

CITY COUNCIL - ELIZABETH, N. J.

REGULAR MEETING - TUESDAY, MARCH 8, 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. 5617 - An Ordinance to approve an Amendment to the Financial Agreement for a Long-Term Tax Exemption with Jersey Walk E Jersey Urban Renewal, LLC, ("E Jersey") for a project located at 901-938 East Jersey Street, consisting of tax account Block 7; Lot 312 and a portion to be condominiumized at Block 7; Lot 312; C001.
- ORD. NO. 5618 - An Ordinance to approve an Amendment to the Financial Agreement with Jersey Walk Lafayette Urban Renewal, LLC, ("Lafayette") for a 6-story residential development located at 901-938 East Jersey Street, (Block 7; Lot 312, and a portion to be condominiumized as Block 7; Lot 312; C002).
- ORD. NO. 5619 - An Ordinance to approve an Amendment to the Financial Agreement with Jersey Walk Garage Urban Renewal, LLC, ("Garage") for the Substantial Rehabilitation of an existing five-story parking facility including 441 parking spaces including the addition of an amenity building to provide for activities for the residents on property located at 901-938 East Jersey Street consisting of tax account Block 7; Lot 312, and a portion to be condominiumized as Block 7; Lot 312; C003.

PETITIONS, COMMUNICATIONS, ETC.

By the Clerk:

Letter dated February 25, 2022, from His Honor the Mayor, subject to your advice and consent I am making the following appointment Brian Clancy, Esq., to serve as Temporary Municipal Prosecutor of the Municipal Court of the City of Elizabeth; resume attached.
Which was received.

By the Clerk:

Letter dated February 23, 2022, from the Business Administrator recommending awarding a contract to Winner Ford, 250 Berlin Road, Cherry Hill, NJ for the purchase of a lights and sirens installation package for six (6) Police Detective vehicles at a total cost of \$26,854.80.
Which was received.

By the Clerk:

Letter dated February 23, 2022, from the Business Administrator recommending awarding a contract to Johnston Communications, 322 Belleville Tpke., North Arlington, NJ for the purchase of cameras, radios, antennas and other accessories for various departments during the period of February 1, 2022 through January 31, 2023 at a cost not to exceed \$300,000.00.
Which was received.

PETITIONS, COMMUNICATIONS, ETC. (Cont'd)

By the Clerk:

Letter dated February 23, 2022, from the Business Administrator recommending awarding a contract to FFF Enterprises, Inc., 1601 Old Greensboro Road, Kernersville, NC for the purchase of Flu Vaccines for the Flu Program for the period of January 1, 2022 through December 31, 2022, at a cost not to exceed \$35,000.00. Which was received.

By the Clerk:

Letter dated February 23, 2022, from the Business Administrator recommending awarding a contract to V.E. Ralph & Sons, Inc., 320 Schuyler Avenue, Kearny, NJ for the purchase of Medical Supplies and Equipment, Health Education and Training for various departments for the period of January 14, 2022 through January 15, 2023 at a cost not to exceed \$150,000.00. Which was received.

By the Clerk:

Letter dated February 23, 2022, from the Business Administrator recommending awarding a contract to Spruce Industries, 759 E. Lincoln Avenue, Rahway, NJ for the purchase of janitorial supplies for various departments for the period of January 22, 2022 through January 21, 2023 at a cost not to exceed \$150,000.00. Which was received.

By the Clerk:

Letter dated February 23, 2022, from the Business Administrator recommending awarding a contract to Winner Ford, 250 Berlin Road, Cherry Hill, NJ for the purchase of equipment to outfit five (5) Police Patrol vehicles at a total cost of \$112,833.60. Which was received.

By the Clerk:

Letter dated February 23, 2022, from the Business Administrator recommending awarding a contract to Winner Ford, 250 Berlin Road, Cherry Hill, NJ for the purchase of equipment to outfit three (3) Police Patrol vehicles at a total cost of \$15,945.12. Which was received.

By the Clerk:

Letter dated February 24, 2022, from the Business Administrator recommending awarding a contract to Beyer Ford, 170 Ridgedale Avenue, Morristown, NJ for the purchase of nine (9) Ford F-250 Pick Up Trucks as replacement vehicles for the Department of Public Works at a cost of \$411,342.00. Which was received.

By the Clerk:

Letter dated February 25, 2022, from the Business Administrator recommending the renewal of the contract awarded to Highway Service Corp., 548 Trumbull Street, Elizabeth, NJ for Towing and Road Service for Municipal Vehicles for the second year under the same terms and conditions as the current contract from February 11, 2022 through February 10, 2023 at a cost not to exceed \$50,000.00. Which was received.

By the Clerk:

Letter dated February 25, 2022, from the Business Administrator recommending awarding a contract with McGrath Municipal Equipment, LLC, P.O. Box 422, Springfield, NJ for the purchase of one (1) 6 Ton Falcon RME Asphalt Hot Patcher Dump Trailer in the amount of \$65,411.00. Which was received.

By the Clerk:

Letter dated February 25, 2022, from the Business Administrator recommending awarding a contract to Quadiant, Inc., 478 Wheelers Farms Road, Milford, CT for the purchase of a replacement Folder/Inserter Machine for the Mail Room at the cost of \$20,440.00. Which was received.

PETITIONS, COMMUNICATIONS, ETC. (Cont'd)

By the Clerk:

Letter dated February 25, 2022, from the City Attorney request to amend Chapter 5.90 of the Code of the City of Elizabeth, entitled “Short-Term Rentals”, specifically to modify the definition of a “Short-Term Rental” and to clarify the licensing requirements. Which was received.

By the Clerk:

Letter dated March 1, 2022, from the First Assistant City Attorney request to amend Chapter 5.26 entitled “Cannabis Establishments”, specifically to resolve conflicts with State Regulations in the application process which made it difficult for applicants of cannabis establishment licenses to fully comply with both the Ordinance’s requirements and the State’s regulations. Which was received.

By the Clerk:

Letter dated March 1, 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 1, 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 1, 2022, from the Chief Financial Officer request authorizing providing for a Single and Combined Issue of General Improvement Bonds and a Single and Combined Issue of Sewer Utility Bonds; Authorize the sale of up to \$4,750,000.00 principal amount of General Improvement Bonds, Series 2022 and up to \$5,000,000.00 principal amount of Sewer Utility Bonds, Series 2022; Authorize advertisement of a Notice of Sale; Authorize the Chief Financial Officer to sell and award the Bonds; Determine the Form and other Details of the Bonds; and authorize other matters relating thereto. Which was received.

By the Clerk:

Letter dated March 1, 2022, from the Chief Financial Officer request authorization for His Honor the Mayor to enter the City into a tax abatement agreement for thirty years with Port Elizabeth Urban Renewal LLC, 575-601 Kapkowski Road, who will construct four (4) state of the art warehouse facilities consisting of 227,000 square feet of gross leasable area with associated site improvements; principal owner Bridge Industrial, One Gatehall Drive, Suite 201, Parsippany, NJ; estimated total project costs is anticipated to be approximately \$123 Million including extensive environmental remediation to the subject lands; application and financial agreement would provide an Annual Service charge to the City of approximately \$610,000.00 with incremental increases while creating about 200 construction jobs; and, upon completion 400 to 700 permanent warehouse jobs or equivalents. Which was received.

By the Clerk:

Letter dated March 1, 2022, from the Chief Financial Officer request authorization for His Honor the Mayor to enter into a financial agreement providing for a payment in lieu of taxes; and the approval of a tax abatement agreement under the Long-Term Tax Exemption Law for thirty (30) years with Port Elizabeth Urban Renewal LLC, 575-601 Kapkowski Road, Elizabeth, NJ, who plans to construct four (4) state of the art modern warehouses and site improvements the estimated total project cost is anticipated to be approximately \$123 Million including extensive environmental remediation to the subject lands and would provide an Annual Service Charge to the City of \$610,000.00 with incremental increases while creating an estimated 200 construction jobs, and upon completion 400 to 700 permanent warehouse jobs or equivalents. Which was received.

PETITIONS, COMMUNICATIONS, ETC. (Cont'd)

By the Clerk:

Letter dated March 1, 2022, from the Chief Financial Officer advising that City Council must certify, by resolution, that they have familiarized themselves with the contents of the 2021 Annual Audit Report and have reviewed, as a minimum, the General Comments and Recommendations Section of the audit. Which was received.

By the Clerk:

Letter dated March 1, 2022, from the Chief Financial Officer request that your Honorable Body consider a resolution for Special Emergent Appropriations for damages due to Tropical Storm IDA to provide shelter and related expenses for displaced residents in the amount of \$3,000,000.00; it is anticipated that FEMA would reimburse 75% of eligible IDA expenses. Which was received.

By the Clerk:

Letter dated February 25, 2022, from the Director of Planning and Community Development request to amend the resolution adopted on October 12, 2021, providing grants for FY2021-CD47 Community Development Block Grant Funding (CDBG), specifically to reallocate CD47 Administration funds in the amount of \$96,349.08 to be applied towards CD48, FY2023 eligible activities. Which was received.

By the Clerk:

Letter dated February 25, 2022, from the Director of Planning and Community Development request to amend the resolution adopted on September 10, 2019, authorizing Emergency Solutions Grant (ESG) allocation for CD45 in the amount of \$151,035.00, specifically to reduce the ESG allocation to \$150,884.00 and to reflect the reduced amount availability in the Holding Account to apply on eligible expenses. Which was received.

By the Clerk:

Letter dated February 24, 2022, from the Director of Public Works recommending awarding a contract to Grafas Painting Contractors, Inc., d/b/a GPC Inc., 20 East Willow Street, Millburn, NJ for the Police Headquarters Gun Range Upgrade at a cost of \$2,056,200.00. Which was received.

By the Clerk:

Letter dated February 24, 2022, from the Director of Public Works request authorization for the proper City officials to apply, accept, sign and or digitally sign all appropriate documents including reimbursement forms for the NJ Department of Transportation's Local Aid Infrastructure Fund FY 2022; with this anticipated funding it will implement a new traffic light system at the intersection of East Grand Street and Madison Avenue not to exceed \$500,000.00. Which was received.

By the Clerk:

Letter dated February 24, 2022, from the Director of Public Works request authorization for the proper City officials to apply, accept and sign all appropriate documents for the Union County Infrastructure and Municipal Aid Grant Program 2022; with this anticipated funding it will be utilized for the Emergency Response Facility Exterior Canopy, not to exceed \$250,000.00. Which was received.

By the Clerk:

Letter dated February 25, 2022, from the Director of Public Works request authorization for Liberty Water and E-Town Services, LLC to act on behalf of the City of Elizabeth with regards to participation in the Low-Income Household Water Assistance Program administered by the NJ Department of Community Affairs to assist low-income households who are having difficulty paying their water bills at no cost to the City. Which was received.

PETITIONS, COMMUNICATIONS, ETC. (Cont'd)

By the Clerk:

Letter dated February 10, 2022, from the Director of Recreation request authorization to execute an agreement with the State of New Jersey regarding funding for the City of Elizabeth Summer Food Nutrition Program commencing on July 5, 2022 and ending on August 26, 2022, and authorize His Honor the Mayor to sign said agreement at no cost to the city.
Which was received.

By the Clerk:

Letter dated February 10, 2022, from the Director of Recreation request authorization to execute an agreement with the Elizabeth Board of Education for the purpose of providing food vendor services for the period of July 5, 2022 through August 26, 2022, and authorize His Honor the Mayor to sign said agreement at no cost to the City.
Which was received.

By the Clerk:

Letter dated February 14, 2022, from Elizabeth Destination Marketing Organization, 456 N. Broad Street, Elizabeth, NJ, request permission to be the host city of the NY Region Rugby Tournament to be held on May 20 and 21, 2022 at the Todd Bowles Sports Complex; event time Friday, May 20th from 1:00 p.m. until 4:00 p.m. and Saturday, May 21st for Game Day from 11:00 a.m. until 9:00 p.m.; pursuant to Chapter 12.56.050 of the Code of the City of Elizabeth EDMO is exempt from all fees.
Which was received.

By the Clerk:

Letter received February 16, 2022, from Elizabeth Destination Marketing Organization, 456 N. Broad Street, Elizabeth, NJ, request permission to be the host city of the NJ Flag Football Tournament to be held on July 9 and 10, 2022 at the Todd Bowles Sports Complex from 7:00 a.m. to 8:00 p.m.; pursuant to Chapter 12.56.050 of the Code of the City of Elizabeth EDMO is exempt from all fees.
Which was received.

REPORTS OF CITY OFFICERS

By the Clerk:

Letter dated February 22, 2022, from the City Treasurer submitted the City Treasurer's Report of Receipts and Disbursements for the month of November 2021 and Statement of Bank Balances and Investments as of November 30, 2021.
Which was received.

ORDINANCES ON FIRST READING

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, 1380G7.

**PUBLIC HEARING AND FURTHER CONSIDERATION OF THE FOREGOING
ORDINANCES SHALL TAKE PLACE AT THE CITY COUNCIL MEETING TO BE HELD
TUESDAY, MARCH 22, 2022 AT 7:30 P.M.**

ORDINANCES ON FINAL PASSAGE

ORD. NO. 5617 - An Ordinance to approve an Amendment to the Financial Agreement for a Long-Term Tax Exemption with Jersey Walk E Jersey Urban Renewal, LLC, (“E Jersey”) for a project located at 901-938 East Jersey Street, consisting of tax account Block 7; Lot 312 and a portion to be condominiumized at Block 7; Lot 312; C001.

ORD. NO. 5618 - An Ordinance to approve an Amendment to the Financial Agreement with Jersey Walk Lafayette Urban Renewal, LLC, (“Lafayette”) for a 6-story residential development located at 901-938 East Jersey Street, (Block 7; Lot 312, and a portion to be condominiumized as Block 7; Lot 312; C002).

ORD. NO. 5619 - An Ordinance to approve an Amendment to the Financial Agreement with Jersey Walk Garage Urban Renewal, LLC, (“Garage”) for the Substantial Rehabilitation of an existing five-story parking facility including 441 parking spaces including the addition of an amenity building to provide for activities for the residents on property located at 901-938 East Jersey Street consisting of tax account Block 7; Lot 312, and a portion to be condominiumized as Block 7; Lot 312; C003.

NEW BUSINESS

Authorize an amendment to the Fiscal Year 2022 Budget to insert, as an item of Revenue, the US Department of Homeland Security, FEMA IDA Tropical Storm Non-Congregated Sheltering Grant, in the amount of \$3,171,270.64.

Authorize an amendment to the Fiscal Year 2022 Budget to insert, as an item of Revenue, the New Jersey Department of Environmental Protection, Recycling Tonnage Grant 2019, in the amount of \$75,637.38.

Confirm the appointment of Brian Clancy, Esq., to serve as Temporary Municipal Prosecutor at the Elizabeth Municipal Court of the City of Elizabeth for a term of (1) one year effective upon confirmation.

Authorize the award of a contract to Winner Ford, 250 Berlin Road, Chery Hill, N.J., for the purchase of a lights and sirens installation package for six (6) Police Detective vehicles, at a total cost of \$26,854.80.

Authorize the award of a contract to Johnston Communications Voice and Data, 322 Belleville Turnpike, North Arlington, N.J., for the purchase of cameras, radios, antennas and other accessories for various departments for the period of February 1, 2022 through January 31, 2023, at a cost not to exceed \$300,000.00.

Authorize the award of a contract to FFF Enterprises, Inc., 1601 Old Greensboro Road, Kernersville, NC, for the purchase of flu vaccines for the Flu Program for the period January 1, 2022 through December 31, 2022, at a cost not to exceed \$35,000.00.

Authorize the award of a contract to V.E. Ralph & Sons, Inc., 320 Schuyler Avenue, Kearny N.J., for the purchase of medical supplies and equipment, health education and training for various departments through the Educational Services Commission of New Jersey Cooperative Pricing System, for the period January 14, 2022 through January 15, 2023, at a cost not to exceed \$150,000.00.

Authorize the award of a contract to Spruce Industries, 759 E. Lincoln Avenue, Rahway, N.J., for the purchase of janitorial supplies for various departments through the Educational Services Commission of New Jersey Co-Op, for the period January 22, 2022 through January 21, 2023, at a cost not to exceed \$150,000.00.

Authorize the award of a contract to Winner Ford, 250 Berlin Road, Cherry Hill, N.J., for the purchase of equipment to outfit five (5) Police Patrol vehicles, at a total cost of \$112,833.60.

NEW BUSINESS (cont'd)

Authorize the award of a contract to Winner Ford, 250 Berlin Road, Cherry Hill, N.J., for the purchase of equipment to outfit three (3) Police Patrol vehicles, at a total cost of \$15,945.12.

Authorize the award of a contract to Beyer Ford, 170 Ridgedale Avenue, Morristown, N.J., for the purchase of nine (9) Ford F-250 Pick-Up Trucks as replacement vehicles for the Department of Public Works, at a total cost of \$411,342.00.

Authorize the renewal of a contract with Highway Service Corp., 548 Trumbull Street, Elizabeth, N.J., for towing and road service for municipal vehicles for various departments for a second year commencing February 11, 2022 through February 10, 2023, under the same terms and conditions as the current contract, at a cost not to exceed \$50,000.00.

Authorize the award of a contract to McGrath Municipal Equipment, LLC, P. O. Box 422, Springfield, NJ, for the purchase of one (1) six-ton Falcon RME Asphalt Hot Patcher Dump Trailer, through the Educational Services Commission of NJ Co-Op, in the amount of \$65,411.00.

Authorize the award of a contract to Quadient, Inc., 478 Wheelers Farms Road, Milford, CT, for the purchase of a replacement Folder/Inserter machine for the Mail Room, at a cost of \$20,440.00.

Adopt a resolution of the City of Elizabeth providing for a Single and Combined Issue of General Improvement Bonds and a Single and Combined issue of Sewer Utility Bonds; Authorizing the sale of up to \$4,750,000.00 principal amount of General Improvement Bonds, Series 2022 and up to \$5,000,000.00 principal amount of Sewer Utility Bonds, Series 2022; Authorizing advertisement of a Notice of Sale; Authorizing the Chief Financial Officer to sell and award the Bonds; Determining the Form and other Details of the Bonds; and authorizing other matters related thereto.

Adopt a resolution approving a tax abatement agreement under the Long-Term Tax Exemption Law with Port Elizabeth Urban Renewal LLC for a Project located at 575-601 Kapkowski Road, Elizabeth, N.J., for the construction of four (4) flex buildings with a total of approximately 227,000 square feet of rentable area and associated site improvements and authorize the Mayor to enter into a financial agreement providing for a payment in lieu of taxes.

Certify to the State of New Jersey Local Finance Board that each member of City Council has reviewed and is familiar with, at a minimum, the sections of the 2021 Annual Audit Report entitled: General Comments and Recommendations.

Authorize CDBG Grant Funds in the amount of \$96,349.08 from FY2015, (CD45) Holding Account At-Risk of Recapture, to be applied towards FY 2022, (CD-47) Administration Cost, and amends the resolution dated October 12, 2021, to reallocate CD47 Administration Funds in the amount of \$96,349.08 towards CD48 (FY2023) eligible activities.

Amend resolution adopted September 10, 2019, authorizing Emergency Solution Grant (ESG) allocation for CD45 (PY2019) in the amount of \$151,035.00, specifically to reduce the ESG allocation from \$151,035.00 to \$150,884.00 and to reflect the actual allocation for ESG CD45 in the amount of \$150,884.00 and the amount of \$151.00 received as Program Income, will be available in the holding account to apply towards eligible expenses.

Authorize the award of a contract to Grafas Painting Contractors, Inc., d/b/a/ GPC Inc., 20 East Willow Street, Millburn, N.J. for the Police Headquarters Gun Range Upgrade, in the amount of \$2,056,200.00.

Authorize the proper City Officials to apply, accept and sign all appropriate documents for the New Jersey Department of Transportation's Local Aid Infrastructure Fund (LAIF) FY 2022, with this funding the City anticipates implementing a new traffic light system at the intersection of East Grand Street and Madison Avenue, total grant amount not to exceed \$500,000.00.

NEW BUSINESS (cont'd)

Authorize the proper City Officials to apply, accept and execute the necessary documents for the Union County Infrastructure and Municipal Aid Grant Program 2022, in an amount not to exceed \$250,000.00, for the construction of an exterior steel canopy over the existing ambulance parking lot, work also includes masonry, lighting and paving (Emergency Response Facility Exterior Canopy), the overall cost of this project in the amount is \$565,720.00, construction is to be completed by September 15, 2022.

Adopt a resolution authorizing Liberty Water and E Town Services, LLC, to act on behalf of the City of Elizabeth, to participate in the Low-Income Household Water Assistance Program (LIHWAP) administered by the New Jersey Department of Community Affairs (NJDCOA), program will benefit low- income households who are having difficulty paying their water bills, at no cost to the City.

Authorize the Mayor to execute an Agreement with the State of New Jersey regarding funding for the Summer Food Nutrition Program for the period July 5, 2022 through August 26, 2022, at no cost to the City.

Authorize the Mayor to execute an Agreement with the Elizabeth Board of Education, Summer for the purpose of providing food vendor services under the 2022 Summer Food Nutrition Program for the period July 5, 2022 through August 26, 2022, at no cost to the City.

Permit the Elizabeth Destination Marketing Organization (EDMO), 456 North Broad Street, Elizabeth, N.J., for the City of Elizabeth to be the host City of the New York Region Rugby Tournament, to be held Friday, May 20, 2022 from 1:00 p.m. to 4:00 p.m. for practice and Saturday, May 21, 2022 from 11:00 a.m. to 9:00 p.m. for game day at the Todd Bowles Sports Complex, all fees waived in accordance with Chapter 12.56.050 of the Code of the City of Elizabeth.

Permit the Elizabeth Destination Marketing Organization (EDMO), 456 North Broad Street, Elizabeth, N.J., for the City of Elizabeth to be the host City of the New Jersey Flag Football Tournament, to be held on Saturday, July 9, 2022 and Sunday, July 10, 2022 from 7 :00 a.m. to 8:00 p.m., at the Todd Bowles Sports Complex, all fees waived in accordance with Chapter 12.56.050 of the Code of the City of Elizabeth.

Pay Utility Bills

COMMENDATIONS:

Bevelyn Bland

)Recognizing and Commending as a resident of strength and resilience during African-American History Month and for her devotion to the Community

Italy Whitehead

)State Champion 2022 NJ Poetry Outloud State Finals

MEMORIALS:

Teresa Cianfano
Vincenzo Nobile

ADJOURNMENT