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PROCEEDINGS OF CITY COUNCIL

(OFFICIAL)

ELIZABETH, N.J.

Tuesday Evening
December 11, 2012
7:30 p.m.

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

President pro tem William Gallman, Jr., 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, Homes 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, Chapter 231, P.L. 1975, on December 27, 2011.

PRESENT: Council Members-at-Large; Patricia Perkins-Auguste; Frank Cuesta; Edward Jackus;

Council Members: Manny Grova, 1st Ward; Joseph Keenan, 3rd Ward; Carlos Cedeno, 4th Ward; William Gallman, Jr., 5th Ward; Frank O. Mazza, 6th Ward; and President: [redacted], 2nd Ward - 8

ABSENT: Council President Gonzalez – 1

ALSO PRESENT: Jorge Estrada, Special Counsel

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

Council President pro tem Gallman announced that at this time Councilman Cuesta will make a presentation.

PRESENTATION

Councilman Cuesta presented a commendation to Councilman Edward Jackus for his years of service to the City of Elizabeth. He continued that not only was he a great legislator but an educator as well.

Councilman Cuesta then read the commendation.

Councilman Cuesta stated that the main reason that he was standing before you on City Council is because of Councilman Jackus. When Councilman Edreira decided not to run, it was Councilman Jackus who convinced him to run for City Council.

Councilwoman Patricia Perkins-Auguste stated that in 1992, she met a fellow by the name of Mr. Edward Jackus. She continued that as she campaigned with him, she learned how well known he was in the City. Every door that they knocked on, everyone knew Mr. Ed Jackus and when he became a Councilman, he was known long before as an educator.

Councilwoman Perkins-Auguste stated that Councilman Jackus taught her how to be strong and he tackled many issues that were not popular.

Councilman Joseph Kennan stated that he was the Library Director in 1993 when he met Councilman Jackus. He wished him "God speed" in his future endeavors.

Councilman Manny Grova commended his colleague that each child must be in good standing in academics.

Councilman Carlos Cedeno stated that throughout the years he has gained a lot of respect for him. He continued that Councilman Jackus has worked hard for the City and thanked him for everything he has done.

Councilman Frank O. Mazza stated that he has known Councilman Jackus for many years before he became a Councilman and he was his children's soccer coach. He stated further that he will miss him.

Council President pro tem Gallman stated that he met Councilman Jackus a long time ago and he was a good friend then and now. He continued that his colleague was dedicated to the children and he put his whole heart into it. He stated further that Councilman Jackus worked with his daughter and he thanked him and stated he will miss him.

Councilman Jackus stated that he remembers a 1964 Mustang; the popular phrase, "if it ain't broken, don't fix it, no speaking Spanish in City Hall, and the infamous line "Shoot to Kill." He continued that many of you here tonight recall these comments or even remember the political meanings of them. He stated further that he will never forget them because it personified what Elizabeth was.

Councilman Jackus stated that it is no longer like it was twenty years ago and he is very happy and proud to have played such a major part in such a magnificent, positive change to a City. He continued that yes, his time here has come to an end as an elected public official and he has no regrets and is very proud of his individual and joint accomplishments. He stated further that as he moves back into private life, let it be known publicly that he always marched to a different drum beat and did it all his way and will continue to do it that way for the rest of his life.

Councilman Jackus stated that his debt to the City of Elizabeth is paid in full and as he leaves, he would just like to leave with this being said, it is a passage on "Success", authored by Bessie Stanley.

To laugh often and much;

To win the respect of intelligent people and the affection of children;

To earn the appreciation of honest critics and endure the betrayal of false friends;

To appreciate beauty, to find the best in others;

To leave the world a bit better, whether by a healthy child, a garden patch, or a redeemed social condition;

To know even one life has breathed easier because you have lived.

This is to have succeeded.

In closing, Councilman Jackus stated "I have succeeded."

He thanked the Mayor, his colleagues, Patricia Perkins-Auguste, Frank Cuesta; Bob Varady, Phil, John Moretti, his best friends; sons, Kristopher and Michael; to Linda, Thank you, I love you dearly; City Council, past and present; City residents for all of their outstanding support over the years. God Bless Elizabeth , I love dearly.

Council President pro tem Gallman presented to Mr. Herschel McCoy a commendation recognizing someone so dear to the heart, dedicated and hard working.

He continued that he worked very hard, then retired, but he could not stay home, so he came back to take care of the senior center.

Council President pro tem Gallman then read the commendation.

Mr. McCoy thanked the Mayor and City Council, as well as each and everyone for this recognition.

Councilwoman Perkins-Auguste stated that if she was German, she would say Danke Schoen; if she was French, she would say Merci; if she was Spanish, she would say, Muchas Gracias; but she is just a little "ole" African-American girl and wants to say, Thank You; I love you.

Miss Rita Butts, Executive Director, Jefferson Park Day Care, Director of the Pre-School Program, stated that Ms. Alice Holzapfel, Ms. Cynthia Campbell and Ms. Chessie Roberts are here because, as you know, Jefferson Park is a 501 Agency that provides a childcare service. She continued that unfortunately a dark shadow has come upon us. Jefferson Park is going to lose their wrap-around program because families cannot meet the newly imposed eligibility requirements for Wrap Around Services in the State of New Jersey. She stated further that the wrap-around services is a before and after care subsidized program for preschool families. Ms. Butts stated that the loss of the wrap-around program creates two serious problems: First, the vast majority of our constituent families have lost a vital child care service which expands the basic six hour program to ten hours; an obvious help to the working parents, particularly those who travel a significant distance to their jobs. Secondly: the loss of those wrap-around revenues to Jefferson Park has created a tremendous financial loss. She continued that the wrap-around income has been used as the matching funds required to meet our contract with DOE and without these matching funds, Jefferson Park experienced a shortfall of $55,000.00 annually with our DOE contract.

Ms. Butts thanked Mayor Bollwage and the City Council, especially Council members Keenan and Perkins-Auguste for their past support. She continued that we are humbly requesting the support of the City of Elizabeth.

Mr. Jose Rodriguez, Jackson Avenue, wished everyone "Happy Holidays." He thanked and wished Councilman Jackus good luck in his future endeavors.

Mr. Rodriguez congratulated the Elizabeth High School Football team on their success.

Mr. Rodriguez stated that as an educator, it saddens him to know that some educators were found cheating. He continued that a Jefferson Park employee and her assistant have been working there for twenty-four years and he is very sad that their program is in jeopardy. He stated further that they have social workers and educational services and are there to provide many services and are there to provide many services. Mr. Rodriguez stated that they need Council's support.

Mr. George Katigaritis, Elmora Avenue, stated that the name of Ed Jackus is synonymous with the City of Elizabeth. He wished him the best.

Mr. Theodore Stevens, Essex County Surrogate, stated that every time he comes to Elizabeth, he is a fan of good government. He wished Councilman Jackus the best.

Mr. Stevens stated that he provides legal services to Jefferson Park and advised City Council to make the proper investments and there is no greater investment than our children.

Ms. Beverly Yeager, 485 Catherine Street, stated that she has worked there for twenty-two years and announced that her entire family has gone through Jefferson Park.

Mr. Marty Brandeis, 230 Parker Road, thanked Councilman Gallman because he said that there would be changes. He continued that he is glad that City Council got behind CIS and he really appreciates what was done.

Mr. Brandeis wished Councilman Jackus a happy retirement.

Council President pro tem Gallman stated that what City Council does is done as a "team."

Ms. Tina Smith, 70 Westfield Avenue, announced that she has MS and commended Councilwoman Perkins-Auguste for her commitment to the residents of this City. Ms. Smith announced that she is a proud alumni of Jefferson Park Day Care. She stated that Councilman Jackus was her gym teacher and wished him good luck.

Ms. Suzette Dach stated that she is grateful for Jefferson Park and graduated from Elizabeth High School with honors, went on to Farleigh Dickinson. She wished Councilman Jackus the best.

Mr. Charles Shallcross congratulated Councilman Jackus on his retirement. He remembered when they shared the same desk and when Councilman Jackus created the Elizabeth Hall of Fame.

Ms. Chessie Roberts, Reid Street, stated that she was born in Elizabeth and she is 86 years old and wants to say congratulations to a former student who has made a difference in this City.

Ms. Roberts thanked Mr. Hershel. Ms. Roberts stated that she hopes the Council members listened carefully to the CEO of Jefferson Park because she knows exactly what she is doing. She continued that the CEO has compassion for the students as well as her staff. She stated further that she knows most of Council and Councilman Gallman is her councilman and she knows he will do the right and positive thing for Jefferson Park.

Council President pro tem Gallman announced that Ms. Roberts is the cornerstone of this City and when she speaks, we must listen.

Councilwoman Perkins-Auguste stated that if a committee is established to review their situation, she would like to be a part of that committee. She continued that her grandmother was 92 and she worked for Jefferson Park and "prayerfully", they will find the funds.

Councilman Keenan stated that he would like to be a part of the committee because there is a need for more daycare.

Council President pro tem Gallman would like to be a part of the committee. He asked that they give Council a little time to see what can happen.

PUBLIC SPEAKING

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

PUBLIC HEARINGS

Council President pro tem Gallman announced that the next business in order would be a public hearing on **Ordinance No. 4348**, entitled:

AN ORDINANCE TO AMEND ORDINANCE NO. 4010 TO ESTABLISH THE SALARY, AND COST SHARING PLAN FOR PREMIUM PAYMENTS FOR THE STATE HEALTH BENEFITS PLAN (SHBP) COSTS FOR THE MAYOR, MEMBERS OF CITY COUNCIL AND DEPARTMENT DIRECTORS FOR THE PERIOD JANUARY 1, 2013 TO DECEMBER 31, 2016.

This ordinance was adopted on its first reading at the meeting of City Council held on **November 28, 2012**.

The Notice of Public Hearing was published in the Star Ledger issue of **December 3, 2012**.

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

Council President pro tem Gallman announced that the next business in order would be a public hearing on **Ordinance No. 4349**, entitled:

AN ORDINANCE TO AUTHORIZE A LEASE AGREEMENT FOR THE RENTAL AT THE STEVEN SAMPSON CENTER, 800-828 ANNA STREET, ELIZABETH, NEW JERSEY 07201, FOR GOVERNMENT CONSTITUENT SERVICES IN THE 13TH DISTRICT.

This ordinance was adopted on its first reading at the meeting of City Council held on **November 28, 2012**.

The Notice of Public Hearing was published in the Star Ledger issue of **December 3, 2012**.

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

Council President pro tem Gallman announced that the next business in order would be a public hearing on **Ordinance No. 4350**, entitled:

AN ORDINANCE GRANTING AN ENCROACHMENT PERMIT TO SOVEREIGN CONSULTING, INC., 111-A N. GOLD DRIVE, ROBBINSVILLE, NEW JERSEY TO INSTALL TWO (2) GROUNDWATER MONITORING WELLS, ALONG THE PUBLIC RIGHT-OF-WAY WITHIN THE SIDEWALK ADJACENT TO THE 1089-1099 ELIZABETH AVENUE, ELIZABETH, NEW JERSEY.

This ordinance was adopted on its first reading at the meeting of City Council held on **November 28, 2012**.

The Notice of Public Hearing was published in the Star Ledger issue of **December 3, 2012**.

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

PETITIONS, COMMUNICATIONS, ETC.

By the Clerk:
Letter dated November 30, 2012, from His Honor the Mayor subject to your confirmation, advice, and consent hereby appoints Edward Sisk to serve as Acting Director of the Fire Department on an as-needed basis for the period of November 28, 2012 to February 28, 2013, at the rate of $50.00 an hour.
Which was received.

By the Clerk:
Letter dated November 27, 2012, from the Business Administrator recommending the award of a contract to Maser Consulting P.A., One River Centre – Building Two, 331 Newman Springs Road, Suite 203, Red Bank, NJ, to provide professional engineering services, inclusive of Civil Engineering, Construction Administration and Educational Services, for the winterization and re-opening of the Mickey Walker Spray Park Facility in the amount of $12,650.00.
Which was received.

[redacted]

[redacted]

By the Clerk:
Letter dated November 28, 2012, from the Business Administrator recommending the award of a contract to Beyer Ford, 170 Ridgedale Avenue, Morristown, NJ, for the purchase of five (5) 2013 Ford Explorers for the Police Department, under their State Contract A83013, at a total cost of $152,665.00.
Which was received.

By the Clerk:
Letter dated November 29, 2012, from the Business Administrator requesting authorization for the proper City officials to renew the insurance policy with Fidelity & Deposit Company & Maryland, a member of Zurich Financial Services Group, Zurich Towers, 1400 American Lane, Schaumburg, IL, covering the Fidelity Blanket Bond for public employee dishonesty for the period of January 1, 2013 to January 1, 2014, at an annual premium of $4,049.99.
Which was received.

By the Clerk:
Letter dated November 29, 2012, from the Business Administrator recommending the award of a contract to National Terminal, Inc., 175 Orange Street, Newark, NJ, for the purchase of diesel fuel for the Public Works Marina for the period of November 1, 2012 through October 31, 2013, at a cost not to exceed $150,000.00.
Which was received.

By the Clerk:
Letter dated November 29, 2012, from the Business Administrator recommending the award of a contract to Language Line Services, Inc., P.O. Box 202564, Dallas, Texas, for Telephone Interpreter Services for the Police Department and the Municipal Court Division for the period of November 1, 2012 through October 31, 2013, at a cost not to exceed $50,000.00.
Which Was Referred To Council As A Whole.

By the Clerk:
Letter dated November 30, 2012, from the Business Administrator recommending the award of a contract to Northeast Auto & Truck Parts, LLC, Division of Capital Supply, Inc., 976 Broadway, Bayonne, NJ, for the purchase of automotive parts and accessories to include but not limited to brakes, filters and spark plugs for the Department of Public Works for the period of November 25, 2012 through December 25, 2012, at a cost not to exceed $50,000.00.
Which was received.

By the Clerk:
Letter dated November 30, 2012, from the Business Administrator recommending the award of a contract to Global, c/o BFI, 17 West Snow Road, Marlton, NJ, for the purchase of tables for the Police Department in the amount of $8,925.84.
Which was received.

By the Clerk:
Letter dated November 30, 2012, from the Business Administrator requesting that City Council reject all bids received November 27, 2012, for the furnishing of miscellaneous hardware supplies for various departments and to authorize the Purchasing Agent to rebid for same.
Which was received.

[redacted]

[redacted]

By the Clerk:
Letter dated December 4, 2012, from the Business Administrator recommending the award of a contract to Edmunds & Associates, 301A Tilton Road, Northfield, NJ, for the Software and Hardware Support/Annual Software Maintenance for the Department of Finance, Purchasing and Revenue, for a period of one year in the amount of $33,285.00.
Which was received.

By the Clerk:
Letter dated December 4, 2012, from the Business Administrator requesting authorization for the proper City officials to enter into and execute a Shared Services/ Intergovernmental Agreement with the County of Union for access to and use of State of New Jersey's and County of Union's Interoperable Communications System for a minimum of five years at minimal cost (i.e., under $5,000.00 per year).
Which was received.

By the Clerk:
Letter dated December 4, 2012, from the Business Administrator requesting authorization for the proper City officials to apply for a waiver from the Federal Communications Commission of its narrowbanding mandate.
Which was received.

By the Clerk:
Letter dated December 4, 2012, from the Business Administrator requesting authorization for the proper City officials to enter into an Intergovernmental Agreement with the Elizabeth Parking Authority to allow for the sharing of portable data terminals for a period of five years commencing on the date of execution at no direct costs to the City.
Which was received.

By the Clerk:
Letter dated December 4, 2012, from the Business Administrator requesting authorization for the proper City officials to accept and use Municipal Forfeiture Funds to purchase nine (9) 2013 Dodge Avengers for the Detective Bureau of the Elizabeth Police Department in the amount of $165,000.00.
Which was received.

By the Clerk:
Letter dated November 30, 2012, from the City Attorney requesting authorization to execute a contract with the law firm of Goldenberg, Mackler, Sayegh, Mintz, Pfeffer, Bonchi & Gill for representation of In Rem Tax Foreclosures for the period of November 27, 2012 through November 26, 2013, at a rate of $500.00 per tax sale certificate, plus costs with a cap of $50,000.00 and in the event the foreclosures become contested and given a separate docket number, such legal representation will be billed at $150.00 per hour plus costs.
Which was received.

By the Clerk:
Letter dated December 4, 2012, from the First Assistant City Attorney advising that the Law Department represented the City of Elizabeth Fire Department in the litigation matter of the United States of America vs. State of New Jersey, et al, entering into a Consent Decree wherein the City of Elizabeth, the State and other municipal defendants have complied with provisions of the Consent Decree and the Justice Department drafted a proposed Stipulation Terminating the Consent Decree and a proposed Order Terminating the Consent Decree and as the attorney for the City of Elizabeth, the First Assistant City Attorney will be signing off on both documents on behalf of the City.
Which was received.

[redacted]

By the Clerk:
Letter dated December 4, 2012, from the Chief Financial Officer is hereby requesting that your Honorable Body consider amending Ordinance No. 3505 and Ordinance No. 3698, Article IX, entitled: Outside Employment, Off-Duty Police Officers, specifically to increase the administrative rate to $5.00 per hour.
Which was received.

By the Clerk:
Letter dated December 4, 2012, from the Chief Financial Officer advising that additional grants may be appropriated in the 2013 SFY Budget by budget amendments.
Which was received.

By the Clerk:
Letter dated December 11, 2012, from the Chief Financial Officer that City Council consider requesting the Director of the Division of Local Finance to make corrections in the 2013 Municipal budget to account for the City's share (local share) of grants approved subsequent to the adopted budget; Matching Funds-City's Share from $850,000.00 to $817,414; Local Share: Port Security Grant from -0- to $32,586.00.
Which was received.

By the Clerk:
Letter dated November 30, 2012, from the Director of Health and Human Services recommending the award of a contract to Visiting Nurse and Health Services, 354 Union Avenue, Elizabeth, NJ, for the performance of Senior Health Promotion/Risk Reduction Services for the period of July 1, 2012 through June 30, 2013, at a rate of $80.00 per hour; not to exceed $11,520.00, unless further authorized by your Honorable Body.
Which was received.

By the Clerk:
Letter dated November 30, 2012, from the Director of Health and Human Services recommending the award of a contract to Visiting Nurse and Health Services, 354 Union Avenue, Elizabeth, NJ, for the performance of Health Educator Services for the period of July 1, 2012 through June 30, 2013, at a rate of $70.00 per hour not to exceed $10,395.00, unless further authorized by your Honorable Body.
Which was received.

By the Clerk:
Letter dated November 30, 2012, from the Director of Health and Human Services recommending the award of a contract to Pedro Beckford, MD, 39 Third Street, Elizabeth, NJ, for Pediatric Physician Services for the period of September 1, 2012 through December 31, 2013, at a rate of $100.00 per hour not to exceed $80,000.00, unless further authorized by your Honorable Body.
Which was received.

By the Clerk:
Letter dated November 30, 2012, from the Director of Health and Human Services recommending the award of a contract to Maria Chirino, MD, 436 Clark Place, Union, NJ, for Sexually Transmitted Disease Services for the period of September 1, 2012 through December 31, 2013, at a rate of $100.00 per hour not to exceed $50,000.00, unless further authorized by your Honorable Body.
Which was received.

[redacted]

[redacted]

By the Clerk:
Letter dated December 4, 2012, from the Director of Planning and Community Development requesting that your Honorable Body consider the revised Durant Street Redevelopment Plan.
Which was received.

By the Clerk:
Letter dated November 28, 2012, from the Director of Public Works requesting authorization 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 $11,010.62.
Which was received.

By the Clerk:
Letter dated December 3, 2012, from the Director of Public works recommending the award of a contract to the Birdsall Service Group, Inc., 65 Jackson Drive, Cranford, NJ, to provide Civil Engineering and Environmental Engineering On-Call Services at a cost not to exceed $55,000.00 plus reimbursables.
Which was received.

REPORTS OF CITY OFFICERS

By the Clerk:
Letter dated December 11, 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, December 7, 2012.
Which was received.

ORDINANCE ON FIRST READING

Council President pro tem Gallman announced that the next business in order would be the introduction of Ordinance No. **4351** , which was seconded by Councilman Cuesta, entitled:

AN ORDINANCE TO AMEND ARTICLE IX OF TITLE 2 CHAPTER 2.56, SECTION 2.56.340 OF THE CODE OF THE CITY OF ELIZABETH, ENTITLED OUTSIDE EMPLOYMENT (CONTRACTED OFF-DUTY EMPLOYMENT) FOR THE PURPOSE OF ADOPTING A POLICY RELATED TO THE OUTSIDE EMPLOYMENT OF OFF-DUTY POLICE OFFICERS OF THE CITY OF ELIZABETH THAT INCLUDES THE CITY'S AUTHORITY TO REGULATE THE OUTSIDE EMPLOYMENT OF OFF-DUTY POLICE OFFICERS AND TO SET HOURLY RATES IN ACCORDANCE WITH APPLICABLE STATE AND FEDERAL REGULATIONS AND LAWS

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, Mazza, President pro tem Gallman, - 8

NEGATIVE: None

Council President pro tem Gallman announced that the next business in order would be the introduction of Ordinance No. **4352** , which was seconded by Councilman Cuesta, entitled:

AN ORDINANCE TO APPROVE AND ADOPT THE REVISED DURANT REDEVELOPMENT PLAN, AMENDING ORDINANCE NO. 3750.

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, Mazza, President pro tem Gallman, - 8

NEGATIVE: None

Council President pro tem Gallman announced that the next business in order would be the introduction of Ordinance No. **4353** , which was seconded by Councilman Cuesta, entitled:

AN ORDINANCE TO AMEND CHAPTER 10.16.010 OF THE CODE OF THE CITY OF ELIZABETH SPECIFICALLY RELATING TO FOUR-TON WEIGHT LIMIT, STREETS AFFECTED, EXCEPT FOR PICK-UP AND DELIVERIES.

The Clerk read the foregoing ordinance.

Councilman Grova stated that this has been requested by the residents and he hopes that his colleagues will support this ordinance.

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

AFFIRMATIVE: Perkins-Auguste, Cuesta, Jackus, Grova, Keenan, Cedeno, Mazza, President pro tem Gallman, - 8

NEGATIVE: None

Council President pro tem Gallman announced that public notice will be published fixing Tuesday evening, December 26, 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. 4351, 4352 and 4353, adopted on first reading.

ORDINANCES ON FINAL PASSAGE

Council President pro tem Gallman announced that the next business in order would be the adoption of **Ordinance No. 4348**, which was seconded by Councilman Cuesta:

AN ORDINANCE TO AMEND ORDINANCE NO. 4010 TO ESTABLISH THE SALARY, AND COST SHARING PLAN FOR PREMIUM PAYMENTS FOR THE STATE HEALTH BENEFITS PLAN (SHBP) COSTS FOR THE MAYOR, MEMBERS OF CITY COUNCIL AND DEPARTMENT DIRECTORS FOR THE PERIOD JANUARY 1, 2013 TO DECEMBER 31, 2016.

WHEREAS, it is necessary to set the salaries for the Mayor, Members of City Council and Department Directors in the City of Elizabeth; and

WHEREAS, it is necessary to set the Cost-Sharing Plan for Premium Payments for the State Health Benefit Plan (SHBP) costs for the Mayor, Members of City Council, and Department Directors of the City of Elizabeth; and

WHEREAS, The Salary Committee established by the City Council of the City of Elizabeth met on November 20, 2012 and has made certain recommendations regarding the salaries and the Cost Sharing Plan for Premium Payments for the State Health Benefit Plan (SHBP) costs for the Mayor, Members of City Council, and the Department Directors in the City of Elizabeth ; now, therefore,

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

SECTION 1. - The salaries for the Mayor, Members of City Council and Department Directors are hereby established as set forth in Schedules A, A-1, A-2, A-3, and A-4, attached hereto and made a part thereof.

Council President pro tem Gallman announced that the next business in order would be the adoption of **Ordinance No. 4349**, which was seconded by Councilman Cuesta:

AN ORDINANCE TO AUTHORIZE A LEASE AGREEMENT FOR THE RENTAL AT THE STEVEN SAMPSON CENTER, 800-828 ANNA STREET, ELIZABETH, NEW JERSEY 07201, FOR GOVERNMENT CONSTITUENT SERVICES IN THE 13TH DISTRICT.

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

SECTION 1. - The Mayor and the Municipal Clerk are hereby authorized to execute a Lease Agreement with Congressman Albio Sires, as a member of the United States House of Representatives, to lease office space located at the Steven Sampson Center, 800-828 Anna Street, Elizabeth, New Jersey 07201, for government constituent services in the 13th Congressional District.

SECTION 2. The original executed Lease Agreement shall be on file with the Elizabeth Municipal Clerk along with this Ordinance.

SECTION 3. The terms and conditions of the Lease Agreement will be as follows:

1. The Lease Agreement will be in the form of two-year lease beginning January 3, 2013 and ending January 2, 2015.
2. There is no monthly rent; and
3. Congressman Albio Sires' Office will be responsible for the payment of utilities during the term of this Lease Agreement.

SECTION 4. All ordinances or parts of ordinances inconsistent with the provisions of this ordinance be and the same are hereby repealed.

SECTION 5. 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 6. 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 . **November 28, 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 **December 3, 2012.**

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

AFFIRMATIVE: Perkins-Auguste, Cuesta, Jackus, Grova, Mazza, President pro tem Gallman - 8

NEGATIVE: None

Council President pro tem Gallman announced that the next business in order would be the adoption of **Ordinance No. 4350** , which was seconded by Councilman Cuesta:

AN ORDINANCE GRANTING AN ENCROACHMENT PERMIT TO SOVEREIGN CONSULTING, INC., 111-A N. GOLD DRIVE, ROBBINSVILLE, NEW JERSEY TO INSTALL TWO (2) GROUNDWATER MONITORING WELLS, ALONG THE PUBLIC RIGHT-OF-WAY WITHIN THE SIDEWALL ADJACENT TO THE 1089-1099 ELIZABETH AVENUE, ELIZABETH, NEW JERSEY.

WHEREAS, the Department Public Works, Division of Engineering, has reviewed the communication dated November 2, 2012 with respect to an application for environmental work within the Right-of-Way of Elizabeth Avenue. Sovereign Consulting, Inc., is performing environmental assessment activities related to the former gasoline service station at 1089-1099 Elizabeth Avenue that requires the installation of two (2) groundwater monitoring wells within the sidewalk adjacent to the property; and

WHEREAS, Sovereign Consulting, Inc., 111A North Gold Drive, Robbinsville, New Jersey 08691, has submitted all necessary documentation and the application is considered administratively complete with the exception of a two-year maintenance bond in the amount of $1,500.00. The bond and current insurance policy should be submitted one week in advance of the proposed work. An insurance policy will need to be provided yearly until the wells are properly abandoned; and

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

SECTION 1. - That an encroachment permit be granted to Sovereign Consulting, Inc.,111A North Gold Drive, Robbinsville, New Jersey 08691, to perform environment work consisting of two (2) groundwater monitoring wells numbers PMW-18 and PMW-19 within the sidewalk adjacent to 1089-1099 Elizabeth Avenue as depicted on a plan entitled "Traffic Control Map, Former Shell Station #138348" prepared by Sovereign Consulting, Inc., signed and sealed by Peter Jaran, PE on October 12, 2012 and which are on file in the Municipal Engineer's Office; and

SECTION 2. – The plans and application package will be kept in the Division of Engineering files for reference along with the two-year maintenance bond and current insurance policy when received. The insurance policy submitted expires on June 1, 2013.

SECTION 3. - The Permittee shall provide a liability insurance certificate in the aggregate amount determined by the City Engineer for property damage and personal injury naming the City of Elizabeth as an additional insured and giving the City a thirty (30) day notice of cancellation of policy. The Permittee shall also be responsible for all maintenance with regard to the encroachment.

SECTION 4. - All ordinances or parts of ordinance inconsistent with the provisions of this ordinance be and the same are hereby repealed.

SECTION 5. - 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 6. - 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 **November 28, 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 **December 3, 2012.**

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

AFFIRMATIVE: Perkins-Auguste, Cuesta, Jackus, Grova, Keenan, Cedeno, Mazza, President pro tem Gallman - 8

NEGATIVE: None

By City Council as a Whole:

WHEREAS, N.J.S. 40A 4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget, and

WHEREAS, said Director may also approve the insertion of an item of appropriation for an equal amount, and

WHEREAS, the City of Elizabeth will receive an amount of $19,968.55 for the UASI Urban Areas Security Initiative 2010 awarded by the State of New Jersey Office of Homeland Security and Preparedness (OHSP) and wishes to amend its FY2013 budget to include these amounts as revenue:

NOW, THEREFORE, BE IT RESOLVED that the council of the City of Elizabeth hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the fiscal year 2013 in the total sum of $19,968.55 which is now available as a revenue from:

Miscellaneous Revenues
Special Items of General Revenue Anticipated with Prior Written Consent of the Director of Local Government Services:
State and Federal Revenues Off-set with Appropriations:

State of New Jersey Office of Homeland Security and Preparedness
UASI Urban Areas Security Initiative 2010 $19,968.55

BE IT FURTHER RESOLVED, that a like sum of $19,968.55 be and the same is hereby appropriated under the caption of :

General Appropriations
(a) Operations Excluded from 3 ½ % Caps
State and Federal Programs Offset by Revenues:

State of New Jersey Office of Homeland Security and Preparedness
UASI Urban Areas Security Initiative 2010
Other Expenses $19,968.55

BE IT FURTHER RESOLVED, that City Clerk forward two copies of this resolution to the Director of Local Government Services.

Which was adopted by the following vote:

AFFIRMATIVE: Perkins-Auguste, Cuesta, Jackus, Grova, Keenan, Cedeno, Mazza, President pro tem Gallman - 8

NEGATIVE: None

By City Council as a Whole:

WHEREAS, N.J.S. 40A 4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget, and

WHEREAS, said Director may also approve the insertion of an item of appropriation for an equal amount, and

WHEREAS, the City of Elizabeth will receive an amount of $97,760 for the Port Security Grant 2012 awarded by the US Department of Homeland Security and wishes to amend its FY2013 budget to include these amounts as revenue:

NOW, THEREFORE, BE IT RESOLVED that the council of the City of Elizabeth hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the fiscal year 2013 in the total sum of $97,760 which is now available as a revenue from:

Miscellaneous Revenues
Special Items of General Revenue Anticipated with Prior Written Consent of the Director of Local Government Services:
State and Federal Revenues Off-set with Appropriations:

US Department of Homeland Security	
Port Security Grant 2012	$97,760

BE IT FURTHER RESOLVED, that a like sum of $97,760 be and the same is hereby appropriated under the caption of :

General Appropriations
(a) Operations Excluded from 3 ½ % Caps
State and Federal Programs Offset by Revenues:

US Department of Homeland Security	
Port Security Grant 2012	
Other Expenses	$97,760
Local Share	$32,586

BE IT FURTHER RESOLVED, that City Clerk forward two copies of this resolution to the Director of Local Government Services.

Which was adopted by the following vote:

AFFIRMATIVE: Perkins-Auguste, Cuesta, Jackus, Grova, Keenan, Cedeno, Mazza, President pro tem Gallman - 8

NEGATIVE: None

By City Council as a Whole:

WHEREAS, N.J.S. 40A 4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget, and

WHEREAS, said Director may also approve the insertion of an item of appropriation for an equal amount, and

WHEREAS, the City of Elizabeth will receive an amount of $34,632.03 for the Highway Safety Grant 2013 awarded by the State of New Jersey Department of Transportation and wishes to amend its FY2013 budget to include these amounts as revenue:

NOW, THEREFORE, BE IT RESOLVED that the council of the City of Elizabeth hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the fiscal year 2013 in the total sum of $34,632.03 which is now available as a revenue from:

Miscellaneous Revenues
Special Items of General Revenue Anticipated with Prior Written Consent of the Director of Local Government Services:
State and Federal Revenues Off-set with Appropriations:

State of New Jersey Department of Transportation Highway Safety Grant 2012	$34,632.03

BE IT FURTHER RESOLVED, that a like sum of $34,632.03 be and the same is hereby appropriated under the caption of :

General Appropriations
(a) Operations Excluded from 3 ½ % Caps
State and Federal Programs Offset by Revenues:

State of New Jersey Department of Transportation Highway Safety Grant 2012 Other Expenses	$34,632.03

BE IT FURTHER RESOLVED, that City Clerk forward two copies of this resolution to the Director of Local Government Services.

Which was adopted by the following vote:

AFFIRMATIVE: Perkins-Auguste, Cuesta, Jackus, Grova, Keenan, Cedeno, Mazza, President pro tem Gallman - 8

NEGATIVE: None

By City Council as a Whole:

WHEREAS, N.J.S.A. 40A 4-85 provides that the Director of the Division of Local Government Services may, at the request of, or with the consent of, the Governing Body of the Municipality, make such correction of the title, test or amount of any appropriation appearing in the municipal budget as may be necessary to make said item of appropriation available for the purpose or purposes required for the needs of any such municipality,

NOW, THEREFORE, BE IT RESOLVED, that in accordance with the provisions of N.J.S.A. 40A:4-85, that the City Council of the City of Elizabeth hereby requests the Director of the Division of Local Finance to make the following corrections in the 2013 Municipal Budget;

Name of Appropriation	From	To
Matching Funds-City's Share	$850,000	$817,414
Port Security Grant -Local Share	-0-	$32,586

BE IT FURTHER RESOLVED, that the foregoing correction is, in the opinion of the Governing Body, warranting and authorized by the Statute above referred to, and is necessary for the orderly operation of the City of Elizabeth for the reasons herein above set forth; and,

BE IT FURTHER RESOLVED, that the City Clerk forward two copies of this resolution to the Director of the Division of Local Government Services and one copy each to the Chief Financial Officer, Assistant Comptroller, and Auditor.

Which was adopted by the following vote:

AFFIRMATIVE: Perkins-Auguste, Cuesta, Jackus, Grova, Keenan, Cedeno, Mazza, President pro tem Gallman - 8

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, due to the temporary absence of the City of Elizabeth's current Fire Department Director the Mayor has appointed Edward Sisk to serve as Acting Director of the Fire Department on an as needed basis from November 28, 2012 to February 28, 2013 at the rate of Fifty-Dollars ($50.00) an hour subject to the advise and consent of the City Council of the City of Elizabeth; now, therefore, be it

RESOLVED that City Council of the City of Elizabeth does hereby advise and consent to the appointment of Edward Sisk to serve as Acting Director of the Fire Department on an as needed basis from November 28, 2012 to February 28, 2013 at the rate of Fifty-Dollars ($50.00) an hour due to the temporary absence of the current Fire Director.

Which was adopted by the following vote:

AFFIRMATIVE: Perkins-Auguste, Cuesta, Jackus, Grova, Keenan, Cedeno, Mazza, President pro tem Gallman - 8

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

RESOLVED that City Council of the City of Elizabeth does hereby appoint **Ms. Yolanda M. Roberts, 177 Elm Street, Elizabeth, New Jersey 07208,** to serve as Municipal Clerk for a term of three (3) years, effective January 1, 2013 (Tenure Appointment).

Which was adopted by the following vote:

AFFIRMATIVE: Perkins-Auguste, Cuesta, Jackus, Grova, Keenan, Cedeno, Mazza, President pro tem Gallman - 8

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the Business Administrator has advised that on March 9, 2012 the Department of Public Works has reviewed the qualification proposals of all respondents for consulting professional engineering services; and

WHEREAS, the Department of Pubic Works reviewed the qualifications of all respondents, and found the firm of **MASER CONSULTANTS, P.A., One River Centre-Building Two, 331 Newman Springs Road, Suite 203, Red Bank, New Jersey 07701**, to be qualified to provide the City of Elizabeth with professional engineering services inclusive of Civil Engineering, Construction Administration and Educational Services; and

WHEREAS, the Director of the Department of Public Works has requested authorization to award a contract to the firm of **MASER CONSULTANTS, P.A., One River Centre- Building Two, 331 Newman Springs Road, Suite 203, Red Bank, New Jersey 07701**, to provide the City of Elizabeth with professional engineering services inclusive of Civil Engineering, Construction Administration and Educational Services for the Winterization and Re-Opening of the Mickey Walker Spray Park Facility in the amount of $12, 650.00 as per their proposal of November 2, 2012; and

WHEREAS, the request for qualifications was solicited through a fair and open process in accordance with **N.J.S.A**. 19:44A-20.5, et. Seq., and **N.J.S.A**. 40A:11-5 (a) (i); 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 Chief Financial Officer has certified that sufficient funds are available an appropriated for this purpose and Certification No. 13-03876 charging the amount of $12,650.00 to Account No 3-01-28-370-REC-325 of the Municipal Budget, is on file in the Office in 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 "Professional Services"without competitive bids and the contract itself must be available for public inspections; now, therefore, be it

RESOLVED by the 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 **MASER CONSULTANTS, P.A., One River Centre- Building Two, 331 Newman Springs Road, Suite 203, Red Bank, New Jersey 07701**, to be qualified to provide the City of Elizabeth with professional engineering services inclusive of Civil Engineering, Construction Administration and Educational Services for the Winterization and Re-Opening of the Mickey Walker Spray Park Facility in the amount of $12,650.00 as per their proposal of November 2, 2012.

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, Grova, Keenan, Cedeno, Mazza, President pro tem Gallman - 8

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 **BEYER FORD, 170 RIDGEDALE AVENUE, MORRISTOWN, NJ,** for the purchase of Five (5) 2013 Ford Explorers for the Police Department at a total cost of $152,665.00 under State Contract #A83013; and

WHEREAS, State Contracts 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. 13-03881, charging the amount of $152,665.00 to Account No. 3-01-25-240-POL-362, 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 Contract #A83013 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 authorizes the award of a contract to **BEYER FORD, 170 RIDGEDALE AVENUE, MORRISTOWN, NJ,** for the purchase of Five (5) 2013 Ford Explorers for the Police Department at a total cost of $152,665.00 under State Contract #A83013.

Which was adopted by the following vote:

AFFIRMATIVE: Perkins-Auguste, Cuesta, Jackus, Grova, Keenan, Cedeno, Mazza, President pro tem Gallman - 8

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, there exists a need for renewal of a policy of insurance covering the Fidelity Blanket Bond for Public Employees Officials; and

WHEREAS, the Business Administrator has requested authorization for the proper City officials to renew the policy of insurance with **Fidelity & Deposit Company Maryland (A member of Zurich Financial Services Group) Zurich Towers, 1400 American Lane, Schaumburg, Illinois 60196-1056,** covering the Fidelity Blanket Bond for public employees dishonesty. The premium is $4,049.99 for the period January 1, 2013 to January 1, 2014. This policy provides $170,000.00 of coverage with a $5,000.00 deductible and

WHEREAS, this recommendation is being made with the full concurrence of the members of the Insurance Fund Commission; and

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available and appropriated for this purpose and Certification No. 13-04799, charging the amount of $4,049.99 to Account Number 3-01-23-210-INS of the 2013 Fiscal 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 execute an agreement with **Fidelity & Deposit Company Maryland, (A member of Zurich Financial Services Group) Zurich Towers, 1400 American Lane, Schaumburg, Illinois 60196-1056,** for the renewal of the policy of insurance covering the Fidelity Blanket Bond for public employees dishonesty. The premium is $4,049.99 for the period of January 1, 2012 to January 1, 2013. This policy provides $170,000.00 of coverage with a $5,000.00 deductible.

2. 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(1)(m) exempts the purchasing of insurance coverage from advertising for bids and bidding, which exception shall be in accordance with the requirements thereof.

3. This cannot be described by written specifications because of the special nature of the services as described above.

4. A notice of this action shall be published in **The Star Ledger.**

Which was adopted by the following vote:

AFFIRMATIVE: Perkins-Auguste, Cuesta, Jackus, Grova, Keenan, Cedeno, Mazza, President pro tem Gallman - 8

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the Business Administrator has requested per the recommendation of the Purchasing Agent the award of a contract to **NATIONAL TERMINAL, INC., 175 Orange Street, Newark, New Jersey 07103,** for the purchase of Diesel Fuel for the Public Works Marina for the period of November 1, 2012 through October 31, 2013 at a cost not to exceed $150,000.00 under their State Contract #A82768; 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 and the Purchasing Agent have advised that the contract in question is a purchase through a State of New Jersey Contract #A82768 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 authorizes the award of a contract to **NATIONAL TERMINAL, INC., 175 Orange Street, Newark, New Jersey 07103,** for the purchase of Diesel Fuel for the Public Works Marina for the period of November 1, 2012 through October 31, 2013 at a cost not to exceed $150,000.00 under their State Contract #A82768

Which was adopted by the following vote:

AFFIRMATIVE: Perkins-Auguste, Cuesta, Jackus, Grova, Keenan, Cedeno, Mazza, President pro tem Gallman - 8

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the Business Administrator and the Purchasing Agent have requested per the recommendation of the Director of Public Works the award of a contract to **NORTHEAST AUTO & TRUCK PARTS, LLC/Division of Capital Supply, Inc., 976 Broadway, Bayonne, NJ 07002,** for the purchase of Automotive Parts & Accessories for the Department of Public Works for the period of November 25, 2012 through December 25, 2012 at a cost not to exceed $50,000.00 under their State Contract #A80071; 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 and the Purchasing Agent have advised that the contract in question is a purchase through a State of New Jersey Contract #A80071 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 authorizes the award of a contract to **NORTHEAST AUTO & TRUCK PARTS, LLC/Division of Capital Supply, Inc., 976 Broadway, Bayonne, NJ 07002,** for the purchase of Automotive Parts & Accessories for the Department of Public Works for the period of November 25, 2012 through December 25, 2012 at a cost not to exceed $50,000.00 under their State Contract #A80071.

Which was adopted by the following vote:

AFFIRMATIVE: Perkins-Auguste, Cuesta, Jackus, Grova, Keenan, Cedeno, Mazza, President pro tem Gallman - 8

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 **GLOBAL, c/o BFI, 17 West Snow Road, Marlton, New Jersey 08053,** for the purchase of tables for the Police Department in the amount of $8,925.84 under State Contract #A69980; and

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available and appropriated for this purpose and Certification No. 13-03946, charging the amount of $8,925.84 to Account No. 3-21-56-130, 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 Contract #A69980 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 authorizes the award of a contract to **GLOBAL, c/o BFI, 17 West Snow Road, Marlton, New Jersey 08053,** for the purchase of tables for the Police Department in the amount of $8,925.84 under State Contract #A69980.

Which was adopted by the following vote:

AFFIRMATIVE: Perkins-Auguste, Cuesta, Jackus, Grova, Keenan, Cedeno, Mazza, President pro tem Gallman - 8

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, on November 27, 2012 the Purchasing Agent received and reviewed the sole bid for the furnishing of Miscellaneous Hardware Supplies for various departments; and

WHEREAS, the Purchasing Agent advises that the sole bid received does not meet the City's requirements as it did not contain the necessary Bid Bond or Certified check; now, therefore, be it

RESOLVED that the City Council of the City of Elizabeth hereby rejects the sole bid received on November 27, 2012 for the furnishing of Miscellaneous Hardware Supplies for various departments and authorizes the Purchasing Agent to re-bid for same for the reasons stated hereinabove.

Which was adopted by the following vote:

AFFIRMATIVE: Perkins-Auguste, Cuesta, Jackus, Grova, Keenan, Cedeno, Mazza, President pro tem Gallman - 8

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the Business Administrator and the Purchasing Agent have recommended per the request of the Supervisor of Data Processing authorization to award a contract to **EDMUNDS & ASSOCIATES, 301A Tilton Road, Northfield, NJ 08225**, for the Software and Hardware Support/Annual Software Maintenance for Financial, Purchasing and Revenue in the amount of $33,285.00 for a period of one year; and

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available and appropriated for this purpose and Certification No. 13-04635 charging the amount of $33,285.00 to Account No. 3-01-20-140-DPR-307, 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 proper City Officials to enter into a contract with **EDMUNDS & ASSOCIATES, 301A Tilton Road, Northfield, NJ 08225**, for the Software and Hardware Support/Annual Software Maintenance for Financial, Purchasing and Revenue in the amount of $33,285.00 for a period of one year.

Which was adopted by the following vote:

AFFIRMATIVE: Perkins-Auguste, Cuesta, Jackus, Grova, Keenan, Cedeno, Mazza, President pro tem Gallman - 8

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the Business Administrator has advised that the Federal Communications Commission (FCC) has mandated that as of January 1, 2013, all public safety radio pool licensees, including the City of Elizabeth, will be prohibited from operating with wideband channels unless their equipment meets narrowband efficiency standards, even if the license still lists a wideband emission designator. Licensees operating in wideband mode after January 1, 2013, that have not received a waiver from the Commission extending the deadline will be in violation of these rules; and

WHEREAS, in order to meet this obligation it is necessary for the City of Elizabeth to enter into a Shared Services/Intergovernmental Agreement with the County of Union for access to, and use of, the State of New Jersey's and County of Union's Interoperable Communications System. The County and State are presently finalizing their Agreement and when that is complete, the City will enter into an Agreement with Union County. Once the City enters into this agreement, it then intends to procure all necessary equipment required for mandated compliance from Motorola. While the City intends to meet the FCC's mandate, in order to protect the City against the possibility that the agreements will not be finalized and equipment purchased before January 1, 2013, the City, under separate cover, has requested authorization from your Honorable Body to apply for a temporary waiver from the FCC; and

WHEREAS, the Business Administrator has requested authorization for the proper City officials to enter into and execute a Shared Services/Intergovernmental Agreement with the County of Union for access to and use of State of New Jersey's and County of Union's Interoperable Communications System. The term of this Agreement will be for a minimum of five (5) years and the cost will be minimal (i.e., under Five-Thousand Dollars ($5,000.00) per year; now, therefore, be it

RESOLVED that the City Council of the City of Elizabeth authorizes the proper City officials to enter into and execute a Shared Services/Intergovernmental Agreement with the County of Union for access to and use of State of New Jersey's and County of Union's Interoperable Communications System. The term of this Agreement will for a minimum of five (5) years and the cost will be minimal (i.e., under Five-Thousand Dollars ($5,000.00) per year for the reasons stated hereinabove.

Which was adopted by the following vote:

AFFIRMATIVE: Perkins-Auguste, Cuesta, Jackus, Grova, Keenan, Cedeno, Mazza, President pro tem Gallman - 8

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the Business Administrator has advised that the Federal Communications Commission (FCC) has mandated that as of January 1, 2013 all public safety radio pools licensees, including the City of Elizabeth, will be prohibited from operating with wideband channels unless their equipment meets narrowband efficiency standards, even if the license still lists a wideband omission designator. Licensees operating in wideband mode after January 1, 2013, that have not received a waiver from the Commission extending the deadline will be in violation of these rules; and

WHEREAS, the City is diligently working with the State of New Jersey, County of Union and Motorola to finalize agreements and procurement plans to meet this unfunded mandate. While the City will expend its best efforts to meet the deadline, it believes it prudent at this time to request a waiver from the FCC in the event that the Agreement and procurement process carries into 2013 Calendar Year, so the City will not be liable for any penalties; now, therefore, be it

RESOLVED that the City Council of the City of Elizabeth authorizes the proper City Officials to apply for a waiver from the Federal Communications Commission of its narrow banding mandate for the reasons stated hereinabove.

Which was adopted by the following vote:

AFFIRMATIVE: Perkins-Auguste, Cuesta, Jackus, Grova, Keenan, Cedeno, Mazza, President pro tem Gallman - 8

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the Business Administrator has advised that pursuant to **N.J.S.A**. 2B:12-30, the Elizabeth Parking Authority is authorized to procure and maintain handled entry devices (PDT's) and related equipment for processing parking violations; and

WHEREAS, the City of Elizabeth desire to enter into an Intergovernmental Agreement with the Elizabeth Parking Authority to allow for the sharing of these Portable Data Terminals (PDT's) with City of Elizabeth Parking Enforcement Officers. This action will allow the City's parking enforcement and Municipal Court ticket in put operations to run more efficiently and to increase revenue; and

WHEREAS, the Business Administrator has requested authorization for the proper City Officials to enter into an Intergovernmental Agreement with the Elizabeth Parking Authority to allow for the sharing of Portable Data Terminals (PDT's). The Agreement is for a five (5) year period commencing on the date of execution. There will be no direct costs to the City; now, therefore, be it

RESOLVED that the City Council of the City of Elizabeth authorizes the proper City Officials to enter into an Intergovernmental Agreement with the Elizabeth Parking Authority to allow for the sharing of Portable Data Terminals (PDT's). The Agreement is for a five (5) year period commencing on the date of execution. There will be no direct costs to the City.

Which was adopted by the following vote:

AFFIRMATIVE: Perkins-Auguste, Cuesta, Jackus, Grova, Keenan, Cedeno, Mazza, President pro tem Gallman - 8

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the Business Administrator has received a request from the Elizabeth Chief of Police and concurs with his recommendation to use approximately $165,000.00 from the Municipal Forfeiture Fund to purchase Nine (9) 2013 Dodge Avengers and Lights and Sirens for ame for the Detective Bureau of the Elizabeth Police Department; and

WHEREAS, the Dodge Avengers will fit our basic transportation needs for the Detective Bureau in addition to being economical and highly fuel efficient; and

WHEREAS, it was determined at a budget meeting for the Police Department that funds are currently unavailable in the Police Department budget; now, therefore, be it

RESOLVED that the City Council of the City of Elizabeth authorizes the proper City Officials to accept and use funds from the Municipal Trust Fund in the amount of $165,000.00 to purchase Nine (9) 2013 Dodge Avengers and Lights and Sirens for same for the Detective Bureau of the Elizabeth Police Department.

Which was adopted by the following vote:

AFFIRMATIVE: Perkins-Auguste, Cuesta, Jackus, Grova, Keenan, Cedeno, Mazza, President pro tem Gallman - 8

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the City Council had determined Tax Sale Certificates held by the City of Elizabeth need to be foreclosed by summary proceeding In Rem, as provided under the In Rem Foreclosure Act; and

WHEREAS, there exists a need to retain an attorney in connection with an In Rem Tax Foreclosure proceeding authorized by this Governing Body; and

WHEREAS, the Law Department issued a Request for Qualifications for Counsel to conduct In Rem Tax Foreclosures for the City of Elizabeth. The sole response was from the law firm of **Goldenberg, Mackler, Sayegh, Mintz, Pfeffer, Bonchi & Gill, 660 New Road, Suite 1A, Northfield, New Jersey 08225** who is highly qualified; and

WHEREAS, this contract is awarded through a fair and open process pursuant to the provisions of **N.J.S.A.** 19:44A-20.5 et seq., and **N.J.S.A.** 40A:11-5(a) (i); and

WHEREAS, the City Attorney has recommended the appointment of the law firm **Goldenberg, Mackler, Sayegh, Mintz, Pfeffer, Bonchi & Gill, 660 New Road, Suite 1A, Northfield, New Jersey 08225** for legal representation to foreclose on the tax sale certificates, In Rem for the In Rem Tax Foreclosure List, attached hereto and made a part hereof, for the City of Elizabeth for the period of November 27, 2012 through November 26, 2013 at a rate of $500.00 per tax sale certificate, plus costs with a cap of $50,000.00. In the event that the foreclosures become contested and are given a separate docket number, such legal representation will be billed at $150.00 per hour plus costs; and

WHEREAS, the costs and attorneys fees related to the In Rem Tax Foreclosure proceedings will be paid out of the redemption monies received from the In Rem Tax Foreclosure Proceedings and, therefore, no certificate of availability of funds is required N.J.S.A. 40A:4-57; 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 must be publicly advertised; now, therefore, be it

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

1. The Mayor and the City Clerk are hereby authorized and directed to execute an agreement with **Goldenberg, Mackler, Sayegh, Mintz, Pfeffer, Bonchi & Gill, 660 New Road, Suite 1A, Northfield, New Jersey 08225,** for legal representation to foreclose on the tax sale certificates, In Rem, for the In Rem Tax Foreclosure List, attached hereto and made a part hereof, for the City of Elizabeth for the period of November 27, 2012 through November 26, 2013 at a rate of $500.00 per tax sale certificate, plus costs with a cap of $50,000.00. In the event that the foreclosures become contested and are given a separate docket number, such legal representation will be billed at $150.00 per hour plus costs

2. This contract is awarded without competitive bidding as a"Professional Service" in accordance with **N.J.S.A.** 40A:11-5(1)(a) of the Local Public Contracts Law because **Goldenberg, Mackler, Sayegh, Mintz, Pfeffer, Bonchi & Gill** is authorized by law to practice a recognized profession and his practice is regulated by law.

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, Grova, Keenan, Cedeno, Mazza, President pro tem Gallman - 8

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the Director of the Department of Health and Human Services has requested authorization to award a contract to **Visiting Nurse and Health Services, 354 Union Avenue, Elizabeth, New Jersey 07208,** for the performance of Senior Health Promotion/Risk Reduction Services for the period July 1, 2012 through June 30, 2013 at a rate of $80.00 per hour for the total cost not to exceed $11,520.00 without further authorization by of City Council; and

WHEREAS, pursuant to **N.J.S.A**. 19:44A-20.5 et seq., this contract was solicited and is being awarded pursuant to a fair and open process. The proposal submitted by Visiting Nurse and Health Services is on file with the Office of Health and Human Services; and

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available and appropriated for this purpose and Certification No. 13-04803, charging the amount of $11,520.00 to Account No. 3-01-27-330-HEA-325 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 award of a contract to **Visiting Nurse and Health Services, 354 Union Avenue, Elizabeth, New Jersey 07208,** for the performance of Senior Health Promotion/Risk Reduction Services for the period July 1, 2012 through June 30, 2013 at a rate of $80.00 per hour for the total cost not to exceed $11,520.00 without further authorization by of City Council.

Which was adopted by the following vote:

AFFIRMATIVE: Perkins-Auguste, Cuesta, Jackus, Grova, Keenan, Cedeno, Mazza, President pro tem Gallman - 8

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the Director of the Department of Health and Human Services has requested authorization to award a contract to **Visiting Nurse and Health Services, 354 Union Avenue, Elizabeth, New Jersey 07208** for the performance of Health Educator Services for the period of July 1, 2012 through June 30, 2013. The total cost of services for the year is not to exceed $10,395.00 at a rate of $70.00 per hour without further authorization by your City Council; and

WHEREAS, pursuant to **N.J.S.A.** 19:44A-20.5 et seq., this contract was solicited and is being awarded pursuant to a fair and open process. The proposal submitted by Visiting Nurse and Health Services is on file with the Office of Health and Human Services; and

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available and appropriated for this purpose and Certification No. 13-04801, charging the amount of $10,395.00 to Account No. 3-01-27-330-HEA-325 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 award of a contract to **Visiting Nurse and Health Services, 354 Union Avenue, Elizabeth, New Jersey 07208** for the performance of Health Educator Services for the period of July 1, 2012 through June 30, 2013. The total cost of services for the year is not to exceed $10,395.00 at a rate of $70.00 per hour without further authorization by your City Council.

Which was adopted by the following vote:

AFFIRMATIVE: Perkins-Auguste, Cuesta, Jackus, Grova, Keenan, Cedeno, Mazza, President pro tem Gallman - 8

NEGATIVE: None

BY CITY COUNC IL AS A WHOLE:

WHEREAS, there exists a need for the services of a Pediatric Physician for the Elizabeth Department of Health and Human Services; and

WHEREAS, the Director of the Department of Health and Human Services has recommended that a contract be awarded to **Pedro Beckford, MD, 39 Third Street, Elizabeth, New Jersey 07208,** to provide Pediatric Physician Services at a rate of $100.00 per hour not to exceed $80,000.00 for the period September 1, 2012 through December 31, 2013, unless further authorized by the City Council of the City of Elizabeth; and

WHEREAS, this contract is awarded pursuant to **N.J.S.A.** 19:44A-20.5, et seq. This contract was solicited and is being awarded pursuant to a fair and open process. The proposal submitted by Dr. Beckford is on file in the Office of Health and Human Services; and

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available and appropriated for this purpose and Certification No. 13-04802, charging the amount of $80,000.00 to Account No. 3-01-27-330-HEA-325, 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:11-5(1)(a) 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; and

WHEREAS, the services are being performed by a physician operating under Medical License of the State of New Jersey; now, therefore, be it

RESOLVED by City Council of Elizabeth as follows:

1. The Mayor and the City Clerk are hereby authorized and directed to execute a contract with **Pedro Beckford, MD 39 Third Street, Elizabeth, New Jersey 07208,** to provide Pediatric Physician Services at a rate of $100.00 per hour not to exceed $80,000.00 for the period September 1, 2012 through December 31, 2013, unless further authorized by the City Council of the City of Elizabeth.

2. This contract is awarded without competitive bidding as a "Professional Service" in accordance with **N.J.S.A.** 40A:11-5(1) (a) of the Local Public Contracts Law because these services are being performed by a physician operating under Medical License State of New Jersey.

3. Also, the performance of these services requires 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.

4. 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, Grova, Keenan, Cedeno, Mazza, President pro tem Gallman - 8

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, there exists a need for the services of a Pediatric Physician/Sexually Transmitted Disease Services for the Elizabeth Department of Health and Human Services; and

WHEREAS, the Director of the Department of Health and Human Services has recommended that a contract be awarded to **Maria Chirino, MD, 436 Clark Place, Union, New Jersey 07083** to provide Pediatric Physician Services/Sexually Transmitted Disease Services for the period September 1, 2012 through December 31, 2013 at a rate of $100.00 per hour not to exceed $50,000.00 unless further authorized by the City Council of the City of Elizabeth; and

WHEREAS, this contract is awarded pursuant to **N.J.S.A.** 19:44A-20.5, et seq.. This contract was solicited and is being awarded pursuant to a fair and open process. The proposal submitted by Dr. Chirino is on file in the Office of Health and Human Services; and

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available and appropriated for this purpose and Certification No. 13-04800, charging the amount of $50,000.00 to Account No. 3001-27-330-HEA-302, 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:11-5(1)(a) 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; and

WHEREAS, the services are being performed by a physician operating under Medical License of the State of New Jersey; now, therefore, be it

RESOLVED by City Council of Elizabeth as follows:

1. The Mayor and the City Clerk are hereby authorized and directed to execute a contract with **Maria Chirino, MD, 436 Clark Place, Union, New Jersey 07083** to provide Pediatric Physician Services/Sexually Transmitted Disease Services for the period September 1, 2012 through December 31, 2013 at a rate of $100.00 per hour not to exceed $50,000.00 unless further authorized by the City Council of the City of Elizabeth.

2. This contract is awarded without competitive bidding as a "Professional Service" in accordance with **N.J.S.A.** 40A:11-5(1) (a) of the Local Public Contracts Law because these services are being performed by a physician operating under Medical License of the State of New Jersey.

3. Also, the performance of these services requires 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.

4. 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, Grova, Keenan, Cedeno, Mazza, President pro tem Gallman - 8

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the Director of the Department of Public Works has advised that on Friday, March 9, 2012 the Department of Public Works received qualification proposals for consulting professional engineering services; and

WHEREAS, the Department of Public Works reviewed the qualifications of all respondents, and found the firm of **BIRDSALL SERVICE GROUP, INC., 65 Jackson Drive, Cranford, NJ 07016**, to be qualified to provide the City of Elizabeth with Civil Engineering and Environmental Engineering Services; and

WHEREAS, the Director of the Department of Public Works has requested authorization to award a contract to the firm of **BIRDSALL SERVICE GROUP, INC., 65 Jackson Drive, Cranford, NJ 07016,** to provide the City of Elizabeth with Civil Engineering and Environmental Engineering Services. The scope of the work includes in addition to On-Call Consulting Services, health, safety and environmental related issues at a cost not to exceed $55,000.00 plus reimbursables; and

WHEREAS, this contract is awarded through a fair and open process in accordance with **N.J.S.A**. 19:44A-20.5, et. Seq., and **N.J.S.A**. 40A:11-5 (a) (i); 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 Chief Financial Officer has certified that sufficient funds are available an appropriated for this purpose and Certification No. 13-04798, charging the amount of $55,000.00 to Account No. 3-01-26-310-BLD-302 of the Municipal Budget, is on file in the Office in 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 "Professional Services"without competitive bids and the contract itself must be available for public inspections; now, therefore, be it

RESOLVED by the 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 the firm of **BIRDSALL SERVICE GROUP, INC., 65 Jackson Drive, Cranford, NJ 07016,** to provide the City of Elizabeth with Civil Engineering and Environmental Engineering Services. The scope of the work includes in addition to On-Call Consulting Services, health, safety and environmental related issues at a cost not to exceed $55,000.00 plus reimbursables..

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, Grova, Keenan, Cedeno, Mazza, President pro tem Gallman - 8

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 11/28/2012 Total Amount: $11,010.62.

Which was adopted by the following vote:

AFFIRMATIVE: Perkins-Auguste, Cuesta, Jackus, Grova, Keenan, Cedeno, Mazza, President pro tem Gallman - 8

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 **243 Fulton Street, Elizabeth, New Jersey 07206**, as follows, pursuant to the recommendation of the Elizabeth Police Department:

along the North curb line of Fulton Street
beginning at a point 262' East of Third Street
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, Grova, Keenan, Cedeno, Mazza, President pro tem Gallman - 8

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE

WHEREAS, a case is currently pending in the matter of **Robert Costello v. City of Elizabeth, et al, CP No.: 2011-3236;** and

WHEREAS, the Law Department and Christopher J. Kinsella, Esq. have recommended a settlement for 12 ½% of partial total or $15,900.00; and

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available and appropriated for this purpose and Certification No. 13-04807 charging the amount of $15,900.00 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 $15,900.00 payable to **Robert Costello, 810 Locust Street, Roselle Park, New Jersey 07204,** and the **Attorney for the Petitioner, 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, Grova, Keenan, Cedeno, Mazza, President pro tem Gallman - 8

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE

WHEREAS, a case is currently pending in the matter of **Anthony Mele v. City of Elizabeth, et al, CP No.: 2010-12109;** and

WHEREAS, the Law Department and Christopher J. Kinsella, Esq. have recommended settlement for CP No.: 2010-12109 for 25% of the right leg or $16,695.00; and

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available and appropriated for this purpose and Certification No 13-04804 charging the amount of $16, 695.00 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 $16,695.00 payable to **Anthony Mele, 428 McKinley Street, Linden, New Jersey 07036,** and the **Attorney for the Petitioner, Matthew T. Rinaldo, Esq., 60 Walnut Avenue, Suite 150, Clark, New Jersey 07066.**

Which was adopted by the following vote:

AFFIRMATIVE: Perkins-Auguste, Cuesta, Jackus, Grova, Keenan, Cedeno, Mazza, President pro tem Gallman - 8

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:

AT&T	**3-01-31-440**	**$**	**150.00**
AVAYA, INC.	**3-01-31-440**	**$**	**6,328.76**
HESS CORP – ELECTRIC	**3-01-31-446**	**$**	**15,147.35**
LANGUGE LINE SERVICES	**3-01-43-490-MCO-302**	**$**	**1,411.66**
NATIONAL TERMINAL, INC.	**3-01-31-447**	**$**	**6,522.00**
PSE&G	**3-07-55-500-SEW-351**	**$**	**136,174.25**
SPRINT	**3-01-31-440**	**$**	**1,975.52**
VERIZON	**3-01-31-440**	**$**	**57,718.96**
VERIZON WIRELESS	**3-01-31-440**	**$**	**1,026.70**
VERIZON COMMUNICATIONS INC.	**3-01-31-440**	**$**	**2,904.75**

Which was adopted by the following vote:

AFFIRMATIVE: Perkins-Auguste, Cuesta, Jackus, Grova, Keenan, Cedeno, Mazza, President pro tem Gallman - 8

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, on January 1, 1993 Edward Jackus was sworn in as Council-at-Large of the City of Elizabeth and he served five consecutive terms for a total of twenty years; and

WHEREAS, Councilman Jackus was instrumental in the creation of the following Ordinances: Sale of Utility Knives and Box Cutters to Minors; Shopping Carts; Weapons (lighters resembling weapons); Laser Pointers; Scooters and Motor Scooters; and

WHEREAS, in 1998, Councilman Jackus created the Elizabeth Athletic Hall of Fame which was established to honor those who lived, played and/or coached in the City of Elizabeth, New Jersey and attained national and/or international recognition in the field of athletics; now, therefore, be it

RESOLVED, that the City Council of the City of Elizabeth extends its thanks and congratulations to Edward Jackus for his commitment and public service to the City of Elizabeth throughout the years; and be it

FURTHER RESOLVED, that a certified copy of this resolution be spread in full upon the minutes of City Council and a certified copy be presented to Edward Jackus.

Which was adopted by the following vote:

AFFIRMATIVE: Perkins-Auguste, Cuesta, Jackus, Grova, Keenan, Cedeno, Mazza, President pro tem Gallman - 8

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the City Council of the City of Elizabeth has learned that Mr. Hershel McCoy is being named as an Honoree in the Pioneer Athletes Hall of Fame from the Class of 1957; and

WHEREAS, Mr. McCoy began playing football as a running back in 1957. In 1956-1957, he played quarterback. He was a member of ECH "South Georgia Championship Team", November 1956; and

WHEREAS, Mr. McCoy is a retired Army Veteran, currently working for the City of Elizabeth as a Senior Citizen Building Manager. He is loved and supported by his dedicated Co-Workers and staff; now, therefore, be it

RESOLVED that the City Council of the City of Elizabeth would like to commend Hershel McCoy for being named as an Honoree in the Pioneer Athletes Hall of Fame from the Class of 1957and wishes him continued success in all of his future endeavors; and be it

FURTHER RESOLVED that a certified copy of this resolution be spread in full upon the minutes of City Council and a certified copy be sent to Hershel McCoy.

Which was adopted by the following vote:

AFFIRMATIVE: Perkins-Auguste, Cuesta, Jackus, Grova, Keenan, Cedeno, Mazza, President pro tem Gallman - 8

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, it has come to the attention of the City Council of the City of Elizabeth that the Elizabeth Police Athletic League Junior Minutemen football team has won the 1999 New Jersey State Championship in the Pop Warner Football Pee Wee Division; and

WHEREAS, after winning the Central Jersey Conference American Division, the Junior Minutemen (13-1) traveled to Rutgers University Stadium on November 28, 1999 to face the Franklin Warriors for the STATE TITLE. The Junior Minutemen won the game by a score of 13-6; and

WHEREAS, the Junior Minutemen were coached by Head Coach Richard Pryor and Assistant Coaches Moises Hernandez, Terrance Crawford, Tyshon Allen, Roland Watson, and Obadiah Dryer. They were also assisted by P.A.L. Assistant Director Officer Leon Davis; and

WHEREAS, the following young men are members of the State Champion Junior Minutemen team:

JEROME MURPHY	JOSH PRYOR	GARY WARREN
CORY WILLIAMS	GABRIEL WILLIAMS	TYSHON ALLEN
AARON ALSTON	ANTOINE BEST	SHAQUAN BEST
TYRES BETHEA	LUIS CARABALLO	TORIAN CONNER
DAQUAN COOK	DEREKE EVANS	GAMIL GARNER
PATRICK GORDON	DARREN GREEN	TROY MURRAY
DAVID NEWSOME	ERIC TANNER	TERRELL TRAVIS
ALKASHEEM WATERS	TERON PATTERSON	

now, therefore, be it

RESOLVED, that it is with great honor and pride that the City Council of the City of Elizabeth commends the talented members of the Elizabeth Police Athletic League Junior Minutemen; and be it

FURTHER RESOLVED that a copy of this resolution be spread in full upon the minutes of City Council and that a certified copy of this resolution be forwarded to the Elizabeth Police Athletic League Junior Minutemen.

Which was adopted by the following vote:

AFFIRMATIVE: Perkins-Auguste, Cuesta, Jackus, Grova, Keenan, Cedeno, Mazza, President pro tem Gallman - 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 Louise P. Colicchio; and

WHEREAS, born in Kenilworth, NJ, she lived in Linden for the past forty-six years; and

WHEREAS, she worked at Boulevard Lunch in Roselle, NJ for many years before retiring many years ago; and

WHEREAS, she was a member of the Vallatese Ladies Society of Elizabeth, NJ for fifty years; now, therefore, be it

RESOLVED that the City Council of the City of Elizabeth hereby expresses its condolences at the passing of Louise P. Colicchio and wishes to express sympathy to her family 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 Louise P. Colicchio'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 Maria Minieri (Crincoli) 97; and

WHEREAS, born in Avelino, Italy. She came to the U.S. and lived in Newark, NJ for most of her life before living in Jackson, NJ, Union, NJ and finally settling in Berkeley Heights, NJ in 1999; and

WHEREAS, Maria was the beloved wife of the late Vincent, and was predeceased by her son, Anthony; and

WHEREAS, she is survived by her cherished children, Angelo, Sal, Clara, Joseph, and Camille. She was the loving Grandmother to sixteen grandchildren and ten great-grandchildren , and was awaiting her eleventh great-grandchild; now, therefore, be it

RESOLVED that the City Council of the City of Elizabeth hereby expresses its condolences at the passing of Maria Minieri and wishes to express sympathy to her family 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 Maria Minieri'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 Richard M. Flores, 34 of Elizabeth, NJ; and

WHEREAS, Richard was an undergraduate of the Cornell University of New York and graduated from NJIT with a Master's Degree in Electrical Engineering. He was a Computer Science Engineer for the U.S. Department of Defense in Red Bank, NJ, for over twelve years. Mr. Flores was the beloved son of Francisco and Vilma (Aguero) Flores of Elizabeth; loving brother of Lauri White Malloy of Massachusetts, Dr. Eva Karina Flores of New York, Orietta Flores Aguero of Flemington, NJ and Fabian Flores of Mexico City, and cherished grandson of his maternal grandmother, Lidia Aguero of Elizabeth. He is also survived by two nieces and four nephews; now, therefore, be it

RESOLVED that the City Council of the City of Elizabeth hereby expresses its heartfelt condolences at the passing of Richard M. Flores and wishes to express sympathy to his 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 the Richard M. Flores's family.

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

MEMORIAL

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the City Council of the City of Elizabeth has learned with profound regret of the death of Michelina Crincoli , therefore, be it

RESOLVED, that we, the members of City Council of the City of Elizabeth, hereby express our sincere sorrow at her death and to her family over their great loss; and be it

FURTHER RESOLVED that this expression of our sympathy be recorded in full upon the minutes of City Council and an acknowledgement thereof be sent to her 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 pro tem Gallman declared City Council adjourned

at 8:55 p.m.

APPROVED

WILLIAM GALLMAN
President pro tem of City Council

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