

CITY COUNCIL - ELIZABETH, N. J.

REGULAR MEETING - TUESDAY, JULY 28, 2020

6:30 P. M.

AGENDA

ROLL CALL.

PRAYER AND PLEDGE OF ALLEGIANCE TO THE FLAG.

PUBLIC SPEAKING.

APPROVAL OF MINUTES:

Organization Meeting, January 1, 2016
Conference Meetings: January 5, 19; February 2, 16; March 1, 15; April 5, 19; May 3, 17; June 8, 21; July 5; August 2; September 6, 20; October 4, 18; November 1, 15; December 6, 20, 2016
Regular Meetings: January 12, 26; February 9, 23; March 8, 22; April 12, 26; May 10, 24; June 14, 28; July 26; August 23; September 13, 27; October 11, 25; November 9, 22; December 13, 27, 2016
Special Meetings: March 22; July 5; September 27; October 25, 2016

PUBLIC HEARINGS

- ORD. NO. 5333 - An Ordinance authorizing the City of Elizabeth to execute an Easement Agreement with 25 South Broad Street Associates for Flood Control purposes and in connection with the Elizabeth River Trail Project – Phase 4, 23-51 South Broad Street, (Block 6, Lot 1254).
- ORD. NO. 5334 - An Ordinance to amend Ordinance No. 5305, entitled “An Ordinance to vacate Coakley Circle” to correct the plan and metes and bounds description.
- ORD. NO. 5335- An Ordinance granting an Encroachment Permit to Environmental Probing Investigations, Inc. to perform environmental work consisting of the installation of two (2) monitoring wells within the right-of-way Melrose Terrace.
- ORD. NO. 5336 - 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 Miller Street, both sides, between Livingston Street and Division Street.
- ORD. NO. 5337 - An Ordinance to amend Section 10.40.070, of the Code of the City of Elizabeth, entitled “No Parking of Trucks - Portion Affected” specifically to add Springfield Road, both sides, entire length between Magie Avenue and Westfield Avenue.
- ORD. NO. 5338 - An Ordinance to authorize the establishment of a personalized handicapped parking space for Sharon Frazier, 1024 Anna Street, Elizabeth, New Jersey.
- ORD. NO. 5339 - An Ordinance to rescind Ordinance No. 4121, adopted on March 23, 2010, which authorized the establishment of a personalized handicapped parking space for Jamal Bobbitt, 120 Franklin Street, Elizabeth, New Jersey.

PUBLIC HEARINGS (Cont'd)

ORD. NO. 5340 - An Ordinance to rescind Ordinance No. 5129, adopted on February 26, 2019, which authorized the establishment of a personalized handicapped parking space for Carmen Rodriguez, 317 John Street, Fl. 1 Rear, Elizabeth, New Jersey

ORD. NO. 5341- An Ordinance to exceed the State Fiscal Year 2021 Municipal Budget Appropriation Limits and to establish a CAP Bank pursuant to N.J.S.A. 40A: 4-45. 14.

THE ELIZABETH AVENUE SPECIAL IMPROVEMENT DISTRICT CALENDAR YEAR 2021 BUDGET IN THE AMOUNT OF \$315,749.77.

PETITIONS, COMMUNICATIONS, ETC.

By the Clerk:

Letter dated July 1, 2020, from His Honor the Mayor subject to the confirmation, advice, and consent of your Honorable Body, I am hereby appointing the following attorneys and/or the respective firms to serve as Municipal Public Defenders for the Municipal Court for the period covering July 1, 2020 to June 30, 2021 at a rate of Three Hundred Dollars (\$300.00) per session and Five Hundred Dollars (\$500.00) per session for Driving While Intoxicated (DWI) matters, for a total cost not to exceed One Hundred Seventy-five Thousand Dollars (\$175,000.00): Chanima Odoms, Esq., The Law Office of Chanima Odoms, Esq., 16 Bennet St., Unit 515, Jersey City, NJ; Vernita E. Sias-Hill, Esq., Joffery H. Hill, Esq., Attorney-at-Law, 1812 Front Street, Scotch Plains, NJ; Celeste Dudley-Smith, Esq., The Dudley-Smith Law Firm, LLC, 1155 West Chestnut Street, Suite 2A, Union, NJ; Nidara Y. Rourk, Esq., 210 Dodd Street, East Orange, NJ; Maria M. Dias, Esq., Attorney-at-Law, 701 Westfield Avenue, Elizabeth, NJ; Kuhrt, Femia & Kuhrt LLC, Attorneys -at-Law, 583 Cherry Street, Elizabeth, NJ; Fernandez Garcia LLC, 1139 East Jersey Street, Suite 607, Elizabeth, NJ; Celeste Dudley-Smith, Esq. shall be designated as Chief Municipal Public Defender at the additional compensation of Five Thousand Dollars (\$5,000.00). Which was received.

By the Clerk:

Letter dated June 29, 2020, from the Business Administrator recommending awarding a contract to Dr. Michael R. Zaboski, 240 Williamson Street, Suite 204, Elizabeth, NJ to provide a professional service as the Elizabeth Police Department's Physician for the period of July 1, 2020 to June 30, 2021 at a total fee not to exceed \$20,000.00. Which was received.

By the Clerk:

Letter dated June 29, 2020, from the Business Administrator request authorization for the proper City officials to execute a contract with Kean University, 1000 Morris Avenue, Union, NJ to provide computer consulting services for the period of July 1, 2020 to June 30, 2021 at a cost not to exceed \$50,500.00. Which was received.

By the Clerk:

Letter dated June 29, 2020, from the Business Administrator request authorization for the proper City officials to award to Safety National Casualty Corporation, 1832 Schuetz Road, St. Louis, MO, through agent-of-record Sirocco Group, to obtain excess insurance on Worker's Compensation and General Liability insurance for the period July 1, 2020 to June 30, 2021 at an annual premium of \$253,899.00. Which was received.

By the Clerk:

Letter dated June 29, 2020, from the Business Administrator request authorization for the proper City officials to execute an Indemnification Agreement with the Elizabeth Board of Education covering the City's utilization of their facilities during the 2020-2021 fiscal year. Which was received.

PETITIONS, COMMUNICATIONS, ETC. (Cont'd)

By the Clerk:

Letter dated June 30, 2020, from the Business Administrator request authorization for the proper City officials to procure the policy of insurance with Safety National Casualty Corporation, 1832 Schuetz Road, St. Louis, MO, through the agent-of-record Sirocco Group to provide additional insurance covering CD and pandemic conditions for excess insurance Worker's Compensation and General Liability insurance for the period of July 1, 2020 to June 30, 2021 at an annual premium of \$49,050.00. Which was received.

By the Clerk:

Letter dated July 1, 2020, from the Business Administrator request authorization for the proper City officials to enter into respective agreements with JMT, 1200 Lenox Drive, Suite 101, Trenton, NJ and Dynamic Traffic, 1904 Main Street, Lake Como, NJ for professional on-call/emergency traffic engineering services for the period July 1, 2020 through June 30, 2021 in an amount not to exceed \$50,000.00 for each firm. Which was received.

By the Clerk:

Letter dated July 1, 2020, from the Business Administrator request to amend the resolution adopted on July 23, 2019 awarding a contract to Hertrich Fleet Services, Inc., Milford, DE for the purchase of thirteen (13) 2020 Ford Fusions 4Dr Sedans S FWD for the Police Department at the total cost of \$228,410.00, specifically to reflect that \$87,624.79 is to be expended from the Asset Forfeiture Account #0-21-56-130. Which was received.

By the Clerk:

Letter dated July 1, 2020, from the Business Administrator recommending awarding a contract to Traffic Lines, Inc., 5100 Asbury Road, Farmingdale, NJ for the purchase of pavement marking and striping for the period of June 19, 2020 through February 25, 2021 at a cost not to exceed \$150,000.00. Which was received.

By the Clerk:

Letter dated July 1, 2020, from the Business Administrator request authorization for the proper City officials to participate in a State Contract with Turn Out Fire and Safety, Inc., 3468 Kennedy Boulevard, Jersey City, NJ for protective Firefighter clothing and equipment for the Fire Department for the period of May 15, 2020 through June 14, 2021 at a cost not to exceed \$50,000.00. Which was received.

By the Clerk:

Letter dated July 1, 2020, from the Business Administrator recommending awarding a contract to Lawmen Supply Co., NJ, Inc., 5521 Whitehorse Pike, Egg Harbor City, NJ for the purchase of Police and Homeland Security Equipment and Supplies for the Police Department for the period of June 15, 2020 through May 14, 2021 at a cost not to exceed \$50,000.00. Which was received.

By the Clerk:

Letter dated July 1, 2020, from the Business Administrator request authorization for the proper City officials to participate in a State Contract with Turn Out Fire and Safety, Inc., 3468 Kennedy Boulevard, Jersey City, NJ for protective Firefighter clothing and equipment for the Fire Department for the period of May 15, 2020 through May 14, 2021 at a cost not to exceed \$100,000.00. Which was received.

By the Clerk:

Letter dated July 2, 2020, from the Business Administrator request authorization for the proper City officials to participate in a State Contract with Wireless Communications & Electronics, 153 Cooper Road, Berlin, NJ for computers for the Police and Fire Departments for the period of April 1, 2020 through April 30, 2021 at a cost not to exceed \$150,000.00. Which was received.

PETITIONS, COMMUNICATIONS, ETC. (Cont'd)

By the Clerk:

Letter dated July 2, 2020, from the Business Administrator request authorization for the proper City officials to participate in a State Contract with Skylands Area Fire Equipment and Training, 23 Hamburg Tpke., Suite A, Riverdale, NJ for protective Firefighter clothing and equipment for the period of June 15, 2020 through June 14, 2021 at a cost not to exceed \$100,000.00. Which was received.

By the Clerk:

Letter dated July 2, 2020, from the Business Administrator recommending awarding a contract to Firefighter One, LLC, 26 Gail Court, Suite 1, Sparta, NJ for the purchase of Protective Firefighter Clothing & Equipment for the period of June 15, 2020 through June 14, 2021 in the amount not to exceed \$120,000.00. Which was received.

By the Clerk:

Letter dated July 2, 2020, from the Business Administrator recommending awarding a contract to ESI Equipment, Inc., 440 Horsham Road, Suites 4 & 5, Horsham, PA for the purchase of Police and Homeland Security Equipment for the Police and Fire Departments for the period of June 15, 2020 through June 14, 2021 at a cost not to exceed \$150,000.00. Which was received.

By the Clerk:

Letter dated July 2, 2020, from the Business Administrator advising that being satisfied that an emergency did exist, recommends the award of a contract to Med-Tech Resource, Inc., 29485 Airport Road, Eugene, OR for the purchase of Personal Protective Equipment (PPE) and Medical Supplies for the Fire and Police Departments to help prevent the spread of the Corona Virus for the period of March 11, 2020 through June 10, 2020 at the total cost of \$17,191.60. (FIO) Which was received.

By the Clerk:

Letter dated July 2, 2020, from the Business Administrator advising that being satisfied that an emergency did exist, recommends the award of a contract to PSCI Public Safety Center, Inc., 8248 West Doe Avenue, Visalia, CA for the purchase of Personal Protective Equipment (PPE) and Medical Supplies for the Fire Department to help prevent the spread of the Corona Virus for the period of March 13, 2020 through June 10, 2020 at the total cost of \$18,428.35. (FIO) Which was received.

By the Clerk:

Letter dated July 2, 2020, from the Business Administrator advising that being satisfied that an emergency did exist, recommends the award of a contract to Bound Tree Medical, LLC, 23537 Network Place, Chicago, IL for the purchase of Personal Protective Equipment (PPE) and Medical Supplies for the Fire and Police Departments to help prevent the spread of the Corona Virus for the period of March 13, 2020 through June 20, 2020 at the total cost of \$35,142.51. (FIO) Which was received.

By the Clerk:

Letter dated July 2, 2020, from the Business Administrator recommending awarding a contract to The Rodgers Group, L.L.C., P. O. Box 831, Island Heights, NJ for the furnishing of an Accreditation Consultant for a period of one year from the date of the award with the option to renew for an additional year under the same terms and conditions for the Elizabeth Police Department in the total amount of \$68,480.00. Which was received.

PETITIONS, COMMUNICATIONS, ETC. (Cont'd)

By the Clerk:

Letter dated June 29, 2020, from the City Attorney recommending the renewal of the contract with the law firm of LaCorte, Bundy, Varady & Kinsella, 989 Bonnel Court, Union, NJ to provide legal services in the defense of Worker's Compensation cases and matters included within the City's partial self-insurance program for the fiscal year July 1, 2020 to June 30, 2021 at a rate of \$175.00 per hour for each petition which includes attendance at all hearing, negotiations, trials, appeals, etc., plus reasonable expenses; at a rate of 15% of recovery of liens involving third party actions; costs and expenses are not to exceed \$150,000.00 except as specifically authorized by City Council. Which was received.

By the Clerk:

Letter dated June 29, 2020, from the City Attorney recommending the renewal of the contract with the law firm of LaCorte, Bundy, Varady & Kinsella, 989 Bonnel Court, Union, NJ to provide legal services in defense of Civil/Criminal Litigation Counsel, Substitute/Conflict Counsel and/or Legal Counsel for Investigation of Complaints in auto and general liability cases and matters included within the City's self-insurance program for the fiscal year July 1, 2020 to June 30, 2021 at a rate of \$175.00 per hour for civil litigation in the trial and appellate courts; \$175.00 per hour, together with reasonable expenses for legal work required to defend against late notice of claims, motions and for other miscellaneous matters; subrogation claims to recover property damage losses shall be paid on the basis of 25% of the amount of recovery, plus reasonable expenses; not to exceed \$450,000.00 except as specifically authorized by City Council. Which was received.

By the Clerk:

Letter dated June 29, 2020, from the City Attorney request authorization for the execution of a contract for legal representation in litigation where LaCorte, Bundy, Varady & Kinsella, Esq., have conflicts of interest in representation of the City and City employees in Civil/Criminal Litigation Counsel, Substitute/Conflict Counsel and/or Legal Counsel for Investigation of Complaints and for any other matter that the City Attorney may assign for the period of July 1, 2020 to June 30, 2021 with an hourly rate of \$175.00 with a cap of \$95,000.00 with the following attorneys: Edward J. Kologi, Esq., Michael S. Simitz, Esq., Kologi/Simitz, 500 North Wood Avenue, Suite 4B, Linden, NJ; Edwin R. Matthews, Esq., Bourne, Noll & Kenyon, 382 Springfield Avenue, Suite 507, Summit, NJ; Robert F. Renaud, Esq., Catherine DeAppolonio, Esq., Renaud DeAppolonio LLC, 190 North Avenue East (Rte 28) Cranford, NJ; Peter H. Spaeth, Esq., Wolff, Helles, Spaeth & Lucas, Valley Park Professional Center, 2517 Highway 35, Building K, Suites 201 & 202, Manasquan, NJ; Kraig M. Dowd, Esq., Weber Dowd Law, LLC, 365 rifle Camp Road, Woodland Park, NJ; Daniel Antonelli, Esq., Antonelli Kantor, P.C., 1000 Stuyvesant Avenue, Suite 1, Union, NJ; Janyce M. Wilson, Esq., 226 South Paul Street, Westfield, NJ; Raymond S. Londa, Esq., Londa & Lattiboudere, 277 North Broad Street, Elizabeth, NJ; Perry L. Lattiboudere, Esq., Adams Gutierrez & Lattiboudere, LLC, The Legal Center, 1037 Raymond Boulevard, Suite 900, Newark, NJ; Kathryn V. Hatfield, Esq., Weiner Law Group, LLP, 629 Parsippany Road, Parsippany, NJ; Camille M. Kenny, (ret.) J.S.C.; CK Solutions, 19 Manchester Drive, Westfield, NJ; David L. Minchello, Esq., Rainone Coughlin Minchello, 555 U.S. Highway One South, Suite 440, Iselin, NJ. Which was received.

By the Clerk:

Letter dated June 17, 2020, from the Chief Financial Officer request authorization for the Tax Collector to cancel/credit/refund an overbilling of taxes for the 2019 and 2020 Tax Years to the Elizabeth Realty Urban Renewal Association on the property located at Rear 249-275 First Street in the full amount of \$128,670.34; due to further investigation, records indicate that the State of New Jersey Economic Development Authority are the actual owners of the property and are a Tax Exempt entity. Which was received.

PETITIONS, COMMUNICATIONS, ETC. (Cont'd)

By the Clerk:

Letter dated July 2, 2020, from the Chief Financial Officer request authorization for the Tax Collector to cancel the said disallowed Senior Citizen deduction as per the delineated lists attached hereto for the Tax Year 2019 in the amount of \$5,200.00. Which was received.

By the Clerk:

Letter dated July 7, 2020, 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 July 7, 2020, from the Chief Financial Officer advising that transfers for the 2020 SFY Municipal and Sewer Utility Budgets may be necessary. Which was received.

By the Clerk:

Letter dated July 7, 2020, from the Chief Financial Officer advising that temporary emergency appropriations for the 2021 SFY Municipal and Sewer Utility budgets may be necessary. Which was received.

By the Clerk:

Letter dated July 7, 2020, from the Chief Financial Officer request authorization for the proper City officials to enter into a contract for the 2021 SFY with DeCotiis, FitzPatrick, Cole & Giblin, LLP, 61 South Paramus Road, Paramus, NJ to provide bond counsel services in connection with the City's issuance of debt obligations and to provide for the terms and security of such obligations in accordance with the laws of the State of New Jersey for an amount not to exceed \$60,000.00. Which was received.

By the Clerk:

Letter dated July 7, 2020, from the Chief Financial Officer request authorization for the proper City officials to enter into a contract for the 2021 SFY with Acacia Financial Group, Inc., 6000 Midlantic Drive, Suite 410 North, Mount Laurel, NJ to provide financial advisory services in connection with the City's issuance of municipal and sewer utility debt obligations including bonds and bond anticipation notes and any other financial analysis deemed necessary for an amount not to exceed \$40,000.00. Which was received.

By the Clerk:

Letter dated July 7, 2020, from the Chief Financial Officer request authorization for the proper City officials to enter into a contract for the 2021 SFY with NW Financial Group, LLC, 2 Hudson Place, Hoboken, NJ to provide financial advisory services in connection with the City's issuance of municipal and sewer utility debt obligations including bonds and bond anticipation notes and any other financial analysis deemed necessary for an amount not to exceed \$40,000.00. Which was received.

By the Clerk:

Letter dated July 7, 2020, from the Chief Financial Officer request authorization for the proper City officials to enter into a contract for the 2021 SFY with Louis C. Mai, CPA & Associates, 6 Moonshadow Court, Kinnelon, NJ to provide statutory audits of the General Funds, Sewer Utility Funds, Other Funds, the Single Audit and also for 5 year comparative statements in an amount of \$246,000.00. Which was received.

PETITIONS, COMMUNICATIONS, ETC. (Cont'd)

By the Clerk:

Letter dated July 7, 2020, from the Chief Financial Officer request authorization for the proper City officials to enter into a contract for the 2021 SFY with Stack, Coolahan & Stack, LLC, 90 Hudson Street, P.O. Box 731, Hoboken, NJ to provide real estate counseling services with a credible opinion of market value for property tax valuation purposes in an amount of \$90,000.00; also for the preparation of appraisal reports and litigation support including testimony and attendance at conferences scheduled by the Court in connection with State Tax Court appeals in an amount of \$25,000.00. Which was received.

By the Clerk:

Letter dated July 7, 2020, from the Chief Financial Officer request authorization for the proper City officials to enter into a contract for the 2021 SFY with Blau & Blau, 223 Mountain Avenue, Springfield, NJ to be the primary legal representative in all matters relating to tax appeals including preparation for trials, discovery and motions and the appearance at trials and other court appearances pertaining to tax appeals at the Union County Tax Board and New Jersey Tax Court and other venues; also to represent the City's interest to propose and file tax appeals to increase property tax assessments; compensation under this circumstance will be contingent upon the results of the appeals; twenty-five percent (25%) of the amount of increased tax associated with final judgments of the Union County Board of Taxation or the New Jersey Tax Court, if the case is settled without necessity of an appraisal; one third (33.33%) of the amount of the increased tax associated with final judgments of the Union County Board of Taxation or the New Jersey Tax Court, if associated with filing and prosecuting the tax appeals ; fee shall not exceed \$250,000.00 for an individual property in any tax year. Which was received.

By the Clerk:

Letter dated July 8, 2020, from the Chief Financial Officer request that your Honorable Body consider the approval of an ordinance authorizing a guaranty of not exceeding \$2,000,000.00 aggregate principal amount of Project Revenue Bonds, Series 2020, Elizabethtown Plaza Redevelopment Project, of PACE QALICB, Inc. for the purpose of providing additional security therefore, approving the form of a subsidy agreement and appropriating \$2,000,000.00 and providing for the issuance of \$2,000,000.00 in bonds or notes of the City as a funding source therefore and determining certain other matters in connection therewith; the Series 2020 Bonds will finance certain tenant fit-out work pursuant to a Lease Agreement for the first floor of the facility to be entered into between the Corporation and the State of New Jersey Motor Vehicle Commission, for use by the State Motor Vehicle Commission. Which was received.

By the Clerk:

Letter dated June 29, 2020, from the Director of Planning and Community Development request authorization for the proper City officials to apply, accept and sign an application for CARES Act funding to be used towards the Kapkowski Road Sewer Project; cost sharing is required but the NJ Economic Development Authority will pay between 50% to 80% depending on the 24 month unemployment rate not to exceed \$1.4 million dollars. Which was received.

By the Clerk:

Letter dated June 29, 2020, from the Director of Planning and Community Development request authorization for the proper City officials to apply and accept reimbursement funds in the amount of \$12,975.00 from the supplemental application from the NJ Economic Development Authority for remedial investigation work performed under the Hazardous Discharge Site Remediation Fund for 74-82 Livingston Street, former Exact Anodizing Site. Which was received.

PETITIONS, COMMUNICATIONS, ETC. (Cont'd)

By the Clerk:

Letter dated June 29, 2020, from the Director of Planning and Community Development request authorization for the proper City officials to apply and accept reimbursement funds in the amount of \$6,405.00 from the supplemental application from the NJ Economic Development Authority for the past Remedial Action work performed under the Hazardous Discharge Site Remediation Fund for 74-82 Livingston Street, former Exact Anodizing Site.
Which was received.

By the Clerk:

Letter dated July 1, 2020, from the Director of Planning and Community Development request authorization for the proper City officials to enter into an agreement with Harbor Consultants, Inc., 320 North Avenue East, Cranford, NJ to serve as the City Planner and provide Planning and Engineering Services to the Planning and Zoning Boards and the Department of Planning and Community Development for the period of May 1, 2020 through April 30, 2021 at a total cost of \$75,000.00.
Which was received.

By the Clerk:

Letter dated June 24, 2020, from the Director of Public Works request authorization for the proper City officials to execute a traffic signal agreement and all other necessary documents required for the NJ Department of Transportation to perform traffic signal upgrades at Elmora Avenue (NJ Route 439) with Edgar Road including left turn phasing and signal display improvements; estimated total cost is to be \$208,500.00; the City will be responsible for 25% of the total cost in the amount of \$52,125.00.
Which was received.

By the Clerk:

Letter dated June 29, 2020, 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 Open Space, Recreation & Historic Preservation Greening Union County Program for 150 Little Leaf Linden Trees, which will be planted curbside, with the installation of a root barrier for an amount not to exceed \$65,000.00.
Which was received.

By the Clerk:

Letter dated July 1, 2020, from the Director of Public Works recommending awarding a contract to Mott MacDonald, LLC, 111 Wood Avenue South, Iselin, NJ to provide professional engineering services on a time and material basis in connection with the Trenton Avenue Pump Station – Phase 1 additional pumping control system modifications at a cost not to exceed \$35,000.00 plus reimbursables.
Which was received.

By the Clerk:

Letter dated July 1, 2020, from the Director of Public Works recommending awarding a contract to Zenith Construction Services, Inc., 365 Thomas Boulevard, Orange, NJ for the Waterfront Bike, Hike and Roll Throughway Expansion – Contract 02-20 at a cost of \$996,143.00; the City has received a matching grant in the amount of \$485,261.75 from the NJ Department of Environmental Protection, Office of Natural Resource Restoration as well as a contribution for offsite improvements from the developer of the adjacent property at 39-55 Pine Street in the amount of \$80,000.00.
Which was received.

By the Clerk:

Letter dated July 1, 2020, from the Director of Public Works recommending awarding a contract to Tomco Construction, Inc., 22 Howard Boulevard, Suite 204, Mt. Arlington, NJ for the Pine Street Parking Lot at a cost of \$1,329,999.00; the City has received a matching grant in the amount of \$130,000.00 from the 2020 Union County Infrastructure and Municipal Aid Grant Program and may receive partial reimbursement for environmental remediation from the State of New Jersey Hazardous Discharge Site Remediation Fund.
Which was received.

PETITIONS, COMMUNICATIONS, ETC. (Cont'd)

By the Clerk:

Letter received June 17, 2020, from the Police Director request to delete handicapped parking spaces from in front of the following premises: 804 Summer Street and 37 Dehart Place.
Which was received.

By the Clerk:

Letter dated June 19, 2020, from Steven F. Hehl, Esq., Javerbaum Wurgaff, Hicks Kahn Wikstrom & Sinins, P.C., 370 Chestnut Street, Union, NJ, on behalf of 149-161 Miller Street LLC, request an Encroachment Permit for the continued occupation and use the Miller Street right-of-way for employee/truck parking and container storage in connection with the operation of Regional Industries; proposed encroachment is the result of a pre-existing condition created by the roadway widening dedication for a project that never came to fruition.

Which was received.

REPORTS OF CITY OFFICERS

By the Clerk:

Letter dated June 23, 2020, from the City Treasurer submitting the City Treasurer's Report of Receipts and Disbursements for the month of April 2020 and Statement of Bank Balances and Investments as of April 30, 2020.

By the Clerk:

Letter dated June 29, 2020, from the City Treasurer submitting the City Treasurer's Report of Receipts and Disbursements for the month of May 2020 and Statement of Bank Balances and Investments as of May 31, 2020.

ORDINANCES ON FIRST READING

- ORD. NO. 5342 - An Ordinance of the City of Elizabeth, in the County of Union, New Jersey authorizing the guaranty of not exceeding \$2,000,000 aggregate principal amount of project revenue bonds, Series 2020 (Elizabethtown Plaza Redevelopment Project) of PACE QALICB, INC. for the purpose of providing additional security therefor, approving the form of a subsidy agreement and appropriating \$2,000,000 and providing for the issuance of \$2,000,000 in Bonds or Notes of the City as a funding source therefor and determining certain other matters in connection therewith.
- ORD. NO. 5343 - An Ordinance granting an Encroachment Permit to 149-161 Miller Street, LLC, for the occupation and use of a portion of the Miller Street right-of-way.
- ORD. NO. 5344 - An Ordinance to authorize the establishment of a personalized handicapped parking space for Henry Sanchez Dolores, 830 Garden Street, Elizabeth, New Jersey.
- ORD. NO. 5345 - An Ordinance to authorize the establishment of a personalized handicapped parking space for Krystyna Barnat, 767 Myrtle Street, Elizabeth, New Jersey.
- ORD. NO. 5346 - An Ordinance to amend Section 10.64.010, of the Code of the City of Elizabeth, entitled "Loading Zone Established," specifically to establish a Loading Zone between the hours of 7:00 a.m. to 4:00 p.m. Monday through Friday, on the east side of Schiller Street, beginning fifty-three (53) feet south of the city line (start of Conrail property), continuing forty-four (44) feet south thereof.

**PUBLIC HEARING AND FUTHER CONSIDERATION OF THE FOREGOING
ORDINANCES SHALL TAKE PLACE AT THE CITY COUNCIL MEETING TO BE HELD
TUESDAY, AUGUST 25, 2020 AT 6:30 P.M.**

ORDINANCES ON FINAL PASSAGE

- ORD. NO. 5333 - An Ordinance authorizing the City of Elizabeth to execute an Easement Agreement with 25 South Broad Street Associates for Flood Control purposes and in connection with the Elizabeth River Trail Project – Phase 4, 23-51 South Broad Street, (Block 6, Lot 1254).
- ORD. NO. 5334 - An Ordinance to amend Ordinance No. 5305, entitled “An Ordinance to vacate Coakley Circle” to correct the plan and metes and bounds description.
- ORD. NO. 5335- An Ordinance granting an Encroachment Permit to Environmental Probing Investigations, Inc. to perform environmental work consisting of the installation of two (2) monitoring wells within the right-of-way Melrose Terrace.
- ORD. NO.5336 - 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 Miller Street, both sides, between Livingston Street and Division Street.
- ORD. NO. 5337 - An Ordinance to amend Section 10.40.070, of the Code of the City of Elizabeth, entitled “No Parking of Trucks - Portion Affected” specifically to add Springfield Road, both sides, entire length between Magie Avenue and Westfield Avenue.
- ORD. NO. 5338 - An Ordinance to authorize the establishment of a personalized handicapped parking space for Sharon Frazier, 1024 Anna Street, Elizabeth, New Jersey.
- ORD. NO. 5339 - An Ordinance to rescind Ordinance No. 4121, adopted on March 23, 2010, which authorized the establishment of a personalized handicapped parking space for Jamal Bobbitt, 120 Franklin Street, Elizabeth, New Jersey.
- ORD. NO. 5340 - An Ordinance to rescind Ordinance No. 5129, adopted on February 26, 2019, which authorized the establishment of a personalized handicapped parking space for Carmen Rodriguez, 317 John Street, Fl. 1 Rear, Elizabeth, New Jersey
- ORD. NO. 5341- An Ordinance to exceed the State Fiscal Year 2021 Municipal Budget Appropriation Limits and to establish a CAP Bank pursuant to N.J.S.A. 40A: 4-45.14.

NEW BUSINESS

Adopt and approve the Elizabeth Avenue Special Improvement District Calendar Year 2021 Budget in the amount of \$315,749.77.

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

Authorize Temporary Emergency Appropriations for the 2021 Fiscal Year Municipal and Sewer Utility Budgets in the amount of \$256,556.92.

NEW BUSINESS (cont'd)

Confirm the appointment of the following to serve as Municipal Public Defenders for the Elizabeth Municipal Court for the period July 1, 2020 through June 30, 2021, at a rate of \$300.00 per session and \$500.00 per session for Driving While Intoxicated (DWI) matters, for a total amount not to exceed \$175,000.00: Chanima Odums, Esq., The Law Office of Chanima Odums, Esq., Jersey City; Vernita E. Sias-Hill, Esq., Joffery H. Hill, Esq., Attorney-at-Law, Scotch Plains; Celeste Dudley-Smith, Esq., The Dudley-Smith Law Firm, LLC, Union; Nidara Y. Rourk, Esq., East Orange; Maria M. Dias, Esq., Attorney-at-Law, Elizabeth; David W. Kuhrt, Esq., Kuhrt, Femia & Kuhrt LLC, Attorneys-at-Law, Elizabeth; Juan C. Fernandez Esq., Michael Garcia Esq., Fernandez Garcia LLC, Elizabeth, New Jersey; Celeste Dudley-Smith, Esq. shall be designated as Chief Municipal Public Defender at the additional compensation of Five Thousand Dollars (\$5,000.00).

Authorize the award of a contract to Dr. Michael R. Zaboski, 240 Williamson Street, Elizabeth, N.J., to provide the professional services of a physician for the Elizabeth Police Department for the period July 1, 2020 through June 30, 2021, at a total cost not to exceed \$20,000.00.

Authorize the proper City officials to execute a contract with Kean University, 1000 Morris Avenue, Union, N.J., for computer consulting services for the period July 1, 2020 to June 30, 2021, at a cost not to exceed \$50,500.00.

Authorize the award of a contract to Safety National Casualty Corporation, 1832 Schuetz Road, St. Louis, MO, (through the agent-of-record, Sirocco Group) for the renewal of a policy for Excess Insurance on Worker's Compensation Coverage & excess General Liability insurance for the period July 1, 2020 to June 30, 2021, at an annual premium of \$253,899.00.

Authorize the proper City officials to execute an Indemnification Agreement with the Elizabeth Board of Education, covering the City's utilization of the Board of Education facilities during the 2020-2021 fiscal year.

Authorize the proper City Officials to obtain a policy of insurance with Safety National Casualty Corporation, 1832 Schuetz Road, St. Louis, MO, (through the agent-of-record Sirocco Group) for additional insurance covering COVID and Pandemic conditions for Excess Worker's Compensation Coverage and excess General Liability insurance for the period July 1, 2020 to June 30, 2021, at an annual premium of \$49,050.00.

Authorize the proper City officials to enter into respective contracts with Johnson, Mirmiran and Thompson (JMT), 1200 Lenox Drive, Trenton, N.J., and Dynamic Traffic, 1904 Main Street, Lake Como, N.J., for professional on-call/emergency traffic engineering consulting services for the period July 1, 2020 through June 30, 2021, in an amount not to exceed \$50,000.00 per each firm.

Amend resolution adopted July 23, 2019 with Hertrich Fleet Services, 1427 Bay Road, Milford, DE, for the purchase of thirteen (13) 2020 Ford Fusion 4dr Sedans S FWD for the Police Department, at a total cost of \$228,410.00, specifically to reflect that \$87,624.79 was to be expended from the Asset Forfeiture Account # 0-21-56-130.

Authorize the award of a contact to Traffic Lines, Inc., 5100 Asbury Road, Farmingdale, N.J., for the purchase of pavement marking and striping of roads through the Somerset County Co-Op, for the period of June 19, 2020 through February 25, 2021, at a cost not to exceed \$150,000.00.

Authorize the award of a contract to Turn Out Fire & Safety, Inc., 3468 Kennedy Boulevard Jersey City, N.J., for the purchase of protective Firefighter clothing and equipment for the Fire Department for the period May 15, 2020 through June 14, 2021, at a cost not to exceed \$50,000.00.

Authorize the award of a contract to Lawmen Supply Co., NJ, Inc., 5521 Whitehorse Pike, Egg Harbor City, N.J., for the purchase of Police and Homeland Security Equipment and Supplies for the Police Department for the period June 15, 2020 through May 14, 2021, at a cost not to exceed \$50,000.00.

NEW BUSINESS (cont'd)

Authorize the award of a contract to Turn Out Fire & Safety, Inc., 3468 Kennedy Boulevard., Jersey City, N.J., for the purchase of protective Firefighter clothing and equipment for the Fire Department for the period May 15, 2020 through May 14, 2021, at a cost not to exceed \$100,000.00.

Authorize the award of a contract to Wireless Communications & Electronics, 153 Cooper Road, Berlin, N.J., for the purchase of Computers for the Police and Fire Departments for the period April 1, 2020 through April 30, 2021, at a cost not to exceed \$150,000.00.

Authorize the award of a contract to Skylands Area Fire Equipment and Training, 23 Hamburg Tpke., Riverdale, N.J., for the purchase of protective Firefighter clothing and equipment for the Fire Department for the period June 15, 2020 through June 14, 2021, at a cost not to exceed \$100,000.00.

Authorize the award of a contract to Firefighter One, LLC, 26 Gail Court, Suite 1, Sparta, N.J., for the purchase of protective Firefighter clothing and equipment for the Fire Department for the period June 15, 2020 through June 14, 2021, at a cost not to exceed \$120,000.00.

Authorize the award of a contract to ESI Equipment Inc., 440 Horsham Road, Suites 4 & 5, Horsham, PA, for the purchase of Police and Homeland Security Equipment and Supplies for the Police and Fire Departments for the period June 15, 2020 through June 14, 2021, at a cost not to exceed \$150,000.00.

Authorize the award of a contract to The Rodgers Group, LLC, P.O. Box 831, Island Heights, N.J., for the furnishing of an Accreditation Consultant to provide Internal Affairs and Executive Level Training for a period of one year with the option to renew for an additional year under the same terms and conditions for the Elizabeth Police Department, in the total amount of \$68,480.00.

Authorize the renewal of a contract with the law firm of LaCorte, Bundy, Varady and Kinsella, Esqs., 989 Bonnel Court, Union, N.J., to provide the City with legal services in the defense of Worker's Compensation cases and matters included within the City's partial self-insurance program for fiscal year July 1, 2020 to June 30, 2021, at a cost not to exceed \$150,000.00, except as specifically authorized by City Council.

Authorize the renewal of a contract with the law firm of LaCorte, Bundy, Varady and Kinsella, Esqs., 989 Bonnel Court, Union, N.J., to provide the City with legal services in the defense of Civil/Criminal Litigation Counsel, Substitute/Conflict Counsel and/or Legal Counsel for Investigation of Complaints in auto/general liability cases and matters included within the City's self-insurance program for fiscal year July 1, 2020 to June 30, 2021, at a cost not to exceed \$450,000.00, except as specifically authorized by City Council.

Authorize the award of respective contracts to: Kologji & Simitz, Esqs., Linden; Edwin R. Matthews, Esq., Summit; Renaud & Deapponio, Esqs., Cranford; Peter H. Spaeth, Esq., Manasquan; Kraig M. Dowd, Esq., Woodland Park; Daniel Antonelli, Esq., Union; Janyce M. Wilson, Esq., Westfield; Raymond S. Londa, Esq., Elizabeth; Pery L. Lattiboudere, Esq., Newark; Kathryn V. Hatfield, Esq., Parsippany; Camille M. Kenny, J.S.C. (ret), Westfield; David L. Minchello, Esq., Iselin, New Jersey to serve as Legal Counsel for representation of the City in Civil/Criminal Litigation Counsel, Substitute/Conflict Counsel and/or Legal Counsel for investigation of Complaints in situations where the Law Firm of LaCorte, Bundy, Varady, and Kinsella, Esqs., 989 Bonnel Court, Union, N.J., have conflicts of interest and for any other matter that the City Attorney may assign for the period July 1, 2020 to June 30, 2021, with a cap of \$95,000.00 for each Attorney.

Authorize the Tax Collector to cancel/refund/credit an overbilling of taxes for Tax Years 2019 and 2020, on the property located at Rear 249-275 First Street, in the total amount of \$128,670.34.

Authorize the Tax Collector to cancel the said disallowed Senior Citizen deduction as per the delineated lists on file in the City Clerk's Office for the Tax Year 2019 in the amount of \$5,200.00.

NEW BUSINESS (cont'd)

Authorize the proper City officials to enter into a contract with DeCotlis, Fitzpatrick, Cole & Giblin, LLP., 61 South Paramus Road, Paramus, N.J., to provide Bond Counsel Services in connection with the City's issuance of debt obligations and to provide for the terms and the security of such obligations in accordance with the laws of the State of New Jersey for the 2021 SFY, at a cost not to exceed \$60,000.00.

Authorize the proper City officials to enter into a contract with Acacia Financial Group, Inc., 6000 Midlantic Drive, Mount Laurel, N.J., to provide Financial Advisory services in connection with the City's issuance of municipal and sewer utility debt obligations, including bonds and bond anticipation notes and any other financial analysis deemed necessary for the 2021 SFY, at a cost not to exceed \$40,000.00.

Authorize the proper City officials to enter into a contract with NW Financial Group, LLC, 2 Hudson Place, Hoboken, N.J., to provide Financial Advisory Services in connection with the City's issuance of municipal and sewer utility debt obligations, including bonds and bond anticipation notes and any other financial analysis deemed necessary for the 2021 SFY, at a cost not to exceed \$40,000.00.

Authorize the proper City officials to enter into a contract award with Louis C. Mai, CPA & Associates, 6 Moonshadow Court, Kinnelon, N.J., to provide Statutory Audits of the City of Elizabeth, General Funds, Sewer Utility Funds, Other Funds, the Single Audit and five (5) year comparative statements for the 2021 SFY, at a cost not to exceed \$246,000.00.

Authorize the proper City officials to enter into a contract with Stack, Coolahan & Stack, LLC., 90 Hudson Street, Hoboken, N.J., to provide real estate counseling services with a credible opinion of market value for property tax valuation purposes in the amount of \$90,000.00 and for the preparation of appraisal reports and litigation support including testimony and attendance at conferences scheduled by the Courts in connection with State Tax Court appeals, in the amount of \$25,000.00 for the 2021 SFY.

Authorize the proper City officials to enter into a contract with the law firm of Blau & Blau, Attorneys at Law, 223 Mountain Avenue, Springfield, N.J., to provide Legal Services in conjunction with Tax Appeal Cases for the SFY 2021, in the amount of \$130,000.00 and also to represent its interest to propose and file tax appeals to increase property tax assessments on a contingent bases, 25% if the case is settled without the necessity of a real estate appraisal and 33.33% if a real estate appraisal is necessary, the fee shall not exceed \$250,000.00 for an individual property in any tax year.

Approve to utilize the Urban Enterprise Zone (UEZ) Assistance Funds for FY 2021 Commercial District Security Program in the amount \$368,742.00, for walking police patrols and an Extra Duty Police Supervisor during peak shift hours to manage and oversee the various UEZ walking patrols, in various business districts to include Elizabeth Avenue, Broad Street, Morris Avenue, First Street, Third Street, East Jersey Street, Bayway Avenue, Elmora Avenue and the Historic Central Railroad Station for the period July 1, 2020 through June 30, 2021, the City will provide a 20% match in the amount of \$92,186,00,00 for a total project cost of \$460,928.00.

Approve the Urban Enterprise Zone (UEZ) Administrative Budget from UEZ Assistance Funds and authorize the proper City Officials to enter into a contract with the Elizabeth Development Company for the administration of the City's UEZ Program and the UEZ Second Generation Funds FY 2021 for the period July 1, 2020 through June 30, 2021, in the amount of \$525,000.00.

Approve the Urban Enterprise Zone (UEZ) Second Generation Funds proposal for the UEZ Financial Lending Programs FY 2021 and authorize the proper City officials to sign any and all documents necessary to enter into a contract with the Elizabeth Development Company to utilize UEZ Second Generation Funds for the period July 1, 2020 through June 30, 2021, in the amount of \$2,717,936.00.

NEW BUSINESS (cont'd)

Authorize the proper City Officials to apply, sign, accept an application for the Coronavirus Aid, Relief, and Economic Security Act (CARES) funding towards the Kapkowski Road Sewer Project, in an amount not to exceed \$1,400,000.00.

Authorize the proper City Officials to apply, sign and accept reimbursement of funds from the supplemental application from the New Jersey Economic Development Authority (NJEDA) for Remedial Investigation work performed under the Hazardous Discharge Site Remediation Fund for 74-82 Livingston Street (former Exact Anodizing Site), to reimburse the City in the amount of \$12,975.00.

Authorize the proper City Officials to apply, sign and accept reimbursement funds from the supplemental application from the New Jersey Economic Development Authority (NJEDA) for the past Remedial Action work performed under the Hazardous Discharge Site Remediation Fund for 74-82 Livingston Street (former Exact Anodizing Site), to reimburse the City in the amount of \$6,405.00

Authorize the proper City officials to enter into a contract with Harbor Consultants Inc., 320 North Avenue East, Cranford, N.J., to provide the City of Elizabeth planning and engineering services for the Planning and Zoning Boards and the Department of Planning and Community Development for the period May 1, 2020 through April 30, 2021 at a total cost of \$75,000.00.

Authorize the proper City Officials to execute a traffic signal agreement and all other necessary documents required for the New Jersey Department of Transportation in connection with the traffic signal upgrades at Elmora Avenue (NJ Route 439) and Edgar Road, estimated total cost in the amount of \$208,500.00; the City will be responsible for 25% of the total cost in the amount of \$52,125.00.

Authorize the proper City officials to apply, accept and sign all appropriate documents for the Union County Open Space, Recreation & Historic Preservation – Greening Union County Program, with anticipated grant funds the City will purchase 150 Little Leaf Linden Trees to be planted curbside with the installation of root barrier to be placed throughout the City, in an amount not to exceed \$65,000.00.

Authorize the award of a contract to Mott MacDonald, LLC, 111 Wood Avenue South, Iselin, N.J. to provide professional engineering services on a time and material basis in connection with the Trenton Avenue Pump Station – Phase 1 additional pumping control system modifications, at a cost not to exceed \$35,000.00 plus reimbursables.

Authorize the award of a contract to Zenith Construction Services, Inc., 365 Thomas Boulevard, Orange, N.J., for the Waterfront Bike, Hike and Roll Throughway Expansion – Contract 02-20 at a cost of \$996,143.00.

Authorize the award of a contract to Tomco Construction, Inc. 22 Howard Boulevard, Mt. Arlington, N.J., for the construction of the Pine Street Parking Lot (34-58 Pine Street) – Contract 06-20, in the amount of \$1,329,999.00.

Authorize settlement in the worker's compensation litigation matter of Strauss vs. the City in the total amount of \$11,631.38.

Authorize settlement in the worker's compensation litigation matter of Strauss vs. the City in the total amount of \$24,287.00.

Establish a handicapped parking space in front of the premises located at 480 Walnut Street.

Establish a handicapped parking space in front of the premises located at 326 Loomis Street.

Delete the following handicapped parking spaces from in front of the premises located at: 804 Summer Street; 37 Dehart Place.

NEW BUSINESS (cont'd)

Amend Section 7.54.040(M), of the Code of the City of Elizabeth, shall be temporarily amended to allow licensed sidewalk cafes to be open an additional two (2) hours and close no later than midnight during the duration of the declared public health emergency and state of emergency.

In great support of the elevation of Bishop-elect Wallace K. Thomas to the Office of Bishop, Presiding Prelate, Greater Faith Temple Outreach Ministries, Int'l.

Pay Utility Bills

Approve Bingo and Raffle Licenses

COMMENDATIONS:

Linda Torres Tober)Retirement, The Coalition to House the Homeless

Marsha P. Johnson)For her Pioneering Work in trans rights and
revolutionary LGBTQIA + activism

MEMORIALS:

Ramon Cuesta

ADJOURNMENT