

CITY COUNCIL - ELIZABETH, N. J.

REGULAR MEETING - TUESDAY, OCTOBER 10, 2017

7:30 P. M.

AGENDA

ROLL CALL.

PRAYER AND PLEDGE OF ALLEGIANCE TO THE FLAG.

PUBLIC SPEAKING.

PUBLIC HEARINGS

- ORD. NO. 4919 - An Ordinance to further amend Ordinance No. 1997 entitled "An Ordinance to authorize a Lease Agreement for the rental of the Parking lot adjacent to the Church of the Assembly of God Portuguese Ministry of Elizabeth, Inc., located at 1123-1131 Dickenson Street, Elizabeth, New Jersey, for the term of one year, with options to renew for successive terms of one year each, to be utilized as a parking lot for Municipal Employees during normal business hours" as amended, specifically to extend the Lease Term from September 1, 2017 to August 31, 2019, for the nominal consideration of one dollar (\$1.00) per year.
- ORD. NO. 4920 - An Ordinance Creating, Amending and Superseding City of Elizabeth Land Development Code, Chapter 17 Sections 17.36.098, Section 17.36.100(A), (C), (D), 17.36.099, 17.36.110(A), (D), and 17.36.120A.1 New Section:17.36.098 Residential Buildings Elevator Requirements.
- ORD. NO. 4921 - An Ordinance to authorize the establishment of a personalized handicapped parking space for James Fordham, 579 Monroe Avenue, Elizabeth, New Jersey.
- ORD. NO. 4922 - An Ordinance to authorize the establishment of a personalized handicapped parking space for Candida R. Velez, 401 East Jersey Street Avenue 2<sup>nd</sup> Floor, Elizabeth, New Jersey.

PETITIONS, COMMUNICATIONS, ETC.

By the Clerk:

Letter dated September 27, 2017, from the Business Administrator requesting authorization to enter into an agreement with Troy & Banks, Inc., 2216 Kensington Avenue, Buffalo, NY to provide the services and consultation of a utility audit to investigate the potential benefits of cost recovery and cost containment in regard to the City's usage of electricity and natural gas utilities for the period November 1, 2017 through October 31, 2019 at a percentage of all monies refunded, credited or rebated from prior overcharges, billing errors or costs in excess of those permitted by applicable contracts, tariffs, statutes, rules and or regulations in accordance with the following scale: 29% of monetary refunds realized up to \$250,000.00; 24% of monetary refunds realized from \$250,001.00 to \$500,000.00; 20% of monetary refunds realized from \$500,001.00 and above; in addition, 24% of the amount saved each month for 12 months shall be paid to Troy & Banks; if the City does not receive refunds, credits or reductions in future billings, there will be no fee for Troy & Banks services in addition to no monthly or annual fees for the term of the agreement.  
Which was received.

PETITIONS, COMMUNICATIONS, ETC. (Cont'd)

By the Clerk:

Letter dated September 28, 2017, from the Business Administrator recommending awarding a contract to Power Place, Inc., 319 Route 46, Rockaway, NJ for the purchase of grounds equipment parts at a cost not to exceed \$100,000.00. Which was received.

By the Clerk:

Letter dated September 28, 2017, from the Business Administrator recommending awarding a contract to Strack, Inc., 410 Albacore Drive, Yorktown, VA for proprietary computer hardware for the Police Department Tactical Pole Camera in the amount of \$28,069.03. Which was received.

By the Clerk:

Letter dated September 28, 2017, from the Business Administrator recommending awarding a contract to Modern Office Systems, LLC, 45 West 36<sup>th</sup> Street, 9<sup>th</sup> Floor, New York, NY for the purchase of a High Density Mobile File System for the Police Department at the cost of \$30,695.45. Which was received.

By the Clerk:

Letter dated September 29, 2017, from the Business Administrator requesting authorization to issue insurance covering City-Owned properties with The Chubb Group of Insurance Companies, 12 Vreeland Road, Florham Park, NJ through their agent-of-record Otterstedt Agency, 540 Sylvan Avenue, Englewood Cliffs, NJ for the period October 1, 2017 to October 1, 2018 at an annual premium of \$141,928.00. Which was received.

By the Clerk:

Letter dated September 29, 2017, from the Business Administrator requesting authorization for the proper City officials to execute a contract with Equifax Workforce Solutions (formerly TALX Employer Services), 11432 Lackland Road, St. Louis, MO for unemployment cost control services for the period of July 1, 2017 to June 30, 2019 at a cost of \$3,760.00 per year for two years. Which was received.

By the Clerk:

Letter dated September 29, 2017, from the Business Administrator requesting authorization for the proper City officials to execute a contract with Lloyds of London, through their agent-of-record Otterstedt Agency, 540 Sylvan Avenue, Englewood Cliffs, NJ for insurance covering the City's foreclosed properties for the period October 1, 2017 to October 1, 2018 at an annual premium of \$4,189.50. Which was received.

By the Clerk:

Letter dated October 2, 2017, from the Business Administrator recommending awarding a contract to National Fuel Oil, Inc., 175 Orange Street, Newark, NJ for the purchase of diesel fuel for the Public Works Marina for the period of September 1, 2017 through October 31, 2017 at a cost not to exceed \$8,000.00. Which was received.

By the Clerk:

Letter dated October 2, 2017, from the Business Administrator recommending awarding a contract to Air & Gas Technologies, 42 Industrial Drive, Cliffwood Beach, NJ for three (3) breathing air stations to refill SCBA Cylinders for the Fire Department at the total amount of \$364,998.00. Which was received.

PETITIONS, COMMUNICATIONS, ETC. (Cont'd)

By the Clerk:

Letter dated October 2, 2017, from the Business Administrator recommending awarding a contract to Elizabethtown Gas, 520 Green Lane, Union, NJ to provide gas line upgrades and an extension for the Police Department Headquarters Emergency Generator Replacement Project at the total cost of \$38,795.35. Which was received.

By the Clerk:

Letter dated October 2, 2017, from the Business Administrator advising that the Purchasing Agent is requesting to purchase voice, local and local-long distance telephone with Broadview Networks, Inc., 800 Westchester Avenue, Rye Brook, NY under exemption N.J.S.A. 40A:11-5(f) for the period of October 1, 2017 through September 30, 2018 in the amount not to exceed \$175,000.00. Which was received.

By the Clerk:

Letter dated September 19, 2017, from the Second Assistant City Attorney requesting to amend the resolution adopted January 10, 2017 with Mobilitie, LLC, 660 Newport Center Drive, Newport Beach, CA for the installation of telecommunication equipment for additional locations, specifically to add five (5) more locations as per the list attached hereto. Which was received.

By the Clerk:

Letter dated October 2, 2017, from the City Attorney recommending the proposed settlement regarding the traffic signals at Julian Place and Morris Avenue and the Reciprocal Release. Which was received.

By the Clerk:

Letter dated October 2, 2017, from the Chief Financial Officer requesting authorization for the Tax Collector to cancel/refund/credit an over billing of taxes for the 2017 Tax Year on the property located at 862 Anna Street in the total sum of \$1,234.46 and 864 Anna Street in the amount of \$1,780.80. Which was received.

Letter dated October 3, 2017, from the Chief Financial Officer advising in compliance with the SFY 2016 Appropriations Act requires your Honorable Body to approve all payments related to accumulated/uncompensated absence benefits. Which was received.

By the Clerk:

Letter dated October 3, 2017, from the Chief Financial Officer advising that temporary emergency appropriations for the 2018 SFY Municipal and Sewer Utility Budgets may be necessary. Which was received.

By the Clerk:

Letter dated September 27, 2017, from the Director of Planning and Community Development requesting to designate Sabra Port Urban Renewal, LLC as the redeveloper of 60-90 Broadway, 133-135 First Street, 59-81 Livingston Street, 120-134 Front Street and 74-82 Livingston Street and authorization for the proper City officials to execute the Redevelopment Agreement with Sabra Port Urban Renewal LLC which includes the transfer of these properties. Which was received.

PETITIONS, COMMUNICATIONS, ETC. (Cont'd)

By the Clerk:

Letter dated September 29, 2017, from the Director of Planning and Community Development requesting authorization for the proper City officials to execute the following documents which constitute the contract between the U.S. Department of Housing and Urban Development and the City for FY 2017 funds; Community Development Block Grant Program for \$1,799,763.00; HOME Investment Partnership Program for \$650,095.00; Emergency Solutions Grant Program for \$182,932.00 totaling \$2,632,790.00. Which was received.

By the Clerk:

Letter dated September 29, 2017, from the Director of Public Works requesting authorization for the proper City officials to apply, accept and sign all appropriate documents for the FY 2017 National Infrastructure Investments opportunity administered by the U.S. Department of Transportation, with anticipated funding, the City proposes the replacement and upgrade of eleven (11) intersections containing antiquated traffic signal systems on Elizabeth Avenue and resurfacing of the roadway between Broad Street and Front Street for an amount not to exceed \$10,000,000.00. Which was received.

By the Clerk:

Letter dated September 29, 2017, from the Director of Public Works requesting approval of Change Order No. 1 for the contract awarded to M & M Construction Company, Inc., 540 North Avenue, Union, NJ for the Police Headquarters Interior Renovations at an original cost of \$762,000.00 to provide further for supplying and installing information technology (IT) equipment and cabling that was not part of the scope of work and was noted on the plans as well as additional Conduit, Data, Phone and Power locations added to the project at an additional cost of \$68,568.75 raising the amount of the contract to \$830,568.75. Which was received.

By the Clerk:

Letter dated October 3, 2017, from the Director of Public Works requesting to amend the resolution adopted September 26, 2017 authorizing the proper City officials to enter into a Property Access Agreement with Cablevision Lightpath NJ LLC, Jericho, NY specifically, to add the terms of the property access agreement; Lightpath's rights shall remain in effect for a period of three (3) years commencing September 1, 2017 through July 31, 2020; this Property Access Agreement shall automatically renew for additional one (1) year terms, unless the City or Lightpath provide written notice to the other terminating the Property Access Agreement; notice shall be given no later than sixty (60) days before the current term of the Property Access Agreement expires; the City may not terminate this agreement except due to Lightpath's default and upon no less than sixty (60) days prior written notice and opportunity to cure. Which was received.

By the Clerk:

Letter dated September 18, 2017, from the Police Director requesting permission to establish handicapped parking spaces in front of the following premises 429 Marshall Street (personalized); 628 Fourth Avenue, 2<sup>nd</sup> Flr. (personalized); 103 Murray Street; deletions: 157 Smith Street; 830 Grove Street; 19 Rankin Street; 964 DeHart Place. Which was received.

By the Clerk:

Letter dated September 20, 2017, from the Police Director requesting on behalf of Hudson Interior Supply, LLC, 795 Trumbull Street, Elizabeth a Loading Zone to be installed beginning at a point 120 feet east of Division Street and continuing in an easterly direction for 150 feet between 6:00 a.m. to 4:00 p.m.; also, a "No Parking Anytime" on the north curb of Trumbull Street, beginning at a point 40 feet west of Court Street and continuing westerly for 183 feet allowing all truck traffic to flow safely and quickly. WHICH WAS REFERRED TO COUNCIL AS A WHOLE.

PETITIONS, COMMUNICATIONS, ETC. (Cont'd)

By the Clerk:

Letter dated September 27, 2017, from the Police Director requesting to establish a "Four Ton Weight Limit" on William Street from Madison Avenue to Spring Street (Route 1 & 9); Lafayette Street from Madison Avenue to Spring Street (Route 1 & 9); Boudinot Place from Catherine Street to Spring Street (Route 1 & 9). Which was received.

By the Clerk:

Letter dated September 19, 2017, from the Executive Director of the Parking Authority of the City of Elizabeth, 233 Commerce Place, Elizabeth, NJ requesting that your Honorable Body consider appointing Amadeo Vasquez, 28 Reid Street, Elizabeth, and Sheena Boles, 878 Lafayette Street, Elizabeth, as Parking Enforcement Officers. Which was received.

By the Clerk:

Letter received September 22, 2017, from the State of New Jersey, Department of Transportation, Trenton, NJ regarding the signalized intersection of Route 81- Dowd Avenue and North Avenue East, "No Left Turn", is advising that a resolution committing to pay 25% of the costs must be adopted by your Honorable Body. Which was received.

REPORTS OF CITY OFFICERS

NONE.

ORDINANCE ON FIRST READING

- ORD. NO. 4852 - An Ordinance to designate Sabra Port Urban Renewal LLC, 45 Lafayette Drive, Livingston, New Jersey, as Redeveloper of 60-90 Broadway, 133-135 First Street, 59-81 Livingston Street, 120-134 Front Street, and 74-82 Livingston Street and authorize the proper City Officials to execute a Redevelopment Agreement with Sabra Port Urban Renewal LLC, which includes the transfer to Sabra Port Urban Renewal LLC.
- ORD. NO. 4923 - An Ordinance to amend Chapter 10.16.010 of the Code of the City of Elizabeth "Four –Ton Weight Limit - Streets Affected" specifically to Add William Street, from Madison Avenue to Spring Street (Route 1&9); Lafayette Street, from Madison Avenue to Spring Street (Route 1&9); and Boudinot Place, from Catherine Street to Spring Street (Route 1&9), except for the pickup and delivery of materials on these streets.
- ORD. NO. 4924 - An Ordinance to rescind Ordinance No. 4521, adopted on November 25, 2014, which authorized the establishment of a personalized handicapped parking space for Caridad Sanz-DeAguilera, 964 Dehart Place, Elizabeth, New Jersey.
- ORD. NO. 4925 - An Ordinance to rescind Ordinance No. 3484, adopted on December 23, 2002, which authorized the establishment of a personalized handicapped parking space for Willie Haymer, 157 Smith Street, Elizabeth, New Jersey.

ORDINANCES ON FIRST (Cont'd.)

- ORD. NO. 4926 - An Ordinance to authorize the establishment of a personalized handicapped parking space for Denise Gonzalez, 628 Fourth Avenue, 2<sup>nd</sup> Floor, Elizabeth, New Jersey.
- ORD. NO. 4927 - An Ordinance to authorize the establishment of a personalized handicapped parking space for Rolando Anderson, 429 Marshall Street, Elizabeth, New Jersey.
- ORD. NO. 4928 - An Ordinance to amend Chapter 10.44.010 of the Code of the City of Elizabeth entitled "Application Fee for Permits for Handicapped Parking Spaces", specifically to exempt Veterans who have been awarded the Purple Heart from the payment of an application fee and annual fee for personalized handicapped parking space.

**PUBLIC HEARING AND FURTHER CONSIDERATION OF THE FOREGOING ORDINANCES SHALL TAKE PLACE AT THE CITY COUNCIL MEETING TO BE HELD TUESDAY, OCTOBER 24, 2017, AT 7:30 P.M.**

ORDINANCES ON FINAL PASSAGE

- ORD. NO. 4919 - An Ordinance to further amend Ordinance No. 1997 entitled "An Ordinance to authorize a Lease Agreement for the rental of the Parking lot adjacent to the Church of the Assembly of God Portuguese Ministry of Elizabeth, Inc., located at 1123-1131 Dickenson Street, Elizabeth, New Jersey, for the term of one year, with options to renew for successive terms of one year each, to be utilized as a parking lot for Municipal Employees during normal business hours" as amended, specifically to extend the Lease Term from September 1, 2017 to August 31, 2019, for the nominal consideration of one dollar (\$1.00) per year.
- ORD. NO. 4920 - An Ordinance Creating, Amending and Superseding City of Elizabeth Land Development Code, Chapter 17 Sections 17.36.098, Section 17.36.100(A), (C), (D), 17.36.099, 17.36.110(A), (D), and 17.36.120A.1 New Section:17.36.098 Residential Buildings Elevator Requirements.
- ORD. NO. 4921 - An Ordinance to authorize the establishment of a personalized handicapped parking space for James Fordham, 579 Monroe Avenue, Elizabeth, New Jersey.
- ORD. NO. 4922 - An Ordinance to authorize the establishment of a personalized handicapped parking space for Candida R. Velez, 401 East Jersey Street Avenue 2<sup>nd</sup> Floor, Elizabeth, New Jersey.

NEW BUSINESS

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 Temporary Emergency appropriations for the 2018 Fiscal Year Municipal and Sewer Utility Budgets in the amount of \$247,677.54.

NEW BUSINESS (Cont'd.)

Authorize the Tax Collector to cancel/refund/credit an overbilling of taxes for Tax Year 2017, on property located at 862 Anna Street in the total sum of \$1,234.46 and Tax Year 2017 on property located at 864 Anna Street in the total sum of \$1,780.80.

Authorize the proper City officials to enter into an agreement with Troy & Banks, Inc., 2216 Kensington Avenue, Buffalo, N.Y., to conduct a utility audit for cost recovery and cost containment benefitting the City of Elizabeth regarding the City's utility usage of electricity and natural gas, to be compensated by the City on a percentage of all monies refunded, credited or rebated in accordance with the following scale: 29% of monetary refunds realized up to \$250,000.00; 24% of monetary refunds realized up to \$250,001.00 to \$500,000.00; 20% of monetary refunds realized up to \$500,001.00 and above for the period November 1, 2017 through October 31, 2019.

Authorize the award of a contract to Power Place, Inc., 319 Route 46, Rockaway, N.J., for the purchase of Ground Equipment Parts, for the period September 21, 2017 through February 19, 2018, at a cost not to exceed \$100,000.00.

Authorize the award of a contract to Strack, Inc., 410 Albacore Drive, Yorktown, VA, for proprietary Computer Hardware for the Police Department Tactical Pole Camera, at a cost not to exceed \$28,069.03.

Authorize the award of a contract to Modern Office Systems, LLC, 45 West 36<sup>th</sup> Street, 9<sup>th</sup> Fl., New York, N.Y., for the purchase of High Density Mobile File System for the Police Department, at a cost not to exceed \$30,695.45.

Authorize the award of a contract to The Chubb Group of Insurance Companies, 12 Vreeland Road, Florham Park, N.J., through the agent of record, Otterstedt Insurance Agency, for an insurance policy covering City-Owned properties, for the period October 1, 2017 through October 1, 2018, at an annual premium of \$141,928.00.

Authorize the proper City officials to execute a contract with Equifax Workforce Solutions (formerly TALX Employer Services) 11432 Lakeland Road, St. Louis, MO, for Unemployment Cost Control Services, for the period July 1, 2017 through June 30, 2019, at a total sum cost of \$7,520.00.

Authorize the proper City officials to execute a contract with Lloyds of London, 1 Lime Street, London, England, through the agent of record, Otterstedt Insurance Agency, for an insurance policy covering City's Foreclosed Properties, for the period October 1, 2017 through October 1, 2018, at an annual premium of \$4,189.50.

Authorize the award of a contract to National Fuel Oil, Inc., 175 Orange Street, Newark, N.J., for the purchase of diesel fuel for the Public Works Marina for the period September 1, 2017 through October 31, 2017, at a cost not to exceed \$8,000.00.

Authorize the award of a contract to Air & Gas Technologies, 42 Industrial Drive, Cliffwood Beach, N.J., for the furnishing of three (3) Breathing Air Stations to refill SCBA Cylinders for the Fire Department, at a cost not to exceed \$364,998.00.

Authorize the award of a contract to Elizabethtown Gas, 520 Green Lane, Union, N.J., to provide Gas Line Upgrades and an Extension, for the Police Department Headquarters Emergency Generator Replacement Project, at a cost not to exceed \$38,795.35.

Authorizing the award of a contract to Broadview Networks, Inc., 800 Westchester Avenue, Rye Brook, N.Y., for the purchase of voice, local and local long distance telephone service, at a cost not to exceed \$175,000.00, for the period October 1, 2017 through September 30, 2018 for a total not to exceed \$175,000.00.

NEW BUSINESS (Cont'd.)

Amend the resolution, adopted January 10, 2017, authorizing the proper City officials to enter into an amendment to the Right-of-Way agreement with Mobilite, 2220 University Drive, Newport Beach, CA, specifically to add additional five (5) locations requested by Mobilite.

Adopt a resolution approving the settlement and execute a Reciprocal Release of the dispute between all parties concerning the installation of the traffic signals at Julian Place and Morris Avenue.

Authorize the proper City officials to execute all necessary documents a contract with the U.S. Department of Housing & Urban Development (HUD) for (HUD) FY 2017 funds for Community Development Block Grant (CDBG) Program, HOME Investment Partnership (HOME) Program and Emergency Solutions Grant (ESG) Program in the total amount of \$2,632,790.00.

Authorize the proper City officials to execute all necessary documents for the Fiscal Year 2017 National Infrastructure Investments Grant, to provide funding for the replacement and upgrade of eleven (11) intersections containing antiquated traffic signal systems on Elizabeth Avenue and resurfacing of the roadway between Broad Street and Front Street in an amount not to exceed \$10,000,000.00.

Authorize Change Order No. 1 - to the contract awarded to M & M Construction Company, Inc., 540 North Avenue, Union, N.J., for the Police Headquarters Interior Renovations in the amount of \$762,000.00, specifically for additional cost to provide for supplying and installing information technology (IT) equipment and cabling that was not part of the scope of work and was noted on the plans as well as additional Conduit, Data, Phone and Power locations added to the project, in the amount of \$68,568.75, raising the amount of contract to \$830,568.75.

Amend the resolution adopted on September 26, 2017, authorizing the proper City Officials to amend the Property Access Agreement with Cablevision Lightpath NJ, LLC, specifically to add the terms of the property access Agreement as follows: Lightpath's rights shall remain in effect for a period of three (3) years commencing September 1, 2017 and terminating July 31, 2020. This Property Access Agreement shall automatically renew for additional one (1) year terms, unless the City or Lightpath provide written notice to the other terminating the Property Access Agreement. Notice shall be given no later than sixty (60) days before the current term of the Property Access Agreement expires. The City may not terminate this Property Access Agreement except due to Lightpath's default and upon no less than sixty (60) days prior written notice and opportunity to cure.

Amend resolution adopted June 10, 2014, establishing a handicapped parking space in front of the premises 103 Murray Street, specifically to remove reserved parking space along the West curb line of Cherry Street to be installed along the North curb line of Murray Street.

Delete the following handicapped parking space from in front of the premises located at: 628 Fourth Avenue; 19 Rankin Street; 830 Grove Street;

Appoint Amadeo Vasquez, 28 Reid Street, Elizabeth, N.J. and Sheena Boles, 878 Lafayette Street, Elizabeth, N.J. as Parking Enforcement Officers for the Parking Authority of the City of Elizabeth.

Authorize settlement in the worker's compensation litigation matter of James vs. the City in the total amount of \$23,805.00.

Pay Utility Bill



NEW BUSINESS (Cont'd.)

COMMENDATIONS:

Richie Suarez, International Longshoremen ) Elizabeth Coalition to House  
Association Local 1235's President ) the Homeless Honoree

William D. Jones, Secretary-Treasurer & Executive ) Collecting  
Director, Housing Authority of the ) Donations  
City of Elizabeth ) for the  
Puerto Rico )  
Catherine Hart, Deputy Director-Housing Authority of ) Relief  
The City of Elizabeth ) Effort

MEMORIALS:

John Basile, Retired Employee, Division of Engineering  
Charles Hamill

ADJOURNMENT