

CITY COUNCIL - ELIZABETH, N. J.

REGULAR MEETING - TUESDAY, JANUARY 12, 2016

7:30 P. M.

AGENDA

ROLL CALL.

PRAYER AND PLEDGE OF ALLEGIANCE TO THE FLAG.

PUBLIC SPEAKING.

PUBLIC HEARINGS

- ORD. NO. 4657 - Amend Chapter 5.20.070 of the Code of the City of Elizabeth, entitled "Autocabs Prohibited To Operate As Taxicabs," specifically to establish a fine for violation of same.
- ORD. NO. 4658 - Amend Chapter 5.100.010 of the Code of the City of Elizabeth, entitled "Definitions," specifically to describe luggage and packages; Chapter 5.100.020 entitled "Certification of Public Convenience and Necessity and Permit Required," specifically to include a penalty fee; and Chapter 5.100.220 (D) entitled "Regulations Governing Rates of Fare," specifically to include charges for luggage.
- ORD. NO. 4659 - Authorize an ordinance to establish Chapter 8.85 of the Code of the City of Elizabeth, entitled "Abandoned Properties," creating a Municipal Abandoned Property List.

PETITIONS, COMMUNICATIONS, ETC.

By the Clerk:

Letter dated January 4, 2016, from His Honor the Mayor requesting, subject to the confirmation of your Honorable Body, I herewith reappoint Roman A. Montes, Esq., 1126 Coolidge Road, Elizabeth, NJ, to serve as Presiding Judge of the Municipal Court for a term of three years, effective February 2, 2016.
Which was received.

By the Clerk:

Letter dated January 4, 2016, from His Honor the Mayor advising that, subject to your advice and consent, I am making the following appointments for a term of one year effective January 1, 2016: Chief Municipal Prosecutor Norma M. Murgado, Esq., Assistant Municipal Prosecutors Ashton E. Thomas, Esq., Patricia A. Mack, Esq., Annette Quijano, Esq.; Temporary Municipal Prosecutors Robert Carroll, Esq.; Suzette Cavadas, Esq.; William T. Donegan, Esq.; Kevin D. Harris, Esq.; Anabela Dacruz-Melo, Esq.; Christopher Howard, Esq.; Daria Smith Isehour, Esq.; Jose Rivera-Benitez, Esq.
Which was received.

PETITIONS, COMMUNICATIONS, ETC.

By the Clerk:

Letter dated December 30, 2015, from the Assistant Business Administrator requesting authorization for the proper City officials to renew the policy of Insurance covering Public Officials & Employees Liability with Admiral Insurance Company, 1255 Caldwell Road, Cherry Hill, NJ, through the agent-of-record Hughes-Plumer & Associates, Somerville, for the period of January 31, 2016 through January 31, 2017 at an annual premium of \$67,585.13. Which was received.

By the Clerk:

Letter dated January 4, 2016, from the First Assistant City Attorney, pursuant to the request of Councilman Grova, recommending amending Chapter 1.12.010, Section A of the Code of the City of Elizabeth, increasing the maximum General Penalty Provision of the code from \$1,250.00 to \$2,000.00 for review and consideration. Which was received.

By the Clerk:

Letter dated January 5, 2016, from the Chief Financial Officer advising that additional grants may be appropriated in the 2016 SFY Budget by budget amendments Which was received.

By the Clerk:

Letter dated January 5, 2016, from the Chief Financial Officer advising that compliance with the SFY 2016 Appropriations Act, requires that your Honorable Body approve all payments related to accumulated/uncompensated absence benefits. Which was received.

By the Clerk:

Letter dated January 5, 2016, from the Chief Financial Officer requesting that your Honorable Body consider the approval of a bond ordinance authorizing the cost of constructing Phase 3 of the Elizabeth River Trail, which includes the area along the Elizabeth River from South Street to Clifton Street, in the amount of \$2,000,000.00; with a down payment of \$100,000.00. Which was received.

By the Clerk:

Letter dated January 5, 2016, from the Chief Financial Officer recommending that your Honorable Body requests the Director of the Division of Local Finance to make the following changes in the 2016 Municipal Budget to account for the City's share of grants: Matching Funds-City's Share from \$1,000,000.00 to \$981,037.00; Municipal Alliance from -0- to \$18,963.00. Which was received.

By the Clerk:

Letter dated January 5, 2016, from the Chief Financial Officer requesting that your Honorable Body consider the approval of a bond ordinance that would authorize the costs of development of the City's Combined Sewer Overflow Long Term Control Plan, as required by the NJ Department of Environmental Protection permit which became effective July 1, 2015 in an amount not to exceed \$2,800,000.00. Which was received.

By the Clerk:

Letter dated January 5, 2016, from the Chief Financial Officer requesting that your Honorable Body consider the approval of a bond ordinance that would authorize the costs of the Elizabeth River Flood Control Upgrades in an amount not to exceed \$5,000,000.00. Which was received.

PETITIONS, COMMUNICATIONS, ETC.

By the Clerk:

Letter dated December 15, 2015, from the Director of Health & Human Services requesting authorization for the proper City officials to execute a Memorandum of Understanding with the County of Union allowing the County of Union to install art on the following Traffic Control Boxes: Caldwell Place and Broad Street; Rahway Avenue, Elizabeth Avenue and Broad Street; South Broad Street and South Street; to integrate the arts into non-traditional venues commencing December 1, 2015 for at least three (3) years.
Which was received.

By the Clerk:

Letter dated December 21, 2015, from the Rent Regulation Representative, Fair Rental Housing Board, advising that due to Maria Silva Santos' vacancy as Owners of One or Two Family Home Representative; Mariver Arcure, presently a Landlord or Manager for Residential Dwellings, be transferred to Owners of One or Two Family Home Representative; the Board is requesting that Alternate Landlord Representative Jose Nunes be designated as Landlord Representative; vacancies remain for an Alternate Owners of One or Two Family Homes Representatives and Alternate Landlord Representative.
Which was received.

By the Clerk:

Letter dated December 29, 2015, from the Director of Planning & Community Development is requesting that your Honorable Body determine that there is a need for low-income housing in Elizabeth; that the proposed project involves the new construction of 3 apartment buildings containing 43 units with 5 units dedicated to special needs housing for the homeless, in the E'Port neighborhood; a 28 unit building at 158-168 First Street; a 9 unit building at 200-206 Third Street; and a 6 unit building at 212-214 Third Street will help meet this existing housing need and to utilize the sample resolution provided by NJ Housing and Mortgage Finance Agency.
Which was received.

By the Clerk:

Letter dated December 30, 2015, from the Director of Planning & Community Development requesting authorization for the proper City officials to reimburse East Grand Urban Renewal Entity, LLC, developer of the Pointe Grand Plaza Supermarket Project for environmental work incurred by Prestige Environmental in the amount of \$115,526.00.
Which was received.

By the Clerk:

Letter dated December 28, 2015, from the Director of Public Works requesting authorization to have liens placed against properties listed on Schedule A attached hereto for the boarding up of said properties in the amount of \$1,498.69.
Which was received.

By the Clerk:

Letter dated December 28, 2015, from the Director of Public Works requesting authorization to have liens placed against properties listed on Schedule A attached hereto for the removal and disposal of debris from said properties in the amount of \$4,034.81.
Which was received.

PETITIONS, COMMUNICATIONS, ETC.

By the Clerk:

Letter dated December 31, 2015, from the Director of Public Works requesting authorization for the proper City officials to enter into a Utility Construction Agreement with Public Service Electric and Gas for the installation of new underground 345KV circuits through public right-of-ways and along bridge structures within the City. Which was received.

By the Clerk:

Letter dated December 31, 2015, from the Director of Public Works requesting authorization for the proper City officials to negotiate and execute all documents associated with the acquisition of temporary construction and permanent utility easements from AEE Real Estate Holdings, LLC, to allow the City to install a sewer pipe across private property, between Division Street and Progress Street, required for the Progress Street Stormwater Control Project. Which was received.

By the Clerk:

Letter dated January 4, 2016, from the Director of Public Works requesting authorization for the proper City officials to enter into both a Cooperative Pricing System Agreement and a Shared Services Agreement with Passaic Valley Sewerage Commissioners, manager of the NJ Combined Sewer Overflow Group, in connection with performing work required to comply with the City's Combined Sewer Management Permit; Shared Services Agreement will allow the City to participate in a Baseline Compliance Monitoring Program and Receiving Water Quality Model to fulfill permit requirements; City's share for participation in the Baseline Compliance Monitoring Program and Receiving Water Quality Model will not exceed \$250,000.00. Which was received.

By the Clerk:

Letter dated December 31, 2015, from the Fire Director requesting authorization for the proper City officials to apply, accept and sign all appropriate documents for the 2016 Assistance to Firefighters Grant Program through FEMA and the U.S. Department of Homeland Security to provide new Self Contained Breathing Apparatus, as well as PASS devices, not to exceed \$3,000,000.00. Which was received.

By the Clerk:

Letter dated December 21, 2015, from Unique Scaffolding Systems, LLC, 808 Fairfield Avenue, Kenilworth, NJ, requesting an Encroachment Permit for the erection of a temporary sidewalk shed and scaffolding within the sidewalk area of the public right-of-way for the purposes of exterior renovations to the building located at 654 Third Avenue. Which was received.

REPORTS OF CITY OFFICERS

By the Clerk:

Letter dated January 4, 2016, from the City Treasurer submitting the City Treasurer's Report of Receipts and Disbursements for the month of September, 2015 and Statement of Bank Balances and Investments as of September 30, 2015. Which was received.

By the Clerk:

Minutes: Fair Rental Housing Board meeting held November 4, 2015. Which was received.

ORDINANCES ON FIRST READING

- ORD. NO. 4660 - Grant an encroachment permit to Unique Scaffolding Systems, LLC., 808 Fairfield Avenue, Kenilworth, N.J., for the erection of a temporary sidewalk shed and scaffolding within the sidewalk area of the public right-of-way for the purpose of exterior renovations to the building at 654 Third Avenue.
- ORD. NO. 4661 - Authorize the proper City officials to negotiate and execute all necessary documents associated with the acquisition of temporary construction and permanent utility easements from AEE Real Estate Holdings, LLC., to allow the City to install a sewer pipe across private property between Division Street and Progress Street required for the Progress Street Stormwater Control Project.
- ORD. NO. 4662 - Amend Chapter 1.12.010, Section A, of the Code of the City of Elizabeth, entitled "Violations and Penalties," specifically to increase the maximum fine amount from \$1,250.00 to \$2,000.00.

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

- ORD. NO. 4663 - Bond Ordinance in the amount of \$2,000,000.00 with a down payment of \$100,000.00, for the construction of Phase III of the Elizabeth River Trail from South Street to Clifton Street.
- ORD. NO. 4664 - Bond ordinance in the amount of \$2,800,000.00 providing for the cost of development of the City's Combined Sewer Overflow Long Term Control Plan as required by the N.J. Department of Environmental Protection.
- ORD. NO. 4665 - Bond ordinance in the amount of \$5,000,000.00 providing for the cost of the City's Elizabeth River Flood Control Upgrades.

PUBLIC HEARING AND FURTHER CONSIDERATION OF THE FOREGOING ORDINANCES SHALL TAKE PLACE AT THE CITY COUNCIL MEETING TO BE HELD TUESDAY, FEBRUARY 9, 2016, AT 7:30 P.M.

ORDINANCES ON FINAL PASSAGE

- ORD. NO. 4657 - Amend Chapter 5.20.070 of the Code of the City of Elizabeth, entitled "Autocabs Prohibited To Operate As Taxicabs," specifically to establish a fine for violation of same.
- ORD. NO. 4658 - Amend Chapter 5.100.010 of the Code of the City of Elizabeth, entitled "Definitions," specifically to describe luggage and packages; Chapter 5.100.020 entitled "Certification of Public Convenience and Necessity and Permit Required," specifically to include a penalty fee; and Chapter 5.100.220 (D) entitled "Regulations Governing Rates of Fare," specifically to include charges for luggage.

ORDINANCES ON FINAL (Cont'd.)

ORD. NO. 4659 - Authorize an ordinance to establish Chapter 8.85 of the Code of the City of Elizabeth, entitled "Abandoned Properties," creating a Municipal Abandoned Property List.

NEW BUSINESS

- Authorize an amendment to the Fiscal Year 2016 Capital budget in the amount of \$9,800,000.00.
- Authorize an amendment to the Fiscal Year 2016 Budget to insert, as an Item of Revenue, a U.S. Department of Housing and Urban Development HOPWA Grant 2015 in the amount of \$1,125,749.00.
- Authorize an amendment to the Fiscal Year 2016 Budget to insert, as an Item of Revenue, a State of New Jersey, Department of Transportation Highway Safety Grant 2015 in the amount of \$33,482.27.
- Authorize an amendment to the Fiscal Year 2016 Budget to insert, as an Item of Revenue, a County of Union Municipal Alliance Grant 2016 in the amount of \$75,854.00, Local Share - \$18,963.00.
- In compliance with SFY 2016 Appropriations Act (Best Practices Requirement), City Council is requested to approve all payments related to accumulated/uncompensated absence benefits.
- Authorize the proper City officials to submit a request to the Director, Division of Local Finance, to make corrections in the City's 2016 Fiscal Year Municipal Budget to account for Change of Title or Text of Appropriation approved subsequent to the adopted budget.
- Confirm the reappointment of Honorable Roman A. Montes, 1126 Coolidge Road, Elizabeth, to serve as Presiding Judge of the Municipal Court for a term of three (3) years, effective February 2, 2016.
- Confirm the appointment of Norma M. Murgado, Esq., to serve as Chief Municipal Prosecutor for a one year period, commencing January 1, 2016.
- Confirm the appointment of Ashton E. Thomas, Esq., to serve as Assistant Municipal Prosecutor for a one year period, commencing January 1, 2016.
- Confirm the appointment of Patricia A. Mack, Esq., to serve as Assistant Municipal Prosecutor for a one year period, commencing January 1, 2016.
- Confirm the appointment of Annette Quijano, Esq., to serve as Assistant Municipal Prosecutor for a one year period, commencing January 1, 2016.
- Confirm the appointment of Robert C. Carroll, Esq., to serve as Temporary Municipal Prosecutor for a one year period, commencing January 1, 2016.
- Confirm the appointment of Suzette Cavadas, Esq., to serve as Temporary Municipal Prosecutor for a one year period, commencing January 1, 2016.
- Confirm the appointment of William T. Donegan, Esq., to serve as Temporary Municipal Prosecutor for a one year period, commencing January 1, 2016.

NEW BUSINESS (Cont'd.)

Confirm the appointment of Kevin D. Harris, Esq., to serve as Temporary Municipal Prosecutor for a one year period, commencing January 1, 2016.

Confirm the appointment of Anabela Dacruz-Melo, Esq., to serve as Temporary Municipal Prosecutor for a one year period, commencing January 1, 2016.

Confirm the appointment of Christopher Howard, Esq., to serve as Temporary Municipal Prosecutor for a one year period, commencing January 1, 2015.

Confirm the appointment of Daria Smith Isenhour, Esq., to serve as Temporary Municipal Prosecutor for a one year period, commencing January 1, 2016.

Confirm the appointment of Jose Rivera-Benitez, Esq., to serve as Temporary Municipal Prosecutor for a one year period, commencing January 1, 2016.

Authorize the award of a contract to Admiral Insurance Company, 1255 Caldwell Road, Cherry Hill, N.J., through the agent of record, Hughes-Plumer and Associates, to renew a policy of insurance covering Public Officials and Employees Liability, for the period January 31, 2016 through January 31, 2017, at an annual premium of \$67,585.13.

Authorize the proper City officials to execute a Memorandum of Understanding with the County of Union allowing the County to install art on the following Traffic Control Boxes: Caldwell Place and Broad Street; Rahway Avenue, Elizabeth Avenue and Broad Street; South Broad Street and South Street and to integrate the arts into non-traditional venues, commencing December 1, 2015 for at least three (3) years.

Authorize the adoption of a Resolution of Need for E'Port Family Homes Urban Renewal, LP, to apply for financial assistance to the New Jersey Housing and Mortgage Finance Agency to construct three (3) new apartment buildings containing a total of forty-three (43) unit rental housing development for low and moderate income families with five (5) units dedicated to special needs housing in the E'Port neighborhood.

Authorize the proper City Officials to reimburse East Grand Urban Renewal Entity, LLC, the developer of the Pointe Grand Plaza Supermarket Project for environmental work incurred by Prestige Environmental in the amount of \$115,526.00.

Establish liens for the boarding up of properties listed on Schedule A on file in the City Clerk's Office in the total amount of \$1,498.69.

Establish liens for the removal and disposal of debris on properties listed on Schedule A on file in the City Clerk's Office in the total amount of \$4,034.81.

Authorize the proper City officials to enter into a Utility Construction Agreement with Public Service Electric & Gas for the installation of new underground circuits through public right-of-ways and along bridge structures within the City.

Authorize the proper City officials to enter into both a Cooperative Pricing System Agreement and a Shared Services Agreement with Passaic Valley Sewerage Commissioners, manager of the N.J. Combined Sewer Overflow Group, in connection with performing work required to comply with the City's Combined Sewer Management Permit and the Shared Services Agreement will allow the City to participate in a Baseline Compliance Monitoring Program and Receiving Water Quality Model to fulfill permit requirements in an amount not to exceed \$250,000.00.

NEW BUSINESS (Cont'd.)

Authorize the proper City officials to execute all appropriate documents for a FY 2016 Assistance to Firefighters Grant Program, through FEMA and the U.S. Department of Homeland Security, to provide new self-contained breathing apparatus and PASS devices in an amount not to exceed \$3,000,000.00.

Utility bills.

COMMENDATIONS

Louchaun Holmes, Retirement, Elizabeth Police Department

MEMORIALS

James Kellogg, IV
Jennie Faella
Robert Hatton
Antonio Chirichiello, Employee, Department of Public Works
Yolanda Malloy, Secretary, Elizabeth High School, Edison House
Pedro Gomes
Luis Torrado

ADJOURNMENT