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PROCEEDINGS OF CITY COUNCIL

(OFFICIAL)

ELIZABETH, N.J.

Wednesday Evening
December 26, 2012
7:30 p.m.

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

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

PRESENT: Council Members-at-Large: Patricia Perkins-Auguste;
[redacted], [redacted];
Council Members: Manny Grova, Jr., 1st Ward;
Joseph Keenan, 3rd Ward; [redacted], 4th Ward;
William Gallman, Jr., 5th Ward; [redacted], 6th Ward;
and President Nelson Gonzalez, 2nd Ward; - ~~8~~ 5

ABSENT: Cuesta, Jackus, Cedeno, Mazza - 4

ALSO PRESENT: Jorge Estrada, Special Counsel

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

Councilman Keenan moved for the approval of Minutes of Council meetings, which was seconded by Council President Gonzalez.

The minutes of the City Council meetings held: Conference Meetings: May 1, 15; June 6, 19; July 3, 2012; Regular Meetings: May 8, 22; June 12, 26; July 24, 2012, were approved as printed.

PUBLIC SPEAKING

Ms. Ellen Kovac, 727 Magie Avenue, stated that she was interested in a resolution that would turn Congress into approving a bill that would prohibit unlimited spending on elections.

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

Council President Gonzalez announced that there are two representatives from Public Service Electric & Gas (PSE&G) to address City Council regarding the power outages. Council President Gonzalez stated that he appreciates their taking the time to speak with us.

Mr. Dennis Santos, PSE&G, wished everyone a Happy Holiday and stated that they have provided everyone with an information packet.

Council President Gonzalez stated that there are concerns of power to be restored in areas of the City. He continued that earlier this month there was a concern regarding communication and power. He stated further that there were discussions of moving substations, etc.

Council President Gonzalez stated that PSE&G did have daily communication, but it was sometimes not the correct information.

Mr. Edward Susallies, Customer Support, PSE&G, stated that 1.7 to 1.8 million customers lost power and the questions that were asked in the first three days could not be answered because PSE&G was still evaluating the outages. He continued that in giving details, PSE&G "fell short," but they put this infrastructure in place because they have not seen this level of storm before. He stated further that they did hire Arbors Tree Service to maintain trees before the storm.

Mr. Susallies stated that for the first time in his twenty-five years, he saw proactive measures being taken. He continued that it may not seem like much, but it helped to restore hospitals sooner and this will be a part of normal protocol.

Mr. Susallies announced that Dennis Santos is the conduit to the Housing Authority, Board of Education and the City of Elizabeth. He continued that trying to funnel information did get watered down and they are looking to improve communications and PSE&G will also look for suggestions.

Mr. Susallies mentioned the use of wooden poles was decided in 1928 because they give way if a vehicle were to strike them.

Council President Gonzalez announced that two concerns were discussed but queried to the concern of manpower.

Mr. Susallies responded that they currently have seven hundred linesmen and had over one thousand extra linesmen that were waiting. He continued that by the end of the first week there were 4,000 employees and they felt they were geared up for this storm. He stated further that PSE&G went as far as New Orleans to get support employees.

Mr. Susallies stated that this state had Irene, a snow storm and Hurricane Sandy in the last fifteen months.

Council President Gonzalez mentioned there are many seniors in this City and queried to what can be done for them during these emergencies.

Mr. Dennis Santos stated that he is the conduit for the Housing Authority through Kathy Hart. He continued that the senior houses had backup generators for the hall lights. He continued that there was a shortage of diesel fuel and he spoke with the Mayor and discussed shelters for them, but decided to get the way clear for fuel deliveries and to get the gas stations up.

Mr. Susallies stated the senior centers are fed secondary voltage and it is easier to get back 26,000 volts.

Council President Gonzalez stated that the Housing Authority is looking for ways to be better prepared.

Mr. Susallies stated that PSE&G is looking into a contingency type plan because PSE&G holds exercise such as if a plane knocks out power.

Councilman Keenan announced that the City has Nixel and residents can sign up. He stated that PSE&G could think about a system where people could register on it. He continued that a message could be inserted on the bill regarding registering. He

stated further that in the early days of the storm, he did not get any calls, but after five days, he received calls.

Mr. Susallies responded that text messaging saved him and younger people tweet. He stated further that people were communicating.

Councilman Keenan stated that with Nixel the people can receive messages for a particular area or citywide. He stated further that if PSE&G can ask if the customer is on life support, etc., and a data base could be built.

Mr. Susallies responded that the data base would only be as accurate as the information that is given. He stated that everyone is fine up to day five. At day twelve and there still no power at an assisted living housing complex, then there is a problem. He stated further that PSE&G did their best.

Councilman Grova stated that six hundred of PSE&G own men and they were counting on nine hundred to assist. He believes that the company needs to hire more employees.

Councilman Grova stated that whenever new poles are installed, it takes PSE&G approximately two years to return and remove the old pole.

Councilman Grova stated that during the aftermath of the storm, communications were inaccurate. He continued that whatever information that was given to the Mayor, Council passed it onto the public and some of the time, it was inaccurate and Council looked like "idiots." He suggested to increase manpower and "let's worry about the day-to- day."

Mr. Susallies stated that there are some towns that will not allow PSE&G to trim trees. He stated further that he cannot answer questions regarding manpower, but in all his years with the company he has never seen any strike.

Councilman Gallman stated that he is pleased that you came in to meet with us and his concern is the senior housing complexes.

Mr. Santos stated that there are generators to power the hall lights and elevators.

Councilman Grova remarked that the regular linesmen are familiar with resetting the transformers, but linesmen from out of town are not familiar.

Councilwoman Perkins-Auguste stated that "PSE&G needs to wake up and take off the 20th century glasses and put on the 21st century glasses." She continued that the manpower is a concern when you have many people who are unemployed.

In closing, she announced to enjoy your holiday and is looking forward to working with you.

Council President Gonzalez thanked the representatives of PSE&G for coming out and they can take these concerns back so we can have a brighter future together.

PUBLIC HEARINGS

Council President Gonzalez announced that the next business in order would be a public hearing on **Ordinance No. 4351**, entitled:

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

This ordinance was adopted on its first reading at the meeting of City Council held on **December 11, 2012**.

The Notice of Public Hearing was published in the Star Ledger issue of **December 17, 2012**.

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

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

Council President Gonzalez announced that the next business in order would be a public hearing on **Ordinance No. 4352** , entitled:

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

This ordinance was adopted on its first reading at the meeting of City Council held on **December 11, 2012**.

The Notice of Public Hearing was published in the Star Ledger issue of **December 17, 2012**.

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

Ms. Smith, Esq., on behalf of Mr. Jeffrey G. Levien, Newark & North Urban Renewal Associates, LLC, stated that Mr. Levien operates a supermarket, "Stop & Shop." She continued that in 2005, Council approved a Redevelopment Plan where people could live, shop and dine. She stated further that it's very close to the North Elizabeth train station.

Ms. Smith stated that they proposed a development that has turned away from a Transit Village. She continued that instead of a place where people will live, shop and dine, now people will pull up and leave. She stated further that Stop & Shop has employed a structural engineer because this is a historical structure and they believe that a portion can be saved.

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

Council President Gonzalez announced that the next business in order would be a public hearing on **Ordinance No. 4353**, entitled:

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

This ordinance was adopted on its first reading at the meeting of City Council held on **December 11, 2012**.

The Notice of Public Hearing was published in the Star Ledger issue of **December 17, 2012**.

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

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

PETITIONS, COMMUNICATIONS, ETC.

By the Clerk:
Letter dated December 13, 2012, from the Business Administrator recommending the award of a contract to WPCS International Inc., 1985 Swarthmore Avenue, Suite 4, Lakewood, NJ, for the purchase of Radio Communication Equipment and Accessories for the Fire Department for the period of December 10, 2012 through January 31, 2013, at a cost not to exceed $3,000.00.
Which was received.

By the Clerk:
Letter dated December 13, 2012, from the Business Administrator recommending awarding a contract to Hertrich Fleet Services, Inc., 1427 Bay Road, Milford, DE, for the purchase of nine (9) 2013 Dodge Avengers SE Sedans at an individual cost of $16,065.00 each, totaling $144,585.00.
Which was received.

By the Clerk:
Letter dated December 13, 2012, from the Business Administrator recommending awarding a contract to Beyer Ford, 170 Ridgedale Avenue, Morristown, NJ for the purchase of one (1) 2013 Ford F-350 Cargo Van at a cost of $23,267.00, under the Morris County Co-Op contract, and two (2) 2013 Ford Focus SE Sedans at a cost of $17,766.00 each, under the Cranford Co-Op contract, at a total cost of $58,799.00.
Which was received.

By the Clerk:
Letter dated December 13, 2012, from the Business Administrator recommending awarding a contract to East Coast Emergency Lighting, 200 Meco Drive, Millstone Twp., NJ, for the purchase of Lights, Sirens, Electrical Wiring, etc., for five (5) 2013 Ford Explorers and nine (9) Dodge Avengers for the Police Department at a total cost of $26,857.70.
Which was received.

By the Clerk:
Letter dated December 4, 2012, from the Chief Financial Officer requesting authorization for the Tax Collector to cancel/refund/credit the overbilling of taxes on the property located at 329 South Park Street for the 2011 and 2012 Tax Years in the total sum of $2,180.06.
Which was received.

By the Clerk:
Letter dated December 18, 2012, from the Chief Financial Officer advising that additional grants may be appropriated in the 2013 SFY Budget by budget amendments.
Which was received.

By the Clerk:
Letter dated December 18, 2012, from the Chief Financial Officer requesting that your Honorable Body consider refunding to the Pepsi Bottling Group, One Pepsi Way, Somers, NY for an overpayment of Franchise Assessment's due to Pepsi Bottling Group, including the sale of their product within the entire City rather than only the Jersey Garden Mall, for the period of December, 2011 through August, 2012 in the amount of $65,398.47.
Which was received.

By the Clerk:
Letter dated December 18, 2012, from the Chief Financial Officer requesting that your Honorable Body consider the financing of the Motorola Trunked Radio System Upgrade to be in compliance with the Federal Communication Commission mandate and for use on the State of New Jersey's Interoperable Communications System.
Which was received.

By the Clerk:
Letter dated December 17, 2012, from the Director of Planning and Community Development requesting that your Honorable Body consider approval of the Urban Enterprise Zone (UEZ) proposal for Funding of the Historic Midtown Elizabeth Special Improvement District (SID) in the amount of $57,059.00.
Which was received.

By the Clerk:
Letter dated December 17, 2012, from the Director of Planning and Community Development requesting authorization for the proper City officials to execute any and all documents necessary and appropriate for the First Time Homebuyer Program to provide a down payment and closing cost grant and a deferred payment loan for repairs for the property located at 620 Chetwood Street in the amount of $19,695.00.
Which was received.

By the Clerk:
Letter dated December 17, 2012, from the Director of Planning and Community Development requesting to amend the resolution dated October 23, 2012, with the American National Red Cross to provide Emergency Solution Grant Funding to purchase a trailer for disaster relief, specifically to correct the scope of service which is to provide temporary shelter to City of Elizabeth residents who are victims of a disaster.
Which was received.

By the Clerk:
Letter dated December 17, 2012, from the Director of Planning and Community Development requesting to rescind the November 13, 2012 resolution amending the scope of service for the American National Red Cross, specifically to maintain the scope of service of the original resolution dated September 11, 2012, which was to purchase a trailer to store emergency medical supplies.
Which was received.

By the Clerk:
Letter dated December 12, 2012, from the Director of Public Works requesting permission to have liens placed against properties listed on Schedule A attached hereto and made a part hereof for the boarding up of said properties in the amount of $1,178.10.
Which was received.

By the Clerk:
Letter dated December 14, 2012, from the Director of Public Works advising that pursuant to the provisions of Chapter 2.52.030 of the Code of the City of Elizabeth, effective January 1, 2013, herewith appoints Mr. Daniel J. Loomis, PE, 322 Clinton Place, South Plainfield, NJ, to serve as Municipal Engineer for the term of my office.
Which was received.

By the Clerk:
Letter dated December 14, 2012, from the Director of Public Works recommending awarding a contract to Hatch Mott MacDonald, 27 Bleeker Street, Millburn, NJ, to provide civil engineering services on a time and material basis for actual time and expenses spent in connection with the Hurricane Sandy Disaster Recovery Public Assistance Program at a cost not to exceed $75,000.00.
Which was received.

REPORTS OF CITY OFFICERS

By the Clerk:
Letter dated December 26, 2012, from the Finance Department submitting a list of all bills, claims and vouchers which have been paid as of the close of business on Friday, December 21, 2012.
Which was received.

ORDINANCES ON FINAL PASSAGE

Council President Gonzalez announced that the next business in order would be the adoption of **Ordinance No. 4351** , which was seconded by Councilman Keenan:

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

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ELIZABETH THAT ORDINANCE NO. 3505 AND 3698 ARE AMENDED TO READ AS FOLLOWS:

Section 2.56.340 - Contracted Off-Duty Employment

A. Purpose. To authorize the outside employment of police officers of the City of Elizabeth and to establish a policy regarding the use of said police officers including the setting of hourly rates in accordance with applicable state and federal regulations and laws.

(1) The Police Department is hereby permitted to accept police related employment for other persons, public entities, or private entities only during off-duty hours and at such times that will not interfere with the efficient operations of the Police Department.

(2) Any person, public entity, or private entity wishing to employ City of Elizabeth police officers shall obtain the approval of the Police Department providing such employment would not interfere with the efficient operations of the Police Department.

B. Rates of Compensation: Administrative Fee; and Payment for Services.

(1) Rates of compensation for contracting the services of off-duty police officers shall be established from time to time by City Council.

The rate of compensation per hour for contracting the services of off-duty police officers is as follows unless a higher rate is otherwise approved for a special circumstance by the Police Director, Police Chief, or a Deputy Police Chief.

Rates Per Hour

$30.00 per hour (general off-duty)

The rates of compensation per hour for police sergeants, lieutenants, and captains acting in a supervisory capacity includes an amount in addition to the above schedules as follows:

Rank	Additional Rates Per Hour
Police Sergeants	$2.00 per hour
Police Lieutenants	$4.00 per hour
Police Captains	$6.00 per hour

Events (Serving Alcohol)	Events (Not Serving Alcohol)
$50.00 per hour	$40.00 per hour

The rates of compensation per hour for police sergeants, lieutenants, and captains acting in a supervisory capacity for events includes an amount in addition to the above schedules as follows:

Rank	Additional Rates Per Hour
Police Sergeants	$4.00 per hour
Police Lieutenants	$8.00 per hour
Police Captains	$12.00 per hour

Rates Per Hour - Construction

$50.00 per hour (traffic or construction 7:00 A.M. - 7:00 P.M.)

$60.00 per hour (traffic or construction 7:00 P.M. - 7:00 A.M.)

(2) Administrative costs for contracting the services of off-duty police officers shall be established from time to time by City Council to cover the costs incurred by the City of Elizabeth for administration, payroll costs, overhead, and out-of-pocket expenses.

The administrative rate per hour for contracting the services of off-duty law enforcement officers is as follows:

Additional Rate Per Hour

$5.00 per hour

Therefore, the total hourly rate due from any persons, public entities, or private entities that contracted for off-duty police officers includes the administrative rate per hour added to the rate of compensation and to the supervisory rate if applicable. For example, if a police officer worked 12 hours for a traffic or construction assignment between the hours of 7:00 A.M. to 7:00 P.M. his or her pay would be $600 (12 hours x $50 per hour). The amount to be collected by the City would be $660 (12 hours x $55 per hour ($50 per hour + $5 administrative rate per hour)).

(3) Payment for services to off-duty police officers for outside employment shall be made through the City of Elizabeth's payroll system. Therefore, persons, public entities, or private entities must contact directly with, and remit payment directly to, the City of Elizabeth for the services of police officers during their off-duty hours. Circumventing this regulation could jeopardize the police officers' pension and health and accidental death benefits.

C. Requests for Services. All requests by any person, public, or private entity for the services of off-duty police officers of the City of Elizabeth shall be made to the Police Department of the City of Elizabeth.

D. Payments from Persons or Entities Employing Off-Duty Police Officers. Payments from any person, public entity, or private entity for the services of off-duty police officers of the City of Elizabeth shall be made to the City of Elizabeth Accounts and Control Department prior to the payment of the off-duty police officers through the City of Elizabeth payroll system. Effectively, police officers of the City of Elizabeth will not be paid through the City of Elizabeth until moneys are received from persons, public entities, or private entities contracting such off-duty services. The Division of Local Government Services recommends that advance payments be made by the person, public entity, or private entity contracting off-duty police officer services in order to ensure timely payments to the police officers.

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 .

December 11, 2012.

Annexed to the ordinance was an affidavit from the publisher of the Star Ledger certifying the publication of the ordinance and notice of public hearing thereon in its issue of **December 17, 2012.**

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

AFFIRMATIVE: Perkins-Auguste, [redacted], [redacted],
Grova, Keenan, [redacted], Gallman, [redacted],
and President Gonzalez - X 5

NEGATIVE: None

Council President Gonzalez announced that the next business in order would be the adoption of **Ordinance No. 4352** , which was seconded by Councilman Keenan:

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

WHEREAS, the City of Elizabeth Planning Board (the "Planning Board") has reviewed the Durant Redevelopment Plan, dated July 2005, prepared by Victor E. Vinegra, R.E., P.L.S., P.P., Municipal Planner, and has recommended that it be revised as set forth in the Revised Durant Redevelopment Plan dated July 13, 2012; and

WHEREAS, the City Council of the City of Elizabeth has received a copy of the Revised Durant Redevelopment Plan and the Findings of Harbor Consultants, the City's Planner, dated December 5, 2012, and agree with the said revisions and findings; and

WHEREAS, the City Council of the City of Elizabeth adopted a resolution on October 9, 2012, approving and adopting the Planning Board's recommendation to designate the Durant Redevelopment Area, Block 11, Lot 847 and Block 11, Lot 847A, also known as 827-907 Newark Avenue and 829-961 Newark Avenue, Elizabeth, New Jersey, and determined that said area is an Area in Need of Redevelopment in accordance with the recommendation of the Planning Board; and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ELIZABETH:

SECTION 1.

The Revised Durant Redevelopment Plan, revised on July 13, 2012, a copy of which is on file in the Office of the City Clerk of the City of Elizabeth, is hereby approved and adopted in its entirety.

SECTION 2.

The content of the Revised Durant Redevelopment Plan supersedes the applicable provisions of the land development ordinance of the City of Elizabeth as applied to only those properties located in the Durant Redevelopment Plan Area.

SECTION 3.

The City Council hereby adopts the findings of the City's Planner, Harbor Consultants, which recommend that the Land Use Element of the City of Elizabeth Master Plan be amended to include the Revised Durant Street Redevelopment Plan notwithstanding the fact that the Revised Durant Street Redevelopment Plan is technically inconsistent with the Master Plan. City Council also directs that the official zoning map of the city of Elizabeth be amended accordingly.

SECTION 4.

If any portion or clause of the Revised Durant Redevelopment Plan is declared invalid for any reason whatsoever, same shall not affect the validity or constitutionality of any other part or portion of the Revised Durant Redevelopment Plan.

SECTION 5.

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

SECTION 6.

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 7

The effective date of this ordinance shall be twenty 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 . **December 11, 2012.**

Annexed to the ordinance was an affidavit from the publisher of the Star Ledger certifying the publication of the ordinance and notice of public hearing thereon in its issue of **December 17, 2012.**

Councilman Grova stated that the information that was provided speaks of a marketability study which was seven years ago. He continued that unfortunately the City cannot sit around and wait any longer. He stated further that hopefully, the speaker and clients can work out something.

Councilman Keenan thanked Shop & Stop for their contribution to the City. He continued that Stop & Shop is a profit building and is thinking if a Walmart comes into the City, they may be selling food.

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

AFFIRMATIVE: Perkins-Auguste, [redacted], [redacted],
Grova, Keenan, [redacted], Gallman, [redacted],
and President Gonzalez - X 5

NEGATIVE: None

Council President Gonzalez announced that the next business in order would be the adoption of **Ordinance No. 4353**, which was seconded by Councilman Keenan:

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

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

SECTION 1. That **Chapter 10.16.010** of the Code of the City of Elizabeth is hereby amended as follows:

DELETE:

STREET:	**LOCATION:**
First Street	**Between Pine Street and Elizabeth Avenue**

ADD:

STREET:	**LOCATION**
First Street	**Between Elizabeth Avenue and Trumbull Street**

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 City of Elizabeth shall forward a copy of this Ordinance to the State of New Jersey Department of Transportation upon adoption.

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 . **December 11, 2012.**

Annexed to the ordinance was an affidavit from the publisher of the Star Ledger certifying the publication of the ordinance and notice of public hearing thereon in its issue of **December 17, 2012.**

Councilman Grova announced that this was tried before, but the State overruled it. He continued that the residents do not want trucks traveling down First Street and this is not a done deal until the approval is received.

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

AFFIRMATIVE: Perkins-Auguste, [redacted], [redacted],
Grova, Keenan, [redacted], Gallman, [redacted],
and President Gonzalez - 5

NEGATIVE: None

Councilman Grova **MOVED** for a Suspension of the Rules to consider two resolutions which did not appear on the Agenda, seconded by Councilman Keenan , and

Which was carried unanimously.

BY CITY COUNCIL AS A WHOLE:

WHEREAS, on December 21, 2012 the Director of the Department of Public Works received one (1) bid for the Solid Waste and Recycling Materials Collection Service contract; and

WHEREAS, this contract includes the collection, hauling and disposal of household garbage, commercial, institutional waste material and trash (Municipal Waste Type 10, Bulk Waste Type 13B) and recyclable materials on separate vehicles throughout the entire City, including Housing Authority buildings, all private and public schools and Board of Education facilities. The City will continue to pick-up and recycle metal and appliances (Bulk Waste Type 13A); and

WHEREAS, the Director of the Department of Public Works has requested authorization to award a contract to **REGIONAL INDUSTRIES, LC, 800 East Grand Street, Elizabeth, New Jersey 07201,** the lowest responsible bidder for the collection, hauling, and disposal of garbage, trash (Municipal Waste Type 10, Bulk Waste Type 13B) and recyclable materials on separate vehicles throughout the entire City, including the Housing Authority buildings, all private and public schools and Board of Education facilities Proposal 5 for a five (5) year period commencing January 1, 2013 to December 31, 2017 in the amount of $21,125,000.00 for a cost per year of $4,225,000.00 to be renewed every year thereafter in accordance with the schedule of prices submitted at time of bid. The City will continue to pick-up and recycle metal and appliances (Bulk Waste Type 13A); 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 **REGIONAL INDUSTRIES, LC**; and

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available and appropriated for this purpose and Certification No. 13-05168, charging the amount of $ 4,225,000.00 to Account No. 3-01-28-305-GAR, of the Municipal Budget is on file in the Office of the City Clerk; and

WHEREAS, the Chief Financial Officer will certify additional funds prior to the renewal of the contract for years two, three, four and five; now therefore, be it

RESOLVED that the City Council of the City of Elizabeth authorizes the award of a contract with **REGIONAL INDUSTRIES, LC, 800 East Grand Street, Elizabeth, New Jersey 07201,** the lowest responsible bidder for the collection hauling, and disposal of garbage, trash (Municipal Waste Type 10, Bulk Waste Type 13B) and recyclable materials on separate vehicles throughout the entire City, including the Housing Authority buildings, all private and public schools and Board of Education facilities Proposal 5 for a five (5) year period commencing January 1, 2013 to December 31, 2017 in the amount of $21,125,000.00 for a cost per year of $ 4,225,000.00 to be renewed every year thereafter in accordance with the schedule of prices submitted at time of bid. The City will continue to pick-up and recycle metal and appliances (Bulk Waste Type 13A).

Which was adopted by the following vote:

AFFIRMATIVE: Perkins-Auguste, [redacted], [redacted], Grova, Keenan, [redacted], Gallman, [redacted] and President Gonzalez - 9 5

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the United States Constitution and the Bill of Rights are intended to protect the rights of individual human beings ("natural persons"); and

WHEREAS, corporations are not mentioned in the Constitution and The People have never granted constitutional rights to corporations; and

WHEREAS, the United States Supreme Court recognized in Austin v. Michigan Chamber of Commerce (1990) the threat to a republican form of government posed by "the corrosive and distorting effects of immense aggregations of wealth that are accumulated with the help of the corporate form and that have little or no correlation to the public's support for the corporations political ideas"; and

WHEREAS, the United States Supreme Court in Citizens United v. the Federal Election Commission (2010) reversed a decision in Austin, and presents a serious threat to self-government by rolling back legal limits on corporate spending in the electoral process allowing unlimited corporate spending to influence elections, candidate selection, policy decisions and sway votes; and

WHEREAS, the United States Supreme Court held in Buckley v. Valeo (1976) that the appearance of corruption justified limits on contributions to candidates, but it wrongly rejected other fundamental interests that the City Council find compelling such as creating a level playing field and ensuring that all citizens, regardless of wealth, have an opportunity to have their political views heard; and

WHEREAS, money is property, it is not speech; and

WHEREAS, Article V of the United States Constitution empowers Congress and the states the United States of America to amend the Constitution;

NOW, THEREFORE, BE IT RESOLVED, that the position of the City Council of the City of Elizabeth, County of Union, State of New Jersey, that corporations should not receive the same constitutional rights as natural persons and that because money is not speech, limits on political spending will promote the goals of the Constitution by ensuring that all citizens, regardless of wealth, have an opportunity to have their political views heard; and be it

FURTHER RESOLVED, that the City of Elizabeth hereby respectfully urges New Jersey's Congressional delegation to prioritize congressional proposal of an amendment to the United States Constitution addressing the threats to representative government in this resolution so that the states may ratify it.

Which was adopted by the following vote:

AFFIRMATIVE: Perkins-Auguste, [redacted], [redacted],
Grova, Keenan, [redacted], Gallman, [redacted],
and President Gonzalez - [redacted] 5

NEGATIVE: None

The regular order of business was then resumed.

By City Council as a Whole:

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

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

WHEREAS, the City of Elizabeth will receive an amount of $850,000 for the NSP Spring Street Mixed Use Project awarded by the US Department of Housing and Urban Development and wishes to amend its FY2013 budget to include these amounts as revenue:

NOW, THEREFORE, BE IT RESOLVED that the council of the City of Elizabeth hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the fiscal year 2013 in the total sum of $850,000 which is now available as a revenue from:

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

US Department of Housing and Urban Development	
NSB Spring Street Mixed Use Project	$850,000

BE IT FURTHER RESOLVED, that a like sum of $850,000 be and the same is hereby appropriated under the caption of :

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

US Department of Housing and Urban Development	
NSB Spring Street Mixed Use Project	
Other Expenses	$850,000

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

Which was adopted by the following vote:

AFFIRMATIVE: Perkins-Auguste, [redacted], [redacted], Grova, Keenan, [redacted], Gallman, [redacted], and President Gonzalez - 5

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the Business Administrator and the Purchasing Agent have requested per the recommendation of the Director of Fire Department the award of the contract to **WPCS International, Inc., 1985 Swarthmore Ave., Suite 4, Lakewood, NJ 08701**, for the purchase of Radio Communication Equipment and Accessories for the Fire Department for the period of December 10, 2012 through January 31, 2013 at a cost not to exceed $3,000.00 under their State Contract #53766; and

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

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

RESOLVED that City Council of the City of Elizabeth hereby authorizes the award of a contract to **WPCS International, Inc., 1985 Swarthmore Ave., Suite 4, Lakewood, NJ 08701**, for the purchase of Radio Communication Equipment and Accessories for the Fire Department for the period of December 10, 2012 through January 31, 2013 at a cost not to exceed $3,000.00 under their State Contract #53766.

Which was adopted by the following vote:

AFFIRMATIVE: Perkins-Auguste, [redacted], [redacted]
Grova, Keenan, [redacted] Gallman, [redacted]
and President Gonzalez - 5

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the Business Administrator and the Purchasing Agent have requested per the recommendation of the Director of Police Department the award of a contract to **HERTRICH FLEET SERVICES, INC., 1427 Bay Road, Milford, DE 19963**, for the purchase of Nine (9) 2013 Dodge Avengers SE Sedans at an individual cost of $16,065.00 each at a total cost of $144,585.00 under their State Contract #A83036; and

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

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available and appropriated for this purpose and Certification No. 13-04638, charging the amount of $144,585.00 to Account No. 3-21-56-129, of the Municipal Budget is on file in the Office of the City Clerk; and

WHEREAS, the Business Administrator and the Purchasing Agent have advised that the contract in question is a purchase through a State of New Jersey Contract #A83036 requiring approval by this Governing Body in accordance with the provisions of **N.J.A.C.**5:34-1.2; now, therefore, be it

RESOLVED that City Council of the City of Elizabeth hereby authorizes the award of a contract to **HERTRICH FLEET SERVICES, INC., 1427 Bay Road, Milford, DE 19963**, for the purchase of Nine (9) 2013 Dodge Avengers SE Sedans at an individual cost of $16,065.00 each at a total cost of $144,585.00 under their State Contract #A83036.

Which was adopted by the following vote:

AFFIRMATIVE: Perkins-Auguste, [redacted], [redacted], Grova, Keenan, [redacted], Gallman, [redacted], and President Gonzalez - # 5

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the Business Administrator and the Purchasing Agent have recommended per the request of the Director of the Police Department the award of a contract to **Beyer Ford, 170 Ridgedale Ave., Morristown, NJ,** for the purchase of One (1) 2013 Ford F-350 Cargo Van at a cost of $23,267.00 under the Morris County Co-Op Contract #15-C and Two (2) 2013 Ford Focus SE Sedans at a cost of $17,766.00 each under the Cranford Co-Op Contract #10 at a total cost of $58,799.00; and

WHEREAS, the provisions of Chapter 2.92 shall not apply to all contracts entered into with the United States of America, State of New Jersey, County or municipality, or any board, body, officer, agency or authority thereof, and any other state or subdivision thereof; and

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available and appropriated for this purpose and Certification No. 13-04639, charging the amount of $58,799.00 to Account No. 3-21-56-130, of the Municipal Budget is on file in the Office of the City Clerk; and

RESOLVED that the City Council of the City of Elizabeth authorizes the award of a contract to **Beyer Ford, 170 Ridgedale Ave., Morristown, NJ,** for the purchase of One (1) 2013 Ford F-350 Cargo Van at a cost of $23,267.00 under the Morris County Co-Op Contract #15-C and Two (2) 2013 Ford Focus SE Sedans at a cost of $17,766.00 each under the Cranford Co-Op Contract #10 at a total cost of $58,799.00.

Which was adopted by the following vote:

AFFIRMATIVE: Perkins-Auguste, [redacted], [redacted]
Grova, Keenan, [redacted], Gallman, [redacted],
and President Gonzalez - X 5

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the Business Administrator and the Purchasing Agent have requested per the recommendation of the Director of Police Department the award of a contract to **EAST COAST EMERGENCY LIGHTING, 200 Meco Drive, Millstone Twp., NJ 08535,** for the purchase of Lights, Sirens, Electrical Wiring, etc., for Five (5) 2013 Ford Explores & Nine (9) Dodge Avengers for the Police Department at a total cost of $26,857.70 under their State Contract #A81336; and

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available and appropriated for this purpose and Certification No.13-04641, charging the amount of $10,057.85 to Account No. 3-21-56-129 and Certification No. 13-04642, charging the amount of $16,799.85 to Account No. 3-21-56-129, of the Municipal Budget are on file in the Office of the City Clerk; and

WHEREAS, the Business Administrator and the Purchasing Agent have advised that the contract in question is a purchase through a State of New Jersey Contract #A81336 requiring approval by this Governing Body in accordance with the provisions of **N.J.A.C.**5:34-1.2; now, therefore, be it

RESOLVED that City Council of the City of Elizabeth hereby authorizes the award of a contract to **EAST COAST EMERGENCY LIGHTING, 200 Meco Drive, Millstone Twp., NJ 08535,** for the purchase of Lights, Sirens, Electrical Wiring, etc., for Five (5) 2013 Ford Explores & Nine (9) Dodge Avengers for the Police Department at a total cost of $26,857.70 under their State Contract #A81336.

Which was adopted by the following vote:

AFFIRMATIVE: Perkins-Auguste, [redacted], [redacted], Grova, Keenan, [redacted], Gallman, [redacted], and President Gonzalez - 5

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, Oak Investments, LLC, is the owner of the property located at 329 South Park St (Tax Account #3 - 956), and

WHEREAS, the improvement on the property was demolished, and

WHEREAS, the improvement assessment was erroneously left on the assessment list, and

WHEREAS, this resulted in an overbilling of taxes for the 2011 Tax Year in the amount of $1,093.34 ($4,800 Assessment x $22.778 2011 Tax Rate), and,

WHEREAS, this resulted in an overbilling of taxes for the 2012 Tax Year in the amount of $1,086.72 ($4,800 Assessment x $22.640 2012 Tax Rate), now, therefor, be it

RESOLVED, That the Tax Collector be authorized to cancel/refund/credit the total sum of $2,180.06. This amount represents an over billing of taxes for 2011 and 2012 Tax Years.

Which was adopted by the following vote:

AFFIRMATIVE: Perkins-Auguste, [redacted], [redacted], Grova, Keenan, [redacted], Gallman, [redacted], and President Gonzalez - ~~8~~ 5

NEGATIVE: None

By City Council as a Whole:

WHEREAS, Ordinance No. 3040 that was passed on January 13, 1998 established the "Franchise Assessment Tax" of three percent (3%) on the amount of the sale price of retail sales of tangible personal property and food and drink subject to the Sales and Use Tax Act, and

WHEREAS, Ordinance No. 3040 was amended by Ordinance No. 3190 on October 26, 1999 , and

WHEREAS, Payments of the tax are due from the retail establishments on the twentieth (20th) of each month for sales generated from the immediately preceding month, and

WHEREAS, by submitting their monthly payments the retail establishment certifies the amount of taxable sales generated, thus resulting in the tax amount due, and

WHEREAS, Pepsi Bottling Group has notified the City that they over reported taxable sales for the period of January 2012 through August 2012, and

WHEREAS, Pepsi Bottling Group has submitted an Affidavit describing the over reporting, a copy of which is attached, and

WHEREAS, as a result of the incorrect reporting Pepsi Bottling Group overpaid the Franchise Tax by the amount of $65,398.47 for the period of January 2012 through August 2012,

NOW, THEREFORE, BE IT RESOLVED, that the City Treasurer be authorized to refund Pepsi Bottling Group in the amount of $65,398.47.

Which was adopted by the following vote:

AFFIRMATIVE: Perkins-Auguste, [redacted], [redacted], Grova, Keenan, [redacted], Gallman, [redacted], and President Gonzalez - 5

NEGATIVE: None

RESOLUTION AUTHORIZING THE EXECUTION AND DELIVERY OF AGREEMENTS FOR THE LEASE AND ACQUISITION BY THE CITY OF ELIZABETH, IN THE COUNTY OF UNION, NEW JERSEY OF CERTAIN RADIO EQUIPMENT FROM MOTOROLA, INC.

WHEREAS, the City of Elizabeth (the "City"), in the County of Union, New Jersey, has determined that there exists a need within the City to upgrade the City's radio equipment and system by the acquisition of certain equipment and other personal property(the "Equipment") and to install and operate the Equipment as part of an integrated radio system (the "System"), as said Equipment and System is more particularly defined in each of that certain Communications System Agreement Lease Financing (the "Communications System Agreement") by and between the City and Motorola, Inc. ("Motorola, Inc.") and that certain Equipment Lease-Purchase Agreement (the "Lease Purchase Agreement", and together with the Communications System Agreement, the "Agreements") by and between the City and Motorola Solutions, Inc. ("Motorola Solutions" and collectively with Motorola, Inc., "Motorola"); and

WHEREAS, the City has determined to provide for the lease, acquisition, installation and financing of the Equipment and the System pursuant to the Agreements with Motorola, and the City desires to authorize the execution and delivery of the Agreements by City.

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

Section 1. The Communications System Agreement and the Lease Purchase Agreement (collectively, the "Agreements"), and the exhibits attached thereto (including, without limitation, the Software License Agreement attached to the Communications System Agreement), are hereby authorized to be executed and delivered on behalf of the City by either the Mayor or the Chief Financial Officer of the City in substantially the forms attached hereto as Exhibits A and B, respectively, with such changes as the Mayor or the Chief Financial Officer (each an "Authorized Officer"), in their respective sole discretion, after consultation with counsel to the City, shall determine, such determination to be conclusively evidenced by the execution of such Agreements by an Authorized Officer as determined hereunder. The City Clerk is hereby authorized to attest to the execution of the Agreements by an Authorized Officer of the City as determined hereunder and to affix the corporate seal of the City to such Agreements.

Section 2. The Authorized Officers of the City are hereby further severally authorized to (i) execute and deliver, and the City Clerk is hereby further authorized to attest to such execution and to affix the corporate seal of the City to, any document, instrument or closing certificate deemed necessary, desirable or convenient by an Authorized Officer or the City Clerk, as applicable, in their respective sole discretion, after consultation with counsel to the City, to be executed in connection with the execution and delivery of the Agreements and the consummation of the transactions contemplated thereby, which determination shall be conclusively evidenced by the execution of each such certificate or other document by the party authorized hereunder to execute such certificate or other document, and (ii) perform such other

actions as an Authorized Officer deem necessary, desirable or convenient in relation to the execution and delivery thereof.

Section 3. The City Council has determined and hereby determines that a true and very real need exists for the lease and acquisition of the Equipment or and other personal property described in the Lease Schedule attached to the Lease Purchase Agreement. In order to facilitate said need, the City of Elizabeth hereby authorizes the award of a contract to Motorola Solutions Inc. 5 Paragon Dr Montvale, NJ 07645, for the acquisition of a Public Safety Communications System Upgrade (proposal dated June 22, 2012) for the Police, Fire and other city departments. This communications upgrade will be purchased under New Jersey State Contract #A53804 at a cost of $4,402,792.00.

Section 4. This resolution shall take effect upon adoption hereof.

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

AFFIRMATIVE: Perkins-Auguste, [redacted], [redacted], Grova, Keenan, [redacted], Gallman, [redacted], and President Gonzalez - X 5

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, as a result of the City of Elizabeth's designation as an Urban Enterprise Zone, qualified businesses are eligible to collect sales tax at the rate of 3.5%; and

WHEREAS, the monies collected at this reduced sales tax are deposited in the Urban Enterprise Zone Assistance Fund by the New Jersey Division of Taxation and are available for use by the City of Elizabeth for programs and projects designed to promote economic development; and

WHEREAS, the Director of the Department of Planning and Community Development has requested authorization to submit a UEZ proposal of Zone Assistance Funds for funding of the Historic Midtown Elizabeth Special Improvement District (SID) in the amount of $57,059.00 for the period January 1, 2013 through December 31, 2013; and

WHEREAS, these Police Officers are assigned to duties exclusively within Elizabeth's Urban Enterprise Zone and to provide an enhanced level of service than is normally provided for outside the Zone; now, therefore, be it

RESOLVED that the City Council of the City of Elizabeth authorizes the submittal of a proposal to the New Jersey Urban Enterprise Zone Authority for a UEZ proposal of Zone Assistance Funds for funding of the Historic Midtown Elizabeth Special Improvement District (SID) in the amount of $57,059.00 for the period January 1, 2013 through December 31, 2013; and be it

FURTHER RESOLVED that the Mayor is authorized to execute all necessary documents and agreements with the Elizabeth Development Company (EDC), or any other party necessary to carry out this resolution.

Which was adopted by the following vote:

AFFIRMATIVE: Perkins-Auguste, [redacted], [redacted], Grova, Keenan, [redacted], Gallman, [redacted], and President Gonzalez - X 5

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the City of Elizabeth, Department of Policy & Planning has instituted a First Time Homebuyer Deferred Payment Loan Program to help qualified first time homebuyers purchase their first homes; and

WHEREAS, Julia Y. and Carlos J. Callirgos currently residing at **22 Centre Street, Elizabeth, NJ 07202,** has applied for a First Time Homebuyer Deferred Payment Loan in the amount of $19,695.00 with a period of affordability of five (5) years in order to purchase property located at **620 Chetwood Street, Elizabeth, New Jersey 07202;** the purpose is for the Down Payment/Closing Costs and Repairs; and

WHEREAS, the total project cost is in the amount of $175,903.00; and

WHEREAS, the Elizabeth Home Improvement Program staff will administer this program to ensure that the applicant qualifies for benefits under the foregoing program, and that it has determined that the applicant does qualify; and

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available and appropriated for this purpose and that Certification No. 13-05002, charging the amount of $19,695.00 to Account No. 3-29-56-813-HOME funds of the Municipal Budget is on file in the office of the City Clerk; and

WHEREAS, the terms are $10,000.00 Down Payment, Closing Cost Grant (No Repayment Required) and a $9,695.00 Deferred Payment Repair Loan forgiven after five (5) years; now, therefore, be it

RESOLVED, that the City Council of Elizabeth hereby authorizes a First Time Homebuyer Deferred Payment Loan to **Julia Y. and Carlos J. Callirgos** currently residing at **22 Centre Street, Elizabeth, NJ 07202,** in the amount of $19,695.00 with a period of affordability of five (5) years for Down Payment/ Closing Costs and Repairs in order to purchase the aforesaid property; and be it

FURTHER RESOLVED that the funds shall not be released until after execution of a Mortgage, Mortgage Note and Affordability Agreement to the City of Elizabeth as lender for the purpose of securing the Grant made herein; and be it

FURTHER RESOLVED that the Mayor and the City Clerk are hereby authorized to execute any and all documents necessary to effect such loan

Which was adopted by the following vote:

AFFIRMATIVE: Perkins-Auguste, [redacted], [redacted], Grova, Keenan, [redacted] Gallman, [redacted], and President Gonzalez - [redacted] 5

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE

WHEREAS, the Director of the Department of Planning and Community Development has requested that a resolution adopted on November 13, 2012, which authorizes a change to the description of the scope of service for the **American National Red Cross, located at 707 Alexander Road, Suite 101, Princeton, New Jersey 08540** be rescinded; and

WHEREAS, the scope of service for the American National Red Cross should not have been altered. It should have remain as stated in **Schedule A** of the original resolution adopted on September 11, 2012, namely to purchase a trailer to store emergency medical supplies; now, therefore, be it

RESOLVED, that the City Council of the City of Elizabeth rescind the resolution adopted November 13, 2012 which authorized to change the description for the scope of service for the **American National Red Cross, located at 707 Alexander Road, Suite 101, Princeton, New Jersey 08540.**

Which was adopted by the following vote:

AFFIRMATIVE: Perkins-Auguste, [redacted], [redacted], Grova, Keenan, [redacted], Gallman, [redacted], and President Gonzalez - X 5

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the Director of the Department of Planning and Community Development has requested authorization to amend the resolution adopted October 23, 2012, for CD-38 Community Development Block Grant Funding (CDBG) Emergency Solutions Grant (ESG) with the **American National Red Cross, located at 707 Alexander Road, Suite 101, Princeton, New Jersey 08540**; and

WHEREAS, the **Schedule A** listed to the Emergency Solution Grant Funding resolution dated October 23, 2012, incorrectly stated that funds will be used to purchase a trailer for disaster relief; and

WHEREAS, the correct scope of service for the **American National Red Cross**, is to provide temporary shelter to City of Elizabeth residents who are victims of a disaster; now, therefore, be it

RESOLVED that the City Council of the City of Elizabeth amends the resolution adopted October 23, 2012 to correct the scope of service for the **American National Red Cross, located at 707 Alexander Road, Suite 101, Princeton, New Jersey 08540,** for Emergency Solutions Grant Funding to provide that the scope of services is for temporary shelter to City of Elizabeth residents who are victims of a disaster.

Which was adopted by the following vote:

AFFIRMATIVE: Perkins-Auguste, [redacted], [redacted], Grova, Keenan, [redacted], Gallman, [redacted], and President Gonzalez - [redacted] 5

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

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

WHEREAS, the Department of Public Works reviewed the qualifications of all respondents and found the firm of **Hatch Mott MacDonald, 27 Bleeker Street, Millburn, NJ 07041-1008,** to be qualified to provide civil engineering design services in connection with the Hurricane Sandy Disaster Recovery Public Assistance Program as per their proposal dated December 7, 2012; and

WHEREAS, the Director of the Department of Public Works has requested authorization to award a contract to the firm of **Hatch Mott MacDonald, 27 Bleeker Street, Millburn, NJ 07041-1008,** to provide professional civil engineering design services on a time and material basis for actual time and expenses spent at a cost not to exceed $75,000.00, plus reimbursable in connection with the Hurricane Sandy Disaster Recovery Public Assistance Program; and

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

WHEREAS, under the Public Assistance and Hazard Mitigation Grant program, FEMA provides funding to local governments and public entities in response to disaster recovery efforts. Activities covered by the programs include debris removal, emergency protective measures, permanent, infrastructure restoration and migration measures for the protection against future hazards; and

WHEREAS, to increase the likehood of FEMA reimbursement of eligible costs, applicants must comply with FEMA's extensive documentation and reporting requirements. HMM will coordinate with the various City departments regarding the necessary documentation to substantiate cost claims to FEMA. HMM will also assist the City in coordinating the Public Assistance operations with the New Jersey office of Emergency Management assessment of damages, provide guidance for public bidding of construction contracts and preparation of Project Worksheets to capture costs incurred by the City. Also, a visual inspection of the Elizabeth River Flood Control Project will be performed to assess the integrity of the levee system; and

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

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available and appropriated for this purpose and Certification No. 13-05162, charging the amount of $5,000.00 to Account No. X-04-55-999-X18-001, Certification No. 13-05163, charging the amount of $35,000.00 to Account No. X-04-55-999-X26-001, Certification No. 13-05164 charging the amount of $35,000.00 to Account No X-08-55-044-034, 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 Municipal Clerk are hereby authorized and directed to execute a contract with the firm of **Hatch Mott MacDonald, 27 Bleeker Street, Millburn, NJ 07041-1008,** to provide professional civil engineering design services on a time and material basis for actual time and expenses spent at a cost not to exceed $75,000.00, plus reimbursables in connection with the Hurricane Sandy Disaster Recovery Public Assistance Program.
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, [redacted], [redacted], Grova, Keenan, [redacted], Gallman, [redacted], and President Gonzalez - X 5

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the Director of the Department of Public Works after notice from the Police Department has caused the boardup of properties listed on **Schedule A** attached hereto and made a part hereof; and

WHEREAS, the buildings or structures listed on the attached **Schedule A** have become unsafe, or unsanitary or are otherwise dangerous to human life or the public welfare or which by reasons of illegal or improper use or occupancy have become unsafe; and

WHEREAS, structures on premises listed on the attached **Schedule A** meet one or more of the criteria hereinabove mentioned; and

WHEREAS, the Department of Public Works has caused to be boarded up the structures on premises listed on the attached **Schedule A** and the owners having been notified of the cost to the City in the amounts as set fort on the attached **Schedule A** and said costs not having been paid to the City of Elizabeth as required and the Director of Public Works having issued Certificates to City Council of the cost to the City in the amounts listed on the attached **Schedule A;** and

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

RESOLVED by the City Council of the City of Elizabeth that the costs shown on the Certificates of the Public Works Director of the City of Elizabeth for the boarding up of structures on premises and the costs listed on **Schedule A** attached hereto and made a part hereof is hereby established as a lien upon the lands listed on the attached Schedule A, which said lien shall hereafter form a part of the taxes next to be assessed and levied upon said lands, the same to bear interest at the same rate as taxes and to be collected and enforced by the same officers and in the same manner as taxes, in accordance with the provisions of **N.J.S.A.** 40:48-2.5 and the provisions of the Code of the City of Elizabeth.

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

Which was adopted by the following vote:

AFFIRMATIVE: Perkins-Auguste, [redacted], [redacted], Grova, Keenan, [redacted], Gallman, [redacted], and President Gonzalez - X5

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the City Council of the City of Elizabeth has learned that the State House in Trenton, New Jersey will be considering legislation declaring violence a public health crises, expanding mental health courts recommending federal adoption of gun control measures and establishing a Study Commission on Violence; and

WHEREAS, the recent tragic massacre at the Newton, Ct. of six adults and twenty children, shooter and shooter's mother has left the entire country devastated; and

WHEREAS, as President Obama so eloquently stated at the Sandy Hook Prayer Virgil, "We can't tolerate this anymore. These tragedies must end, and to end them, we must change…No single law, no set of laws can eliminate evil from the world or prevent every senseless act of violence in our society. But that can't be an excuse for inaction. Surely we can do better than this."; and

WHEREAS, this legislation starts off by declaring violence a public health crises which will qualify New Jersey for funding from non-profit foundations to study the causes of violence and from The Center for Disease Control to support efforts to curb its pervasive impact in communities. The mass murders in Connecticut, Colorado, and Virginia are extreme examples of the violence that occurs in our communities every day. We cannot tolerate this anymore; and

WHEREAS, in addition to declaring violence a public health crises, the legislation recommends expansion of mental health courts which were first established in Union County which reduced repeat offenses and saved the more expensive costs of imprisonment by diverting offenders with mental illnesses into treatment programs; and

WHEREAS, New Jersey has the second strictest gun control laws in the nation, but they are rendered less effective because of ineffective federal laws. This legislation asks Congress and the President to reinstate the federal ban on assault weapons and require background checks for all gun purchases; and

WHEREAS, the Study Commission established under this legislation will include members who have backgrounds in mental health or criminology and will make further recommendations to reduce violence in communities; now, therefore, be it

RESOLVED that the City Council of the City of Elizabeth strongly supports the State House in Trenton, New Jersey passing legislation declaring violence a public health crises, expanding mental health courts, recommending federal adoption of gun control measures and establishing a Study Commission on Violence.

Which was adopted by the following vote:

AFFIRMATIVE: Perkins-Auguste, [redacted], [redacted], Grova, Keenan, [redacted], Gallman, [redacted], and President Gonzalez - 8 5

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE: [redacted]

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

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

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

ELIZABETHTOWN GAS	3-01-31-446	$	16,561.70
HESS CORP.	3-01-31-430	$	21,370.77
NATIONAL TERMINAL, INC.	3-02-31-447	$	3,874.80
NRG BUSINESS SOLUTIONS	3-01-31-430	$	2,231.91
PSE&G	3-01-31-430	$	23,389.63
SOUTH JERSY ENERGY	3-0131-435	$	30,399.34
USA MOBILITY	3-01-31-440	$	302.15
VERIZON	3-01-31-440	$	86.57
VERIZON CABS	3-01-31-440	$	198.12
VERIZON WIRELESS	3-01-31-440	$	19,795.47
VERIZON COMMUNICATIONS, INC.	3-01-31-440	$	139.31

Which was adopted by the following vote:

AFFIRMATIVE: Perkins-Auguste, [redacted], [redacted], Grova, Keenan, [redacted], Gallman, [redacted], and President Gonzalez - ~~X~~ 5

NEGATIVE: None

December 26, 2012

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
St. Mary of the Assumption Ch			5295	12-11-12
HSA our Lady of Guadalupe			5296	01-03-13
St. Genevieve Roman Catholic Ch.			5297	01-03-13
St. Genevieve Roman Catholic Ch.			5298	01-03-13
St. Anthony of Padua Church			5299	01-23-13

Which was adopted by the following vote:

AFFIRMATIVE: Perkins-Auguste, [redacted], [redacted], Grova, Keenan, [redacted], Gallman, [redacted], and President Gonzalez - X 5

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

WHEREAS, the City Council of the City of Elizabeth has learned that Cleo Wooten will be celebrating her 90th birthday; and

WHEREAS, the City Council extends its warmest congratulations to Celo Wooton for reaching such a milestone in her life; and

RESOLVED that the City Council of the City of Elizabeth extends its warmest congratulations to Cleo Wooton as she celebrates her 90th birthday, and wishes her health, happiness and continued longevity; and be it

FURTHER RESOLVED that a copy of this resolution be presented to Cleo Wooton a sincere token of this governing body's best wishes.

Which was adopted by the following vote:

AFFIRMATIVE: Perkins-Auguste, [redacted], [redacted], Grova, Keenan, [redacted], Gallman, [redacted], and President Gonzalez - 5

NEGATIVE: None

BY CITY COUNCIL AS A WHOLE:

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

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

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

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

Councilman Keenan moved that City Council do now adjourn,

Which was carried unanimously.

Whereupon Council President Gonzalez declared City Council adjourned at

8:55 p.m.

APPROVED

NELSON GONZALEZ
President of City Council

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