

CITY COUNCIL - ELIZABETH, N. J.

REGULAR MEETING - TUESDAY, JUNE 28, 2016

7:30 P. M.

AGENDA

ROLL CALL.

PRAYER AND PLEDGE OF ALLEGIANCE TO THE FLAG.

PUBLIC SPEAKING.

PUBLIC HEARINGS

- ORD. NO. 4729 - Authorize the establishment of a personalized handicapped parking space for Patricia Sanders, 35 Catherine Street.
- ORD. NO. 4730 - Authorize the establishment of a personalized handicapped parking space for Idalmis Gonzalez, One DeWitt Road, Apt. 501.
- ORD. NO. 4731 - Authorize the establishment of a personalized handicapped parking space for Librada Ayala, 250 Franklin Street.
- ORD. NO. 4732 - Authorize the establishment of a personalized handicapped parking space for Jose Cortes Cedeno, 601 Third Avenue, which was rescinded by Ord. No. 4398, adopted August 27, 2013.
- ORD. NO. 4733 - Rescind Ordinance No. 3603, adopted March 23, 2004, which authorized the establishment of a Personalized Parking Space for Madeline Townsend, 506 Livingston Street.
- ORD. NO. 4734 - Rescind Ordinance No. 3894, adopted May 8, 2007, which authorized the establishment of a Personalized Parking Space for Leopolda Rodriguez, 550 Livingston Street.
- ORD. NO. 4735 - Authorize the establishment of a personalized handicapped parking space for Jadwiga Acosta, 538 Grier Avenue.
- ORD. NO. 4736 - Rescind Ordinance No. 3873, adopted December 27, 2006, which authorized the establishment of a Personalized Parking Space for Mariya Picinich, 620 Jackson Avenue.
- THE ELIZABETH AVENUE SPECIAL IMPROVEMENT DISTRICT FISCAL YEAR 2017 BUDGET IN THE AMOUNT OF \$302,160.00.**

PEITIONS, COMMUNICATIONS, ETC.

By the Clerk:

Letter dated June 13, 2016, from His Honor the Mayor requesting that your Honorable Body consider forming a committee and explore the development of an ordinance associated with the receipt of revenue generated from hosts utilizing the “community marketplace,” known as Airbnb, within the City of Elizabeth. Which was received.

By the Clerk:

Letter dated June 16, 2016, from the Business Administrator recommending the award of a contract to SHI International, 290 Davidson Avenue, Somerset, NJ, for the renewal of the Reverse 911 Community Engagement and Mass Notification Project for the Police Department for the period of June 13, 2016 through June 12, 2017, at a total cost of \$45,608.40. Which was received.

By the Clerk:

Letter dated June 16, 2016, from the Business Administrator recommending the award of a contract to SHI International, 290 Davidson Avenue, Somerset, NJ, for the purchase of two (2) Panasonic Toughbook Computers for the Police Department at a total cost of \$9,276.00. Which was received.

By the Clerk:

Letter dated June 16, 2016, from the Business Administrator recommending the renewal of the contract with Highway Service Corporation, 548 Trumbull Street, Elizabeth, NJ, for Police Authorized Towing and Storage Services for a period of one year commencing August 25, 2016 through August 24, 2017, with the option to renew for a third year under the same terms and conditions as the current contract. Which was received.

By the Clerk:

Letter dated June 17, 2016, from the Business Administrator requesting authorization for the renewal of insurance with Hartford Insurance Company, Hartford, CT, through the agent-of-record, Hughes-Plumer Associates, covering Auxiliary Police Officers for the period of June 30, 2016 to June 30, 2017, at an annual premium of \$340.00. Which was received.

By the Clerk:

Letter dated June 17, 2016, from the Business Administrator requesting authorization for the renewal of insurance with Western World Insurance Company, 48 South Franklin Turnpike, Ramsey, NJ, through the agent-of-record, Hughes-Plumer Associates, covering emergency medical malpractice liability insurance for EMS employees for the period of June 15, 2016 to June 15, 2017, at an annual premium of \$8,850.00. Which was received.

By the Clerk:

Letter dated June 17, 2016, from the Business Administrator recommending the award of a contract to System Engineering International, d/b/a Critical Power USA, 1539 Tilco Drive, Suite 120, Frederick, MD, for maintenance of UPS Systems located at the Elizabeth Police and Fire Departments for a period of two years commencing from the date of award for the Fire and Police Department systems in an amount not to exceed \$50,000.00. Which was received.

PETITIONS, COMMUNICATIONS, ETC.

By the Clerk:

Letter dated June 17, 2016, from the Business Administrator recommending the award of a contract to Public Service Electric and Gas Company, 80 Park Plaza T4B, Newark, NJ, for the leasing of vacant real property at Block 2, Lot 604, namely, 59-81 Livingston Street, Elizabeth, for a period of 18 months in the amount of \$144,000.00 to be paid to the City during the course of the agreement.
Which was received.

By the Clerk:

Letter dated June 21, 2016, from the Business Administrator recommending the award of respective contracts to Betty C. McLendon, Psy.D., Comprehensive Psychological Services, P.A., 623 Raritan Road, Clark, NJ, and Mark Siegert, Ph.D, 75 Main Street, Suite 201, Millburn, NJ, to serve as Psychologists for the Elizabeth Fire and Police Departments for the period of July 1, 2016 through June 30, 2017, at a cost not to exceed \$40,000.00 per each agreement unless further authorized by your Honorable Body.
Which was received.

By the Clerk:

Letter date June 13, 2016, from the Second Assistant City Attorney, on behalf of Serca Corporate Development, the successful bidder of 1034 William Street at the Property Auction held on March 22, 2016, respectfully requesting an extension of the closing date from May 20, 2016 to June 30, 2016.
Which was received.

By the Clerk:

Letter dated June 14, 2016, from the City Attorney recommending the reappointment of the law firm LaCorte, Bundy, Varady & Kinsella, 989 Bonnel Court, Union, NJ, to provide defense of civil litigation in auto and general liability cases, as well as matters included in the City's self-insurance program, for the fiscal year July 1, 2016 to June 30, 2017 at a rate of \$175.00 per hour not to exceed \$450,000.00 except as specifically authorized by City Council.
Which was received.

By the Clerk:

Letter dated June 14, 2016, from the City Attorney recommending the reappointment of the law firm LaCorte, Bundy, Varady & Kinsella, 989 Bonnel Court, Union, NJ, to provide defense of Worker's Compensation cases and matters included within the City's partial self-insurance program for the period of July 1, 2016 to June 30, 2017 at a rate of \$175.00 per hour not to exceed \$150,000.00 except as specifically authorized by City Council.
Which was received.

By the Clerk:

Letter dated June 14, 2016, from the City Attorney requesting authorization to execute contracts for legal representation in litigation when LaCorte, Bundy, Varady & Kinsella, Esqs. have conflicts of interest with an hourly rate of \$175.00 with a cap of \$65,000.00 for each attorney for the period of July 1, 2016 to June 30, 2017 to the following: Edward J. Kologi, Esq., Michael S. Simitz, Esq., Kologi/Simitz, 500 North Wood Avenue, Suite 4B, Linden, NJ; Edwin R. Matthews, Esq., Bourne, Noll & Kenyon, 382 Springfield Avenue, Suite 507, P.O. Box 690, Summit, NJ; Robert F. Renaud, Esq., Palumbo & Renaud, 190 North Avenue East, Cranford, NJ; Peter H. Spaeth, Esq., Wolff, Helies, Duggan, Spaeth & Lucas, Valley Park Professional Center, 2517 Highway 35, Building K, Suites 201 & 202, Manasquan, NJ; Kraig M. Dowd, Esq., Weber Dowd Law, LLC, 365 Rifle Camp Road, West Paterson, NJ; Daniel Antonelli, Esq., David L. Minchello, Esq., DeCotis, Fitzpatrick & Cole, LLP, Glenpointe Center West, 500 Frank

PETITIONS, COMMUNICATIONS, ETC.

West Burr Boulevard, Suite 31, Teaneck, NJ; Janyce M. Wilson, Esq., 226 St. Paul Street, Westfield, NJ; Raymond S. Londa, Esq., Londa & Londa, 277 North Broad Street, Elizabeth, NJ; Edward J. Florio, Esq., Florio Kenny Raval, LLP, 5 Marine View Plaza, Suite 103, P.O. Box 771, Hoboken, NJ; Perry L. Lattiboudere, Esq., Adams, Gutierrez & Lattiboudere, LLC, The Legal Center, 1037 Raymond Boulevard, Suite 900, Newark, NJ Which was received.

By the Clerk:

Letter dated June 17, 2016, from the Second Assistant City Attorney, on behalf of Mobilite, LLC, 3475 Piedmont Road NE, Suite 1000, Atlanta, GA, requesting that your Honorable Body consider granting municipal consent for the non-exclusive use of the public right-of-way for a period of fifteen (15) years and authorizing the proper City officials to execute a right-of-way agreement with Mobilite. Which was received.

By the Clerk:

Letter dated June 21, 2016, from the Chief Financial Officer advising that transfers for the 2016 SFY Municipal and Sewer Utility budgets may be necessary. Which was received.

By the Clerk:

Letter dated June 21, 2016, from the Chief Financial Officer requesting that your Honorable Body consider the adoption of the 2017 SFY Municipal and Sewer Utility Temporary Budgets; 2017 SFY Appropriation 'CAP' Ordinance; 2017 SFY Temporary Emergency Appropriations and 2016 SFY Transfers. Which was received.

By the Clerk:

Letter dated June 21, 2016, from the Chief Financial Officer advising that Dedication by Rider-2016 SFY resolutions may be necessary. Which was received.

By the Clerk:

Letter dated June 21, 2016, from the Chief Financial Officer requesting to cancel the balance in the Current Fund – Insurance Reserves appropriation account that is no longer needed and credit \$1,000,000.00 to Current Fund surplus. Which was received.

By the Clerk:

Letter dated June 21, 2016, from the Chief Financial Officer requesting to cancel the balance in the Current Fund – Deficiency Agreement Debt Service appropriation account that is no longer needed and credit \$1,000,000.00 to Current Fund surplus. Which was received.

By the Clerk:

Letter dated June 20, 2016, from the Director of Planning and Community Development requesting an amendment to the resolution adopted February 23, 2016, for F & B Gardens, 132-134 First Street, to increase the number of assisted units from 7 to 10; eliminate the need for HUD approval and increase the amount of the Union County Savings Bank loan from \$625,000.00 to \$720,000.00. Which was received.

By the Clerk:

Letter dated June 16, 2016, from the Director of Public Works recommending the award of a contract to P.M. Construction Corporation, 1310 Central Avenue, Hillside, NJ, for the Progress Street Stormwater Control Project, at a cost of \$5,700,950.00. Which was received.

PETITIONS, COMMUNICATIONS, ETC.

By the Clerk:

Letter dated June 17, 2016, from the Director of Public Works recommending the award of a contract to Suburban Consulting Engineers, Inc., 2430 Highway 34, Building A, Wall, NJ, to provide professional engineering services in connection with the Miller Park Improvements, 714-736 Court Street conceptual plan and construction cost estimate at a lump sum cost not to exceed \$4,100.00 plus reimbursables. Which was received.

By the Clerk:

Letter dated June 20, 2016, from the Director of Public Works requesting that your Honorable Body consider authorizing the proper City officials to accept and sign all appropriate documents and to endorse a Memorandum of Agreement with NYNJ Link Developer, LLC, 133 Bayway, Elizabeth, NJ, for the City to accept a donation of \$6,300.00 toward the Elizabeth Marina Site Remediation Project. Which was received.

By the Clerk:

Letter dated June 20, 2016, from the Director of Public Works requesting authorization for the proper City officials to request the New Jersey Department of Transportation combine the 2015 Municipal Aid program, traffic light on Elizabeth Avenue at High Street/New Point Road and the 2016 Municipal Aid program, traffic light on Elizabeth Avenue at South Street/Jacques Street combined project to be awarded by April 10, 2017. Which was received.

By the Clerk:

Letter dated April 14, 2016, from the State of New Jersey, Department of Transportation, P.O. Box 600, Trenton, NJ, requesting that your Honorable Body consider a Resolution of Support of the existing centerline markings along Route NJ 27Z, Chilton Avenue/Westfield Avenue will remain as is (Traffic Division Recommendation). Which was received.

By the Clerk:

Letter dated June 14, 2016, from the Peruvians for Progress, Inc., 846 Elizabeth Avenue, Elizabeth, NJ, requesting to rename Elizabeth Avenue for the week of July 25th through July 31st, 2016 to "Avenida Peru. Which was received.

By the Clerk:

Letter received June 20, 2016, from Kevin Woodridge, in collaboration with Moving New Jersey Forward Foundation (501c3), DJ CoolV, Hip Hop Hands Foundation and with your permission the City of Elizabeth to host the 1st Annual Back2School Family Fun Day to be held at Veterans Memorial Waterfront Park on Saturday, August 13, 2016 from 12 p.m. to 6:00 p.m. Which was received.

REPORTS OF CITY OFFICERS

NONE.

ORDINANCES ON FIRST READING

ORD. NO. 4737 - Amend Article IX, Chapter 2.56.340, of the Code of the City of Elizabeth, entitled "Contracted Off-Duty Employment" pertaining to Police Personnel, specifically to remove sections of Paragraph B.1, referring to compensating a Police Captain at the additional rate of \$6.00 and \$12.00 per hour and incorporating a fee of \$95.00 per hour for Police Officers working "late night bar events."

PUBLIC HEARING AND FURTHER CONSIDERATION OF THE FOREGOING ORDINANCE SHALL TAKE PLACE AT THE CITY COUNCIL MEETING TO BE HELD TUESDAY, JULY 26, 2016, AT 7:30 P.M.

ORDINANCES ON FINAL PASSAGE

ORD. NO. 4729 - Authorize the establishment of a personalized handicapped parking space for Patricia Sanders, 35 Catherine Street.

ORD. NO. 4730 - Authorize the establishment of a personalized handicapped parking space for Idalmis Gonzalez, One DeWitt Road, Apt. 501.

ORD. NO. 4731 - Authorize the establishment of a personalized handicapped parking space for Librada Ayala, 250 Franklin Street.

ORD. NO. 4732 - Authorize the establishment of a personalized handicapped parking space for Jose Cortes Cedeno, 601 Third Avenue, which was rescinded by Ord. No. 4398, adopted August 27, 2013.

ORD. NO. 4733 - Rescind Ordinance No. 3603, adopted March 23, 2004, which authorized the establishment of a Personalized Parking Space for Madeline Townsend, 506 Livingston Street.

ORD. NO. 4734 - Rescind Ordinance No. 3894, adopted May 8, 2007, which authorized the establishment of a Personalized Parking Space for Leopolda Rodriguez, 550 Livingston Street.

ORD. NO. 4735 - Authorize the establishment of a personalized handicapped parking space for Jadwiga Acosta, 538 Grier Avenue.

ORD. NO. 4736 - Rescind Ordinance No. 3873, adopted December 27, 2006, which authorized the establishment of a Personalized Parking Space for Mariya Picinich, 620 Jackson Avenue.

NEW BUSINESS

Adopt the Elizabeth Avenue Special Improvement District Calendar Year 2017 budget in the amount of \$302,106.00.

Authorize transfers for the Fiscal Year 2016 Municipal and Sewer Utility Budgets in the amount of \$740,760.00.

NEW BUSINESS (Cont'd.)

Authorize a Dedication by Rider in the Fiscal Year 2017 budget for donations/ acceptance of bequests and gifts to provide for "Waterfront Public Access Improvements" from the NYNJ Link Developer, LLC., as required by NJSA 40A:5-29.

Authorize the cancellation of the unexpended balance in the Current Fund – Insurance Reserves Appropriation Account in the amount of \$1,000,000.00 and credit same to Surplus.

Authorize the cancellation of the unexpended balance in the Current Fund – Deficiency Debt Service Account in the amount of \$1,000,000.00 and credit same to Surplus.

MOTION TO REMOVE FROM THE TABLE

Authorize the award of a contract to 545 Morris Avenue Inc., d/b/a Tropicana Diner & Restaurant, 545 Morris Avenue, Elizabeth, for the purchase of prisoners' meals for the period June 1, 2016 through May 31, 2018, at a cost not to exceed \$150,000.00.

Authorize the award of a contract to Public Service Electric and Gas Company, 80 Park Place Plaza, Newark, N.J., for the leasing of vacant real property at 59-81 Livingston Street for a period of eighteen (18) months in the amount of \$144,000.00 to be paid to the City.

Authorize the award of a contract to SHI International, 290 Davidson Avenue, Somerset, N.J., for the renewal of the Reverse 911 Community Engagement and Mass Notification Project for the Police Department for the period June 13, 2016 through June 12, 2017, at a total cost of \$45,608.40.

Authorize the award of a contract to SHI International, 290 Davidson Avenue, Somerset, N.J., for the purchase of two (2) Panasonic Toughbook Computers for the Police Department, at a total cost of \$9,276.00.

Authorize the award of a contract to Highway Service Corporation, 548 Trumbull Street, Elizabeth, N.J., for the furnishing of Police Authorized Towing and Storage Services for the Police Department, for a period of one year commencing August 25, 2016 through August 24, 2017, with the option to renew for a third year under the same terms and conditions as the current contract.

Authorize the proper City officials to execute a public right-of-way agreement with Mobilite, LLC, 3475 Piedmont Road NE, Atlanta, GA., granting municipal consent for the non-exclusive use to install antennas and equipment on existing utility poles for a period of fifteen (15) years.

Authorize the award of a contract to Hartford Insurance Company, Hartford, CT., through the agent-of-record, Hughes-Plumer Associates, to provide a policy of insurance covering Auxiliary Police Officers, for the period June 30, 2016 to June 30, 2017, at an annual premium of \$340.00.

Authorize the renewal of a contract with Western World Insurance Company, 48 South Franklin Turnpike, Ramsey, N.J., through the agent-of-record, Hughes-Plumer and Associates, Somerville, N.J., covering emergency medical malpractice liability insurance for EMS ambulance drivers and attendants for the period June 15, 2016 to June 15, 2017, at an annual premium of \$8,850.00.

NEW BUSINESS (Cont'd.)

Authorize the award of a contract to System Engineering International, d/b/a Critical Power USA, 5139 Tilco Drive, Frederick, MD., to provide maintenance service for UPS Systems located at the Police and Fire Departments for a period of two years in an amount not to exceed \$50,000.00.

Authorize the award of respective contracts to Betty C. McLendon, Psy.D., Comprehensive Psychological Services, P.A., 623 Raritan Road, Clark, N.J., and Mark Siegert, Ph.D, 75 Main Street, Millburn, N.J., to serve as Psychologists for the Elizabeth Police and Fire Departments, for the period July 1, 2016 through June 30, 2017, at a cost not to exceed \$40,000.00, per each agreement, unless further authorized by City Council.

Grant an extension to close title on the property located at 1034 William Street, which was sold at a public auction held March 22, 2016 to June 30, 2016.

Authorize the renewal of a contract with the law firm of LaCorte, Bundy, Varady and Kinsella, Esqs., 989 Bonnel Court, Union, N.J., to provide the City with legal services in the defense of civil litigation in auto/general liability cases and matters included within the City's self-insurance program for the period July 1, 2016 to June 30, 2017, at a cost not to exceed \$450,000.00, except as specifically authorized by City Council.

Authorize the renewal of a contract with the law firm of LaCorte, Bundy, Varady and Kinsella, Esqs., 989 Bonnel Court, Union, N.J., to provide the City with legal services in the defense of Workers' Compensation cases and matters included within the City's partial self-insurance program for the period July 1, 2016 to June 30, 2017, at a cost not to exceed \$150,000.00, except as specifically authorized by City Council.

Authorize the award of respective contracts to: Kologi & Simitz, Esqs., Linden; Edwin R. Matthews, Esq., Summit; Robert F. Renaud, Esq., Cranford; Peter H. Spaeth, Esq., Manasquan; Kraig M. Dowd, Esq., West Paterson; Daniel Antonelli, Esq., Teaneck; David L. Minchello, Esq., Teaneck; Janyce M. Wilson, Esq., Westfield; Raymond S. Londa, Esq., Elizabeth; Edward J. Florio, Esq., Hoboken, and Perry L. Lattiboudere, Esq., Newark, to serve as legal counsel for representation of the City and City employees in tort litigation where the law firm of LaCorte, Bundy, Varady, and Kinsella, Esqs., have a conflict of interest, for the period July 1, 2016 to June 30, 2017, at a cost not to exceed \$65,000.00 per attorney.

Amend a resolution adopted February 23, 2016, for F & B Gardens, LLC., to increase the number of assisted units at 132-134 First Street from 7 to 10 to eliminate HUD approval, and instead to increase the Union County Savings Bank loan amount from \$625,000.00 to \$720,000.00.

Authorize the award of the contract to P.M. Construction Corporation, 1310 Central Avenue, Hillside, N.J., for the Progress Street Stormwater Control Project at a cost of \$5,700,950.00.

Authorize the award of a contract to Suburban Consulting Engineers, Inc., 2430 Highway 34, Wall, N.J., to provide professional engineering services in connection with the conceptual design and cost estimate preparation for the Miller Park improvements, at 714-736 Court Street, at a lump sum cost not to exceed \$4,100.00, plus reimbursables.

Authorize the acceptance of a donation from NYNJ Link Developer, LLC, 133 Bayway, Elizabeth, in the amount up to \$6,300.00 toward the Elizabeth Marina Site Remediation Project.

NEW BUSINESS (Cont'd.)

Authorize the proper City officials to request the N.J. Department of Transportation to combine the 2015 Municipal Aid Program grant in the amount of \$351,282.00 for a new traffic light on Elizabeth Avenue at High Street and New Point Road and the 2016 Municipal Aid Program grant in the amount of \$346,282.00 for a new traffic light on Elizabeth Avenue at South Street and New Point Road.

Adopt a "Resolution of Support" for the existing centerline markings along Rt. 27Z (Chilton Street/Westfield Avenue) as a "No Passing Zone", remain as is, as recommended by the N.J. Department of Transportation and in agreement with the City of Elizabeth Traffic Division.

Authorize settlement in the litigation matter of Stodolak vs. the City in the total amount of \$10,268.88.

Permit the Peruvians for Progress, Inc., 846 Elizabeth Avenue, Elizabeth, to rename Elizabeth Avenue to "Avenida Peru" the week of July 25 through July 31, 2016.

Permit Moving New Jersey Forward Foundation, DJ CoolV and Hip Hop Hands Foundation to host the 1st Annual Back2School Family Fun Day, at the Veterans Memorial Waterfront Park on Saturday, August 13, 2016, from 12:00 noon to 6:00 p.m.

Pay utility bills.

Approve Bingo and Raffle licenses

COMMENDATIONS

MEMORIALS:

ADJOURNMENT