

CITY COUNCIL - ELIZABETH, N. J.

REGULAR MEETING - TUESDAY, MARCH 22, 2022

7:30 P. M.

AGENDA

ROLL CALL.

PRAYER AND PLEDGE OF ALLEGIANCE TO THE FLAG.

PUBLIC SPEAKING: RESIDENTS AND TAXPAYERS ADDRESS THE CITY COUNCIL.

PUBLIC HEARINGS

ORD. NO. 5620 - A Bond Ordinance of the City of Elizabeth, in the County of Union, New Jersey, providing for matching funds for the Library Construction in the City of Elizabeth and appropriating \$600,000.00 therefor, and providing for the issuance of \$600,000.00 in Bonds or Notes of the City of Elizabeth to finance the same.

ORD. NO. 5621 - An Ordinance to amend Chapter 5.90 of the Code of the City of Elizabeth, entitled "Short-Term Rentals", to modify the definition of a "Short-Term Rental" and to clarify the Licensing Requirements.

ORD. NO. 5622 - An Ordinance to amend the Code of the City of Elizabeth Chapter 5.26 entitled "Cannabis Establishments", specifically to resolve conflicts with State Regulations in the application process.

ORD. NO. 5623 - An Ordinance approving the Financial Agreement for a Long-Term Tax Exemption with Port Elizabeth Urban Renewal, LLC for a project located at 575-601 Kapkowski Road, Elizabeth, New Jersey and identified on the official tax map of the City as Block 1, Lots 1380.G1, 1380.G2, 1380.G3, 1380.G4, 1380.G5, 1380.G7, 1380.G8, 1380.G9.

ORD. NO. 5624 - An Ordinance approving the Financial Agreement with NJIND Bay Avenue Urban Renewal LLC for a state-of-the-art warehouse facility comprised of 171,128 square feet located on 5-61 Bay Avenue consisting of Tax Accounts Block 1, Lots 1349.A and 1349.B.

PETITIONS, COMMUNICATIONS, ETC.

By the Clerk:

Letter dated March 10, 2022, from His Honor the Mayor, subject to your review and consent, I am making the following appointment of Deirdre M. Mason, Esq. to the position of Temporary Municipal Prosecutor for the Elizabeth Municipal Court; resume is attached hereto.

Which was received.

By the Clerk:

Letter dated March 4, 2022, from the Business Administrator recommending awarding a contract to Garden State Highway Products, 301 Riverside Drive, Building D, Millville, NJ for Break Away U-Post and Sign Supports for the Public Works Department for the period of March 3, 2022 through March 30, 2023 at a cost not to exceed \$50,000.00. Which was received.

PETITIONS, COMMUNICATIONS, ETC. (Cont'd)

By the Clerk:

Letter dated March 4, 2022, from the Business Administrator recommending awarding a contract to Motorola, P.O. Box 161, Wharton, NJ for the renewal of a Service Agreement for Communications Infrastructure and Maintenance on all Portable Radios for the Police, Fire and Public Works Departments at a cost of \$308,123.62. Which was received.

By the Clerk:

Letter dated March 8, 2022, from the Business Administrator recommending awarding a contract to Cherry Valley Tractor Sales, 35 Route 70 West, Marlton, NJ for the purchase of parts and repairs for lawn and grounds equipment for various departments for the period of February 16, 2022 through February 16, 2023 at a cost not to exceed \$100,000.00. Which was received.

By the Clerk:

Letter dated March 8, 2022, from the Business Administrator recommending awarding a contract to Buywise Auto Parts, 2087-2091 Springfield Avenue, Vauxhall, NJ for Non-OEM auto parts and accessories including, but not limited to filters, brakes, gaskets and valves for light duty vehicles for various departments for the period of February 25, 2022 through February 25, 2023 at a cost not to exceed \$200,000.00. Which was received.

By the Clerk:

Letter dated March 8, 2022, from the Business Administrator recommending awarding a contract to Power Place, Inc., 297 Route 22 East, Whitehouse Station, NJ for the purchase of parts and repairs for lawn and grounds equipment for various departments for the period of February 16, 2022 through February 16, 2023 at a cost not to exceed \$100,000.00. Which was received.

By the Clerk:

Letter dated March 10, 2022, from the Business Administrator request to rescind the resolution adopted on December 28, 2021, authorizing the participation in the Sourcewell National Co-Op utilizing their award with Storr Tractor, Somerville, NJ to purchase two (2) current model year Ven Trac Tractors 4500Z at a cost of \$43,340.14 each for a grand total of \$86,680.28 due to an error in the quote and the tractors could not be supplied with air conditioning. Which was received.

By the Clerk:

Letter dated March 10, 2022, from the Business Administrator recommending awarding a contract to Verizon Wireless, 10170 Junction Drive, Suite 200, Annapolis Junction, MD for the purchase of wireless devices for all Police, Fire and EMS vehicles for the period of February 28, 2022 through May 31, 2022 at a cost not to exceed \$25,000.00. Which was received.

By the Clerk:

Letter dated March 10, 2022, from Business Administrator recommending awarding a contract to Thomson Reuters/West Publishing Corp., d/b/a West, 610 Opperman Drive, Eagan, MN for the purchase of Web Based Data Access Services to include investigative and locator data for the Law Department, Municipal Court Division and Elizabeth Police Department for the period of March 9, 2022 through March 8, 2023 at a cost not to exceed \$70,000.00 and authorize the proper City officials to execute any documents in connection with said contract. Which was received.

PETITIONS, COMMUNICATIONS, ETC. (Cont'd)

By the Clerk:

Letter dated March 10, 2022, from the Business Administrator recommending awarding a contract to SHI International Corp., 290 Davidson Avenue, Somerset, NJ for Predictive Policing Software and Automated Vehicle Location for the Police Department for the period of May 18, 2022 through May 17, 2023 at a total cost of \$41,403.94. Which was received.

By the Clerk:

Letter dated March 11, 2022, from the Business Administrator recommending awarding a contract to Deere & Company, 2000 John Deere Run, Cary, NC for the purchase of two (2) current model John Deere 1585 Tractors with mowers, rotary brooms, and snow blower attachments at the cost of \$49,839.85 each in the total amount of \$99,679.70. Which was received.

By the Clerk:

Letter dated March 11, 2022, from the Business Administrator recommending awarding a contract to DFFLM, LLC, t/a Ditschman/Flemington Ford, 215 W S Highway 202, Flemington, NJ for the purchase of four (4) 2022 Ford Escape vehicles as replacements to the City fleet in the amount of \$93,560.00. Which was received.

By the Clerk:

Letter dated March 11, 2022, from the City Attorney request authorizing the City Attorney's Motion to intervene and represent the City's interests and its water service customers, in regard to New Jersey American Water Company, Inc.'s petition that would effectively raise the tariff on the City's water service customers by approximately 11.22%. Which was received.

By the Clerk:

Letter dated March 11, 2022, from the City Attorney request to amend Section 10.64.010 of the Code of the City of Elizabeth entitled, "Loading Zone Established," specifically to establish a Loading Zone on the west side of Pennsylvania Avenue, beginning one hundred thirty-two (132) feet north of the northerly curbline of Whitehead Place and continuing sixty (60) feet northerly thereof. WHICH WAS REFERRED TO COUNCIL AS A WHOLE.

By the Clerk:

Letter dated March 15, 2022, from the Chief Financial Officer advising that additional grants may be appropriated in the 2022 SFY Budget by budget amendments (Chapter 159). Which was received.

By the Clerk:

Letter dated March 15, 2022, from the Chief Financial Officer advising that in compliance with the SFY 2016 Appropriations Act requires that your Honorable Body approve all payments related to accumulated/uncompensated absence benefits. Which was received.

By the Clerk:

Letter dated March 15, 2022, from the Chief Financial Officer request that your Honorable Body consider the approval of a capital surplus ordinance in the amount of \$1,000,000.00 authorizing the installation of traffic lights and road resurfacing at the intersections of Third Avenue at South Street/ Reid Street and the intersection of Grove Street and West End Avenue; City anticipates a 2022 SFY Municipal Aid Grant in the amount of \$679,640.00 that would partially fund this project. Which was received.

PETITIONS, COMMUNICATIONS, ETC. (Cont'd)

By the Clerk:

Letter dated March 15, 2022, from the Chief Financial Officer request that your Honorable Body consider the approval of a capital surplus ordinance authorizing the purchase, demolition and environmental remediation of 51-55 Jefferson Avenue in the total amount of \$1,500,000.00. Which was received.

By the Clerk:

Letter dated March 15, 2022, from the Chief Financial Officer request authorizing the execution and delivery of Loan Agreements to be executed by the City of Elizabeth, in the County of Union, New Jersey and each of the New Jersey Infrastructure Bank and the State of New Jersey, acting by and through the Department of Environmental Protection, and further authorizing the execution and delivery of an Escrow Agreement, all pursuant to the State Fiscal Year 2022 New Jersey Water Bank Financing Program for funding the City's South Street Flood Control Project. Which was received.

By the Clerk:

Letter dated March 15, 2022, from the Chief Financial Officer request that your Honorable Body consider a resolution determining the form and other details not exceeding \$6,700,000.00 of General Obligation Bonds of the City of Elizabeth, in the County of Union, New Jersey, and providing for their sale to the New Jersey Infrastructure Bank and the State of New Jersey, acting by and through the Department of Environmental Protection, pursuant to the State Fiscal Year 2022 New Jersey Water Bank Financing Program for funding the City's South Street Flood Control Project. Which was received.

By the Clerk:

Letter dated March 15, 2022, from the Chief Financial Officer request that your Honorable Body consider approving and accepting the State Fiscal Year 2021 Corrective Action Plan which covers all findings and recommendations in the 2021 State Fiscal Year Annual Audit Report. Which was received.

By the Clerk:

Letter dated March 9, 2022, from the Director of Planning and Community Development request that your Honorable Body consider adopting the 581-599 Pennsylvania Avenue Non-Condemnation Redevelopment Plan dated January 11, 2022. Which was received.

By the Clerk:

Letter dated March 9, 2022, from the Director of Planning and Community Development request that your Honorable Body consider the adoption of the Amended 854-910 Magnolia Avenue Non-Condemnation Redevelopment Plan dated January 28, 2022. Which was received.

By the Clerk:

Letter dated March 7, 2022, from the Director of Public Works recommending awarding a contract to Mott MacDonald, LLC, 111 Wood Avenue South, Iselin, NJ to provide engineering services at a time and materials basis in connection with the Sewer System GIS Maintenance not to exceed \$40,000.00 plus reimbursables. Which was received.

By the Clerk:

Letter dated March 8, 2022, from the Director of Public Works recommending awarding a contract to Mott MacDonald, LLC to provide civil engineering services in connection with the review of sewer applications for a term of one year at no cost to the City. Which was received.

PETITIONS, COMMUNICATIONS, ETC. (Cont'd)

By the Clerk:

Letter dated March 11, 2022, from the Director of Public Works request that your Honorable Body consider supporting the position that municipalities should retain the right to adopt ordinances that suit their own needs and protect against climate threats and request the New Jersey League of Municipalities publicly oppose the proposed regulations that would curtail a municipality's ability to protect its residents from the threat of flooding and flood related damage.
Which was received.

By the Clerk:

Letter dated March 11, 2022, from the Director of Public Works request authorization for the proper City officials to apply, accept and sign and/or digitally sign, all appropriate documents including reimbursement forms for the U.S. Department of Transportation – FY 2022 Rebuilding American Infrastructure with Sustainability and Equity (RAISE) Grant Program; with anticipated funding the City proposes the re-construction of fifteen (15) traffic signal systems at intersections throughout the community not to exceed \$7,500,000.00 and a \$5,000,000.00 planning grant consisting of a feasibility study and design for the Elizabeth Ferry Project not to exceed a total of \$12,500,000.00
Which was received.

By the Clerk:

Letter dated March 11, 2022, from the Director of Public Works recommending awarding a contract to Suburban Consulting Engineers, Inc., 96 US Highway 206, Suite 101, Flanders, NJ to provide professional engineering services for the design and construction administration of the Sixth Street Park improvements at a lump sum not to exceed \$125,270.00 plus reimbursables.
Which was received.

By the Clerk:

Letter dated February 23, 2022, from TRC, 41 Spring Street, Suite 102, New Providence, NJ, on behalf of Patwin Plastics, Inc, request an Encroachment Permit to perform environmental work consisting of the installation of one (1) monitoring well within the right-of-way of Erico Avenue to delineate an ongoing groundwater issue from a nearby site that is being investigated pursuant to N.J.A.C. 7:26E
Which was received.

REPORTS OF CITY OFFICERS

By the Clerk:

Letter dated March 2, 2022, from the City Treasurer submitted the City Treasurer's Report of Receipts and Disbursements for the month of December 2021 and Statement of Bank Balances and Investments as of December 31, 2021.
Which was received.

ORDINANCES ON FIRST READING

ORD. NO. 5613 - An Ordinance of the City Council of the City of Elizabeth to adopt the 581-599 Pennsylvania Avenue, (Block 11, Lot 1224.A), Non-Condensation Redevelopment Plan pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 ET SEQ.

ORD. NO. 5625 - An Ordinance to adopt the amended Magnolia Avenue Redevelopment Plan for 854-910 Magnolia Avenue (Block 8, Lot 1180) to remove 859-867 Magnolia Avenue (Block 8, Lot 1210) pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 ET SEQ.

ORD. NO. 5626 - An Ordinance granting an Environmental Encroachment Permit to TRC Environmental Corporation of 41 Spring Street, Suite 102, New Providence, N.J., for installation of a (1) one monitoring well in front of 452 Erico Avenue, Elizabeth, New Jersey.

ORD. NO. 5627 - An Ordinance to authorize the establishment of a personalized handicapped parking space for Armando Rosa Jr., 76 Florida Street, Elizabeth, New Jersey.

ORDINANCES ON FIRST READING (cont'd)

- ORD. NO. 5628 - An Ordinance to authorize the establishment of a personalized handicapped parking space for Maria Rodriguez, 141 Marshall Street, Elizabeth, New Jersey.
- ORD. NO. 5629 - An Ordinance to authorize the establishment of a personalized handicapped parking space for Guillermo Remigio, 509 Marshall Street, Elizabeth, New Jersey.
- ORD. NO. 5630 - An Ordinance to authorize the establishment of a personalized handicapped parking space for Nery Garcia, 238 Marshall Street, Elizabeth, New Jersey.
- ORD. NO. 5631 - A Capital Surplus Ordinance of the City of Elizabeth, in the County of Union, New Jersey, appropriating \$1,000,000.00 for the installation of traffic lights and road resurfacing in and for the City.
- ORD. NO. 5632 - A Capital Surplus Ordinance of the City of Elizabeth, in the County of Union, New Jersey, appropriating \$1,500,000.00 for acquisition, demolition and environmental remediation of 51-55 Jefferson Avenue, in and for the City.
- ORD. NO. 5633 - An Ordinance to authorize the establishment of a personalized handicapped parking space for Rosa Perez, 416 Washington Avenue, Elizabeth, New Jersey.

PUBLIC HEARING AND FURTHER CONSIDERATION OF THE FOREGOING ORDINANCES SHALL TAKE PLACE AT THE CITY COUNCIL MEETING TO BE HELD TUESDAY, APRIL 12, 2022 AT 7:30 P.M.

ORDINANCES ON FINAL PASSAGE

- ORD. NO. 5620 - A Bond Ordinance of the City of Elizabeth, in the County of Union, New Jersey, providing for matching funds for the Library Construction in the City of Elizabeth and appropriating \$600,000.00 therefor, and providing for the issuance of \$600,000.00 in Bonds or Notes of the City of Elizabeth to finance the same.
- ORD. NO. 5621 - An Ordinance to amend Chapter 5.90 of the Code of the City of Elizabeth, entitled "Short-Term Rentals", to modify the definition of a "Short-Term Rental" and to clarify the Licensing Requirements.
- ORD. NO. 5622 - An Ordinance to amend the Code of the City of Elizabeth Chapter 5.26 entitled "Cannabis Establishments", specifically to resolve conflicts with State Regulations in the application process.
- ORD. NO. 5623 - An Ordinance approving the Financial Agreement for a Long-Term Tax Exemption with Port Elizabeth Urban Renewal, LLC for a project located at 575-601 Kapkowski Road, Elizabeth, New Jersey and identified on the official tax map of the City as Block 1, Lots 1380.G1, 1380.G2, 1380.G3, 1380.G4, 1380.G5, 1380.G7, 1380.G8, 1380.G9.
- ORD. NO. 5624 - An Ordinance approving the Financial Agreement with NJIND Bay Avenue Urban Renewal LLC for a state-of-the-art warehouse facility comprised of 171,128 square feet located on 5-61 Bay Avenue consisting of Tax Accounts Block 1, Lots 1349.A and 1349.B.

NEW BUSINESS

Authorize an amendment to the 2022 Fiscal Year Capital Budget in the amount of \$2,500,000.00.

Authorize an amendment to the 2022 Fiscal Year Capital Budget in the amount of \$600,000.00.

NEW BUSINESS (cont'd)

Authorize an amendment to the Fiscal Year 2022 Budget to insert, as an item of Revenue, for the ARP General Services Grant Increase 2022 awarded by the US Department of Treasury, in the amount of \$2,000,000.00

In compliance with the SFY 2016 Appropriations Act (Best Practices Requirement), City Council is requested to approve all payments related to accumulated/uncompensated absence benefits.

Confirm the appointment of Deirdre M. Mason, Esq., to serve as Temporary Municipal Prosecutor for the Elizabeth Municipal Court for a term of one (1) year effective upon confirmation.

Authorize the award of a contract to Garden State Highway Products, 301 Riverside Drive, Millville, N.J., for Breakaway U-Posts and Sign Supports for the Public Works Department for the period March 3, 2022 through March 30, 2023, at a cost not to exceed \$50,000.00.

Authorize the award of a contract to Motorola, Inc., P.O. Box 161, Wharton, N.J., for the renewal of a Service Agreement for Communications Infrastructure and Maintenance on all Portable Radios for the Police, Fire and Department of Public Works Department, at a cost of \$308,123.62.

Authorize the award of a contract to Cherry Valley Tractor Sales, 35 Route 70 West, Marlton, N.J., for the purchase of Parts and Repairs for Lawn and Grounds Equipment for various departments for the period February 16, 2022 through February 16, 2023, at a cost not to exceed \$100,000.00.

Authorize the award of a contract to Buywise Auto Parts, 2087-2091 Springfield Avenue, Vauxhall, N.J., for non-OEM auto parts and accessories for light duty vehicles for various departments for the period February 25, 2022 through February 25, 2023, at a cost not to exceed \$200,000.00.

Authorize the award of a contract to Power Place Inc., 297 Route 22 East, Whitehouse Station, N.J., for the purchase of Parts and Repairs for Lawn and Grounds Equipment for various departments for the period February 16, 2022 through February 16, 2023, at a cost not to exceed \$100,000.00.

Rescind resolution adopted December 28, 2021, with Storr Tractor, 3191 Rt. 22, Somerville, N.J., through the Sourcewell National Co-op, for the purchase of (2) two current model year VenTrac Tractors 4500Z at a total cost of \$86,680.28, due to an error in the quote and the tractors could not be supplied with air conditioning.

Authorize the award of a contract to Verizon Wireless, 10170 Junction Drive, Suite 200, Annapolis Junction, MD, for the purchase of Wireless Devices for all Police, Fire and EMS vehicles for the period February 28, 2022 through May 31, 2022, at a cost not to exceed \$25,000.00.

Authorize the award of a contract to Thomson Reuters/West Publishing Corp., d/b/a West, 610 Opperman Drive, Eagan, MN, for the purchase of Web Based Data Access Services to include Investigative and Locator Data for the Law Department, Municipal Court Division and the Elizabeth Police Department and authorize the proper City officials to execute any documents in connection with the contract for the period March 9, 2022 through March 8, 2023, at a cost not to exceed \$70,000.00.

Authorize the award of a contract to SHI International Corp., 290 Davidson Avenue, Somerset, N.J., for the purchase of Predictive Policing Software and Automated Vehicle Location Annual Subscription, for the Police Department through the Bergen County Co-op and authorize the proper City Officials to execute any documents in connection with the contract for the period May 18, 2022 through May 17, 2023, at a total cost of \$41,403.94.

NEW BUSINESS (cont'd)

Authorize the award of a contract to Deere & Company 2000 John Deere Run, Cary, NC, for the purchase of two (2) current model year John Deere 1585 Tractors with mowers, rotary brooms and snow blower attachments, through the Educational Services Commission of NJ Co-Op, in the amount of \$49,839.85 each for a grand total of \$99,679.70.

Authorize the award of a contract to DFFLM, LLC, t/a Ditschman/Flemington Ford, 215 U.S. Highway 202, Flemington, N.J., for the purchase of four (4) 2022 Ford Escape vehicles as replacements to the City's fleet, in the amount of \$93,560.00.

Authorize the City Attorney or his designee to file a motion to intervene and represent the City's interest and its water service customers, in regard to the New Jersey American Water Co., Inc. petition seeking to increase rates for water and wastewater service and other tariff revisions, including sale for resale of water to the Board of Public Utilities.

Adopt a resolution authorizing the Execution and Delivery of Loan Agreements to be executed by the City of Elizabeth, in the County of Union, New Jersey and each of the New Jersey Infrastructure Bank and the State of New Jersey, acting by and through the Department of Environmental Protection, and further authorizing the Execution and Delivery of an Escrow Agreement, all pursuant to the State Fiscal Year 2022 New Jersey Water Bank Financing Program for funding the City's South Street Flood Control Project.

Adopt a resolution determining the Form and other Details of not exceeding \$6,700,000.00 General Obligation Bonds of the City of Elizabeth, in the County of Union, New Jersey, and providing for their sale to the New Jersey Infrastructure Bank and the State of New Jersey, acting by and through the Department of Environmental Protection, pursuant to the State Fiscal Year 2022 New Jersey Water Bank Financing Program for funding the City's South Street Flood Control Project.

Approve the City's State Fiscal Year 2021 Corrective Action Plan concomitant with the State Fiscal Year 2021 Annual Audit Report.

Authorize the award of a contract to Mott MacDonald, LLC, 111 Wood Avenue South, Iselin, N.J., to provide engineering services on a time and materials basis in connection with the Sewer System GIS Maintenance, at a cost not to exceed \$40,000.00 plus reimbursables.

Authorize the award of a contract to Mott MacDonald LLC, 111 Wood Avenue South, Iselin, N.J., to provide the City of Elizabeth with civil engineering services in connection with the review of sewer applications, for a one-year term, at no cost to the City for said services.

Adopt a resolution "In Support" of the ability of Municipalities to adopt regulations to protect Public Health, Safety and Welfare from threats of flooding.

Authorization for the proper City officials to apply, accept and sign all appropriate documents for the U.S. Department of Transportation – FY 2022 Rebuilding American Infrastructure with Sustainability and Equity (RAISE) Grant Program, with anticipated funding the City proposes the re-construction of fifteen (15) traffic signal systems at intersections throughout the community not to exceed \$7,500,000.00 and a \$5,000,000.00 planning grant consisting of a feasibility study and design for the Elizabeth Ferry Project not to exceed a total of \$12,500,000.00

Authorize the award of a contract Suburban Consulting Engineers, Inc., 96 US Highway 206, Suite 101, Flanders, N.J., to provide professional engineering services for the design and construction administration of the Sixth Street Park improvements (552-562 Fulton Street), at a lump sum not to exceed \$125,270.00 plus reimbursables.

Rescind resolution adopted November 28, 2017, which established a handicapped parking space in front of the premises located at 238 Marshall Street. (now personalized)

NEW BUSINESS (cont'd)

Approve Bingo and Raffle Licenses

COMMENDATIONS:

Elizabeth High School Boys Basketball Team

)Winning the Group IV State
) Championship

Jasmine Lee

)40th Birthday

APM Terminal

Highway Towing

MEMORIALS:

Armenio Amara! Monteiro
Silvio Salerno
Ruby Lee Young

ADJOURNMENT