and the Attorney for the Plaintiff: **Ginarte O'Dwyer Gonzalez & Winograd, 400 Market Street, Second Floor, Newark, New Jersey 072205.**

Which was adopted by the following vote:

AFFIRMATIVE: Perkins-Auguste, Cuesta, ~~Orova~~, Torres, Gonzalez, ~~Kennan~~, Cedeno, Mazza, and President Gallman - ~~8~~ 7

NEGATIVE: None

**BY CITY COUNCIL AS A WHOLE:**

**RESOLVED** that City Council of the City of Elizabeth hereby establishes a handicapped parking space in front of **318 Amity St., First Floor, Elizabeth, New Jersey 07202**, as follows, pursuant to the recommendation of the Elizabeth Police Department:

along the South curb line of Amity Street
beginning at a point 276' East of Fourth Avenue
and continuing 22' East thereof;

and be it

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

Which was adopted by the following vote:

AFFIRMATIVE: Perkins-Auguste, Cuesta, ~~Grova,~~ Torres, Gonzalez, ~~Keenan~~, Cedeno, Mazza, and President Gallman - ~~8~~ 7

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

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

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

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

| | | | |
|---|---|---|---|
| AT&T | 3-01-31-440 | $ | 150.00 |
| AVAYA, INC. | 3-01-31-440 | $ | 6,328.76 |
| HESS CORP – ELECTRIC | 3-01-31-446 | $ | 15,147.35 |
| LANGUGE LINE SERVICES | 3-01-43-490-MCO-302 | $ | 1,411.66 |
| NATIONAL TERMINAL, INC. | 3-01-31-447 | $ | 6,522.00 |
| PSE&G | 3-07-55-500-SEW-351 | $ | 136,174.25 |
| SPRINT | 3-01-31-440 | $ | 1,975.52 |
| VERIZON | 3-01-31-440 | $ | 57,718.96 |
| VERIZON WIRELESS | 3-01-31-440 | $ | 1,026.70 |
| VERIZON COMMUNICATIONS INC. | 3-01-31-440 | $ | 2,904.75 |

Which was adopted by the following vote:

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

NEGATIVE: None

Councilwoman Perkins-Auguste **MOVED** to consider a resolution regarding the Public Speaking portion of the Board of Education meetings be moved to the beginning of each meeting.

Councilman Mazza stated that a speaker submitted a petition but he would like to do some research. He continued that he has attended meetings at the Board of Education and he trusts that everyone will do the right thing. He stated further that the children enjoy coming before City Council. Councilman Mazza stated that he believes that Council is rushing into this and he would like to review this at the next pre-Council meeting.

Council President Gallman stated that he respects his colleagues decision, but what he has heard tonight from three individuals who would like to address the Board of Education and the Councilwoman has expressed her concern to adopt a resolution. He stated further that a Council member can vote Aye or Nay so he will grant the Councilwoman that opportunity.

Councilman Cedeno stated that he is in favor of this resolution and will support it. He continued that he supports the moving of the Public Speaking to the beginning of the Board's meeting. He stated further that he would like to see what was submitted and to wait for the next pre-Conference meeting.

Councilwoman Perkins-Auguste stated that the speakers were clear that they would like for the Board of Education to move the Public Speaking portion of the meeting. She stated further that she has attended many of their meetings.

**BY THE CITY COUNCIL AS A WHOLE:**

**WHEREAS,** the Elizabeth Board of Education ("EBOE"), in Bylaw 9322, states that it "recognizes the value to school governance of public comment on educational issues and the importance of allowing members of the public to express themselves on school matters of community interest"; and

**WHEREAS,** EBOE Bylaw 9322 requires that it provide a period for public participation at all public meetings, but that such participation "shall be permitted only as indicated in the order of business on the agenda"; and

**WHEREAS,** in order to participate in the public portion of the EBOE meeting, a member of the public must "sign up an hour prior to the advertised start of the Board meeting"; and

**WHEREAS,** the public participation portion of the EBOE meeting is regularly placed at the end of a long agenda that includes public and private business; and

**RESOLVED** that the City Council of the City of Elizabeth hereby joins with the Elizabeth Education Organizing Committee ("EEOC"), a local chapter of the Statewide Education Organizing Committee, in requesting that the EBOE consider moving its public participation period towards the top of its agenda to allow greater public participation in school matters of community interest.

**FURTHER RESOLVED** that a copy of this resolution be forwarded to the State Senator, State Assembly Members, House of Representatives Member and the State Board of Education.

Which was adopted by the following vote:

AFFIRMATIVE: Perkins-Auguste, Cuesta, [redacted], Torres, Gonzalez, [redacted], Cedeno, Mazza, and President Gallman - ~~8~~ 7

NEGATIVE: None

**BY CITY COUNCIL AS A WHOLE:**

**WHEREAS**, the City Council of the City of Elizabeth has learned of the death of Shirley L. Foreman Armstrong; and

**WHEREAS,** she was born on November 16, 1929 to the late Howard M. Armstrong, Sr., and Helen Banks Foreman; and

**WHEREAS,** she lived in Elizabeth her entire life. She attended the Elizabeth Public School System and graduated from Battin High School in 1949; and

**WHEREAS**, when she was a teenager she joined the Shiloh Baptist Church in Elizabeth, NJ and remained a faithful member until her death; and

**WHEREAS,** she met and married Edward Armstrong and from their Union the love of her life was born, Doyle; and

**WHEREAS,** Shirley was employed by various companies throughout Union County. In 1963, Shirley became a school crossing guard for the City of Elizabeth where she was a dedicated servant to the children and City for over forty years. She was loved and respected by everyone in the community; and

**WHEREAS**, Shirley loved having a good time, singing and dancing. She will always be remembered for being petite, a "jazzy" dresser, and for her fast walk; and

**WHEREAS,** she leaves to cherish her memory a loving and devoted son and daughter-in-law, Doyle and Melanie; grandsons, Doyle, Jr., Terron and Gary; a loving and devoted sister, Carolyn R. Scott and a host of other loving nieces, nephews, cousins, friends and caring neighbors; now, therefore, be it

**RESOLVED** that the City Council of the City of Elizabeth hereby expresses its condolences at the passing of Shirley L. Foreman Armstrong 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 Shirley L. Foreman Armstrong.

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 Harold Martin Brewster; and

**WHEREAS,** Mr. Brewster received a Bachelor's Degree in Chemical Engineering from City College of New York, where he was a member of Tau Beta Pi Honor Society; a Master's Degree from Kansas State University; and futhered his studies at Princeton University and Columbia University; and

**WHEREAS,** after retiring from Exxon International, he started Harold Brewster Associates, working with major oil companies, the IRS, and the Department of Energy; and

**WHEREAS,** Mr. Brewster was a retired Lieutenant Commander in the U.S. Navy and was assigned to the Naval Air Turbine Test Center in Ewing, N.J. As a result of his work, he developed papers that he presented at Oxford University, England; and

**WHEREAS,** he was a former member of Hillside Township Committee, Past-President of the YM-YWHA, Harry Labau Jewish Center, Board of Trustees of Shomrel Torah Synagogue, Past Vice-President of the Elmora Hebrew Center, past member of the Board of the former Jewish Federation of Central Jersey; and

**WHEREAS,** he was a member of Exxon Retirees Club, a life member of American Chemical Society, life member of Military Officers' Association of America, former Director of Judges of the Bronx Science Fair and former Member of Trustees of the American Institute of Science and Technology of New York City; and

**WHEREAS,** Mr Brewster is survived by his wife, Ruth Lebau Brewster; daughters, Sharon Brewster Ingraham, Allison Brewster Franzetti, Pamela Brewster, grandchildren Jordana Ingraham, Harrison Ingraham, Mariana Franzetti, Lee Rosenthal, Ryan Rosenthal, William Rosenthal and brother Irwin Brewster; now, therefore, be it

**RESOLVED** that the City Council of the City of Elizabeth hereby expresses its heartfelt condolences at the passing of Harold Martin Brewster and wishes to express sympathy to his family and friends at this time, during 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 the Harold Martin Brewster's 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 Towana V. Pendleton; and

**WHEREAS,** she was educated in the Elizabeth Public School system, graduating from Battin High School in 1977; and

**WHEREAS,** Towana was always a hard worker and she was employed by the Wakefern Food Corporation in Dayton, New Jersey; and

**WHEREAS,** she loved basketball. Towana was a basketball coach and was often found with her teams on the court at School No. 1 in Elizabeth, New Jersey; and

**WHEREAS,** Towana was predeceased by her parents, Dorothy and Barry E. Pendleton; and

**WHEREAS,** Towana is survived by her son, Jermaine Pendleton; two grandsons, Jahyeer Pendleton and Jahmeer Pendleton; her grandmother, Florence Pendleton; three sisters, Dorise Hollinshed, Joyce Rose and Debra L. Green,(Clarence) one brother Derrick Rose; two uncles, William Pendleton and Charles Pendleton and a host of nieces, nephews, cousins and friends; now, therefore, be it

**RESOLVED** that the City Council of the City of Elizabeth hereby expresses its condolences at the passing of Towana V. Pendleton 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 Towana V. Pendleton's 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 Paolo Marabella, 94; and

**WHEREAS,** Paolo was the eldest of nine siblings. He was born in Ribera, Italy; and

**WHEREAS,** he served in World War II with the Italian Military; and

**WHEREAS,** Paolo moved to Canada with his wife and children in1965 and then, in 1968 they settled in Elizabeth, New Jersey; and

**WHEREAS,** Paolo was a Laborer with Local No. 394 for fifteen years before retiring in 1983; and

**WHEREAS,** he was a member of the Ribera Club in Elizabeth, New Jersey. He enjoyed playing cards, watching Italian news and soccer teams. He also enjoyed planting vegetables in his garden; and

**WHEREAS,** Paolo was a loving and caring father, grandfather, great-grandfather and brother; and

**WHEREAS,** Paolo is survived by his loving children, Carmelo, and Giuseppina, Teresa, Jackie, twelve grandchildren, nineteen great-grandchildren, a sister, brothers, and many nieces, nephews and in- laws. He waspredeceased by his beloved wife, Calogera (nee Miceli) and brother Biaggio Marabella;now, therefore, be it

**RESOLVED** that the City Council of the City of Elizabeth hereby expresses its heartfelt condolences at the passing of Paolo Marabella and wishes to express sympathy to his family and friends at this time, during 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 the Paolo Marabella's 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 Herminia Carvalho Rodrigues, 93; and

**WHEREAS,** Herminia was born in New Bedford, Massachusetts. Herminia lived in Portugal before moving to New Jersey to live with her daughters and their families; and

**WHEREAS,** Herminia was the wife of the late Antero dos Reis Rodrigues. Herminia was also mother to the late Dorothy Martins. She is also survived by her sons-in-law; Mario Goncalves, Fernando D. Raposo, and Manuel Martins, a brother; Mario Carvalho, sisters; Maria Helena Santorelli and Rose Parks, grandchildren, many nephews and nieces; now, therefore, be it

**RESOLVED** that the City Council of the City of Elizabeth hereby expresses its condolences at the passing of Herminia Carvalho Rodrigues and wishes to express sympathy to her family and friends at this time, during 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 Herminia Carvalho Rodrigues 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 Carmelo "Carmin" Sacca, 72; and

**WHEREAS,** Carmin was born in Calabria, Italy, and , in 1955, he came to the United States and settled in Elizabeth, N.J.; and

**WHEREAS,** he served in the United States Army from 1962 to 1964 and was stationed in Germany; and

**WHEREAS,** Carmin worked for twenty-three years at the Meadowland Racetrack Sports Complex before retiring in 2000; and

**WHEREAS,** Carmin loved to fish and he enjoyed spending time with his family; and

**WHEREAS,** he was a loving caring husband, father, grandfather, borther and uncle. He is survivied by his beloved wife, Maria (nee Damiano), adoring children, Michelle Sacca-Camicia; Darlina Rivera; Robert, five cherished grandchildren; sisters; Domenica Gigvinazzo, Caterina Fedele, Maria Damiano, Frances Smith and Eufamia Sacca; brothers; Antonio Sacca and Santo Sacca and leaves many nieces and nephews. He was predeceased by his brothers Fernando and Vincenzo Sacca; now, therefore, be it

**RESOLVED RESOLVED** that the City Council of the City of Elizabeth hereby expresses its heartfelt condolences at the passing of Carmelo "Carmin" Sacca and wishes to express sympathy to his family and friends at this time, during 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 the Carmelo "Carmin" Sacca's family.

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

**BY CITY COUNCIL AS A WHOLE:**

**WHEREAS,** the City Council of the City of Elizabeth has learned with profound regret of the death of Mary Neves Termini, and

**WHEREAS,** Ms. Termini was a dedicated public servant who served with distinction, now, therefore, be it

**RESOLVED,** that we, the members of City Council of the City of Elizabeth, hereby express our sincere sorrow at her death and to her family over their great loss; and be it

**FURTHER RESOLVED** that this expression of our sympathy be recorded in full upon the minutes of City Council and an acknowledgement thereof be sent to her 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 President Gallman declared City Council adjourned at 8:20 P.M.

APPROVED

WILLIAM GALLMAN, JR
President of City Council

YOLANDA M. ROBERTS
Municipal Clerk