

CITY COUNCIL - ELIZABETH, N. J.

REGULAR MEETING - TUESDAY, NOVEMBER 13, 2007

AGENDA

ROLL CALL.

PRAYER AND PLEDGE OF ALLEGIANCE TO THE FLAG.

PUBLIC SPEAKING: RESIDENTS AND TAXPAYERS ADDRESS THE CITY COUNCIL.

APPROVAL OF MINUTES: Conference Meeting, July 3, 2007; Regular Meeting, July 24, 2007; Conference Meeting, August 7, 2007; Regular Meeting, August 28, 2007; Special Meeting, September 4, 2007; Conference Meeting, September 4, 2007

PUBLIC HEARINGS

ORD. NO. 3935 - Authorize an amendment to Chapter 5.100.220.C11 of the Code of the City of Elizabeth entitled "Regulations Governing Rates of Fare."

ORD. NO. 3936 - Grant an encroachment permit to CMX, Inc., formerly Schoor DePalma, Justin Corporate Center, 200 State Highway Nine, Manalapan, N.J., for the installation of three (3) groundwater monitoring wells within the public right-of-way of Fay Avenue.

ORD. NO. 3937 - Authorize the establishment of a personalized handicapped parking space for Marie Kurinzi, 655 Norwood Terrace.

ORD. NO. 3938 - Authorize the establishment of a personalized handicapped parking space for Patricia Sanders, 35 Catherine Street.

ORD. NO. 3939 - Authorize the establishment of a personalized handicapped parking space for Irene Sedillo, 118 Franklin Street.

PETITIONS, COMMUNICATIONS, ETC.

By the Clerk:

Letter dated October 24, 2007, from His Honor the Mayor advising, that subject to confirmation, he is appointing Susan J. Ucci as Municipal Housing Liaison (MHL) for the administration of the City's affordable housing program and as Regional Contribution Agreement Administrator (RCA) for the administration of the RCA Affordable Housing program and to utilize the resolution format provided by the State. Which was received.

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PETITIONS & COMMUNICATIONS, ETC.

By the Clerk:

Letter dated October 18, 2007, from the Business Administrator recommending the award of a contract to Certified Products Company, 400 West Side Avenue, Jersey City, N.J., for the purchase of parts and repairs for road maintenance equipment/ hydraulic parts for the period October 17, 2007 to October 31, 2009, at a cost not to exceed \$30,000.00. Which was received.

By the Clerk:

Letter dated October 18, 2007, from the Business Administrator recommending the award of a contract to Postage by Phone (a division of Pitney Bowes), P.O. Box 952856, St. Louis, MO, for the furnishing of postage for the period October 15, 2007 to October 14, 2008, at a cost not to exceed \$200,000.00. Which was received.

By the Clerk:

Letter dated November 1, 2007, from the Business Administrator requesting authorization for payment of a final premium adjustment to Midwest Employers Casualty Company, 13801 Riverport Drive, Maryland Heights, MO, through agent-of-record Regional Risk Managers, LLC, covering the Excess Insurance on Workers

Compensation Insurance covering the period July 31, 2006 to July 31, 2007, in the total sum of \$8,354.00.
Which was received.

By the Clerk:

Letter dated November 2, 2007, from the Business Administrator recommending the award of a contract to Garden State Highway Products, 1740 East Oak Road, Vineland, N.J., for Break-Away U-Post Sign Supports for the Public Works Department for the period October 23, 2007 to June 14, 2008, at a cost not to exceed \$10,000.00.
Which was received.

By the Clerk:

Letter dated October 17, 2007, from the Chief Financial Officer requesting authorization for the Tax Collector to refund/credit an overbilling of the 2006 property taxes on the property located at 416 Schiller Street in the sum of \$602.53.
Which was received.

By the Clerk:

Letter dated October 19, 2007, from the Chief Financial Officer requesting authorization for the Tax Collector to cancel the disallowed senior citizen deduction for the Tax Year 2006 on the property located at 225-227 South Second Street in the amount of \$250.00.
Which was received.

By the Clerk:

Letter dated November 7, 2007, from the Chief Financial Officer advising that Temporary Emergency Appropriations for the 2008 SFY Municipal and Sewer Utility Budgets may be necessary.
Which was received.

By the Clerk:

Letter dated November 7, 2007, from the Chief Financial Officer requesting a SFY 2008 Dedication by Rider to the municipal budget for donations-acceptance of bequests and gifts.
Which was received.

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PETITIONS, COMMUNICATIONS, ETC.

By the Clerk:

Letter dated November 7, 2007, from the Chief Financial Officer recommending the approval of a bond ordinance appropriating \$1,360,000.00 to supplement prior Ordinance Nos. 3662 and 3854 for the acquisition and development of 60-90 Broadway. WHICH WAS REFERRED TO COUNCIL AS A WHOLE.

By the Clerk:

Letter dated October 16, 2007, from the Director of Planning and Community Development requesting authorization for the proper City officials to execute an agreement with the Court Appointed Special Advocate of Union County, Inc., 1143-1145 East Jersey Street, Elizabeth, N.J., for Court Advocacy and Case Management of Abused and Neglected Children for the period September 1, 2007 to August 31, 2008, in the amount of \$5,000.00.
Which was received.

By the Clerk:

Letter dated October 18, 2007, from the Director of Planning and Community Development requesting authorization for the proper City officials to execute an agreement with Covenant House – Raphael's Life House, Inc., 330 Washington Street, Newark, N.J., to purchase new windows for its' homeless shelter located at 231 Court Street, Elizabeth, N.J., for the period November 1, 2007 to October 31, 2008, in the amount of \$10,000.00.
Which was received.

By the Clerk:

Letter dated October 22, 2007, from the Director of Planning and Community Development requesting authorization for the proper City officials to execute any and all documents necessary and appropriate to provide a Department of Community Affairs Lead Intervention Grant for the property located at 431 Trinity Place in an amount not to exceed \$10,000.00.
Which was received.

By the Clerk:

Letter dated October 23, 2007, from the Director of Planning and Community Development requesting authorization for the proper City officials to execute an agreement with Central Jersey Legal Services, Inc., 60 Prince Street, Elizabeth, N.J., for funds to be used for Homelessness Prevention Program for the period November 1, 2007 to October 31, 2008, in the amount of \$7,000.00.
Which was received.

By the Clerk:

Letter dated October 23, 2007, from the Director of Planning and Community Development requesting authorization for the proper City officials to execute an agreement with Center for Hope Hospice and Palliative Care, 1900 Raritan Road, Scotch Plains, N.J., to provide funds to defer the cost of meals and health care assistance to low and moderate income, terminally ill patients of Theo House, 851 North

Broad Street, Elizabeth, N.J., for the period September 1, 2007 to August 31, 2008, in the amount of \$11,500.00.
Which was received.

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PETITIONS, COMMUNICATIONS, ETC.

By the Clerk:

Letter dated October 23, 2007, from the Director of Planning and Community Development requesting authorization for the proper City officials to execute a contract with the YM-YWHA of Union County, Inc., 501 Green Lane, Union, N.J., for funds to help defray transportation costs for Seniors, After School Program, and Early Childhood Education Programs for the period October 1, 2007 to September 30, 2008, in the amount of \$13,000.00.
Which was received.

By the Clerk:

Letter dated October 23, 2007, from the Director of Planning and Community Development requesting your Honorable Body to support Fairmont Avenue Development, LLC's grant application to the N.J. Housing and Mortgage Finance Agency for funding in the CHOICES in Homeownership Incentives Created For Everyone Program; in addition, to recognizing Fairmont Avenue Development, LLC, as the developer/sponsor of the proposed Jefferson Avenue Project.
Which was received.

By the Clerk:

Letter dated October 26, 2007, from the Director of Planning and Community Development requesting authorization to designate Dornoch Management, LLC, 1501 Main Street, Rahway, N.J., as the Redeveloper for Parcel "D" of the Midtown Redevelopment Area; in addition, to authorization for the proper City officials to enter into a redeveloper's agreement for this project.
Which was received.

By the Clerk:

Letter dated October 26, 2007, from the Director of Planning and Community Development requesting authorization to execute an agreement with Urban Workforce Advantage, Inc., 66 Elmora Avenue, Elizabeth, N.J., for funds to provide English Literacy and Civics Education to clients with limited English proficiency for the period July 1, 2007 to June 30, 2008, in the amount of \$10,000.00.
Which was received.

By the Clerk:

Letter dated October 26, 2007, from the Director of Planning and Community Development requesting authorization for the proper City officials to execute an agreement with Catholic Charities of the Archdiocese of Newark, Inc., 505 South Avenue East, Cranford, N.J., for funds to provide Advocacy Services for Hispanic Seniors for Community Services and Entitlements for the period November 1, 2007 to October 31, 2008, in the amount of \$5,000.00.
Which was received.

By the Clerk:

Letter dated October 29, 2007, from the Director of Planning and Community Development requesting authorization for the proper City officials to execute any and all documents necessary and appropriate to postpone the City's mortgage on the property located at 278 First Street.
WHICH WAS REFERRED TO COUNCIL AS A WHOLE.

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PETITIONS, COMMUNICATIONS, ETC.

By the Clerk:

Letter dated October 30, 2007, from the Director of Planning and Community Development requesting authorization for the proper City officials to execute any and all documents necessary and appropriate to provide a Rental Housing Program Deferred Payment Loan, on the property located at 547 Court Street in the amount of \$49,725.00.
Which was received.

By the Clerk:

Letter dated November 1, 2007, from the Director of Planning and Community Development requesting authorization for the proper City officials to execute any and all documents necessary and appropriate to discharge the City's second mortgage on the property located at 154-156 First Street.
Which was received.

By the Clerk:

Letter dated November 1, 2007, from the Director of Planning and Community Development to support West Grand Properties, LLC's grant application to the N.J. Housing and Mortgage Finance Agency for funding under the CHOICES in Homeownership Incentives Created for Everyone Program for the 318-324 West Grand Street project; in addition, to recognizing West Grand Properties, LLC, as the developer/sponsor of the proposed project.
Which was received.

By the Clerk:

Letter dated November 7, 2007, from the Director of Planning and Community Development requesting approval of an amendment to the New Point Road Neighborhood Preservation Program (NPP) Agreement with the State of New Jersey, Department of Community Affairs, which revises the scope of services contained in the Strategic Plan and extends the term of the performance agreement from June 30, 2007 to June 30, 2008.
Which was received.

By the Clerk:

Letter dated November 7, 2007, from the Director of Planning and Community Development requesting authorization for the proper City officials to execute any and all documents necessary and appropriate to postpone the second mortgage held by the City on the property located at 449-451 East Jersey Street.
Which was received.

By the Clerk:

Letter dated October 22, 2007, from the Director of Public Works requesting permission to have a lien placed against the property situated at 960 William Street for the removal and disposal of debris from said property in the amount of \$541.60.
Which was received.

By the Clerk:

Letter dated October 24, 2007, from the Director of Public Works requesting approval of Change Order #1 to the contract awarded to Mazzocchi Wrecking, 32 Williams Parkway, East Hanover, N.J., for the demolition for the Emergency Response Facility, 442-464 Trumbull Street, in the original amount of \$196,220.00, to reflect the final as-built conditions which decreases the contract by \$48,820.00, from the original contract price to \$147,400.00.
Which was received.

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PETITIONS & COMMUNICATIONS, ETC.

By the Clerk:

Letter dated October 24, 2007, from the Director of Public Works requesting approval of Change Order #1 to the contract awarded to Spearin Preston & Burrows, Inc., 3365 Richmond Terrace, Staten Island, N.Y., for the reconstruction of the Wave Screen at the Marina in the original amount of \$2,224,000.00, to provide further additional labor and material at an additional cost of \$4,320.00, raising the contract amount to \$2,228,320.00.

Which was received.

By the Clerk:

Letter dated October 24, 2007, from the Director of Public Works requesting approval of Change Order #1 to the contract awarded to DeFino Contracting Company, 28 Industrial Drive, Cliffwood Beach, NJ, in the original amount of \$581,685.00, the change order represents the final as-built quantities which decreases the contract by \$183,003.75, making the final contract price \$398,681.25.

Which was received.

By the Clerk:

Letter dated November 5, 2007, from the Director of Public Works requesting permission to have a lien placed against the property situated at 11 Boyle Place for the removal and disposal of debris from said property in the amount of \$515.59.

Which was received.

By the Clerk:

Letter dated October 29, 2007, from the Police Director requesting authorization for the proper City officials to apply, accept and sign all appropriate documents for the Edward Byrne Memorial Justice Assistance Grant Program in an amount not to exceed \$68,264.10 for the year 2006.

Which was received.

By the Clerk:

Letter dated August 31, 2007, from Kleinfelder, 1 AAA Drive, Suite 203, Hamilton, N.J., requesting an encroachment permit for environmental work within the public right-of-way of 312-320 Atlantic Street (former Exxon Facility) to include conditions outlined in PMK's letter.

By the Clerk:

Letter dated November 1, 2007, from the Solid Waste Advisory Council, 1499 Routes 1 & 9 North, Rahway, N.J., reminding your Honorable Body to appoint a member and alternate member to represent their respective municipalities on the Union County Solid Waste Advisory Council.

Which was received.

REPORTS OF CITY OFFICERS

By the Clerk:

Letter November 13, 2007, 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, November 9, 2007.

Which was received.

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REPORTS OF CITY OFFICERS (Cont'd.)

By the Clerk:

Letter dated October 12, 2007, from the Police Director submitting the sick and injury report for both police officers and civilian personnel in the Police Department for the month of September, 2007.

Which was received.

By the Clerk:

Minutes: Fair Rental Housing Board meeting held September 19, 2007.

Which was received.

By the Clerk:

Minutes: Zoning Board of Adjustment meetings held September 20, 2007;

September 27, 2007

Which was received.

ORDINANCES ON FIRST READING

ORD. NO. 3941 - Grant an encroachment permit to Kleinfelder, Inc., 1 AAA Drive, Suite 203, Hamilton, N.J., for environmental work within the public right-of-way of 312-320 Atlantic Street, the former EXXON Facility No. 33108.

**PUBLIC HEARING AND FURTHER CONSIDERATION OF THE
FOREGOING
ORDINANCES SHALL TAKE PLACE AT THE CITY COUNCIL MEETING
TO BE HELD TUESDAY, NOVEMBER 27, 2007, AT 7:30 P.M.**

ORDINANCES ON FINAL PASSAGE

- ORD. NO. 3935 - Authorize an amendment to Chapter 5.100.220.C11 of the Code of the City of Elizabeth entitled "Regulations Governing Rates of Fare."
- ORD. NO. 3936 - Grant an encroachment permit to CMX, Inc., formerly Schoor DePalma, Justin Corporate Center, 200 State Highway Nine, Manalapan, N.J., for the installation of three (3) groundwater monitoring wells within the public right-of-way of Fay Avenue.
- ORD. NO. 3937 - Authorize the establishment of a personalized handicapped parking space for Marie Kurinzi, 655 Norwood Terrace.
- ORD. NO. 3938 - Authorize the establishment of a personalized handicapped parking space for Patricia Sanders, 35 Catherine Street.
- ORD. NO. 3939 - Authorize the establishment of a personalized handicapped parking space for Irene Sedillo, 118 Franklin Street.

NEW BUSINESS

Authorize Fiscal Year 2008 Temporary Emergency Municipal and Sewer Budget appropriations in the amount of \$2,064,603.11.

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NEW BUSINESS (Cont'd.)

Request permission from the Director of Local Government Services for a Dedication by Rider in the Fiscal Year 2008 budget for donations/acceptance of bequests and gifts for Police Escort Services from St. Augustine's Church.

Request permission from the Director of Local Government Services for a Dedication by Rider in the Fiscal Year 2008 budget for donations/acceptance of bequests and gifts for Golden Age Medicare Made Clear Event from Networx Corporation.

Request permission from the Director of Local Government Services for a Dedication by Rider in the Fiscal Year 2008 budget for donations/acceptance of bequests and gifts for a Regional Contribution Agreement (RCA) between the City of Summit and the City of Elizabeth.)

Request permission from the Director of Local Government Services for a Dedication by Rider in the Fiscal Year 2008 budget for donations/acceptance of bequests and gifts for a Regional Contribution Agreement (RCA) between the Township of Fairfield and the City of Elizabeth.

Confirm the appointment of Susan J. Ucci as Municipal Housing Liaison (MHL) for the administration of the City's Affordable Housing Program and as Regional Contribution Agreement Administrator (RCA) for the administration of the City's RCA Affordable Housing Program.

Authorize the appointment of Pasquale Vella to serve as a member on the Union County Solid Waste Advisory Council for the County of Union and Febo Torres to serve as the Alternate Member on the Union County Solid Waste Advisory Council for the County of Union.

Authorize the award of a contract to Certified Products Company, 400 West Side Avenue, Jersey City, N.J., for the purchase of parts and repairs for road maintenance equipment/hydraulic parts for the period October 17, 2007 to October 31, 2009, at a cost not to exceed \$30,000.00.

Authorize the award of a contract to Postage by Phone, a division of Pitney Bowes, P.O. Box 952856, St. Louis, MO., for the furnishing of postage, for the period October 15, 2007 to October 14, 2008, at a cost of not to exceed \$200,000.00.

Authorize the award of a contract to Garden State Highway Products, 1740 East Oak Road, Vineland, N.J., for Break-Away U-Post sign supports for the Department of Public Works, for the period October 23, 2007 to June 14, 2008, at a cost not to exceed \$10,000.00.

Authorize the proper City officials to execute an agreement with the Court Appointed Special Advocate of Union County, Inc., 1143-1145 East Jersey Street, Elizabeth, for

Court Advocacy and Case Management of Abused and Neglected Children for the period September 1, 2007 to August 31, 2008 in the amount of \$5,000.00.

Authorize the proper City officials to execute an agreement with Covenant House - Raphael's Life House, Inc., 330 Washington Street, Newark, N.J., to purchase new windows for its homeless shelter located at 231 Court Street, Elizabeth, N.J., in the amount of \$10,000.00 for the period November 1, 2007 to October 31, 2008.

Authorize the proper City officials to execute an agreement with Central Jersey Legal Services, Inc., 60 Prince Street, Elizabeth, to provide funds in the amount of \$7,000.00, to prevent homelessness by resolving eviction actions before they result in warrants for removal for the period November 1, 2007 to October 31, 2008.

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NEW BUSINESS (Cont'd.)

Authorize the proper City officials to execute an agreement with the Center for Hope Hospice and Palliative Care, 1900 Raritan Road, Scotch Plains, N.J., to provide funds in the amount of \$11,500.00 to help defer the cost of meals and health care assistance to low and moderate income terminally-ill residents of Theo House, 851 North Broad Street, Elizabeth, for the period September 1, 2007 to August 31, 2008.

Authorize the proper City officials to execute an agreement with the YM-YWHA of Union County, 501 Green Lane, Union, N.J., to provide funds in the amount of \$13,000.00 to help defray transportation costs for seniors, after-school programs and Early Childhood Education Programs for the period October 1, 2007 to September 30, 2008.

Authorize the proper City officials to enter into an agreement with Urban Workforce Advantage, Inc., 66 Elmora Avenue, Elizabeth, for funds in the amount of \$10,000.00, to provide English literacy and civics education to low and moderate income clients to develop educational/vocational skills to secure employment for the period July 1, 2007 to June 30, 2008.

Authorize the proper City officials to execute an agreement with Catholic Charities of the Archdiocese of Newark, Inc., 505 South Avenue East, Cranford, N.J., for funds in the amount of \$5,000.00 to provide advocacy services to Hispanic seniors for Community Services and Entitlements for the period November 1, 2007 to October 31, 2008.

Authorize the payment of a final premium adjustment to Midwest Employers Casualty Company, 13801 Riverport Drive, Maryland Heights, MO., for the Excess Workers

Compensation Insurance Policy covering the period July 31, 2006 to July 31, 2007, in the total amount of \$8,354.00.

Designate Dornoch Management, LLC., 1501 Main Street, Rahway, N.J., as the redeveloper of Parcel "D" of the Midtown Redevelopment area and authorize the proper City officials to enter into a redevelopers agreement with Dornoch Management, LLC., for the redevelopment of Parcel "D".

Authorize Change Order #1 to the contract awarded to Mazzocchi Wrecking, 32 Williams Parkway, East Hanover, N.J., for the demolition of the building currently located at the proposed site of the Emergency Response Facility at 442-464 Trumbull Street, in the amount of \$196,220.00, to reflect final as-built quantities adjustments, resulting in a decrease in the amount of \$48,820.00 to the contract cost.

Authorize Change Order #1 to the contract awarded to Spearin Preston & Burrows, Inc., 3365 Richmond Terrace, Staten Island, N.Y., for the reconstruction of the Wave Screen at the Municipal Marina, at a cost of \$2,224,000.00, to provide further additional labor and material at an additional cost of \$4,320.00, raising the contract amount to \$2,228,320.00.

Authorize Change Order #1 to the contract awarded to Defino Contracting Company, 28 Industrial Drive, Cliffwood Beach, N.J., for the 2006 Road Resurfacing Program, Phase 1, in the amount of \$581,685.00, to reflect final as-built quantities adjustments, resulting in a decrease in the amount of \$183,003.00 to the contract cost.

Authorize the proper City officials to execute any and all documents necessary and appropriate to provide a Rental Housing Program Deferred Payment loan to Ida and Daniel Galman for the rehabilitation of a two family house on the property located at 547 Court Street, in the amount of \$49,725.00.

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NEW BUSINESS (Cont'd.)

Authorize the discharge of a second mortgage held by the City on the property located at 154-156 First Street.

Authorize the postponement of a second mortgage held by the City on the property located at 449-451 East Jersey Street.

Authorize the proper City officials to support West Grand Properties, LLC.'s grant application to the New Jersey Housing and Mortgage Finance Agency for funding under the CHOICES in Homeownership Incentives Created for Everyone Program for the 318-324 West Grand Street Project and to recognize West Grand Properties, LLC., as the developer/sponsor for the construction of a 30 unit condominium at said property.

Authorize the proper City officials to support Fairmount Avenue Development, LLC's grant application to the New Jersey Housing and Mortgage Finance Agency for funding under the CHOICES in Homeownership Incentives Created for Everyone Program for the 594-596 Jefferson Avenue Project and to recognize Fairmount Avenue Development, LLC., as the developer/sponsor for the construction of a 15 unit condominium at said property.

Authorize the proper City officials to execute any and all documents necessary and appropriate to provide a Department of Community Affairs Lead Intervention Grant on the property located at 431 Trinity Place in an amount not to exceed \$10,000.00.

Authorize the proper City officials to apply, accept and sign all appropriate documents to the County of Union for an Edward Byrne Memorial Justice Assistance Grant in an amount not to exceed \$68,264.10.

Authorize an amendment to the New Point Road Neighborhood Preservation Program agreement with the State of New Jersey, Department of Community Affairs, which revises the scope of services contained in the Strategic Plan and extends the term of the performance agreement from June 30, 2007 to June 30, 2008.

Authorize the Tax Collector to refund/credit an overbilling of taxes for the 2006 Tax Year, on the property located at 416 Schiller Street, in the amount of \$602.53.

Authorize the Tax Collector to cancel the disallowed senior citizen tax deduction for the Tax Year 2006, on the property located at 225-227 South Second Street in the amount of \$250.00.

Establish a lien on the property located at 960 William Street in order to reimburse the City for the removal and disposal of debris from said property in the amount of \$541.60.

Establish a lien on the property located at 11 Boyle Place in order to reimburse the City for the removal and disposal of debris from said property in the amount of \$515.59.

Authorize settlement in the workers compensation litigation matter of Timothy E. Kirk vs. the City of Elizabeth, in the amount of \$22,956.00.

Reappoint Mr. David Perez, 4 Lowden Street, Elizabeth, to serve as a Constable in and for the City of Elizabeth for a term of three (3) years.

Declare November, 2007, as Lung Cancer Awareness Month.

Pay Utility Bills

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COUNCIL - NOVEMBER 13,

COMMENDATIONS

Salvatore Imbornone, Jr.

MEMORIALS

Mr. Giuseppe Piccoli
Mr. Pietro Guarraci
Mr. Saverio Germinario
Mrs. Mary Ann Altobelli
Mr. Vincenzo Milazzo
Mr. Calvin Bernard Harris
Mrs. Mamie Dempsey
Elisiah Henderson

ADJOURNMENT