PROCEEDINGS OF CITY COUNCIL

(OFFICIAL)

ELIZABETH, N.J.

Tuesday Evening
June 25, 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 - ~~8~~ 6

ABSENT: Cuesta, Grova, Torres - 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.

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PUBLIC SPEAKING

Mr. Bruce Wisemiller, U.S. Army Corps of Engineers, spoke regarding the Arthur Kill Channel deepening. He stated that the U.S. Army Corps of Engineers and its contractors are aware of the concerns that are often associated with drilling and blasting operations. He continued that to ensure the safety of the community, residents and structures in the project area and minimize the level of disturbances, the Corps uses the best available drilling and blasting technology and adheres to all federal, state and local requirements. He stated further that the U.S. Army Corps of Engineers has hired Earthworks, LLC., to perform independent field monitoring of permanent and mobile seismic station sites to ensure that the monitoring is accomplished.

Mr. Wisemiller stated that notifications to residents whose property is within the designated precautionary zone of the 1,500 foot radius were mailed notifications of blasting.

Mr. Wisemiller stated that they have been under construction for the past fourteen years, but in the Arthur Kill Channel, construction was to begin in March, 2013. He continued that the underlying material will be blasted and dredged out in the second week of July until the Spring of next year. He stated further that a public meeting will be held at 153 Third Street at 6:30 p.m.

Councilwoman Perkins-Auguste stated that this takes place in the First Ward and the councilman is not here tonight. She continued that the public meeting is scheduled to be held in the evening of a major holiday.

Council President Gallman announced that he spoke with the Councilman and he is aware of this and gave the okay.

Councilwoman Perkins-Auguste stated that the residents do have concerns regarding the vibration.

Mr. Wisemiller stated that all residents within 1,500 feet of the work can reach him at (201)339-6470 if they have any concerns.

Ms. Michele McBean, Future City, stated that she made it a point to meet with Councilman Torres and he selected July 3 at the last Block Watch meeting and she appreciates the Councilwoman's concerns.

Ms. Leone, an Elizabeth resident, stated that she does not want it to affect her property.

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 public hearing on **Ordinance No. 4387** , entitled: "An Ordinance Creating the Elizabeth Tourism Improvement District and Designating the Elizabeth Destination Marketing Organization as the District Management Corporation, has been cancelled.

Council President Gallman announced that the public hearing on **Ordinance No. 4388** , entitled: "Amend Chapter 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, entitled 'Sewer Service System', specifically to increase sewer rates and augment the language thereof," has been cancelled and rescheduled for July 23, 2013.

Council President Gallman announced that the next business in order would be a public hearing on **Ordinance No. 4389** , entitled:

> AN ORDINANCE TO AUTHORIZE THE ESTABLISHMENT OF A PERSONALIZED HANDICAPPED PARKING SPACE FOR ALTAGRACI N. MELO, 63 FLORIDA STREET, ELIZABETH, NEW JERSEY 07206.

This ordinance was adopted on its first reading at the meeting of City Council held on **June 11, 2013**.

The Notice of Public Hearing was published in the Star Ledger issue of **June 17, 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. 4390** , entitled:

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

This ordinance was adopted on its first reading at the meeting of City Council held on **June 11, 2013**.

The Notice of Public Hearing was published in the Star Ledger issue of **June 17, 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 order of business would be a public hearing on the Elizabeth Avenue Special Improvement District Budget for Fiscal Year 2014 in the amount of $325,595.00.

Council President Gallman 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 2014.

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 June 14, 2013, from the Business Administrator recommending awarding contracts, through the New Jersey Sustainable Energy Joint Meeting, to Constellation New Energy (CNE), 819 7th Avenue #400, New York, NY, for the Fixed Price Multi Tariff at a rate of $0.092050 per kilowatt hour and to NRG Energy, 211 Carnegie Center, Princeton, NJ, for the Street Lighting Accounts, at a rate of $0.051240 per kilowatt hour for the period of the June, 2013 meter read date through the June 25, 2015 meter read date; with no awards for electricity supply for the General Lighting Power Accounts inasmuch as bidders are unable to beat the utility tariff rates.
Which was received.

By the Clerk:

Letter dated June 14, 2013, from the Business Administrator recommending the award of a contract to Wireless Communications & Electronics, 153 Cooper Road, West Berlin, NJ, for the purchase of three (3) Panasonic Toughbook Computers for the Fire Department at a total cost of $18,724.08.
Which was received.

By the Clerk:

Letter dated June 17, 2013, from the Business Administrator recommending the award of a contract to Public Service Electric & Gas Company, 472 Weston Canal Road, Somerset, NJ, for the purchase of thirty-seven (37) 25 foot Deco Poles with attachments, for the Midtown Infrastructure Improvement CSO Abatement project in the amount of $345,297.58.
Which was received.

By the Clerk:

Letter dated June 18, 2013, from the Business Administrator requesting authorization for the proper City officials to submit, sign and accept a Local Government Capacity Grant issued by the North Jersey Sustainable Communities Consortium and Together North Jersey in an amount not to exceed $110,000.00.
Which was received.

By the Clerk:

Letter dated June 18, 2013, from the Business Administrator requesting that your Honorable Body consider the adoption of a resolution for Sustainable Jersey Silver Certification renewal establishing a Green Team Advisory Committee, to also serve as an Energy Advisory Board, consisting of nine (9) members who shall be residents or employees of the City of Elizabeth, appointed annually, but whose initial term of appointment shall be through December 31, 2014, to advise the municipal administration and City Council on ways to improve municipal operations with "Green" initiatives.
Which was received.

By the Clerk:

Letter dated June 18, 2013, from the Business Administrator requesting that your Honorable Body consider the adoption of a resolution for Sustainable Jersey Silver Certification renewal which re-adopts the Companion Animal Management Pledge.
Which was received.

By the Clerk:

Letter dated June 18, 2013, from the Business Administrator requesting that your Honorable Body consider the adoption of a resolution for Sustainable Jersey Silver Certification renewal which consists of a Sustainable Land Use Pledge.
Which was received.

By the Clerk:

Letter dated June 18, 2013, from the Business Administrator requesting that your Honorable Body consider the adoption of a resolution for Sustainable Jersey Silver Certification renewal which consists of a Pledge in Support of New Jersey's Wildlife Action Plan.
Which was received.

By the Clerk:

Letter dated June 18, 2013, from the Business Administrator requesting that your Honorable Body consider the adoption of an ordinance authorizing the Mayor and the proper City officials to execute a contract to purchase the property known as the Freedom Club Polish National Home located at 625 Pulaski Street for the price of $750,000.00, which is contingent upon the City obtaining financing for the project and less any credits for environmental remediation that may be necessary when the Phase 1 is completed.
Which was received.

By the Clerk:

Letter dated June 18, 2013, from the Business Administrator, on behalf of Ms. Michelle Nelson, the proprietor of House of Walker Publishing, LLC, 232 Parmalee Place, Elizabeth, is requesting an Encroachment Permit or other applicable permission for a solar powered phone charging kiosk to be located at the southeast corner of Broad and East Jersey Streets.
Which Was Referred To Council As A Whole.

By the Clerk:

Letter dated June 6, 2013, from the City Attorney requesting that your Honorable Body consider an ordinance amending Chapter 17.52 of the Code of the City of Elizabeth, entitled: "Fees", specifically to amend Section 17.52.040, "The fee for a list of property owners to be notified of a public hearing shall be ten dollars ($10.00)" to conform to state statute.
Which was received.

By the Clerk:

Letter dated June 18, 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 18, 2013, from the Chief Financial Officer requesting that the Sewer Utility Operating fund appropriation, Capital Outlay, Unexpended Balance for the 2013 State Fiscal Year in the amount of $1,000,000.00, which is no longer needed, be canceled and credited to Surplus.
Which was received.

By the Clerk:

Letter dated June 18, 2013, from the Chief Financial Officer requesting that your Honorable Body consider the cancellation of Sewer Utility Capital ordinances no longer deemed required.
Which was received.

By the Clerk:

Letter dated June 18, 2013, from the Chief Financial Officer advising that in compliance with the SFY 2013 Appropriations Act requires that your Honorable Body approve all payments related to accumulated/uncompensated absence benefits.
Which was received.

By the Clerk:

Letter dated June 18, 2013, from the Chief Financial Officer requesting authorization for the City Treasurer to cancel certain Operating checks issued by the City of Elizabeth as set forth in the attached schedule in the amount of $23,065.56 and to be credited to Miscellaneous Revenue Not Anticipated - Stale Dated Checks Cancelled.
Which was received.

~~PETITIONS, COMMUNICATIONS, ETC.~~

By the Clerk:

Letter dated June 18, 2013, from the Chief Financial Officer requesting authorization for the City Treasurer to cancel certain Worker's Compensation checks in the amount of $8,713.57 and General Liability checks in the amount of $6,759.17, as set forth in the attached schedule, totaling $15,472.74 and to be credited to Miscellaneous Revenue Not Anticipated - Stale Dated Checks Cancelled.
Which was received.

By the Clerk:

Letter dated June 18, 2013, from the Chief Financial Officer requesting authorization for the City Treasurer to cancel certain Tax Refund checks issued by the City of Elizabeth as set forth in the attached schedule in the amount of $124,337.91 and to be credited to Miscellaneous Revenue Not Anticipated - Stale Dated Checks Cancelled.
Which was received.

By the Clerk:

Letter dated June 18, 2013, from the Chief Financial Officer requesting authorization for the City Treasurer to cancel certain Trust checks issued by the City of Elizabeth as set forth in the attached schedule in the amount of $1,592.26 and to be credited to Miscellaneous Revenue Not Anticipated - Stale Dated Checks Cancelled.
Which was received.

By the Clerk:

Letter dated June 18, 2013, from the Director of Health and Human Services, Office on Youth requesting permission to enter into an agreement with Kean University to conduct a "Youth Appreciation Dinner" recognizing their hard work and accomplishments during the 2012-2013 school year.
Which was received.

By the Clerk:

Letter dated June 7, 2013, from the Director of Planning and Community Development requesting authorization for the proper City officials to execute any and all documents necessary and appropriate to provide a Rental Housing Program Deferred Payment Loan on the property located at 233 Florida Street for new construction of four (4) assisted units in a twelve (12) unit project in the amount of $200,000.00.
Which was received.

By the Clerk:

Letter dated June 10, 2013, from the Director of Planning and Community Development requesting authorization to prepare and submit to the U.S. Department of Housing and Urban Development (HUD) a Consolidated Plan for CD-39, Fiscal Year 2013, to include applications for funding for Community Development Block Grant (CDBG) - $2,076,492.00; Emergency Solutions Grant (ESG) - $136,074.00; and HOME Program - $682,459.00 to provide affordable housing, a suitable living environment and to expand economic opportunities.
Which was received.

By the Clerk:

Letter dated June 14, 2013, from the Director of Planning and Community Development requesting authorization for the proper City officials to extend the lease agreement between the City and the Salvation Army, Inc. for the rental of space at 1018 East Grand Street to provide emergency shelter for the homeless to June 18, 2014 at the prescribed lease rate of $1.00 per year.
Which was received.

PETITIONS, COMMUNICATIONS, ETC.

By the Clerk:
Letter dated June 17, 2013, from the Director of Planning and Community Development requesting authorization for the proper City officials to extend the contract between the City of Elizabeth and the Elizabeth Development Company – Retail Skills Center to December 30, 2013.
Which was received.

By the Clerk:
Letter dated June 17, 2013, from the Director of Planning and Community Development requesting authorization for the proper City officials to extend the contract between the City of Elizabeth and the Tri-County American Red Cross to December 30, 2013.
Which was received.

By the Clerk:
Letter dated June 18, 2013, from the Director of Planning and Community Development recommending the award of a contract to Harbor Consultants, 320 North Avenue East, Cranford, NJ, to perform a Redevelopment Study of the University Boulevard Corridor for the period of June 26, 2013 to June 25, 2014 in an amount not to exceed $26,300.00, unless further authorized by your Honorable Body.
Which was received.

By the Clerk:
Letter dated June 17, 2013, from the Director of Public Works recommending the award of a contract to T & M Associates, Eleven Tindall Road, Middletown, NJ, to provide Environmental Engineering Consulting Services at the former Saxony Motel Property located at 330-338 Atlantic Street at a cost not to exceed $60,300.00, plus reimbursables.
Which was received.

By the Clerk:
Letter dated June 17, 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 services on a time and material basis for actual time and expenses in connection with traffic signal design and construction inspection at the intersection of Elizabeth Avenue and Bridge Street and the intersection of Elizabeth Avenue and Jefferson Avenue at a cost not to exceed $153,900.00, plus reimbursables.
Which was received.

By the Clerk:
Letter dated June 13, 2013, from the City of Elizabeth Planning Board requesting that your Honorable Body consider the adoption of an ordinance proposing amendments to the Model Ordinance from the Environmental Protection Agency in reference to the new base flood elevations.
Which was received.

By the Clerk:
Letter dated May 1, 2013, from GES – Groundwater & Environmental Services, 1340 Campus Parkway, Neptune, NJ, requesting an Encroachment Permit to perform environmental work consisting of one (1) groundwater monitoring well within the sidewalk on Denton Street across the street from 654 South Broad Street.
Which was received.

By the Clerk:

Letter dated May 7, 2013, from Kleinfelder, 3 AAA Drive, First Floor, Hamilton, NJ, requesting an Encroachment Permit to perform environmental work consisting of two (2) temporary monitoring points within the right-of-way along the west side of Elizabeth Avenue in the sidewalk in front of the property located at 460 Elizabeth Avenue.
Which was received.

By the Clerk:

Letter dated June 10, 2013, from Tyree Environmental Corp., 3000 Midlantic Drive, Suite 105, Mount Laurel, NJ, requesting an Encroachment Permit to perform environmental work consisting of one (1) groundwater monitoring well within the right-of-way along the southern side of East Jersey Street in the sidewalk approximately 10 feet to the west of Winfield Scott Plaza.
Which was received.

By the Clerk:

Letter dated April 18, 2013, from Mr. Richard Reyes, 135 Port Avenue, Elizabeth, requesting to be appointed Constable.
Which Was Referred To Council As A Whole.

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 June 18, 2013, from the Chief Financial Officer submitting the City Treasurer's Report of Receipts and disbursements for the month of March, 2013, and Statement of Bank Balances and Investments as of March 31, 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 (As Amended)** , 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, ~~Guesta~~, ~~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. 4391** , which was seconded by Councilman Gonzalez, entitled:

AN ORDINANCE AUTHORIZING THE MAYOR AND THE PROPER CITY OFFICIALS TO EXECUTE AN AGREEMENT FOR THE PURCHASE OF REAL ESTATE AND ANY OTHER DOCUMENTS NECESSARY TO COMPLETE THE PURCHASE OF PROPERTY LOCATED AT 625 PULASKI STREET, BLOCK 4, L0T 294A, ELIZABETH, NEW JERSEY FROM KLUB WOLNOSCI JOZEFA PILSUDSKIEGO, INC., A/K/A/ FREEDOM POLISH NATIONAL HOME.

The Clerk read the foregoing ordinance.

Councilman Gonzalez stated that he has been working on this for some time and it will provide additional recreation for the youth.

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

AFFIRMATIVE: Perkins-Auguste, ~~Guesta~~, ~~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. 4392** , which was seconded by Councilman Gonzalez, entitled:

AN ORDINANCE AMENDING CHAPTER 17.52 OF THE CODE OF THE CITY OF ELIZABETH ENTITLED "FEES," SPECIFICALLY TO AMEND SECTION 17.52.040 TO CONFORM TO STATE STATUTE.

The Clerk read the foregoing ordinance.

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

AFFIRMATIVE: Perkins-Auguste, ~~Guesta~~, ~~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. 4393** , which was seconded by Councilman Gonzalez, entitled:

AN ORDINANCE TO AUTHORIZE THE RENEWAL AND EXECUTION OF A LEASE AGREEMENT FOR THE RENTAL OF SPACE AT 1018 EAST GRAND STREET, ELIZABETH, NEW JERSEY, FOR THE PERIOD OF JUNE 18, 2013 THROUGH JUNE 18, 2014, BY THE ELIZABETH NEW JERSEY CORPS OF THE SALVATION ARMY, A NEW YORK CORPORATION, 1005 EAST JERSEY STREET, ELIZABETH, NEW JERSEY, TO PROVIDE EMERGENCY SHELTER FOR HOMELESS INDIVIDUALS AT THE ANNUAL RENTAL FEE OF ONE DOLLAR ($1.00) PER YEAR.

The Clerk read the foregoing ordinance.

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

AFFIRMATIVE: Perkins-Auguste, ~~Guesta~~, ~~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. 4394** , which was seconded by Councilman Gonzalez, entitled:

AN ORDINANCE TO AMEND VARIOUS SECTIONS OF CHAPTER 17.44 OF THE CODE OF THE CITY OF ELIZABETH ENTITLED, "FLOOD DAMAGE PREVENTION," SPECIFICALLY TO ADOPT NEW LANGUAGE CONTAINED IN THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION MODEL FLOOD DAMAGE PREVENTION ORDINANCE.

The Clerk read the foregoing ordinance.

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

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

NEGATIVE: None

Council President Gallman announced that the next business in order would be the introduction of **Ordinance No. 4395** , which was seconded by Councilman Gonzalez, entitled:

AN ORDINANCE GRANTING AN ENCROACHMENT PERMIT TO GROUNDWATER & ENVIRONMENTAL SERVICES, 1340 CAMPUS PARKWAY, NEPTUNE, N.J., 07753, TO PERFORM ENVIRONMENTAL WORK CONSISTING OF ONE (1) GROUND-WATER MONITORING WELL WITHIN THE PUBLIC RIGHT-OF-WAY ON DENTON STREET CROSS FROM 654 SOUTH BROAD STREET.

The Clerk read the foregoing ordinance.

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

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

NEGATIVE: None

Council President Gallman announced that the next business in order would be the introduction of **Ordinance No. 4396** , which was seconded by Councilman Gonzalez, entitled:

AN ORDINANCE GRANTING AN ENCROACHMENT PERMIT TO KLEINFELDER OF 3 AAA DRIVE , FIRST FLOOR, HAMILTON, NJ 08691, TO PERFORM ENVIRONMENTAL WORK CONSISTING OF TWO (2) TEMPORARY MONITORING POINTS IDENTIFIED AS TP-3 AND TP-4 WITHIN THE PUBLIC RIGHT-OF-WAY OF 460 ELIZAETH AVENUE, ELIZABETH, NJ.

The Clerk read the foregoing ordinance.

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

AFFIRMATIVE: Perkins-Auguste, ~~Guesta~~, ~~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. 4397** , which was seconded by Councilman Gonzalez, entitled:

AN ORDINANCE GRANTING AN ENCROACHMENT PERMIT TO TYREE ENVIRONMENTAL CORPORATION, 3000 MIDLANTIC DRIVE, MOUNT LAUREL, NJ 08054, TO PERFORM ENVIRONMENTAL WORK CONSISTING OF ONE (1) GROUNDWATER MONITORING WELL IDENTIFIED AS PMW-10 WITHIN THE PUBLIC RIGHT-OF-WAY ALONG EAST JERSEY STREET IN THE SIDEWALK WEST OF WINFIELD SCOTT PLAZA.

The Clerk read the foregoing ordinance.

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

AFFIRMATIVE: Perkins-Auguste, ~~Guesta~~, ~~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, July 23, 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(As Amended), 4391, 4392, 4393, 4394, 4395, 4396, and 4397, 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. 4388**, which was seconded by Councilman Gonzalez.

AN ORDINANCE TO AMEND CHAPTER 13.16.120, 13.16.130 (B) (1), 13.16.130 (B) (2), 13.16.130 (B) (3) (a), 13.16.130 (B) (3) (b) 13.16.130 (B) (3) (c,), (C), AND H OF THE CODE OF ELIZABETH TO INCREASE THE SEWER RATES IN THE CITY OF ELIZABETH AND TO AUGMENT THE LANGUAGE THEREOF.

BE IT ORDAINED BY CITY COUNCIL OF ELIZABETH AS A WHOLE:

Section 1 - 13.16.120 - Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

"City" means the city of Elizabeth.

"Commercial User" means all retail stores, restaurants, office buildings, laundries and other private business and service establishments that are not classified as Industrial Users.

"Director of finance" means the director of the department of finance of the city.

"Director of public works" means the director of the department of public works of the city or authorized representative.

"Governmental User" shall include any building, site or facility used for legislative, judicial, administrative and regulatory activities of Federal, State and County governments. (Buildings, sites or facilities owned by the City of Elizabeth and used for municipal purposes are excluded from this classification and shall be exempt from sewer user charges).

"Industrial waste" means any liquid, gaseous, solid or other waste substance or a combination thereof resulting from any process of industry, manufacturing, trade or business or from the development or recovery of any natural resources.

"Institutional User" means social, charitable, religious, and educational facilities such as schools, churches, hospitals, nursing homes, penal institutions and similar users.

"Joint meeting" means the municipalities of the city of East Orange, the township of Hillside, the town of Irvington, the township of Maplewood, the township of Millburn, the city of Newark, the borough of Roselle Park, the village of South Orange, the city of Summit, the township of Union and the town of West Orange, organized in joint meeting pursuant to N.J.S.A. 40:63-68 et seq. under the terms of a contract dated June 1, 1926, as amended and supplemented, in the matter of a joint trunk and outlet sewer and treatment plant for the sewage wastewater emanating from said municipalities.

"Industrial User" means any industry required to obtain an industrial user permit pursuant to the Rules and Regulations of the Joint Meeting.

"Other wastes" includes garbage, refuse, decayed wood, sawdust, shavings, bark, sand, lime, cinders, ashes, offal, oil, tar, dye stuffs, acids, chemicals and all other discarded matter not sewage or industrial waste.

"Part" as used in relation to the term "sewer system," includes all lateral sewers, or all branch sewers, or all interceptor sewers, or all trunk sewers, and any sewage treatment and disposal works, each part with necessary appurtenances, including sewage pumping stations.

"Residential User" means all residential units, including one-family through four-family residential units and apartments with more than four-family dwelling units contributing sewage to the sewer system.

"Sewage" means the water-carried human or animal wastes from residences, buildings, industrial establishments or other places, together with such groundwater infiltration and surface water as may be present. The admixture with sewage, as above defined, of industrial waste or other wastes, as defined in this section, also shall be considered "sewage" within the meaning of this chapter.

"Sewer system" means all sewer pipes and other appurtenances which are used or useful in whole or in part in connection with the collection, treatment or disposal of sewage, industrial waste and other wastes and which are owned, operated, maintained or used by the city, individually or with other municipalities, including sewage pumping stations and sewage treatment and disposal works.

"User" means all contributors to the sewerage system.

"User charge" means a charge levied upon users of the sewerage system for the use and service of that system.

(Prior code § 118-13)

13.16.130 - Computation of charges.

A. Pursuant to N.J.S.A. 40:63-7, the city establishes and imposes user charges in the city for the use of the sewer system or any part or parts thereof and establishes and imposes such computed user charges as shall be hereinafter provided.

B. Such user charges shall be computed in the following manner and shall be as follows:

1. User charges **for all users (excluding Industrial Users)** shall be based upon the amount of water supplied by the city water utility or by such other system supplying water to the user as shown by the water meter readings for the quarterly period ending three months prior to the billing period; provided, however, that whenever a water rate charge is based upon an unmetered or estimated water consumption rate, the sewer charges shall be equal to one hundred twenty-two (122) percent of the water charges for the measuring period, and provided further that whenever water consumption is metered but the charge for the measuring period is based upon a minimum standard charge due to the fact that a meter reading was not made for the measuring period, the sewer charges shall likewise be based upon the minimum standard charges, and provided further that in the case of consumers of water who discharge into the sewer system an amount of sewage substantially less than or substantially greater than the amount of water supplied to such consumer, the amounts of the sewage discharged into the sewer system shall be determined by meters, gauges or other suitable measuring devices furnished or approved by the city and installed by such consumer at the consumer's expense and at no cost or expense to the city, and the user charge thereon shall be computed at the rates stipulated herein for sewage discharged into the sewer system. The department of public works may require the owner of any real property subject to user charges of the city to install a meter, gauge or other suitable measuring device which is acceptable to the department of public works and installed at the consumer's expense and at no cost or expense to the city, provided, however, that any determination of the department of public works is subject to review and modification by a court of competent jurisdiction.

2. The user charge shall be **$3.983** per 100 cubic feet of water.

3. **User Charges for Industrial Users shall be based on the volume rate defined above, plus the following surcharges:**

   a. For wastes with suspended solids in concentrations greater than 180 milligrams per liter, a surcharge of **$0.496** per pound.

   b. For wastes with concentrations of five-day BOD in excess of 210 milligrams per liter, a surcharge of **$0.884** per pound.

   c. **Surcharges shall be based on suspended solids and five-day BOD loadings computed by the Joint Meeting and reported quarterly to the City.**

C. **Sampling and analysis shall be accomplished by each Industrial User in accordance with its Industrial User Permit and the Rules and Regulations of the Joint Meeting. An Industrial User may sample and analyze its discharge for suspended solids and five-day BOD at a greater frequency than specified in its industrial user permit provided that the results of all such testing are included in the periodic monitoring reports submitted to the Joint Meeting.**

D. Any owner of real property subject to user charges discharging into the city sewer system who claims to be unable to install a meter, gauge or other suitable measuring device after being so ordered by the director of public works may submit to the department of public works a written application requesting that the department of public works grant to the owner a specified extension of time within which to install such meter, gauge or other suitable measuring device. In the event the department of public works shall grant such specified extension of time, such owner shall install a meter, gauge or other suitable measuring device on or before the date fixed and prescribed therefor by the department of public works and shall pay user charges on or before the times fixed and prescribed therefor by the department of public works. Prior to such installation, the department of public works shall estimate the amount of sewage discharged by such owner into the sewer system. Such estimate by the department of public works shall be submitted to the city council for its approval or modification, and the decision of the city council with respect thereto shall be binding and final unless modified by a court of competent jurisdiction following any review thereof permitted by law. Such owner shall thereupon, prior to the aforementioned installation of a meter, gauge or other suitable measuring device, pay user charges computed at the rate defined in this section for the estimated sewage discharged into the sewer system, and the decision of the department of public works with respect to the amount thereof shall be binding and final unless modified by a court of competent jurisdiction following any review thereof permitted by law. Such user charges computed at the rate defined in this section for

the estimated sewage discharged into the sewer system shall be due and payable at such time as the director of finance shall fix and prescribe therefor.

E. Any owner of real property in the city subject to user charges who fails to submit to the department of public works a written application requesting that the department of public works grant to such owner a specified extension of time within which to install a meter, gauge or other suitable measuring device and any owner of real property in the city subject to user charges whose written application is denied by the department of public works shall pay sewer user charges computed in the manner set forth in subsection B of this section.

F. In all cases in which users of the sewerage system are not supplied with water from the city water utility, the charge for the use of sewerage system shall be based upon the actual discharge as measured by a meter to be installed by the consumer; provided, however, that when in the judgment of the director of public works such charges may be reasonably accurately estimated, the initial charges may be based upon his or her estimate of actual discharge volume.

G. In any other case where the charges for sewer services cannot be reasonably measured based on water consumption during the measuring period, the initial and any subsequent charges shall be based upon an estimate which may be revised from period to period.

H. Facility Charges. The base charge for metered service shall be as follows:

Water Meter Diameter in Inches	Charge Per Quarter
5/8	$4.39
¾	$11.72
1	$30.326
1½	$83.51
2	$157.98
3	$370.71
4	$668.56
6	$1,519.54
8	$2,710.91
10	$4,243.35

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

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

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

The Clerk read the foregoing ordinance by title.

This ordinance was adopted on its first reading at the City Council meeting held **June 11, 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 17, 2013.**

Councilman Gonzalez then **MOVED** that the foregoing ordinance be **TABLED.** Councilman Gonzalez's **MOTION to TABLE** the foregoing ordinance was seconded by Councilman Cedeno and then CARRIED by the following vote:

AFFIRMATIVE: Perkins-Auguste, Gonzalez, Keenan, Cedeno, Mazza, and President Gallman - 6.

NEGATIVE: None.

ABSENT: Cuesta, Grova, Torres

Council President Gallman announced that the next business in order would be the adoption of **Ordinance No. 4389**, which was seconded by Councilman Gonzalez:

AN ORDINANCE TO AUTHORIZE THE ESTABLISHMENT OF A PERSONALIZED HANDICAPPED PARKING SPACE FOR ALTAGRACI N. MELO, 63 FLORIDA 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 **Altagraci N. Melo,** established in front of **63 Florida Street, Elizabeth, New Jersey 07206,** as follows and pursuant to the recommendation of the Elizabeth Police Director: along the West curb line of Florida Street beginning at a point 164' North of Second Street 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 **June 11, 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 17, 2013.**

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

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

NEGATIVE: None

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

AN ORDINANCE TO AUTHORIZE THE ESTABLISHMENT OF A PERSONALIZED HANDICAPPED PARKING SPACE FOR RASHEA DOZIER-ACQAYE, 451 FULTON 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 **Rashea Dozier-Acqaye,** established in front of **451 Fulton Street, Elizabeth, New Jersey 07206,** as follows and pursuant to the recommendation of the Elizabeth Police Director: along the North curb line of Fulton Street beginning at a point 165' East of Fifth Street continuing 22' East 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 **June 11, 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 17, 2013.**

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

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

NEGATIVE: None

NEW BUSINESS

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

Which was carried unanimously.

BY CITY COUNCIL AS A WHOLE:

WHEREAS, ELIZABETH AVENUE PARTNERSHIP, 913 Elizabeth Avenue, Second Floor – Suite A, Elizabeth, New Jersey 07201 has requested permission to conduct district-wide sidewalk sales within the Elizabeth Avenue Special Improvement District (SID), which runs from Bridge Street to Fourth Street, with rain dates for each sale to be the following weekend.

WHEREAS, the sidewalk sales will be held on the following dates:
Thursday, Friday, Saturday, July 25, July 26, and July 27, 2013; with rain dates to be Thursday, Friday, Saturday, August 1, August 2, and August 3, 2013; and

WHEREAS, the sidewalk sales will be held on the following dates:
Thursday, Friday, Saturday, August 15, August 16, and August 17, 2013 with rain dates to be Thursday, Friday and Saturday, August 22, August 23, and August 24, 2013; and

WHEREAS, the sidewalk sales will be held on the following dates:
Thursday, Friday, and Saturday, August 29, August 30, August 31, 2013, with rain dates Thursday, Friday, Saturday, September 5, September 6, and September 7, 2013; and

WHEREAS, the sidewalk sales will be held on the following dates:
Thursday, Friday, Saturday, September 26, September 27, September 28, 2013 with rain dates Thursday, Friday and Saturday, October 3, October 4, and October 5, 2013; and

WHEREAS, this City Council deems it in the best interest of the City of Elizabeth to grant said permission under certain conditions; now, therefore, be it

RESOLVED, that City Council of the City of Elizabeth hereby grants permission to **ELIZABETH AVENUE PARTNERSHIP, 1086 Elizabeth Avenue, Suite 4, Elizabeth, New Jersey** to conduct a district wide sidewalk sales within the Elizabeth Avenue Special Improvement District, (SID) which runs from Bridge Street to Fourth Street, The sidewalk sales will be held on the following dates: Thursday, Friday, Saturday, July 25, July 26, and July 27, 2013; with rain dates to be Thursday, Friday, Saturday, August 1, August 2, and August 3, 2013; side walk sales will be held on Thursday, Friday, Saturday, August 15, August 16, and August 17, 2013 with rain dates to be Thursday, Friday and Saturday, August 22, August 23, and August 24, 2013; sidewalk sales will be held on the following dates: Thursday, Friday, and Saturday, August 29, August 30, August 31, 2013, with rain dates Thursday, Friday, Saturday, September 5, September 6, and September 7, 2013; the sidewalk sales will be held on the following dates: Thursday, Friday, Saturday, September 26, September 27, September 28, 2013 with rain dates Thursday, Friday and Saturday, October 3, October 4, and October 5, 2013, upon the condition that it comply with all provisions contained in Chapter 5.32 of the Code of the City of Elizabeth.

Which was adopted by the following vote:

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

NEGATIVE: None

The regular order of business was then resumed.

ELIZABETH AVENUE SPECIAL IMPROVEMENT DISTRICT BUDGET NOTICE

Elizabeth Avenue Special Improvement District of the City of Elizabeth, County of Union, for the Fiscal Year 2014.

BE IT RESOLVED that the following statements of revenue and appropriations shall constitute the Elizabeth Avenue Special Improvement District Budget for the Fiscal Year 2014.

BE IT FURTHER RESOLVED that said Budget be published in The Star-Ledger in the issue of June 19 2013.

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 2014.

Recorded vote:

AYES (Perkins-Auguste
(Grova
(Torres
(Keenan
(Mazza
(Gallman
(- 6 -

NAYS: (None
(-0-

ABSENT: (Cuesta
(Gonzalez
(Cedeno
-3-

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 11, 2013.

A hearing on said budget will be held at Elizabeth City Hall on June 25, 2013, 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	$73,595.00
UEZ	$0.00
Amount to be Raised by Special Improvement District	$250,000.00
Surplus Utilized	
Total Revenues	**$323,595.00**

APPROPRIATIONS	
Promotions	$82,000.00
Safety & Security	$38,000.00
Administration	$203,595.00
Total Appropriations	**$323,595.00**

Which was adopted by the following vote:

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

NEGATIVE: None

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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:	
20-105-PER	Salaries & Wages	Personnel	2,000.00
20-120-CCL	Salaries & Wages	City Clerk	2,000.00
20-130-ACC	Salaries & Wages	Accounts & Control	5,000.00
20-170-PIN	Salaries & Wages	Public Information	2,000.00
25-260-EMS	Salaries & Wages	EMS Collection	500.00
26-305-REY	Salaries & Wages	Recycling	1,000.00
27-330-HEA	Salaries & Wages	Health Dept	29,000.00
27-330-OVS	Salaries & Wages	Vital Statistics	4,000.00
20-120-ABC	Salaries & Wages	Alcohol Beverage Control	500.00
20-170-CHA	Operating Expenses	Cultural Heritage Affairs	3,400.00
20-170-PIN	Operating Expenses	Public Information	6,100.00
26-305-GAR	Operating Exoenses	Garbage	200,000.00
			255,500.00
		Transfers From:	
36-475	Operating Expenses	Pension Police & Fire	255,500.00
		TOTAL	**255,500.00**

Which was adopted by the following vote:

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

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the Sewer Utility Operating Fund appropriation, Capital Outlay, has an unexpended balance for the 2013 State Fiscal Year in excess of the following:

Capital Outlay	$1,000,000.00

WHEREAS, the amount of $1,000,000.00 is no longer needed for this appropriation, it is necessary to formally cancel said amount by resolution in order that this unexpended balance may be credited to Surplus;

NOW THEREFORE, BE IT RESOLVED, by City Council of the City of Elizabeth, that the Sewer Utility Operating Fund unexpended balance of Capital Outlay account in the amount of $1,000,000.00 be canceled and credited to Surplus.

Which was adopted by the following vote:

AFFIRMATIVE: Perkins-Auguste, ~~Cuesta~~, ~~Giuva~~, ~~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;

Richard Higgins	$4,817.19
Michael Macierowski	$20,147.97

; 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;

Richard Higgins	$4,817.19
Michael Macierowski	$20,147.97

; 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 - ~~8~~ 6

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the Business Administrator and the Purchasing Agent have advised that in accordance with **NJAC** 5:34 it is required that the award of any contract pursuant to **NJSA** 40A:11-5(hh) (purchase of electricity) – (exception to bidding) and exempt from Pay to Play regulations because the vendor's rates are regulated through tariffs approved by the Board of Public Utilities, be awarded by resolution of the Governing Body; and

WHEREAS, the Business Administrator has made a request to participate in the New Jersey Sustainable Energy Joint Meeting (NJSEJM) for the purchase of the electricity. The NJSEM has separated the electricity bid into three categories 1) Fixed Price Multi Tariff Accounts, 2) Street Lighting and 3) GLP (General Lighting Power Account; and

WHEREAS, the New Jersey Sustainable Energy Joint Meeting (NJSEJM) awarded a Fixed Price Multi Tariff to **Constellation New Energy, 819 7th Avenue, #400, New York, NY 10019**, at a rate of $0.092050 per kilowatt hour. The Street Lighting Accounts award was made to **NRG Energy, 211 Carnegie Center, Princeton, NJ 08540-6213**, at a rate of $0.051240 per kilowatt hour for the period of June 2013 meter read date through the June 25, 2015 meter read date; and

WHEREAS, no awards have been for electricity supply for the GLP accounts because the bidders are unable to beat the utility tariff rates. The NJSEM will rebid these accounts when it is determined that there is an opportunity to receive bids and prices which will guarantee electricity cost savings. The winning bidder will then enroll our accounts for the remainder of the contract term; and

WHEREAS, local units of the State of New Jersey are authorized to enter into a join contract to provide for the formation of a joint meeting for the joint procurement of natural gas, electricity and other forms of energy as permitted by N.J.S.A. 40A:65-14 et seq; and

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

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

RESOLVED that the City Council of the City of Elizabeth authorizes the award of a contracts to the **New Jersey Sustainable Energy Joint Meeting (NJSEJM) Constellation New Energy, 819 7th Avenue, #400, New York, NY 10019** for the purchase of electricity at a rate of $0.092050 per kilowatt hour and to **NRG Energy, 211 Carnegie Center, Princeton, NJ 08540-6213,** for the Street Lighting Accounts at a rate of $0.051240 per kilowatt hour for the period of the June 2013 meter read date through the June 25, 2015 meter read date.

Which was adopted by the following vote:

AFFIRMATIVE: Perkins-Auguste, ~~Sureda~~, ~~Grova,~~ ~~Torres,~~ Gonzalez, Keenan, Cedeno, Mazza, and President Gallman - 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 Fire Department the award of a contract to **Wireless Communications & Electronics, 153 Cooper Road, West Berlin, NJ 08091**, for the purchase of three Panasonic Toughbook Computers for the Fire Department at a total cost of $18,724.08 under their State Contract #75583; and

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available and appropriated for this purpose and Certification No. 13-09618 charging the amount of $18,724.08 to Account No. 3-01-25-265-FIR-306, of the Municipal Budget is on file in the Office of the City Clerk; and; now, therefore, be it,

RESOLVED that City Council of the City of Elizabeth hereby awards a contract to **Wireless Communications & Electronics, 153 Cooper Road, West Berlin, NJ 08091**, for the purchase of three Panasonic Toughbook Computers for the Fire Department at a total cost of $18,724.08 under their State Contract #75583.

Which was adopted by the following vote:

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

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the Business Administrator and the Purchasing Agent have advised that in accordance with **NJAC** 5:34 it is required that the award of a contract pursuant to **NJSA** 40A:11-5(f) (exception to bidding) and exempt from Pay to Play regulations because the vendor's rates are regulated through tariffs approved by the Board of Public Utilities; and

WHEREAS, the Business Administrator has requested per the recommendation of the Purchasing Agent the award of a contract to **Public Service Electric & Gas Co., 472Weston Canal Road, Somerset, New Jersey 08873**, for the purchase of thirty-seven (37) 25 foot Deco Poles with attachments for the Midtown Infrastructure Improvement CSO Abatement project in the amount of $345,297.58; and

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

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

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available and appropriated for this purpose and Certification No 13-09827, charging the amount of $345,297.58 to Account No. X-08-55-036-034, of the Municipal Budget is on file in the Office of the City Clerk; now, therefore be it

RESOLVED that the City Council of the City of Elizabeth authorizes an award of a contract to **PSE&G, 472 Weston Canal Road, Somerset, New Jersey, 08873**, for. for the purchase of thirty-seven (37) 25 foot Deco Poles with attachments for the Midtown Infrastructure Improvement CSO Abatement project in the amount of $345,297.58.

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, the Business Administrator has advised that in November 2011, the U.S. Department of Housing and Urban Development (HUD) awarded TOGETHER NORTH JERSEY (aka, North Jersey Sustainable Communities Consortium) a $5 million sustainable communities Regional Planning Grant. The Grant was matched with an additional $5 million in leveraged funds from project partners from the U.S. Department of Housing and Urban Development being administered in partnership between the North Jersey Sustainable Communities Consortium (NJSCC) and Rutgers University Bloustein School; and

WHREAS, the grant will provide financial and technical assistance in the planning process to the City of Elizabeth for the Midtown Redevelopment Area and the University Boulevard Corridor; and

WHEREAS, authorization is requested for the proper City Officials to submit, sign and accept all necessary paperwork for the North Jersey Sustainable Communities Consortium (NJSCC) Local Government Capacity Grant, in an amount not to exceed $110,000.00; now, therefore, be it

RESOLVED that the City Council of the City of Elizabeth authorizes the proper City Officials to submit, sign and accept all necessary documents for the North Jersey Sustainable Communities Consortium) (NJSCC) Local Government Capacity Grant in an amount not to exceed $110,000.00.

Which was adopted by the following vote:

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

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the City Council of the City of Elizabeth strives to save tax dollars, assure clean air and water, improve working and living environments to build a community that is sustainable economically, environmentally and socially; a community which would thrive well into the new century; and

WHEREAS, the City Council of the City of Elizabeth desires to build a model of government which benefits our residents now and far into the future with green community initiatives which are easy to replicate and affordable to implement; and

WHEREAS, in an attempt to focus attention on "Green" issues and to comply with the requirements of the Sustainable NJ program, the City Council wishes to establish a Green Team Advisory Committee (GTA), which will also serve the City as an Energy Advisory Board; and

WHEREAS, the City of Elizabeth has recently conducted energy audits of municipal facilities and operations; and

WHEREAS, the City of Elizabeth has begun the process of making its operations greener, and more environmentally friendly, beginning with energy audits of the City's facilities to pinpoint the most effective ways to reduce energy consumption; and

WHEREAS, solar power, energy audits and retrofits, changes to fleet purchasing and maintenance, water quality improvements, and operational changes will all be considered as the City moves to do their share to lessen the environmental impact of its operations; now, therefore, be it

RESOLVED that the initial Bylaws for the Green Team Advisory Board or Energy Advisory Board are hereby established, which Bylaws shall be on file in the Office of the City Clerk of the city of Elizabeth; now, be it

FURTHER RESOLVED that the City Council of the City of Elizabeth hereby establishes a Green Team Advisory Committee, which shall also serve as an Energy Advisory Board, consisting of nine (9) members who shall be residents or employees who reside in the City of Elizabeth, appointed annually, but whose initial term of appointment shall be through December 31, 2014; now, therefore, be it

FURTHER RESOLVED that the City of Elizabeth Green Team Advisory Committee or Energy Advisory Board will advise the municipal administration and City Council on ways to improve municipal operations with "Green" initiatives which are economically and environmentally sound through research and evaluation. The Committee will act upon direction from the appropriate City officials; and be it

FURTHER RESOLVED the City of Elizabeth has been the recipient of several million dollars in Energy Efficiency and Conservation Block Grant ("EECBG") funds. These funds are currently being used to create a revolving loan program, a sub-grant to a non-profit, installation of solar panels and an energy audit and retrofit of municipal buildings. The creation of an Energy Advisory Board to monitor these activities and to recommend additional green activities throughout the City is a requirement under the EECBG.

Which was adopted by the following vote:

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

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, cats and dogs are an integral and valuable part of all communities, and contribute to the well-being of humans, whether as companions, service animals, or therapy pets;

WHEREAS, municipalities have an important role in ensuring the well-being of animals while balancing the needs of pet owners and non-pet owners;

WHEREAS, legislators and municipal officials report that the number of calls from citizens about animal related issues rival any other issue(s);

WHEREAS, there are approximately 2.2 million owned dogs and 2.5 million owned cats in New Jersey;

WHEREAS, New Jersey was the first state in the nation to develop an innovative state-wide spay/neuter program and all proceeds from the sale of Animal Friendly License Plates are used to reimburse participating veterinarians for spaying and neutering surgeries;

WHEREAS, State responsibility for promoting responsible pet care and ensuring that pets do not suffer due to abuse, neglect, or lack of proper care in kennels, pet shops, shelters, and pounds (animal facilities) is vested in the Office of Animal Welfare within the New Jersey Department of Health and Senior Services;

WHEREAS, the New Jersey Society to Prevent Cruelty to Animals (NJSPCA) and municipal Animal Cruelty Investigators (ACIs) are responsible for investigating and acting as officers for the detection, apprehension, and arrest of offenders against the animal cruelty laws;

WHEREAS, New Jersey mandates training requirements for animal control officers and Animal Cruelty Investigators;

WHEREAS, New Jersey impounds over 100,000 animals per year in animal shelters and impoundment facilities;

WHEREAS, approximately 37% of the animals that enter New Jersey's impoundment facilities are euthanized, at a rate of around 3000 every month;

WHEREAS, free-roaming unvaccinated cats and dogs present a potential health threat to humans through the spread of such zoonotic diseases as rabies, leptospirosis, toxoplasmosis, roundworms, animal bites, and environmental contamination from animal feces;

WHEREAS, stray and unwanted pets place an enormous financial burden on municipalities and non-profit humane agencies organized to care for these animals; (To calculate an average per animal cost for your municipality, divide the total shelter expenditures - municipal animal control and shelter expenses -by the total number of animals served per year);;

WHEREAS, it is more humane and cost-effective to reduce the number of unwanted animals than it is to impound and euthanize unwanted or unclaimed dogs and cats;

WHEREAS, all dogs are required to be licensed in the municipality where they are housed and the majority of municipalities also require licensure of cats. (Current vaccination against rabies is a pre-requisite to licensure);

WHEREAS, all municipalities are required to canvass their residents to locate unlicensed dogs; NOW, THEREFORE, BE IT

RESOLVED that the City of Elizabeth hereby takes the following steps with regard to our municipal responsibilities with the intent of making Elizabeth a truly sustainable community.

It is our intent to do our utmost, within the bounds of our jurisdiction, to ensure that companion animals are treated humanely, respectfully, and responsibly through public education and through exercise of powers vested within New Jersey municipalities as follows:

The Municipality pledges to:

- Enforce all animal and rabies control statutes and regulations, including the requirement to pick up and impound all stray dogs and cats, excepting stray and feral cats in managed TNR programs.
- Work to improve the enforcement of animal cruelty statutes.
- Educate our community, including school children, about their responsibilities towards the pet animals they chose to keep.
- Institute, as appropriate, cat licensing ordinances and increase the percentage of licensed dogs and cats through ease of licensing and licensing enforcement measures.
- Identify and work to implement best practices to prevent unwanted breeding through effective animal control, availability of low-cost pet spaying and neutering services, public education, and pet-friendly rental and senior housing.
- Identify alternatives to euthanasia of adoptable companion animals, including utilizing foster homes, adoption networks and providing remedial behavior training services to existing and future owners.
- Assist in identifying resources to improve the conditions and increase the capacity of animal shelters and impoundment facilities and animal control services.

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, land use is an essential component of overall sustainability for a municipality; and

WHEREAS, poor land-use decisions can lead to and increase societal ills such as decreased mobility, high housing costs, increased greenhouse gas emissions, loss of open space and the degradation of natural resources; and

WHEREAS, well planned land use can create transportation choices, provide for a range of housing options, create walkable communities, preserve open space, provide for adequate recreation, and allow for the continued protection and use of vital natural resources; and

WHEREAS, given New Jersey's strong tradition of home rule and local authority over planning and zoning, achieving a statewide sustainable land use pattern will require municipalities to take the lead; now, therefore, be it

RESOLVED that the City Council of the City of Elizabeth hereby sets forth the following pledge:

It is our intent to include these principles in the next master plan revision and reexamination report and to update our land-use zoning, natural resource protection, and other ordinances accordingly.

Regional Cooperation - We pledge to reach out to administrations of our neighboring municipalities concerning land-use decisions, and to take into consideration regional impacts when making land-use decisions.

Transportation Choices - We pledge to create transportation choices with a Complete Streets approach by considering all modes of transportation, including walking, biking, transit and automobiles, when planning transportation projects and reviewing development applications. We will reevaluate our parking with the goal of limiting the amount of required parking spaces, promoting shared parking and other innovative parking alternatives, and encouraging structured parking alternatives where appropriate.

Natural Resource Protection - We pledge to take action to protect the natural resources of the State for environmental, recreational and agricultural value, avoiding or mitigating negative impacts to these resources. Further, we pledge to complete a Natural Resources Inventory when feasible to identify and assess the extent of our natural resources and to link natural resource management and protection to carrying capacity analysis, land-use and open space planning.

Mix of Land Uses - We pledge to use our zoning power to allow for a mix of residential, retail, commercial, recreational and other land use types in areas that make the most sense for our municipality and the region, particularly in downtown and town center areas.

Housing Options - We pledge, through the use of our zoning and revenue generating powers, to foster a diverse mix of housing types and locations, including single- and multi-family, for-sale and rental options, to meet the needs of all people at a range of income levels.

Green Design - We pledge to incorporate the principles of green design and renewable energy generation into municipal buildings to the extent feasible and when updating our site plan and subdivision requirements for residential and commercial buildings.

Municipal Facilities Siting - We pledge, to the extent feasible, to take into consideration factors such as walkability, bikability, greater access to public transit, proximity to other land-use types, and open space when locating new or relocated municipal facilities.

Which was adopted by the following vote:

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

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, this is a Pledge of support for New Jersey's Wildlife Action Plan. This Plan is in support of New Jersey Department of Environmental Protection, Division of Fish and Wildlife, State-level Priority Conservation Goals and Strategies;

WHEREAS, recognizing that animals are an integral and valuable part of all communities and believing concern for the wellbeing of wild animals and wild species is a hallmark of a sustainable natural community the City of Elizabeth pledges its support for the New Jersey Wildlife Action Plan as outlined:

WHEREAS, New Jersey is home to a rich diversity of wildlife and ecologically significant natural communities;

WHEREAS, New Jersey's wildlife and wild places are under threat from development, fragmentation, invasive species and the impacts of people;

WHEREAS, the populations of mammals, birds, invertebrates, fish, reptiles and amphibians that live in and migrate through New Jersey find themselves clinging to smaller and smaller pieces of wild clean lands and aquatic habitats;

WHEREAS, it is more cost-effective to prevent species from becoming imperiled than it is to recover them once their populations have declined;

WHEREAS, a naturally functioning and healthy ecosystem represents a healthy environment for NJ wildlife and our citizens;

WHEREAS, the NJ Division of Fish and Wildlife, other state and federal agencies, and many partners in conservation have worked together to develop a state Wildlife Action Plan for the benefit of biologists, wildlife experts, municipal leaders, land stewards, non-profit organizations, educators, planners, researchers, outdoor recreation enthusiasts, landowners and all the people who know the wild places of New Jersey State;

WHEREAS, the New Jersey Wildlife Action plan is a comprehensive action agenda for the conservation of native wildlife, the restoration of important lands and water, and public education targeting the needs of rare wildlife in New Jersey;

WHEREAS, the residents of, and visitors to, New Jersey also enjoy and benefit from New Jersey's wildlife and wild spaces; now, therefore, be it

RESOLVED that the City of Elizabeth will take the following steps with regard to our municipal land-use decisions with the intent of making Elizabeth an ecologically sustainable community. It is our intent to include these principles in our public lands management, our environmental resources inventory and to inform the next master plan revision and update our zoning accordingly:

- We will identify imperiled species, critical habitat and unique ecosystems in our Environmental Resource Inventory.
- Acknowledging that it is more cost-effective to protect species than recover species, we will protect populations of rare and imperiled species that live and breed in, and migrate through, the municipality and the habitats they depend upon.
- Because habitat integrity is critical to healthy biodiversity we will manage publicly owned lands in accordance with wildlife management actions laid out in the New Jersey Wildlife Action Plan and will promote the management of all protected lands to promote biodiversity.
- We will protect wildlife habitats and maintain connectivity of habitat when formulating an open space acquisition strategy, open space stewardship plans and through the municipal master plan including planning and zoning ordinances.
- We will seek to minimize disturbance of critical wildlife populations and their habitats from human activities, subsidized predators and invasive species.
- When possible and appropriate, we will work with neighboring municipalities to implement the aforementioned principles across municipal boundaries.
- When possible and appropriate, we will strive to monitor and implement appropriate management of municipal easements to ensure native vegetation and wildlife takes precedence over invasive and/or exotic species.

Which was adopted by the following vote:

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

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, certain Operating checks issued by the City of Elizabeth in previous years remain outstanding and unclaimed; and

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

RESOLVED, that the City Treasurer is hereby authorized to cancel the following checks in the amount of $23,065.56 as set forth in the attached schedule by number and amount and the sum of $23,065.56 be credited to Miscellaneous Revenue Not Anticipated-Stale Dated Checks Cancelled per RCC; and be it

FURTHER RESOLVED, that should any of these checks be presented for 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, ~~Guesta, Grova, Torres~~, Gonzalez, Keenan, Cedeno, Mazza, and President Gallman - ~~8~~ 6

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, certain Worker's Compensation and General Liability checks issued by the City of Elizabeth in previous years remain outstanding and unclaimed; and

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

RESOLVED, that the City Treasurer is hereby authorized to cancel the following Worker's Compensation checks in the amount of $8,713.57 and General Liability checks in the amount of $6,759.17 as set forth in the attached schedule by number and amount and the sum of $15,472.74 be credited to Miscellaneous Revenue Not Anticipated-Stale Dated Checks Cancelled per RCC; and be it

FURTHER RESOLVED, that should any of these checks be presented for 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, ~~Guesta~~, ~~Grove~~, ~~Torres~~, Gonzalez, Keenan, Cedeno, Mazza, and President Gallman - ~~8~~ 6

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, certain Tax Refund checks issued by the City of Elizabeth in previous years remain outstanding and unclaimed; and

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

RESOLVED, that the City Treasurer is hereby authorized to cancel the following checks in the amount of $124,337.91 as set forth in the attached schedule by number and amount and the sum of $124,337.91 be credited to Miscellaneous Revenue Not Anticipated-Stale Dated Checks Cancelled per RCC; and be it

FURTHER RESOLVED, that should any of these checks be presented for 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~~, ~~Crova~~, ~~Torres~~, Gonzalez, Keenan, Cedeno, Mazza, and President Gallman - 6

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, certain Trust checks issued by the City of Elizabeth in previous years remain outstanding and unclaimed; and

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

RESOLVED, that the City Treasurer is hereby authorized to cancel the following Trust checks in the amount of $1,592.26, as set forth in the attached schedule by number and amount be credited to Miscellaneous Revenue Not Anticipated-Stale Dated Checks Cancelled per RCC; and be it

FURTHER RESOLVED, that should any of these checks be presented for 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 - ~~8~~ 6

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the Director of the Department of Health and Human Services, Office on Youth, has requested permission to enter into an agreement with **KEAN UNIVERSITY, Downs Hall, 1000 Morris Avenue, Union, New Jersey**, to conduct a "Youth Appreciation Dinner" recognizing the hard work and accomplishments of the City Youth who participate in various City programs during the 2012-2013 school year; and

WHEREAS, the only cost to the City of Elizabeth is the catering fee all facility fees have been waived. The catering fee is $13,282.50; and

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available and appropriated for this purpose and Certification No.13-10099 charging the amount of $13,282.50 to Account No. 3-01-27-330-OYS-325 the Municipal Budget is on file in the Office of the City Clerk; now, therefore, be it

RESOLVED that the City Council of the City of Elizabeth authorizes the proper City officials to enter into an agreement with **KEAN UNIVERSITY, Downs Hall, 1000 Morris Avenue, Union, New Jersey** to conduct a "Youth Appreciation Dinner" recognizing the hard work and accomplishments of the City Youth who participate in various City programs during the 2012-2013 school year with a catering fee of $13,282.50.

Which was adopted by the following vote:

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

NEGATIVE: None

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 any and all documents necessary and appropriate to provide a Rental Housing Program Deferred Payment Loan to **MELLY MELL PROPERTIES, LLC, 812 E. JERSEY STREET, SUITE 10, ELIZABETH, NEW JERSEY 07201,** for the new construction of four program assisted units in a twelve unit project located at 223 Florida Street, Elizabeth, New Jersey; and

WHEREAS, the maximum assistance to be provided is $220,000.00. The total project cost is $1,232,653.00; and

WHEREAS, the term of the loan is a 20 Year Deferred Payment 0% interest repayable loan with a 20 year affordability period; 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 **MELLY MELL PROPERTIES, LLC**; and

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available and appropriated for this purpose in Certification No. 13-09630 charging the amount of $200,000.00 to Account Number 3-14-56-813 (HOME) of the Municipal Budget and 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 a Rental Housing Program Deferred Payment Loan in the maximum amount of $ 200,000.00 to **MELLY MELL PROPERTIES, LLC, 812 E. JERSEY STREET, SUITE 10, ELIZABETH, NEW JERSEY 07201,** for the new construction of four program assisted units in a twelve unit project located at 223 Florida Street, Elizabeth, New Jersey; and be it

FURTHER RESOLVED, actual commitment of funds and execution of documents will only occur upon satisfactory completion of the Environmental Review Process, upon receipt of the Release of Funds if necessary, and any other requirements deemed necessary by the U.S. Department of Housing & Urban Development in accordance with HOME Program rules and regulations.

Which was adopted by the following vote:

AFFIRMATIVE:	Perkins-Auguste, ~~Guesta~~, ~~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 & Community Development has requested authorization to prepare and submit to the U.S. Department of Housing & Urban Development (HUD) a Consolidated Plan for CD-39, Fiscal Year 2013 to include applications for funding and an Action Plan for Community Development Block Grant (CDBG), Emergency Solutions Grant (ESG) and HOME Program and to authorize the proper City Officials be authorized to execute all necessary documents for the grants; and

WHEREAS, as required by HUD, on July 15, 2015 the City of Elizabeth will submit a Consolidated Plan for Fiscal Year 2013. This Consolidated Plan incorporates into a single submission the applications for funding for the following formula grant allocations for: CDBG - $2,076,492.00; ESG - $136,074.00, and HOME - $682,459.00. The funding goals of the aforementioned grants are to provide affordable housing, a suitable living environment and to expand economic opportunities; now, therefore, be it

RESOLVED that the City Council of the City of Elizabeth authorizes the Director of the Department of Planning & Community Development and the proper City Officials to prepare and submit to the U.S. Department of Housing and Urban Development (HUD)) a Consolidated Plan for CD-39, Fiscal Year 2013 to include applications for funding and an Action Plan for Community Development Block Grant (CDBG), Emergency Solutions Grant (ESG) and HOME Program for the reasons stated hereinabove and hereby authorize the that proper City Officials to execute all necessary documents.

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 requested authorization for the proper City Officials to extend the contract between the City of Elizabeth and the Elizabeth Development Company – Retail Skills Center from July 1, 2012 – June 30, 2013 to December 30, 2013; and

WHEREAS, the reason for the extension is that the agency needs more time to spend its funds due to a change in management; now, therefore, be it

RESOLVED that the City Council of the City of Elizabeth authorizes the proper City Officials to extend the contract between the City of Elizabeth and the Elizabeth Development Company – Retail Skills Center from July 1, 2012 to December 30, 2013.

Which was adopted by the following vote:

AFFIRMATIVE: Perkins-Auguste, ~~Guesta, Crova,~~ ~~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 requested authorization for the proper City Officials to extend the contract between the City of Elizabeth and the Tri-County American Red Cross – ESG from July 1, 2013 – June 30, 2013 to December 30, 2013; and

WHEREAS, the reason for the extension is that the agency needs more time to spend its funds due to delayed staff training on the HMIS system. The HMIS system is where outcomes are inputted for the Emergency Solution Grant; now, therefore, be it

RESOLVED that the City Council of the City of Elizabeth authorizes the proper City Officials to extend the contract between the City of Elizabeth and Tri-County American Red Cross ESG from July 1, 2012 to December 30, 2013.

Which was adopted by the following vote:

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

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the Director of the Department of Planning and Community Development has advised that the University Boulevard Corridor project is moving forward and it has become necessary to engage the services of a professional planner to conduct a Redevelopment Study in order to determine the necessity and scope of the project the University Boulevard Corridor on or around Morris Avenue; and

WHEREAS, the Director of the Department of Planning and Community Development has recommended the award of a contract to **HARBOR CONSULTANTS, INC., 320 North Avenue East, Cranford, New Jersey 07016,** for the period June 26, 2013 to June 25, 2014 to perform a Redevelopment Study of the University Boulevard Corridor at an amount not to exceed $26,300.00, unless further authorized by Honorable Body; 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 inspection; now, therefore, be it

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

1. The Mayor and the City Clerk are hereby authorized and directed to execute a contract with **HARBOR CONSULTANTS, 320 North Avenue East, Cranford, New Jersey 07016,** for the period June 26, 2013 to June 25, 2014 to perform a Redevelopment Study of the University Boulevard Corridor on or around Morris Avenue at an amount not to exceed $26,300.00, unless further authorized by Honorable Body.

2. This contract is awarded without competitive bidding as a "Professional Service" in accordance with **N.J.S.A.** 40A:11-5(1)(a)(I) 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, ~~Guesta~~, ~~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, N.J. 07748-2792,** qualified to provide the City of Elizabeth with Environmental Engineering Services; 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, N.J. 07748-2792,** to provide professional Engineering Environmental Services for the former Saxony Motel Property, 330-338 Atlantic Street, Elizabeth, New Jersey at a cost not to exceed $60,300.00 plus reimbursables; and

WHEREAS, the purpose of this contract is to provide the necessary environmental engineering and consulting services to address the existing environmental issues at the site by performing required remedial activities for the former underground storage tank and Historic fill. The goal is to ultimately close the NJDEP case. This will be accomplished with the use of soil injections, capping, decommissioning the on-site monitoring wells and recording deed notices. Once accomplished, **T&M's LSRP** will issue a Site-wide Restricted Response Action Outcome (RAO) for the site; and .

WHEREAS, the sum of $42,700.00 from the purchase price of the property is held in escrow to pay the costs reasonably estimated to be necessary to remediate the site; 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, Professional Service contracts are exempt from the provisions of Chapter 2.92 of the Code of the City of Elizabeth; and

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available and appropriated for this purpose and Certification No. 13-09987, charging the amount of $60,300.00 to Account No. X-04-55-999-X29-001 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 "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, N.J. 07748-2792,** to provide professional Engineering Environmental Services for the former Saxony Motel property, 330-338 Atlantic Street, Elizabeth, New Jersey at a cost not to exceed $60,300.00 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, ~~Guesta~~, ~~Grova~~, ~~Torres~~, Gonzalez, Keenan, Cedeno, Mazza, and President Gallman - ~~5~~ 6

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, on March 8, 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, N.J. 07748-2792,** qualified to provide the City of Elizabeth with Civil Engineering Services in connection with traffic signal design and construction inspection as per their proposal dated June 13, 2013; 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, N.J. 07748-2792,** to provide Civil Engineering Services on a time and material basis for actual time and expenses at a cost not to exceed $153,900.00, plus reimbursables in connection with traffic signal design and construction inspection at the intersection of Elizabeth Avenue and Bridge Street and the intersection of Elizabeth Avenue and Jefferson Avenue; and

WHEREAS, the traffic lights at these locations are now obsolete. The City has received a grant for this project in the amount of $305,796.00 through the New Jersey Department of Transportation Fiscal Year 2013 Municipal Aid Program; 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, Professional Service contracts are exempt from the provisions of Chapter 2.92 of the Code of the City of Elizabeth; and

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available and appropriated for this purpose and Certification No. 13-09988, charging the amount of $153,900.00 to Account No. X-04-55-999-X45-001 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 "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, N.J. 07748-2792,** to provide professional Civil Engineering Services on a time and material basis for actual time and expenses at a cost not to exceed $153,900.00 plus reimbursables in connection with traffic signal design and construction inspection at the intersection of Elizabeth Avenue and Bridge Street and the intersection of Elizabeth Avenue and Jefferson Avenue.

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, ~~Guzesta~~, ~~Grova~~, ~~Torres~~, Gonzalez, Keenan, Cedeno, Mazza, and President Gallman - ~~8~~ 6

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

~~JUNE 17, 2013~~
~~JUNE 20, 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:

ALLIED OIL CO.	**3-01-31-447**	**$**	**6,300.51**
ELIZABETHTOWN GAS	**3-01-31-446**	**$**	**3,009.36**
FLEETCOR TECHNOLOGIES SERVICE	**3-01-31-460**	**$**	**102,721.35**
HESS CORP – ELECTRIC	**3-01-31-430**	**$**	**85.27**
NRG BUSINESS SOLUTIONS	**3-02-31-430**	**$**	**3,086.63**
PSE&G	**3-01-31-430**	**$**	**792.92**
SPRINT	**3-01-31-440**	**$**	**57.02**
VERIZON	**3-01-31-440**	**$**	**42,412.84**
VERIZON COMMUNICATIONS INC.	**3-01-31-440**	**$**	**54.28**

Which was adopted by the following vote:

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

NEGATIVE: None

June 25, 2013

BY COUNCIL AS A WHOLE:

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

ORGANIZATION	AG	B.L.	R.L.	DATE
Trinitas Health Foundation			5312 (add fee)	
Immaculate Conception Church			5313	06-08-13

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 City Council of the City of Elizabeth has learned of the recent death of Angelo Mario Loffa, Sr.; and

WHEREAS, born in Elizabeth, N.J. Mr. Loffa moved to Florida in 1972 and then two years ago he settled in Manchester, NJ; and

WHEREAS, he was a plumber for 60 years and was a member of the Vallatese Men's Club in Elizabeth, NJ; and

WHEREAS, he was predeceasd by his beloved son, Joseph Loffa; and

WHEREAS, he is survivied by is beloved wife of 67 years, Florence (Rustick) Loffa; he was the beloved father of four children, Anthony, Angelo M. Jr., Michael Angelo Loffa, and Roseann Glen. He also is survived by one sister, two brothers, eight grandchildren and ten great-grandchildren; and

RESOLVED that we, the members of City Council of the City of Elizabeth hereby express our sincere sorrow at the death of Angelo Mario Loffa, Sr.; 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 his 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 8:15 p.m.

APPROVED

WILLIAM GALLMAN, JR.
President of City Council

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