PROCEEDINGS OF CITY COUNCIL

(OFFICIAL)

ELIZABETH, N.J.

Tuesday Evening
July 24, 2012
7:30 p.m.

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

Council President Gonzalez announced that this regular meeting is listed in the "Annual Notice", as defined by Chapter 231, P.L. 1975, and that copies of the "Annual Notice" have been mailed or delivered to the Star Ledger, Home News and Tribune, and Cablevision of Elizabeth and posted and filed in the City Clerk's Office in compliance with the terms of the Open Public Meetings Law, Chapter 231, P.L. 1975 on December 27, 2011.

PRESENT: Council Members-at-Large: Patricia Perkins-Auguste; Frank J. Cuesta; Edward Jackus; Council Members: Manny Grova, Jr., 1st Ward; Joseph Keenan, 3rd Ward; Carlos Cedeno, 4th Ward; William Gallman, Jr., 5th Ward; Frank O. Mazza, 6th Ward; and President Nelson Gonzalez, 2nd Ward; - 9

ABSENT:

ALSO PRESENT: Jorge Estrada, Special Counsel

PUBLIC SPEAKING

Mr. Luis Rodriguez, 31 Gregory Avenue, West Orange, spoke regarding a Payment in Lieu of Taxes (PILOT) that should have been resolved. He continued that there is a substantial disagreement between the City and him. He stated further that the numbers are not true.

Mr. Samuel Muhammad, 32 Elmwood Place, Elizabeth, spoke on behalf of the residents of Oakwood Plaza. He stated that the living conditions and police presence on the premises are terrible. He continued that the residents are constantly being asked their names, show identification and are asked if they have a warrant. He stated further that the hallways are "filthy" and the community rooms have been closed.

Ms. Clintona Booker, 330 Irvington Avenue, Elizabeth, stated that she is breathing dust from the demolition; the hallways are dirty and there are rodents, bedbugs and roaches everywhere. She continued that management is doing "nothing" because the buildings are not being cleaned and the residents are breathing "lead, dust and asbestos."

Ms. Booker stated that when she lived at 350 Irvington Avenue she did not have any hot water for over a month. She continued that when she resided at 400 Irvington Avenue, she lived there for over fifteen years and the management gave her two weeks to pack and move to another building. She stated further that the halls are filthy with feces and mud. Ms. Booker announced that there was a stabbing in the building and queried to where were the police.

Mr. Tyshon Evans, 230 Parker Road, Elizabeth, stated that he is a "tax payer" and he has not had cold water in his apartment for eight months. He continued that it is getting worse every day. He stated further that the management collects the rent and do what they want with the money instead of repairing the apartments.

Mr. Evans stated that no one would live where he lives and it is frustrating because the Management does not help them and the Mayor isn't helping. He stated further that the police circle around the apartment buildings all day.

Mr. Sean Benson, Irvington Avenue, spoke of Officer Mikros harassing the residents. He continued that he is stripping the children "butt naked" in the hallways. He continued that the officer "is not assigned" to that area. He stated further that the officer addresses individuals as "niggers." Mr. Benson stated that residents cannot go to the store without being harassed. He continued that the police want you to stay inside your apartment and not to sit outside. He stated further that the apartments are hot and they should be able to sit outside.

Mr. Benson stated that every building is wide open and dust is everywhere. He continued that he does not care "who knows his name and hears me talking about Officer Mikros." He stated further that this officer is not supposed to be at this complex.

Ms. Ciarra Hunter, 220 Parker Road, stated that she was removed from her apartment because of mold spores and now she is homeless. She continued that there are hospital records showing that her son has developed asthma because her apartment was near a dumpster.

Ms. Yolanda Muhammad, 32 Elmwood Place, stated that she campaigned for some of the Council members and they need to "get on your feet and help us." She continued that the police officers are harassing these residents and the children are not being allowed to go outside and play. She stated further that what she needs for City Council to do is to speak to the person in charge.

Mrs. Wallace, 200 Parker Road, stated that they deserve to be treated as people because they are not animals. She continued that she has tried to contact CIS. She stated further that the police who are patrolling the apartments are constantly telling the residents to remain in their apartments. Mrs. Wallace stated that it is hot and the residents are not allowed to sit outside. She continued that when she tried to file a complaint with the police, Lt. Bastardo informed her that she did not have a complaint. She stated further that when the apartments did not have any heat, she called City Hall but it was "like a tennis match," calls going back and forth.

Mrs. Wallace stated that if CIS wants to rebuild or to renovate, she is all for it. She continued that trucks are on the premises and the residents are not being told anything. She stated further that she called CIS on January 12, 2012, regarding holding a meeting and it is "now July" and still she has not heard anything.

In closing, Mrs. Wallace reminded the Council members of being here to assist the residents.

Ms. Wiggley, an Elizabeth resident, stated that she tries to help people but the conditions are deplorable and no one should be living like this. She continued that the fences are torn down and everyone is talking about the gangs and crime and "it's a shame to say, but the police are a nuisance." She stated further that she drove to the back of the building and the children were playing on the broken fence and "that was

sad." In closing, Ms. Wiggley stated that "today is a new day and we are not going back in time."

Mr. Marvis, Parker Road, stated he has been listening but has not heard any remedy. He continued that every time that he goes to visit his relatives, he is constantly being harassed by the police. He stated further that no one cannot tell him that Council members are going to remember word-for-word what everyone has said.

Mr. Marvis questioned why is it that the police are constantly turning door knobs to the apartments. He queried to if there was ever going to be a time when something will be done. He stated that no one can tell him that City Council is going to remember what was said and when will they see results.

Ms. Shanda Moore, 230 Parker Road, stated that it is not right to have to walk in someone else's feces, the stairwells are nasty and you do not know what type of germs you are bringing into your home. She stated further that she would not want her child to become a patient at Trinitas Hospital.

Ms, Moore stated that she has had only hot water in her apartment for over eight months and even the toilet water was hot. She continued that management claimed that she owed $10,000.00 in back rent.

Ms. Shadeera Young, 220 Parker Road, stated that there have been problems in these apartments for over eleven years and the buildings are horrible. She continued that her phone was not working and the police came to her apartment and started banging and kicking her door and she became fearful. She stated further that the police arrested her for "not opening her door in a timely fashion." Ms. Young stated that she needs to know "where is the justice?" She continued that she has "been playing fair" all of her life.

Councilwoman Perkins-Auguste requested the date of the arrest.

Council President Gonzalez announced that City Council has heard thirteen people speak regarding Oakwood Plaza concerning management, the police department, conditions of the apartments and he will have the departments respond to why they are not addressing the concerns of the tenants. He continued that he will ask CIS to meet with the tenants and address those concerns.

Council President Gonzalez announced that City Council hears them and no one deserves to be living in conditions that have been described.

Councilwoman Perkins-Auguste announced to allow the tenants a platform because the Health Department did not respond and these are serious issues. She stated further that everyone is the same and our neighborhoods need to be the same.

Mr. Raheem Best, 530 Court Street, stated that his main concern is the children. He continued that he was arrested and it took three years for him to get his "jacket" clean. He stated further that everyone is not a hoodlum and wants to do things in a respectful manner.

Mr. Best stated that his children, ages eleven, five, three and one, and there is nothing for them to do. He continued that everyone is not a drug dealer and he questioned "what does a drug dealer look like?" He stated further that the police are to protect and serve the people of this city. Mr. Best stated that the police are calling residents name, "like monkeys." He continued that monkeys are in the zoo. He queried to why were white and Hispanic officers being sent to patrol the premises and never any black officers.

Mr. Best stated that while walking down the street with his son, a police officer stopped him and asked him his name and for identification for no reason. He suggested for any member of City Council to put on a pair of khakis and walk through Oakwood Plaza and "you will be eating dust."

Ms. Tina Smith, 70 Westfield Avenue, stated that she walks through Oakwood Plaza and often wonders how did it get so bad. She continued that there are guns, shootings and people are being stabbed and the homeowners are being punished because property values are down because of Oakwood Plaza. She stated further that she cannot visit her family and something has to be done.

Two residents of 229 Parker Road spoke regarding the poor condition of the apartments. She continued that her cabinets are worn and the infestation of rodents is horrible. She stated further that there are no outdoor lights and everyone is walking around in the dark. The resident stated that the laundry room cannot be used and they are not allowed to have washers in the apartments. She continued that the apartments need to be condemned and everyone needs to leave. She stated further that she had

to witness a young man being stripped searched by a police officer because he looked like he had a weapon and her nephew had a gun put to his head by a police officer for no reason. The resident stated that the police officers are taking wallets, cash, etc, from the residents.

Ms. Tyesha Best, 220 Parker Road, stated that the Mayor won the election and he has not done anything for the residents at Oakwood Plaza.

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

The consensus was to take a five minute recess.

RECESS

The City Council being called to order, the City Clerk called the roll call and the following members answered to their names:

PRESENT: Perkins-Auguste, Cuesta, Jackus,
Grova, Keenan, Cedeno, Gallman, Mazza,
and President Gonzalez - 9

ABSENT:

The regular order of business was then resumed.

PUBLIC HEARINGS

Council President Gonzalez announced that the next business in order would be a public hearing on **Ordinance No. 4316**, entitled:

AN ORDINANCE TO AUTHORIZE THE EXECUTION OF A LEASE AGREEMENT BETWEEN THE CITY OF ELIZABETH AND 207 BROAD LLC, c/o PARAMOUNT PROPERTY MANAGEMENT, FOR THE USE OF PREMISES LOCATED AT 208 COMMERCE PLACE, ELIZABETH, NEW JERSEY AS THE ELIZABETH COURT ANNEX.

This ordinance was adopted on its first reading at the meeting of City Council held on **June 26, 2012.**

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

The Clerk read the foregoing ordinance by title and Council President Gonzalez asked if there was anyone present who wished to speak either for or against the adoption of the ordinance.

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

Council President Gonzalez announced that the next business in order would be a public hearing on **Ordinance No. 4317**, entitled:

AN ORDINANCE TO VACATE A PORTION OF NEW POINT ROAD BETWEEN SIXTH STREET AND BROADWAY IN THE CITY OF ELIZABETH COUNTY OF UNION AND STATE OF NEW JERSEY AND TO RESCIND ORDINANCE NO. 4265.

This ordinance was adopted on its first reading at the meeting of City Council held on **June 26, 2012.**

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

The Clerk read the foregoing ordinance by title and Council President Gonzalez asked if there was anyone present who wished to speak either for or against the adoption of the ordinance.

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

Council President Gonzalez announced that the next business in order would be a public hearing on **Ordinance No. 4318**, entitled:

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

This ordinance was adopted on its first reading at a special meeting of City Council held on **July 3, 2012.**

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

The Clerk read the foregoing ordinance by title and Council President Gonzalez asked if there was anyone present who wished to speak either for or against the adoption of the ordinance.

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

Council President Gonzalez announced that the next business in order would be a public hearing on **Ordinance No. 4319**, entitled:

AN ORDINANCE OF THE CITY OF ELIZABETH, IN THE COUNTY OF UNION, NEW JERSEY, PROVIDING FOR IMPROVEMENTS TO WATERFRONT PARK LOCATED IN THE CITY OF ELIZABETH AND APPROPRIATING $2,000,000 THEREFOR, AND PROVIDING FOR THE ISSUANCE OF $1,900,000 IN BONDS OR NOTES OF THE CITY OF ELIZABETH TO FINANCE THE SAME

This ordinance was adopted on its first reading at a special meeting of City Council held on **July 3, 2012.**

The Notice of Public Hearing was published in the Star Ledger issue of **July 12, 2012.**

The Clerk read the foregoing ordinance by title and Council President Gonzalez asked if there was anyone present who wished to speak either for or against the adoption of the ordinance.

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

Council President Gonzalez announced that the next business in order would be a public hearing on **Ordinance No. 4320**, entitled:

AN ORDINANCE OF THE CITY OF ELIZABETH, IN THE COUNTY OF UNION, NEW JERSEY, PROVIDING FOR IMPROVEMENTS TO SOUTH STREET SEWER SYSTEM LOCATED IN THE CITY OF ELIZABETH AND APPROPRIATING $5,000,000 THEREFOR, AND PROVIDING FOR THE ISSUANCE OF $4,750,000 IN BONDS OR NOTES OF THE CITY OF ELIZABETH TO FINANCE THE SAME

This ordinance was adopted on its first reading at a special meeting of City Council held on **July 3, 2012.**

The Notice of Public Hearing was published in the Star Ledger issue of **July 12, 2012.**

The Clerk read the foregoing ordinance by title and Council President Gonzalez asked if there was anyone present who wished to speak either for or against the adoption of the ordinance.

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

Council President Gonzalez announced that the next business in order would be a public hearing on **Ordinance No. 4321**, entitled:

ORDINANCE OF THE CITY OF ELIZABETH, COUNTY OF UNION, STATE OF NEW JERSEY APPROVING THE APPLICATION AND THE FINANCIAL AGREEMENT WITH VESTAL-CONDIGEL ELIZABETH URBAN RENEWAL, L.L.C. FOR A LONG TERM TAX-EXEMPTION FOR THE CONSTRUCTION OF REFRIGERATED WAREHOUSE, OFFICE SPACE AND RELATED IMPROVEMENTS LOCATED ON BLOCK 8, LOT 1308.H

This ordinance was adopted on its first reading at a special meeting of City Council held on **July 3, 2012.**

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

The Clerk read the foregoing ordinance by title and Council President Gonzalez asked if there was anyone present who wished to speak either for or against the adoption of the ordinance.

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

Council President Gonzalez announced that the next order of business would be a public hearing on the Elizabeth Avenue Special Improvement District Budget for Fiscal Year 2013 in the amount of $360,282.00.

Council President Gonzalez asked if there was anyone present who wished to speak either for or against the adoption of the Elizabeth Avenue Special Improvement District Budget for Fiscal Year 2013.

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

PETITIONS, COMMUNICATIONS, ETC.

By the Clerk:
Letter dated June 27, 2012, from His Honor the Mayor advising that subject to confirmation of your Honorable Body, he herewith makes the following re-appointments and appointment to the Board of Adjustment: re-appointment of Commissioner Antonio Goncalves, 618 Norwood Terrace, Elizabeth, NJ, to serve as a full term member to fill the unexpired term of Commissioner Jackson Altidor (12/31/13); re-appointment of Commissioner Rev. Larry E. Dixon, 550 Riverside Drive, Elizabeth, NJ, to serve as Alternate No. 1 to fill the unexpired term (12/31/12) of Commissioner Antonio Goncalves, who was recently promoted to fill the unexpired term of Commissioner Jackson Altidor; re-appointment of Commissioner Elizabeth Cano, 210 Stiles Street, Elizabeth, NJ to serve as Alternate No. 2 to fill the unexpired term (12/31/12) of Commissioner Rev. Larry E. Dixon, who was recently promoted to fill the unexpired term of Commissioner Antonio Goncalves; re-appointment of Commissioner Orlando P. Galvez, 421 New York Avenue, Elizabeth, NJ, to serve as Alternate No. 3 to fill the unexpired term (12/31/13) of Commissioner Elizabeth Cano, who was recently promoted to fill the unexpired term of Commissioner Rev. Larry E. Dixon; appointment of Mr. Charles Robert Bathelus, 447 Catherine Street, Elizabeth, NJ to serve as an Alternate No. 4 member to fill the unexpired term of Commissioner Orlando P. Galvez, who was recently promoted to fill the unexpired term of Commissioner Elizabeth Cano.
Which was received.

By the Clerk:
Letter dated July 3, 2012, from His Honor the Mayor advising that subject to your confirmation he is hereby reappointing Candido Rodriguez, Jr., Esq. and Diene Hernandez-Rodriguez, Esq., of the firm of Candido Rodriguez, Jr.,Diene Hernandez-Rodriguez, L.L.C., Attorneys at Law, 442 Westfield Avenue, First Floor, Elizabeth, NJ; Chanima Odoms, Esq., 1812 Front Street, Scotch Plains, NJ; Deirdre M. Mason, Esq., The Mason Law Firm, LLC, 1812 Front Street, Scotch Plains, NJ; Celeste Dudley-Smith, Esq., The Dudley-Smith Law Firm, LLC, 2810 Morris Avenue, Suite 311, Union, NJ; Nuno Afonso, Esq., Jubilo L. Afonso, Esq., Afonso & Afonso, LLC, 546-548 Elizabeth Avenue, First Floor, Elizabeth, NJ; Lindal Scott Foster, Esq., Scott Foster, LLC, 1139 East Jersey Street, Suite 401, Elizabeth, NJ; Maria M. Dias, Attorney at Law, 701 Westfield Avenue, Elizabeth, NJ, and Stephen E. Gertler, Esq., Law Offices of Stephen E. Gertler, Esq., 1350 Campus Parkway, Third Floor, Wall, NJ, to serve as Municipal Public Defenders for the Municipal Court for the period July 1, 2012 to June 30, 2013, at a rate of $300.00 per session, for a total amount not to exceed $140,000.00; Candido Rodriguez, Esq. shall be designated Chief Municipal Public Defender at the additional compensation of Five-Thousand ($5,000.00) Dollars.
Which was received.

By the Clerk:
Letter dated June 27, 2012, from the Business Administrator recommending awarding a contract to WPCS International, Inc., 1985 Swarthmore Avenue, Suite 4, Lakewood, NJ, for the furnishing of 4G LTE Gateway Intelligent Modems for the Police Department in the amount of $14,380.00.
Which was received.

By the Clerk:
Letter dated June 27, 2012, from the Business Administrator requesting to amend the resolution adopted on June 12, 2012, awarding a contract to Battleware Technology for the purchase of Tactical Body Armor for the Emergency Unit of the Police Department at a cost of $85,890.00 under state contract #81312, specifically to reflect the correct account, Municipal Police Narcotics Trust Fund #2-21-56-129.
Which was received.

By the Clerk:
Letter dated June 27, 2012, from the Business Administrator requesting authorization for the proper City officials to execute an agreement with the Elizabeth Parking Authority for the rental of 21 parking spaces in Lot No. 6 and 300 parking spaces in Lot No. 2 at a rate of $25.00 per parking space per month for a period of one (1) year effective July 1, 2012 through June 30, 2013, at a total monthly cost of $8,025.00 or $96,300.00 per year.
Which was received.

By the Clerk:
Letter dated June 28, 2012, from the Business Administrator requesting authorization for the proper City officials to award a contract to William H. Malone, P.O. Box 586, Paramus, NJ, to provide insurance management consulting services for the period of July 1, 2012 to June 30, 2013, at a flat fee of $25,000.00.
Which was received.

By the Clerk:
Letter dated June 28, 2012, from the Business Administrator recommending awarding a contract to Jet Vac, Inc., Box 222, Northville, MI, for the purchase of parts and repairs for sweepers, to include but not limited to Gutter Brooms, Main Brooms and Hydraulic Motors for the period of June 30, 2012 through June 30, 2013, at a cost not to exceed $150,000.00.
Which was received.

By the Clerk:
Letter dated June 28, 2012, from the Business Administrator recommending awarding a contract to Garden State Highway Products, 1740 East Oak Road, Vineland, NJ, for Break Away U-Post and Sign Supports for the Public Works Department for the period of June 30, 2012 through June 30, 2013, at a cost not to exceed $50,000.00.
Which was received.

By the Clerk:
Letter dated June 28, 2012, from the Business Administrator recommending awarding a contract to American Hose & Hydraulics Co., 700 21st Avenue, Paterson, NJ, for the purchase of miscellaneous automotive and hydraulic truck parts and repairs for Road Maintenance Equipment for various departments for the period of June 30, 2012 through June 30, 2013, at a cost not to exceed $100,000.00.
Which was received.

By the Clerk:
Letter dated June 28, 2012, from the Business Administrator recommending awarding a contract to Old Dominion Brush Co., 5118 Glen Alden Drive, Richmond, VA, for the purchase of parts and repairs for Road Maintenance Equipment for the period of June 30, 2012 through June 30, 2013, at a cost not to exceed $200,000.00.
Which was received.

By the Clerk:
Letter dated June 28, 2012, from the Business Administrator requesting authorization for the proper City officials to execute a contract with Kean University, 1000 Morris Avenue, Union, NJ, for computer consulting services for a one year period commencing July 1, 2012 to June 30, 2013, at a cost not to exceed $50,500.00.
Which was received.

PETITIONS, COMMUNICATIONS, ETC.

By the Clerk:
Letter dated June 28, 2012, from the Business Administrator recommending awarding a professional service contract to Dr. Michael R. Zaboski, 240 Williamson Street, Suite 204, Elizabeth, NJ, as the Elizabeth Police Department's Physician for the period of July 1, 2012 to June 30, 2013, at a total fee not to exceed $20,000.00.
Which was received.

By the Clerk:
Letter dated June 28, 2012, from the Business Administrator requesting authorization for the proper City officials to renew the policy of insurance with Meadowbrook, Inc./Star Insurance Company, 103 Carnegie Center, Suite 300, Princeton, NJ, through agent-of-record Sirocco Group, covering the Excess Insurance on Worker's Compensation at a premium of $189,000.00.
Which was received.

By the Clerk:
Letter dated June 29, 2012, from the Business Administrator requesting authorization for the proper City officials to execute an Indemnification Agreement with the Elizabeth Board of Education covering the City's utilization of their facilities for the period of July 1, 2012 to June 30, 2013, within the limit as follows: Combined Single Limit $1,000,000.00; Each Occurrence $1,000,000.00; Aggregate $1,000,000.00.
Which was received.

By the Clerk:
Letter dated June 29, 2012, from the Business Administrator recommending awarding a contract to Atlantic Tactical of New Jersey, Inc., 14 World's Fair Drive, Somerset, NJ, for the purchase of ammunition, protective vests, and various other crime prevention equipment and supplies for the period of May 1, 2012 to April 30, 2014, at a cost not to exceed $200,000.00.
Which was received.

By the Clerk:
Letter dated June 29, 2012, from the Business Administrator recommending awarding a contract to Cliffside Body Corp., 130 Broad Avenue, Fairview, NJ, for the purchase of six (6) Meyer Stainless Steel Tailgate Spreaders at the total amount of $13,482.00.
Which was received.

By the Clerk:
Letter dated July 2, 2012, from the Business Administrator requesting to amend the resolution adopted on October 25, 2011 awarding a contract to Northeast Auto & Truck Parts, LLC, Bayonne, NJ, for the purchase of auto parts and accessories at a cost not to exceed $100,000.00, specifically to increase the initial contract amount by $50,000.00 because the amount needed was underestimated and to reflect a new total cost not to exceed $150,000.00.
Which was received.

By the Clerk:
Letter dated July 2, 2012, from the Business Administrator recommending awarding a contract to Royal Printing Service, P.O. Box 547, West New York, NJ, for the purchase of sample ballots, voting machine ballots, emergency ballots and emergency ballots tally sheets for the 2012 Primary and General Elections in the amount of $40,515.00.
Which was received.

PETITIONS, COMMUNICATIONS, ETC.

By the Clerk:
Letter dated July 2, 2012, from the Business Administrator recommending awarding a contract to Archonix Systems, LLC, 30 Lake Center Executive Park, 401 Route 73 North, Suite 105, Marlton, NJ, for FY13 Maintenance and Annual License for Police computer assisted records management and Dispatch System Software and XMobile clients for a one year period in the amount of $79,430.00.
Which was received.

By the Clerk:
Letter dated July 3, 2012, from the Business Administrator recommending the renewal of the contract with the law firm of Genova, Burns & Giantomasi, 494 Broad Street, Elizabeth, NJ, to provide legal services to the City for employment counsel for the period of July 1, 2012 to June 30, 2013 at a rate of $175.00 per hour for attorneys, $75.00 per hour for paralegals and $25.00 per hour for secretarial overtime, if authorized by the City Attorney for a total cap of $95,000.00.
Which was received.

By the Clerk:
Letter dated July 3, 2012, from the Business Administrator, on behalf of the Historic Midtown Elizabeth Special Improvement District, requesting permission from your Honorable Body to conduct a festival and car show to be held on Saturday, August 18, 2012 from 11a.m. to 4 p.m. (Rain date – Sunday, August 19, 2012) with the following contingencies: the waiver of the $750 application fee; waiver of the $5,000 security deposit; waiver of all fees for vendors; His Honor the Mayor must agree to close the requested streets; the Police, Fire, Health and Zoning departments conduct their normal review and approve the application.
Which was received.

By the Clerk:
Letter dated July 3, 2012, from the City Attorney recommending the renewal of the contract with the law firm of LaCorte, Bundy, Varady & Kinsella, 989 Bonnel Court, Union, NJ to provide the same defense of Workers' Compensation cases, as well as matters included in the City's self insurance program for the fiscal year July 1, 2012 to June 30, 2013 at a rate of $175.00 per hour for each for each petition which includes attendance at all hearings, negotiations trials, appeals, etc., plus reasonable expenses; a rate of 15% of recovery of liens involving third party actions.
Which was received.

By the Clerk:
Letter dated July 3, 2012, from the City Attorney advising that there is a need to retain legal counsel for representation of the City and City employees in litigation where LaCorte, Bundy, Varady & Kinsella, Esqs., have conflicts of interest and recommends appointing the following attorneys: Edward J. Kologi, Esq., Michael S. Simitz, Esq., Counselors at Law, Kologi/Simitz, 923 North Wood Avenue, Linden, NJ; Robert F. Renaud, Esq., Palumbo & Renaud, Attorneys at Law, 190 North Avenue East (Rte. 28), Cranford, NJ; Peter H. Spaeth, Esq., Wolff, Helies, Duggan, Spaeth & Lucas, Counselors at Law, Valley Park Professional Center, 2517 Highway 35, Building K, Suites 201 & 202, Manasquan, NJ; Guy P. Ryan, Esq., Secare, Ryan & Hensel, 16 Madison Avenue – Building 1, Toms River, NJ; Kraig M. Dowd, Weber Dowd Law, LLC, 365 Rifle Camp Road, Woodland Park, NJ; Alan C. Roth, Roth D'Aquanni, Counselors at Law, 150 Morris Avenue, Suite 206, Springfield, NJ; Joseph A. Ascione & Janyce M. Wilson, Esqs, Ascione & Wilson, 226 St. Paul Street, Westfield, NJ; Raymond S. Londa, Esq., Londa & Londa, 277 North Broad Street, Elizabeth, NJ; Florio & Kenny, LLP, 5 Martin View Plaza, Suite 103, P.O. Box 771, Hoboken, NJ, for the period of July 1, 2012 to June 30, 2013, with an hourly rate of $175.00 and with a cap of $65,000.00 for each attorney.
Which was received.

PETITIONS, COMMUNICATIONS, ETC.

By the Clerk:
Letter dated July 3, 2012, from the City Attorney recommending the renewal of the contract with the law firm of LaCorte, Bundy, Varady & Kinsella, 989 Bonnel Court, Union, NJ, to provide legal services to the City in defense of civil litigation in auto/general liability cases and matters included within the City's self-insurance program for the period of July 1, 2012 to June 30, 2013 at a rate of $175.00 per hour for civil litigation in the trial and appellate courts; legal work required to defend against late notices of claim, motions, and for other miscellaneous matters shall be compensated at $75.00 per hour, together with reasonable expenses; subrogation claims to recover property damage losses shall be paid on the basis of 25% of the amount of recovery, plus reasonable expenses; all foregoing costs and expenses are not to exceed $450,000.00, except as specifically authorized by resolution of City Council.
Which was received.

By the Clerk:
Letter dated July 3, 2012, from the City Attorney recommending awarding a contract to the law firm of Ascione & Wilson, 226 St. Paul Street, Westfield, NJ as Midtown Redevelopment Counsel for the period of July 1, 2012 through June 30, 2013 at the rate of $175.00 per hour in an amount not to exceed $90,000.00 without further authorization by your Honorable Body.
Which was received.

By the Clerk:
Letter dated July 3, 2012, from the Chief Financial Officer advising that temporary emergency appropriations for the 2013 SFY Municipal and Sewer Utility Budgets may be necessary.
Which was received.

By the Clerk:
Letter dated July 3, 2012, from the Chief Financial Officer advising that Dedication by Rider resolutions for the 2013 SFY may be necessary.
Which was received.

By the Clerk:
Letter dated July 3, 2012, from the Chief Financial Officer advising that transfers for the 2012 SFY Municipal and Sewer Utility Budgets may be necessary.
Which was received.

By the Clerk:
Letter dated July 3, 2012, from the Chief Financial Officer requesting that your Honorable Body consider a Sewer Utility bond ordinance to finance various sewer capital projects as part of a long range plan to upgrade the City's aging sewer utility infrastructure in the amount not to exceed $12 million.
Which was received.

By the Clerk:
Letter dated July 3, 2012, from the Chief Financial Officer requesting authorization for the proper City officials to enter into a contract with Blau & Blau, 55 Morris Avenue, Springfield, NJ, to be the primary legal representative of the City in all matters relating to tax appeals in an amount not to exceed $130,000.00.
Which was received.

PETITIONS - COMMUNICATIONS - ETC.

By the Clerk:
Letter dated July 3, 2012, from the Chief Financial Officer requesting authorization for the proper City officials to enter into a contract with Stack, Coolahan & Stack, LLC, 90 Hudson Street, P.O. Box 731, Hoboken, NJ to provide appraisal and consulting services to the City for the 2013 SFY in connection with State Tax Court appeals in an amount not to exceed $78,000.00.
Which was received.

By the Clerk:
Letter dated July 3, 2012, from the Chief Financial Officer requesting authorization for the proper City officials to enter into a contract with Louis C. Mai, CPA & Associates, 6 Moonshadow Court, Kinnelon, NJ, to provide statutory audits of the 2013 SFY General Funds, Sewer Utility Funds, Other Funds, the Single Audit and also for 5 year comparative statements in an amount not to exceed $212,000.00.
Which was received.

By the Clerk:
Letter dated July 3, 2012, from the Chief Financial Officer requesting authorization for the proper City officials to enter into a contract with DeCotiis, FitzPatrick, & Cole, LLP, Glenpointe Centre West, 500 Frank W. Burr Blvd., Suite 31, Teaneck, NJ, to provide bond counsel services to the City in connection with the City's 2013 SFY issuance of debt obligations and to provide for the terms and security of such obligations in accordance with the laws of the State of New Jersey in an amount not to exceed $60,000.00.
Which was received.

By the Clerk:
Letter dated July 3, 2012, from the Chief Financial Officer requesting authorization for the proper City officials to enter into a contract with Acacia Financial Group, Inc., Four Greentree Centre, 13000 Lincoln Drive West, Suite 206, Marlton, NJ to provide financial advisory services to the City in connection with the City's 2013 SFY issuance of municipal and sewer utility debt obligations, including bonds and bond anticipation notes, and any other financial analysis deemed necessary in an amount not to exceed $40,000.00.
Which was received.

By the Clerk:
Letter dated July 3, 2012, from the Chief Financial Officer requesting authorization for the proper City officials to enter into a contract with Powell Capital Markets, Inc., 280 Corporate Center, 3 Becker Farm Road, Roseland, NJ, to provide financial advisory services to the City in connection with the City's 2013 SFY issuance of municipal and sewer utility debt obligations, including bonds and bond anticipation notes, and any other financial analysis deemed necessary for an amount not to exceed $40,000.00.
Which was received.

By the Clerk:
Letter dated June 22, 2012, from the Director of Health and Human Services requesting to apply accept and sign all appropriate documents pertaining to the 2013 Housing Opportunities for People With Aids (H.O.P.W.A.) grant funds for the period of January 1, 2013 to December 31, 2013.
Which was received.

PETITIONS, COMMUNICATIONS, ETC

By the Clerk:
Letter dated June 20, 2012, from the Director of Planning and Community Development requesting authorization for the proper City officials to apply accept and sign all appropriate documents pertaining to the 2012 Sustainable Jersey Small Grants Program in an effort to promote sustainability, education, and public /private partnerships in an amount not to exceed $20,000.00.
Which was received.

By the Clerk:
Letter dated June 27, 2012, from the Director of Planning and Community Development requesting to amend the resolution dated March 13, 2012, authorizing the execution of a Third Party Agreement, under the Neighborhood Stabilization Program (NSP1), with Magill Real Estate Holdings, LLC, for the provision of a loan in the amount of $340,000.00 for the rehabilitation of properties located at 325 Fulton Street and 200 Livingston Street, specifically to increase the amount of funds provided by $260,000.00 to enable Magill Real Estate Holdings, LLC, to also rehabilitate a three (3) family home located at 805 East Jersey Street, raising the amount of the loan to $600,000.00.
Which was received.

By the Clerk:
Letter dated June 27, 2012, from the Director of Planning and Community Development requesting authorization for the proper City officials to execute all agreements and documents necessary and appropriate with Brand New Day, Inc. to provide grant funds for Community Housing Development Organization Operating expenses for the period of July 1, 2011 through June 30, 2012 in the amount of $20,000.00.
Which was received.

By the Clerk:
Letter dated June 29, 2012, from the Director of Planning and Community Development requesting authorization for the proper City officials to apply accept and sign all appropriate documents in regard to the Trinitas Health Foundation's Federal Application, "Breaking Barriers, Building Healthy Bodies" Program to provide public parks and playgrounds as locations to enable exercise and promote healthier living.
Which was received.

By the Clerk:
Letter dated June 29, 2012, from the Director of Planning and Community Development requesting authorization for the proper City officials to execute the Union County Neighborhood Stabilization Program 3 (NSP 3) in the amount of $1,366,645.00.
Which was received.

By the Clerk:
Letter dated June 29, 2012, from the Director of Planning and Community Development requesting that your Honorable Body consider to rescind the Third Party Agreement with NJ Community Development Group, LLC for the rehabilitation of 218 Third Street in the amount of $260,000.00, under the Neighborhood Stabilization Program 1 (NSP 1), due to the developer being unable to proceed with the purchase and rehabilitation of said property; funds will be reprogrammed to another eligible Neighborhood Stabilization Program (NSP 1) developer for a project within an NSP 1 target neighborhood.
Which was received.

PETITIONS, COMMUNICATIONS, ETC

By the Clerk:

Letter dated June 29, 2012, from the Director of Planning and Community Development requesting authorization for the proper City officials to execute the State Neighborhood Stabilization Program (NSP 3) grant agreement to provide funds from the New Jersey Department of Community Affairs in the amount of $1.5 million dollars.
Which was received.

By the Clerk:

Letter dated June 29, 2012, from the Director of Planning and Community Development requesting authorization for the proper City officials to amend the Code of the City of Elizabeth, Chapter 8.80 entitled: Regulation of Vacant and Foreclosing Residential Properties as follows: to add proof of utility (gas, electric, water) connections or disconnections must be submitted; increase the annual registration fee from $100 to $250 and to increase subsequent renewals from $100 to $500; registration fees and renewal fees will not be prorated or refunded.
Which was received.

By the Clerk:

Letter dated July 2, 2012, from the Director of Planning and Community Development requesting authorization for the proper City officials to execute an agreement with the YMCA of Eastern Union County, Inc., 144 Madison Avenue, Elizabeth, NJ, to provide CDBG funds to help defray costs associated with the agency's After School Childcare/Summer Day Camp program for the period of July 1, 2012 to June 30, 2013 in the amount of $25,250.00.
Which was received.

By the Clerk:

Letter dated July 2, 2012, from the Director of Planning and Community Development requesting authorization for the proper City officials to execute an agreement with the YMCA of Eastern Union County, Inc., 144 Madison Avenue, Elizabeth, NJ, to provide ESG funds to help defray operations costs associated with the agency's shelter located at 135 Madison Avenue for the period of July 1, 2012 to June 30, 2013 in the amount of $10,823.36.
Which was received.

By the Clerk:

Letter dated July 2, 2012, from the Director of Planning and Community Development requesting authorization for the proper City officials to execute an agreement with Rutgers Cooperative Extension-4H Program, 300 North Avenue East, Westfield, NJ, to provide funds to defray costs associated with Rutgers Cooperative Extension-4H Program in conjunction with the Safe Haven on First Street, Elizabeth, for the period of July 1, 2012 to June 30, 2013 in the amount of $5,447.10.
Which was received.

By the Clerk:

Letter dated July 3, 2012, from the Director of Planning and Community Development requesting authorization for the proper City officials to execute an agreement with the Elizabeth Packers, Inc., 18 Barnard Place, Elizabeth, NJ, to provide CDBG funds to defray operations costs for its Football League for the period of July 1, 2012 until June 30, 2013, in the amount of $7,000.00.
Which was received.

PETITIONS, COMMUNICATIONS, ETC

By the Clerk:
Letter dated June 28, 2012, from the Director of Public Works requesting authorization for the proper City officials to apply, accept and sign all appropriate documents for the Union County Open Space, Recreation & Historic Preservation – Greening Union County for 200 trees for an amount not to exceed $31,800.00.
Which was received.

By the Clerk:
Letter dated June 28, 2012, from the Director of Public Works recommending awarding a contract to Suburban Consulting Engineers, Inc., 100 Valley Road, Suite 202, Mount Arlington, NJ, to provide professional engineering services for the design and construction administration of the Holland Playground and Skate Park Facility at a cost not to exceed $90,000.00.
Which was received.

By the Clerk:
Letter dated June 28, 2012, from the Director of Public Works recommending awarding a contract to Johnson, Mirmiran & Thompson, Inc., 1200 Lenox Drive, Suite 101, Trenton, NJ, to provide professional engineering services in connection with the investigation, design and construction administration of the South Street Flood Control Study, at a cost not to exceed $198,500.00.
Which was received.

By the Clerk:
Letter dated June 28, 2012, from the Director of Public Works recommending awarding a contract to Birdsall Service Group, 65 Jackson Drive, Cranford, NJ, to provide professional engineering services for the design and construction administration for the roof replacement at Peterstown Community Center, at a cost not to exceed $22,100.00.
Which was received.

By the Clerk:
Letter dated June 27, 2012, from the Director of Public Works requesting permission to have a lien placed against the 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 $10,937.67.
Which was received.

By the Clerk:
Letter dated June 12, 2012, from Ms. Donna DeLaura, 356 Rosehill Place, Elizabeth, NJ, requesting an Encroachment Permit to use the public right-of-way to erect a two (2) foot wall with an iron railing not to exceed three (3) feet encroaching the sidewalk area approximately 4 foot wide by 137 foot long in the public right of way of Rosehill Place and Grove Street.
Which was received

By the Clerk:
Letter dated July 2, 2012, from the Elizabeth Latin Chamber of Commerce (CAMACOL), in conjunction with Melly Mell Productions, Inc. respectfully request your permission to conduct the 30th annual CARNAVAL ELIZABETH to be held on Labor Day Weekend, September 2 & 3, 2012, from 1 p.m. to 9 p.m. on Elizabeth Avenue from New Point Road to Fourth Street; music from stages will cease at 7 p.m., beer at 8 p.m. and vendors at 9 p.m.; rain date for September 8 & 9, 2012.
Which was received.

REPORTS OF CITY OFFICERS

By the Clerk:
Letter dated July 24, 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, July 20, 2012.
Which was received.

By the Clerk:
: Letter dated June 25, 2012, from the Chief Financial Officer submitting the City Treasurer's Report of Receipts and disbursements for the month of March, 2012, and Statement of Bank Balances and Investments as of March 31, 2012.
Which was received.

ORDINANCES ON FIRST READING

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

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

The Clerk read the foregoing ordinance.

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

AFFIRMATIVE:	Perkins-Auguste, Cuesta. Jackus, Grova, Keenan, Cedeno, Gallman, Mazza, and President Gonzalez - 9
NEGATIVE:	None

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

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

The Clerk read the foregoing ordinance.

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

AFFIRMATIVE:	Perkins-Auguste, Cuesta. Jackus, Grova, Keenan, Cedeno, Gallman, Mazza, and President Gonzalez - 9
NEGATIVE:	None

Council President Gonzalez announced that public notice will be published fixing Tuesday, August 28, 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. 4322 and 4323, adopted on first reading.

ORDINANCES ON FINAL PASSAGE

Council President Gonzalez announced that the next business in order would be the adoption of **Ordinance No. 4316** , which was seconded by Councilman Cuesta:

AN ORDINANCE TO AUTHORIZE THE EXECUTION OF A LEASE AGREEMENT BETWEEN THE CITY OF ELIZABETH AND 207 BROAD LLC, c/o PARAMOUNT PROPERTY MANAGEMENT, FOR THE USE OF PREMISES LOCATED AT 208 COMMERCE PLACE, ELIZABETH, NEW JERSEY AS THE ELIZABETH COURT ANNEX.

WHEREAS, the City will vacate the second floor and use the more desirable first floor location; and

WHEREAS, landlord will build-to-suit and relocate the furniture and relevant appurtenances to the first floor, solely at its cost. The City will maintain creative control over the architectural drawings and space planning; and

WHEREAS, said lease shall commence on September 1, 2012, for a term of fifteen (15) years; and

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

SECTION 1. That the City Council of the City of Elizabeth hereby authorizes the execution of a lease agreement between the City of Elizabeth and 207 Broad LLC, c/o Paramount Property Management, for premises located at 208 Commerce Place, Elizabeth, New Jersey 07208 for use as a Municipal Court and office space for a period of fifteen (15) years commencing on September 1, 2012. The lease agreement is attached hereto as Exhibit A and made a part of this Ordinance.

SECTION 2. The original executed lease agreement shall be on file with the Elizabeth City Clerk along with this ordinance.

SECTION 3. All ordinances or parts of ordinances inconsistent with the provisions of this ordinance be and the same are hereby repealed.

SECTION 4. The effective date of this ordinance shall be at the time and in the manner provided by law.

SECTION 5. - Notwithstanding the effective date of this Ordinance, said lease shall commence on September 1, 2012.

The Clerk read the foregoing ordinance by title.

This ordinance was adopted on its first reading at the City Council meeting held . **June 26, 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 **July 16, 2012.**

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

AFFIRMATIVE: Perkins-Auguste, Cuesta, Jackus, Grova, Keenan, Cedeno, Gallman, Mazza, and President Gonzalez - 9

NEGATIVE: None

Council President Gonzalez announced that the next business in order would be the adoption of **Ordinance No. 4317** , which was seconded by Councilman Cuesta:

AN ORDINANCE TO VACATE A PORTION OF NEW POINT ROAD BETWEEN SIXTH STREET AND BROADWAY IN THE CITY OF ELIZABETH COUNTY OF UNION AND STATE OF NEW JERSEY AND TO RESCIND ORDINANCE NO. 4265.

WHEREAS, in order to develop a portion of New Point Road with new housing; now, therefore,

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

SECTION 1. All public easements, rights and interests to the portion of New Point Road described hereinbelow are hereby vacated, released and extinguished except for said easements and rights specifically set forth in the description hereinbelow and except for all rights and privileges now possessed by public utilities, as defined in N.J.S.A. 48:2-13, and by any Cable Television Company as defined in the "Cable Television Act," N.J.S.A. 48:5A-1, et seq., to maintain, repair and replace their existing facilities in, adjacent to, over or under the street, or any part thereof, to be vacated subject to the conditions described herein, all conditions, unless otherwise noted, shall be satisfied prior to said vacation being effective:

BEGINNING at a point in the southwesterly sideline of Broadway being distant 70.10 feet southeasterly from its intersection with the southeasterly side of Sixth Street, said point being the northerly side of New Point Road;

THENCE South 25 degrees 00 minutes East, along the said southwesterly side of Broadway a distance of 74.90 feet to a point of intersection of southerly sideline of New Point Road;

THENCE North 66 degrees 52 minutes 40 seconds West, along the said southerly side of New Point Road, a distance 194.74 feet to a point of intersection of the Southeasterly side of Sixth Street;

THENCE North 65 degrees 00 minutes East, along the southeasterly side of Sixth Street, a distance 67.15 feet to a point;

THENCE South 66 degrees 52 minutes 40 seconds East, along the said northerly side of New Point Road, a distance 94.15 feet to the point and place of **BEGINNING.**

Containing 7,222 square feet or 0.166 acres

The above description was made on June 14, 2012 by the Office of the City Engineer.

SECTION 2. Ordinance No. 4265 is hereby rescinded.

SECTION 3. The City of Elizabeth shall, within sixty (60) days after this Ordinance becomes effective, file a certified copy hereof under seal of the City of Elizabeth together with a copy of the Proof of Publication hereof, in the Office of the Clerk of Union County.

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 **June 26, 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 **July 16, 2012.**

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

AFFIRMATIVE: Perkins-Auguste, Cuesta, Jackus, Grova, Keenan, Cedeno, Gallman, Mazza, and President Gonzalez - 9

NEGATIVE: None

Council President Gonzalez announced that the next business in order would be the adoption of **Ordinance No. 4318** , which was seconded by Councilman Cuesta:

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

WHEREAS, the Local Government Cap Law, N.J.S.A. 40A:4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to **2.5 %** or the Cost-of Living Adjustment (COLA), whichever is less, over the previous year's final appropriations, subject to certain exceptions; and

WHEREAS, N.J.S.A. 40A:4-45.14 provides that a municipality may, in any year in which the COLA is equal to or less than **2.5 %**, increase its final appropriations by a percentage rate greater than the COLA, but not to exceed the **3.5 %** rate as specified in the law, when authorized by ordinance; and

WHEREAS, the COLA for State Fiscal Year 2013 has been certified by the Director of the Division of Local Government Services in the Department of Community Affairs as **2.5 %**; and

WHEREAS, N.J.S.A. 40A:4-45.15a provides that a municipality may, in any year in which the COLA is equal to or less than **2.5 %** , may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the **3.5 %** percentage rate as an exception to its final appropriations in either of the next two succeeding years; and

WHEREAS, the City Council of the City of Elizabeth in the County of Union finds it advisable and necessary to increase its State Fiscal Year 2013 budget by more than **2.5 %** over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of its citizens; and

WHEREAS, the City Council of the City of Elizabeth hereby determines a **1.0 %** increase in the budget for said year, amounting to **$1,751,472.34** in excess of the increase in the final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and

WHEREAS, the City Council of the City of Elizabeth hereby determines that any amount authorized herein above that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the City Council of the City of Elizabeth in the County of Union, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the fiscal year 2013 budget year, the final appropriations of the City of Elizabeth shall, in accordance with this ordinance and N.J.S.A. 40A:4-45.14, be increased by **3.5 %**, amounting to **$4,378,680.84** and that the State Fiscal Year 2013 municipal budget for the City of Elizabeth be approved and adopted in accordance with this ordinance; and

BE IT FURTHER ORDAINED, that any amount authorized herein above that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within five (5) days of introduction; and

BE IT FURTHER ORDAINED, that a certified copy of this ordinance, upon adoption, with the recorded vote included thereon, be filed with said Director within five (5) days after such adoption.

The Clerk read the foregoing ordinance by title.

This ordinance was adopted on its first reading at the City Council special meeting held **July 3, 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 **July 16, 2012.**

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

AFFIRMATIVE:	Perkins-Auguste, Cuesta, Jackus, Grova, Keenan, Cedeno, Gallman, Mazza, and President Gonzalez - 9
NEGATIVE:	None

Council President Gonzalez announced that the next business in order would be the adoption of **Ordinance No. 4319** , which was seconded by Councilman Cuesta:

—

AN ORDINANCE OF THE CITY OF ELIZABETH, IN THE COUNTY OF UNION, NEW JERSEY, PROVIDING FOR IMPROVEMENTS TO WATERFRONT PARK LOCATED IN THE CITY OF ELIZABETH AND APPROPRIATING $2,000,000 THEREFOR, AND PROVIDING FOR THE ISSUANCE OF $1,900,000 IN BONDS OR NOTES OF THE CITY OF ELIZABETH TO FINANCE THE SAME

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

Section 1. The improvement or purpose described in Section 3 of this bond ordinance is hereby authorized to be undertaken by the City of Elizabeth, in the County of Union, New Jersey (the "City") as a general improvement. For the improvement or purpose described in Section 3 hereof, there is hereby appropriated the sum of $2,000,000 including the sum of $100,000 as the down payment for the improvement or purpose pursuant to the Local Bond Law. The down payment has been made available by virtue of the provision in the capital improvement fund in one or more previously adopted budgets.

Section 2. In order to finance the cost of the improvement or purpose not covered by application of the down payment or otherwise provided for hereunder, negotiable bonds or notes are hereby authorized to be issued in the principal amount of $1,900,000 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds or notes, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvement hereby authorized and the purpose for which the bonds or notes are to be issued is the repairs and improvements to Waterfront Park, including, but not limited to, riprap, sheeting, bulkhead repairs/replacement, paving, sidewalks, fencing and other improvements, and including all other work and materials necessary therefor and incidental thereto.

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

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

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

Section 5. The capital budget or temporary capital budget (as applicable) of the City is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. In the event of any such inconsistency and amendment, the resolution in the

form promulgated by the Local Finance Board showing full detail of the amended capital budget or amended temporary capital budget (as applicable) and capital program as approved by the Director of the Division of Local Government Services is on file with the Clerk and is available there for public inspection.

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

(a) The improvement or purpose described in Section 3 of this bond ordinance is not a current expense. No part of the costs thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The period of usefulness of the improvement or purpose, within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is 15 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the City as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by $1,900,000, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An amount not exceeding $200,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the improvement or purpose.

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

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

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

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

The Clerk read the foregoing ordinance by title.

This ordinance was adopted on its first reading at the City Council special meeting held **July 3, 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 **July 16, 2012.**

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

AFFIRMATIVE:	Perkins-Auguste, Cuesta, Jackus, Grova, Keenan, Cedeno, Gallman, Mazza, and President Gonzalez - 9
NEGATIVE:	None

Council President Gonzalez announced that the next business in order would be the adoption of **Ordinance No. 43 20** , which was seconded by Councilman Cuesta:

AN ORDINANCE OF THE CITY OF ELIZABETH, IN THE COUNTY OF UNION, NEW JERSEY, PROVIDING FOR IMPROVEMENTS TO SOUTH STREET SEWER SYSTEM LOCATED IN THE CITY OF ELIZABETH AND APPROPRIATING $5,000,000 THEREFOR, AND PROVIDING FOR THE ISSUANCE OF $4,750,000 IN BONDS OR NOTES OF THE CITY OF ELIZABETH TO FINANCE THE SAME

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

Section 1. The improvement or purpose described in Section 3 of this bond ordinance is hereby authorized to be undertaken by the City of Elizabeth, in the County of Union, New Jersey (the "City") as a general improvement. For the improvement or purpose described in Section 3 hereof, there is hereby appropriated the sum of $5,000,000 including the sum of $250,000 as the down payment for the improvement or purpose pursuant to the Local Bond Law. The down payment has been made available by virtue of the provision in the capital improvement fund in one or more previously adopted budgets.

Section 2. In order to finance the cost of the improvement or purpose not covered by application of the down payment or otherwise provided for hereunder, negotiable bonds or notes are hereby authorized to be issued in the principal amount of $4,750,000 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds or notes, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvement hereby authorized and the purpose for which the bonds or notes are to be issued is the design and construction of the South Street Sewer System Improvements, consisting of the installation of new sewers and conduit for the conveyance of storm water to the South Street Pump Station, and including all other work and materials necessary therefor and incidental thereto.

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

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

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

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

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

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

(a) The improvement or purpose described in Section 3 of this bond ordinance is not a current expense. No part of the costs thereof has been or shall be specially assessed on property specially benefited thereby.

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

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the City as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by $4,750,000, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An amount not exceeding $500,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the improvement or purpose.

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

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

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

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

The Clerk read the foregoing ordinance by title.

This ordinance was adopted on its first reading at the City Council special meeting held **July 3, 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 **July 12, 2012.**

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

AFFIRMATIVE:	Perkins-Auguste, Cuesta, Jackus, Grova, Keenan, Cedeno, Gallman, Mazza, and President Gonzalez - 9
NEGATIVE:	None

Council President Gonzalez announced that the next business in order would be the adoption of **Ordinance No. 4321**, which was seconded by Councilman Cuesta:

ORDINANCE OF THE CITY OF ELIZABETH, COUNTY OF UNION, STATE OF NEW JERSEY APPROVING THE APPLICATION AND THE FINANCIAL AGREEMENT WITH VESTAL-CONDIGEL ELIZABETH URBAN RENEWAL, L.L.C. FOR A LONG TERM TAX-EXEMPTION FOR THE CONSTRUCTION OF REFRIGERATED WAREHOUSE, OFFICE SPACE AND RELATED IMPROVEMENTS LOCATED ON BLOCK 8, LOT 1308.H

WHEREAS, pursuant to the New Jersey Urban Enterprise Zones Act, *N.J.S.A.* 52:27H-60 *et seq.*, certain areas of the City of Elizabeth, in the County of Union, New Jersey, (the "**City**") including Block 8, Lot 1308.H (the "**Project Site**") are included in the City's urban enterprise zone (the "**Urban Enterprise Zone**"); and

WHEREAS, pursuant to the Local Redevelopment and Housing Law, *N.J.S.A.* 40A:12A-1 *et seq.* (the "**LRHL**"), improvements to property located within designated areas in need of redevelopment and urban enterprise zones may qualify for long term tax exemptions under the Long Term Tax Exemption Law, *N.J.S.A.* 40A:20-1 *et seq.* (the "**LTTE Law**"); and

WHEREAS, the City Council of the City ("**City Council**") adopted a resolution on May 22, 2012 designating the Project Site as an area in need of redevelopment pursuant to Section 5 of the LRHL and on June 12, 2012 adopted an ordinance approving a redevelopment plan for the revitalization and redevelopment of the Project Site (the "**Redevelopment Plan**"); and

WHEREAS, Vestal-Condigel Elizabeth Urban Renewal, L.L.C. (the "**Entity**") will construct, or cause to be constructed on the Project Site, an approximately 175,000 square foot refrigerated warehouse, including approximately 16,000 square feet of office space, improvements for the ultimate use of the Property, and adjacent truck and car parking, and infrastructure (collectively, the "**Project Improvements**") (the construction and maintenance of the Project Improvements are defined herein as the "**Project**"); and

WHEREAS, the Entity will lease the Project Site and the Project Improvements to Seafrigo NA Cold Storage, Inc. (the "**Tenant**"); and

WHEREAS, the Project will conform to the Redevelopment Plan and all applicable municipal zoning ordinances, to the extent it contains provisions that are relevant to the Project, and will be in conformance with the master plan of the City; and

WHEREAS, in order to enhance the economic viability of and opportunity for a successful Project, the City may enter into a financial agreement with the Entity governing payments made to the City in lieu of real estate taxes on the Project pursuant to the provisions of the LTTE Law; and

WHEREAS, the provisions of the LTTE Law authorize the City to accept, in lieu of real property taxes, an Annual Service Charge (as defined in the LTTE Law), to be paid by the Entity to the City; and

WHEREAS, pursuant to *N.J.S.A.* 40A:20-8, the Entity filed an application with the City for approval of a long term tax exemption for the Project, including a form of financial agreement (as attached hereto as Exhibit A the "**Application**"); and

WHEREAS, the proposed form of financial agreement sets forth the terms and conditions under which the Entity and the City shall carry out their respective obligations with respect to payment of the Annual Service Charge by the Entity for the Project; and

WHEREAS, the Mayor, together with counsel for the City, has reviewed the Application and found that it complies with the provisions of the LTTE Law; and

WHEREAS, the Mayor together with counsel for the City, has reviewed the terms of the proposed financial agreement (the "**Financial Agreement**") and has recommended that the Application be approved and the Financial Agreement, a copy of which has been filed with the City Clerk, be executed; and

WHEREAS, the City Council finds that the relevant benefits of the Project to the redevelopment of the redevelopment area, outweigh the cost (loss, if any, of property tax revenue) associated with granting the Long Term Tax-Exemption; and

WHEREAS, the City Council has determined that the assistance provided to the Project pursuant to the Financial Agreement will be a significant inducement for the Entity to proceed with the Project and will be important in influencing the locational decisions of probable occupants of the project.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Elizabeth as follows:

1. The Application filed by the Entity is hereby approved.

2. The Mayor of the City is hereby authorized to execute the Financial Agreement substantially in the form as it has been presented to the City Council subject to modification or revision deemed necessary and appropriate in consultation with counsel.

3. The Clerk of the City is hereby authorized and directed, upon the execution of the Financial Agreement in accordance with the terms of Section 2 hereof, to attest to the signature of the Mayor upon such document and is hereby further authorized and directed thereupon affix the corporate seal of the City upon such document.

4. The City Clerk shall file certified copies of this ordinance and the Financial Agreement with the Tax Assessor of the City and the Director of the Division of Local Government Services within the Department of Community Affairs in accordance with Section 12 of the LTTE Law.

5. This ordinance shall take effect in accordance with law.

The Clerk read the foregoing ordinance by title.

This ordinance was adopted on its first reading at the City Council special meeting held **July 3, 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 **July 16, 2012.**

Councilman Mazza requested information regarding hiring in Elizabeth.

Councilwoman Perkins-Auguste requested information on the hiring process.

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

AFFIRMATIVE: Perkins-Auguste, Cuesta, Jackus, Grova, Keenan, Cedeno, Gallman, Mazza, and President Gonzalez - 9

NEGATIVE: None

Councilman Cuesta **MOVED** for a Suspension of the Rules to consider a resolution which did not appear on the Agenda, seconded by Council President Gonzalez, and

Which was carried unanimously.

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the **Morris Avenue Midtown Business Association, P. O. Box 443, Elizabeth, New Jersey** has advised that in their efforts to succeed and not compete with any other festival in the area, they have requested permission to change the date of The Colombian Independence Day Cultural Festival which was to be held on July 29, 2012 to August 5, 2012; and

WHEREAS, it has also requested authorization is requested to hold their second Beauty Pageant on Saturday, August 4, 2012, from 6:00 p.m. to 12:00 a.m., at the parking lot of Bank of America; now, therefore, be it

RESOLVED that the City Council of the City of Elizabeth authorizes the **Morris Avenue Midtown Business Association, P. O. Box 443, Elizabeth, New Jersey** and to change the date of The Colombian Independence Day Cultural Festival which was to be held on July 29, 2012 to August 5, 2012, provided that it complies with all provisions contained in Chapter 12.56 of the Code of the City of Elizabeth; and be it

FURTHER RESOLVED the City Council of the City of Elizabeth authorizes the **Morris Avenue Midtown Business Association, P. O. Box 443, Elizabeth, New Jersey**, to hold their second Beauty Pageant on Saturday, August 4, 2012, from 6:00 p.m. to 12:00 a.m., at the parking lot of Bank of America, provided that it complies with all provisions contained in Chapter 12.56 of the Code of the City of Elizabeth.

Councilman Grova spoke regarding a letter that was received by City Council from Pastor Chacon regarding traffic congestion during these festivals.

Councilman Jackus spoke to Pastor Chacon and another concern was the alcohol at these festivals. He continued that Council should consider all festivals should be held at the waterfront. He stated further that Melly Mel is the only one that uses the waterfront.

Councilman Jackus suggested that the Alcoholic Beverage Control detective be present and involved during these festivals.

Council President Gonzalez stated that he is hoping for one festival next year.

Which was adopted by the following vote:

AFFIRMATIVE:	Perkins-Auguste, Cuesta, Jackus, Grova, Keenan, Cedeno, Gallman, Mazza, and President Gonzalez - 9
NEGATIVE:	None

The regular order of Business was resumed.

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City of Elizabeth

CAPITAL BUDGET

2013 SFY

Amendment

Whereas, it is desired to amend the Fiscal Year 2013 Capital Budget,

Now, Therefore Be It Resolved, by the City Council of the City of Elizabeth, County of Union, that the following projects constitute a part of the capital budget section of the Fiscal Year 2013 Capital Budget .

Recorded vote:

AYES (

NAYS: (

(

(

ABSENT: (

(

(

6 YEAR CAPITAL PROGRAM FY2013 TO FY2018
PLANNED FUNDING SOURCES FOR CURRENT YEAR - FY2013

Local Unit CITY OF ELIZABETH

1	2	3	4	PLANNED FUNDING SOURCES FOR CURRENT YEAR - FY2013					6
PROJECT TITLE	PROJECT NUMBER	ESTIMATED TOTAL COST	AMOUNTS RESERVED IN PRIOR YEARS	5a FY2011 BUDGET APPROPRIATION	5b CAPITAL IMPROVEMENT FUND	5c Capital Surplus	5d Grants-in-Aid and Other Funds	5e Debt Authorized	TO BE FUNDED IN FUTURE YEARS
Sewer Utility - Upgrades and Improvements		12,000,000.00						12,000,000.00	
Totals - All Projects		12,000,000.00						12,000,000.00	

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6 YEAR CAPITAL PROGRAM FY2013 TO FY2018
ANTICIPATED PROJECT SCHEDULE AND FUNDING REQUIREMENT

Local Unit CITY OF ELIZABETH

1	2	3	4	FUNDING AMOUNTS PER BUDGET YEAR					
PROJECT TITLE	PROJECT NUMBER	ESTIMATED TOTAL COST	ESTIMATED COMPLETION TIME	5a FY2013	5b FY2014	5c FY2015	5d FY2016	5e FY2017	5f FY2018
Sewer Utility - Upgrades and Improvements		12,000,000.00		12,000,000.00					
Totals - All Projects		12,000,000.00		12,000,000.00					

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6 YEAR CAPITAL PROGRAM FY2013 TO FY2018
SUMMARY OF ANTICIPATED FUNDING SOURCES AND AMOUNTS

Local Unit CITY OF ELIZABETH

1	2	BUDGET APPROPRIATION		4	5	6	BONDS AND NOTES			
PROJECT TITLE	ESTIMATED TOTAL COST	3a Current Year FY2013	3b Future Years	CAPITAL IMPROVEMENT FUND	CAPITAL SURPLUS	GRANTS-IN-AID AND OTHER FUNDS	7a General	7b Self Liquidating	7c Assessment	7d School
Sewer Utility - Upgrades and Improvements	12,000,000.00	12,000,000.00						12,000,000.00		
Totals - All Projects	12,000,000.00	12,000,000.00						12,000,000.00		

Be it Further Resolved, that two certified copies of this resolution be filed forthwith in the office of the Director of Local Government Services.

It is hereby certified that this is a true copy of a resolution constituting a part of the capital budget section of the Temporary 2013 Fiscal Year Capital Budget

Which was adopted by the following vote:

AFFIRMATIVE: Perkins-Auguste, Cuesta, Jackus, Grova, Keenan, Cedeno, Gallman, Mazza, and President Gonzalez - 9

NEGATIVE: None

~~July 24, 2013~~

By City Council as a Whole:

WHEREAS an emergent condition has arisen with respect to the need for payment of certain bills before the adoption of the FY 2013 budget , and no adequate provision has been made in the Fiscal Year 2013 appropriations for the aforesaid purpose, and N.J.S. 40A:4-20 provides for the creation of an emergency temporary appropriation for the purpose above mentioned, and

WHEREAS, the total emergency resolutions adopted for the Fiscal Year 2013 pursuant to the provisions of Chapter 96, P.L. 1951 (N.J.S. 40A:4-20) including this resolution total $62,409,168.36, now therefore be it

RESOLVED that in accordance with the provisions of N.J.S. 40A: 4-20

1. An emergency appropriation be and the same is hereby made for and said emergency appropriations will be provided in the FY 2013 budget under the titles of:

	Description	**Salaries and Wages**	**Other Expenses**
	Grants:		
	Workforce Investment Act Employment Program		45,000.00
	Workforce Investment Act Employment Program-Local		15,000.00
	subtotal	0.00	60,000.00
	TOTAL		60,000.00

Be it further resolved that one copy of this resolution be filed with the Director of Local Government Services.

Which was adopted by the following vote:

AFFIRMATIVE: Perkins-Auguste, Cuesta, Jackus, Grova, Keenan, Cedeno, Gallman, Mazza, and President Gonzalez - 9

NEGATIVE: None

44

ELIZABETH AVENUE SPECIAL IMPROVEMENT DISTRICT BUDGET NOTICE

Elizabeth Avenue Special Improvement District of the City of Elizabeth, County of Union, for the Fiscal Year 2013.

BE IT RESOLVED that the following statements of revenue and appropriations shall constitute the Elizabeth Avenue Special Improvement District Budget for the Fiscal Year 2013.

BE IT FURTHER RESOLVED that said Budget be published in The Star-Ledger in the issue of July 13, 2012

NOW THEREFORE, BE IT RESOLVED that the governing body of the City of Elizabeth does hereby approve the following as the Elizabeth Avenue Special Improvement District Budget for the Fiscal Year 2013.

Recorded Vote:

AYES

NAYS:

ABSENT:

Which was adopted by the following vote:

AFFIRMATIVE: Perkins-Auguste, Cuesta, Jackus, Grova, Keenan, Cedeno, Gallman, Mazza, and President Gonzalez - 9

NEGATIVE: None

Notice is hereby given that the Elizabeth Avenue Special Improvement District Budget was approved by the City Council of the City of Elizabeth, County of Union, on June 12, 2012.

A hearing on said budget will be held at Elizabeth City Hall on July 24, 2012, at 7:30 P.M. at which time and place objections to said Budget for the Fiscal Year 2013 may be presented by Elizabeth Avenue Special Improvement District taxpayers or other interested persons.

REVENUES	
Private Sponsor	$26,750.00
UEZ	$83,532.00
Amount to be Raised by Special Improvement District	$250,000.00
Surplus Utilized	
Total Revenues	$360,282.00

APPROPRIATIONS	
Promotions	$117,278.00
Safety & Security	$37,674.00
Administration	$205,330.00
Total Appropriations	$360,282.00

CITY OF ELIZABETH
COUNTY OF UNION

A RESOLUTION REQUESTING PERMISSION FOR A DEDICATION BY RIDER FOR DONATIONS-ACCEPTANCE OF BEQUESTS AND GIFTS (FROM NY COMMUNITY BAND AND DRAKE COLLEGE) TO SUPPORT MEN'S EMPOWERMENT AS REQUIRED BY NJS 40A:5-29

BY CITY COUNCIL AS A WHOLE:

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

WHEREAS, NJS 40A:5-29 provides for receipts of donations (from NY Community Bank and Drake College) to support Men's Empowerment by the municipality to provide for the operating costs to administer this act; and

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

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

1. The City Council does hereby request permission of the Director of the Division of Local Governmental Services to pay expenditures of the Donations Fund (from NY Community Bank and Drake College to support Men's Empowerment) per NJS 40A:5-29.

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

Which was adopted by the following vote:

AFFIRMATIVE:	Perkins-Auguste, Cuesta, Jackus, Grova, Keenan, Cedeno, Gallman, Mazza, and President Gonzalez - 9
NEGATIVE:	None

BY CITY COUNCIL AS A WHOLE:

RESOLVED, that the City Council of the City of Elizabeth does hereby advise and consent to the appointment of **Commissioner Antonio Goncalves, 618 Norwood Terrace, Elizabeth, New Jersey 07202,** to serve as a full term Member of the Board of Adjustment to fill the unexpired term of Commissioner Jackson Altidor, (December 31, 2013).

Which was adopted by the following vote:

AFFIRMATIVE:	Perkins-Auguste, Cuesta, Jackus, Grova, Keenan, Cedeno, Gallman, Mazza, and President Gonzalez - 9
NEGATIVE:	None

BY CITY COUNCIL AS A WHOLE:

RESOLVED, that the City Council of the City of Elizabeth does hereby advise and consent to the appointment of **Commissioner Rev. Larry E. Dixon, 550 Riverside Drive, Elizabeth, New Jersey 07208,** to serve as a Member of the Board of Adjustment (Alternate Member No. 1) to fill the unexpired term of Commissioner Antonio Goncalves, (December 31, 2012), who was recently promoted to fill the unexpired term of Commissioner Jackson Altidor.

Which was adopted by the following vote:

AFFIRMATIVE:	Perkins-Auguste, Cuesta, Jackus, Grova, Keenan, Cedeno, Gallman, Mazza, and President Gonzalez - 9
NEGATIVE:	None

BY CITY COUNCIL AS A WHOLE:

RESOLVED, that the City Council of the City of Elizabeth does hereby advise and consent to the appointment of **Commissioner Elizabeth Cano, 210 Stiles Street, Elizabeth, New Jersey, 07208,** to serve as a Member of the Board of Adjustment (Alternate No. 2) to fill the unexpired term (December 31, 2012) of Commissioner Rev. Larry Dixon, who was recently promoted to (Alternate No. 1).

Which was adopted by the following vote:

AFFIRMATIVE: Perkins-Auguste, Cuesta, Jackus, Grova, Keenan, Cedeno, Gallman, Mazza, and President Gonzalez - 9

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

RESOLVED, that the City Council of the City of Elizabeth does hereby advise and consent to the appointment of **Commissioner Orlando P. Galvez, 421 New York Avenue, Elizabeth, New Jersey, 07202,** to serve as a Member of the Board of Adjustment (Alternate Member No. 3) to fill the unexpired term of (December 31, 2013) of Commissioner Elizabeth Cano, who was recently promoted to Alternate No. 2 .

Which was adopted by the following vote:

AFFIRMATIVE: Perkins-Auguste, Cuesta, Jackus, Grova, Keenan, Cedeno, Gallman, Mazza, and President Gonzalez - 9

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

RESOLVED, that the City Council of the City of Elizabeth does hereby advise and consent to the appointment of **Mr. Charles Robert Bathelus, 447 Catherine Street, Elizabeth, New Jersey, 07201** to serve as a Member of the Board of Adjustment (Alternate No. 4) to fill the unexpired term of Commissioner Orlando P. Galvez who was recently promoted to Alternate No. 3.

Which was adopted by the following vote:

AFFIRMATIVE:	Perkins-Auguste, Cuesta, Jackus, Grova, Keenan, Cedeno, Gallman, Mazza, and President Gonzalez - 9
NEGATIVE:	None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the Mayor has appointed, Candido Rodriquez, Jr., Esq. and Diene Hernandez-Rodriguez, Esq., of the firm of Candido Rodriguez, Jr., Diene Hernandez-Rodriguez, LLC, Attorneys at Law, 442 Westfield Avenue, First Floor, Elizabeth, New Jersey 07208; and Chanima K. Odoms, Esq., 1812 Front Street, Scotch Plains, New Jersey 07076; and Deirdre M. Mason, Esq., The Mason Law Firm, 1812 Front Street, Scotch Plains, New Jersey 07076; Celeste Dudley-Smith, Esq., The Dudley-Smith Law Firm, LLC, 2810 Morris Avenue, Suite 103, Union, New Jersey 07083; and Nuno Afonso, Esq., and Jubilo L. Afonso, Esq., of Afonso & Afonso, LLC, 546-548 Elizabeth Avenue, First Floor, Elizabeth, New Jersey 07206; and Lindal Scott Foster, Esq., of Scott Foster, LLC, 1139 East Jersey Street, Suite 401, Elizabeth, New Jersey 07201; Maria M. Dias, Attorney at Law, 701 Westfield Avenue, Elizabeth, New Jersey 07208; and Stephen E. Gertler, Esq., Law Offices of Stephen E. Gertler, Esq., 1350 Campus Parkway, 3rd Floor, Wall, New Jersey 07719; to serve as Municipal Public Defenders for the Municipal Court for the period covering July 1, 2012 to June 30, 2013 at a rate of $300.00 per session, and Candido Rodriguez, Jr., is designated as the Chief Municipal Public Defender and will receive a stipend of $5,000.00 a year for serving as same, for a total amount not to exceed $140,000.00; and

WHEREAS, these appointments/contracts are being made pursuant to a fair and open procedure pursuant to **N.J.S.A**. 19:44A-20.5, et seq.; and

WHEREAS, the above appointments were made by the Mayor subject to the confirmation, advise and consent of the City Council; and

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

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

RESOLVED that City Council of the City of Elizabeth hereby confirms, advises and consents to the appointed Candido Rodriquez, Jr. Esq. and Diene Hernandez-Rodriguez, Esq., of the firm of Candido Rodriguez, Jr., Diene Hernandez-Rodriguez, LLC, Attorneys at Law, 442 Westfield Avenue, First Floor, Elizabeth, New Jersey 07208; and Chanima K. Odoms, Esq., 1812 Front Street, Scotch Plains, New Jersey 07076; and Deirdre M. Mason, Esq., The Mason Law Firm, 1812 Front Street, Scotch Plains, New Jersey 07076; Celeste Dudley-Smith, Esq., The Dudley-Smith Law Firm, LLC, 2810 Morris Avenue, Suite 103, Union, New Jersey 07083; and Nuno Afonso, Esq., and Jubilo L. Afonso, Esq., of Afonso & Afonso, LLC, 546-548 Elizabeth Avenue, First Floor, Elizabeth, New Jersey 07206; Lindal Scott Foster, Esq., of Scott Foster, LLC, 1139 East Jersey Street, Suite 401, Elizabeth, New Jersey 07201; Maria M. Dias, Attorney at Law, 701 Westfield Avenue, Elizabeth, New Jersey 07208; and Stephen E. Gertler, Esq., Law Offices of Stephen E. Gertler, Esq., 1350 Campus Parkway, 3rd Floor, Wall, New Jersey 07719, to serve as Municipal Public Defenders for the Municipal Court for the period covering July 1, 2012 to June 30, 2013 at a rate of $300.00 per session, and Candido Rodriguez, Jr., is designated as the Chief Municipal Public Defender and will receive a stipend of $5,000.00 a year for serving as same, for a total amount not to exceed $140,000.00.

Which was adopted by the following vote:

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

NEGATIVE: None

EXCUSED: GROVE

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the Business Administrator and the Purchasing Agent have recommended per the request of the Signal System Superintendent and the Director of the Police Department authorization to award a contract to the sole bidder **WPCS International, Inc., 1985 Swarthmore Ave., Suite 4, Lakewood, New Jersey 08701,** for the furnishing of 4G LTE Gateway Intelligent Modems for the Police Department in the amount of $14,380.00; and

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available and appropriated for this purpose and Certification No. 12-09804 charging the amount of $14,380.00 to Account No. G-02-41-870-120, 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 to the sole bidder **WPCS International, Inc., 1985 Swarthmore Ave., Suite 4, Lakewood, New Jersey 08701,** for the furnishing of 4G LTE Gateway Intelligent Modems for the Police Department in the amount of $14,380.00.

Which was adopted by the following vote:

AFFIRMATIVE:	Perkins-Auguste, Cuesta, Jackus, Grova, Keenan, Cedeno, Gallman, Mazza, and President Gonzalez - 9
NEGATIVE:	None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the Business Administrator and the Purchasing Agent have requested an amendment to the resolution adopted on June 12, 2012 that awarded a contract to **Battleware Technology, 11263 Airpark Road, Bldg., B-4, Ashland, VA 23005**, for the purchase of Tactical Body Armor for the Emergency Service Unit of the Police Department at a cost of $85,890.00 under the State Contract No. 81312, specifically to correct the funding source to the Municipal Police Narcotics Trust Fund #2-21-56-129; now, therefore, be it

RESOLVED that City Council of the City of Elizabeth hereby authorizes an amendment to a resolution adopted on June 12, 2012, that awarded a contract to **Battleware Technology, 11263 Airpark Road, Bldg., B-4, Ashland, VA 23005**, for the purchase of Tactical Body Armor for the Emergency Service Unit of the Police Department at a cost of $85,890.00 under their State Contract No. 81312, specifically to correct the funding to the Municipal Police Narcotics Trust Fund #2-21-56-129.

Which was adopted by the following vote:

AFFIRMATIVE:	Perkins-Auguste, Cuesta, Jackus, Grova, Keenan, Cedeno, Gallman, Mazza, and President Gonzalez - 9
NEGATIVE:	None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the Business Administrator has recommended that the City of Elizabeth enter into an agreement with the Elizabeth Parking Authority for the rental of 21 parking spaces in Lot No. 6 and the rental of 300 parking spaces in Lot No. 2, for a one (1) year period effective July 1, 2012 through June 30, 2013, at a rate of $25.00 per parking space per month, for the monthly cost of $8,025.00, and at a total annual cost of $96,300.00; and

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available and appropriated for this purpose and Certification No. 13-00516 charging the amount of $96,300.00 to Account No. 3-01-30-411-002-000 of the Municipal Budget is on file in the Office of the City Clerk; and

WHEREAS, this contract is awarded without competitive bidding since it is excepted under the provisions of **N.J.S.A.** 40A:11-5 (2) in that it is to be entered into with a subdivision of the City of Elizabeth; now, therefore, be it

RESOLVED by City Council of the City of Elizabeth that the proper City officials are hereby authorized to execute an agreement with the Elizabeth Parking Authority for the rental of 21 parking spaces in Lot No. 6 and 300 parking spaces in Lot No. 2 for a period of one (1) year effective July 1, 2012 through June 30, 2013 at a rate of $25.00 per parking space per month, for the monthly cost of $8,025.00, and at a total annual cost of $96,300.00.

Which was adopted by the following vote:

AFFIRMATIVE:	Perkins-Auguste, Cuesta, Jackus, Grova, Keenan, Cedeno, Gallman, Mazza, and President Gonzalez - 9
NEGATIVE:	None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the Business Administrator has recommended that a contract be awarded to **WILLIAM H. MALONE, P. O. Box 586, Paramus, New Jersey 07653** to provide technical assistance to the City of Elizabeth in management of its insurance programs for the period July 1, 2012 through June 30, 2013 at a total cost of $25,000.00; and

WHEREAS, Mr. Malone is a resident of Elizabeth, New Jersey and has more than thirty (30) years of specialized expertise in insurance; and

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available and appropriated for this purpose and Certification No. 13-00526 charging the amount of $25,000.00 to Account No. 3-01-23-210-INS of the Municipal Budget is on file in the Office of the City Clerk; and

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

WHEREAS, pursuant to **N.J.S.A.** 19:44A-20.5 et seq., this contract is being awarded under a fair and open procedure; and

WHEREAS, the Business Administrator 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 a contract with **WILLIAM H. MALONE, P. O. Box 586, Paramus, New Jersey 07653** to provide technical assistance to the City of Elizabeth in management of its insurance programs for the period July 1, 2012 through June 30, 2013 at a total cost of $25,000.00.
2. Recommendation is based on the thirty (30) years of experience in specialized insurance enjoyed by William H. Malone, who is a City of Elizabeth resident.
3. The services available from William H. Malone includes all aspects of risk management necessary to determine whether a client's assets are properly protected and at the lowest possible cost.
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, Gallman, Mazza, and President Gonzalez - 9

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the Business Administrator and the Purchasing Agent have recommended per the request of the Director of Public Works the award of a contract to **JET VAC, INC., Box 222, Northville, MI 48167**, for the purchase of Parts and Repairs for Sweepers for the period of June 30, 2012 through June 30, 2013 at a cost not to exceed $150,000.00 under their state contract #69719; and

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

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

WHEREAS, the Business Administrator and the Purchasing Agent have advised that the contract in question is a purchase through a State of New Jersey Contract No. 69719 requiring approval by this Governing Body in accordance with the provisions of **N.J.A.C**.5:34-1.2; now, therefore, be it,

RESOLVED that City Council of the City of Elizabeth hereby awards a contract to **JET VAC, INC., Box 222, Northville, MI 48167**, for the purchase of Parts and Repairs for Sweepers for the period of June 30, 2012 through June 30, 2013 at a cost not to exceed $150,000.00 under their state contract #69719.

Which was adopted by the following vote:

AFFIRMATIVE:	Perkins-Auguste, Cuesta, Jackus, Grova, Keenan, Cedeno, Gallman, Mazza, and President Gonzalez - 9
NEGATIVE:	None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the Business Administrator and the Purchasing Agent have recommended per the request of the Director of the Department of Public Works the award of a contract to **GARDEN STATE HIGHWAY PRODUCTS, 1740 East Oak Road, Vineland, New Jersey 08361**, for Break Away U-Post and Sign Supports for the Public Works Department for the period of June 30, 2012 through June 30, 2013 at a cost not to exceed $50,000.00 under their state contract #76835; and

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

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

WHEREAS, the Business Administrator and the Purchasing Agent have advised that the contract in question is a purchase through a State of New Jersey Contract No. 76835 requiring approval by this Governing Body in accordance with the provisions of **N.J.A.C**.5:34-1.2; now, therefore, be it,

RESOLVED that City Council of the City of Elizabeth hereby awards a contract to . **GARDEN STATE HIGHWAY PRODUCTS, 1740 East Oak Road, Vineland, New Jersey 08361**, for Break Away U-Post and Sign Supports for the Public Works Department for the period of June 30, 2012 through June 30, 2013 at a cost not to exceed $50,000.00 under their state contract #76835.

Which was adopted by the following vote:

AFFIRMATIVE:	Perkins-Auguste, Cuesta, Jackus, Grova, Keenan, Cedeno, Gallman, Mazza, and President Gonzalez - 9
NEGATIVE:	None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the Business Administrator and the Purchasing Agent have recommended per the request of the Director of Public Works the award of a contract to **AMERICAN HOSE & HYDRAULICS CO., 700 21ST AVE., PATERSON, NJ 07513,** for the purchase of Miscellaneous Automotive and Hydraulic Truck Parts and Repairs for Road Maintenance Equipment for various departments for the period of June 30, 2012 through June 30, 2013 at a cost not to exceed $100,000.00 under their state contract #69730; and

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

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

WHEREAS, the Business Administrator and the Purchasing Agent have advised that the contract in question is a purchase through a State of New Jersey Contract No. 69730 requiring approval by this Governing Body in accordance with the provisions of **N.J.A.C**.5:34-1.2; now, therefore, be it,

RESOLVED that City Council of the City of Elizabeth hereby awards a contract to **AMERICAN HOSE & HYDRAULICS CO., 700 21ST AVE., PATERSON, NJ 07513,** for the purchase of Miscellaneous Automotive and Hydraulic Truck Parts and Repairs for Road Maintenance Equipment for various departments for the period of June 30, 2012 through June 30, 2013 at a cost not to exceed $100,000.00 under their state contract #69730.

Which was adopted by the following vote:

AFFIRMATIVE:	Perkins-Auguste, Cuesta, Jackus, Grova, Keenan, Cedeno, Gallman, Mazza, and President Gonzalez - 9
NEGATIVE:	None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the Business Administrator and the Purchasing Agent have recommended per the request of the Director of Public Works the award of a contract to **OLD DOMINION BRUSH CO., 5118 Glen Alden Drive, Richmond, VA 23231,** for the purchase of Parts and Repairs for Road Maintenance Equipment for the period of June 30, 2012 through June 30, 2013 at a cost not to exceed $200,000.00 under their state contract #69723; and

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

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

WHEREAS, the Business Administrator and the Purchasing Agent have advised that the contract in question is a purchase through a State of New Jersey Contract No. 69723 requiring approval by this Governing Body in accordance with the provisions of **N.J.A.C**.5:34-1.2; now, therefore, be it,

RESOLVED that City Council of the City of Elizabeth hereby awards a contract to **OLD DOMINION BRUSH CO., 5118 Glen Alden Drive, Richmond, VA 23231,** for the purchase of Parts and Repairs for Road Maintenance Equipment for the period of June 30, 2012 through June 30, 2013 at a cost not to exceed $200,000.00 under their state contract #69723.

Which was adopted by the following vote:

AFFIRMATIVE:	Perkins-Auguste, Cuesta, Jackus, Grova, Keenan, Cedeno, Gallman, Mazza, and President Gonzalez - 9
NEGATIVE:	None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the Business Administrator has requested authorization to execute a contract with **Kean University, 1000 Morris Avenue, Union, New Jersey 07083,** for computer consulting services for a one year period commencing on July 1, 2012 to June 30, 2013 at a cost not to exceed $50,500.00; and

WHEREAS, Kean University will provide the following data processing and telecommunication technical service:

1. Design and integration of the complete implementation of the Geographic Information System; design and implementation of a fully integrated public safety (EPIC) human resources/payroll system; completing design interfaces of the financial system; preliminary design of a payroll system; implementing the design of an emergency response system; and design specifications for tax collection and related assessment systems.

2. Office automation needs assessment and program implementation for all Departments. Support for standard applications in word processing spreadsheet and database management.

3. Designing new information subsystems as needed, redesign of existing systems, operation system, and major application upgrade and training of DP staff to implement new designs and maintain the state-of-the-art concurrency of all subsystems. Technical assistance in developing system procedures and application and training documentation for better utilization of system resources. Design on special management reports and reconfigurations as may be needed to reorganize and realignment.

4. Development of hardware, software, telecommunication and system specification, generating bid specifications on above and maintenance contract and review of bid specification for acquisition of upgrades and additional data processing equipment and providing recommendations.

5. Technical assistance in designing networking and telecommunication for data transmission to local cluster and local area City-owned networks; and

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available and appropriated for this purpose and Certification No. 13-00522 charging the amount of $50,500.00 to Account No. 3-01-20-100-ADM-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:11-1 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, this contract is exempt from the requirements of Chapter 2.92 of the Code of the City of Elizabeth as it is a contract with a state body, agency or authority; and

WHEREAS, the Business Administrator 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 a contract with **Kean University, 1000 Morris Avenue, Union, New Jersey 07083** for computer consulting services for a one year period commencing on July 1, 2012 to June 30, 2013, at a cost not to exceed $50,500.00 based on the Universities specialized expertise in data processing and technical telecommunication field qualifying them to perform the requested services.
2. The services to be performed by Kean University are of such a technical nature as to make a description of all actions to be taken unfeasible.
3. This cannot be described by written specifications because of the special nature of the service to be provided.
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, Gallman, Mazza, and President Gonzalez - 9

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, there exists a need for the services of a physician for the Elizabeth Police Department; and

WHEREAS, the Business Administrator and the Police Director have recommended that a contract be awarded to **Dr. Michael R. Zaboski, 240 Williamson Street, Suite 204, Elizabeth, New Jersey 07202,** to provide the professional services of a physician for the Elizabeth Police Department for a period of one year commencing July 1, 2012 through June 30, 2013 at a cost not to exceed $20,000.00; and

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available and appropriated for this purpose and Certification No. 13-00517 charging the amount of $20,000.00 to Account No. 3-01-25-240-POL-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, pursuant to **N.J.S.A.** 19:44A-20.5 et seq., this contract is being awarded under a fair and open procedure; and

WHEREAS, the services are being performed by a physician operating under Medical License MA 55077 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 **Dr. Michael R. Zaboski, 240 Williamson Street, Suite 204, Elizabeth, New Jersey 07202** to provide the professional services of a physician for the Elizabeth Police Department for a period of one year commencing July 1, 2012 through June 30, 2013 at a cost not to exceed $20,000.00.

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 MA55077 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, Gallman, Mazza, and President Gonzalez - 9

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the Business Administrator has recommended the award of a contract be made to **MEADOWBROOK, INC. /STAR INSURANCE COMPANY, 103 Carnegie Center, Suite 300, Princeton, New Jersey 08540, through the agent-of-record, Sirocco Group** for the renewal of a policy for Excess Workers' Compensation Insurance for the period July 1, 2012 to June 30, 2013 at an annual premium of $189,000.00; and

WHEREAS, to obtain Excess Insurance on Worker's Compensation Coverage & excess General Liability insurance; the limits of the coverage are Statutory and a $1,000,000.00 self-insured retention; and

WHEREAS, the Business Administrator has advised that this request 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 13-00523, charging the amount of $189,000.00 to Account No. 3-01-23-210-INS of the Municipal Budget, is on file in the Office of the City Clerk; and

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

WHEREAS, the Business Administrator 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 Municipal Clerk are hereby authorized and directed to execute an agreement with **MEADOWBROOK, INC./STAR INSURANCE COMPAY, 103 Carnegie Center, Suite 300, Princeton, New Jersey 08540, through the agent-of-record, Sirocco Group** for the renewal of a policy of Excess Workers' Compensation Insurance for the period July 1, 2012 to June 30, 2013 at an annual premium of $189,000.00.

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(m) exempts the purchasing of insurance converge from advertising for bids and bidding, which exception shall be in accordance with the requirements for Extraordinary, Unspecifiable Service.

3. This cannot be described by written specifications because of the unique nature of the service to be rendered as more fully explained in paragraph (2) 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, Gallman, Mazza, and President Gonzalez - 9

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, each year several municipal agencies in the City of Elizabeth are granted permission by the Elizabeth Board of Education to utilize school facilities; and

WHEREAS, in exchange for this permission, the Elizabeth Board of Education requires the execution of an Indemnification Agreement as well as insurance naming the Board of Education as an insured; and

WHEREAS, since the City of Elizabeth is self-insured, it cannot furnish the Board of Education with a Certificate of Insurance; now, therefore, be it

RESOLVED that the City Council of the City of Elizabeth hereby authorizes the proper City Officials to provide the Elizabeth Board of Education with appropriate assurances that the City's self-insurance program will cover the Elizabeth Board of Education in the following amounts for the utilization of school facilities during Fiscal Year July 1, 2012 to June 30, 2013:

Combined Single Limit	$	1,000,000.00
Each Occurrence	$	1,000,000.00
Aggregate	$	1,000,000.00

FURTHER RESOLVED that the City Council of the City of Elizabeth hereby authorizes the proper City Officials to execute an Indemnification Agreement to the Elizabeth Board of Education for the use of school facilities for the Fiscal Year, July 1, 2012 to June 30, 2013.

Which was adopted by the following vote:

AFFIRMATIVE: Perkins-Auguste, Cuesta, Jackus, Grova, Keenan, Cedeno, Gallman, Mazza, and President Gonzalez - 9

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 Fire Department the award of a contract to **ATLANTIC TACTICAL OF NEW JERSEY, INC. , 14 Worlds Fair Drive, Somerset, New Jersey 08873,** for Purchase of Ammunition, Protective Vests and Various Other Crime Prevention Equipment and Supplies for the period of May 1, 2012 to April 30, 2014 at a cost not to exceed $200,000.00 under their state contract #81297; and

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

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

WHEREAS, the Business Administrator and the Purchasing Agent have advised that the contract in question is a purchase through a State of New Jersey Contract No. 81297 requiring approval by this Governing Body in accordance with the provisions of **N.J.A.C.**5:34-1.2; now, therefore, be it,

RESOLVED that City Council of the City of Elizabeth hereby awards a contract to **ATLANTIC TACTICAL OF NEW JERSEY, INC. , 14 Worlds Fair Drive, Somerset, New Jersey 08873,** for Purchase of Ammunition, Protective Vests and Various Other Crime Prevention Equipment and Supplies for the period of May 1, 2012 to April 30, 2014 at a cost not to exceed $200,000.00 under their state contract #81297.

Which was adopted by the following vote:

AFFIRMATIVE:	Perkins-Auguste, Cuesta, Jackus, Grova, Keenan, Cedeno, Gallman, Mazza, and President Gonzalez - 9
NEGATIVE:	None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the Business Administrator and the Purchasing Agent have recommended per the request of the Director of Public Works the award of a contract to **CLIFFSIDE BODY CORP., 130 Broad Ave., Fairview, New Jersey** for the purchase of Six (6) Meyer Stainless Steel Tailgate Spreaders at the total amount of $13,482.00 under the Somerset County Cooperative Purchasing Contract #CC-9004-12; and

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available and appropriated for this purpose and Certification No. 12-09982, charging the amount of $13,482.00 to Account No. X-04-55-999-X39-001, of the Municipal Budget is on file in the Office of the City Clerk; now, therefore, be it,

RESOLVED that City Council of the City of Elizabeth hereby awards a contract to **CLIFFSIDE BODY CORP., 130 Broad Ave., Fairview, New Jersey** for the purchase of Six (6) Meyer Stainless Steel Tailgate Spreaders at the total amount of $13,482.00 under the Somerset County Cooperative Purchasing Contract #CC-9004-12.

Which was adopted by the following vote:

AFFIRMATIVE:	Perkins-Auguste, Cuesta, Jackus, Grova, Keenan, Cedeno, Gallman, Mazza, and President Gonzalez - 9
NEGATIVE:	None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the Business Administrator has advised that on October 25, 2011 your Honorable Body awarded a contract to **NORTHEAST AUTO & TRUCK PARTS, LLC, 976 Broadway, Bayonne, New Jersey 07407,** for the purchase of Auto Parts and Accessories for the period of October 4, 2011 through September 25, 2012 at a cost not to exceed $100,000.00 under State Contract #80071; and

WHEREAS, the Public Works Department requires additional funds because the amount needed to purchase auto parts and accessories for repairs to vehicles was under estimated; and

WHEREAS, the Business Administrator has requested authorization per the recommendation of the Director of the Department of Public Works to amend the resolution adopted October 25, 2011 for the purchase of Auto Parts and Accessories to increase the initial contract amount by $50,000.00 and to reflect a new total cost not to exceed $150,000.00; and

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

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

RESOLVED that City Council of the City of Elizabeth hereby authorizes an amendment to the resolution adopted on October 25, 2011 that awarded a contract to **NORTHEAST AUTO & TRUCK PARTS, LLC, 976 Broadway, Bayonne, New Jersey 07407,** for the purchase of Auto Parts and Accessories to increase the initial contract amount by $50,000.00 to reflect a new total cost not to exceed $150,000.00 for the reasons stated hereinabove.

Which was adopted by the following vote:

AFFIRMATIVE:	Perkins-Auguste, Cuesta, Jackus, Grova, Keenan, Cedeno, Gallman, Mazza, and President Gonzalez - 9
NEGATIVE:	None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the Business Administrator and the Purchasing Agent per the request of the Municipal Clerk have requested authorization to award a contract to **ROYAL PRINTING SERVICE, P. O. BOX 547, West New York, New Jersey 07093** for the printing of sample primary and general election ballots in an amount not to exceed $40,515.00; and

WHEREAS, this contract has been awarded by a Fair and Open Process by the County of Union; and

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available and appropriated for this purpose and Certification No. 12-10099 charging the amount of $40,515.00 to Account No. 2-01-20-120-PRI, 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 **ROYAL PRINTING SERVICE, P. O. BOX 547, West New York, New Jersey 07093,** for the printing of sample primary and general election ballots in the amount not to exceed $40,515.00.

Which was adopted by the following vote:

AFFIRMATIVE:	Perkins-Auguste, Cuesta, Jackus, Grova, Keenan, Cedeno, Gallman, Mazza, and President Gonzalez - 9
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 the award of a contract to the sole vendor, who to **ARCHONIX SYSTEMS, LLC, 30 Lake Center Executive Park, 401 Route 73 North, Suite 105, Marlton, New Jersey 08053**, for maintenance and annual license for software for Police Computer Assisted Records Management and Dispatch System Software and XMobile Clients for a one (1) year period in the amount of $79,430.00; and

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available and appropriated for this purpose and Certification No. 12-10097, charging the amount of $48,642.00 to Account No. 2-01-20-140-DPR-307 (Data processing Operating Budget); Certification No. 12-10098, charging the amount of $30,788.00 to Account No. 2-01-25-240-POL-311 (Police Department Budget Account) of the Municipal Budget are on file in the Office of the City Clerk; and

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

RESOLVED that the City Council of the City of Elizabeth authorizes an award of a contract to **ARCHONIX SYSTEMS, LLC, 30 Lake Center Executive Park, 401 Route 73 North, Suite 105, Marlton, New Jersey 08053**, for maintenance and annual license for software for Police Computer Assisted Records Management and Dispatch System Software and XMobile Clients for a one (1) year period in the amount of $79,430.00.

Which was adopted by the following vote:

AFFIRMATIVE: Perkins-Auguste, Cuesta, Jackus, Grova, Keenan, Cedeno, Gallman, Mazza, and President Gonzalez - 9

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, there exists a need for Labor and Employment Counsel to provide legal services to the City of Elizabeth in connection with the bargaining units recognized by the City Council of the City of Elizabeth; and

WHEREAS, the Business Administrator with the concurrence of the City Attorney have requested authorization to enter into a contract with **GENOVA, BURNS & GIANTOMASI, Attorneys at Law, 494 Broad Street, Newark, New Jersey 07102,** for the purpose of providing legal services as Labor and Employment Counsel to the City of Elizabeth with bargaining units recognized by the City Council of the City of Elizabeth for the period of July 1, 2012 to June 30, 2013, at the rate of $175.00 per hour for attorneys, $75.00 per hour for paralegals, and $25.00 per hour for secretarial overtime at a cost not to exceed $95,000.00; and

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

WHEREAS, this contract is being awarded pursuant to the fair and open process in accordance with the provisions of **N.J.S.A.** 19:44A-20-5 et seq.; and

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

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

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

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

1. The Mayor and City Clerk are hereby authorized and directed to execute a contract with the firm of **GENOVA, BURNS & GIANTOMASI, Attorneys at Law, 494 Broad Street, Newark, New Jersey 07102,** for the purpose of providing legal services as Labor and Employment Counsel with bargaining units recognized by the City Council of the City of Elizabeth for the period of July 1, 2012 through June 30, 2013 at the rate of $175.00 per hour for attorneys, $75.00 per hour for paralegals and $25.00 per hour for secretarial overtime, if authorized by the City Attorney at a cost not to exceed $95,000.00 without the express approval of City Council of the City of Elizabeth.

2. This contract is awarded without competitive bidding as a "Professional Service" under the provisions of the Local Public Contracts Law because **N.J.S.A.** 40A:5-11 exempts from bidding professional services, and the services rendered are to be performed by a person authorized by Law to practice a recognized profession and whose profession is regulated by law and which requires knowledge of an advanced type in a field of learning acquired by a prolonged formal course of specialized instruction as distinguished from general academic instruction or apprenticeship and training.

3. That the within authority is limited to a total of $95,000.00 at the hourly rate of $175.00 for attorneys $75.00 for paralegals and $25.00 for secretarial overtime without the further approval of City Council.

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, Gallman, Mazza, and President Gonzalez - 9

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, there exists a need for the appointment of attorneys to represent the City in the defense of Civil Litigation in auto/general liability cases and matters included within the City's self-insurance program for the fiscal year July 1, 2012 to June 30, 2013; and

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

WHEREAS, pursuant to **N.J.S.A**. 19:44A-20.5 et seq., this contract is being awarded under a fair and open procedure; and

WHEREAS, the City Attorney has recommended an award be made in this matter to the law firm listed below; 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 Services; 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 shall execute the Certificate of Availability of Funds at each time an order is placed, and covering the amount of the order, and said execution is to be made just before this City incurs a contractual liability on its part; now, therefore, be it

RESOLVED by City Council of the City of Elizabeth that the law firm listed below is hereby authorized to act as counsel for the City of Elizabeth in matters referenced hereinabove under the following terms and conditions:

LaCorte, Bundy, Varady & Kinsella Esqs.
989 Bonnel Court
Union, New Jersey 07083

a. Civil Court Litigation at a rate of $175.00 per hour in the Trial and Appellate court. This includes all legal work necessary, but does not include reasonable expenses which are to be paid in addition to these amounts. Expenses are to include filing fees, expert witness fees, overnight mail, parking and tolls. Postage and regular photocopying are to be accounted for in the hourly rate of $175.00.

b. Legal work required to defend against late notice of claim motions and for other miscellaneous matters shall be compensated at $175.00 per hour together with reasonable expenses.

c. Subrogation claims to recover property damage losses shall be paid on the basis of 25% of the amount of recovery, plus reasonable expenses.

d. All of the foregoing costs and expenses are not to exceed $450,000.00, except as specifically authorized by resolution of this Governing body; and be it

FURTHER RESOLVED that the Purchasing Agent is hereby authorized to place sufficient orders in connection therewith, subject to the requirements of the Local Public Contracts Law and guidelines promulgated thereunder; and be it

FURTHER RESOLVED that 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 the contractors are Attorneys-At-Law of the State of New Jersey and licensed to practice therein; and

FURTHER RESOLVED that a notice of this action shall be printed once in **The Star Ledger.**

Which was adopted by the following vote:

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

NEGATIVE: None

EXCUSED: GROYA - 1

BY CITY COUNCIL AS A WHOLE:

WHEREAS, there exists a need for the appointment of attorneys to represent the City in the defense of Worker's Compensation cases and matters included within the City's partial self-insurance program for the fiscal year July 1, 2012 to June 30, 2013; and

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

WHEREAS, pursuant to **N.J.S.A.** 19:44A-20.5 et seq., this contract is being awarded under a fair and open procedure; and

WHEREAS, the City Attorney has recommended an award be made in this matter to the law firm listed below; and

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

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

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

RESOLVED by City Council of the City of Elizabeth that the law firm listed below is hereby authorized to act as defense counsel for the City of Elizabeth in matters referenced hereinabove under the following terms and conditions:

LaCorte, Bundy, Varady & Kinsella Esqs.
989 Bonnel Court
Union, New Jersey 07083

a. Formal petitions in Workers' Compensation at a rate of $175.00 per hour for each petition which includes attendance at all hearings, negotiations, trials, appeals, etc., together with reasonable expenses.

b. At a rate of 15% of recovery of liens involving third party actions.

c. All of the foregoing costs and expenses are not to exceed $150,000.00, except as specifically authorized by resolution of this Governing body; and be it

FURTHER RESOLVED that the Purchasing Agent is hereby authorized to place sufficient orders in connection therewith, subject to the requirements of the Local Public Contracts Law and guidelines promulgated thereunder; and be it

FURTHER RESOLVED that 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 the contractors are Attorneys-At-Law of the State of New Jersey and licensed to practice therein; and

FURTHER RESOLVED that 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, Gallman, Mazza, and President Gonzalez - X 8

NEGATIVE: None

EXCUSED: GROVA- 1