

PROCEEDINGS OF CITY COUNCIL

(OFFICIAL)

ELIZABETH, N.J.

Tuesday Evening
January 10, 2017
7:30 p.m.

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

Council President Nelson Gonzalez announced that this regular meeting is listed in the "Annual Notice" have been mailed or delivered to the Star Ledger, Home News 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, Chap. 231, P.L. 1975 on December 27, 2016.

PRESENT: Council members-at-Large: Patricia Perkins-Auguste, Frank Cuesta, Manny Grova, Jr., Council members: Kevin Kinery, 3rd Ward; Carlos Cedeno, 4th Ward; William Gallman, Jr., 5th Ward; Frank Mazza, 6th Ward; And President Carlos Torres, 1st Ward – 8.

ABSENT: Gonzalez -1

ALSO PRESENT: Rocco DiPaola, Second Assistant City Attorney

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

Note: Councilwoman Perkins-Auguste and Councilman Grova arrived at the meeting at 7:35 p.m. and assumed their seats.

PUBLIC SPEAKING

Mr. Kayson Little, an Elizabeth resident spoke regarding his brother being attacked while he was walking home. He continued that he is aware of the city hiring more police officers but they cannot come onto the streets until they receive their bullet proof vest. He stated further that the vehicle of the assailant was given to the police.

Mr. Michael Ward, 570 Jackson Avenue, stated that his neighborhood is infected with gangs and he would like for something to be done. He continued that the lack of crossing guards and Police Officers in high traffic areas needs to be addressed.

Council President Torres stated that he will reach out to Lt. Marcus.

Ms. Maria Lorenz, 103 Murray Street, spoke regarding election signs being removed. She continued that she would like City Council to consider a "Pay to Play" ordinance. She stated further that she knows a commissioner of the Board of Education is on the Planning Board and again suggested City Council consider Pay to Play.

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

PUBLIC HEARINGS

Council President Torres asked if there was anyone present who wished to speak either for or against the adoption of The Greater Elizabeth Tourism Improvement District Calendar Year 2017 Budget in The Amount of \$833,683.75.

There being no one present who desired to be heard, Council President Torres declared the Public Hearing closed.

PETITIONS, COMMUNICATIONS, ETC.

By the Clerk:

Letter dated December 30, 2016, from His Honor the Mayor, subject to your advice and consent, I am making the following appointments for a term of one year, effective January 1, 2017 with regard to the following appointments:
Norma M. Murgado, Esq., Chief Municipal Prosecutor; Ashton E. Thomas, Esq., Patricia A. Mack, Esq., Annette Quijano, Esq., Assistant Municipal Prosecutors; Robert Carroll, Esq., Suzette Cavadas, Esq., William T. Donegan, Esq., Kevin D. Harris, Esq., Anabela Dacruz-Melo, Esq., Christopher Howard, Esq., Daria Smith Isenhour, Esq., Jose Rivera-Benitez, Esq., Connie Bentley McGhee, Esq., Shlomo Himmel, Esq., Temporary Municipal Prosecutor.
Which was received.

By the Clerk:

Letter dated December 28, 2016, from the Business Administrator requesting authorization for the proper City officials to renew the insurance policy with Admiral Insurance Company, 1255 Caldwell Road, Cherry Hill, NJ, through agent-of-record Hughes Plumer Associates, Somerville, NJ, covering Public Officials Liability Insurance, for the period of January 31, 2017 to January 31, 2018 at an annual premium of \$69,631.51.
Which was received.

By the Clerk:

Letter dated January 3, 2017, from the Business Administrator requesting authorization to designate Jill McDonough, Quality Purchasing Agent, as Public Agency Compliance Officer and to execute a Designation of Public Agency Compliance Officer form.
Which was received.

By the Clerk:

Letter dated January 3, 2017, from the Chief Financial Officer advising that additional grants may be appropriated in the 2017 SFY Budget by budget amendments.
Which was received.

By the Clerk:

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

By the Clerk:

Letter dated January 3, 2017, from the Chief Financial Officer advising Mr. Luis Rodriguez, P.O. Box 6482, Elizabeth, NJ, of Default and Termination of the Tax Abatement on the property known as 620 First Urban Renewal LP, 620 First Street.
Which was received.

By the Clerk:

Letter dated January 3, 2017, from the Chief Financial Officer advising Mr. Luis Rodriguez, P.O. Box 6482, Elizabeth, NJ, of Default and Termination of the Tax Abatement on the property known as Millenium Urban Renewal LP, 600 Fulton Street.
Which was received.

By the Clerk:

Letter dated December 28, 2016, from the Director of Planning and Community Development requesting authorization for the proper City officials to apply, accept and sign all appropriate documents for the IRS Volunteer Income Tax Assistance (VITA) program.
Which was received.

By the Clerk:

Letter dated December 29, 2016, from the Director of Public Works recommending awarding a contract to M & M Construction Company, Inc., 540 North Avenue, Union, NJ, for the Police Headquarters Interior Renovations in the amount of \$762,000.00.
Which was received.

Letter dated January 3, 2017, from the Director of Public Works advising that on January 1, 2017, he appointed Daniel J. Loomis, PE, 322 Clinton Place, South Plainfield, NJ, Municipal Engineer pursuant to the provisions of Chapter 2.52.030 of the Code of the City of Elizabeth, to serve during the term of my office from January 1, 2017 to December 31, 2020.
Which was received.

By the Clerk:

Letter dated December 27, 2016, from Lt. Marcus requesting permission to install a "Child with Autism in Area" sign in the area of 717 Emerson Avenue.
Which was received.

REPORTS OF CITY OFFICERS

By the Clerk:

Minutes: Fair Rental Housing Board minutes of September 21, 2016.
Which was received.

ORDINANCES ON FIRST READING

ORDINANCE NO. 4797

AN ORDINANCE TO RESCIND ORDINANCE NO. 4574, ADOPTED ON APRIL 28, 2015, WHICH AUTHORIZED THE ESTABLISHMENT OF A PERSONALIZED HANDICAPPED PARKING SPACE FOR VIRGINIA OLES, 839 GARDEN STREET, ELIZABETH, NEW JERSEY.

The Clerk read the foregoing ordinance.

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

AFFIRMATIVE: Cuesta, Grova, Perkins-Auguste, Kiniery,
Cedeno, Gallman, Mazza, And President Torres -8

NEGATIVE: None

ORDINANCE NO. 4798

AN ORDINANCE TO AMEND CHAPTER 10.40.070 OF THE CODE OF THE CITY OF ELIZABETH ENTITLED "NO PARKING OF TRUCKS-PORTION AFFECTED" SPECIFICALLY TO ADD NEW POINT ROAD FROM SOUTH PARK STREET TO BROADWAY, BOTH SIDES, AND NO TRUCK PARKING ALONG THE NORTH SIDE OF BROADWAY FROM FOURTH STREET AND FIFTH STREET; AND TO AMEND CHAPTER 10.08.010 ENTITLED "FOUR-WAY STOP INTERSECTION" SPECIFICALLY TO ADD A FOUR-WAY STOP AT SOUTH PARK STREET AND NEW POINT ROAD, AND A FOUR-WAY STOP AT LIVINGSTON STREET AND SIXTH STREET; TO AMEND CHAPTER 10.08.020 ENTITLED "STOP INTERSECTIONS DESIGNATED" SPECIFICALLY TO ADD A STOP SIGN FACING BROADWAY AT THE INTERSECTION OF SIXTH STREET.

The Clerk read the foregoing ordinance.

Councilman Gallman stated there are several things in this ordinance. He then explained the various amendments such as No Parking of Trucks, Four-Way Stop intersections.

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

AFFIRMATIVE: Cuesta, Grova, Perkins-Auguste, Kinyery,
Cedeno, Gallman, Mazza, And President Torres -8

NEGATIVE: None

Council President Torres announced that public notice will be published fixing Tuesday evening January 24, 2017 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 foregoing Ordinance Nos. 4797, 4798 adopted on first reading.

NEW BUSINESS

Councilwoman Perkins-Auguste MOVED for a suspension of the rules for the purpose of considering a resolution which did not appear on the agenda, seconded by Councilman Grova. Which was carried unanimously.

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the Director of the Elizabeth Fire Department has requested authorization for the proper City Officials to execute a Hold Harmless Agreement to Indemnify and Hold Harmless, the property owners, **CMT Developers and Acier Holdings**, the demolition company, **Tricon Enterprises**, and the project manager, **YK Group LLC**, its agents, servants and administrators from any and all claims for personal injury and property damage in connection with the Elizabeth Fire Department training at **925 East Jersey Street (the old Elizabeth General Hospital)**; and

WHEREAS, the Fire Department has the opportunity to create training scenarios at **925 East Jersey Street (the old Elizabeth General Hospital)** which is scheduled to be demolished. The training is to take place through January 31, 2017; now therefore be it

RESOLVED, that the proper City Officials are hereby authorized to execute a Hold Harmless Agreement to Indemnify and Hold Harmless, the property owners, **CMT Developers and Acier Holdings**, the demolition company, **Tricon Enterprises**, and the project manager, **YK Group LLC**, its agents, servants and administrators from any and all claims for personal injury and property damage in connection with the Elizabeth Fire Department training at **925 East Jersey Street (the old Elizabeth General Hospital)**.

Councilman Gallman queried to how safe is the building with the asbestos that is in the building.

Council President Torres responded that an inspection was done so the building can be used for the training. He stated further that the building will be demolished in two (2) weeks.

AFFIRMATIVE: Cuesta, Grova, Perkins-Auguste, Kinery,
Cedeno, Gallman, Mazza, And President Torres -8

NEGATIVE: None

The regular order of business was then resumed.

ELIZABETH AVENUE
SPECIAL IMPROVEMENT DISTRICT
GREATER ELIZABETH TOURISM IMPROVEMENT DISTRICT
2017 CALENDAR BUDGET

Greater Elizabeth Tourism Improvement District of the City of Elizabeth, County of Union, for Calendar Year 2017

It is hereby certified that the budget annexed hereto and made part hereof is a true copy of the budget adopted by resolution of the governing body on the 10th day of January, 2017.

AFFIRMATIVE: Cuesta, Grova, Perkins-Auguste, Kiniery,
Cedeno, Gallman, Mazza, And President Torres -8

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the Division of Local Government Services in compliance with the SFY 2016 Appropriations Act (P.L. 2015, c.63) requires that the Honorable City Council approve all payments related to accumulated/uncompensated absence benefits; and

WHEREAS, at January 2017, the following employees are entitled to the payment of accumulated/uncompensated absence benefits;

Jesse Mata	\$60,072.26
Fernando Capiro	\$56,142.55
Patrick A. Boyle	\$29,414.81
Mary C. Murphy	\$25,588.85
Luis A. Alvarez	\$16,254.27
Jose Torres	\$11,427.57
Denise M. Lowe	\$2,900.72
Troy O'Brien	\$2,880.90
Karen M. Ziobro	\$1,663.04
; and	

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

Jesse Mata	\$60,072.26
Fernando Capiro	\$56,142.55
Patrick A. Boyle	\$29,414.81
Mary C. Murphy	\$25,588.85
Luis A. Alvarez	\$16,254.27
Jose Torres	\$11,427.57
Denise M. Lowe	\$2,900.72
Troy O'Brien	\$2,880.90
Karen M. Ziobro	\$1,663.04

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

AFFIRMATIVE: Cuesta, Grova, Perkins-Auguste, Kinieny, Cedeno, Gailman, Mazza, And President Torres -8

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

RESOLVED, that City Council of the City of Elizabeth does hereby give its advice and consent to the appointment of **Norma M. Muirgado, Esq.**, to serve as Chief Municipal Prosecutor of the Elizabeth Municipal Court, of the City of Elizabeth, for a term of one year commencing January 1, 2017.

AFFIRMATIVE: Cuesta, Perkins-Auguste, Kiniery, Cedeno,
Gallman, Mazza, And President Torres -7

NEGATIVE: None

EXCUSED: Grova-1

BY CITY COUNCIL AS A WHOLE:

RESOLVED, that City Council of the City of Elizabeth does hereby give its advice and consent to the appointment of **Ashton E. Thomas, Esq.**, to serve as Assistant Municipal Prosecutor of the Elizabeth Municipal Court, of the City of Elizabeth, for a term of one year commencing January 1, 2017.

AFFIRMATIVE: Cuesta, Perkins-Auguste, Kiniery, Cedeno,
Gallman, Mazza, And President Torres -7

NEGATIVE: None

EXCUSED: Grova-1

BY CITY COUNCIL AS A WHOLE:

RESOLVED, that City Council of the City of Elizabeth does hereby give its advice and consent to the appointment of **Patricia A. Mack, Esq.**, to serve as Assistant Municipal Prosecutor of the Elizabeth Municipal Court, of the City of Elizabeth, for a term of one year commencing January 1, 2017.

AFFIRMATIVE: Cuesta, Perkins-Auguste, Kiniery, Cedeno,
Gallman, Mazza, And President Torres -7

NEGATIVE: None

EXCUSED: Grova-1

BY CITY COUNCIL AS A WHOLE:

RESOLVED, that City Council of the City of Elizabeth does hereby give its advice and consent to the appointment of **Annette Quijano, Esq.**, to serve as Assistant Municipal Prosecutor of the Elizabeth Municipal Court, of the City of Elizabeth, for a term of one year commencing January 1, 2017.

AFFIRMATIVE: Cuesta, Perkins-Auguste, Kinyery, Cedeno,
Gallman, Mazza, And President Torres -7

NEGATIVE: None

EXCUSED: Grova-1

BY CITY COUNCIL AS A WHOLE:

RESOLVED, that City Council of the City of Elizabeth does hereby give its advice and consent to the appointment of **Robert Carroll, Esq.**, to serve as Temporary Municipal Prosecutor of the Elizabeth Municipal Court, of the City of Elizabeth, for a term of one year commencing January 1, 2017.

AFFIRMATIVE: Cuesta, Perkins-Auguste, Kiniery, Cedeno,
Gallman, Mazza, And President Torres -7

NEGATIVE: None

EXCUSED: Grova-1

BY CITY COUNCIL AS A WHOLE:

RESOLVED, that City Council of the City of Elizabeth does hereby give its advice and consent to the appointment of **Suzette Cavadas, Esq.**, to serve as Temporary Municipal Prosecutor of the Elizabeth Municipal Court, of the City of Elizabeth, for a term of one year commencing January 1, 2017.

AFFIRMATIVE: Cuesta, Perkins-Auguste, Kinery, Cedeno,
Gallman, Mazza, And President Torres -7

NEGATIVE: None

EXCUSED: Grova-1

BY CITY COUNCIL AS A WHOLE:

RESOLVED, that City Council of the City of Elizabeth does hereby give its advice and consent to the appointment of **William T. Donegan, Esq.**, to serve as Temporary Municipal Prosecutor of the Elizabeth Municipal Court, of the City of Elizabeth, for a term of one year commencing January 1, 2017.

AFFIRMATIVE: Cuesta, Perkins-Auguste, Kinery, Cedeno,
Gallman, Mazza, And President Torres -7

NEGATIVE: None

EXCUSED: Grova-1

BY CITY COUNCIL AS A WHOLE:

RESOLVED, that City Council of the City of Elizabeth does hereby give its advice and consent to the appointment of **Kevin D. Harris, Esq.**, to serve as Temporary Municipal Prosecutor of the Elizabeth Municipal Court, of the City of Elizabeth, for a term of one year commencing January 1, 2017.

AFFIRMATIVE: Cuesta, Perkins-Auguste, Kiniery, Cedeno,
Gallman, Mazza, And President Torres -7

NEGATIVE: None

EXCUSED: Grova-1

BY CITY COUNCIL AS A WHOLE:

RESOLVED, that City Council of the City of Elizabeth does hereby give its advice and consent to the appointment of **Anabela Dacruz-Melo, Esq.**, to serve as Temporary Municipal Prosecutor of the Elizabeth Municipal Court, of the City of Elizabeth, for a term of one year commencing January 1, 2017.

AFFIRMATIVE: Cuesta, Perkins-Auguste, Kiniery, Cedeno,
Gallman, Mazza, And President Torres -7

NEGATIVE: None

EXCUSED: Grova-1

BY CITY COUNCIL AS A WHOLE:

RESOLVED, that City Council of the City of Elizabeth does hereby give its advice and consent to the appointment of **Christopher Howard, Esq.**, to serve as Temporary Municipal Prosecutor of the Elizabeth Municipal Court, of the City of Elizabeth, for a term of one year commencing January 1, 2017.

AFFIRMATIVE: Cuesta, Perkins-Auguste, Kiniery, Cedeno,
Gallman, Mazza, And President Torres -7

NEGATIVE: None

EXCUSED: Grova-1

BY CITY COUNCIL AS A WHOLE:

RESOLVED, that City Council of the City of Elizabeth does hereby give its advice and consent to the appointment of **Daria Smith Isenhour, Esq.**, to serve as Temporary Municipal Prosecutor of the Elizabeth Municipal Court, of the City of Elizabeth, for a term of one year commencing January 1, 2017.

AFFIRMATIVE: Cuesta, Perkins-Auguste, Kiniery, Cedeno,
Gallman, Mazza, And President Torres -7

NEGATIVE: None

EXCUSED: Grova-1

BY CITY COUNCIL AS A WHOLE:

RESOLVED, that City Council of the City of Elizabeth does hereby give its advice and consent to the appointment of **Jose Rivera-Benitez, Esq.**, to serve as Temporary Municipal Prosecutor of the Elizabeth Municipal Court, of the City of Elizabeth, for a term of one year commencing January 1, 2017.

AFFIRMATIVE: Cuesta, Perkins-Auguste, Kiniery, Cedeno,
Gallman, Mazza, And President Torres -7

NEGATIVE: None

EXCUSED: Grova-1

BY CITY COUNCIL AS A WHOLE:

RESOLVED, that City Council of the City of Elizabeth does hereby give its advice and consent to the appointment of **Connie Bentley McGhee, Esq.**, to serve as Temporary Municipal Prosecutor at the Elizabeth Municipal Court, of the City of Elizabeth, for a term of one year commencing January 1, 2017.

AFFIRMATIVE: Cuesta, Perkins-Auguste, Kiniery, Cedeno,
Gallman, Mazza, And President Torres -7

NEGATIVE: None

EXCUSED: Grova-1

BY CITY COUNCIL AS A WHOLE:

RESOLVED, that City Council of the City of Elizabeth does hereby give its advice and consent to the appointment of **Shlomo Himmel, Esq.**, to serve as Temporary Municipal Prosecutor at the Elizabeth Municipal Court, of the City of Elizabeth, for a term of one year commencing January 1, 2017.

AFFIRMATIVE: Cuesta, Perkins-Auguste, Kiniery, Cedeno,
Gallman, Mazza, And President Torres -7

NEGATIVE: None

EXCUSED: Grova-1

BY CITY COUNCIL AS A WHOLE:

WHEREAS, there exists a need to renew the Insurance for Public Officials and Employee Liability; and

WHEREAS, the Business Administrator has requested authorization for the proper City Officials to renew the policy of insurance covering Public Officials and Employees Liability with **ADMIRAL INSURANCE COMPANY, 1255 Caldwell Road, Cherry Hill, New Jersey 08034-3200** (through Hughes-Plumer & Associates, agent of record) at a cost of \$69,631.51 for the period January 31, 2017 to January 31, 2018. Admiral Insurance Company has a rating of A+; and

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available and appropriated for this purpose and Certification No. 17-05249, charging the amount of \$69,631.51 to Account Number 7-01-23-210-INS of the Municipal Budget is on file in the Office of the City Clerk; 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 "Extraordinary, Unspecifiable Services" without competitive bids and the contract itself must be available for public inspection; and

WHEREAS, the Chief Financial Officer has certified that this meets the statute and regulations governing the award of said contract; now, therefore, be it

RESOLVED by City Council of the City of Elizabeth, New Jersey as follows:

1. The Mayor and the City Clerk are hereby authorized and directed to renew the policy of insurance covering Public Officials and Employees Liability with **ADMIRAL INSURANCE COMPANY, 1255 Caldwell Road, Cherry Hill, New Jersey 08034-3220**. This policy of insurance will be processed through Hughes-Plumer & Associates, Somerville, New Jersey for the period January 31, 2017 to January 31, 2018 at a total cost of \$69,631.51.
2. Quotations were solicited for this contract and the lowest quote was received from the **ADMIRAL INSURANCE COMPANY**. Admiral Insurance Company has a rating of A+. This recommendation to award the contract is being made because this proposal offers a continuation of the present insurance for the purpose stated hereinabove.
3. Insurance is specialized in nature inasmuch as the companies issuing same are limited in number and must be approved by the State of New Jersey, through the Department of Insurance and Banking, in order to qualify to do business within this State. New Jersey Statute 40A:11-5(m) exempts the purchasing of insurance coverage from advertising for bids and bidding, which exception shall be in accordance with the requirements thereof.
4. This cannot be described by written specifications because of the unique nature of the services to be rendered as more fully explained in paragraph (3) above.
5. A notice of this action shall be published in The Star Ledger.

AFFIRMATIVE: Cuesta, Grova, Perkins-Auguste, Kiniery,
Cedeno, Gallman, Mazza, And President Torres -8

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the Business Administrator has advised that the State of New Jersey, Department of the Treasury, Division of Purchase and Property, Contract Compliance and Audit Unit has requested that a Public Agency Compliance Officer (P.A.C.O.) be designated annually to be the point of contact for all matters concerning implementation and administration of the legal requirements of the Equal Employment Opportunity Monitoring Program; and

WHEREAS, the P.A.C.O. is also responsible for administering contracting procedures pertaining to equal employment for both the City of Elizabeth and its service providers; and

WHEREAS, the Business Administrator has requested that your Honorable Body adopt a resolution authorizing the designation of Jill McDonough, Purchasing Agent, as Public Agency Compliance Officer and to authorize the Mayor to execute a Designation of Public Agency Compliance form; now, therefore, be it

RESOLVED, that the City Council of the City of Elizabeth designates Jill McDonough, Purchasing Agent, as Public Agency Compliance Officer and to authorize the Mayor to execute a Designation of Public Agency Compliance form.

AFFIRMATIVE: Cuesta, Grova, Perkins-Auguste, Kinery,
Cedeno, Gallman, Mazza, And President Torres -8

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the Director of the Department of Planning and Community Development has requested your Honorable Body authorize the proper City Officials to apply, accept and sign all appropriate documents for the 2017 Volunteer Income Tax Assistance (VITA) Program; and

WHEREAS, the City of Elizabeth has had great success in its implementation of the Volunteer Income Tax Assistance (VITA) Program, which has enabled tax preparation services to be provided to thousands of residents free of charge. The Program, which is administered in conjunction with the Internal Revenue Service (IRS), has been provided at the Sampson Center and Liberty Square Center in past years; and

WHEREAS, working closely with the IRS, residents who cannot afford to pay for tax preparation services are provided with a cost-free alternative. The Tax Preparers, who assist residents with the completion and filing of their required IRS applications, are all volunteers. They receive free training through the IRS and are required to pass a certification exam prior to assisting any individual. Appointments are scheduled for various times throughout the day and evening via the Office of Public Information until the end of tax season; and

WHEREAS, residents begin to inquire in the beginning of the year in order to secure an appointment. In addition to providing a valuable service to the community, this program encourages the complete and accurate filing of tax applications through a trained professional and saves participants filing fees, which is increasingly important during this difficult economic climate; now, therefore, be it

RESOLVED, that the City Council of the City of Elizabeth authorizes the proper City Officials to apply, accept and sign all appropriate documents for the 2017 Volunteer Income Tax Assistance (VITA) Program for the reasons stated hereinabove.

AFFIRMATIVE: Cuesta, Grova, Perkins-Auguste, Kinery,
Cedeno, Gallman, Mazza, And President Torres -8

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, on December 15, 2016, the Director of Public Works received fourteen (14) bids for the Police Headquarters Interior Renovations - Contract No. 8-16; and

WHEREAS, the lowest responsible bidder was **M & M Construction Company Inc., 540 North Avenue, Union, New Jersey 07083** in the amount of \$762,000.00; and

WHEREAS, the project consists of interior restorations. The interior renovations occur in separate areas, the main building lobby/entry, record counter and the ID Unit. A new record counter window will be installed with a transaction counter in the lobby. At the ID Bureau there will be general demolition of existing mechanical, electrical, plumbing and fire protection on two floors. The first floor will include installation of a Vehicle Processing Room, ID-Unit, Toilet, Office, Reception and Foyer. The Vehicle Processing room will receive a new insulated roll up door, plumbing, millwork, and lighting. At the second floor a new concrete with metal deck floor slab will be installed to create a new ID Unit Storage Room. A new Roof Top Unit (RTU) will be installed at the roof level along with associated demolition; and

WHEREAS, the specification requires work to be completed within 300 calendar days;

WHEREAS, the Director and the Department of Public Works has requested authorization to award a contract to **M & M Construction Company Inc., 540 North Avenue, Union, New Jersey 07083** for the Police Headquarters Interior Renovations in the amount of \$762,000.00; 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 **M & M Construction Company Inc.;** and

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available and appropriated for this purpose and Certification No. 17-05224, charging the amount of \$762,000.00 to Account No. X-04-55-999-X93-001 of the Municipal Budget are 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 **M & M Construction Company Inc., 540 North Avenue, Union, New Jersey 07083** for the Police Headquarters Interior Renovations - Contract No. 08-16 in the amount of \$762,000.00.

AFFIRMATIVE: Cuesta, Grova, Perkins-Auguste, Kinary, Cedeno, Gallman, Mazza, And President Torres -8

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the City Council of the City of Elizabeth would like to install an "Autistic Child in Area" sign in front of the premises located at **717 Emerson Avenue**; and

WHEREAS, the installation of "Autistic Child in Area" sign will advise the community to be aware and proceed with care for the safety of special needs, Autistic Child in the neighborhood; and

WHEREAS, one sign should be erected since this roadway is a One Way and shall be placed on the East side curb line of Emerson Avenue, 111 feet North of Springfield Road; now, therefore, be it

RESOLVED, that the City Council of the City of Elizabeth authorizes the installation of an "Autistic Child in Area" sign which shall be placed on the East side curb line of Emerson Avenue, 111 feet North of Springfield Road.

AFFIRMATIVE: Cuesta, Grova, Perkins-Auguste, Kinyery,
Cedeno, Gallman, Mazza, And President Torres -8

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, on August 11, 2016, the City of Elizabeth entered into a Right-of-Way Use Agreement with **Mobilitie, LLC, 2220 University Drive, Newport Beach, CA 92660** to permit it to place telecommunication facilities aerially on existing utility poles or in underground conduits in the public right-of-way within the City of Elizabeth; and

WHEREAS, **Mobilitie, LLC** has requested additional locations for utility infrastructure installations at the locations set forth in the attached list and map; and

WHEREAS, the City Engineer has reviewed the list and map route and does not have any objection; and

WHEREAS, the Second Assistant City Attorney has requested authorization to add these additional locations to the municipal consent previously authorized for the non-exclusive use of the public right-of-way, and has requested authorization for the proper City Officials to execute an amendment to the right-of-way agreement with **Mobilitie, LLC** to include the additional locations; now, therefore, be it

RESOLVED, that the City Council of the City of Elizabeth authorizes and consents for the proper City Officials to enter into an amendment to the Right-of-Way Agreement with **Mobilitie, LLC, 2220 University Drive, Newport Beach, CA 92660** to permit it to place telecommunication facilities aerially on existing utility poles or in underground conduits in the public right-of-way within the City of Elizabeth at the locations set forth on the attached list and route map.

AFFIRMATIVE: Cuesta, Grova, Perkins-Auguste, Kinierly,
Cedeno, Gallman, Mazza, And President Torres -8

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the City Council of the City of Elizabeth is concerned with the number of trucks that park on the street on Route 1&9 between North Avenue and East Jersey Street in both the North and South bound travel routes and is requesting that the State of New Jersey, Department of Transportation (NJDOT) conduct an investigation as to whether trucks should not be permitted to park on either side of the street on Route 1&9 between North Avenue and East Jersey Street; and

WHEREAS, many large trucks park on the street in both directions on Route 1&9 between North Avenue and East Jersey Street causing sight problems for vehicles and pedestrians entering and exiting businesses on Route 1&9 in this area, unfairly impacting the residents and businesses; now, therefore, be it

RESOLVED, that the City Council of the City of Elizabeth is urging the NJDOT to conduct an investigation as to whether there should be No Truck Parking on Route 1&9 between North Avenue and East Jersey Street on both the North and South Bound travel routes and signs be posted as such.

Councilman Gallman stated that he is "furious" regarding trucks parking on Route 1+9 and would like for the state to install "No Parking" signs.

AFFIRMATIVE: Cuesta, Grova, Perkins-Auguste, Kiniery,
Cedeno, Gallman, Mazza, And President Torres -8

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the City Council of the City of Elizabeth is concerned with the heavy truck traffic onto Meadow Street between Route 1&9 and Fairmount Avenue and is requesting that the State of New Jersey, Department of Transportation (NJDOT) conduct an investigation as to whether trucks, over 4-ton limit should not be permitted to travel on this street; and

WHEREAS, there is very heavy truck traffic in this residential area. The truck volume is causing both air and noise pollution. The residents in this R-3A residential zone (up to four-family homes) have been unfairly impacted by the truck traffic to their great detriment; now, therefore, be it

RESOLVED, that the City Council of the City of Elizabeth is urging the NJDOT to conduct an investigation as to whether trucks over the 4-ton weight limit should not be permitted to travel on Meadow Street between Route 1&9 and Fairmount Avenue.

AFFIRMATIVE: Cuesta, Grova, Perkins-Auguste, Kiniery,
Cedeno, Gallman, Mazza, And President Torres -8

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the City Council of the City of Elizabeth is concerned with the heavy truck traffic on North Avenue between Newark Avenue and Route 1&9 and is requesting that the State of New Jersey, Department of Transportation (NJDOT) conduct an investigation as to whether trucks should not be permitted to travel on North Avenue between North Avenue and Route 1&9; and

WHEREAS, there is a great many heavy trucks using the Hand Place Bridge between Jefferson Avenue and Pennsylvania Avenue to by-pass the NJ Transit overpass on North Avenue which is too low for many of the trucks and whether the bridge can sustain the weight of the trucks. This area is in a residential zone which includes an elementary school (K-8) and a grocery store (Stop& Shop). Trucks using the Hand Place Bridge are dangerous to the children attending the school and pedestrians that use the North Elizabeth Train Station, Stop & Shop and the Elementary School. The Bridge is not handicap accessible and is very narrow in each direction. The residents in the area have been unfairly impacted by the truck traffic to their great detriment; now, therefore, be it

RESOLVED, that the City Council of the City of Elizabeth is urging the NJDOT to conduct an investigation as to whether truck should not be permitted to travel on North Avenue between Newark Avenue and Route 1&9.

Councilman Gallman stated that he is urging the state to find another route for the truck traffic on North Avenue because they are avoiding the NJ Transit underpass by using the Hand Place bridge. He stated further that he believes that this bridge cannot sustain this type of traffic.

Councilman Cedeno stated that the bridge on Hand Place is very narrow.

Councilwoman Perkins-Auguste stated that if the City has a "No Truck Parking" ordinance the Traffic Division should issue summonses.

AFFIRMATIVE: Cuesta, Grova, Perkins-Auguste, Kinyery,
Cedeno, Gallman, Mazza, And President Torres -8

NEGATIVE: None

BY THE CITY COUNCIL AS A WHOLE:

RESOLVED, that City Council of the City of Elizabeth hereby establishes a handicapped parking space in front of 839 Garden Street, Elizabeth, New Jersey 07202 as follows, pursuant to the recommendation of the Elizabeth Police Director:

along the North curb line of Garden Street
beginning at a point 317' 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; and be it

FURTHER RESOLVED, that this resolution shall become effective on the effective date that Ordinance No. 4574 is rescinded.

AFFIRMATIVE: Cuesta, Grova, Perkins-Auguste, Kinyery,
Cedeno, Gallman, Mazza, And President Torres -8

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, a worker's compensation case is currently pending in the matter of **Herec Colon (CP No: 2015-10924) v. City of Elizabeth**; and

WHEREAS, this matter was conferenced before the Court and believed the case had a value in the range of 12 ½% - 15% of partial total. Officer Colon has agreed to accept 12 ½ % partial total or \$16,200.00; and

WHEREAS, the Law Department and Christopher J. Kinsella, Esq. of LaCorte, Bundy, Varady & Kinsella finds the settlement recommendation of 12 ½ % partial total or \$16,200.00 to be both fair and reasonable (See attached letter dated December 20, 2016); and

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available and appropriated for this purpose and Certification No.17-05254, charging the amount of \$16,200.00 to Account No. 07-21-56-249 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 \$16,200.00 payable to **Herec Colon, 1120 Coolidge Road, Elizabeth, New Jersey 07208**, and **Attorney for the Plaintiff: Anthony D. Rinaldo, Jr. Esq., 1317 Morris Avenue, Suite 2B, Union, New Jersey 07083**.

AFFIRMATIVE: Cuesta, Grova, Perkins-Auguste, Cedeno,
Gallman, Mazza, And President Torres -7

NEGATIVE: None

EXCUSED: Kiniery-1

BY CITY COUNCIL AS A WHOLE:

October 31, 2016
November 3, 2016

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 herein below; 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:

ELIZABETHTOWN GAS	7-01-31-446	\$	1,531.31
PSE&G	7-01-31-430	\$	48,873.82
PSE&G	7-07-55-500- SEW-352	\$	16,659.30
PSE&G	7-01-31-435	\$	160,950.48
SOUTH JERSEY ENERGY	7-01-31-430	\$	26,250.18
SPOK, INC.	7-01-31-440	\$	44.78
SPRINT	6-01-31-440	\$	934.79

AFFIRMATIVE: Cuesta, Grova, Perkins-Auguste, Kiniery,
Cedeno, Gallman, Mazza, And President Torres -8

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

January 3, 2017
January 5, 2017

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 herein below; 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:

BROADVIEW NETWORKS INC.	7-01-31-440	\$	6,773.01
CQ FLUENCY, INC.	7-01-31-440	\$	744.16
ELIZABETH TOWN GAS	7-01-31-446	\$	22,798.32
ELIZABETH TOWN GAS	7-07-55-500- SEW-351	\$	135.82
NATIONAL TERMINAL, INC.	7-01-31-447	\$	3,635.50
PSE&G	7-01-31-430	\$	42,605.43
PSE&G	7-07-55-500- SEW-351	\$	13,316.16
PSE&G	7-01-31-435	\$	304,809.60
SOUTH JERSEY ENERGY	7-01-31-430	\$	26,771.80
SPOK, INC.	7-01-31-440	\$	276.38
SPRINT	6-01-31-440	\$	966.65
VERIZON COMMUNICATIONS, INC.	7-01-31-440	\$	179.94

AFFIRMATIVE: Cuesta, Grova, Perkins-Auguste, Kinierly,
Cedeno, Gallman, Mazza, And President Torres -8

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, in the beginning of 1985 Black Clergy and Black Educators called the community together to celebrate the life of the Reverend Dr. Martin Luther King, Jr; and

WHEREAS, as the years went on plans were developed to build a more permanent structure which the community could use to salute Dr. Martin Luther King, Jr., and his commitment to mankind; and

WHEREAS, in 1986, Congress declared the third Monday in January a National Holiday honoring the social change brought to this nation by the struggle of the Reverend Dr. Martin Luther King, Jr; and

WHEREAS, on January 20, 1996, a monument was presented to the City of Elizabeth built by the African-American community in Elizabeth, and which was the first monument to be placed on Freedom Trail in Scott Park; and

WHEREAS, Dr. Martin Luther King, Jr., was the first African-American so honored in Elizabeth; and

WHEREAS, the Reverend Dr. Martin Luther King, Jr's quest for justice and righteousness served as a value system for all citizens by leading the struggle for equality, justice, peace, and commitment to our fellow-man; and

WHEREAS, the National holiday expresses our gratitude and appreciation for his achievements and contributions to the country and our community; now, therefore, be it

RESOLVED, that the City Council of the City of Elizabeth, New Jersey, recognizes January 16, 2017 as the Thirty-Second Commemorative Anniversary of the life of Reverend Dr. Martin Luther King, Jr.; and be it

FURTHER RESOLVED, that a copy of this resolution be spread in full upon the minutes of the City Council meeting held on January 10, 2017.

AFFIRMATIVE: Cuesta, Grova, Perkins-Auguste, Kiniery,
Cedeno, Gallman, Mazza, And President Torres -8

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, City Council has learned of the courageous actions displayed by the Officers of the Elizabeth Police Department in response to an armed carjacking on Veterans Memorial Bridge in Elizabeth; and

WHEREAS, City Council, wishes to take this opportunity to thank the following officers for their bravery and dedication:

Officer Romulo Meneses-Alvarez
Officer Noel Pimentel Meson

Officer Billy Ly
Officer Anthony Jackson, Jr.

; now, therefore, be it

RESOLVED, that City Council of the City of Elizabeth hereby congratulates Officer Romulo Meneses-Alvarez, Officer Billy Ly, Officer Noel Pimentel Meson and Officer Anthony Jackson, Jr. of the Elizabeth Police Department for their outstanding efforts and extends to them thanks and best wishes; and be it

FURTHER RESOLVED, that this resolution be spread in full upon the minutes of this meeting of City Council and that the Municipal Clerk be directed and authorized to forward to them a certified copy of this resolution.

Councilman Grova announced that his vehicle as well as several other vehicles were broken into and he would like to commend the officers for their apprehension of the individuals.

AFFIRMATIVE:

Cuesta, Grova, Perkins-Auguste, Kiniery,
Cedeno, Gallman, Mazza, And President Torres -8

NEGATIVE:

None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the City Council of the City of Elizabeth has learned of the recent death of **Florence C. Brennan (nee Cortellessa)**, 84; and

WHEREAS, Florence Brennan was born and raised in Bayonne, New Jersey. She moved to Elizabeth 56 years ago; and

WHEREAS, she was a secretary to the Elizabeth Board of Education in the superintendent's office for the past 45 ½ years where she was still working up to December 2016. She was a past member of the Holy Rosary Society at St. Genevieve's Church, a former Democratic Committeewoman from the Third District of the Third Ward for the City of Elizabeth, and a communicant of St. Genevieve's Parish in Elizabeth; and

WHEREAS, Florence was predeceased by her loving husband, Anthony J. Brennan Sr., in 2004; a son, Jeffrey, and her sisters, Leatrice Trass and Rose Squitieri Holzman. She is survived by her loving sons, Anthony J. Brennan Jr. of Elizabeth, and Paul J. Brennan of Forked River, N.J. She was the grandmother of Paul J. Brennan Jr., Jeffrey Brennan, and Alyssa Brennan; now, therefore, be it

RESOLVED, that the City Council of the City of Elizabeth hereby expresses its condolences at the passing of Florence C. Brennan; 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 her family.

Councilman Cuesta stated that in his forty (40) year career in the Elizabeth Board of Education, Florence Brennan was an important member of the Board of Education. He continued that she made an impact in his career. He stated further that he would always contact her first for advice before contacting anyone else. He will miss her.

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 death of **Barbara Ann Harris**, 75; and

WHEREAS, Barbara Ann was born in Elizabeth and moved to Rahway in 2006; and

WHEREAS, she worked at Thomas & Betts and for the Elizabeth Housing Authority. She was a union representative for Amerace Corporation (architectural design). She retired as an officer in the United States Immigration and Naturalization Office. She was president of the Women's Scholarship Club of Elizabeth and held various leadership positions during her tenure; and

WHEREAS, Barbara Ann was a member of the Union Baptist Church serving on the Progressive Women's and Mother's Fellowship, Visual Arts and Decorating ministries. She was a member of the Elks Club and the fundraising committee for the former St. Elizabeth's Hospital. She was actively involved in politics and raised funds for the Mayor and members of City Council. As a member of the Elizabeth Branch of the NAACP, she raised funds for the Ethiopian Famine Relief Fund; and

WHEREAS, she was predeceased by her husband, Charles William Harris. She is survived by her beloved daughter, Lisa Ann; two sisters, Sandra Stubbs and Patricia DiLanardo, and a host of nieces, nephews, cousins and friends; now, therefore, be it

RESOLVED, that the City Council of the City of Elizabeth hereby expresses its condolences at the passing of Barbara Ann Harris to her family and friends; now, 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 her family.

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

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the City Council of the City of Elizabeth has learned of the unfortunate passing of Mrs. Mary Ray, 87; and

WHEREAS, she is survived by a host of family and friends; now, therefore, be it

RESOLVED, that the City Council of the City of Elizabeth hereby expresses its condolences at the passing of Mrs. Mary Ray to her family and friends; now, 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 her family.

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

Councilman Gallman moved that the City Council do now adjourn,

Which was carried unanimously.

Whereupon Council President Torres declared City Council adjourned

At 8:05 p.m.

APPROVED

Nelson Gonzalez
President of City Council

Yolanda M. Roberts
Municipal Clerk