

CITY COUNCIL - ELIZABETH, N. J.

REGULAR MEETING - TUESDAY, SEPTEMBER 28, 2021

7:30 P. M.

AGENDA

ROLL CALL.

PRAYER AND PLEDGE OF ALLEGIANCE TO THE FLAG.

PUBLIC SPEAKING.

APPROVAL OF MINUTES:

**Organization Meeting**, January 1, 2020;  
**Conference Meetings:** January 7, 21; February 4, 18;  
March 3, 17; May 26; June 16; July 8; August 4;  
September 1, 15; October 6, 20; November 4, 17;  
December 1, 15, 2020

**Special Conference Meeting:** November 4, 2020

**Regular Meetings:** January 14, 28; February 11, 25;  
March 10, 24; April 28; May 26; June 23; July 28;  
August 25; September 8, 22; October 13, 27;  
November 10, 24; December 8, 22, 2020

**Special Meetings:** May 8; July 8; 2020

PUBLIC HEARINGS

- ORD. NO. 5537 - An Ordinance to amend Chapter 2.60, entitled "Fire Department," of the Code of the City of Elizabeth, specifically to amend Section 2.60.050, entitled, "Fire Department Service Fees" to properly conform with N.J.S.A. 47:1A-5 Opra Rules.
- ORD. NO. 5538 - An Ordinance to amend Chapter 3.12 of the Code of the City of Elizabeth, Entitled, "Tax Abatement for Certain Residential Properties" specifically, to amend Section 3.12.030, entitled "Eligible Residential Properties".
- ORD. NO. 5539 - An Ordinance granting a right of way Encroachment Permit to Anselmi and DeCicco, Inc., 1977 Springfield Avenue, Maplewood, N.J., for the Elizabeth Midtown Train Station New Ticket Office Construction, 9-13 West Grand Street, Elizabeth, N.J.
- ORD. NO. 5540 - An Ordinance granting a permanent Encroachment Permit to SEI Speedway Holdings, LLC/Speedway, LLC, 3200 Hackberry Road, Irving, Texas for site improvements into the right-of-way of Woodruff Lane at Speedway #3495 – 623 Spring Street, Elizabeth, N.J.
- ORD. NO. 5541 - An Ordinance to amend Section 10.24.110 of the Code of the City of Elizabeth entitled "Traffic-Control Signals" specifically to establish a New Traffic Control Signal at the intersection of Route 27 (Rahway Avenue) and Grove Street in accordance with the As-Built Traffic Signal Plan dated May 27, 2021.
- ORD. NO. 5542 - An Ordinance to amend Section 10.08.010, of the Code of the City of Elizabeth, entitled "Four-Way Stop Intersections" specifically to add a Four-Way Stop at the intersection of Sixth Street and Court Street and install proper signage.

**PUBLIC HEARINGS (Cont'd)**

- ORD. NO. 5543 - An Ordinance to amend Section 10.08.010, of the Code of the City of Elizabeth, entitled "Four-Way Stop Intersections" specifically to add a Four-Way Stop at the intersection of Bellevue Street and Vine Street and install proper signage.
- ORD. NO. 5544 - An Ordinance to amend Section 10.08.020 of the Code of the City of Elizabeth entitled "Stop Intersections Designated", specifically to add a Three-Way Stop intersection at Third Avenue and South Seventh Street and install proper signage.
- ORD. NO. 5545 - An Ordinance to amend Section 10.28.030, Schedule I, of the Code of the City of Elizabeth, entitled "No Parking All Times on Certain Streets" specifically, to include Jackson Avenue, west side, beginning at the curbline of Adams Avenue and continuing north 168½ feet thereof and to include Catherine Street, west side, from curbline of Flora Street and continuing north for 101 feet thereof.
- ORD. NO. 5546 - An Ordinance to authorize the establishment of a personalized handicapped parking space for Harry Torres, 920 Grove Street, Elizabeth, New Jersey.

**PETITIONS, COMMUNICATIONS, ETC.**

By the Clerk:

Letter dated September 14, 2021, from His Honor the Mayor request that your Honorable Body advise and consent to the reappointment of Jubilo L. Afonso as Temporary Judge of the Municipal Court to hear cases in the Municipal Court including, but not limited to, illegal conversions, drunk driving complaints and other related matters that may be assigned for a term of one year from November 1, 2021 through October 31, 2022 at the rate of \$300.00 per session in an amount not to exceed \$60,000.00. Which was received.

By the Clerk:

Letter dated September 20, 2021, from His Honor the Mayor request that your Honorable Body consider an ordinance to waive building and construction fees for any work necessary to restore damaged properties by Tropical Storm IDA. Which was received.

By the Clerk:

Letter dated September 10, 2021, from the Business Administrator recommending awarding a contract to Snap On Industrial, Div. of IDSC Holdings, LLC, 21755 Network Place, Chicago, IL for the purchase of automotive tools and equipment for the period of July 13, 2021 through July 12, 2022 at a cost not to exceed \$100,000.00. Which was received.

By the Clerk:

Letter dated September 10, 2021, from the Business Administrator request authorization for the proper City officials to auction the City's Solar Renewable Energy Certificates and to execute the certificates listed on Schedule A attached hereto being auctioned via on-line auction with Flett Exchange, LLC, 15 Exchange Place, Suite 710, Jersey City, NJ; date and time of the auction will be set by Flett Exchange, LLC and published in The Star Ledger Which was received.

By the Clerk:

Letter dated September 17, 2021, from the City Attorney request to amend the resolution adopted on November 12, 2019 authorizing a contract to Greenbaum Rowe Smith & Davis, LLP to file litigation in the Superior Court concerning the collapse of a retaining wall on a portion of the fly over of the New Jersey Turnpike which was supposed to last 100 years but collapsed after about 16 years in the amount of \$100,000.00, specifically to increase the limitation on fees and costs to the Greenbaum firm to Four Hundred Fifty-two Thousand Dollars xx/100 (\$452,000.00) representing payments to date over the original amount of One Hundred Thousand Dollars xx/100 (\$100,000.00). Which was received.

PETITIONS, COMMUNICATIONS, ETC. (Cont'd)

By the Clerk:

Letter dated September 20, 2021, from the City Attorney request to amend Chapter 5.44 of the Code of the City of Elizabeth, entitled "Garage Sales", specifically to establish Section 5.44.050 to allow city-wide garage sales with waived permit requirements. Which was received.

By the Clerk:

Letter dated September 21, 2021, from the First Assistant City Attorney request that your Honorable Body consider an ordinance to amend the Code of the city of Elizabeth to Establish Chapter 3.54 entitled "Cannabis Transfer and User Taxes." Which was received.

By the Clerk:

Letter dated September 21, 2021, from the Chief Financial Officer advising that transfers for the 2021 SFY Municipal and Sewer Utility Budgets may be necessary. Which was received.

By the Clerk:

Letter dated September 21, 2021, from the Chief Financial Officer advising that temporary emergency appropriations for the 2022 SFY Municipal and Sewer Utility Budgets may be necessary. Which was received.

By the Clerk:

Letter dated September 21, 2021, from the Chief Financial Officer request that your Honorable Body consider an ordinance to approve the application and Financial Agreement for a PILOT with 250 Union Redevelopment Urban Renewal LLC located at 237-260 Union Street and 48-54 Westfield Avenue for the new construction of a resort-style multi-family project consisting of 258 market-rate apartments, 3,172 square feet of commercial/retail space, 280 parking spaces and amenities and providing an Annual Service Charge to the City of over \$830,000.00 while creating approximately 375 skilled construction jobs, 40 support staff, 25 professional positions; permanent jobs will include ten (10) to fifteen (15) retail/restaurant, five (5) apartment maintenance, and five (5) apartment property management/leasing. Which was received.

By the Clerk:

Letter dated September 21, 2021, from the Chief Financial Officer request that your Honorable Body consider a resolution approving a tax exemption for a PILOT for market-rate housing under the Long-Term Tax Exemption Law for the 250 Union Redevelopment Urban Renewal LLC located at 237-260 Union Street and 48-54 Westfield Avenue for the new construction of a resort-style multi-family project consisting of 258 market-rate apartments, 3,172 square feet of commercial/retail space, 280 parking spaces and amenities; this resolution authorizes His Honor the Mayor to enter into a financial agreement with 250 Union Redevelopment Urban Renewal LLC providing for a payment in lieu of taxes; subject to approval by ordinance. Which was received.

By the Clerk:

Letter dated September 21, 2021, from the Chief Financial Officer request that your Honorable Body consider the approval of a resolution to determine the form and other details of not exceeding \$337,738.00 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 Trumbull Street Flood Control Project; interest rate afforded the City will be less than one-half that of a regular financing, thus generating a significant savings and benefits to our taxpayers. Which was received.

**PETITIONS, COMMUNICATIONS, ETC. (Cont'd)**

By the Clerk:

Letter dated September 21, 2021, from the Chief Financial Officer request that your Honorable Body consider 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 Trumbull Street Flood Control Project; interest rate afforded the City will be less than one-half that of a regular financing, thus generating a significant savings and benefits to our taxpayers. Which was received.

By the Clerk:

Letter dated September 1, 2021, from the Director of Health and Human Services request authorization for the submission of an application, permission to accept the award and authorize the proper City officials to execute any documents pertaining to the FY 2022 H.O.P.W.A Grant Funding from the City of Newark, Department of Health and Community Wellness, 110 William Street, Room 112, Newark, NJ not to exceed \$1,200,000.00. Which was received.

By the Clerk:

Letter dated September 16, 2021, from the Director of Planning and Community Development request authorization for the proper City officials to execute any and all documents necessary to discharge the City's mortgage(s) on the property located at 71 East Jersey Street in the total amount of \$23,543.00. Which was received.

By the Clerk:

Letter dated September 21, 2021, from the Director of Planning and Community Development request that your Honorable Body consider approving the NPP Colombian District Implementation Plan Year II on file in the City Clerk's Office in the amount of \$125,000.00. Which was received.

By the Clerk:

Letter dated August 31, 2021, from Langan, 300 Kimball Drive, Parsippany, NJ, on behalf of AEE Real Estate Holding, LLC, request an Encroachment Permit to construct and maintain a monument sign within the right-of-way of Division Street as depicted on "615 Division Street, Site Plan, Sheet CS101" which is on file in the Municipal Engineer's Office. Which was received.

**REPORTS OF CITY OFFICERS**

By the Clerk:

Letter dated September 17, 2021, from the City Treasurer submitting the City Treasurer's Report of Receipts and Disbursements for the month of July 2021 and Statement of Bank Balances and Investments as of July 31, 2021. Which was received.

**ORDINANCES ON FIRST READING**

- ORD. NO. 5547 - An Ordinance to waive building and construction fees for any work necessary to restore properties damaged by Tropical Storm Ida.
- ORD. NO. 5548 - An Ordinance to amend Chapter 5.44 of the Code of the City of Elizabeth, entitled "Garage Sales", specifically to establish Section 5.44.050 to allow City-Wide Garage Sales with waived permit requirements.
- ORD. NO. 5549 - An Ordinance to amend the Code of the City of Elizabeth to establish Chapter 3.54 entitled "Cannabis transfer and user taxes".

**ORDINANCES ON FIRST READING (cont'd)**

- ORD. NO. 5550 - An Ordinance to approve the Application and Financial Agreement for a PILOT with 250 Union Redevelopment Urban Renewal, LLC, collectively located at 237-260 Union Street and 48-54 Westfield Avenue, 250 Union Street (Block 6, Lot 157, 414, 415, 1703, 1706, 1708, 1709, 1710, 1773, 1774, 1775, & 1710.A) for new construction of a resort-style multi-family project consisting of 258 market-rate apartments, 3,172 sf of commercial/retail space, 280 parking spaces and amenities.
- ORD. NO. 5551 - An Ordinance granting an Encroachment Permit to AEE Real Estate Holdings, LLC, 633 Division Street, Elizabeth, N.J., to install a 5' 0" Long X 1' 0" Wide X 3' 0" tall monument sign within the public right-of-way at 615 Division Street.

**PUBLIC HEARING AND FURTHER CONSIDERATION OF THE FOREGOING  
ORDINANCES SHALL TAKE PLACE AT THE CITY COUNCIL MEETING TO BE HELD  
TUESDAY, OCTOBER 12, 2021 AT 7:30 P.M.**

- ORD. NO. 5552 - A Guaranty Bond Ordinance authorizing a Guaranty of the City of Elizabeth, in the County of Union, New Jersey, securing payment of principal of and interest on certain bonds, notes or other obligations of the Parking Authority of the City of Elizabeth in an amount not to exceed \$17,000,000.00.

**PUBLIC HEARING AND FURTHER CONSIDERATION OF THE FOREGOING  
ORDINANCE SHALL TAKE PLACE AT THE CITY COUNCIL MEETING TO BE HELD  
TUESDAY, OCTOBER 26, 2021 AT 7:30 P.M.**

**ORDINANCES ON FINAL PASSAGE**

- ORD. NO. 5537 - An Ordinance to amend Chapter 2.60, entitled "Fire Department," of the Code of the City of Elizabeth, specifically to amend Section 2.60.050, entitled, "Fire Department Service Fees" to properly conform with N.J.S.A. 47:1A-5 Opra Rules.
- ORD. NO. 5538 - An Ordinance to amend Chapter 3.12 of the Code of the City of Elizabeth, Entitled, "Tax Abatement for Certain Residential Properties" specifically, to amend Section 3.12.030, entitled "Eligible Residential Properties".
- ORD. NO. 5539 - An Ordinance granting a right of way Encroachment Permit to Anselmi and DeCicco, Inc., 1977 Springfield Avenue, Maplewood, N.J., for the Elizabeth Midtown Train Station New Ticket Office Construction, 9-13 West Grand Street, Elizabeth, N.J.
- ORD. NO. 5540 - An Ordinance granting a permanent Encroachment Permit to SEI Speedway Holdings, LLC/Speedway, LLC, 3200 Hackberry Road, Irving, Texas for site improvements into the right-of-way of Woodruff Lane at Speedway #3495 – 623 Spring Street, Elizabeth, N.J.
- ORD. NO. 5541 - An Ordinance to amend Section 10.24.110 of the Code of the City of Elizabeth entitled "Traffic-Control Signals" specifically to establish a New Traffic Control Signal at the intersection of Route 27 (Rahway Avenue) and Grove Street in accordance with the As-Built Traffic Signal Plan dated May 27, 2021.
- ORD. NO. 5542 - An Ordinance to amend Section 10.08.010, of the Code of the City of Elizabeth, entitled "Four-Way Stop Intersections" specifically to add a Four-Way Stop at the intersection of Sixth Street and Court Street and install proper signage.

ORDINANCES ON FINAL PASSAGE (Cont'd.)

- ORD. NO. 5543 - An Ordinance to amend Section 10.08.010, of the Code of the City of Elizabeth, entitled "Four-Way Stop Intersections" specifically to add a Four-Way Stop at the intersection of Bellevue Street and Vine Street and install proper signage.
- ORD. NO. 5544 - An Ordinance to amend Section 10.08.020 of the Code of the City of Elizabeth entitled "Stop Intersections Designated", specifically to add a Three-Way Stop intersection at Third Avenue and South Seventh Street and install proper signage.
- ORD. NO. 5545 - An Ordinance to amend Section 10.28.030, Schedule I, of the Code of the City of Elizabeth, entitled "No Parking All Times on Certain Streets" specifically, to include Jackson Avenue, west side, beginning at the curbline of Adams Avenue and continuing north 168½ feet thereof and to include Catherine Street, west side, from curbline of Flora Street and continuing north for 101 feet thereof.
- ORD. NO. 5546 - An Ordinance to authorize the establishment of a personalized handicapped parking space for Harry Torres, 920 Grove Street, Elizabeth, New Jersey.

NEW BUSINESS

Authorize Temporary Emergency Appropriations for the 2022 Fiscal Year Municipal and Sewer Utility Budgets in the amount of \$5,037,172.09.

Confirm the reappointment of Jubilo L. Afonso, to serve as Temporary Municipal Court Judge of the Municipal Court for a term of one (1) year commencing November 1, 2021 through October 31, 2022, at a cost not to exceed \$60,000.00.

Authorize the award of a contract to Snap On Industrial, Div. of IDSC Holdings, LLC, 21755 Network Place, Chicago, IL, for the purchase of automotive tools and equipment, through the Bergen County Co-Op for the period July 13, 2021 through July 12, 2022, at a cost not to exceed \$100,000.00.

Authorize the proper City officials to auction the City's Solar Renewable Energy Certificates (SREC's) and to execute the certificates being auctioned as per Schedule A on file in the City Clerk's Office via online auction by Flett Exchange, LLC, 15 Exchange Place, Suite 710, Jersey City, New Jersey.

Amend resolution adopted November 12, 2019, authorizing a contract to Greenbaum Rowe Smith & Davis, LLP, to file litigation against Reinforced Earth Company, et al (RECO) in the Superior Court concerning the collapse of a retaining wall on a portion of the flyover of the New Jersey Turnpike which was to last 100 years but collapsed after about 16 years, in the amount of \$100,000.00, specifically to increase the limitation on fees and costs to the Greenbaum firm to \$452,000.00, representing payments to date over the original amount of \$100,000.00 previously authorized, billing for attorney's fees yet to be paid and future estimated attorney's fees associated with this litigation.

Adopt a resolution approving a Tax Exemption for a PILOT for market-rate housing under the Long-Term Tax Exemption Law for the 250 Union Redevelopment Urban Renewal LLC and authorize the Mayor to enter into a financial agreement providing for a payment in lieu of taxes located at 237-260 Union Street and 48-54 Westfield Avenue for the new construction of a resort-style multi-family project consisting of 258 market-rate apartments, 3,172 square feet of commercial/retail space, 280 parking spaces and amenities.

Adopt a resolution determining the form and other details of not exceeding \$337,738.00 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 Trumbull Street Flood Control Project.

**NEW BUSINESS (cont'd)**

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 Trumbull Street Flood Control Project.

Authorize the proper City officials to apply for grant funds and to accept the funds if awarded and execute any and all documents necessary for grant funds for FY 2022, for the continuation of the Housing Opportunities for People with AIDS (H.O.P.W.A) Program provided by the City of Newark, Department of Health and Community Wellness, 110 William Street, Room 112, Newark, N.J., in the amount of \$1,200,000.00.

Authorize the proper City Officials to execute any and all documents necessary to discharge the City's mortgage(s) on the property located at 71 East Jersey Street, in the total amount of \$23,543.00.

Adopt a resolution approving the Neighborhood Preservation Program (NPP) Colombian District Implementation Plan Year II, plan is on file in the City Clerk's Office, in the amount of \$125,000.00.

Pay Utility Bills

Approve Bingo and Raffle Licenses

**COMMENDATIONS:**

Judy Comitto

Retirement, Vice President of Information Technology and  
)Chief Information Officer of Trinitas Regional Medical Center

**MEMORIALS:**

Paul Billero  
Lloyd A. Noyan  
Darmays Vazquez  
Carmen Maria Colon

**ADJOURNMENT**