**PROCEEDINGS OF CITY COUNCIL**

**(OFFICIAL)**

**ELIZABETH, N.J.**

Tuesday Evening
June 11, 2013
7:30 p.m.

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

Council President William Gallman, Jr., announced that this regular meeting is listed in the "Annual Notice", as defined by Chapter 231, P.L. 1975, and that copies of the "Annual Notice" have been mailed or delivered to the Star Ledger, 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, 2012.

PRESENT: Council Members-at-Large: Patricia Perkins-Auguste, ~~Frank J. Cuesta~~, Manny Grova, Jr.
Council Members: Carlos L. Torres, 1st Ward; ~~Nelson Gonzalez~~, 2nd Ward; Joseph Keenan, 3rd Ward; ~~Carlos Cedeno~~, 4th Ward; Frank O. Mazza, 6th Ward; and President William Gallman, Jr., 5th Ward - ~~7~~ 6

ABSENT: Cuesta, Gonzalez, Cedeno - 3

ALSO PRESENT: Jorge Estrada, Special Counsel

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

## PUBLIC SPEAKING

Mr. Robert Turner, an Elizabeth resident, spoke regarding the signs showing pictures of the Board of Education members on all of the buses and schools. He stated further that they always say that there is no tax increase, but on the agenda there is a resolution to oppose a 7.5% tax increase by the Board of Education.

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

## PUBLIC HEARINGS

Council President Gallman announced that the next business in order would be a public hearing on **Ordinance No. 4384** , entitled:

> AN ORDINANCE OF THE CITY OF ELIZABETH, IN THE COUNTY OF UNION, NEW JERSEY, PROVIDING FOR THE ACQUISITION OF A FIRE PUMPER FOR THE FIRE DEPARTMENT IN THE CITY OF ELIZABETH AND APPROPRIATING $500,000 THEREFOR, AND PROVIDING FOR THE ISSUANCE OF $475,000 IN BONDS OR NOTES OF THE CITY OF ELIZABETH TO FINANCE THE SAME

This ordinance was adopted on its first reading at the meeting of City Council held on **May 14, 2013**.

The Notice of Public Hearing was published in the Star Ledger issue of **May 30, 2013**.

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

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

Council President Gallman announced that the next business in order would be a public hearing on **Ordinance No. 4385**, entitled:

AN ORDINANCE TO AUTHORIZE THE ESTABLISHMENT OF A PERSONALIZED HANDICAPPED PARKING SPACE FOR MIRIAM PEREZ, 615 FIRST STREET, ELIZABETH, NEW JERSEY 07206.

This ordinance was adopted on its first reading at the meeting of City Council held on **May 28, 2013**.

The Notice of Public Hearing was published in the Star Ledger issue of **June 3, 2013**.

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

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

Council President Gallman announced that the next business in order would be a public hearing on **Ordinance No. 4386**, entitled:

AN ORDINANCE TO AUTHORIZE THE ESTABLISHMENT OF A PERSONALIZED HANDICAPPED PARKING SPACE FOR BRYAN SOTO, 321 SOUTH FIFTH STREET, ELIZABETH, NEW JERSEY 07206.

This ordinance was adopted on its first reading at the meeting of City Council held on **May 28, 2013**.

The Notice of Public Hearing was published in the Star Ledger issue of **June 3, 2013**.

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

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

## PETITIONS, COMMUNICATIONS, ETC.

By the Clerk:

Letter dated May 29, 2013, from the Business Administrator recommending the award of a contract to Northeast Auto & Truck Parts, LLC/ Division of Capital Supply, Inc., 976 Broadway, Bayonne, NJ, for the purchase of automotive parts and accessories for the Department of Public Works for the period of May 21, 2013 through November 25, 2013,at a cost not to exceed $150,000.00.
Which was received.

By the Clerk:

Letter dated May 31, 2013, from the Business Administrator requesting that City Council reject the sole bid received May 29, 2013, for the furnishing of two (2) 2013 or Current Model Year Chevrolet Suburban Fleet Commercial Package or equivalent for the Fire Department and authorize the Purchasing Agent to rebid with revised specifications.
Which was received.

By the Clerk:

Letter dated May 31, 2013, from the Business Administrator recommending the award of a contract to Continental Fire & Safety, Inc., 2740 Kuser Road, Hamilton, NJ, for 30 totes of Universal Gold Foam 1% - 3% AR-AFFF for the Fire Department in the amount of $269,820.00.
Which was received.

By the Clerk:

Letter dated June 4, 2013, from the Chief Financial Officer requesting authorization for the Tax Collector to refund/cancel an over-billing of the 2011 and 2012 calendar year taxes on property located at 109 Fulton Street which was removed from the Exemption List in 2011 in the total sum of $14,804.27.
Which was received.

By the Clerk:

Letter dated June 5, 2013, from the Chief Financial Officer advising that additional grants may be appropriated in the 2013 SFY Budget by budget amendments .
Which was received.

By the Clerk:

Letter dated June 5, 2013, from the Chief Financial Officer advising that transfers for the 2013 SFY Municipal and Sewer Utility budgets may be necessary.
Which was received.

By the Clerk:

Letter dated June 5, 2013, from the Chief Financial Officer requesting that your Honorable Body introduce and approve the Elizabeth Avenue Special Improvement District 2014 Fiscal Budget in the amount of $323,595.00.
Which was received.

By the Clerk:

Letter dated June 5, 2013, from the Chief Financial Officer recommending Certification of the Preliminary 2014 State Fiscal Year Tax Levy in order that tax bills for the second half of calendar year 2013 are issued in a timely manner in accordance with state statutes.
Which was received.

By the Clerk:

Letter dated June 5, 2013, from the Chief Financial Officer requesting that your Honorable Body consider pre-qualifying Stack, Coolahan & Stack, LLC, 90 Hudson Street, Hoboken, NJ, as a prospective Appraiser to serve the City during the 2014 SFY.
Which was received.

By the Clerk:

Letter dated June 5, 2013, from the Chief Financial Officer requesting that your Honorable Body consider pre-qualifying Powell Capital Markets, Inc., 3 Becker Farm Road, Roseland, NJ; Acacia Financial Group, Inc., 13000 Lincoln Drive West, Marlton, NJ; NW Financial Group, LLC, 10 Exchange Place, 17th Floor, Jersey City, NJ; PFM Group, Princeton Metro Center III, 821 Alexander Road, Princeton, NJ, as prospective Financial Advisors to serve the City during the 2014 SFY.
Which was received.

By the Clerk:

Letter dated June 5, 2013, from the Chief Financial Officer requesting that your Honorable Body consider pre-qualifying Blau & Blau, Attorneys at Law, 223 Mountain Avenue, Springfield, NJ, and Florio & Kenny, LLP, Attorneys at Law, 5 Marine View Plaza, Suite 103, P.O. Box 771, Hoboken, NJ, as prospective Property Tax Attorneys to serve the City during the 2014 SFY.
Which was received.

By the Clerk:

Letter dated June 5, 2013, from the Chief Financial Officer requesting that your Honorable Body consider pre-qualifying Louis C. Mai, CPA & Associates, 6 Moonshadow Court, Kinnelon, NJ; Wiss & Company, 485C Route One South, Iselin, NJ, and Donohue, Gironda & Doria, 310 Broadway, Bayonne, NJ, as prospective Auditors to serve the City during the 2014 SFY.
Which was received.

By the Clerk:

Letter dated June 5, 2013, from the Chief Financial Officer requesting that your Honorable Body consider pre-qualifying DeCotiis, FitzPatrick, & Cole LLP, Glenpoint Centre West, 500 Frank W. Burr Boulevard, Suite 31, Teaneck, NJ, as prospective Bond Attorneys to serve the City during the 2014 SFY.
Which was received.

By the Clerk:

Letter dated June 5, 2013, from the Chief Financial Officer advising that in compliance with the SFY 2013 Appropriations Act, your Honorable Body is required to approve all payments related to accumulated/uncompensated absence benefits.
Which was received.

By the Clerk:

Letter dated June 5, 2013, from the Chief Financial Officer requesting that your Honorable Body consider an ordinance to amend Chapters 13.16.130 (B) (2); 13.16.130 (B) (3) (a); 13.16.130 (B) (3) (b), and H of the code of the City of Elizabeth to increase the sewer rates in the City of Elizabeth and to augment the language thereof in order to avert a deficit that would adversely impact the City debt financing and State reporting requirements due to the decrease in revenue collections from the City's two largest Sewer Utility's customers; quarterly sewer bill for an average family of four will increase by $15.00 to $112.00.
Which was received.

By the Clerk:

Letter dated June 5, 2013, from the Chief Financial Officer requesting authorization for the City Treasurer to cancel the tax lien records premiums that are in excess of five (5) years old; or on liens that are foreclosed, as listed on the attached schedule, totaling $58,300.00 and the sum of $58,300.00 be credited to Miscellaneous Revenue not anticipated.
Which was received.

By the Clerk:

Letter dated June 5, 2013, from the Chief Financial Officer requesting authorization for the City Treasurer to cancel the following tax credits in the amount of $109,917.20 as set forth in the attached schedule for tax years 2005 and the sum of $109,917.20 be credited to Miscellaneous Revenue not anticipated.
Which was received.

By the Clerk:

Letter dated June 5, 2013, from the Chief Financial Officer requesting that City Council consider approving and accepting the State Fiscal Year 2012 Corrective Action Plan which covers all findings and recommendations in the 2012 State Fiscal Year Annual Audit Report.
Which was received.

By the Clerk:

Letter dated June 3, 2013, from the Director of Planning and Community Development requesting authorization for the proper City officials to execute an agreement with Jefferson Park Day Care Center, 485 Madison Avenue, Elizabeth, NJ, to provide CDBG 2012-2013 funds for the agency's wraparound-summer recreational/educational program for 3-4 year old children residing in the City of Elizabeth; term of the contract will extend from July 1, 2013 to September 30, 2013 at a cost of $22,363.00.
Which was received.

By the Clerk:

Letter dated June 5, 2013, from the Director of Planning and Community Development requesting of your Honorable Body to remove from the Table the request authorizing the proper City officials to execute an agreement between the City of Elizabeth and the Elizabeth Development Company (EDC) for the Brand New Day Renaissance Project, located at 170-176 First Street which will include 44 low- to-moderate income units for aged at-risk youth, which will be supervised 24 hours a day, and to extend the term to June 30, 2014 for proper completion of this project in the amount of $126,050.00.
Which was received.

By the Clerk:

Letter dated June 5, 2013, from the Director of Planning and Community Development recommending the award of a contract to Excel Environmental Resources, LLC, 111 North Center Drive, North Brunswick, NJ, to serve as the Licensed Site Remediation Professional ("LSRP") and to perform a Phase 1 environmental investigation of 625 Pulaski Street (Bayway Polish National Home) for an amount not to exceed $4,935.00, unless further authorized by your Honorable Body.
Which was received.

By the Clerk:

Letter dated May 29, 2013, 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 Program for the purchase of two hundred (200) trees for an amount not to exceed $50,000.00; with a 50% reimbursement of the total cost of the purchase from the County of Union.
Which was received.

By the Clerk:

Letter dated June 4, 2013, from the Director of Public Works requesting authorization to have liens placed against properties listed on Schedule A attached hereto for the removal and disposal of debris from said properties in the amount of $8,729.39.
Which was received.

By the Clerk:

Letter dated June 4, 2013, from the Director of Public Works recommending the award of a contract to T & M Associates, Eleven Tindall Road, Middletown, NJ, to provide Civil Engineering and Environmental Engineering On-Call Services at a cost not to exceed $95,000.00 plus reimbursable.
Which was received.

By the Clerk:
Letter dated May 28, 2013, from the Police Director requesting to establish a handicapped parking space in front of the premises located at 29 Second Street, 1st Floor: deletions: 20 Chilton Street, Apt 1F; 904 Third Avenue.
Which was received.

By the Clerk:
Letter dated May 31, 2013, from the Police Director recommending the installation of a loading zone on the west side of Linden Avenue beginning 35 feet south of Elmora Avenue and continuing 53 feet south thereof.
Which was received.

## REPORTS OF CITY OFFICERS

By the Clerk:
Letter dated June 11, 2013, 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, June 7, 2013.
Which was received.

By the Clerk:
Letter dated May 28, 2013, from the Chief Financial Officer submitting the City Treasurer's Report of Receipts and disbursements for the month of February, 2013, and Statement of Bank Balances and Investments as of February 28, 2013.
Which was received.

## ORDINANCES ON FIRST READING

Council President Gallman announced that the next business in order would be the introduction of **Ordinance No. 4387** , which was seconded by Councilman Gonzalez, entitled:

AN ORDINANCE TO AUTHORIZE THE CREATION OF A SPECIAL IMPROVEMENT DISTRICT IN THE CITY TO BE KNOWN AS THE GREATER ELIZABETH TOURISM IMPROVEMENT DISTRICT AND DESIGNATING GREATER ELIZABETH DESTINATION MARKETING ORGANIZATION AS THE DISTRICT MANAGEMENT CORPORATION

The Clerk read the foregoing ordinance.

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

AFFIRMATIVE: Perkins-Auguste, ~~Cuesta~~, Grova, Torres, ~~Gonzalez~~, Keenan, ~~Cedeno~~, Mazza, and President Gallman - ~~8~~ 6

NEGATIVE: None

Council President Gallman announced that the next business in order would be the introduction of **Ordinance No. 4390** , which was seconded by Councilman Gonzalez, entitled:

**AN ORDINANCE TO AUTHORIZE THE ESTABLISHMENT OF A PERSONALIZED HANDICAPPED PARKING SPACE FOR RASHEA DOZIER-ACQAYE, 451 FULTON STREET, ELIZABETH, NEW JERSEY 07206.**

The Clerk read the foregoing ordinance.

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

AFFIRMATIVE: Perkins-Auguste, ~~Cuesta~~, Grova, Torres, ~~Gonzalez~~, Keenan, ~~Cedeno~~, Mazza, and President Gallman - ~~8~~ 6

NEGATIVE: None

Council President Gallman announced that public notice will be published fixing Tuesday, June 25, 2013 , at 7:30 p.m., City Council Chambers, City Hall, Elizabeth, N.J., as the time and place that City Council will conduct a public hearing and further consider the foregoing Ordinance Nos. 4387, 4388, 4389 and 4390, adopted on first reading.

## ORDINANCES ON FINAL PASSAGE

Council President Gallman announced that the next business in order would be the adoption of **Ordinance No. 4384** , which was seconded by Councilman Gonzalez.

AN ORDINANCE OF THE CITY OF ELIZABETH, IN THE COUNTY OF UNION, NEW JERSEY, PROVIDING FOR THE ACQUISITION OF A FIRE PUMPER FOR THE FIRE DEPARTMENT IN THE CITY OF ELIZABETH AND APPROPRIATING $500,000 THEREFOR, AND PROVIDING FOR THE ISSUANCE OF $475,000 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 $500,000 including the sum of $25,000 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 $475,000 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 acquisition of a fire pumper for the Fire Department, 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 10 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 $475,000, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An amount not exceeding $15,000 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 meeting held **May 14, 2013.**

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 **May 30, 2013.**

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

AFFIRMATIVE: Perkins-Auguste, ~~Cuesta~~ Grova, Torres, ~~Gonzalez~~ Keenan, ~~Cedeno~~ Mazza, and President Gallman - ~~5~~ 6

NEGATIVE: None

Council President Gallman announced that the next business in order would be the adoption of **Ordinance No. 4385**, which was seconded by Councilman Gonzalez:

AN ORDINANCE TO AUTHORIZE THE ESTABLISHMENT OF A PERSONALIZED HANDICAPPED PARKING SPACE FOR MIRIAM PEREZ, 615 FIRST STREET, ELIZABETH, NEW JERSEY 07206.

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

SECTION 1. - A personalized handicapped parking space for **Miriam Perez**, established in front of **615 First Avenue, Elizabeth, New Jersey 07206**, as follows and pursuant to the recommendation of the Elizabeth Police Director: along the North curb line of First Avenue beginning at a point 36' West of Amity Street continuing 22' West thereof.

SECTION 2. - The administrative and enforcement aspects of this Ordinance shall be under the jurisdiction of the Police Department of the City of Elizabeth.

SECTION 3. - All Ordinances or parts of Ordinances inconsistent with the provisions of this Ordinance be and the same are hereby repealed.

SECTION 4 - 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 5 - 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 **May 28, 2013.**

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 **June 3, 2013.**

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

AFFIRMATIVE: Perkins-Auguste, ~~Cuesta~~. Grova, Torres, ~~Gonzalez~~, Keenan, ~~Codero~~, Mazza, and President Gallman - ~~8~~ 6

NEGATIVE: None

Council President Gallman announced that the next business in order would be the adoption of **Ordinance No. 4386** , which was seconded by Councilman Gonzalez:

AN ORDINANCE TO AUTHORIZE THE ESTABLISHMENT OF A PERSONALIZED HANDICAPPED PARKING SPACE FOR BRYAN SOTO, 321 SOUTH FIFTH STREET, ELIZABETH, NEW JERSEY 07206.

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

**SECTION 1.** - A personalized handicapped parking space for Miriam Perez, established in front of **321 South Fifth Street, Elizabeth, New Jersey 07206,** as follows and pursuant to the recommendation of the Elizabeth Police Director: along the West curb line of So. Fifth Street beginning at a point 244' North of Fourth Avenue continuing 22' North thereof.

**SECTION 2.** - The administrative and enforcement aspects of this Ordinance shall be under the jurisdiction of the Police Department of the City of Elizabeth.

**SECTION 3.** - All Ordinances or parts of Ordinances inconsistent with the provisions of this Ordinance be and the same are hereby repealed.

**SECTION 4** - 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 5** - 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 . **May 28, 2013.**

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 **June 3, 2013.**

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

AFFIRMATIVE: Perkins-Auguste, ~~Cuesta~~, Grova, Torres, ~~Gonzalez~~, Keenan, ~~Cedeno~~, Mazza, and President Gallman - ~~8~~ 6

NEGATIVE: None

Councilwoman Perkins-Auguste **MOVED** for a Suspension of the Rules to consider a resolution which did not appear on the Agenda, seconded by Councilman Torres, and

Which was carried unanimously.

**BY CITY COUNCIL AS A WHOLE:**

**WHEREAS**, the Business Administrator concurs with the Purchasing Agent that on March 26, 2013, City Council awarded a contract to **Aris Painting Co., 52 Campbell Ave., Edison, NJ 08817**, for the Painting of Public Buildings for the Department of Public Works/Division of Public Buildings in the amount of $100,000.00 per year for a total of $200,000.00 for a two year period. After the award of the bid and execution of the contract, the Public Buildings Department discovered that the successful bidder did not contemplate the preparation of surfaces for epoxy application, as intended by the City; and

**WHEREAS**, since the vendor cannot perform the service required by the City, the Business Administrator requests that your Honorable Body rescind the award of contract made to **Aris Painting Co., 52 Campbell Ave., Edison, New Jersey 08817,** cancel the contract executed by the City with **Aris Painting**, reject all other bids received for these services and grant permission for the Purchasing Agent to re-advertise with revised specifications; now, therefore, be it

**RESOLVED** that the City Council of the City of Elizabeth rescind the resolution adopted March 26, 2013 that awarded the contract to **Aris Painting Co., 52 Campbell Ave., Edison, New Jersey 08817,** cancel the contract executed by the City with **Aris Painting**, reject all other bids received for these services and grant permission for the Purchasing Agent to re-advertise with revised specifications for the reasons stated hereinabove.

Which was adopted by the following vote:

AFFIRMATIVE: Perkins-Auguste, ~~Cuccia~~, Grova, Torres, ~~Gonzalez~~, Keenan, ~~Cedeno~~, Mazza, and President Gallman - ~~X~~ 6

NEGATIVE: None

The regular order of business was then resumed.

By City Council as a Whole:

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

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

WHEREAS, the City of Elizabeth will receive an amount of $109,130 for the Non Public School Nursing Grant 2013 awarded by the New Jersey Department of Health and Human Services and the Elizabeth Board of Education and wishes to amend its FY2013 budget to include these amounts as revenue:

NOW, THEREFORE, BE IT RESOLVED that the council of the City of Elizabeth hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the fiscal year 2013 in the total sum of $109,130 which is now available as a revenue from:

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

| | |
|---|---|
| New Jersey Department of Health and Human Services and Elizabeth Board of Education Non Public School Nursing Grant 2013 | $109,130 |

BE IT FURTHER RESOLVED, that a like sum of $109,130 be and the same is hereby appropriated under the caption of :

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

| | |
|---|---|
| New Jersey Department of Health and Human Services and Elizabeth Board of Education Non Public School Nursing Grant 2013 Other Expenses | $109,130 |

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

Which was adopted by the following vote:

AFFIRMATIVE: Perkins-Auguste, ~~Cuesta~~, Grova, Torres, ~~Gonzalez~~, Keenan, ~~Cedeno~~, ~~Mazza~~, and President Gallman - ~~8~~ 5

NEGATIVE: None

**EXCUSED:** **MAZZA** — 1

June 11, 2013

By City Council as a Whole:

Resolved, that the following transfers be made in the FY2013 Municipal Budget appropriations:

| Account | Type | Description | Amount |
|---|---|---|---|
| | | **Transfers To:** | |
| 20-170-HIP-325 | Operating Expenses | Home Improvement | 500.00 |
| 20-145-REV-325 | Operating Expenses | Division of Revenue | 5,000.00 |
| | | | **5,500.00** |
| | | | |
| | | **Transfers From:** | |
| 36-475 | Operating Expenses | Pension Police & Fire | 5,500.00 |
| | | **TOTAL** | **5,500.00** |
| | | | |
| | | | |
| | | | |

Which was adopted by the following vote:

AFFIRMATIVE: Perkins-Auguste, ~~Cuesta~~, Grova, Torres, ~~Gonzalez~~, Keenan, ~~Cedeno~~, Mazza, and President Gallman - ~~8~~ 6

NEGATIVE: None

By City Council as a Whole:

WHEREAS, Chapter 72, P.L. 1994 requires the governing body to set the Preliminary Municipal Levy so that the second half 2013 property tax bills may be issued, and

WHEREAS, the Chief Financial Officer recommends a Preliminary Municipal Levy in the amount of $128,889,100.96 as per the attached Certification of Preliminary State Fiscal Year Tax Levies,

NOW, THEREFORE, BE IT RESOLVED that the Preliminary Municipal levy for the third and fourth installments 2013 be set in the amount of $128,889,100.96

Which was adopted by the following vote:

AFFIRMATIVE: Perkins-Auguste, ~~Cuesta~~, Grova,. Torres, ~~Gonzalez~~, Keenan, ~~Cedeno~~, Mazza, and President Gallman - ~~8~~ 6

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 Public Works an award of a contract to **NORTHEAST AUTO & TRUCK PARTS, LLC/Division of Capital Supply, Inc., 976 Broadway, Bayonne, NJ 07002,** for the purchase of Automotive Parts & Accessories for the Department of Public Works for the period of May 21, 2013 through November 25, 2013 at a cost not to exceed $150,000.00 under their State Contract No. 80071; and

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

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

**WHEREAS,** the Chief Financial Officer shall execute the Certificate of Availability of Funds at each time an order is placed, and covering the amount of the order, and said execution is to be made just before this City incurs a contractual liability on its part; now, 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. 80071 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 **NORTHEAST AUTO & TRUCK PARTS, LLC/Division of Capital Supply, Inc., 976 Broadway, Bayonne, NJ 07002,** for the purchase of Automotive Parts & Accessories for the Department of Public Works for the period of May 21, 2013 through November 25, 2013 at a cost not to exceed $150,000.00 under their State Contract No. 80071.

Which was adopted by the following vote:

AFFIRMATIVE: Perkins-Auguste, ~~Cuesta~~, Grova, Torres, ~~Gonzalez~~, Keenan, ~~Cedeno~~, Mazza, and President Gallman - ~~8~~ 6

NEGATIVE: None

**BY CITY COUNCIL AS A WHOLE:**

**WHEREAS,** on May 29, 2013 the Purchasing Agent received and opened the sole bid for the furnishing of Two 2013 or Current Model Year Chevrolet Suburbans: Fleet Commercial Package or Equivalent for the Fire Department from Odyssey Automotive Speciality; and

**WHEREAS,** the sole bid received does not meet the City's requirements as it did not contain the necessary original document of the Bid Bond. The vendor supplied a photocopy of this document which is unacceptable, as stated in the Legal Notice provided to all bidders; now, therefore, be it

**RESOLVED** that the City Council of the City of Elizabeth hereby rejects the sole bid received on May 29, 2013 for the furnishing of Two 2013 or Current Model Year Chevrolet Suburbans: Fleet Commercial Package or Equivalent for the Fire Department Odyssey Automotive Specialty and authorizes the Purchasing Agent to rebid for same with revised specifications.

Which was adopted by the following vote:

AFFIRMATIVE: Perkins-Auguste, ~~Cuesta~~, Grova, Torres, ~~Gonzalez~~, Keenan, ~~Cedeno~~, Mazza, and President Gallman - ~~8~~ 6

NEGATIVE: None

**BY CITY COUNCIL AS A WHOLE:**

**WHEREAS**, the Business Administrator has advised that sealed bids were received and opened on May 14, 2013 by the Purchasing Agent for the furnishing of 30 Totes of Universal Gold Foam 1%-3% AR-AFFF for the Fire Department. The Fire Department Director and the Chief have reviewed and approved the low bid received from **Continental Fire & Safety, Inc.,** meets our specifications; and

**WHEREAS**, the Business Administrator recommends and concurs with the Director and Chief of the Fire Department to award a contract to **Continental Fire & Safety, Inc., 2740 Kuser Road, Hamilton, NJ 08691**, for 30 Totes of Universal Gold Foam 1%-3% AR-AFFF for the Fire Department in the amount of $269,820.00; and

**WHEREAS,** the amount of the contract in question exceeds $50,000.00 and the provisions of Chapter 2.92 of the Code of the City of Elizabeth have been complied with by **Continental Fire & Safety, Inc.;** and

**WHEREAS,** the Chief Financial Officer has certified that sufficient funds are available and appropriated for this purpose and Certification No. 13-09409, charging the amount of $269,820.00 to Account No. G-02-41-777-13, of the Municipal Budget is on file in the Office of the City Clerk; now, therefore, be it

**RESOLVED** that the City Council of the City of Elizabeth authorizes an award of contract to **Continental Fire & Safety, Inc., 2740 Kuser Road, Hamilton, NJ 08691**, for 30 Totes of Universal Gold Foam 1%-3% AR-AFFF for the Fire Department in the amount of $269,820.00.

Which was adopted by the following vote:

AFFIRMATIVE: Perkins-Auguste, ~~Cuesta~~, Grova, Torres, ~~Gonzalez~~, Keenan, ~~Cedeno~~, Mazza, and President Gallman - X 6

NEGATIVE: None

**TO CITY COUNCIL AS A WHOLE:**

**WHEREAS,** "Glorious Hope Baptist Church" is the owner of property located at 109 Fulton Street ( Tax Account No. 2-488 ), and

**WHEREAS,** said property ( Church ) was removed from the Exemption List in 2011 Because it was thought to be vacant and not being used for religious Purposes, and

**WHEREAS,** We have received satisfactory evidence from the owner that the Property was, and is, being used for religious purposes, and should Not have been removed from the Exempt List, now

**THEREFORE BE IT RESOLVED,** that the Tax Collector be authorized to Refund/Cancel said property owner the sum of $ 14,804.27 ( $ 2,125.87 for 2011 and $ 12,678.40 for 2012 ) , which Represents an over-billing of the 2011 and 2012 calendar year Property taxes.

Which was adopted by the following vote:

AFFIRMATIVE: Perkins-Auguste, ~~Cuesta~~, Gróva, Torres, ~~Gonzalez~~, Keenan, ~~Cedeno~~, Mazza, and President Gallman - X 6

NEGATIVE: None

BY CITY COUNCIL AS WHOLE:

**WHEREAS,** the Chief Financial Officer has requested authorization to pre-qualify those eligible Appraisers who submitted a Request for Qualifications (RFQ) to the City that was solicited through a fair and open process; and

**WHEREAS,** the RFQ does not constitute a bid and is intended solely to obtain qualifications from which the City may choose an appraiser service that best meets the City's needs. The RFQ is for the sole purpose of pre-qualifying prospective appraisal firms based on their qualification statements and experience achieved in the area of Appraisal Services. One or more individuals/firms may be selected to provide appraisal services in the future; and

**WHEREAS,** this RFQ was solicited through a fair and open process in accordance with N.J.S.A. 19:44A-20.5 et seq; and

**WHEREAS,** the entities that should be pre-qualified is as follows:

**Stack, Coolahan & Stack, LLC, 90 Hudson Street, Hoboken, NJ**

; now, therefore, be it

**RESOLVED** that the City Council of the City of Elizabeth authorizes the Chief Financial Officer to pre-qualify **Stack, Coolahan & Stack, LLC** who submitted a proposal in response to the Request for Qualifications (RFQ) to the City of Elizabeth to provide Appraisal Services.

Which was adopted by the following vote:

AFFIRMATIVE: Perkins-Auguste, ~~Cuesta~~, Grova,, Torres, ~~Gonzalez~~, Keenan, ~~Cedeno~~, Mazza, and President Gallman - ~~8~~ 6

NEGATIVE: None

BY CITY COUNCIL AS WHOLE:

WHEREAS, the Chief Financial Officer has requested authorization to pre-qualify those eligible Financial Advisors who submitted a Request for Qualifications (RFQ) to the City that was solicited through a fair and open process; and

WHEREAS, the RFQ does not constitute a bid and is intended solely to obtain qualifications from which the City may choose a financial advisory service that best meets the City's needs. The RFQ is for the sole purpose of pre-qualifying prospective financial advisory firms based on their qualification statements and experience achieved in the area of Financial Advisory Services. One or more individuals/firms may be selected to provide Financial Advisory Services in the future; and

WHEREAS, this RFQ was solicited through a fair and open process in accordance with N.J.S.A. 19:44A-20.5 et seq; and

WHEREAS, the entities that should be pre-qualified are as follows:

**Powell Capital Markets, Inc., 3 Becker Farm Road, Roseland, NJ**
**Acacia Financial Group, Inc., 13000 Lincoln Drive West, Marlton, NJ**
**NW Financial Group, LLC, 10 Exchange Place, 17th Floor, Jersey City, NJ**
**PFM Group, Princeton Metro Center III, 10 Exchange Place, Jersey City , Nj**

; now, therefore, be it

**RESOLVED** that the City Council of the City of Elizabeth authorizes the Chief Financial Officer to pre-qualify **Powell Capital Markets, Inc., Acacia Financial Group, Inc., NW Financial Group, and PFM Group** who submitted a proposal in response to the Request for Qualifications (RFQ) to the City of Elizabeth to provide Financial Advisory Services.

Which was adopted by the following vote:

AFFIRMATIVE: Perkins-Auguste, ~~Cuesta~~, Grova, Torres, ~~Gonzalez~~, Keenan, ~~Cedeno~~, Mazza, and President Gallman - X6

NEGATIVE: None

BY CITY COUNCIL AS WHOLE:

**WHEREAS,** the Chief Financial Officer has requested authorization to pre-qualify those eligible Property Tax Attorneys who submitted a Request for Qualifications (RFQ) to the City that was solicited through a fair and open process; and

**WHEREAS,** the RFQ does not constitute a bid and is intended solely to obtain qualifications from which the City may choose a property tax attorney service that best meets the City's needs. The RFQ is for the sole purpose of pre-qualifying prospective property tax attorneys based on their qualification statements and experience achieved in the area of Property Tax Attorney Services. One or more individuals/firms may be selected to provide property tax attorney in the future; and

**WHEREAS,** this RFQ was solicited through a fair and open process in accordance with N.J.S.A. 19:44A-20.5 et seq; and

**WHEREAS,** the entity that should be pre-qualified is as follows:

**Blau & Blau, Attorneys at Law, 223 Mountain Ave., Springfield, NJ**
**Florio & Kenny, LLP, Attorneys at Law, 5 Marine View Plaza, Hoboken, NJ**

; now, therefore, be it

**RESOLVED** that the City Council of the City of Elizabeth authorizes the Chief Financial Officer to pre-qualify **Blau & Blau, Attorneys at Law and Florio & Kenny Attorneys at Law** who submitted a proposal in response to the Request for Qualifications (RFQ) to the City of Elizabeth to provide Property Tax Attorney Services.

Which was adopted by the following vote:

AFFIRMATIVE: Perkins-Auguste, ~~Cuesta~~, Grova, Torres, ~~Gonzalez~~, Keenan, ~~Cedeno~~, Mazza, and President Gallman - ~~8~~ 6

NEGATIVE: None

**BY CITY COUNCIL AS A WHOLE:**

**WHEREAS,** the Division of Local Government Services in compliance with the Appropriations Act (P.L. 2011, c.85) requires that the Honorable City Council approve all payments related to accumulated/uncompensated absence benefits; and

**WHEREAS,** at June 1, 2013, the following employee's are entitled to the payment of accumulated/uncompensated absence benefits;

| | |
|---|---|
| Jose Perez | $18,226.67 |
| James Ponto | $55,240.64 |
| Dennis Cabarrle | $59,680.23 |

; and

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

| | |
|---|---|
| Jose Perez | $18,226.67 |
| James Ponto | $55,240.64 |
| Dennis Cabarrle | $59,680.23 |

; and

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

Which was adopted by the following vote:

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

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

**WHEREAS,** there remains on the tax lien records premiums as listed on the attached schedule, that are in excess of five years old; or on liens that are foreclosed; and

**WHEREAS,** N.J.S.A. 54:5-33 states that premiums on accounts that still remain open in excess of five years, shall be turned over to the municipality , and

**NOW, THEREFORE, BE IT RESOLVED,** that the City Treasurer is hereby authorized to cancel the premiums totaling the amount of $58,300.00 and the sum of $58,300.00 be credited to Miscellaneous Revenue not anticipated.

Which was adopted by the following vote:

AFFIRMATIVE: Perkins-Auguste, ~~Cuesta~~, Grova,, Torres, ~~Gonzalez~~, Keenan, ~~Cedeno~~, Mazza, and President Gallman - X 6

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

**WHEREAS,** certain tax credits in the previous year of 2005 remain outstanding and unclaimed; and

**WHEREAS,** the retention period for these records is six years per the State Division of Archives, and the banking institution only retains records for a period of seven years, and

**WHEREAS,** the City auditors have recommended that all credits outstanding for such a length of time be cancelled and the total amount represented by such credits be received as Miscellaneous Revenue; now, therefore, be it

**RESOLVED,** that the City Treasurer is hereby authorized to cancel the following tax credits in the amount of $109,917.20 as set forth in the attached schedule for tax years 2005 and the sum of $109,917.20 be credited to Miscellaneous Revenue not anticipated; and be it

**FURTHER RESOLVED,** that should any payee presenting adequate proof of payment at a future date, the City Treasurer is hereby authorized to issue a replacement check in the same amount and to charge the amount thereof to the contingent account.

Which was adopted by the following vote:

AFFIRMATIVE: Perkins-Auguste, ~~Cuesta~~, Grova, Torres, ~~Gonzalez~~, Keenan, ~~Cedeno~~, Mazza, and President Gallman - X 6

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

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

**WHEREAS,** The Annual Report of Audit for the year ended June 30, 2012 has been filed by a Registered Municipal Accountant with the City Clerk of the City of Elizabeth as per the requirements of N.J.S.A. 40A:5-6, and a copy has been received by each Member of the Governing Body; and

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

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

"General Comments" and

"Recommendations"; and

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

"General Comments" and

"Recommendations"

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

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

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

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

Which was adopted by the following vote:

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

NEGATIVE: None

Councilman Keenan **MOTIONED to REMOVE** from the **TABLE** a resolution (Tabled February 13, 2013), seconded by Councilman Torres,

Which was carried unanimously .

**BY CITY COUNCIL AS A WHOLE:**

**WHEREAS,** the Director of the Department of Planning and Community Development has requested authorization for the proper City Officials to execute an agreement with the **Elizabeth Development Company, 205 First Street, Elizabeth, New Jersey 07206,** to provide funds to defray the costs associated with predevelopment expenses of architectural and market study for **BRAND NEW DAY RENAISSANCE PROJECT** for the period July 1, 2012 to June 30, 2014, in the amount of $126,050.00; and

**WHEREAS,** the Brand New Day Renaissance Project involves the preservation of 170-176 First Street, which will include 44 low to moderate income units for aged out-at-risk youth. The renovation of this property will not only eliminate a blighted parcel, but it will restore quality housing to an underserved population; and

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

**RESOLVED that** the City Council of the City of Elizabeth authorizes the proper City officials to execute an agreement with the **Elizabeth Development Company, 288 North Broad Street, Elizabeth, New Jersey 07206,** to provide funds to defray the costs associated with predevelopment expenses of architectural and market study **for BRAND NEW DAY RENAISSANCE PROJECT** for the period July 1, 2012 to June 30, 2014, in the amount of $126,050.00.

Councilwoman Perkins-Auguste spoke regarding the market study. She queried as to if this is the project or for the community? Also, she questioned, "what is the market study?"

Which was adopted by the following vote:

AFFIRMATIVE: Perkins-Auguste, ~~Cuesta~~, Grova, Torres, ~~Gonzalez~~, Keenan, ~~Codero~~, Mazza, and President Gallman - ~~8~~ 6

NEGATIVE: None

**BY CITY COUNCIL AS A WHOLE:**

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

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

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

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

Certificate Invoice 06/04/2013 Total Amount: $8,729.39.

Which was adopted by the following vote:

AFFIRMATIVE: Perkins-Auguste, ~~Cuesta~~, Grova, Torres, ~~Gonzalez~~, Keenan, ~~Cedeno~~, Mazza, and President Gallman - ~~8~~ 6

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

**WHEREAS**, the Director of the Department of Planning and Community Development has advised that the City of Elizabeth has commenced negotiations to purchase the Bayway National Polish Home property, which is located at 625 Pulaski Street. It is necessary to designate a Licensed Site Remediation Profession ("LSRP") to perform a Phase I Environmental Investigation as part of the due diligence process; and

**WHEREAS**, the Director of the Department of Planning and Community Development has requested authorization to award a contract to **EXCEL ENVIRONMENTAL RESOURCES, LLC, 111 North Center Drive, North Brunswick, Ne Jersey 08901,** to serve as ("LSRP") to perform a Phase I Environmental Investigation of the Bayway National Polish Home property, which is located at 625 Pulaski Street for the period June 12, 2013 to June 11, 2014 for an amount not to exceed $4,935.00, unless further authorized by your Honorable Body; and

**WHEREAS**, this contract is awarded pursuant to N.J.S.A. 19:44A-20.5, et seq. The proposal submitted by **EXCEL ENVIRONMENTAL RESOURCES, LLC,** is on file in the Office of the Department of Planning and Community Development; and

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

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

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

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

1. The Mayor and the City Clerk are hereby authorized and directed to execute a contract with the firm of **EXCEL ENVIRONMENTAL RESOURCES, LLC, 111 North Center Drive, North Brunswick, Ne Jersey 08901,** to serve as ("LSRP") to perform a Phase I Environmental Investigation of the Bayway National Polish Home property, which is located at 625 Pulaski Street for the period June 12, 2013 to June 11, 2014 for an amount not to exceed $4,935.00, unless further authorized by your Honorable Body

2. This contract is awarded without competitive bidding as a "Professional Service"in accordance with **N.J.S.A.** 40A:11-2(6) of the Local Public Contracts Law because these services require knowledge of an advanced type in a field of learning acquired by a prolonged formal course of specialized instruction and study as distinguished from general academic instruction or apprenticeship and training.

3. A notice of this action shall be printed once in **The Star Ledger**.

Which was adopted by the following vote:

AFFIRMATIVE: Perkins-Auguste, ~~Cuesta~~, Grova, Torres, ~~Gonzalez~~, Keenan, ~~Cedeno~~, Mazza, and President Gallman - ~~8~~ 6

NEGATIVE: None

**BY CITY COUNCIL AS A WHOLE;**

**WHEREAS,** the Director of the Department of Public Works has requested authorization for the proper City Officials to apply, accept and sign all appropriate documents for the Union County Open Space, Recreation & Historic Preservation, Greening Union County Program for 200 trees for an amount not to exceed $50,000.00; and

**WHEREAS,** through the Greening Union grant initiative, every tree purchased by our community will be matched by Union County, tree for tree, complete with installation by forestry professionals with a one-year maintenance guarantee. Greening Union County will help improve the environment of this county through lowering air pollution, improving the air that we breathe, lowering energy costs and improving the overall quality of life. The trees will be scheduled for planting this fall; and

**WHEREAS,** each municipality will be responsible for payment to the successful vendor for their municipality's tree planting program in fall. If the municipality participates in the county cooperative bid, the County will reimburse the municipality 50% of the total cost of the purchase of trees. Proof of payment and contract is required for reimbursement; and

**WHEREAS,** with anticipated grant funds, the City of Elizabeth will purchase trees to be placed throughout the City; now, therefore, be it

**RESOLVED** that the City Council of the City of Elizabeth authorizes the proper City Officials to apply, accept and sign all appropriate documents for the Union County Open Space, Recreation & Historic Preservation, and Greening Union County Program for 200 trees for an amount not to exceed $50,000.00.

Which was adopted by the following vote:

AFFIRMATIVE: Perkins-Auguste, ~~Cuesta~~, Grova, Torres, ~~Gonzalez~~, Keenan, ~~Cedeno~~, Mazza, and President Gallman - ~~8~~ 6

NEGATIVE: None

**BY CITY COUNCIL AS A WHOLE:**

**WHEREAS,** on May 29, 2013 the Director of the Department of Public Works received qualification proposals for consulting professional engineering services; and

**WHEREAS,** the Department of Public Works reviewed the qualifications of all respondents and found the firm of **T&M Associates, Eleven Tindall Road, Middletown, NJ 07748-2792,** to provide Civil Engineering and Environmental Engineering On-Call Services at a cost not to exceed $95,000.00 plus reimbursables; and

**WHEREAS,** the Director of the Department of Public Works has requested authorization to award a contract to the firm **T&M Associates, Eleven Tindall Road, Middletown, NJ 07748-2792,** to provide Civil Engineering and Environmental Engineering On-Call Services at a cost not to exceed $95,000.00 plus reimbursables; and

**WHEREAS,** the scope of work consists of On-Call Consulting Services including health, safety and environmental related tasks when needed by the City of Elizabeth on an expedited basis. Services would address project motivated by regulation or emergencies as well as development projects; and

**WHEREAS,** this contact is awarded through a fair and open process in accordance with **N.J.S.A**. 19:44A-20.5, et Seq., and **N.J.S.A**. 40A 11-5 (a) (i); and

**WHEREAS,** the Chief Financial Officer has certified that sufficient funds are available and appropriated for this purpose and Certification No. 13-09655, charging the amount of $85,000.00 to Account No. X-04-55-999-X51-001, and Certification No. 13-09656 charging the amount of $ 10,000.00 to Account No. 3-01-26-310-BLD-302 of the Municipal Budget are 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 "Professional Services" without competitive bids and the contract itself must be available for public inspections; now, therefore, be it

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

1. The Mayor and the City Clerk are hereby authorized and directed to execute a contract with **T & M Associates, Eleven Tindall Road, Middletown, New Jersey 07748-2792,** to provide professional Civil Engineering and Environmental Engineering On-Call Services at a cost not to exceed 95,000.00 plus reimbursables.

2. This contract is awarded without competitive bidding as a "Professional Service" in accordance with **N.J.S.A**. 40A:11-2(6) of the Local Public Contracts Law because these services require knowledge of an advanced type in a field of learning acquired by a prolonged formal course of specialized instruction and study as distinguished from general academic instruction or apprenticeship and training.

3. A notice of this action shall be printed once in **The Star Ledger**.

Which was adopted by the following vote:

AFFIRMATIVE: Perkins-Auguste, ~~Cuesta~~, Grova, Torres, ~~Gonzalez~~, Keenan, ~~Cedeno~~, Mazza, and President Gallman - ~~8~~ 6

NEGATIVE: None

**BY CITY COUNCIL AS A WHOLE:**

**WHEREAS**, the Director of the Police Department has requested the establishment of a loading zone for use at the intersection of Linden Avenue and Elmora Avenue as listed below:

| Street | Side | Location |
|---|---|---|
| **Linden Avenue** | **West** | **Beginning 35' South of. Elmora Avenue and continuing 53' South thereof** |

**RESOLVED** that City Council of the City of Elizabeth authorizes the establishment of a loading zone for use at the intersection of Linden Avenue and Elmora Avenue as listed below:

| Street | Side | Location |
|---|---|---|
| **Linden Avenue** | **West** | **Beginning 35' South of. Elmora Avenue and continuing 53' South thereof** |

Which was adopted by the following vote:

AFFIRMATIVE: Perkins-Auguste, ~~Cuesta~~, Grova, Torres, ~~Gonzalez~~, Keenan, ~~Cedeno~~, Mazza, and President Gallman - ~~8~~ 6

NEGATIVE: None

**BY CITY COUNCIL AS A WHOLE:**

**RESOLVED** that City Council of the City of Elizabeth hereby establishes a handicapped parking space in front of **405 Elizabeth Avenue, Elizabeth, New Jersey 07206**, as follows, pursuant to the recommendation of the Elizabeth Police Department:

along the North curb line of Elizabeth Avenue
beginning at a point 62' West of Fourth Avenue
and continuing 22' West thereof;

and be it

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

Which was adopted by the following vote:

AFFIRMATIVE: Perkins-Auguste, ~~Cuesta~~, Grova, Torres, ~~Gonzalez~~, Keenan, ~~Cedeno~~, Mazza, and President Gallman - ~~8~~ 6

NEGATIVE: None

**BY CITY COUNCIL AS A WHOLE:**

**RESOLVED** that City Council of the City of Elizabeth hereby amends Chapter 10.44.020 of the Code of the City of Elizabeth to delete the handicapped parking spaces at premises commonly known as: **30 Chilton Street and 904 Third Avenue, Elizabeth, New Jersey** in accordance with the recommendation of the Police Director.

Which was adopted by the following vote:

AFFIRMATIVE: Perkins-Auguste, ~~Guesta~~, Grova, Torres, ~~Gonzalez~~, Keenan, ~~Cedeno,~~ Mazza, and President Gallman - 6

NEGATIVE: None

**BY CITY COUNCIL AS A WHOLE**

**WHEREAS,** a case is currently pending in the matter of **Jennifer L. O'Neill v. City of Elizabeth, Docket No.: UNN-L-4364-05**; and

**WHEREAS,** the Law Department and Robert F. Varady, Esq. have recommended settlement in the amount of $62,500.00; and

**WHEREAS,** the Chief Financial Officer has certified that sufficient funds are available and appropriated for this purpose and Certification No. 13-09652 charging the amount of $62,500.00 to Account No. 03-21-55-248 of the Municipal Budget is on file in the Office of the City Clerk; now, therefore, be it

**RESOLVED** that the City Council of the City of Elizabeth hereby approves and authorizes the settlement of the claim in an amount of $62,500.00 payable to **Jennifer L. O'Neill, 111 Chestnut Avenue, Atlantic Highlands, New Jersey 07716, and Attorney for the Plaintiff: J. Stewart Grad, P.A., 223 Main Street, Woodbridge, New Jersey 07095.**

Which was adopted by the following vote:

AFFIRMATIVE: Perkins-Auguste, ~~Cuesta~~, Grova,, Torres, ~~Gonzalez~~, Keenan, ~~Cedeno~~, Mazza, and President Gallman - ~~8~~ 6

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

**WHEREAS,** the Elizabeth Board of Education has imposed upon the taxpayers of the City of Elizabeth a Certified Tax Levy increase of 7.5 % ($3,639,801) for the 2013-2014 school year that raises taxes by $200 for the 2014 State Fiscal Year per average assessed property in addition to the County and Municipal increase, and

**WHEREAS,** the City Council of the City of Elizabeth considers this increase an excessive burden placed upon our taxpayers since the socioeconomic profile of the City's population is weak, as reflected in a high poverty rate (17.8 %), persistently high unemployment (12.9 %), and a family income (54 %) significantly below the State level as supported by a recent study and statistics (Moodys, March 2013), and

**WHEREAS,** the City of Elizabeth although in compliance with the 2 % Municipal Tax Levy must now consider a reduction in our Public Safety staff to offset and compensate for this Tax Levy increase by the Elizabeth Board of Education, and

**NOW, THEREFORE, BE IT RESOLVED,** the City Council of the City of Elizabeth recommends that the State of New Jersey provide additional financial aid to the Elizabeth Board of Education and that the Elizabeth Board of Education consider budget cuts, operational efficiencies, or surplus to offset their Tax Levy increase imposed upon the taxpayers of the City of Elizabeth.

Councilwoman Perkins-Auguste stated that this City was able to stay within the 2% CAP and the Board of Education is allowed to exceed the CAP and this is an injustice.

Council President Gallman stated that this is unfair because their budget was defeated some years ago by the voters and they were given the okay to increase their budget. He continued that he supports sending this to the Legislators.

Councilman Grova stated that back in 2011, the residents voted down the Board of Education budget and Governor Christie ignored that vote and granted the increase. He continued that now the residents are faced with another tax increase. He stated further that he does not understand how this Governor allows "his friends at the Board of Education" to increase their budgets. Councilman Grova stated that the City had to tighten their belts and the City did not have to lay anyone off. He stated further that the State Board of Education and the Governor allows them to do what they want and this is why people have to vote.

Which was adopted by the following vote:

AFFIRMATIVE: Perkins-Auguste, ~~Cruesta~~, Grova, Torres, ~~Gonzalez~~, Keenan, ~~Cedeno~~, Mazza, and President Gallman - ~~X~~ 5

NEGATIVE: None

**EXCUSED:** **MAZZA** — 1

45

**BY CITY COUNCIL AS A WHOLE:** ~~MAY 31, 2013~~ ~~JUNE 6, 2013~~

**RESOLVED** that City Council of the City of Elizabeth hereby confirms and approves the payment of all utility bills for the City of Elizabeth as indicated hereinbelow; and be it

**FURTHER RESOLVED** that the foregoing payments are excepted from the requirement of bidding by the provisions of the Local Public Contracts Law **N.J.S.A.** 40A:11-5(1)(f); and be it

**FURTHER RESOLVED** that the following certifications of availability of funds are on file in the office of the City Clerk:

| | | | |
|---|---|---|---|
| **AT&T** | **3-01-31-440** | **$** | **150.00** |
| **AVAYA, INC.** | **3-01-31-440** | **$** | **6,370.54** |
| **ELIZABETHTOWN GAS** | **3-01-31-446** | **$** | **12,922,46** |
| **HESS CORP – ELECTRIC** | **3-01-31-430** | **$** | **17,903.78** |
| **HESS CORP – GAS** | **3-01-31-446** | **$** | **1,289.17** |
| **LANGUAGE LINE SERVICES** | **3-01-31-440** | **$** | **477.35** |
| **PSE&G** | **3-01-31-430** | **$** | **145,105.08** |
| **SOUTH JERSEY ENERGY** | **3-01-31-435** | **$** | **25,077.22** |
| **SPRINT** | **3-01-31-440** | **$** | **1,934.79** |
| **USA MOBILITY** | **3-01-31-440** | **$** | **148.93** |
| **VERIZON** | **3-01-31-440** | **$** | **40,356.11** |
| **VERIZON WIRELESS** | **3-01-20-110-MAY-325** | **$** | **15,093.73** |
| **VERIZON COMMUNICATIONS INC.** | **3-01-31-440** | **$** | **845.71** |

Which was adopted by the following vote:

AFFIRMATIVE: Perkins-Auguste, ~~Caceta~~, Grova, Torres, ~~Gonzalez~~, Keenan, ~~Cedeno~~, Mazza, and President Gallman - ~~7~~ 6

NEGATIVE: None

**BY CITY COUNCIL AS A WHOLE:**

**WHEREAS,** the City Council of the City of Elizabeth has learned that on May 28, 2013 Father Krzysztof Szczotka celebrated his 25th anniversary as an ordained priest; and

**WHEREAS,** on August 1981, he joined the Society of the Divine Savior (The Salvatorians) in Bagno, Poland, where he studied two years of Philosophy and four years of Theology. At the completion of his studies, he was ordained, a priest, Father Krzysztof on May 28, 1988; and

**WHEREAS,** he worked in the Salvatorian Vocation Office in Krakow, Poland. In September 1989, he left Poland for London and Rome for further continuation of his education. In the years 1990-1993, he completed theology studies at St. Thomas Aquinas University in Rome (Angelicum) and received the Licentiate in Moral Theology; and

**WHEREAS,** from 1993-1999 Father Krysztof worked as a missionary and mission secretary in India and Tanzania as a local superior and prefect of students and candidates in the Salvatorian Major Seminary; and

**WHEREAS,** on June 14, 1999, Fr. Krzysztof was assigned to work to Indiana, USA. One year later, he was delegated to work in St. Adalbert Parish, Elizabeth, NJ. On July 1, 2004, he began his work as a Pastoral Associate and was appointed Pastor. Shortly thereafter, he was appointed the Pastor of the Luthuanian Church, Sts. Peter & Paul; and

**WHEREAS,** on July 1, 2009, the two separate parishes were merged into one St. Adalbert/Sts. Peter and Paul Parish, while remaining true to their own worship, culture, and tradition with Father Krzysztof Sczotka as Pastor; now, therefore, be it

**RESOLVED,** the City Council of the City of Elizabeth would like to commend and congratulate Father Krzysztof Szczotka for celebrating his twenty-fifth anniversary at St. Adalbert's Church, and wishes him continued success in all of his future endeavors; and be it

**FURTHER RESOLVED,** that a copy of this resolution be sent to Father Krzysztof Szczotka at St. Adalbert's Church and a copy of this resolution shall be spread in full upon the minutes of City Council.

Which was adopted by the following vote:

AFFIRMATIVE: Perkins-Auguste, ~~Caccia~~, Grova, Torres, ~~Gonzalez~~, Keenan, ~~Cedeno~~, Mazza, and President Gallman - ~~7~~ 6

NEGATIVE: None

**BY CITY COUNCIL AS A WHOLE:**

**WHEREAS,** the City Council of the City of Elizabeth has learned of the recent death of U.S. Senator Frank Lautenberg, 89; and

**WHEREAS,** Senator Lautenberg was a staunch gun control advocate and frequent critic of the tobacco industry. He fought for greater government spending on transportation and the environment. He wrote the law banning smoking on domestic airline fights and setting the national minimum drinking age at 21; and

**WHEREAS,** along with Lautenberg's legislative accomplishments, he had a string of electoral success, including an upset over someone he called "the most popular candidate in the country"in his first race for Senate, and a victory in a strange, abbreviated back-from retirement campaign twenty years later; and

**WHEREAS,** he originally retired in 2000 after eighteen years in the Senate. He served on the boards of three companies, two graduate schools and the U.S. Holocust Memorial Museum. New Jersey Democrats recruited Lautenberg out of retirement in September 2002 as an 11th hour replacement for Robert Torricelli, Lautenberg's longtime rival, who had abaondon his re-election bid just five weeks before Election Day; and

**WHEREAS,** Lautenberg surged to an easy win over Republician; Douglas Forrester and returned to the Senate in 2003 at age 78, resuming his role as a leading liberal, made his position clear that his return to office was no mere cameo; and

**WHEREAS,** when the Democrats regained a Senate majority in 2007, he returned to the powerful Appropriations Committee, on which he has served for fifteen years; and

**WHEREAS,** at the age of 84, Senator Lautenberg beat back a Democratic primary challenge in 2008 and went onto another easy win in the November general election. It made him the first New Jersey person ever elected to five Senate terms; now, therefore, be it

**RESOLVED** that we, the members of City Council of the City of Elizabeth hereby express our sincere sorrow at the death of Senator Frank Lautenberg; and be it

**FURTHER RESOLVED** that this expression of our sympathy be recorded in full upon the minutes of City Council and an acknowledgement thereof be sent to Senator Frank Lautenberg's family and the U.S. Senate.

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

**BY CITY COUNCIL AS WHOLE:**

**WHEREAS,** the City Council of the City of Elizabeth has learned of the recent death of Lucille Garner; and

**WHEREAS,** Lucille was born January 24, 1940 to the late Stephen Atlas and Lena Mae Garner. In 1968 Lucille moved from North Carolina to Elizabeth, New Jersey were she was a factory worker for The Redding Toy Company; and

**WHEREAS,** Lucille joined the Crusade to Change Church. In 1996 the congregation moved to New Hope Memorial Baptist Church. She served as a member of the Gospel Choir and later joined the Missionary Board; and

**WHEREAS,** she is survived by her best friend and confidant, Mr. Charles Brown, Daughters: Margaret Garner, Wendy Kay Garner, Pauline Perry, Denise Jones, Sons: Reginald Garner, Tony Garner, Ronnie Garner, Kevin Brown and Grandson Lawrence Garner; and

**RESOLVED** that we, the members of City Council of the City of Elizabeth hereby express our sincere sorrow at the death of Lucille Garner; and be it

**FURTHER RESOLVED** that this expression of our sympathy be recorded in full upon the minutes of City Council and an acknowledgement thereof be sent to her family.

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

Councilwoman Perkins-Auguste moved that City Council do now adjourn,

Which was carried unanimously.

Whereupon Council President Gallman declared City Council adjourned at

8:00 p.m.

APPROVED

WILLIAM GALLMAN, JR.
President of City Council

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