/

PROCEEDINGS OF CITY COUNCIL

(OFFICIAL)

ELIZABETH, N.J.

Tuesday Evening
August 28, 2012
7:30 p.m.

A regular meeting of the City Council was held this evening in the City Council Chamber, City Hall.

Council President Gonzalez 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, 2011.

PRESENT: Council Members-at-Large: Patricia Perkins-Auguste; Frank J. Cuesta; Edward Jackus;
Council Members: [redacted], 1st Ward;
[redacted], 3rd Ward; Carlos Cedeno, 4th Ward;
William Gallman, Jr., 5th Ward; Frank O. Mazza, 6th Ward;
and President Nelson Gonzalez, 2nd Ward; - 7

ABSENT: Grova, Keenan - 2

ALSO PRESENT: Jorge Estrada, Special Counsel

NOTE: Council President Gonzalez appointed Councilman Cuesta as Floor Leader.

PUBLIC SPEAKING

Mr. Sammy Muhammad, 32 Elmwood Place, read from an article that appeared in the newspaper on August 18, 2012, wherein it stated that the City of Elizabeth will receive funds for low and moderate housing in the amount of $2,812,220.00. He continued that there will be approximately $1,865,000.00 in CDBG funding for economic development for low and moderate income families. He suggested to use this money to relocate the residents of Oakwood Plaza.

Mr. Muhammad announced that in 2005, the City had successful protests; one to remove a police officer who is now back. He continued that in 2007 in Roselle, police shot two (2) young men and they went to every city demanding justice. He stated further that he will be here until those residents receive justice.

Mr. Muhammad stated that a building has been torn down and they will not put a tarp over the rubble. He continued that the police are not as "crazy" as they were, but "racism" is back. He invited the Council members to visit Oakwood Plaza and to walk around as well as visit some of the apartments because this is something that "you cannot put a band aid on it."

Mr. Robert Turner, an Elizabeth resident, read from the Agenda and questioned extending the expiration date to 2014 for Rent Control. He spoke to the $5,000,000.00 that appears on the Agenda, questioning if it is part of the "Bloomberg Philanthropies."

Ms. Margie (Last Name Unknown), 20 J Parker Road, stated that she had asthma and small children are suffering. She continued that the Fire Department employees are inhaling this also. She stated further that she is on the list for an apartment in a senior building.

Ms. (Last Name Unknown) continued that they are taking a long time to clean this matter up. She continued that the elevator is always broken and that management scheduled her to move to the fourth floor and she refused.

Ms. Tina Smith, 70 Westfield Avenue, spoke to the Manager, Sal Corrella, because she had an alarm system with a red light indicating that she is in trouble. She continued that many of the tenants are having problems with management at her apartment complex. She stated further that she has been conducting a survey regarding services provided at apartment complexes for seniors.

Ms. Smith stated that management charges $5.00 to change a light bulb; $10.00 to assist in getting into the apartment if they key is lost.

Ms. Maria Echavarria, 321 Westfield Avenue, spoke regarding services for children with Autism. She continued that she would like information regarding recreation, and after school programs for children with autism.

An Oakwood Plaza resident stated that there still are no results at the apartment complex. She continued that everyone is having problems breathing; the police are out

of control, and out of hand. She stated that the police constantly tell people to go into the house. She announced that she will continue to come here until the problem is solved.

The resident stated that Council members should come at night and see what they go through because you can only take so much.

Mr. Edward Morris stated that it is ridiculous when the police start harassing nine year old children. He explained that the child had water and dirt, not spray paint or vandalizing property. He continued that he doesn't understand if this money is being misappropriated. He stated further that on Broad Street, the sidewalks are being fixed.

Ms. Wallace, 295 Pierce Manor, stated that the last time she was here it was said that Ms. Foglio will have a meeting with CIS. She continued that as a tenant she received a letter from CIS, wanting to have a meeting with the tenants so she believes that this is a "ploy."

Ms. Maria Darassi, 324 Franklin Street, stated that hearing the speakers it seems everyone should be ashamed. She continued that Councilman Cedeno is the Councilman for that area and he said "that he would take care of it." She stated further that no one should live like we wouldn't.

Ms. Darassi questioned where will all of the residents go? She continued that "Officer Mikros should not be in the Police Department because he is a racist person and might as well say he is KKK." She stands up for the people because if she lived there, she guarantees that she would get something done.

Ms. Yolanda Muhammad, 32 Elmwood Place, stated that she does not have to live there in order to know what the residents are going through. She continued that City Council should stand by their word. She stated further that the police are harassing the residents as well as visitors. Ms. Muhammad suggested to City Council to come out to see and smell what she has to see and smell.

Mr. James Carey, 212 Inslee Place, spoke regarding Miss Margie (LNU) having problems with asthma. He continued that he does not have a lot of knowledge regarding construction, but he knows that the rubble should be sprayed down with water. He stated further that City Council gave their word to come out and to see the conditions and that is the least "that City Council could have done."

Mr. Carey stated that a nine (9) year old child should be able to play in mud and not be harassed. He continued that the Council members need to look into this situation. He reminded City Council of what took place in l967.

Council President Gonzalez stated that at the last few meetings, the residents of Oakwood Plaza have come out and City Council has acknowledged their concerns. He continued that as elected officials they are here to advocate on their behalf. He stated further that he is doing all that he can as President. He stated further that he has set up a meeting with CIS and has spoke to the Mayor, the Police Director and was assured that the situation would change.

Council President Gonzalez stated that he spoke to the Director of Health and Human Services and she assured him that summonses have been issued against CIS. He continued that the residents are judging him before he can get out to the apartments. He stated further that he has seen pictures and is aware of the situation, but, if the buildings are demolished, there is no plan to relocate all of the tenants.

Council President Gonzalez stated that after meeting with CIS, he suggests that the tenants seek legal recourse and urges them to bring this to State and Federal legislators. He continued that Mr. Muhammad spoke regarding funding that was received by the City, but he does not know if the City has received these funds. He stated further that this apartment complex is private housing.

Council President Gonzalez stated that hopefully CIS will work with City Council and he knows that his colleagues have had contact with the families. In closing, he announced that the members of City Council have not forgotten them.

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

PUBLIC HEARINGS

Council President Gonzalez announced that the next business in order would be a public hearing on **Ordinance No. 4322**, entitled:

AN ORDINANCE TO AMEND SECTION 8.80.030 OF THE CODE OF THE CITY OF ELIZABETH ENTITLED "REGISTRATION OF VACANT AND/OR FORECLOSING PROPERTIES; DUTY TO PROVIDE WRITTEN NOTICE OF VACANT, RESIDENTIAL PROPERTY AND/OR MORTGAGE FORECLOSURE," SPECIFICALLY TO INCLUDE PROOF UTILITY CONNECTIONS/DISCONNECTIONS AND TO INCREASE ANNUAL REGISTRATION FEES.

This ordinance was adopted on its first reading at the meeting of City Council held on **July 24, 2012**.

The Notice of Public Hearing was published in the Star Ledger issue of **August 20, 2012**.

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

Council President Gonzalez announced that the next business in order would be a public hearing on **Ordinance No. 4323**, entitled:

AN ORDINANCE OF THE CITY OF ELIZABETH IN THE COUNTY OF UNION, NEW JERSEY, PROVIDING FOR SEWER SYSTEM INFRASTRUCTURE CAPITAL UPGRADES, PHASE II, AND APPROPRIATING $12,000,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF $12,000,000 BONDS OR NOTES OF THE CITY OF ELIZABETH TO FINANCE THE COST THEREOF.

This ordinance was adopted on its first reading at the meeting of City Council held on **July 24, 2012**.

The Notice of Public Hearing was published in the Star Ledger issue of **August 16, 2012**.

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

PETITIONS, COMMUNICATIONS, ETC.

By the Clerk:
Letter dated July 5, 2012, from His Honor the Mayor advising that subject to confirmation of your Honorable Body, he herewith re-appoints Mr. Jose Capitao, 471 North Avenue, Elizabeth, NJ, to serve as a Member of the Elizabeth Housing Authority for a term of five years.
Which was received.

By the Clerk:
Letter dated August 3, 2012, from His Honor the Mayor requesting an amendment to a resolution dated July 24, 2012, regarding the appointment of Public Defenders for the Elizabeth Municipal Court, to reflect the addition of Lisa A. Perez, Esq., The Law Offices of Stephen E. Gertler, 1350 Campus Parkway, 3rd Floor, Wall, NJ, for the period of July 1, 2012 to June 30, 2013.
Which was received.

By the Clerk:
Letter dated July 3, 2012, from the Business Administrator requesting that your Honorable Body consider authorizing R & G Express Transport (R & G) to operate as an Autobus pursuant to Chapter 5.16 of the Code of the City of Elizabeth; traveling to and from North Brunswick and Monroe, NJ, having six Autobuses in operation that will be parked at 676 Pennsylvania Avenue, Elizabeth.
Which was received.

By the Clerk:
Letter dated July 11, 2012, from the Business Administrator advising that being satisfied that an emergency did exist, recommends the award of a contract to Rana Construction, Inc., P.O. Box 2700, Newark, NJ, for the immediate demolition of 542 South Park Street in the amount of $12,800.00.
Which was received.

By the Clerk:
Letter dated July 11, 2012, from the Business Administrator recommending the award of a contract to Ricoh America's Corporation, 19 Chapin Road, P.O. Box 2008, Pine Brook, NJ, for the maintenance of existing photocopiers for the period of July 1, 2012 through June 30, 2013, in an amount not to exceed $25,000.00.
Which was received.

By the Clerk:
Letter dated July 16, 2012, from the Business Administrator recommending the award of a contract to Bayway Lumber, 400 Ashton Avenue, Linden, NJ, for the purchase of lumber and associated materials for various departments for the period of July 1, 2012 through June 30, 2013, at a cost not to exceed $200,000.00.
Which was received.

By the Clerk:
Letter dated July 16, 2012, from the Business Administrator recommending the award of a contract to Firefighter One, LLC, 26 Gail Court, Suite 1, Sparta, NJ, for masks, CBRNE meters and service air tanks for the Police Department for the period of May 17, 2012 through May 16, 2014, at a cost not to exceed $100,000.00.
Which was received.

By the Clerk:
Letter dated July 16, 2012, from the Business Administrator recommending the award of a contract to Paper Mart, Inc., 151 Ridgedale Avenue, East Hanover, NJ, and W. B. Mason Co., Inc., 535 Secaucus Road, Secaucus, NJ, for the purchase of copy paper for the period of July 1, 2012 through June 30, 2013, in an amount not to exceed $40,000.00.
Which was received.

By the Clerk:
Letter dated July 20, 2012, from the Business Administrator recommending the award of a contract to Allied Fire & Safety Equipment Co., Inc., 577 Green Street, Neptune, NJ, for the purchase of Fire Sprinkler Services for the period of June 17, 2012 through June 16, 2014, in an amount not to exceed $140,000.00.
Which was received.

By the Clerk:
Letter dated July 20, 2012, from the Business Administrator recommending the award of a contract to Maffey's Security, 1172 East Grand Street, Elizabeth, NJ, for the purchase of Security System Services (Surveillance Equipment) for the period of June 15, 2012 through June 14, 2014, in an amount not to exceed $40,000.00.
Which was received.

By the Clerk:
Letter dated July 26, 2012, from the Business Administrator recommending the award of a contract to Public Service Electric and Gas Company, 472 Weston Canal Road, Somerset, NJ, for the purchase of a new electric service and the installation of underground electric conduit and cable for the new traffic light at North Broad Street and Westfield Avenue in the amount of $3,850.95.
Which was received.

By the Clerk:
Letter dated July 31, 2012, from the Business Administrator recommending the renewal of the contract with Highway Service Corp., 548 Trumbull Street, Elizabeth, NJ, for Towing and Road Service for municipal vehicles for a period of one year commencing September 13, 2012 through September 12, 2013, 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 August 1, 2012, from the Business Administrator recommending the award of a contract to National Terminal Inc., 175 Orange Street, Newark, NJ, for the purchase of fuel oil for the Public Works Marina for the period of August 1, 2012 through October 31, 2012, at a cost not to exceed $75,000.00.
Which was received.

By the Clerk:
Letter dated August 1, 2012, from the Business Administrator recommending the award of a contract to Malouf Ford-Lincoln Mercury, P.O. Box 7480, North Brunswick, NJ, for the purchase of automotive and light duty truck parts for various departments for the period of July 26, 2012 through August 14, 2013, in an amount not to exceed $75,000.00.
Which was received.

By the Clerk:
Letter dated August 1, 2012, from the Business Administrator recommending the award of a contract to Associated Auto Parts, 300 East Elizabeth Avenue, Linden, NJ, for the purchase of automotive and light duty truck parts for various departments for the period of July 26, 2012 through August 14, 2013, in an amount not to exceed $150,000.00.
Which was received.

By the Clerk:
Letter dated August 1, 2012, from the Business Administrator recommending the award of a contract to Buywise Auto Parts, 2091 Springfield Avenue, Vauxhall, NJ, for the purchase of automotive and light duty truck parts for various departments for the period of July 26, 2012 through August 14, 2013, in an amount not to exceed $100,000.00.
Which was received.

By the Clerk:
Letter dated August 2, 2012, from the Business Administrator recommending the award of a contract to AAM Motor Sales, d/b/a Jersey City Ford, 315 Clendenny Avenue, Jersey City, NJ, for auto parts and accessories for light duty vehicles for various departments for the period of August 1, 2012 through June 25, 2014, at a cost not to exceed $150,000.00.
Which was received.

By the Clerk:
Letter dated August 2, 2012, from the Business Administrator recommending the award of a contract to Independence Constructors, 1200 Route 22 East, Bridgewater, NJ, for Cleaning, Inspections, Monitoring of Oil/Water Separators and Above and Underground Tanks at various locations and DEP Compliance for the period of August 1, 2012 through July 31, 2013, at a cost not to exceed $70,000.00.
Which was received.

By the Clerk:
Letter dated August 2, 2012, from the Business Administrator recommending the award of a contract to Motorola Communications & Electronics Inc., P.O. Box 305, Bordentown, NJ, for the purchase of a Service Agreement for Communications Infrastructure and Maintenance on all portable radios for the Police and Fire Departments at a cost of $104,528.40.
Which was received.

By the Clerk:
Letter dated August 3, 2012, from the Business Administrator recommending the award of a contract to Herman Miller c/o BFI, 10 Lanidex Center West, Parsippany, NJ, in the amount of $15,390.82; Kimball/National, 1600 Royal Street, Jasper, IN, in the amount of $9,426.60, and BFI, 10 Lanidex Center West, Parsippany, NJ, in the amount of $4,761.30, for the purchase of furniture for the Police Roll Call/Report Writing Room totaling $29,578.72.
Which was received.

By the Clerk:
Letter dated August 7, 2012, from the Business Administrator recommending the award of a contract to Concord Engineering, 520 South Burnt Mill Road, Voorhees, NJ, for Energy Consulting Services for the period August 28, 2012 to August 27, 2013, at a cost not to exceed $100,000.00.
Which was received.

By the Clerk:
Letter dated August 7, 2012, from the Business Administrator recommending the award of a contract to Verizon Select Services, Inc., 201 Centennial Avenue, Floor 2, Room 2s132, Piscataway, NJ, for a Sentinel Patriot 911 System, including materials, installation, software support and maintenance, commencing August 28, 2012, at a cost not to exceed $1,002,687.76.
Which was received.

By the Clerk:
Letter dated July 11, 2012, from the City Attorney requesting an amendment to the resolution dated June 24, 2012, awarding a contract for assignment of Legal Counsel for Tort Litigation when LaCorte, Bundy, Varady & Kinsella have conflicts of interest for the period of July 1, 2012 to June 30, 2013, specifically to include to said list Edwin R. Matthews, Esq., Bourne, Noll & Kenyon, Counselors at Law, 382 Springfield Avenue, Suite 507, P.O. Box 690, Summit, NJ.
Which was received.

By the Clerk:
Letter dated August 6, 2012, from the City Attorney recommending the award of a contract to Guastella Associates, LLC, 133 Mystic Lane, Jupiter, FL, to provide utility rate setting, valuation and management services for public and privately-owned water and wastewater utilities to adequately address the City's concerns and to serve as the City's expert during litigation for the period August 28, 2012 through August 27, 2013, in an amount not to exceed $40,000.00.
Which was received.

By the Clerk:
Letter dated June 25, 2012, from the Chief Financial Officer requesting authorization for the Tax Collector to cancel disallowed senior citizen deductions for Tax Year 2011 in the amount of $750.00.
Which was received.

[redacted]

[redacted]

By the Clerk:
Letter dated August 7, 2012, from the Chief Financial Officer advising that transfers for the 2012 SFY Municipal and Sewer Utility Budgets may be necessary.
Which was received.

By the Clerk:
Letter dated August 7, 2012, from the Chief Financial Officer advising that temporary emergency appropriations for the 2013 SFY Municipal and Sewer Utility Budgets may be necessary.
Which was received.

By the Clerk:
Letter dated August 7, 2012, from the Chief Financial Officer advising that Dedication by Rider resolutions may be necessary.
Which was received.

By the Clerk:
Letter dated August 7, 2012, from the Chief Financial Officer requesting that your Honorable Body consider approving a resolution determining the form and other details of its 'Note Relating to the Interim Financing Trust Loan Program of the New Jersey Environmental Infrastructure Trust', to be issued in the principal amount of up to $2,600,000.00, and providing for the issuance and sale of such note to the New Jersey Environmental Infrastructure Trust, and authorizing the execution and delivery of such note by the City of Elizabeth in favor of the New Jersey Environmental Infrastructure, all pursuant to the New Jersey Environmental Infrastructure Trust Interim Financing SFY 2013 Trust Loan Program.
Which was received.

By the Clerk:
Letter dated August 7, 2012, from the Chief Financial Officer advising that your Honorable Body must certify, by resolution, that the Governing Body have familiarized themselves with the contents of the 2011 Annual Audit Report and have reviewed, as a minimum, the General Comments and Recommendations Section of the Audit.
Which was received.

By the Clerk:
Letter dated August 7, 2012, from the Chief Financial Officer requesting an amendment to the 2013 SFY "CAP" ordinance adopted July 24, 2012, specifically to revise the amount of the increase to $4,184,160.08 compared to the original amount of $4,378,680.84.
Which was received.

By the Clerk:
Letter dated July 10, 2012, from the Director of Health & Human Services requesting that your Honorable Body consider approving a resolution authorizing payment to the Elizabeth Board of Education for custodial, security and bus services for the S.O.A.R. Summer Program at the Nicholas Murray Butler School No. 23 which offers academic and recreational activities for youth ages 6-13 for the period of July 2, 2012 through August 10, 2012, in the amount of $22,380.00.
Which was received.

~~PETITIONS, COMMUNICATIONS, ETC.~~

By the Clerk:
Letter dated July 24, 2012, from the Director of Health and Human Services requesting authorization for the proper City officials to execute any and all documents necessary and appropriate to accept grant funds for the continuation of the Elizabeth Municipal Alliance for the period of January 1, 2013 to December 31, 2013 in the amount of $77,856.00.
Which was received.

By the Clerk:
Letter dated August 2, 2012, from the Director of Health and Human Services requesting authorization to enter into an agreement between the City of Elizabeth, Department of Health & Human Services and the Elizabeth Board of Education to provide nursing services to 1,488 students enrolled in six (6) non-public schools in the City for the period of September 1, 2012 through June 30, 2013, the City will receive $109,130.00.
Which was received.

By the Clerk:
Letter dated July 24, 2012, from the Director of Recreation requesting authorization for the proper City officials to apply, accept and sign all appropriate documents for the Union County Open Space, Recreation & Historic Preservation Kids Recreation Trust Fund to replace the pool at the Erxleben Recreational Center in an amount not to exceed $500,000.00.
Which was received.

By the Clerk:
Letter dated August 1, 2012, from the Director of Planning and Community Development requesting authorization for the proper City officials to apply, accept and sign all appropriate documents with Bloomberg Philanthropies, sponsor of the 2012 Mayor Challenge competition for cities with populations of at least 30,000 residents in an amount not to exceed $5,000,000.00.
Which was received

By the Clerk:
Letter dated August 2, 2012, from the Director of Planning and Community Development requesting authorization for the proper City officials to reprogram unexpended CDBG balances from program years 2008-2010 to a holding account for the following agencies: Community Investment Strategies, $18,878.75; Millennium Mentorship Program, $7,840.00; Urban League, The Family Center, $16,000.00, totaling $42,718.75.
Which was received.

By the Clerk:
Letter dated August 3, 2012, from the Director of Planning and Community Development requesting that your Honorable Body consider approving an Urban Enterprise Zone (UEZ) proposal utilizing Zone Assistance funds to fund the Customer Service Skills Training Initiative Program-Phase 5 in the amount of $148,950.00.
Which was received.

By the Clerk:
Letter dated August 6, 2012, from the Director of Planning and Community Development requesting an amendment to the resolution adopted December 14, 2010 with the Elizabeth Development Company to provide funds for the First Street Commercial Construction Project, specifically to reallocate $126,050.00 from the First Street Commercial Construction Project to the Brand New Day Renaissance Apartments Project.
Which was received.

[redacted]

By the Clerk:
Letter dated August 7, 2012, from the Director of Planning and Community Development requesting an amendment to the resolution adopted December 14, 2010, authorizing a CDBG agreement with the Elizabeth Development Company in the amount of $600,000.00, specifically to reprogram $148,950.00 of the remaining balance of $275,000.00 from CDBG Year 36 – the First Street Commercial Construction Project to the Retail Skills Center Project.
Which was received.

By the Clerk:
Letter dated August 7, 2012, from the Director of Planning and Community Development requesting to de-designate BFLF Land Corporation as the Redeveloper for the former Fine Fair Supermarket property between Front Street and First Street due to BFLF's failure to meet the financial needs of the project as specified in Article IV, Section 4.01, and the project timeline under Section "C" of the redevelopment agreement.
Which was received.

By the Clerk:
Letter dated July 31, 2012, from the Director of Public Works requesting authority from your Honorable Body to have liens placed against properties listed on Schedule A attached hereto and made a part hereof for the removal and disposal of debris from said properties in the amount of $31,321.13.
Which was received.

By the Clerk:
Letter dated July 16, 2012, from the Planning Board requesting an amendment to Chapter 17 of the Code of the City of Elizabeth entitled: Land Development as follows: Sub Section 17.36.020C "Prevailing Conditions" repealed; Section 17.36.030B "Temporary Tract Office" shall be repealed and replaced; Section 17.36.090 "Nonconformance" shall be amended; 17.36.100 "Lot Dimensions" shall be repealed and replaced; 17.36.110 "Yard Dimensions", shall be amended; 17.36.160.C, "Minimum Square Footage for Commercial Space" shall be repealed and replaced; 17.36 Schedule III, "Conditional Uses", Paragraph Q shall be repealed, and 17.48 "Signs" shall be amended.
Which was referred to Council As A Whole.

By the Clerk:
Letter dated August 6, 2012, from the Planning Board recommending the amendment of the Redevelopment Plan for the Durant Street Redevelopment Area.
Which was received.

By the Clerk:
Letter dated July 11, 2012, from the Police Director requesting the establishment of handicapped parking spaces located at 563 Jefferson Avenue (personalized); 408 Franklin Street; 405 Elizabeth Avenue; 618 Wyoming Avenue and the deletions: 19 Rankin Street, 528 Marshall Street.
Which was received.

By the Clerk:
Letter dated August 11, 2012, from the Police Director requesting the establishment of handicapped parking spaces located at 1024 Emma Street (personalized); 933 Meredith Avenue, 10 Boyle Place and the deletions: 856 Bond Street, 154 S. Park Street.
Which was received.

REPORTS OF CITY OFFICERS

By the Clerk:
Letter dated August 28, 2012, 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, August 24, 2012.
Which was received.

By the Clerk:
Letter dated July 2, 2012, from the Chief Financial Officer submitting the City Treasurer's Report of Receipts and disbursements for the month of April, 2012, and Statement of Bank Balances and Investments as of April 30, 2012.
Which was received.

By the Clerk:
Letter dated July 12, 2012, from the Chief Financial Officer submitting the City Treasurer's Report of Receipts and disbursements for the month of May, 2012, and Statement of Bank Balances and Investments as of May 31, 2012.
Which was received.

By the Clerk:
Letter dated July 23, 2012, from the Chief Financial Officer submitting the City Treasurer's Report of Receipts and disbursements for the month of June, 2012, and Statement of Bank Balances and Investments as of June 30, 2012.
Which was received.

By the Clerk:
Minutes: Fair Rental Housing Board meeting held March 21, 2012.
Which was received.

ORDINANCES ON FIRST READING

Council President Gonzalez announced that the next business in order would be the introduction of **Ordinance No. 4324** , which was seconded by Councilman Cuesta, entitled:

STATE FISCAL YEAR 2013
ORDINANCE TO EXCEED THE MUNICIPAL BUDGET
COST OF LIVING ALLOWANCE (COLA) AND TO ESTABLISH A
CAP BANK WHEN THE COLA IS EQUAL TO OR LESS THAN 2.5 PERCENT
(N.J.S.A. 40A:4-45.14)

The Clerk read the foregoing ordinance.

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

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

NEGATIVE: None

Council President Gonzalez announced that the next business in order would be the introduction of **Ordinance No. 4325** , which was seconded by Councilman Cuesta, entitled:

AN ORDINANCE TO AMEND CHAPTER 5.70.250 OF THE CODE OF THE CITY OF ELIZABETH TO EXTEND THE EXPIRATION DATE OF CHAPTER 5.70 GOVERNING RENT CONTROL TO DECEMBER 31, 2014

The Clerk read the foregoing ordinance.

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

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

NEGATIVE: None

Council President Gonzalez announced that the next business in order would be the introduction of **Ordinance No. 4326** , which was seconded by Councilman Cuesta, entitled:

AMEND ORD. NO. 3750, AUTHORIZING THE ADOPTION OF THE DURANT REDEVELOPMENT PLAN, TO PROPOSE REVISED PLANS DUE TO A FIRE THAT DESTROYED STRUCTURES IN THE ORIGINAL PLAN.

The Clerk read the foregoing ordinance.

Councilman Cedeno **MOVED TO TABLE** the foregoing ordinance.

Councilman Cedeno's **MOTION to TABLE** was seconded by Councilwoman Perkins-Auguste and which was carried unanimously .

Council President Gonzalez announced that the next business in order would be the introduction of **Ordinance No. 4327** , which was seconded by Councilman Cuesta, entitled:

AN ORDINANCE TO AUTHORIZE THE ESTABLISHMENT OF A PERSONALIZED HANDICAPPED PARKING SPACE FOR L. KANNER SHEFFIELD, 1024 EMMA STREET, ELIZABETH, NEW JERSEY 07201.

The Clerk read the foregoing ordinance.

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

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

NEGATIVE: None

Council President Gonzalez announced that the next business in order would be the introduction of **Ordinance No. 4328** , which was seconded by Councilman Cuesta, entitled:

AN ORDINANCE TO AUTHORIZE THE ESTABLISHMENT OF A PERSONALIZED HANDICAPPED PARKING SPACE FOR DONNA THOMAS, 563 JEFFERSON AVENUE, ELIZABETH, NEW JERSEY 07201.

The Clerk read the foregoing ordinance.

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

AFFIRMATIVE: Perkins-Auguste, Cuesta. Jackus, ~~Grova~~, ~~Keenan~~, Cedeno, Gallman, Mazza, and President Gonzalez - ~~6~~ 7

NEGATIVE: None

Council President Gonzalez announced that the next business in order would be the introduction of **Ordinance No. 4329** , which was seconded by Councilman Cuesta, entitled:

AN ORDINANCE TO RESCIND ORDINANCE NO. 3642, ADOPTED ON AUGUST 24, 2004, WHICH AUTHORIZED THE ESTABLISHMENT OF A PERSONALIZED HANDICAPPED PARKING SPACE FOR PEARL W. COOPER, 856 BOND STREET, ELIZABETH, NEW JERSEY.

The Clerk read the foregoing ordinance.

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

AFFIRMATIVE: Perkins-Auguste, Cuesta. Jackus, ~~Grova~~, ~~Keenan~~, Cedeno, Gallman, Mazza, and President Gonzalez - ~~6~~ 7

NEGATIVE: None

Council President Gonzalez announced that the next business in order would be the introduction of **Ordinance No. 4330** , which was seconded by Councilman Cuesta, entitled:

AN ORDINANCE TO RESCIND ORDINANCE NO. 3614, ADOPTED ON APRIL 27, 2004, WHICH AUTHORIZED THE ESTABLISHMENT OF A PERSONALIZED HANDICAPPED PARKING SPACE FOR MARIA PEREIRA, 528 MARSHALL STREET, ELIZABETH, NEW JERSEY.

The Clerk read the foregoing ordinance.

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

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

NEGATIVE: None

Council President Gonzalez announced that public notice will be published fixing Tuesday, September 11, 2012 , 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. 4324, 4325, 4327, 4328, 4329, and 4330, adopted on first reading.

ORDINANCES ON FINAL PASSAGE

Council President Gonzalez announced that the next business in order would be the adoption of **Ordinance No. 4322** , which was seconded by Councilman Cuesta:

AN ORDINANCE TO AMEND SECTION 8.80.030 OF THE CODE OF THE CITY OF ELIZABETH ENTITLED "REGISTRATION OF VACANT AND/OR FORECLOSING PROPERTIES; DUTY TO PROVIDE WRITTEN NOTICE OF VACANT, RESIDENTIAL PROPERTY AND/OR MORTGAGE FORECLOSURE," SPECIFICALLY TO INCLUDE PROOF OF UTILITY CONNECTIONS/DISCONNECTIONS AND TO INCREASE ANNUAL REGISTRATION FEES.

WHEREAS, these amendments are not only for safety reasons, but also to more closely align the City of Elizabeth's fees with that of other municipalities; and

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

SECTION 1. - That the Code of the City of Elizabeth **Section 8.80.030** entitled**. Registration of vacant and/or foreclosing properties; duty to provide written notice of vacant; residential property and/or mortgage forclosure** is amended to read as follows:

All owners must register vacant and not properly maintained and/or foreclosing properties with the Department of Neighborhood Services on forms to be provided. All registrations must state the individual owner's or agent's name, phone number and mailing address. The mailing address may not be a P. O. Box. This registration must also certify that the property was inspected and identify whether the property is vacant at the time of filing. If the property is vacant, the owner and/or registrant must designate and retain an individual or property management company responsible for the security and maintenance of the property. This designation must state the individual or company's name, phone number and local mailing address. The mailing address may not be a P. O. Box. If the property is in the process of foreclosure, then the registration must be received within seven days of the initiation of the foreclosure process as defined in Section 8.80.020. If the enforcement authority determines that the property is vacant and the foreclosure proceedings have not been initiated, the registration must be received within 14 days of the enforcement authority's first notice of violations or summons for improper maintenance. All owners must also provide proof of utility (gas, electric, water) connections or disconnections which must be submitted to the Department of Neighborhood Services.

All property registrations are valid for one year from the date of registration. The initial registration fee is $250.00 and must accompany the registration form. Subsequent annual registration fees are $500.00. All applications and fees are due by October 1st. Registration fees and renewal fees will not be prorated or refunded.

No governmental agency is required to pay the annual registration fee.

Once the property is no longer vacant or is sold or otherwise transferred, the owner must provide proof of sale, transfer or occupancy to the enforcement authority within thirty (30) days of sale, transfer or occupancy.

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

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

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

The Clerk read the foregoing ordinance by title.

This ordinance was adopted on its first reading at the City Council meeting held . **July 24, 2012.**

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 **August 20, 2012.**

Councilman Jackus stated that there were a few people who spoke regarding Oakwood Plaza, but wondered if the residents were aware that the owners may be moving into foreclosure and, if it is, there will be an eviction process. He continued that the tenants need to know if the owners are paying a mortgage and how are they paying it. He stated further that if they are paying with rents, then there are no funds for improvements.

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

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

NEGATIVE: None

Council President Gonzalez announced that the next business in order would be the adoption of **Ordinance No. 4323** , which was seconded by Councilman Cuesta:

AN ORDINANCE OF THE CITY OF ELIZABETH, IN THE COUNTY OF UNION, NEW JERSEY PROVIDING FOR SEWER SYSTEM INFRASTRUCTURE CAPITAL UPGRADES, PHASE II, AND APPROPRIATING $12,000,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF $12,000,000 BONDS OR NOTES OF THE CITY OF ELIZABETH TO FINANCE THE COST THEREOF

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ELIZABETH, IN THE COUNTY OF UNION, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring), AS FOLLOWS:

Section 1. The improvement or purpose described in Section 3 of this bond ordinance is hereby authorized to be undertaken by the City of Elizabeth, in the County of Union, New Jersey (the "City"), as a general improvement. For the improvement or purpose described in Section 3 hereof, there is hereby appropriated the sum of $12,000,000. No down payment is required in connection with the improvement or purpose for which obligations are authorized as provided in Section 3 hereof as said purpose is deemed to be self-liquidating and the obligations authorized herein are deductible from the gross debt of the City, as more fully explained in Section 6(e) of this bond ordinance.

Section 2. In order to finance the cost of the improvement or purpose, negotiable bonds are hereby authorized to be issued in the principal amount of $12,000,000 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvement hereby authorized and the purpose for which the bonds are to be issued is for sewer system infrastructure capital upgrades, Phase II, consisting of

various capital projects as identified on a list on file in the Clerk's office, including, without limitation, removal and replacement of sewer lines at various locations, and repaving as necessary, and including all work and materials necessary therefor or incidental thereto.

(b) The estimated maximum amount of bonds or notes to be issued for the improvement or purpose is as stated in Section 2 hereof.

(c) The estimated cost of the improvement or purpose is equal to the amount of the appropriation herein made therefor.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with notes issued pursuant to this bond ordinance, and the chief financial officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of the Local Bond Law. The chief financial officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the notes sold, the price obtained and the name of the purchaser.

Section 5. The capital budget or temporary capital budget (as applicable) of the City is hereby amended to conform with the provisions of this bond ordinance to the extent of any

inconsistency herewith. In the event of any such inconsistency and amendment, the resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget or amended temporary capital budget (as applicable) and capital program as approved by the Director of the Division of Local Government Services is on file with the City Clerk and is available there for public inspection.

Section 6. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvement or purpose described in Section 3 of this bond ordinance is not a current expense. It is an improvement or purpose the City may lawfully undertake as an improvement of a municipal public utility, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The period of usefulness of the improvement or purpose, within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is forty (40) years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the City Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the City as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by $12,000,000 and the issuance of the obligations authorized herein will be within all debt limitations prescribed by that law.

(d) An aggregate amount not exceeding $1,000,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the

purpose or improvement.

(e) This bond ordinance authorizes obligations of the City solely for a purpose described in N.J.S.A. 40A:2-7(h). The obligations authorized herein are to be issued for a purpose that is deemed to be self-liquidating pursuant to N.J.S.A. 40A:2-47(a) and are deductible from gross debt pursuant to N.J.S.A. 40A:2-44(c).

(f) The City reasonably expects to commence acquisition and/or construction of the improvement described in Section 3 hereof, and to advance all or a portion of the costs in respect thereof, prior to the issuance of bonds or notes hereunder. To the extent such costs are advanced, the City further reasonably expects to reimburse such expenditures from the proceeds of the bonds or notes authorized by this bond ordinance, in an aggregate not to exceed the amount of bonds or notes authorized in Section 2 hereof.

Section 7. Any grant moneys received for the purposes described in Section 3 hereof shall be applied either to direct payment of the cost of the improvement or to payment of the obligations issued pursuant to this bond ordinance. The amount of obligations authorized hereunder shall be reduced to the extent that such funds are so used.

Section 8. The full faith and credit of the City is hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the City, and the City shall be obligated to levy ad valorem taxes upon all the taxable real property within the City for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 9. To the extent that any previous ordinance or resolution is inconsistent herewith or contradictory hereto, said ordinance or resolution is hereby repealed or amended to the extent necessary to make it consistent herewith.

Section 10. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

The Clerk read the foregoing ordinance by title.

This ordinance was adopted on its first reading at the City Council special meeting held **July 24, 2012.**

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 **August 16, 2012.**

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

AFFIRMATIVE: Perkins-Auguste, Cuesta, Jackus, ~~Grova, [illegible]~~, Cedeno, Gallman, Mazza, and President Gonzalez - 7

NEGATIVE: None

Councilman Gallman **MOVED** for a Suspension of the Rules to consider resolutions which did not appear on the Agenda, seconded by Councilman Cuesta , and

Which was carried unanimously.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELIZABETH, IN THE COUNTY OF UNION, NEW JERSEY, ADVISING THE CITY OF ELIZABETH PLANNING BOARD TO CONDUCT A STUDY TO DETERMINE IF (A) 829-961 NEWARK AVENUE, BLOCK 11, LOT 847; (B) 827-907 NEWARK AVENUE, BLOCK 11, LOT 847A; AND (C) 1001-1013 NEWARK AVENUE, BLOCK 11, LOT 848 ARE AN AREA IN NEED OF REDEVELOPMENT.

BY CITY COUNCIL AS A WHOLE:

WHEREAS, there was recently a fire at the former Interbake facility located at 827-907 Newark Avenue, 829-961 Newark Avenue, and 1001-1013 Newark Avenue, Elizabeth, New Jersey. The fire severely damaged the structures at these properties resulting in a partial demolition of some of the buildings; and

WHEREAS, the City of Elizabeth previously deemed these properties to be an area in need of redevelopment; and

WHEREAS, the condition of the property has been significantly changed since the date of the original designation by the City, and the City wishes to adopt a plan of redevelopment for the site in compliance with the goals and objectives of the City of Elizabeth Master Plan; and

WHEREAS, the City Council directs and authorizes the City of Elizabeth Planning Board to conduct a preliminary investigation under the requirements set forth in N.J.S.A. 40A:12A-6 to determine whether Block 11, Lot 847; Block 11, Lot 847A; and Block 11, Lot 848 delineated on the official Tax Map of the City of Elizabeth are an area in need of redevelopment pursuant to the criteria set forth in N.J.S.A. 40A:12A-5.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Elizabeth hereby authorizes and directs the City of Elizabeth Planning Board to conduct a study to determine if 829-961 Newark Avenue (Block 11, Lot 847); 827-907 Newark Avenue (Block 11, Lot 847A); and 1001-1013 Newark Avenue (Block 11, Lot 848) are an area in need of redevelopment.

Which was adopted by the following vote:

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

NEGATIVE: None

BY CITY COUNCIL AS WHOLE:

WHEREAS, the City Council of the City of Elizabeth has received a request from the Advisory Council Mario Benedetti and Ambassador Carlos Orlando the Consult General of the Uruguay Office in New York to erect a monument honoring General Jose Artigas a National hero of Uruguay in Scott Park (Freedom Trail); and

WHEREAS, the City Council of the City of Elizabeth by resolution dated July 24, 2007 gave preliminary approval to the erection of the aforesaid monument subject to compliance with provisions of Ordinance No. 1814, which governs the procedures for the erection of monuments in Scott Park; and

WHEREAS, the City Council is desirous of approving the erection of the monument and accepting same; now, therefore, be it

RESOLVED that the City Council of the City of Elizabeth accepts and approves the erection of the monument honoring General Jose Artigas specifically conditioned upon compliance with all provisions of Ordinance No. 1814 a copy of which is attached hereto and made a part hereof; and be it

FURTHER RESOLVED that the approval and acceptance of the monument will be in accordance with the requirements and recommendations of the Director of Public Works.

Which was adopted by the following vote:

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

NEGATIVE: None

BY CITY COUNIL AS A WHOLE:

WHEREAS, the Business Administrator has recommended per the request of the Director of the Fire Department the award of a contract to the sole bidder, **Hoffman Equipment Company, 300 South Randolphville Road, Piscataway, New Jersey 08855,** for the furnishing of one (1) JCB 527-55 Telescopic Fork Lift or Equivalent for the Fire Department in the amount of $72,870.00; and

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available and appropriated for this purpose and Certification No. 13-01532, charging the amount of $25,000.00 to Account No. G-02-41-765-10 (Port Security Grant); Certification No. 13-01533, charging the amount of $ 47,870.00 to Account No. G-02-51-854-122 (Port Security Grant) of the Municipal Budget are on file in the Office of the City Clerk; and

WHEREAS, the amount of the contract in question exceeds $50,000.00 and the provisions of Chapter 2.92 of the Code of the City of Elizabeth have been complied with by **Hoffman Equipment Company;** now, therefore, be it

RESOLVED that the City Council of the City of Elizabeth authorizes an award of a contract to **Hoffman Equipment Company, 300 South Randolphville Road, Piscataway, New Jersey 08855,** for the furnishing of one (1) JCB 527-55 Telescopic Fork Lift or Equivalent for the Fire Department in the amount of $72,870.00.

Which was adopted by the following vote:

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

NEGATIVE: None

The regular order of business was then resumed.

CITY OF ELIZABETH
COUNTY OF UNION

A RESOLUTION REQUESTING PERMISSION FOR A DEDICATION BY RIDER FOR DONATIONS-ACCEPTANCE OF BEQUESTS AND GIFTS (FROM NY COMMUNITY BANK) TO PROVIDE STUDENT BOOKBAGS AS REQUIRED BY NJS 40A:5-29

BY CITY COUNCIL AS A WHOLE:

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

WHEREAS, NJS 40A:5-29 provides for receipts of donations (from NY Community Bank) to provide student bookbags by the municipality to provide for the operating costs to administer this act; and

WHEREAS, N.J.S.A. 40A:4-39 provides the dedicated revenues anticipated from the Donations Fund (from NY Community Bank to provide student bookbags) are hereby anticipated as revenue and are hereby appropriated for the purpose to which said revenue is dedicated by state or other legal requirement:

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

1. The City Council does hereby request permission of the Director of the Division of Local Governmental Services to pay expenditures of the Donations Fund (from NY Community Bank to provide student bookbags) per NJS 40A:5-29.

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

Which was adopted by the following vote:

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

NEGATIVE: None

Councilwoman Perkins-Auguste invited her colleagues and announced for everyone to come out for the Book Bag event to be held August 29th from 4:00 p.m. She thanked Senator Lesniak and Assemblywoman Quijano and Assemblyman Cryan for participating.

RESOLUTION OF THE CITY OF ELIZABETH, IN THE COUNTY OF UNION, NEW JERSEY, DETERMINING THE FORM AND OTHER DETAILS OF ITS "NOTE RELATING TO THE INTERIM FINANCING TRUST LOAN PROGRAM OF THE NEW JERSEY ENVIRONMENTAL INFRASTRUCTURE TRUST", TO BE ISSUED IN THE PRINCIPAL AMOUNT OF UP TO $2,600,000, AND PROVIDING FOR THE ISSUANCE AND SALE OF SUCH NOTE TO THE NEW JERSEY ENVIRONMENTAL INFRASTRUCTURE TRUST, AND AUTHORIZING THE EXECUTION AND DELIVERY OF SUCH NOTE BY THE CITY OF ELIZABETH IN FAVOR OF THE NEW JERSEY ENVIRONMENTAL INFRASTRUCTURE TRUST, ALL PURSUANT TO THE NEW JERSEY ENVIRONMENTAL INFRASTRUCTURE TRUST INTERIM FINANCING SFY 2013 TRUST LOAN PROGRAM.

WHEREAS, the City of Elizabeth (the "Local Unit"), in the County of Union, New Jersey, has determined that there exists a need within the Local Unit to construct and install the Third Avenue combined sewer modification project (the "Project"), and it is the desire of the Local Unit to obtain financing for such Project through participation in the State Fiscal Year 2013 financing program (the "SFY 2013 Environmental Infrastructure Financing Program") of the New Jersey Environmental Infrastructure Trust (the "Trust");

WHEREAS, the Local Unit has determined to temporarily finance the construction and installation of the Project prior to the closing with respect to the SFY 2013 Environmental Infrastructure Financing Program (scheduled to occur on May 2, 2013), and to undertake such temporary financing with the proceeds of an interim loan to be made by the Trust (the "Interim Loan") to the Local Unit, pursuant to the Interim Financing SFY 2013 Trust Loan Program of the Trust (the "Interim Financing Program");

WHEREAS, in order to (i) evidence and secure the repayment obligation of the Local Unit to the Trust with respect to the Interim Loan and (ii) satisfy the requirements of the Interim Financing Program, it is the desire of the Local Unit to issue and sell to the Trust the "Note Relating to the Interim Financing SFY 2013 Trust Loan Program of the New Jersey Environmental Infrastructure Trust" in an aggregate principal amount of up to $2,600,000 (the "Note");

WHEREAS, it is the desire of the Local Unit to authorize, execute, attest and deliver the Note to the Trust pursuant to the terms of the Local Bond Law of the State of New Jersey, constituting Chapter 2 of Title 40A of the Revised Statutes of the State of New Jersey (the "Local Bond Law"), and other applicable law; and

WHEREAS, Section 28 of the Local Bond Law allows for the sale of the Note to the Trust, without any public offering, and N.J.S.A. 58:11B-9 allows for the sale of the Note to the Trust without any public offering, all under the terms and conditions set forth herein.

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

follows:

Section 1. In accordance with Section 28 of the Local Bond Law and N.J.S.A. 58:11B-9, the Local Unit hereby authorizes the issuance, sale and award the Note in accordance with the provisions hereof. The obligation represented by the Note has been appropriated and authorized by bond ordinance #4199 of the Local Unit, which bond ordinance is entitled "AN ORDINANCE OF THE CITY OF ELIZABETH, IN THE COUNTY OF UNION, NEW JERSEY PROVIDING FOR THE THIRD AVENUE COMBINED SEWER MODIFICATIONS PROJECT, AND APPROPRIATING $2,600,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF $2,600,000 BONDS OR NOTES OF THE CITY OF ELIZABETH TO FINANCE THE COST THEREOF" and was finally adopted by the Local Unit at a meeting duly called and held on March 22, 2011, at which time a quorum was present and acted throughout, all pursuant to the terms of the Local Bond Law and other applicable law.

Section 2. The Chief Financial Officer of the Local Unit (the "Chief Financial Officer") is hereby authorized to determine, in accordance with the Local Bond Law, said bond ordinance and pursuant to the terms and conditions hereof, (i) the final principal amount of the Note (subject to the maximum limitation set forth in Section 4(a) hereof), and (ii) the dated date of the Note.

Section 3. Any determination made by the Chief Financial Officer pursuant to the terms hereof shall be conclusively evidenced by the execution and attestation of the Note by the parties authorized pursuant to Section 4(h) hereof.

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

(a) the principal amount of the Note to be issued shall be an amount up to $2,600,000;
(b) the maturity of the Note shall be May 2, 2013;
(c) the interest rate of the Note shall be 0.0% per annum;
(d) the purchase price for the Note shall be par;
(e) the Note shall be subject to prepayment prior to its stated maturity in accordance with the terms and conditions of the Note;
(f) the Note shall be issued in a single denomination and shall be numbered "IFP-13-1";
(g) the Note shall be issued in fully registered form and shall be payable to the registered owner thereof as to both principal and interest in lawful money of the United States of America; and
(h) the Note shall be executed by the manual or facsimile signatures of the Mayor and the Chief Financial Officer under official seal or facsimile thereof affixed, printed, engraved or reproduced thereon and attested by the manual signature of the Local Unit Clerk.

Section 5. The Note shall be substantially in the form attached hereto as Exhibit A.

Section 6. The law firm of DeCotiis, FitzPatrick & Cole, LLP, is hereby authorized to arrange for the printing of the Note, which law firm may authorize McCarter & English, LLP, bond counsel to the Trust for the Interim Financing Program, to arrange for same.

Section 7. The Mayor of the Local Unit and the Chief Financial Officer (each an "Authorized Officer") are hereby each further severally authorized to (i) execute and deliver, and the Local Unit Clerk is hereby further authorized to attest to such execution and to affix the corporate seal of the Local Unit to, any document, instrument or closing certificate deemed necessary, desirable or convenient by either of the Authorized Officers or the Clerk of the Local Unit, as applicable, in each of their respective sole discretion, after consultation with counsel and any advisors to the Local Unit and after further consultation with the Trust and its representatives, agents, counsel and advisors, to be executed in connection the issuance and sale of the Note and the participation of the Local Unit in the Interim Financing Program, which determination shall be conclusively evidenced by the execution of each such certificate or other document by the party authorized hereunder to execute such certificate or other document, and (ii) perform such other actions as the Authorized Officer deems necessary, desirable or convenient in relation to the execution and delivery of the Note and the participation of the Local Unit in the Interim Financing Program.

Section 8. This resolution shall take effect immediately.

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

NOTE: The above referenced "attached Schedule A" is on file in the City Clerk's Office.

Which was adopted by the following vote:

AFFIRMATIVE: Perkins-Auguste, Cuesta, Jackus, ~~Grove~~, ~~[illegible]~~ Cedeno, Gallman, Mazza, and President Gonzalez - ~~8~~ 7

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, N.J.S.A. 40A:5-4 requires the Governing Body of every local unit to have made an annual audit of its books, accounts and financial transactions, and;

WHEREAS, The Annual Report of Audit for the year ended June 30, 2011 has been filed by a Registered Municipal Accountant with the City Clerk of the City of Elizabeth as per the requirements of N.J.S.A. 40A:5-6, and a copy has been received by each Member of the Governing Body; and

WHEREAS, the Local Finance Board of the State of New Jersey is authorized to prescribe reports pertaining to the local fiscal affairs, as per R.S. 52:27BB-34; and

WHEREAS, the Local Finance Board has promulgated a regulation requiring that the Governing Body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of the Governing Body have reviewed, as a minimum, the sections of the annual audit entitled

"General Comments" and

"Recommendations"; and

WHEREAS, the Members of this Governing Body have personally reviewed as a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled

"General Comments" and

"Recommendations"

as evidenced by the group affidavit form of the Governing Body; and

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five (45) days after the receipt of the annual audit, as per the regulations of the Local Finance Board; and

WHEREAS, all members of the Governing Body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit as provided by the Local Finance Board; and

WHEREAS, failure to comply with the promulgations of the Local Finance Board of the State of New Jersey may subject the members of the Local Governing Body to the penalty provisions of R.S. 52:27BB-52, to wit:

R.S. 52:27BB-52 -"A local officer or member of a local Governing Body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services) under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars ($1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office."

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 Local Finance Board of the State of New Jersey dated July 30, 1968 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

Which was adopted by the following vote:

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

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

RESOLVED that City Council of the City of Elizabeth does hereby confirm the re-appointment of **Mr. Jose Capitao, 471 North Avenue, Elizabeth, New Jersey 07208,** to serve as a Member of the Elizabeth Housing Authority for a term of five years, pursuant to **N.J.S.A.** 40A:12A-17 et seq. and **N.J.S.A.** 40:69A-43 et seq.

Which was adopted by the following vote:

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

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the City Council of the City of Elizabeth adopted a resolution on July 24, 2012 authorizing the appointment of Public Defenders for the Elizabeth Municipal Court for the period July 1, 2012 to June 30, 2013, **Lisa A. Perez, Esq.** of the **Law Offices of Stephen E. Gertler, 1350 Campus Parkway, 3rd Floor, Wall, NJ 07719,** was inadvertently omitted from the original list of Public Defenders for the Elizabeth Municipal Court; now, therefore, be it

RESOLVED that the City Council of the City of Elizabeth amends the resolution adopted July 24, 2012, authorizing the appointment of Public Defenders for the Elizabeth Municipal Court to reflect the addition of **Lisa A. Perez, Esq.** of the **Law Offices of Stephen E. Gertler, 1350 Campus Parkway, 3rd Floor, Wall, NJ 07719** for the period July 1, 2012 to June 30, 2013.

Which was adopted by the following vote:

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

NEGATIVE: None

Councilman Cuesta **MOTIONED to REMOVE** from the **TABLE** a resolution (Tabled June 26, 2012), seconded by Councilman Gallman,

Which was carried unanimously .

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the Business Administrator and Purchasing Agent have advised that the North Broad Street Streetscape Project between Commerce Place and Chestnut Street requires the installation of (16) 25 foot Deco Poles with attachments by PSE&G in the amount of $110,299.40; and

WHEREAS, the Business Administrator recommends an award a contract to **PUBLIC SERVICE ELECTRIC & GAS CO., 472 Weston Canal Road, Somerset, New Jersey 08873,** for the purchase of (16) 25 foot Deco Poles with attachments by PSE&G in the amount of $110,299.40; and

WHEREAS, the New Jersey Public Contracts Law authorizes contracts to public utilities which are subject to the jurisdiction of the Board of Public Utilities Commission without bidding by virture of **N.J.S.A** 40A:11-5(f); and

WHEREAS, public utilities which are subject to the jurisdiction of the Board of Public Utilities Commission in accordance with tariffs and charges made, charged or exacted, filed with said Board are exempt from the provisions of Chapter 2.92 of the code of the City of Elizabeth; and

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available and appropriated for this purpose and Certification No 12-09632, charging the amount of $110,299.40 to Account No. X-04-55-999-X42-001, of the Municipal Budget is on file in the Office of the City Clerk; now, therefore be it

RESOLVED that the City Council of the City of Elizabeth authorizes an award of a contract to **PUBLIC SERVICE ELECTRIC & GAS CO., 472 Weston Canal Road, Somerset, New Jersey 08873,** for the purchase of (16) 25 foot Deco Poles with attachments by PSE&G in the amount of $110,299.40.

Which was adopted by the following vote:

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

NEGATIVE: None

Councilman Cuesta **MOTIONED to REMOVE** from the **TABLE** a resolution (Tabled June 26, 2012), seconded by Councilman Gallman,

Which was carried unanimously .

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the Business Administrator has advised on April 27, 2012 City Council adopted a resolution to award a contract to PSE&G to supply 14 classic I Poles for the Elizabeth Ave. Streetscape – Phase 2 at a cost of $28,217.22. During construction, utility conflicts were encountered in the areas where the Classic I Poles were to be installed, and in order to avoid any more conflicts or delays it was determined that the poles should be change to Tall Delco Poles with pedestrian lights which are being used on Broad Street. These poles are installed on the existing cobra pole bases, thereby eliminating the need to install new foundations. This project will require Seven (7) Tall Deco Poles at a cost of $49,791.99. These poles will be installed and maintained by PSE&G; and

WHEREAS, the Business Administrator has requested to amend the contract with Public Service Electric & Gas Co., 472 Weston Canal Road, Somerset, New Jersey 08873, to change the style of 14 Classic I Poles to 7 Tall Deco Poles at an additional cost of $21,574.00, amending the total of the contract from $28,217.22 to the new contract total of $49,791.99; and

WHEREAS, this project is being funded by a grant in the amount not to exceed $537,814.00 administered by the Federal Highway Administration through the New Jersey Department of Transportation with the remaining funding provided under the Urban Enterprise Zone Assistance Fund, Project No. 07-151; and

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available and appropriated for this purpose and Certification No 12-09641, charging the amount of $21,574,77 to Account No. G-02-41-760-10, of the Municipal Budget is on file in the Office of the City Clerk; now, therefore be it

RESOLVED that the City Council of the City of Elizabeth authorizes the amendment to the contract with **PSE&G, 472 Weston Canal Road, Somerset, New Jersey, 08873**, to change the style of 14 Classic I Poles to Seven (7) Tall Deco poles at an additional cost of $21,574.77, amending the total of the contract from $28,217.22 to the new contract total of $49,791.99.

Which was adopted by the following vote:

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

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the Business Administrator has requested authorization for **R & G EXPRESS TRANSPORT (R & G), 676 Pennsylvania Avenue, Elizabeth, New Jersey 07202,** to operate as an Autobus pursuant to Chapter 5.16 of the Code of the City of Elizabeth; and

WHEREAS, a copy of the routes **R & G EXPRESS TRANSPORT (R & G)** will be traveling are file in the Office of the Municipal Clerk; and

WHEREAS, in addition, **R & G EXPRESS TRANSPORT (R & G)** will be traveling to and from North Brunswick, New Jersey and Monroe, New Jersey have six (6) Autobuses in operation; now, therefore, be it

RESOLVED that the City Council of the City of Elizabeth authorizes **R & G EXPRESS TRANSPORT (R & G) ,** to operate as an Autobus for the routes that are on file in the Office of the Municipal Clerk pursuant to Chapter 5.16 of the Code of the City of Elizabeth.

Which was adopted by the following vote:

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

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the Business Administrator and the Purchasing Agent have recommended the award of a contract to **RICOH AMERICA'S CORPORATION, 19 Chapin Road, PO Box 2008, Pine Brook, NJ 07058,** for the maintenance (including parts and supplies) of existing photocopiers for the period July 1, 2012 through June 30, 2013 in the amount not to exceed $25,000.00 under State Contract #51464; 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 #51464, 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 awards a contract to **RICOH AMERICA'S CORPORATION, 19 Chapin Road, PO Box 2008, Pine Brook, NJ 07058,** for the maintenance (including parts and supplies) of existing photocopiers for the period July 1, 2012 through June 30, 2013 in the amount not to exceed $25,000.00 under State Contract #51464.

Which was adopted by the following vote:

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

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, in accordance with **NJAC** 5:34 the Business Administrator and the Purchasing Agent have recommended and concur with the request of the Director of the Department of Public Works the award of a contract pursuant to **N.J.S.A**. 40A:11-5(2) to **BAYWAY LUMBER, 400 Ashton Avenue, Linden, New Jersey 07036**, for the purchase of Lumber and Associated Materials for various departments at a cost not to exceed $200,000.00 for the period July 1, 2012 through June 30, 2013 under the Morris County Cooperative Purchasing Contract #10; and

WHEREAS, the provisions of Chapter 2.92 shall not apply to all contracts entered into with the United States of America, State of New Jersey, County or municipality, or any board, body, officer, agency or authority thereof, and any other state or subdivision thereof; and

WHEREAS, the contract in question is determined to fall within the Open-end Contract Rule 5:30-14.4 as promulgated by the State New Jersey, Department of Community Affairs, Division of Local Government Services; and

WHEREAS, the Chief Financial Officer shall execute the Certificate of Availability of Funds at each time an order is placed, and covering the amount of the order, and said execution is to be made just before this City incurs a contractual liability on its part; now, therefore, be it

RESOLVED that City Council of the City of Elizabeth hereby awards a contract to to **BAYWAY LUMBER, 400 Ashton Avenue, Linden, New Jersey 07036**, for the purchase of Lumber and Associated Materials for various departments at a cost not to exceed $200,000.00 for the period July 1, 2012 through June 30, 2013 under the Morris County Cooperative Purchasing Contract #10.

Which was adopted by the following vote:

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

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the Business Administrator and the Purchasing Agent have recommended per the request of the Director of the Police Department the award of a contract to **FIREFIGHTER ONE, LLC, 26 Gail Court, Suite 1, Sparta, New Jersey 07871,** for Masks, CBRNE Meters and Service Air Tanks for the Police Department for the period of May 17, 2012 through May 16, 2014 at a cost not to exceed $100,000.00 under their state contract #81357; and

WHEREAS, the contract in question is determined to fall within the Open-end Contract Rule 5:30-14.4 as promulgated by the State 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 No. 81357 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 awards a contract to **FIREFIGHTER ONE, LLC, 26 Gail Court, Suite 1, Sparta, New Jersey 07871,** for Masks, CBRNE Meters and Service Air Tanks for the Police Department for the period of May 17, 2012 through May 16, 2014 at a cost not to exceed $100,000.00 under their state contract #81357.

Which was adopted by the following vote:

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

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the Business Administrator has recommended per the request of the Purchasing Agent the award of a contract to **PAPER MART, INC., 151 Ridgedale Ave., East Hanover, New Jersey 07936, and W. B. MASON CO., INC. 535 Secaucus Road, Secaucus, New Jersey 07094,** for the purchasing of Office Paper Supplies for the period July 1, 2012 through June 30, 2013 in the amount not to exceed $40,000.00 under the Morris County Cooperative Purchasing Contract #30; and

WHEREAS, the contract in question is determined to fall within the Open-end Contract Rule 5:30-14.4 as promulgated by the State New Jersey, Department of Community Affairs, Division of Local Government Services; and

WHEREAS, the Chief Financial Officer shall execute the Certificate of Availability of Funds at each time an order is placed, and covering the amount of the order, and said execution is to be made just before this City incurs a contractual liability on its part; now, therefore, be it

RESOLVED that City Council of the City of Elizabeth hereby awards a contract to to **PAPER MART, INC., 151 Ridgedale Ave., East Hanover, New Jersey 07936, and W. B. MASON CO., INC. 535 Secaucus Road, Secaucus, New Jersey 07094,** for the purchasing of Office Paper Supplies for the period July 1, 2012 through June 30, 2013 in the amount not to exceed $40,000.00 under the Morris County Cooperative Purchasing Contract #30.

Which was adopted by the following vote:

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

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 **ALLIED FIRE & SAFETY EQUIPMENT CO., INC., 527 Green Street, Neptune, NJ 07754,** for the purchase of Fire Sprinkler Services for the period of June 17, 2012 through June 16, 2014 in the amount not to exceed $140,000.00 through the Union County Co-Op Contract #23-2010; and

WHEREAS, the provisions of Chapter 2.92 shall not apply to all contracts entered into with the United States of America, State of New Jersey, County or municipality, or any board, body, officer, agency or authority thereof, and any other state or subdivision thereof; and

WHEREAS, the contract in question is determined to fall within the Open-end Contract Rule 5:30-14.4 as promulgated by the State New Jersey, Department of Community Affairs, Division of Local Government Services; and

WHEREAS, the Chief Financial Officer shall execute the Certificate of Availability of Funds at each time an order is placed, and covering the amount of the order, and said execution is to be made just before this City incurs a contractual liability on its part; now, therefore, be it,

RESOLVED that City Council of the City of Elizabeth hereby awards a contract to **ALLIED FIRE & SAFETY EQUIPMENT CO., INC., 527 Green Street, Neptune, NJ 07754,** for the purchase of Fire Sprinkler Services for the period of June 17, 2012 through June 16, 2014 in the amount not to exceed $140,000.00 through the Union County Co-Op Contract #23-2010.

Which was adopted by the following vote:

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

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the Business Administrator and the Purchasing Agent have recommended per the request of the Director of the Police Department the award of a contract to the **Maffey's Security, 1172 East Grand Street, Elizabeth, NJ 07201**, for the purchase of Security System Services (Surveillance Equipment) for the period of June 15, 2012 through June 14, 2014 in the amount not to exceed $40,000.00 under the Union County Co-Op Contract #51-2010; 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; therefore, be it

RESOLVED that the City Council of the City of Elizabeth authorizes the award of a contract to the **Maffey's Security, 1172 East Grand Street, Elizabeth, NJ 07201**, for the purchase of Security System Services (Surveillance Equipment) for the period of June 15, 2012 through June 14, 2014 in the amount not to exceed $40,000.00 under the Union County Co-Op Contract #51-2010.

Which was adopted by the following vote:

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

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the Business Administrator has advised in accordance with **NJAC** 5:34 it is required that the award of any contract pursuant to **NJSA** 40A:11-5(f) – (exception to bidding) and exempt from Pay to Play has requested authorization to award a contract to **Public Service Electric and Gas Company, 472 Weston Canal Road, Somerset, New Jersey 08873**, for the purchase of a new electric service and the installation of underground electric conduit and cable for the new traffic light at North Broad Street and Westfield Avenue in the amount of $3,850.95. This electric service will be installed and maintained by PSE&G; and

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available and appropriated for this purpose and Certification No 13-00744, charging the amount of $3,850.95 to Account No. X-04-55-999-X33-001, of the Municipal Budget is on file in the Office of the City Clerk; now, therefore be it

RESOLVED that the City Council of the City of Elizabeth authorizes an award of a contract to **Public Service Electric and Gas Company, 472 Weston Canal Road, Somerset, New Jersey 08873**, for the purchase of a new electric service and the installation of underground electric conduit and cable for the new traffic light at North Broad Street and Westfield Avenue in the amount of $3,850.95.

Which was adopted by the following vote:

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

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the Purchasing Agent has advised that on September 11, 2011 the City Council adopted a resolution awarding a contract for Towing and Road Service for Municipal Vehicles to **Highway Service Corporation, 548 Trumbull Street, Elizabeth, New Jersey 07206,** for a period of one year with an option to renew for a second and a third year at a cost of $30,000.00 per year; and

WHEREAS, the Business Administrator and the Purchasing Agent have recommended per the request of the Director of the Police Department to renew the award of a contract to **Highway Service Corporation, 548 Trumbull Street, Elizabeth, New Jersey 07206**, to provide the furnishing of Towing and Road Services for Municipal Vehicles for the period of one year commencing September 13, 2012 through September 12, 2013 (second contract year) with the option to renew for a third year under the same terms and conditions as the current contract at a cost not to exceed $30,000.00 per year; and

WHEREAS, the amount of the contract in question exceeds $50,000.00 if renewed for the third year and the provisions of Chapter 2.92 of the Code of the City of Elizabeth have been complied with by **Highway Service Corporation**; and

WHEREAS, the contract in question is determined to fall within the Open-end Contract Rule 5:30-14.4 as promulgated by the State of New Jersey, Department of Community Affairs, Division of Local Government Services; and

WHEREAS, the Chief Financial Officer shall execute the Certificate of Availability of Funds at each time an order is placed, and covering the amount of the order, and said execution is to be made just before this City incurs a contractual liability on its part; now, therefore, be it ,

RESOLVED by the City Council of the City of Elizabeth to renew the award of a contract to **Highway Service Corporation 548 Trumbull Street, Elizabeth, New Jersey 07206**, to provide the furnishing of Towing and Road Services for Municipal Vehicles for the period of one year commencing September 13, 2012 through September 12, 2013, (second contract year) with the option to renew for a third year under the same terms and conditions as the current contract at a cost not to exceed $30,000.00 per year.

Which was adopted by the following vote:

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

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the Business Administrator has recommended per the request of the Purchasing Agent the award of a contract to **NATIONAL TERMINAL INC., 175 Orange Street, Newark, New Jersey 07103,** for the purchase of Fuel Oil for the Public Works Marina for the period August 1, 2012 through October 31, 2012 at a cost not to exceed $75,000.00 under State Contract #41868; and

WHEREAS, State Contracts are exempt from the provisions of Chapter 2.92 of the Code of the City of Elizabeth; and

WHEREAS, the contract in question is determined to fall within the Open-end Contract Rule 5:30-14.4 as promulgated by the State 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;

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 No. #41868 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 awards a contract to **NATIONAL TERMINAL INC., 175 Orange Street, Newark, New Jersey 07103,** for the purchase of Fuel Oil for the Public Works Marina for the period August 1, 2012 through October 31, 2012 at a cost not to exceed $75,000.00 under State Contract #41868.

Which was adopted by the following vote:

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

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the Business Administrator and the Purchasing Agent have recommended per the request of the Director of the Department of Public Works the award of a contract to the **MALOUF FORD-LINCOLN MERCURY, PO BOX 7480, NORTH BRUNSWICK, NJ 08902**, for the purchase of Automotive & Light Duty Truck Parts for various departments for the period July 26, 2012 through August 14, 2013 in an amount not to exceed $75,000.00 under the Somerset County Cooperative Purchasing Contract SOCCP#-CC-0113-12; and

WHEREAS, the provisions of Chapter 2.92 shall not apply to all contracts entered into with the United States of America, State of New Jersey, County or municipality, or any board, body, officer, agency or authority thereof, and any other state or subdivision thereof; and

WHEREAS, the contract in question is determined to fall within the Open-end Contract Rule 5:30-14.4 as promulgated by the State 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; therefore, be it

RESOLVED that the City Council of the City of Elizabeth authorizes the award of a contract to **MALOUF FORD-LINCOLN MERCURY, PO BOX 7480, NORTH BRUNSWICK, NJ 08902**, for the purchase of Automotive & Light Duty Truck Parts for various departments for the period July 26, 2012 through August 14, 2013 in an amount not to exceed $75,000.00 under the Somerset County Cooperative Purchasing Contract SOCCP#-CC-0113-12.

Which was adopted by the following vote:

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

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the Business Administrator and the Purchasing Agent have recommended per the request of the Director of the Department of Public Works the award of a contract to the **Associated Auto Parts, 300 East Elizabeth Avenue, Linden, New Jersey 07036**, for the purchase of Automotive & Light Duty Truck Parts for various departments for the period of July 26, 2012 through August 14, 2013 in an amount not to exceed $150,000.00 under the Somerset County Cooperative Purchasing Contract #2-SOCCP-CC-0113-12; and

WHEREAS, the provisions of Chapter 2.92 shall not apply to all contracts entered into with the United States of America, State of New Jersey, County or municipality, or any board, body, officer, agency or authority thereof, and any other state or subdivision thereof; and

WHEREAS, the contract in question is determined to fall within the Open-end Contract Rule 5:30-14.4 as promulgated by the State 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; therefore, be it

RESOLVED that the City Council of the City of Elizabeth authorizes the award of a contract to **Associated Auto Parts, 300 East Elizabeth Avenue, Linden, New Jersey 07036**, for the purchase of Automotive & Light Duty Truck Parts for various departments for the period of July 26, 2012 through August 14, 2013 in an amount not to exceed $150,000.00 under the Somerset County Cooperative Purchasing Contract #2-SOCCP-CC-0113-12.

Which was adopted by the following vote:

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

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the Business Administrator and the Purchasing Agent have recommended per the request of the Director of the Department of Public Works the award of a contract to **Buywise Auto Parts, 2091 Springfield Avenue, Vauxhall, New Jersey 07088**, for the purchase of Automotive & Light Duty Truck Parts for various departments for the period of July 26, 2012 through August 14, 2013 in an amount not to exceed $100,000.00 under the Somerset County Cooperative Purchasing Contract #2-SOCCP-CC-0113-12; and

WHEREAS, the provisions of Chapter 2.92 shall not apply to all contracts entered into with the United States of America, State of New Jersey, County or municipality, or any board, body, officer, agency or authority thereof, and any other state or subdivision thereof; and

WHEREAS, the contract in question is determined to fall within the Open-end Contract Rule 5:30-14.4 as promulgated by the State 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; therefore, be it

RESOLVED that the City Council of the City of Elizabeth authorizes the award of a contract to **Buywise Auto Parts, 2091 Springfield Avenue, Vauxhall, New Jersey 07088**, for the purchase of Automotive & Light Duty Truck Parts for various departments for the period of July 26, 2012 through August 14, 2013 in an amount not to exceed $100,000.00 under the Somerset County Cooperative Purchasing Contract #2-SOCCP-CC-0113-12.

Which was adopted by the following vote:

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

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the Business Administrator and the Purchasing Agent have recommended per the request of the Director of the Department of Public Works the award of a contract to **AAM MOTOR SALES/D.B.A. JERSEY CITY FORD, 315 CLENDENNY AVE., JERSEY CITY, NJ 07304**, for Auto Parts & Accessories for Light Duty Vehicles for Various Departments for the period of August 1, 2012 through June 25, 2014 at a cost not to exceed $150,000.00 under their State Contract #79168; and

WHEREAS, State Contracts are exempt from the provisions of Chapter 2.92 of the Code of the City of Elizabeth; and

WHEREAS, the contract in question is determined to fall within the Open-end Contract Rule 5:30-14.4 as promulgated by the State of New Jersey, Department of Community Affairs, Division of Local Government Services; and

WHEREAS, the Chief Financial Officer shall execute the Certificate of Availability of Funds at each time an order is placed, and covering the amount of the order, and said execution is to be made just before this City incurs a contractual liability on its part;

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 #79168, requiring approval by this Governing Body in accordance with the provisions of **N.J.A.C.**5:34-1.2; now, therefore, be it

RESOLVED that the City Council of the City of Elizabeth authorizes the award of a contract to **AAM MOTOR SALES/D.B.A. JERSEY CITY FORD, 315 CLENDENNY AVE., JERSEY CITY, NJ 07304**, for Auto Parts & Accessories for Light Duty Vehicles for Various Departments for the period of August 1, 2012 through June 25, 2014 at a cost not to exceed $150,000.00 under their State Contract #79168.

Which was adopted by the following vote:

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

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the Business Administrator and the Purchasing Agent have recommended per the request of the Director of the Department of Public Works the award of a contract to **INDEPENDENCE CONSTRUCTORS, 1200 Route 22 East, Bridgewater, New Jersey 08807**, for Cleaning, Inspections, Monitoring of Oil/Water Separators and Above and Underground Tanks at Various Locations and DEP Compliance for the period of August 1, 2012 through July 31, 2013 at a cost not to exceed $70,000.00 under State Contract #75553; and

WHEREAS, State Contracts are exempt from the provisions of Chapter 2.92 of the Code of the City of Elizabeth; and

WHEREAS, the contract in question is determined to fall within the Open-end Contract Rule 5:30-14.4 as promulgated by the State 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;

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 No. #75553 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 awards a contract to . **INDEPENDENCE CONSTRUCTORS, 1200 Route 22 East, Bridgewater, New Jersey 08807**, for Cleaning, Inspections, Monitoring of Oil/Water Separators and Above and Underground Tanks at Various Locations and DEP Compliance for the period of August 1, 2012 through July 31, 2013 at a cost not to exceed $70,000.00 under State Contract #75553.

Which was adopted by the following vote:

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

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the Business Administrator, and the Purchasing Agent have recommended per the request of the Director of the Police Department the award of a contract to **MOTOROLA COMMUNICATIONS & ELECTRONICS INC., PO BOX 305, Bordentown, NJ 08505**, for the purchase of a Service Agreement for Communications Infrastructure and Maintenance on all Portable Radios for the Police and Fire Departments at a cost of $104,528.40 under State Contract #A53804; and

WHEREAS, State Contracts are exempt from the provisions of Chapter 2.92 of the Code of the City of Elizabeth; and

WHEREAS, the contract in question is determined to fall within the Open-end Contract Rule 5:30-14.4 as promulgated by the State of New Jersey, Department of Community Affairs, Division of Local Government Services; and

WHEREAS, the Chief Financial Officer shall execute the Certificate of Availability of Funds at each time an order is placed, and covering the amount of the order, and said execution is to be made just before this City incurs a contractual liability on its part; now, therefore, be it ,

WHEREAS, the Business Administrator and the Purchasing Agent have advised that the contract in question is a purchase through a State of New Jersey Contract #A53804, requiring approval by this Governing Body in accordance with the provisions of **N.J.A.C.**5:34-1.2; now, therefore, be it

RESOLVED, that City Council of the City of Elizabeth hereby awards a contract to **MOTOROLA COMMUNICATIONS & ELECTRONICS INC., PO BOX 305, Bordentown, NJ 08505**, for the purchase of a Service Agreement for Communications Infrastructure and Maintenance on all Portable Radios for the Police and Fire Departments at a cost of $104,528.40 under State Contract #A53804.

Which was adopted by the following vote:

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

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the Business Administrator and the Purchasing Agent have recommended per the request of the Police Department the award of a contract to **Herman Miller c/o BFI, 10 Lanidex Center West, Parsippany, New Jersey 07054,** in the amount of $15,390.82 under their State Contract #A57053, **Kimball/National, 1600 Royal Street, Jasper, IN 47549,** in the amount of $9,426.60 under their State Contract #A69941 and **BFI, 10 Lanidex Center West, Parsippany, New Jersey 07054,** in the amount of $4,761.30 under their State Contract #A69935 for the purchase of Furniture for the Police Roll Call/Report Writing Room for the total amount of $29,578.72; and

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available and appropriated for this purpose in account 2-21-56-130 (Federal Forfeiture Account) and encumbered by Certification No. 13-00910, for **Herman Miller, c/o BFI** in the amount of $15,390.82, #13-00911 for **Kimball/National** in the amount of $9,426.60 and #13-00912 for **BFI** in the amount of $4,761.30, of the Municipal Budget is on file in the Office of the City Clerk; 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 Contracts #A57053, #A69942 and #A69935, requiring approval by this Governing Body in accordance with the provisions of **N.J.A.C.**5:34-1.2; now, therefore, be it

RESOLVED that the City Council of the City of Elizabeth authorizes the award of a contracts to **Herman Miller c/o BFI, 10 Lanidex Center West, Parsippany, New Jersey 07054,** in the amount of $15,390.82 under their State Contract #A57053, **Kimball/National, 1600 Royal Street, Jasper, IN 47549,** in the amount of $9,426.60 under their State Contract #A69941 and **BFI, 10 Lanidex Center West, Parsippany, New Jersey 07054,** in the amount of $4,761.30 for the total amount of under their State Contract #A69935 for the purchase of Furniture for the Police Roll Call/Report Writing Room for the total amount of $29,578.72.

Which was adopted by the following vote:

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

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the Business Administrator has advised that for the past several years, the City of Elizabeth has done many wonderful things on the energy efficiency and sustainability front. In order to best facilitate the City of Elizabeth's progressive energy policy and to maximize the available benefits, it has been determined that it is necessary to engage the services of an Energy Consultant; and

WHEREAS, the costs of paying this consultant will come directly from both energy savings, as well as direct grants the City of Elizabeth has already received. Accordingly, the City does not expect to outlay upfront capital; and

WHEREAS, the Business Administrator has requested authorization to award a contract to **CONCORD ENGINEERING, 520 South Burnt Mill Road, Voorhees, New Jersey 08043,** to provide energy consulting services for the period August 28, 2012 to August 27, 2013, at a cost not to exceed $100,000.00; and

WHEREAS, this contract as solicited pursuant to **N.J.S.A**. 19:44A-20.5, et seq and is being warded pursuant to a fair and open process. The proposal submitted by Gabel Associates is on file in the Department of Administration; and

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

WHEREAS, the contract in question is determined to fall within the Open-end Contract Rule 5:30-14.4 as promulgated by the State of New Jersey, Department of Community Affairs, Division of Local Government Services; and

WHEREAS, the Chief Financial Officer shall execute the Certificate of Availability of Funds at each time an order is placed, and covering the amount of the order, and said execution is to be made just before this City incurs a contractual liability on its part; now, therefore, be it

RESOLVED that the City Council of the City of Elizabeth authorizes the the award of a contract to **CONCORD ENGINEERING, 520 South Burnt Mill Road, Voorhees, New Jersey 08043,** to provide energy consulting services for the period August 28, 2012 to August 27, 2013, at a cost not to exceed $100,000.00.

Which was adopted by the following vote:

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

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the Business Administrator has advised that historically, the City of Elizabeth has operated a Verizon 911 System. However, Verizon has informed the City that they would no longer offer a warranty on that system because it was analog and not digital. Off warranty, the costs to repair the system could be costly; and

WHEREAS, on October 24, 2011, your Honorable Body adopted Ordinance No. 4262, which appropriated $1.5 million from the Capital Improvement Fund to update and reconfigure the City's 911 System from analog to digital, and including all work and materials necessary therefore and incidental thereto; and

WHEREAS, in an effort to upgrade, to modernize and to ensure the redundancy, effective operation and continuity of service of the City's 911 System, various City officials undertook a lengthy due diligence process and ultimately solicited quotes from several state contract vendors for replacement of the present system; and

WHEREAS, the Business Administrator has recommended the award of a contract to **VERIZON SELECT SERVICES, INC., 201 Centennial Avenue, Floor 2, Room 2s132, Piscataway, New Jersey 08854**, for a Sentinel Patriot 911 System, including materials, installation, software support and maintenance, commencing August 28, 2012 at a cost not to exceed $1,002,687.76 under State Contract No. T-1044/Award No. A-69907/Quote No. 1-C9WZU7; and

WHEREAS, State Contracts are exempt from the provisions of Chapter 2.92 of the Code of the City of Elizabeth; and

WHEREAS, the contract in question is determined to fall within the Open-end Contract Rule 5:30-14.4 as promulgated by the State of New Jersey, Department of Community Affairs, Division of Local Government Services; and

WHEREAS, the Chief Financial Officer shall execute the Certificate of Availability of Funds at each time an order is placed, and covering the amount of the order, and said execution is to be made just before this City incurs a contractual liability on its part; and

WHEREAS, the Business Administrator has advised that the contract in question is a purchase through a State of New Jersey Contract No. T-1044/Award No. A-907/Quote No. 1-C9WZU7, requiring approval by this Governing Body in accordance with the provisions of **N.J.A.C.**5:34-1.2; now, therefore, be it

RESOLVED that the City Council of the City of Elizabeth authorizes the award of a contract to **VERIZON SELECT SERVICES, INC., 201 Centennial Avenue, Floor 2, Room 2s132, Piscataway, New Jersey 08854**, for a Sentinel Patriot 911 System, including materials, installation, software support and maintenance, commencing August 28, 2012 at a cost not to exceed $1,002,687.76 under State Contract No. T-1044/Award No. A-907/Quote No. 1-C9WZU7.

Which was adopted by the following vote:

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

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the City Attorney, of the City of Elizabeth Law Department, has advised that on June 24, 2012 a resolution was adopted by your Honorable Body with a list of attorneys that were to be retained as legal counsel for representation of the City and City employees in litigation where LaCorte, Bundy, Varady & Kinsella, Esqs., have conflicts of interest for the period July 1, 2012 to June 30, 2013; and

WHEREAS, the Law Department has recommended to include to the list of attorneys: **Edwin R. Matthews, Esq., Bourne, Noll & Kenyon, Counsellors at Law, 382 Springfield Avenue, Suite 507, P.O. Box 690, Summit, New Jersey 07901-0690;** now, therefore, be it

RESOLVED that the City Council authorizes the amendment to the resolution adopted June 24, 2012, which awarded a contract for assignment of legal counsel for representation of the City and City employees in litigation where LaCorte, Bundy, Varady & Kinsella, Esqs., have conflicts of interest for the period July 1, 2012 to June 30, 2013 to include to the list of attorneys:

Edwin R. Matthews, Esq. Bourne, Noll & Kenyon, Counsellors at Law, 382 Springfield Avenue, Suite 507, P. O. Box 690, Summit, New Jersey 07901-0690.

Which was adopted by the following vote:

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

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the City Attorney has advised that the City of Elizabeth is engaged in separately filed suits that involve, amongst other things, a dispute over sewer rates with two industrial customers. The litigation has advanced to the point that it has become necessary for the City to contract with a sewer rate expert for the Papetti/Lorco litigation for purposes of advice and prospective testimony; and

WHEREAS, under the Non-Fair and Open Procedure of the New Jersey Pay to Play Law, the City of Elizabeth has solicited a proposal for the services of sewer rate expert in order to adequately address the City's concerns and to serve as the City's expert during litigation; and

WHEREAS, the City Attorney has requested approval to award a contract to **Guastella Associates, LLC, 133 Mystic Lane, Jupiter, Florida 33458**, for Consultant/Management Services for public wastewater utilities, to serve as an expert during the Papetti/Lorco litigation for the period August 28, 2012 through August 27, 2013 pursuant to the proposed rate structure, in an amount not to exceed $40,000.00, unless further authorized by City Council; and

WHEREAS, the contract in question is determined to fall within the Open-end Contract Rule 5:30-14.4 as promulgated by the State of New Jersey, Department of Community Affairs, Division of Local Government Services; and

WHEREAS, the Chief Financial Officer shall execute the Certificate of Availability of Funds at each time an order is placed, and covering the amount of the order, and said execution is to be made just before this City incurs a contractual liability on its part; now, therefore, be it ,

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

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

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

1. The Mayor, and the Municipal Clerk are hereby authorized and directed to execute a contract with **Guastella Associates, LLC, 133 Mystic Lane, Jupiter, Florida 33458**, for Consultant/Management Services for public wastewater utilities, to serve as an expert during the Papetti/Lorco litigation for the period August 28, 2012 through August 27, 2013 pursuant to the proposed rate structure, in an amount not to exceed $40,000.00, unless further authorized by City Council.

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

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the listed senior citizens were disallowed senior citizen deductions in the amount of $250.00 for the Tax Year 2011 as a result of non-filing a Post Tax Year Statement indicating that their income exceeded $10,000.00 as set forth below:

Block & Lot	**Owner**	**Property Description**	**Amount**
5-415	Florek, Genevieve,	224 Erie Street	250.00
13-214	Gawron, Helene	23-25 Dayton Street	250.00
			$500.00

WHEREAS, the above mentioned senior citizens are deceased and the necessary filing of the Post-Tax Year Statement is not required; and

WHEREAS, there remains on the tax records of the City of Elizabeth the sum of $500.00 as stated above; now, therefore, be it

RESOLVED, that the Tax Collector is hereby authorized to cancel the said disallowed senior citizen deductions in the amount of $500.00 for the tax year 2011.

Which was adopted by the following vote:

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

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the Director of the Department of Health and Human Services, has advised that the Office of Youth, S.O.A.R. (Special Opportunities for Achievement & Reawakening) Summer Program utilizes Nicholas Murray Butler School #23 to offer academic and recreational activities for children between the ages of 6-13 of the City of Elizabeth; and

WHEREAS, a bill has been presented to the Department of Health and Human Services from the Board of Education in the amount of Twenty-Two Thousand Three-Hundred Eighty Dollars, $22,380.00 for the use of Custodial, Security & Bus Services for S.O.A.R. Summer Program beginning on July 2, 2012 and ending on August 10, 2012. Authorization is requested to pay said bill to the Elizabeth Board of Education; and

WHEREAS, this is a governmental agency and is exempt from the Bid Threshold as well as Pay to Play; and

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available and appropriated for this purpose and Certification No. 13-00231, charging the amount of $22,380.00 to Account No. 3-01-27-330-OYS-325 the Municipal Budget is on file in the Office of the City Clerk; now, therefore, be it

RESOLVED that the City Council of the City of Elizabeth authorizes payment of Twenty-Two Thousand Three-Hundred Eighty Dollars, $22,380.00 to the Elizabeth Board of Education for Custodial Security and Bus Services for the S.O.A.R. (Special Opportunities for Achievement & Reawakening) Summer Program at the Nicholas Murray Butler School #23 which offers academic and recreational activities for youth ages 6-13 from July 2, 2012 through August 10, 2012.

Which was adopted by the following vote:

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

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the Director of the Department of Health & Human Services has advised that the Department of Health and Human Services has the opportunity to file a proposal for a grant in the sum of $77,856.00 for the continuation of the Elizabeth Municipal Alliance program activities. The Alliance is a comprehensive and well coordinated effort by the City and Community based organizations to reduce alcoholism and other drugs of abuse in Elizabeth. It is primary aim is to support and promote alcohol and drug prevention programs throughout the City; and

WHEREAS, the Director of the Department of Health & Human Services has requested authorization to apply to the County of Union for the grant funds on behalf of the Elizabeth Municipal Alliance for the period January 1, 2013 to December 31, 2013; now, therefore, be it

RESOLVED that the City Council of the City of Elizabeth authorizes the Director of the Department of Health & Human Services to apply to the County of Union for grant funds on behalf of the Elizabeth Municipal Alliance whose primary aim is to support and promote alcohol and drug prevention programs throughout the City of Elizabeth for the period January 1, 2013 to December 31, 2013 for the sum of $77,856.00.

Which was adopted by the following vote:

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

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the State of New Jersey Under Chapter 226, Laws of 1991, provides for nursing services to non-public schools through public school districts; and

WHEREAS, the City of Elizabeth, through its Department of Health and Human Services, is desirous of providing these nursing services for six (6) non-public schools in the City of Elizabeth for the period September 1, 2012 through June 30, 2013; and

WHEREAS, the City of Elizabeth will receive $109,130.00 to provide these services to six (6) non-public schools with an enrollment of 1,488 pupils; and

WHEREAS, this money will be used as off set revenue for the Department of Health and Human Services to pay for the public health nurses and administrative fees; now, therefore, be it

RESOLVED by City Council of the City of Elizabeth that the Mayor and City Clerk are hereby authorized to execute an agreement with the Board of Education of the City of Elizabeth to provide nursing services for six (6) non-public schools through public school districts in the amount of $109,130.00 for the period September 1, 2012 through June 30, 2013.

Which was adopted by the following vote:

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

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the State of New Jersey Under Chapter 226, Laws of 1991, provides for nursing services to non-public schools through public school districts; and

WHEREAS, the City of Elizabeth, through its Department of Health and Human Services, is desirous of providing these nursing services for six (6) non-public schools in the City of Elizabeth for the period September 1, 2012 through June 30, 2013; and

WHEREAS, the City of Elizabeth will receive $109,130.00 to provide these services to six (6) non-public schools with an enrollment of 1,488 pupils; and

WHEREAS, this money will be used as off set revenue for the Department of Health and Human Services to pay for the public health nurses and administrative fees; now, therefore, be it

RESOLVED by City Council of the City of Elizabeth that the Mayor and City Clerk are hereby authorized to execute an agreement with the Board of Education of the City of Elizabeth to provide nursing services for six (6) non-public schools through public school districts in the amount of $109,130.00 for the period September 1, 2012 through June 30, 2013.

Which was adopted by the following vote:

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

NEGATIVE: None

BY CITY COUNCIL AS WHOLE:

WHEREAS, the Director of the Department of Recreation has requested authorization for the proper City officials to apply, accept and sign all appropriate documents for the Union County, Open Space, Recreation & Historic Preservation 2012 Kids Recreation Trust Fund Grant in an amount not to exceed $500,000.00; and

WHEREAS, the Union County 2012 Kids Recreation Trust Fund is allocating funding, in matching grant dollars, for the expansion of recreational opportunities within municipalities. This allows each municipality to address their specific needs with regard to summer recreational programming and improvements; and

WHEREAS, with anticipated grant funds, the Department of Recreation will replace the pool at the Erxleben Recreational Center. Due to its age and frequent use, the pool at this site has deteriorated and therefore would benefit greatly from replacement; now, therefore, be it

RESOLVED that the City Council of the City of Elizabeth authorizes the proper City officials to submit an application to the Union County for a 2012 Kids Recreation Trust Fund Grant in an amount not to exceed $500,000.00 for the reasons stated hereinabove; and be it

FURTHER RESOLVED that the proper City officials are authorized to execute all related documents for the grant including acceptance of the grant from the Union County, Open Space, Recreation & Historic Preservation 2012 Kids Recreation Trust Fund Grant.

Council President Gonzalez thanked the Administration for replacing this pool because it is the last one and he plans to keep this pool.

Councilwoman Perkins-Auguste thanked the President of City Council for advocating to keep this pool for the children. She continued that swimming is therapeutic for children with disabilities.

Councilman Jackus thanked Administration for replacing the pool. He continued that he served as a lifeguard which led him in becoming a Physical Education teacher. Councilman Jackus stated that he received an E-mail regarding a young person who recently died due to not knowing how to swim. He continued that it saddened him that this is the last pool in the City. It saddens him also that young people are not learning to swim. In closing, he stated that hopefully a program will be established for Special Education children.

Which was adopted by the following vote:

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

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the Director of the Department of Planning & Community Development has requested authorization for the proper City officials to reprogram unexpended CDBG balances from program years 2008-2010 to a holding account as indicated on the attached **Schedule A**; and

WHEREAS, the funds will be used for future CDBG projects as needed; and

WHEREAS, unexpended CDBG funds to be reprogrammed and transferred to the holding account are listed:

Account No.	Agency	Balance
CD/35 T-22-56-010-RHB-194 2009-2010	Community Investment Strategies	$18,878.75
CD/34 T-22-56-009-519 2008-2009	Millennium Mentorship Program	$ 7,840.00
CD/34 T-22-56-009-527 2008-2009	Urban League, The Family Center	$16,000.00

; now, therefore, be it

RESOLVED that the City Council of the City of Elizabeth authorizes the reprogramming unexpended CDBG balances from program years 2008-2010 to a holding account as indicated on the attached **Schedule A**: and be it

FURTHER RESOLVED that the unexpended funds to be reprogrammed and transferred are listed:

Account No.	Agency	Balance
CD/35 T-22-56-010-RHB-194 2009-2010	Community Investment Strategies	$18,878.75
CD/34 T-22-56-009-519 2008-2009	Millennium Mentorship Program	$ 7,840.00
CD/34 T-22-56-009-527 2008-2009	Urban League, The Family Center	$16,000.00

SCHEDULE A

Unexpended funds to be reprogrammed and transferred to the holding account:

	Account No.	Agency	Balance
CD/35 2009-2010	T-22-56-010-RHB-194	Community Investment Strategies	$18,878.75
CD/34 2008-2009	T-22-56-009-519	Millennium Mentorship Program	$ 7,840.00
CD/34 2008-2009	T-22-56-009-527	Urban League, The Family Center	$16,000.00

Which was adopted by the following vote:

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

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, as a result of the City of Elizabeth's designation as an Urban Enterprise Zone, qualified businesses are eligible to collect sales tax at the rate of 3.5%; and

WHEREAS, the monies collected at this reduced sales tax are deposited in the Urban Enterprise Zone Assistance Fund by the New Jersey Division of Taxation and are available for use by the City of Elizabeth for programs and projects designed to promote economic development; and

WHEREAS, the Director of the Department of Planning and Community Development has requested authorization to submit a UEZ proposal of Zone Assistance Funds in the amount of $148,950.00, to fund Customer Service Skills Training Initiative Program – Phase 5 for the period September 1, 2012 through August 31, 2013; and.

WHEREAS, funds will be used to continue the UEZ employment & training initiative as well as provide classroom training & job placement opportunities for Elizabeth residents. The Customer Service Skills Training Initiative Program – Phase 5 will continue to be administered through the award winning Retail Skills Center located at the newly renamed, The Outlet Collection/Jersey Garden in Elizabeth; now, therefore, be it

RESOLVED that the City Council of the City of Elizabeth authorizes the submittal of a proposal to the New Jersey Urban Enterprise Zone Authority to fund Customer Service Skills Training Initiative Program – Phase 5 to fund Customer Service Skills Training Initiative Program – Phase 5 for the period September 1, 2012 through August 31, 2013 to fund Customer Service Skills Training Initiative Program – Phase 5; and be it

FURTHER RESOLVED that the Mayor is authorized to execute all necessary documents and agreements with the Elizabeth Development Company (EDC), or any other party necessary to carry out this resolution.

Which was adopted by the following vote:

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

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the Director of the Department of Planning & Community Development has requested authorization to amend the resolution adopted on December 14,2010 granting the Elizabeth Development Company, 205 First Street, Suite 114, Elizabeth, New Jersey to reallocate $126,050.00 funds from the First Street Commercial Construction Project to its Brand New Day's Renaissance Apartment Project. Funds will be reallocated from T-22-56-010-EDC-172 to T-22-56-56-012-EDC-137; and

WHEREAS, reallocation of the funds is necessary as attempts for securing finances through a loan were unsuccessful. Therefore a request for reprogramming is necessary to cover the predevelopment costs for the Brand New Day Renaissance Apartment Project;

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available and appropriated for this purpose and Certification No. 13-01147, charging the amount of $126,050.00 to Account No. T-22-56-012-EDC-337, of the Municipal Budget is on file in the Office of the City Clerk; now, therefore, be it

RESOLVED, that the City Council of the City of Elizabeth authorizes an amendment to the resolution December 14, 2010, granting the Elizabeth Development Company funds for the First Street Commercial Construction Project, specifically to reallocate $126,050.00 from the First Street Commercial Construction Project to the Brand New Day's Renaissance Apartment Project. Funds will be reallocated from T-22-56-010-EDC-172 to T-22-56-56-012-EDC-137.

Which was adopted by the following vote:

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

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the Director of the Department of Planning and Community Development has requested an amendment to the resolution adopted December 14, 2010 which authorized a CDBG YR 36 Agreement with the **Elizabeth Development Company, 205 First Street, Elizabeth, New Jersey 07206,** in the amount of $600,000.00, to reprogram $148,950.00 of the remaining balance of $275,000.00 from CDBG Year 36 - the First Street Commercial Construction Project, to the Retail Skills Center Project. Funds will be reprogrammed from Account No. T-22-56-009-534 to Account No. T-22-56-012-PBS-336; and

WHEREAS, Elizabeth Development Company will partner with the City of Elizabeth's Urban Enterprise Zone Assistance Program and Union County College in administering the Retail Skills Center Project. The Retail Skills Center Project will provide retail customer service training, job outreach and job placement to under serve, low moderate income City residents; and

WHEREAS, reprogramming is necessary as there are adequate funds the First Street Project, whereas, additional funds are needed for the Retail Skills Center; and

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available and appropriated for this purpose and Certification No. 13-01151, charging the amount of $148,950.00 to Account No. T-22-56-012-PBS-336, of the Municipal Budget is on file in the Office of the City Clerk; now, therefore, be it

RESOLVED that the City Council of the City of Elizabeth authorizes an amendment to a resolution adopted on December 14, 2010 which authorized a CDBG YR 36 Agreement with the **Elizabeth Development Company, 205 First Street, Elizabeth, New Jersey 07206**, in the amount of $600,000.00, to reprogram $148,950.00 of the remaining balance of $275,000.00 from CDBG Year 36 the First Street Commercial Construction Project, to the Retail Skills Center Project. Funds will be reprogrammed from Account No. T-22-56-009-534 to Account No. T-22-56-012-PBS-336.

Which was adopted by the following vote:

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

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the Director of the Department of Planning & Community Development has requested authorization to rescind the resolution adopted on August 13, 2004 designating **BFLF Land Corporation** as the redeveloper of 133-135 First Street, 120-134 Front Street, 74-82 Livington Street and 59-81 Livingston Street ('site or "former Fine Fair Supermarket Property between Front Street and First Street"; and

WHEREAS, by subsequent resolution dated October 26, 2004, your Honorable Body adopted a resolution authorizing the execution of a Redevelopment Agreement; and

WHEREAS, the Director of the Department of Planning & Community Development has requested authorization to de-designate BFLF Land Corporation as the redeveloper of 133-135 First Street, 120-134 Front Street, 74-82 Livington Street and 59-81 Livingston Street ('site or "former Fine Fair Supermarket Property between Front Street and First Street". This request is hereby being made due to BFLF's failure to meet the financial needs of the project as specified in of the Redevelopment Agreement and terminate the Redevelopment Agreement; now, therefore, be it

RESOLVED that the City Council of the City of Elizabeth authorizes the proper City officials to rescind a resolution adopted October 26, 2004, designating BFLF Land Corporation as the redeveloper of the former Fine Fair Supermarket property and rescind a resolution adopted October 26, 2004, authorizing the execution of a redevelopment agreement with BFLF Land corporation due to BFLF's failure to meet the financial needs of the project as specified in of the Redevelopment Agreement and terminate the Redevelopment Agreement.

Which was adopted by the following vote:

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

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the Department of Public Works has caused certain **clean up and removal of debris** from the properties at the costs listed on **Schedule A** attached hereto and made a part hereof after due and proper notice to the owners thereof as required; and the owners thereof having been notified of the cost to the City in the sums listed on **Schedule A** and said costs not having been paid to the City of Elizabeth as required; and the Director of the Department of Public Works having issued certificates to City Council of the costs to the City of same; and

WHEREAS, City Council having examined the Certificates of the said Director of the Department of Public Works and having found the same to be correct; now, therefore, be it

RESOLVED by City Council of the City of Elizabeth that the cost of clean up and removal of debris as shown for the properties listed on the **Schedule A** attached hereto and made a part hereof is hereby made a lien on said properties, which lien shall hereafter form part of the taxes next to be assessed and levied upon said lands in the sums set forth on **Schedule A** the same to bear interest at the same rate as taxes and to be collected and enforced by the same officers and in the same manner as taxes in accordance with the provisions of **N.J.S.A.** 40:48-2.14 and Chapter 15.12.180, of the Code of the City of Elizabeth.

NOTE: The above referenced "attached Schedule A" is on file in the City Clerk's Office.

Certificate Invoice : July 31, 2012 - Total Amount: $31,321.13.

Which was adopted by the following vote:

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

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

RESOLVED that City Council of the City of Elizabeth hereby establishes a handicapped parking space in front of **408 Franklin Street, Elizabeth, New Jersey 07206**, as follows, pursuant to the recommendation of the Elizabeth Police Director:

along the West curbline of Franklin Street
beginning at a point 115' West of Fourth 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, Jackus, [redacted], [redacted], Cedeno, Gallman, Mazza, and President Gonzalez - 7

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

RESOLVED that City Council of the City of Elizabeth hereby establishes a handicapped parking space in front of **933 Meredith Avenue, Elizabeth, New Jersey 07208**, as follows, pursuant to the recommendation of the Elizabeth Police Director:

along the North curbline of Meredith Avenue
beginning at a point 239' East of Edgar Road
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, Jackus, [redacted], [redacted], Cedeno, Gallman, Mazza, and President Gonzalez - 7

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

RESOLVED that City Council of the City of Elizabeth hereby establishes a handicapped parking space in front of **10 Boyle Place, Elizabeth, New Jersey 07202**, as follows, pursuant to the recommendation of the Elizabeth Police Director:

along the North curbline of Boyle Place
beginning at a point 112' East of Washington Avenue
and continuing 22' East thereof;

and be it

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

Which was adopted by the following vote:

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

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

RESOLVED that City Council of the City of Elizabeth hereby amends Chapter 10.44.020 of the Code of the City of Elizabeth to delete the handicapped parking spaces at premises commonly known as **19 Rankin Street**, and **154 South Park Street, Elizabeth, New Jersey** in accordance with the recommendation of the Police Director.

Which was adopted by the following vote:

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

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the Director of the Fire Department has requested authorization for the proper City Officials to apply, accept and sign all appropriate documents for the 2012 FEMA Staffing for Adequate Fire and Emergency Response (SAFER) Grant. The amount of grant dollars being requested is not to exceed $3,000,000.00. This grant will allow for the Elizabeth Fire Department to hire twenty-five (25) additional firefighters and would enable the Department to provide more efficient and effective safety services to the City of Elizabeth; and

WHEREAS, the purpose of the SAFER Grant is to award directly to fire departments to help increase their cadre of frontline firefighters. There is no match requirement and 100 percent of the salaries and benefits for SAFER-funded firefighters will be fully funded for the two year performance period; and

WHEREAS, the program seeks to support departments that lack the tools and resources necessary to protect the health and safety of the pubic and the fire-fighting personnel with respect to fire and fire-related hazards. Furthermore, the goal of the SAFER Grant is to enhance local fire departments abilities to comply with staffing, response and operational standards established by the National Fire Protection Association (NFPA) and the Occupational Safety and Health Administration (OSHA); and

WHEREAS, the program seeks to support departments that lack the tools and resources necessary to protect the health and safety of the public and the fire-fighting personnel with respect to fire and fire-related hazards. Furthermore the goal of the SAFER Grant is to enhance local fire departments' abilities to comply with staffing, response and operational standards established by the National Fire Protection Association (NFPA) and the Occupational Safety and Health Administration (OSHA); and

WHEREAS, with this anticipated grant, the Elizabeth Fire Department seeks to incorporate twenty-five (25) firefighters in order to fill the current and anticipated vacancies, in order to protect the health and safety of the public with respect to fire and fire-related hazards; and

WHEREAS, the overall Elizabeth Fire Department will utilize the anticipated grant funds to better prepare and respond to the ever-present new roles of municipal fire departments, yielding increased services for our residents and thus positively impacting the entire City; now, therefore, be it

RESOLVED that the City Council of the City of Elizabeth authorizes the proper City officials to execute all appropriate documents for the Federal Emergency Management Agency (FEMA) FY 2012 Staffing for Adequate Fire and Emergency Response (SAFER) Grant in an amount not to exceed $3,000,000.00 for the hiring of twenty-five (25) additional firefighters to enable the Elizabeth Fire Department to provide more efficient and effective safety services to the City.

Which was adopted by the following vote:

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

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE

WHEREAS, a case is currently pending in the matter of **Gerald Malone v. City of Elizabeth, et al, CP No.: 2009-2837;** and

WHEREAS, the Law Department and Christopher J. Kinsella, Esq. have recommended settlement for 22-1/2% of partial total for the shoulder or $28,251.00, less a credit of 7-1/2% of partial total or $8,550.00 for a net award of $19,701.00; and

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available and appropriated for this purpose and Certification No 13-00442 charging the amount of $19,701.00 to Account No. 02-21-56-249 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 $19,701.00 payable to **Gerald Malone, 34 Willow Street, Sayreville, New Jersey 08879** and the **Attorney for the Plaintiff, Kushinsky, Dotoli & Gans, LLC, 611 Main Street, P. O. Box 1120, Toms River, New Jersey 08754-1120.**

Which was adopted by the following vote:

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

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE

WHEREAS, a case is currently pending in the matter of **Arturo Pintado v. City of Elizabeth, et al, CP No.: 2011-2156;** and

WHEREAS, the Law Department and Christopher J. Kinsella, Esq. have recommended settlement for 10% of the back and 22 ½% of the partial disability for the left knee surgery totaling $30,332.25; and

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available and appropriated for this purpose and Certification No 13-01030 charging the amount of $30,332.25 to Account No. 03-21-56-249 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 $30,332.25 payable to **Arturo Pintado, 448 Grier Avenue, 2nd Floor, Elizabeth, New Jersey** and the **Attorney for the Plaintiff, Afonso & Afonso, LLC, 546 Elizabeth Avenue, Elizabeth, New Jersey 07206.**

Which was adopted by the following vote:

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

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE

WHEREAS, a case is currently pending in the matter of **Eddy Santana v. City of Elizabeth, et al, CP No.: 2011-17390;** and

WHEREAS, the Law Department and Christopher J. Kinsella, Esq. have recommended settlement for 12.5% of partial total or $15,825.00; and

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available and appropriated for this purpose and Certification No. 13-01164 charging the amount of $15,825.00 to Account No. 03-21-56-249 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 $15,825.00 payable to **Eddy Santana, 413 West End Avenue, Elizabeth, New Jersey** and the **Attorney for the Plaintiff, TOBIN, REITMAN, GREENSTEIN, CARUSO, WIENER & KONRAY, 1743 St. Georges Avenue, Rahway, New Jersey 07065.**

Which was adopted by the following vote:

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

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

RESOLVED that pursuant to the provisions of **N.J.S.A.** 40A:9-120, City Council of the City of Elizabeth does hereby appoint, **Mr. Joshua Lamont Cisson, P. O. Box 1252, Elizabeth, New Jersey 07207,** to serve as a Constable for a term of three years effective from date of appointment; the said **Mr. Joshua Lamont Cisson**, having been investigated and approved by the Department of Police; and be it

FURTHER RESOLVED that the said **Mr. Joshua Lamont Cisson, P. O. Box 1252, Elizabeth, New Jersey 07207,** shall deliver to the City Clerk within thirty (30) days of the date of appointment a surety bond in the sum of $1,000.00 in order to insure the faithful performance of his duties; that upon failure to deliver such surety bond within the time stated herein, said office shall be deemed vacant, pursuant to **N.J.S.A**. 40A:9-120

Which was adopted by the following vote:

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

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE: [redacted]

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:

ALLIED OIL CO.	**3-01-31-447**	**$**	**19,936.88**
CONSTELLATION NEW ENERGY, INC.	**2-01-31-435**	**$**	**29,340.11**
ELIZABETHTOWN GAS	**3-01-31-446**	**$**	**3,467.25**
NATIONAL TERMINAL, INC.	**3-01-31-447**	**$**	**12,799.67**
PSE&G	**3-01-31-430**	**$**	**17,899.86**
RELIANT ENERGY NORTHEAST, LLC	**2-07-55-500-SEW-351**	**$**	**2,956.04**
SPRINT	**3-01-31-440**	**$**	**1,619.30**
USA MOBILITY	**3-01-31-400**	**$**	**4.48**
VERIZON	**3-01-31-440**	**$**	**19,642.06**
VERIZON WIRELESS	**3-01-31-440**	**$**	**672.16**
VERIZON COMMUNICATIONS, INC.	**3-01-31-440**	**$**	**154.59**

Which was adopted by the following vote:

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

NEGATIVE: None

[redacted]

BY COUNCIL AS A WHOLE:

RESOLVED that the following bingo and raffle licenses issued by the City Clerk are here by approved:

ORGANIZATION	AG	B.L.	R.L.	DATE
St. Genevieve's Roman Catholic Ch.			5290	8-27-12
Rotary Club of Eliz., NJ			5291	8-28-12
Rotary Club of Eliz., NJ			5292	8-28-12
St. Adalbert's R.C. Church			5293	9-11-12

Which was adopted by the following vote:

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

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the City Council of the City of Elizabeth has learned of the recent death of Anna Crincoli (nee Zainitzer), 84; and

WHEREAS, Anna was born in Vienna, Austria, and in 1957 she came to Elizabeth, New Jersey. She settled in Union, New Jersey over thirty-five years ago; and

WHEREAS, Anna was a homemaker who enjoyed planting flowers and keeping her garden beautiful, she was especially fond of roses. She was an animal lover and spent hours feeding the birds at Warinanco Park; and

WHEREAS, Anna was a devoted and loving wife, stepmother, stepgrandmother, sister and aunt; and

WHEREAS, she is survived by her husband of over thirty years, Michele Crincoli; stepchildren, Frank, John and Lori and stepgrandchildren. She was predeceased by her parents, Karl and Anna Zainitzer; now, therefore, be it

RESOLVED that the City Council of the City of Elizabeth hereby expresses its condolences at the passing of Anna Crincoli and wishes to express sympathy to her family and friends at this time, during their loss; and be it

FURTHER RESOLVED that this expression of our sympathy be recorded in full upon the minutes of City Council and a certified copy be sent to Anna Crincoli's family.

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

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the City Council of the City of Elizabeth has learned of the recent death of George J. Malfetti, 67; and

WHEREAS, George grew up in Union City, N.J., and graduated from Emerson High School in 1963. He was a resident of Cranford, New Jersey for the past 37 years; and

WHEREAS, George retired in 2002, after working for twenty-five years for the New Jersey Highway Authority and the Hudson County Vocational School; and

WHEREAS, he was an avid New York Yankee and Giants fan; and

WHEREAS, George leaves behind his daughters, Tara Spirito, and Nicole Riley and his four grandchildren; and

RESOLVED that the City Council of the City of Elizabeth hereby expresses its condolences at the passing of George J. Malfetti sympathy to his family, relatives and friends at this time of their loss; and be it

FURTHER RESOLVED that this expression of our sympathy be recorded in full upon the minutes of City Council and a certified copy be sent to the George J. Malfetti's family.

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

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the City Council of the City of Elizabeth has learned of the recent death of Giuseppe Zamarra, 76; and

WHEREAS, Giuseppe was born in Vallata, Italy and arrived in Jersey City in 1958; and

WHEREAS, he was a retired coat manufacturer; and

WHEREAS, Giuseppe was the beloved husband of the late Antonietta (Trematerra), devoted father of Enrico, Joseph, Alfonso, Claudio and Roberto Zamarra and loving grandfather of 34 grandchildren; now, therefore, be it

RESOLVED that the City Council of the City of Elizabeth hereby expresses its condolences at the passing of Giuseppe Zamarra sympathy to his family, relatives and friends at this time of their loss; and be it

FURTHER RESOLVED that this expression of our sympathy be recorded in full upon the minutes of City Council and a certified copy be sent to the Giuseppe Zamarra's family.

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

Councilman Cuesta moved that City Council do now adjourn,

Which was carried unanimously.

Whereupon Council President Gonzalez declared City Council adjourned at

8:55 p.m.

APPROVED

NELSON GONZALEZ
President of City Council

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