

**CITY COUNCIL - ELIZABETH, N. J.**

**REGULAR MEETING - TUESDAY, SEPTEMBER 13, 2005**

**AGENDA**

ROLL CALL.

PRAYER AND PLEDGE OF ALLEGIANCE TO THE FLAG.

PUBLIC SPEAKING: RESIDENTS AND TAXPAYERS ADDRESS THE CITY COUNCIL.

APPROVAL OF MINUTES: Conference, June 8, 2005; Regular Meeting, June 14, 2005; Conference, June 21, 2005; Regular Meeting, June 28, 2005; Conference, July 5, 2005; Regular Meeting, July 26, 2005; Conference, August 2, 2005; Regular Meeting, August 23, 2005

**PUBLIC HEARINGS**

- ORD. NO. 3751 - Amend Chapter 2.68 of the Code of the City of Elizabeth to establish a range for the application fee for representation in the Municipal Court by the Municipal Public Defender from \$50.00 to \$200.00.
- ORD. NO. 3752 - Authorize the execution of a lease agreement between the City of Elizabeth and the Assembly of God Portuguese Ministry of Elizabeth, Inc., 1123-1131 Dickinson Street, for the use of church property as a parking lot for City employees for the period September 1, 2005 to October 31, 2007, at a cost of \$1.00 per year.
- ORD. NO. 3753 - Authorize the acquisition and/or condemnation proceedings of the property located at 442-64 Trumbull Street for the construction of an Emergency Response Facility.
- ORD. NO. 3754 - Amend Chapter 3.12 of the Code of the City of Elizabeth, entitled "Tax Abatement for Certain Residential Properties," to include townhouses (owner-occupied) built within a redevelopment area.
- ORD. NO. 3755 - Permit Sunesys, Inc., 202 Titus Avenue, Warrington, PA., to install fiber optic cabling on existing poles owned by Verizon, Public Service Electric and Gas Company and/or Cablevision and in underground conduits already installed in the public right-of-way on Monmouth Road.
- ORD. NO. 3756 - Authorize the establishment of a personalized handicapped parking space for Raquel Cortes, 502 Franklin Street.
- ORD. NO. 3757 - Authorize a bond ordinance in the amount of \$2,200,000.00 for major exterior restoration and structural repairs for the Main Public Library.

**PUBLIC HEARINGS (Cont'd.)**

- ORD. NO. 3758 - An ordinance to create Chapter 13.20 of the Code of the City of Elizabeth entitled "Stormwater Regulations," pursuant to New Jersey Department of Environmental Protection regulations and to repeal Chapter 6.04.250 of the Code of the City of Elizabeth.
- ORD. NO. 3759 - An ordinance to amend Chapter 8.32 of the Code of the City of Elizabeth entitled "Litter Control."

**PETITIONS, COMMUNICATIONS, ETC.**

By the Clerk:

Letter dated August 3, 2005, from His Honor The Mayor advising that, effective immediately, he is promoting Ms. Lillie Feit, (Alternate Member) to serve out the unexpired term (11/30/09) of Ms. Joanne DiGiovanni Karanicola on the Board of Trustees of the Free Public Library and he is appointing Ms. Elnora F. Dix, 461 Catherine Street, Elizabeth, to serve as Alternate Member replacing Ms. Feit.

Which was received.

By the Clerk:

Letter dated August 22, 2005, from His Honor The Mayor requesting that the City Council adopt a resolution naming the playground under construction at 118-124 Magnolia Avenue "The Charles W. Harris Playground."

Which was received.

By the Clerk:

Letter dated August 25, 2005, from the Business Administrator requesting a waiver of the residency requirement for Emergency Medical Technician Lattwana Cylear for a one-year period.

Which was received.

By the Clerk:

Letter dated August 1, 2005, from the Business Administrator requesting a waiver of the residency requirement for Emergency Medical Technician Christopher Wray for a one-year period.

Which was received.

By the Clerk:

Letter dated August 1, 2005, from the Business Administrator requesting a waiver of the residency requirement for Emergency Medical Technician Lauren Wigfall for a one-year period.

Which was received.

By the Clerk:

Letter dated August 29, 2005, from the Business Administrator recommending the award of a contract to Union Square Medical Associates, 824 Elizabeth Avenue, Elizabeth, to provide pre-employment physical exams for City civilians, Fire Department personnel; EMS personnel and Police Department civilians for the period September 1, 2005 to August 31, 2006, at a cost not to exceed \$25,000.00.

Which was received.

By the Clerk:

Letter dated September 1, 2005, from the Business Administrator requesting permission for the Purchasing Agent to make the necessary arrangements to conduct the sale of obsolete vehicles and miscellaneous construction equipment.

Which was received.

**PETITIONS, COMMUNICATIONS, ETC.**

By the Clerk:

Letter dated September 6, 2005, from the Business Administrator recommending the award of a contract to Westwood Computer Corporation, 11 Diamond Road, Springfield, N.J., for the purchase of replacement recording video and building security for the cell block in Police Headquarters at a cost of \$102,120.38.

Which was received.

By the Clerk:

Letter dated September 6, 2005, from the Business Administrator recommending the award of a contract to Motorola, Inc., 85 Harristown Road, Glen Rock, N.J., for the purchase of equipment necessary to utilize the City's fiber optic network for radio communications for the Police Department, at a cost of \$62,154.00.

Which was received.

By the Clerk:

Letter September 6, 2005, from the Business Administrator recommending the award of a contract to Data 911 Systems, 2021 Challenger Drive, Alameda, CA, for the purchase of six (6) Mobile Data Terminals for the Police Department, at a total cost of \$32,545.92.

Which was received.

By the Clerk:

Letter dated August 16, 2005, from the Director of Public Works requesting Change Orders #3, 4, 5 and 6 to the contract awarded to Penn Bower, Inc., 132 West Main Street, High Bridge, N.J., which provides for the rehabilitation of the Combined Sewer System at an original cost of \$517,786.74, to provide further for additional work at an additional cost of \$34,969.12, which combined with Change Orders #1 and 2, raises the contract cost to \$570,192.19.

Which was received.

By the Clerk:

Letter dated August 31, 2005, from the Director of Public Works recommending the award of a contract to English Paving Company, Inc., 1087 Edgewater Avenue, Ridgefield, N.J., for Phase III of the 2005 Road Resurfacing Program at a cost of \$699,716.60.

Which was received.

By the Clerk:

Letter dated August 30, 2005, from the Director of Public Works requesting authorization to execute a Memorandum of Understanding and an Indemnification Agreement with the County of Union to participate in the County's Leaf Disposal Program.

Which was received.

By the Clerk:

Letter dated August 31, 2005, from the Director of Public Works recommending the award of a contract to Maser Consulting, P.A., One River Centre, 331 Newman Springs Road, Red Bank, N.J., to provide professional engineering services in connection with the construction of the Sixth Street and Fulton Street Playground at a cost not to exceed \$36,850.00.

Which was received.

By the Clerk:

Letter dated August 19, 2005, from the Director of Planning and Community Development requesting authorization to enter into a Tri-Party Agreement with the Housing Authority of Elizabeth and Waters Edge, LLC., for infrastructure improvements related to the Portside Homes phase of the HOPE VI Project, with the City's share to be \$839,942.00.

Which was received.

**PETITIONS, COMMUNICATIONS, ETC.**

By the Clerk:

Letter dated August 19, 2005, from the Director of Planning and Community Development requesting authorization to enter into a Tri-Party Agreement with the New Jersey Economic Development Authority and Superior Powder Coating, Inc., for the New Jersey Economic Development Authority to loan Superior Powder Coating, Inc., \$750,000.00 for the acquisition of 600 Progress Street.  
Which was received.

By the Clerk:

Letter dated August 30, 2005, from the Director of Planning and Community Development requesting authorization to execute all necessary documents for the sale of City- owned property located at 144 First Street, 146 First Street, 150-152 First Street and 108 South Park Street to Brand New Day, Inc., for redevelopment at a total cost in the amount of \$180,000.00.  
Which was referred to Council As A Whole.

By the Clerk:

Letter dated August 31, 2005, from the Director of Planning and Community Development recommending the award of a contract to Hillier Architecture, 1 South Penn Square, Philadelphia, PA., to conduct a strategy and analysis to implement a "way finding" initiative (improving signage) in Elizabeth at a cost not to exceed \$28,000.00.  
Which was received.

By the Clerk:

Letter dated August 11, 2005, from the Director of Planning and Community Development requesting authorization to sign and accept a task agreement with the National Park Services to receive an additional \$25,000.00 on behalf of Groundwork Elizabeth.  
Which was received.

By the Clerk:

Letter dated August 12, 2005, from the Director of Planning and Community Development requesting authorization to enter into an agreement with Trinitas Hospital for the purchase of health care apparatus and materials for the Brother Bonaventure Extended Care Center in the amount of \$5,000.00.  
Which was received.

By the Clerk:

Letter dated August 17, 2005, from the Director of Planning and Community Development requesting an amendment to an agreement dated December 7, 2004, between the City and the American Red Cross, Tri-County Chapter, 16 Jefferson Avenue, Elizabeth, which provides CDBG funds in the amount of \$10,000.00 for disaster relief, to increase the funding an additional \$4,898.00.  
Which was received.

By the Clerk:

Letter dated August 25, 2005, from the Director of Police requesting authorization to accept a motor vehicle, identified as IFM.....62024, as a donation, from the A.G.L. Corporation, the parent company of Elizabethtown Gas.  
Which was received.

By the Clerk:

Letter dated August 25, 2005, from the Director of Police recommending the establishment of a loading zone, designated as a "Drop Off Zone", for the Day Care Center opening at 16 Jefferson Avenue.  
Which was received.

**PETITIONS, COMMUNICATIONS, ETC.**

By the Clerk:

Letter dated August 25, 2005, from the Director of Police requesting an ordinance to establish "Street Cleaning" No Parking on the south side of Whitehead Place, on Wednesdays, between the hours of 9:00 a.m. to 12:00 noon, and No Parking on the north side of Whitehead Place on Tuesdays, between the hours of 9:00 a.m. to 12:00 noon. Which was received.

By the Clerk:

Letter dated August 31, 2005, from the Director of Police requesting authorization for the proper City officials to submit an application to the U. S. Department of Justice to participate in their Bulletproof Vest Partnership to replace body armor containing zylon in an amount not to exceed \$70,000.00. Which was received.

By the Clerk:

Letter dated August 3, 2005, from the Chief Financial Officer requesting authorization for the Tax Collector to refund/credit an overbilling of taxes for the 2005 Tax Year on the property located at 66-68 Marshall Street in the amount of \$171.64. Which was received.

By the Clerk:

Letter dated August 11, 2005, from the Chief Financial Officer requesting authorization for the Tax Collector to refund/credit an overbilling of taxes for the 2004 Tax Year on the property located at 311 South Street in the amount of \$6,679.31. Which was received.

By the Clerk:

Letter dated September 6, 2005, from the Chief Financial Officer requesting the introduction of the Fiscal Year 2006 Budget. Which was received.

By the Clerk:

Letter dated September 6, 2005, from the Chief Financial Officer advising that there may be a need for Fiscal Year 2005 Municipal and Sewer Utility budget transfers. Which was received.

By the Clerk:

Letter dated September 6, 2005, from the Chief Financial Officer advising that there may be a need for Fiscal Year 2006 Temporary Emergency Municipal and Sewer Utility Budget appropriations. Which was received.

By the Clerk:

Letter dated September 6, 2005, from the Chief Financial Officer requesting a Fiscal Year 2006 Dedication by Rider to the municipal budget for donations-acceptance of bequests and gifts from Sprint Spectrum, LP. Which was received.

By the Clerk:

Letter dated September 2, 2005, from the First Assistant City Attorney requesting an amendment to a resolution adopted June 14, 2005, which authorized the award of a contract to Carmen D. Mistichelli, Real Estate Appraiser-Consultant, to provide appraisal services with regard to the relocation of the City Yard, at a cost not to exceed \$7,500.00, said amendment to award this contract to Kole Appraisal Company, 710 South Avenue West, Westfield, N.J. Which was received.

**PETITIONS, COMMUNICATIONS, ETC.**

By the Clerk:

Letter dated September 2, 2005, from the First Assistant City Attorney requesting a resolution to consent to the change in the ownership and control of the redeveloper of the Continental site located at 10 North Avenue from Catellus into ProLogis.  
Which was received.

By the Clerk:

Letter dated August 30, 2005, from Elizabeth Planning Board requesting an amendment to the City Code, specifically relating to fees for hearings before the Planning Board and Zoning Board of Adjustment.  
Which was referred to Council As A Whole.

By the Clerk:

Letter dated August 25, 2005, from the County of Union, Board of Chosen Freeholders requesting the adoption of legislation proclaiming September 16, 2005, as POW/MIA Remembrance Day.  
Which was received.

**REPORTS OF CITY OFFICERS**

By the Clerk:

Letter dated September 13, 2005, 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, September 09, 2005.  
Which was received.

By the Clerk:

Letters dated July 21 and 26, 2005, from the Chief Financial Officer submitting the City Treasurer's report of receipts and disbursements for the months of May and June, 2005, and statements of bank balances and investments as of May 31 and June 30, 2005.  
Which was received.

By the Clerk:

Letter dated August 11, 2005, 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 July, 2005.  
Which was received.

By the Clerk:

Minutes: Fair Rental Housing Board meeting held May 18 and June 15, 2005.  
Which was received.

**ORDINANCES ON FIRST READING**

ORD. NO. 3760 - Amend the Traffic Code of the City to establish No Parking for street cleaning on the south side of Whitehead Place, on Wednesdays, between the hours of 9:00 a.m. to 12:00 noon, and on the north side of Whitehead Place, on Tuesdays, between the hours of 9:00 a.m. to 12:00 noon.

ORD. NO. 3761 - Amend Chapter 10.16.010 of the City Code of the City of Elizabeth, to establish a four ton weight limit for motor vehicles, except for pick up and delivery, on Monroe Avenue, from Fairmount Avenue to North Avenue.

**PUBLIC HEARING AND FURTHER CONSIDERATION OF THE FOREGOING ORDINANCES SHALL TAKE PLACE AT THE CITY COUNCIL MEETING TO BE HELD TUESDAY EVENING, SEPTEMBER 27, 2005, AT 7:30 P.M.**

**ORDINANCES ON FINAL PASSAGE**

- ORD. NO. 3751 - Amend Chapter 2.68 of the Code of the City of Elizabeth to establish a range for the application fee for representation in the Municipal Court by the Municipal Public Defender from \$50.00 to \$200.00.
- ORD. NO. 3752 - Authorize the execution of a lease agreement between the City of Elizabeth and the Assembly of God Portuguese Ministry of Elizabeth, Inc., 1123-1131 Dickinson Street, for the use of church property as a parking lot for City employees for the period September 1, 2005 to October 31, 2007, at a cost of \$1.00 per year.
- ORD. NO. 3753 - Authorize the acquisition and/or condemnation proceedings of the property located at 442-64 Trumbull Street for the construction of an Emergency Response Facility.
- ORD. NO. 3754 - Amend Chapter 3.12 of the Code of the City of Elizabeth, entitled "Tax Abatement for Certain Residential Properties," to include townhouses (owner-occupied) built within a redevelopment area.
- ORD. NO. 3755 - Permit Sunesys, Inc., 202 Titus Avenue, Warrington, PA., to install fiber optic cabling on existing poles owned by Verizon, Public Service Electric and Gas Company and/or Cablevision and in underground conduits already installed in the public right-of-way on Monmouth Road.
- ORD. NO. 3756 - Authorize the establishment of a personalized handicapped parking space for Raquel Cortes, 502 Franklin Street.
- ORD. NO. 3757 - Authorize a bond ordinance in the amount of \$2,200,000.00 for major exterior restoration and structural repairs for the Main Public Library.
- ORD. NO. 3758 - An ordinance to create Chapter 13.20 of the Code of the City of Elizabeth entitled "Stormwater Regulations," pursuant to New Jersey Department of Environmental Protection regulations and to repeal Chapter 6.04.250 of the Code of the City of Elizabeth.
- ORD. NO. 3759 - An ordinance to amend Chapter 8.32 of the Code of the City of Elizabeth entitled "Litter Control."

**NEW BUSINESS**

Approve the Fiscal Year 2006 Municipal Budget in the amount of \$168,141,177.01.

Approve the Fiscal Year 2006 Sewer Utility Budget in the amount of \$19,120,017.83.

Approve the Fiscal Year 2006 Capital Budget in the amount of \$42,329,550.00.

**(PUBLIC HEARING TO BE HELD TUESDAY EVENING OCTOBER 25, 2005, AT 7:30 P.M.)**

Authorize Fiscal Year 2006 Temporary Emergency Municipal Budget appropriations in the amount of \$33,520,650.00.

Request permission from the Director of Local Government Services for a Dedication by Rider in the Fiscal Year 2006 budget for donations/acceptance of bequests and gifts from Sprint Spectrum, LP.

Designate the playground, currently being constructed at 118-124 Magnolia Avenue, as the "Charles W. Harris Playground."

Designate the new street, which runs north to south from Bond Street to Magnolia Avenue to Court Street and parallel to First and Front Streets, as Waters Edge Lane.

**NEW BUSINESS (Cont'd.)**

Authorize the award of a contract to Motorola, Inc., 85 Harristown Road, Glen Rock, N.J., for the purchase of equipment necessary to use the City's fiber optic network for radio communications for the Police Department, at a total cost of \$62,154.00.

Authorize the award of a contract to Data 911 Systems, 2021 Challenger Drive, Alameda, CA., for the purchase six (6) Mobile Data terminals for the Police Department, at a cost of \$32,545.92.

Authorize the award of a contract to Westwood Computer Corporation, 11 Diamond Road, Springfield, N.J., for the purchase of replacement recording video and building security for the cell block in Police Headquarters at a cost of \$102,120.38.

Authorize the award of a contract to Union Square Medical Associates, 824 Elizabeth Avenue, Elizabeth, to provide pre-employment physical examinations for City civilians, Fire Department personnel, Police Department civilian personnel and EMS personnel for the period September 1, 2005 through August 31, 2006, at a cost not to exceed \$25,000.00.

Authorize the award of a contract to English Paving Company, Inc., 1087 Edgewater Avenue, Ridgefield, NJ, for Phase III of the 2005 Road Resurfacing Program, at a cost of \$699,716.60.

Authorize the award of a contract to Maser Consulting, PA., One River Centre, 331 Newman Springs Road, Red Bank, N.J., to provide professional engineering services in connection with the construction of the Sixth Street and Fulton Street Playground, at a cost not to exceed \$36,850.00.

Authorize Change Order #3 to the contract awarded to Penn Bower, Inc., 132 West Main Street, High Bridge, N.J., which provides for the rehabilitation of the Combined Sewer System at an original cost of \$517,786.74, to provide further for additional work at an additional cost of \$8,202.40.

Authorize Change Order #4 to the contract awarded to Penn Bower, Inc., 132 West Main Street, High Bridge, N.J., which provides for the rehabilitation of the Combined Sewer System at an original cost of \$517,786.74, to provide further for additional work at an additional cost of \$22,029.10.

Authorize Change Order #5 to the contract awarded to Penn Bower, Inc., 132 West Main Street, High Bridge, N.J., which provides for the rehabilitation of the Combined Sewer System at an original cost of \$517,786.74, to provide further for additional work at an additional cost of \$2,279.01.

Authorize Change Order #6 to the contract awarded to Penn Bower, Inc., 132 West Main Street, High Bridge, N.J., which provides for the rehabilitation of the Combined Sewer System at an original cost of \$517,786.74, to provide further for additional work at an additional cost of \$2,458.70.

Authorize the proper City officials to sign and accept a task agreement between the National Park Service and the City on behalf of Groundwork Elizabeth to receive an additional \$25,000.00 and further authorize the transfer of said funds received from the National Park Service to Groundwork Elizabeth.

Authorize the proper City officials to enter into an agreement with Trinitas Hospital for the purchase of health care apparatus and materials for the Brother Bonaventure Extended Care Center at a cost to the City, in the amount of \$5,000.00.

Authorize the proper City officials to amend an agreement dated December 7, 2004, between the City of Elizabeth and the American Red Cross, Tri County Chapter, Inc., 16 Jefferson Avenue, Elizabeth, which originally provided for \$10,000.00 to be used to provide emergency shelter, food, clothing and medical care for low and moderate residents of the City who have been victims of disasters, for an additional \$4,898.00.

**NEW BUSINESS (Cont'd.)**

Authorize the proper City officials to enter into a tri-party agreement with the Housing Authority of the City of Elizabeth and Waters Edge, LLC., for infrastructure improvements related to the Portside Homes phase of the HOPE VI Project, of which the City's share is \$839,942.00.

Authorize the proper City officials to enter into a tri-party agreement with the New Jersey Economic Development Authority and Superior Powder Coating, Inc., 600 Progress Street, Elizabeth, for a \$750,000.00 loan from the New Jersey Economic Development Authority to Superior Powder Coating, Inc., for the acquisition of 600 Progress Street.

Authorize the Mayor to enter into an extension of the tax abatement agreement between the City and Danic Urban Renewal Corporation, 64-138 Atalanta Plaza, for a fifteen (15) year period.

Authorize the award of a contract to Hillier Architecture, 1 South Penn Square, Philadelphia, PA., to conduct an analysis and develop a strategy focusing on increasing and improving signage throughout the City to sites of interest at a cost not to exceed \$28,000.00.

Amend a resolution adopted June 14, 2005, which authorized the award of a contract to Carmen D. Mistichelli, Real Estate Appraiser-Consultant, to provide appraisal services on a parcel of land located at the rear of Tax Account 5-1354, as part of the relocation of the City Yard, at a cost not to exceed \$7,500.00, to re-award the contract to Kole Appraisal Company, 710 South Avenue West, Westfield, N.J.

Consent to the change in the ownership and control of the redeveloper of the Continental site at 10 North Avenue from Catellus into ProLogis.

Authorize the proper City officials to submit an application to the U.S. Department of Justice to participate in their Bulletproof Vest Partnership to replace body armor containing zylon in an amount not to exceed \$70,000.00.

Authorize the establishment of a loading zone on the southwest corner of Jefferson Avenue and proceeding 62 feet in a southerly direction for the day care center opening on Jefferson Avenue and Dickenson Street.

Authorize the Tax Collector to refund/credit an overbilling of taxes for the 2004 Tax Year, on the property located at 311 South Seventh Street, in the amount of \$6,679.31.

Authorize the Tax Collector to refund/credit an overbilling of taxes for the 2005 Tax Year, on the property located at 66-68 Marshall Street, in the amount of \$171.64.

Authorize the proper City officials to execute a Memorandum of Understanding and an Indemnification Agreement with the County of Union to participate in the County's Leaf Disposal Program.

Proclaim September 16, 2005, as POW/MIA Remembrance Day.

Permit the Purchasing Agent to make the necessary arrangements to conduct the sale of obsolete vehicles and miscellaneous construction equipment.

Authorize the proper City officials to accept a motor vehicle, identified as IFMD....2024, as a donation from A.G.L. Corporation, the parent company of Elizabethtown Gas.

Grant a waiver of the residency requirement for Emergency Medical Technician Lattwana Cylear for a one-year period.

Grant a waiver of the residency requirement for Emergency Medical Technician Lauren Wigfall for a one-year period.

Grant a waiver of the residency requirement for Emergency Medical Technician Christopher Wray for a one-year period.

Pay utility bills.

**COMMENDATIONS**

Joe Naturile (Trumbull St. Basin Project)  
Jose Castro (Trumbull St. Basin Project)  
Girl Scout Troop #396, Our Lady of Fatima

**MEMORIALS**

**ADJOURNMENT**