PROCEEDINGS OF CITY COUNCIL

(OFFICIAL)

ELIZABETH, N.J.

Tuesday Evening
April 9, 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 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; - 9

ABSENT:

ALSO PRESENT: Jorge Estrada, Special Counsel

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

## PUBLIC SPEAKING

Council President Gallman announced to the audience to keep their comments respectful and to not single out any Council member by name but to refer to them by Ward.

Mr. Sammy Muhammad, 32 Elmwood Place, thanked City Council for helping in the "Peace Rally" and for their support.

Mr. Kaheem Best, 523 Court Street, thanked City Council for helping with the "Peace Rally" on Sunday. He continued that usually, only two Council members attend, Councilwoman Perkins-Auguste and Councilman Cedeno. He asked if the same event could be held in the First Ward.

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. 4366**, entitled:

AN ORDINANCE ESTABLISHING A ONE-YEAR MORATORIUM SUSPENDING THE ENFORCEMENT OF SECTION 10.28.040 OF THE CODE OF THE CITY OF ELIZABETH ENTITLED "SCHEDULE II—NO PARKING CERTAIN HOURS," SPECIFICALLY TO SUSPEND THE ISSUANCE OF SUMMONSES FOR PARKING ON RIPLEY PLACE OUTSIDE OF BENJAMIN FRANKLIN SCHOOL NO. 13 ONLY.

This ordinance was adopted on its first reading at the meeting of City Council held on **March 26, 2013**.

The Notice of Public Hearing was published in the Star Ledger issue of **April 1, 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.

Council President Gallman announced that the next business in order would be a public hearing on **Ordinance No. 4367**, entitled:

AN ORDINANCE TO AUTHORIZE THE ESTABLISHMENT OF A PERSONALIZED HANDICAPPED PARKING SPACE FOR OLGA I. BRICENO, 848 MARTIN STREET, ELIZABETH, N.J. 07201.

This ordinance was adopted on its first reading at the meeting of City Council held on **March 26, 2013**.

The Notice of Public Hearing was published in the Star Ledger issue of **April 1, 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.

## PETITIONS, COMMUNICATIONS, ETC.

By the Clerk:
Letter dated March 27, 2013, from the Business Administrator recommending the award of a contract to Office Solutions, Inc., 217 Mount Horeb Road, Warren, NJ, for the purchase of telecommunications equipment wired for various departments for the period of March 12, 2013 through March 13, 2014, at a cost not to exceed $50,000.00.
Which was received.

By the Clerk:
Letter dated March 27, 2013, from the Business Administrator requesting authorization for the proper City officials to proclaim Tuesday, April 2, 2013, as World Autism Awareness Day and the Month of April 2013, as Autism Awareness Month.
Which was received.

By the Clerk:
Letter dated March 28, 2013, from the Business Administrator recommending the award of a contract to First Independent Auto Repair Svc. LLC, 410 East Westfield Avenue, Roselle Park, NJ, for transmission repairs for various departments for the period of March 27, 2013 through March 31, 2014, at a cost not to exceed $100,000.00.
Which was received.

~~PETITIONS, COMMUNICATIONS, ETC.~~

By the Clerk:
Letter dated March 28, 2013, from the Business Administrator recommending the award of a contract to Northeast Auto & 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 March 25, 2013 through April 25, 2013, at a cost not to exceed $30,000.00.
Which was received.

By the Clerk:
Letter dated April 2, 2013, from the Business Administrator requesting authorization for the proper City officials to enter into an agreement with T & M Associates, 11 Tindall Road, Middletown, NJ, for professional on-call traffic engineering services for the period April 10, 2013 through April 9, 2014, in an amount not to exceed $50,000.00.
Which was received.

By the Clerk:
Letter dated March 22, 2013, from the Chief Financial Officer requesting authorization for the Tax Collector to cancel/refund/credit an over billing of taxes for Tax Year 2012 on the property located at 315-325 First Street in the total sum of $6,458.06.
Which was received.

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

By the Clerk:
Letter dated April 2, 2013, from the Chief Financial Officer requesting that your Honorable Body consider authorizing the issuance of Refunding Bonds in one or more series for the Refunding of the City's 2005 General Improvement Bonds and 2004 ERI Bonds; providing for the form, maturities and other details of said bonds; authorizing a preliminary official statement and an official statement; providing for the sale of the Refunding Bonds; and approving and authorizing the execution and delivery by the City of a Continuing Disclosure Certificate, a Bond Purchase Agreement and an Escrow Deposit Agreement not to exceed $14,250,000.00.
Which was received.

By the Clerk:
Letter dated April 2, 2013, from the Chief Financial Officer is advising that, in compliance with the SFY 2013 Appropriations Act, requires that your Honorable Body approve all payments related to accumulated/uncompensated absence benefits.
Which was received.

By the Clerk:
Letter dated April 2, 2013, from the Chief Financial Officer is advising that in compliance with the SFY 2013 Appropriations Act requires that your Honorable Body discuss the City's completed 2013 SFY "Best Practices" Inventory fifty question worksheet that reflects the City's financial accountability and transparency.
Which was received.

~~PETITIONS, COMMUNICATIONS, ETC.~~

By the Clerk:

Letter dated April 2, 2013, from the Health and Human Services Director requesting authorization for the proper City officials to execute an agreement with Jersey Gardens Mall Management/Glimcher Realty to allow the City of Elizabeth, Office on Youth, Building Future Leaders Program, to host a table at the mall, free of charge, on April 13, from 10:00 a.m. to 9:00 p.m., for the purpose of collecting prom dresses that will be made available on April 20, 2013, to Elizabeth residents who are in need of a dress to attend the prom.
Which was received.

By the Clerk:

Letter dated March 25, 2013, from the Public Works Director requesting authorization for Pasquale Vella, Recycling Coordinator, to endorse the submission of the recycling tonnage grant application to the New Jersey Department of Environmental Protection to ensure that the application is properly filed.
Which was received.

By the Clerk:

Letter dated March 28, 2013, from the Public Works Director requesting permission for the proper City officials to accept and execute the necessary documents from Amber Court Assisted Living, 1155 East Jersey Street, Elizabeth, NJ, for a Japanese Red Maple Tree to be planted in Winfield Scott Park during the month of April in celebration of Arbor Day.
Which was received.

By the Clerk:

Letter dated March 21, 2013, from the Police Director requesting an ordinance to install a Multi Way Stop at Magie Avenue and Springfield Road with advanced warning signs in each direction.
Which was received.

## REPORTS OF CITY OFFICERS

By the Clerk:

Letter dated April 9, 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, April 5, 2013.
Which was received.

## ORDINANCES ON FIRST READING

Council President Gallman announced that the next business in order would be the introduction of **Ordinance No. 4368** , which was seconded by Councilwoman Perkins-Auguste, entitled:

> AN ORDINANCE TO AMEND CHAPTER 10.08.020 OF THE CODE OF THE CITY OF ELIZABETH, ENTITLED "FOUR-WAY STOP INTERSECTION", SPECIFICALLY TO ESTABLISH A MULTI-STOP INTERSECTION AT MAGIE AVENUE AND SPRINGFIELD ROAD."

The Clerk read the foregoing ordinance.

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

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

NEGATIVE: None

Council President Gallman announced that the next business in order would be the introduction of **Ordinance No. 4369** , which was seconded by Councilwoman Perkins-Auguste , entitled:

> AN ORDINANCE TO AMEND CHAPTER 10.36.020 OF THE CODE OF THE CITY OF ELIZABETH, ENTITLED "DESIGNATION OF METER ZONES AND HOURS OF PARKING".

The Clerk read the foregoing ordinance.

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

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

NEGATIVE: None

Council President Gallman announced that public notice will be published fixing Tuesday, April 23, 2013 , at 7:30 p.m., City Council Chambers, City Hall, Elizabeth, N.J., as the time and place that City Council will conduct public hearings and further consider the foregoing Ordinance Nos. 4368 and 4369, 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. 4366**, which was seconded by Councilwoman Perkins-Auguste.

**AN ORDINANCE ESTABLISHING A ONE-YEAR MORATORIUM SUSPENDING THE ENFORCEMENT OF SECTION 10.28.040 OF THE CODE OF THE CITY OF ELIZABETH ENTITLED "SCHEDULE II—NO PARKING CERTAIN HOURS," SPECIFICALLY TO SUSPEND THE ISSUANCE OF SUMMONSES FOR PARKING ON RIPLEY PLACE OUTSIDE OF BENJAMIN FRANKLIN SCHOOL NO. 13 ONLY.**

**WHEREAS,** the City of Elizabeth is in the process of reviewing its Ordinances regulating parking around schools throughout the City; and

**WHEREAS,** it has come to the attention of the City Council of the City of Elizabeth that Section 10.28.040 of the Code of the City of Elizabeth as it currently exists makes it difficult for school faculty to find parking near Benjamin Franklin School No. 13; and

**WHEREAS,** during this review process, the City Council of the City of Elizabeth wishes to establish a one-year moratorium suspending the enforcement of Section 10.28.040 of the Code of the City of Elizabeth with respect to Ripley Place outside of Benjamin Franklin School No. 13; now, therefore,

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

**SECTION 1.** A one-year moratorium suspending the enforcement of the following provision of Section 10.28.040 of the Code of the City of Elizabeth:

| Street Name | Side | Hours | Location |
|---|---|---|---|
| Ripley Place | North | 8:00 a.m. to 2:00 p.m. | Starting at a place 137 feet north of the north curbline of Second street and continuing for 95 feet. |

**SECTION 2.** During the moratorium, no summonses shall be issued for violations of the Code of the City of Elizabeth referenced in Section 1 of this Ordinance.

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

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

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

The Clerk read the foregoing ordinance by title.

This ordinance was adopted on its first reading at the City Council meeting held . **March 26, 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 **April 1, 2013.**

Councilman Torres **MOVED** to **AMEND** Ordinance No. 4366 to be effective immediately. He continued that he wants to make sure that no one will receive tickets tomorrow.

Council President Gallman responded that he will contact the Traffic Division tomorrow.

Councilwoman Perkins-Auguste **MOVED** to have a resolution adopted for Ordinance No. 4366 to be effective immediately, which was seconded by Councilman Grova,

And CARRIED unanimously.

**BY CITY COUNCIL AS A WHOLE:**

**WHEREAS**, an emergent condition exists concerning the provisions of **Ordinance No. 4366**, it is imperative that this ordinance be in effect; now, therefore, be it

**RESOLVED** by City Council of the City of Elizabeth that the exigencies require that **Ordinance No. 4366** become effective immediately upon approval by the City Council and the Mayor.

Which was adopted by the following vote:

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

NEGATIVE: None

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

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

NEGATIVE: None

Council President Gallman announced that the next business in order would be the adoption of **Ordinance No. 4367**, which was seconded by Councilwoman Perkins-Auguste:

AN ORDINANCE TO AUTHORIZE THE ESTABLISHMENT OF A PERSONALIZED HANDICAPPED PARKING SPACE FOR OLGA I. BRICENO, 848 MARTIN STREET, ELIZABETH, N.J. 07201.

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

SECTION 1. - A personalized handicapped parking space for **Olga I. Briceno** be established in front of **848 Martin Street, Elizabeth, New Jersey 07201,** as follows and pursuant to the recommendation of the Elizabeth Police Director: along the South curb line of Martin Street beginning at a point 207' East of Bank Street, and continuing 22' East thereof.

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

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

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

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

The Clerk read the foregoing ordinance by title.

This ordinance was adopted on its first reading at the City Council meeting held . **March 26, 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 **April 1, 2013.**

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

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

NEGATIVE: None

## NEW BUSINESS

RESOLUTION OF THE CITY OF ELIZABETH PROVIDING FOR THE ISSUANCE OF REFUNDING BONDS IN ONE OR MORE SERIES FOR THE REFUNDING OF THE CITY'S 2005 GENERAL IMPROVEMENT BONDS AND 2004 ERI BONDS; AND PROVIDING FOR THE FORM, MATURITIES AND OTHER DETAILS OF SAID BONDS; AUTHORIZING A PRELIMINARY OFFICIAL STATEMENT AND AN OFFICIAL STATEMENT; PROVIDING FOR THE SALE OF THE REFUNDING BONDS; AND APPROVING AND AUTHORIZING THE EXECUTION AND DELIVERY BY THE CITY OF A CONTINUING DISCLOSURE CERTIFICATE, A BOND PURCHASE AGREEMENT AND AN ESCROW DEPOSIT AGREEMENT

WHEREAS, N.J.S.A. 40A:2-1 et seq. (the "Local Bond Law") authorizes the issuance by the City of Elizabeth, in the County of Union, State of New Jersey (the "City"), of bonds for the purpose of refunding outstanding bonds of the City; and

WHEREAS, in accordance with the Local Bond Law, the City Council did, (a) on February 13, 2013, finally adopt Ordinance No. 4354 (the "General Improvement Refunding Ordinance") authorizing the issuance by the City of refunding bonds in the amount of not to exceed $12,650,000 for the purpose of refunding certain of the City's outstanding General Improvement Bonds, dated May 24, 2005 (the "Outstanding General Improvement Bonds") and (b) on March 26, 2013, finally adopted Ordinance No. 4362 (the "ERI Refunding Ordinance" and collectively with the General Improvement Refunding Ordinance, the "Refunding Ordinances") authorizing the issuance by the City of refunding bonds in the amount of not to exceed $1,600,000 for the purpose of refunding certain of the City's outstanding General Obligation ERI Refunding Bonds, Series 2004, dated December 28, 2004 (Federally Taxable) (the "Outstanding ERI Bonds"), to provide debt service savings for the City; and

WHEREAS, in accordance with the Local Bond Law, the City desires to (i) authorize and approve the sale and issuance of refunding bonds in the aggregate principal amount not to exceed (a) $12,650,000, to be issued for the purpose of refunding the Outstanding General Improvement Bonds maturing on May 15 in the years 2016 through and including 2030 (the "Refunded GI Bonds") and (b) $1,600,000 to be issued for the purpose of refunding a portion of the Outstanding ERI Bonds maturing on March 1 in the years 2015 and 2020 (the "Refunded ERI Bonds" and collectively with the Refunded GI Bonds, the "Refunded Bonds"); and (ii) to provide for the form and sale of the refunding bonds; and

WHEREAS, in connection with the sale and issuance of the refunding bonds, the City also desires to approve and authorize (i) the distribution of a preliminary official statement (the "Preliminary Official Statement") and the execution and distribution of an official statement (the "Official Statement") and (ii) the forms and the entering into of the hereinafter defined Continuing Disclosure Certificate, Bond Purchase Agreement and Escrow Deposit Agreement; and

WHEREAS, to be able to take advantage of favorable market conditions, the City has determined to authorize a bond purchase agreement (the "Bond Purchase Agreement") with RBC Capital Markets, LLC, as underwriter (the "Underwriter") for the Refunding Bonds, pursuant to which the Underwriter will agree to purchase the refunding bonds upon satisfaction of the conditions precedent to issuance set forth therein and with such terms for the refunding bonds as set forth therein.

NOW THEREFORE, BE IT RESOLVED 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 hereby authorizes the issuance and sale of (a) refunding general obligation bonds of the City in the aggregate principal amount not to exceed $12,650,000 to be issued for the purpose of refunding the Refunded GI Bonds and paying the costs of issuance in connection therewith (the "General Improvement Refunding Bonds") and (b) refunding general obligation bonds of the City in the aggregate principal amount not to exceed $1,600,000 to be issued for the purpose of refunding the Refunded ERI Bonds and paying the costs of issuance in connection therewith (the "ERI Refunding Bonds" and collectively with the General Improvement Refunding Bonds, the "Bonds" or the "Refunding Bonds"). The General Improvement Refunding Bonds and the ERI Refunding Bonds may be issued at the same time or may be issued separately at different times.

*Section 2.* (a) The General Improvement Refunding Bonds shall be designated as "General Improvement Refunding Bonds, Series 2013A", and may contain such additional or alternate series designation as approved by the Chief Financial Officer. The General Improvement Refunding Bonds shall be dated their date of delivery, shall be numbered from 1 upward in the denomination of $5,000 and integral multiples of $1,000 in excess thereof, and shall be issued as fully registered bonds. The General Improvement Refunding Bonds shall mature on March 1 in each of the years and in the principal amounts and shall bear interest at the rate or rates as shall be determined by the Chief Financial Officer of the City within the limitations hereinafter provided. Interest on the General Improvement Refunding Bonds shall be payable on March 1 and September 1 of each year, commencing on the March 1 or September 1 that is at least thirty (30) days after the date the General Improvement Refunding Bonds are delivered to the purchaser thereof.

(b) The ERI Refunding Bonds shall be designated as "General Obligation ERI Refunding Bonds, Series 2013B (Taxable)", and may contain such additional or alternate series designation as approved by the Chief Financial Officer. The ERI Refunding Bonds shall be dated their date of delivery, shall be numbered from 1 upward in the denomination of $5,000 and integral multiples of $1,000 in excess thereof, and shall be issued as fully registered bonds. The ERI Refunding Bonds shall mature on March 1 in each of the years and in the principal amounts and shall bear interest at the rate or rates as shall be determined by the Chief Financial Officer of the City within the limitations hereinafter provided. Interest on the ERI Refunding Bonds shall be payable on March 1 and September 1 of each year, commencing on the March 1 or September 1 that is at least thirty (30) days after the date the ERI Refunding Bonds are delivered to the purchaser thereof.

The City Council hereby delegates to the Chief Financial Officer of the City the power and authority to sell and award the Refunding Bonds in accordance with this Resolution and in accordance with the following parameters: the General Improvement Refunding Bonds shall be issued in a maximum aggregate principal amount not to exceed $12,650,000; the ERI Refunding Bonds shall be issued in a maximum aggregate principal amount not to exceed $1,600,000; the present value savings in connection with the issuance of the General Improvement Refunding Bonds to refund the Refunded GI Bonds shall not be less than 3% of the principal amount of the Refunded GI Bonds; the present value savings in connection with the issuance of the ERI Refunding Bonds to refund the Refunded ERI Bonds shall not be less than 3% of the principal amount of the Refunded ERI Bonds; the new debt service on the General Improvement Refunding Bonds shall be structured such that no annual debt service payment on the General Improvement Refunding Bonds shall be more than the annual debt service payment on the original debt service schedule for the Refunded GI Bonds; the new debt service on the ERI Refunding Bonds shall be structured such that no annual debt service payment on the ERI Refunding Bonds shall be more than the annual debt service payment on the original debt service schedule for the Refunded ERI Bonds; the final maturity of the General Improvement Refunding Bonds shall not extend past the final maturity date of the Refunded GI Bonds; the final maturity of the ERI Refunding Bonds shall not extend past the final maturity of the Refunded ERI Bonds; the debt savings shall be substantially level across the life of the General Improvement Refunding Bonds; and the debt savings shall be substantially level across the life of the ERI Refunding Bonds. The Chief Financial Officer of the City is hereby directed, within 10 days of the closing on the sale of the General Improvement Refunding Bonds and within 10 days of the sale of the ERI Refunding Bonds, to file with the Local Finance Board and with the Mayor and the City Council a comparison of the initial and refunding debt service schedule showing annual present value savings; a summary of the refunding; and an itemized accounting of all costs of issuance in connection with the issuance of each series of the Refunding Bonds; together with a certification from the Chief Financial Officer that all of the conditions of section 5:30-2.5 of the New Jersey Administrative Code have been met with respect to the General Improvement Refunding Bonds and the ERI Refunding Bonds, and that this resolution, adopted pursuant to N.J.S.A. 40A:2-51(c), passed by two-thirds of the full membership of the governing body of the City, allowed for the refunding.

The Refunding Bonds shall be substantially in the forms as provided in this Resolution, with such omissions, insertions and variations as are properly required.

*Section 3.* The Refunding Bonds will be initially issued in book-entry form only in the form of one certificate for the aggregate principal amount of the Refunding Bonds of each series maturing in each year and, when issued, will be registered in the name of and held by Cede & Co., as registered owner and nominee for The Depository Trust Company, New York, New York ("DTC"), which is hereby appointed to act as securities depository for the Refunding Bonds. As long as DTC or its nominee, Cede & Co., is the registered owner of the Bonds, payments of the principal of and interest on the Bonds will be made by the City, or a bank or trust company (if

any) selected by the Chief Financial Officer to act as paying agent and bond registrar for the Bonds pursuant to Section 11 hereof (the "Paying Agent"), directly to DTC or its nominee, Cede & Co., which will credit payments of principal of and interest on the Bonds to the participants of DTC as listed on the records of DTC as of the 15th day of the month next preceding each March 1 or September 1 interest payment date (each, a "Record Date" and together, the "Record Dates" for the payment of interest on the Refunding Bonds), which participants will in turn credit such payments to the beneficial owners of the Refunding Bonds. The registration books of the City shall be kept by the Chief Financial Officer (or, if appointed pursuant to Section 11 hereof, by the Paying Agent at its corporate trust office).

The Refunding Bonds shall be payable as to both principal and interest in lawful money of the United States of America. The Refunding Bonds shall be executed by the manual or facsimile signatures of the Mayor and the Chief Financial Officer under the official seal or facsimile thereof affixed, printed, engraved or reproduced thereon and attested by the manual signature of the City Clerk. If a Paying Agent is appointed pursuant to Section 11 hereof, the foregoing attestation may be made by facsimile signature of the City Clerk provided that the Refunding Bonds shall be authenticated by the manual signature of the Paying Agent. The following matters are hereby determined with respect to the Bonds:

| | |
|---|---|
| Date of Refunding Bonds: | Date of Delivery |
| Interest Payment Dates: | Each March 1 and September 1 until maturity, commencing on the March 1 or September 1 that is at least thirty (30) days after the date the Refunding Bonds are delivered to the purchaser thereof, with payment being made to DTC or its authorized nominee, by the City or the Paying Agent |
| Bond Registrar/Paying Agent: | City of Elizabeth, unless a Paying Agent is appointed pursuant to Section 11 hereof |
| Securities Depository: | The Depository Trust Company, New York, New York |
| Authorized Denominations: | $5,000 and integral multiples of $1,000 in excess thereof |

*Section 4.* The ERI Refunding Bonds are not subject to redemption prior to maturity. The General Improvement Refunding Bonds maturing on or before March 1, 2023, are not subject to redemption prior to maturity. The General Improvement Refunding Bonds maturing on or after March 1, 2024, are subject to redemption prior to maturity at the option of the City, as a whole or in part on any date on or after March 1, 2023, at the redemption price equal to 100%

of the principal amount to be redeemed, plus accrued interest thereon to the date fixed for redemption.

Any General Improvement Refunding Bond subject to redemption as aforesaid may be called in part, provided that the portion not called for redemption shall be in the principal amount of $5,000 or any integral multiple of $1,000 in excess thereof. If less than all of the General Improvement Refunding Bonds of a particular maturity are to be redeemed, General Improvement Refunding Bonds of that maturity shall be selected by The Depository Trust Company (or any successor thereto) or by the Paying Agent.

When any General Improvement Refunding Bonds are to be redeemed, the Chief Financial Officer (or, if appointed pursuant to Section 11 hereof, the Paying Agent) shall give notice of the redemption of the General Improvement Refunding Bonds by mailing such notice by first class mail in a sealed envelope postage prepaid to the registered owners of the portion of any General Improvement Refunding Bonds which are to be redeemed, at their respective addresses as they last appear on the registration books of the City, at least thirty (30) but not more than sixty (60) days before the date fixed for redemption. Notice of redemption having been given as aforesaid, the portion of the General Improvement Refunding Bonds which are to be redeemed shall, on the date fixed for redemption, become due and payable at the redemption price specified above plus accrued interest to the redemption date and, upon presentation and surrender thereof at the place specified in such notice, such portion of the General Improvement Refunding Bonds shall be paid at the redemption price, plus accrued interest to the redemption date. On and after the redemption date (unless the City shall default in the payment of the redemption price and accrued interest), such General Improvement Refunding Bonds shall no longer be considered as outstanding.

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

*Section 5.* The Chief Financial Officer is hereby authorized to enter into a letter of representations or other agreement with DTC setting forth the respective obligations of DTC, the City and the Paying Agent (if any) with respect to the payment and transfer of the Bonds. The City agrees to comply with all obligations set forth in such agreement.

*Section 6.* The Refunding Bonds shall be executed by the Mayor and the Chief Financial Officer, by their manual or facsimile signatures, and the corporate seal of the City shall be affixed thereto, or imprinted or reproduced thereon, and attested by the manual signature of the City Clerk.

*Section 7.* The distribution and, if necessary, the re-distribution, by the City of a Preliminary Official Statement pertaining to the Refunding Bonds is hereby authorized and the

use of an Official Statement in substantially the form of the Preliminary Official Statement presented to this meeting is hereby approved with such changes as counsel may advise, and the use of the information contained therein concerning the City in connection with the sale of the Refunding Bonds is hereby approved and authorized and the Chief Financial Officer of the City is hereby authorized and directed to execute and deliver to the purchaser of the Refunding Bonds the final Official Statement with such changes as counsel may advise and the officer executing the same may approve, such approval to be evidenced by such officer's execution thereof. The Chief Financial Officer is hereby authorized to deem final the Preliminary Official Statement for purposes of Rule 15c2-12 of the Securities and Exchange Commission.

*Section 8.* RBC Capital Markets, LLC, is hereby designated as the City's investment banker in connection with the Refunding Bonds.

*Section 9.* Wells Fargo Bank, National Association, or such other financial institution as designated by the Chief Financial Officer, is hereby designated as escrow agent for the Refunded Bonds (the "Escrow Agent"). The Chief Financial Officer is authorized to accept the schedule of fees provided by the Escrow Agent.

*Section 10.* The Refunding Bonds shall be in substantially the forms attached hereto as Exhibit A-1 and Exhibit A-2, with such changes as may be appropriate.

*Section 11.* The Chief Financial Officer is hereby authorized to select and to enter into an agreement with a Paying Agent to ensure that the City can meet its obligations undertaken herein to the holders of the Refunding Bonds. The Chief Financial Officer may, however, elect not to select a Paying Agent for the Refunding Bonds, and may elect to select a Paying Agent at any time prior or subsequent to the issuance of the Refunding Bonds. However, the Chief Financial Officer shall select a Paying Agent upon any determination to cause the Refunding Bonds to be registered in the names of the beneficial owners thereof, as provided in Section 12 or Section 13 hereof.

*Section 12.* In the event that DTC shall determine to discontinue providing its services as securities depository with respect to the Refunding Bonds, the City and the Paying Agent (if any) may enter into an agreement with a substitute securities depository, if available. Alternatively, the City and the Paying Agent may cause the Refunding Bonds to thereafter be registered in the names of, and delivered to, each beneficial owner of the Refunding Bonds and thereafter the principal of the Refunding Bonds will be payable in lawful money of the United States of America at the office of the Paying Agent, and interest on the Refunding Bonds will be payable by check mailed to the respective addresses of the registered owners thereof as shown on the registration books of the City as of the close of business on the first day of the calendar month for the applicable interest payment date.

*Section 13.* The City may terminate the services of DTC as securities depository with respect to the Refunding Bonds if the City determines that (i) DTC is unable to discharge its responsibilities with respect to the Refunding Bonds, or (ii) continued use of the book-entry system is not in the best interests of the beneficial owners of the Refunding Bonds. In such

event, the City and the Paying Agent (if any) shall either contract with a substitute securities depository or cause the Bonds to be registered in the names of the beneficial owners thereof, as provided in Section 12 hereof.

*Section 14.* A Continuing Disclosure Certificate in substantially the form attached hereto as Exhibit B (the "Continuing Disclosure Certificate") is hereby approved, and the Chief Financial Officer is hereby authorized and directed to execute and deliver the Continuing Disclosure Certificate on behalf of the City in substantially such form, with such insertions and changes therein as the Chief Financial Officer may approve, such approval to be evidenced by her execution thereof.

*Section 15.* The proceeds of the General Improvement Refunding Bonds shall be applied for the purpose of refunding the Refunded GI Bonds and paying the costs of issuing the General Improvement Refunding Bonds. The proceeds of the ERI Refunding Bonds shall be applied for the purpose of refunding the Refunded ERI Bonds and paying the costs of issuing the ERI Refunding Bonds.

*Section 16.* In order to maintain the exclusion from gross income for federal income tax purposes of interest on the General Improvement Refunding Bonds, and for no other purpose, the City covenants to comply with each applicable requirement of the Internal Revenue Code of 1986, as amended (the "Code"), applicable to the General Improvement Refunding Bonds, and the City covenants not to take any action or fail to take any action which would cause the interest on the General Improvement Refunding Bonds to lose the exclusion from gross income for federal income taxation purposes under Section 103 of the Code.

The City covenants and agrees with the holders of the General Improvement Refunding Bonds that the City shall not take any action or omit to take any action which would cause the General Improvement Refunding Bonds to be "private activity bonds" or "arbitrage bonds" within the meaning of Sections 141(a) or 148, respectively, of the Code, or any successor provision.

The City covenants that it will take no action which would cause the General Improvement Refunding Bonds to be federally guaranteed (within the meaning of Section 149(b) of the Code).

*Section 17.* The Escrow Deposit Agreement pertaining to the Refunded Bonds shall be substantially in the form attached to this Resolution as Exhibit C (the "Escrow Deposit Agreement") and made a part hereof and the Mayor or the Chief Financial Officer of the City are hereby authorized to execute same with such changes, revisions or alterations therefor as may be approved by the officer executing the Escrow Deposit Agreement, such approval to be conclusively evidenced by the execution thereof.

*Section 18.* The Bond Purchase Agreement by and between the City and the Underwriter with respect to the Refunding Bonds shall be substantially in the form attached to this Resolution as Exhibit D (the "Bond Purchase Agreement") and made a part hereof, and the

Mayor or the Chief Financial Officer of the City are each hereby authorized to execute the same with such changes, revisions or alterations therefor as may be approved by the officer executing the Bond Purchase Agreement after consultation with the City's counsel and/or bond counsel, such approval to be conclusively evidenced by the execution thereof. The Underwriter's discount in connection with the Refunding Bonds shall not exceed $4.25 per $1,000 of Refunding Bonds issued.

*Section 19.* The Mayor, the Chief Financial Officer, the Administrator and the Clerk of the City are hereby designated, authorized and directed to perform or determine any other matters or details relating to the Refunding Bonds, to do or perform or cause to be done or performed any and all acts as such officers or Bond Counsel may deem necessary or appropriate in order to effect the proper issuance, execution and delivery of the Refunding Bonds, and to execute, among other things, one or more subscriptions for the purchase of United States Treasury Obligations, State and Local Government Series or such other securities and/or investment agreements in accordance with the Escrow Deposit Agreement, a tax certificate certifying that, among other things, the City, to the extent it is empowered and allowed under applicable law, covenants that it will do and perform all acts and things necessary or desirable for the purpose of monitoring compliance to assure that interest paid on the General Improvement Refunding Bonds is excludable from gross income under the Internal Revenue Code of 1986, as amended, and any and all instruments, opinions, affidavits, certificates, resolutions, documents or other papers as may be deemed necessary.

*Section 20.* The Chief Financial Officer is hereby authorized to pay out of the proceeds of the Refunding Bonds the costs of issuance therefore

*Section 21.* This resolution replaces and supersedes the resolution of the City Council adopted on February 26, 2013 pertaining the refunding of the Refunded GI Bonds.

*Section 22.* This resolution shall take effect upon the Refunding Ordinances taking effect in accordance with the Local Bond Law.

NOTE: The above referenced "Schedule A, B,C, and D " are on file in the City Clerk's Office.

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 Division of Local Government Services in compliance with the Appropriations Act (P.L. 2011, c.85) requires that the Honorable City Council approve all payments related to accumulated/uncompensated absence benefits; and

**WHEREAS,** as of April 1, 2013, the following employee's are entitled to the payment of accumulated/uncompensated absence benefits;

| | |
|---|---|
| William Dugan | $82,407.16 |
| David Caulder | $1,198.88 |

; and

**NOW, THEREFORE, BE IT RESOLVED,** that the City Council of the City of Elizabeth hereby approves the payments for accumulated/uncompensated absence benefits to the following employee's;

| | |
|---|---|
| William Dugan | $82,407.16 |
| David Caulder | $1,198.88 |

; and

**FURTHER RESOLVED,** that a certified copy of this resolution be recorded in full upon the minutes of City Council.

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 Division of Local Government Services in compliance with the SFY 2013 Appropriations Act (P.L. 2011, c.85) requires that the Honorable City Council review and discuss the City's completed 2013 SFY 'Best Practices' Inventory at a public meeting; and

**WHEREAS,** the 2013 SFY 'Best Practices' Inventory is a computer worksheet that must be addressed and completed by the City Administration and reviewed and discussed by City Council at a public meeting in order to receive 100% State Aid; and

**WHEREAS,** the City Clerk must complete the 2013 SFY 'Best Practices' Public Meeting Certification Form pursuant to the City Council's review and discussion and submit same to the Department of Community Affairs; now, therefore, be it

**RESOLVED,** that the City Council of the City of Elizabeth hereby states that it has complied with the promulgation of the Division of Local Government Services of the State of New Jersey in compliance with the SFY 2013 Appropriations Act (P.L. 2011, c.85) whereby the City Council reviewed and discussed the 2013 SFY Best Practices Inventory on April 9, 2013; and be it

**FURTHER RESOLVED,** that the City Clerk submit the completed 2013 SFY 'Best Practices' Public Meeting Certification Form to the Department of Community Affairs.

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 Business Administrator and the Purchasing Agent have recommended per the request of the Supervisor of Data Processing the award of a contract to **OFFICE SOLUTIONS, INC., 217 Mount Horeb Road, Warren, NJ 07059,** for the purchase of Telecommunications Equipment Wired for various departments for the period of March 12, 2013 through March 13, 2014 at a cost not to exceed $50,000.00 under their State Contract #80802; 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 #80802 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 **OFFICE SOLUTIONS, INC., 217 Mount Horeb Road, Warren, NJ 07059,** for the purchase of Telecommunications Equipment Wired for various departments for the period of March 12, 2013 through March 13, 2014 at a cost not to exceed $50,000.00 under their State Contract #80802

The ordinance was then adopted on its final passage 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 Business Administrator and the Purchasing Agent have recommended per the request of the Director of Public Works the award of a contract to **FIRST INDEPENDENT AUTO REPAIR SVC., LLC, 410 East Westfield Avenue, Roselle Park, New Jersey 07204,** for Transmission Repairs for the various departments for the period of March 27, 2013 through March 31, 2014 at a cost not to exceed $100,000.00 under their State Contract #76413; 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; 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 #76413 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 **FIRST INDEPENDENT AUTO REPAIR SVC., LLC, 410 East Westfield Avenue, Roselle Park, New Jersey 07204,** for Transmission Repairs for the various departments for the period of March 27, 2013 through March 31, 2014 at a cost not to exceed $100,000.00 under their State Contract #76413.

The ordinance was then adopted on its final passage 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 Business Administrator and the Purchasing Agent have recommended the per the request of the Director 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 to include but not limited to Brakes, Filters and Spark Plugs for the Department of Public Works for the period of March 25, 2013 through April 25, 2013 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 to include but not limited to Brakes, Filters and Spark Plugs for the Department of Public Works for the period of March 25, 2013 through April 25, 2013 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, Grova, Torres, Gonzalez, Keenan, Cedeno, Mazza, and President Gallman - 9 |
| NEGATIVE: | None |

BY CITY COUNCIL AS A WHOLE:

**WHEREAS,** the Business Administrator has requested authorization to award a contract to **T & M Associates, Eleven Tindall Road, Middletown, New Jersey 07748-2792,** for professional on-call traffic engineering services for the City of Elizabeth for the period April 10, 2013 through April 9, 2014 in an amount not to exceed $50,000.00; and

**WHEREAS,** pursuant to **N.J.S.A.** 19:44A-20.5 et seq., this contract was solicited and is being awarded pursuant to a fair and open process; 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 Local Public Contracts Law (**N.J.S.A.** 40A:11-1 et seq.) requires that the resolution authorizing the award of contracts for "Professional Services" without competitive bids and the contract itself must be available for public inspections; now, therefore, be it

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

1. The Mayor and the City Clerk are hereby authorized and directed to execute a contract with **T & M Associates, Eleven Tindall Road, Middletown, New Jersey 07748-2792,** to provide professional professional on-call traffic engineering services for the City of Elizabeth for the period April 10, 2013 through April 9, 2014 in an amount not to exceed $50,000.00

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

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

Which was adopted by the following vote:

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

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

**WHEREAS,** 1 Slater Drive, LLC, is the owner of the property located at 315-25 First St (Tax Account #1-118-T01), and

**WHEREAS,** the above Tax Account had an Added Assessment placed on it for a Cellular Antenna for the 2012 Tax Year, and

**WHEREAS,** due to an erroneous property location placed on the Permit Information the Cellular Antenna was not placed on this property, and

**WHEREAS,** this resulted in an overbilling of taxes for the 2012 Tax Year in the amount of $6,458.06 ($28,525 Pro-Rated Assessment for 7 Months (from $48,900) x $22.640 2012 Tax Rate), now, therefore, be it

**RESOLVED,** That the Tax Collector be authorized to cancel/refund/credit the total sum of $6,458.06. This amount represents an over billing of taxes for 2012 Tax Year.

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 Health and Human Services has requested authorization for the proper City Officials to execute an agreement with **Jersey Gardens Mall Management/Glimcher Realty** for the purpose of collecting prom dresses for youth-in-need at the Mall free of charge on April 13, 2013 from 10:00 a.m. to 9:00 p.m.; and

**WHEREAS,** the dresses will be made available on April 20, 2013 to Elizabeth residents who are in need of a dress to attend the prom; now, therefore, be it

**RESOLVED** that the City Council of the City of Elizabeth authorizes the proper City officials to execute an agreement with **Jersey Gardens Mall Management/Glimcher Realty** for the purpose of collecting prom dresses for youth-in-need at the Mall free of charge on April 13, 2013 from 10:00 a.m. to 9:00 p.m.

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 Mandatory Source Separation and Recycling Act, P.L. 1987,c.102, has established a recycling fund from which tonnage grants may be made to municipalities in order to encourage local source separation and recycling programs; and

**WHEREAS,** it is the intent and spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and expand existing programs; and

**WHEREAS,** The New Jersey Department of Environmental Protection is promulgating recycling regulations to implement the Mandatory Source Separation and Recycling Act; and

**WHEREAS,** the recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including, but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and

**WHEREAS,** the City of Elizabeth is committed to recycling and abiding by the Recycling Act; now, therefore, be it

**RESOLVED** by City Council of the City of Elizabeth that the City of Elizabeth hereby endorses the submission of a Municipal Recycling Tonnage Grant Application to the New Jersey Department of Environmental Protection, Office of Recycling and designates Pasquale A. Vella, Recycling Coordinator, City Hall, 50 Winfield Scott Plaza, Elizabeth, New Jersey 07201, to ensure that the said Application is properly filed; and be it

**FURTHER RESOLVED** that the monies received from the recycling tonnage grant be deposited in a dedicated recycling trust fund to be used solely for the purposes of recycling

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:**

**RESOLVED** that City Council of the City of Elizabeth hereby establishes a handicapped parking space in front of **120 S. Park Street, Elizabeth, New Jersey 07208,** as follows, pursuant to the recommendation of the Elizabeth Police Department:

along the South curb line of So. Park Street
beginning at a point 264' West of First Street
and continuing 22' West thereof;

and be it

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

Which was adopted by the following vote:

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

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

**RESOLVED** that City Council of the City of Elizabeth hereby establishes a handicapped parking space in front of **150 South Park Street, Elizabeth, New Jersey 07206**, as follows, pursuant to the recommendation of the Elizabeth Police Department:

along the South curb line of So. Park Street
beginning at a point 151' East of Second Street
and continuing 22' East thereof;

and be it

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

Which was adopted by the following vote:

| | |
|---|---|
| AFFIRMATIVE: | Perkins-Auguste, Cuesta, Grova, Torres, Gonzalez, Keenan, Cedeno, Mazza, and President Gallman - 9 |
| NEGATIVE: | None |

**BY CITY COUNCIL AS A WHOLE**

**WHEREAS,** a case is currently pending in the matter of **Elizabeth Lutak v. City of Elizabeth, et al, CP No.: 2008-34679** and

**WHEREAS,** the Law Department and Christopher J. Kinsella, Esq. have recommended a settlement for 12 ½% of partial total for the injury to petitioner's shoulder, 10% for the injury to petitioner's arm, plus $2,600.00 to be reimbursed to the petitioner for the MRI films for a total of $21,500.00; and

**WHEREAS,** the Chief Financial Officer has certified that sufficient funds are available and appropriated for this purpose and Certification No. 13-07880 charging the amount of $21,500.00 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 $21,500.00 payable to **Elizabeth Lutak, 146 Marshall Street, Elizabeth, New Jersey 07201, Attorney for the Plaintiff: Leonard F. Rappa, Esq., 731 North Wood Avenue, P.O. Box 1430, Linden, New Jersey 07036.**

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 Public Works has received a request dated March 25, 2013 from **Amber Court Assisted Living, 1155 East Jersey Street, Elizabeth, New Jersey 07201**, for the City of Elizabeth to consider accepting a donation of a Japanese Red Maple Tree to be planted in Winfield Scott Park during the month of April in celebration of Arbor Day; and

**WHEREAS**, the location was chosen because it is local and residents would be able to watch the tree grow and bloom throughout the season; now, therefore, be it

**RESOLVED** that the City Council of the City of Elizabeth authorizes the proper City Officials to execute any and all necessary documents to accept the donation from **Amber Court Assisted Living, 1155 East Jersey Street, Elizabeth, New Jersey 07201**, of a Japanese Red Maple Tree, which is to be planted in Winfield Scott Park during the month of April in celebration of Arbor Day; and be it

**FURTHER RESOLVED** that the City of Elizabeth expresses its thanks, appreciation and gratitude to **Amber Court Assisted Living, 1155 East Jersey Street, Elizabeth, New Jersey 07201.**

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,** autism is a general term used to describe a group of complex developmental brain disorders – autism spectrum disorder caused by a combination of genes and environmental influences. These disorders are characterized, in varying degrees, by social and behavioral challenges, as well as repetitive behaviors; and

**WHEREAS,** an estimated 1 in 88 children in the U.S. is on the autism spectrum – a 600 percent increase in the past two decades that is only partly explained by improved diagnosis; and

**WHEREAS,** the Centers for Disease Control and Prevention have called autism a national public health crisis whose cause and cure remain unkown; and

**WHEREAS,** on December 18, 2007 the United Nations General Assembly adopted resolution 62/139 World Autism Awareness Day by unanimous consent, encouraging UN Member States to take measures to raise awareness about autism throughout society and to promote early diagnosis and early behavioral intervention; and

**WHEREAS,** the resolution designates World Autism Awareness Day as a United Nations Day to be observed every year starting in 2008 to raise global awareness of autism; and

**WHEREAS,** the aims for World Awareness Day are to inform the general public about the global health crisis of autism, stress the importance of early diagnosis and early intervention, and to celebrate the unique talents and qualities of individuals with autism; and

**WHEREAS,** autism is a lifelong condition in which the bulk of cost fails in adulthood, creating an economous economic impact;

Now, therefore, the City Council of the City of Elizabeth hereby proclaim Tuesday, April 2, 1013, as World Autism Awareness Day and the Month of April 2013, as: Autism Awareness Month.

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:**

**RESOVLED** that the City Council of the City of Elizabeth recognizes National Crime Victims Rights Week during April 21, 2013 through April 27, 2013, and in their support, join victims of crime in Jackson Park on April 21, 2013 between 1:30 p.m. and 3:30 pm.

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 City Council of the City of Elizabeth has received a request from the Haitian Flag Day Planning Committee of New Jersey, Inc. to grant permission to place a Vanity Street Sign in remembrance of Catherine Rousseau Santilien on Anna Street, Monroe Avenue, and Madison Avenue and the playground on Jefferson Park, Elizabeth, New Jersey; now, therefore, be it

**RESOLVED** that the City Council of the City of Elizabeth authorizes the placement of a Vanity Street Sign in remembrance of Catherine Rousseau Santilien on Anna Street, Monroe Avenue, and Madison Avenue and the playground on Jefferson Park, Elizabeth, New Jersey

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 City Council of the City of Elizabeth has received a request from the **Haitian Flag Day Planning Committee of New Jersey, Inc., P. O. Box 165, Elizabeth, New Jersey** to conduct their flag raising in front of City Hall on Wednesday, May 17, 2013 at 4:00 p.m.; now, therefore, be it

**RESOLVED,** that the City Council of the City of Elizabeth does hereby grant permission to the **Haitian Flag Day Planning Committee of New Jersey, Inc., P. O. Box 165, Elizabeth, New Jersey** to conduct their flag raising in front of City Hall on Wednesday, May 17, 2013 at 4:00 p.m.

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: ~~APRIL 1, 2019~~

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

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

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

| | | | |
|---|---|---|---|
| AVAYA, INC. | 3-01-31-440 | $ | 5,972.09 |
| ELIZABETHTOWN GAS | 3-01-31-446 | $ | 3,519.05 |
| FLEETCOR TECHNOLOGIES SERVICE | 3-01-31-460 | $ | 106,723.59 |
| HESS CORP – GAS | 3-02-31-446 | $ | 4,865.52 |
| LANGUAGE LINE SERVICES | 3-01-31-440 | $ | 730.13 |
| PSE&G | 3-01-31-430 | $ | 31,485.17 |
| SOUTH JERSEY ENERGY | 3-01-31-435 | $ | 34,786.12 |
| SPRINT | 3-01-31-440 | $ | 2,059.93 |
| VERIZON | 3-01-31-440 | $ | 74,769.91 |
| VERIZON COMMUNICATIONS | 3-01-31-440 | $ | 618.77 |

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 City Council of the City of Elizabeth has learned that Mrs. Mattie Guinn Gibson will be celebrating her 106th birthday; and

**WHEREAS,** Mrs. Mattie Guinn Gibson was born in Chester, South Carolina on April 9, 1907, to Frank and Bessie Guinn; and

**WHEREAS,** Mrs. Mattie Guinn Gibson had four sisters, Arnez, Minnie, Arsonia, and Ollie and brother, Otis Franklin; and

**WHEREAS,** in the early 1920's Mrs. Mattie Guinn Gibson, lived and worked in New York City. She worked as a seamstress, at Lunabells Department Store, in New York City, Bronx, New York; and

**WHEREAS,** while visiting her sister in Elizabeth, in the late 1920's -1930's Mattie Guinn met and married Mr. Percy Gibson. They lived in Elizabeth for 30 to 40 years on First Street; and

**WHEREAS,** the City Council extends its warmest congratulations to Mrs. Mattie Guinn Gibson for reaching such a milestone in her life; and

**RESOLVED** that the City Council of the City of Elizabeth extends its warmest congratulations to Mrs. Mattie Guinn Gibson as she celebrates her 106th birthday, and wishes her health, happiness and continued longevity; and be it

**FURTHER RESOLVED** that a copy of this resolution be presented to Mrs. Mattie Guinn Gibson a sincere token of this governing body's best wishes.

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 City Council of the City of Elizabeth has learned of the recent death of Kathleen L. Shallcross, 93; and

**WHEREAS,** Kathleen was a lifelong resident of Elizabeth, NJ; and

**WHEREAS,** Mrs. Shallcross worked as a secretary for the Elizabeth Board of Education for many years before retiring; and

**WHEREAS,** she was an avid golfer and belonged to the Roselle Golf Cub being one of the oldest living members She also was a member of the Cleveland Women's Bowling team; and

**RESOLVED** that we, the members of City Council of the City of Elizabeth hereby express our sincere sorrow at the death of Kathleen L. Shallcross; 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.

**BY CITY COUNCIL AS A WHOLE:**

**WHEREAS,** the City Council of the City of Elizabeth has learned of the recent death of Plutarco Acosta; and

**WHEREAS,** Plutarco was born in La Habana Cuba; and

**WHEREAS,** he and his wife Carmen had two sons Jose & Melly. He was the proud grandfather of two granddaughters: Monica and Veronica; and

**WHEREAS,** he was a a loving and caring husband, father, grandfather and friend, who lived his life by setting a great example to his loved ones; now, therefore, be it

**RESOLVED** that we, the members of City Council of the City of Elizabeth hereby express our sincere sorrow at the death of Plutarco Acosta; and be it

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

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

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

Which was carried unanimously.

Whereupon Council President Gallman declared City Council adjourned at 7:55 p.m.

APPROVED

WILLIAM GALLMAN, JR.
President of City Council

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